



JENNIFER HUGHES, PLANNING DIRECTOR  
LINDSEY NESBITT, MANAGER  
PLANNING & ZONING

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

Date: February 20, 2019

To: Clackamas County Planning Commission

From: Martha Fritzie, Sr. Planner, Clackamas County Planning & Zoning Division

Re: Z0375-18-CP & Z0376-18-ZAP: Washman LLC Comprehensive Plan Amendment  
and Zone Change

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On January 28, 2019, a public hearing was held before the Planning Commission to consider files Z0375-18-CP and Z0376-18-ZAP, a proposed Comprehensive Plan amendment and zone change for Washman LLC. This public hearing was continued to February 25, 2019 for deliberation and decision only; but, subsequent to a request from a member of the public, the written record was left open for a total of three weeks, as follows:

- One week for any additional testimony, including new evidence;
- One week for any rebuttal testimony, no new evidence; and
- One week for the applicant's final rebuttal, no new evidence.

The written record for consideration of this matter by the Planning Commission closed on February 19, 2019. All documents received during the open-record period are attached to this memorandum and have been numbered as Exhibits 12-15.



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**EXHIBIT LIST**  
**IN THE MATTER OF Z0375-18-C & Z0376-18-ZAP**  
**Washman LLC Comprehensive Plan/Zone Change**

<b>Ex. No.</b>	<b>Date of Exhibit</b>	<b>Author or Source</b>	<b>Subject</b>
1	12/20/18	DTD, Planning Staff	Notices of public hearings; 08/22/2018 Incomplete Notice
2	1/2/19	Water Environment Services (WES)	Comments. No comments regarding zone change but notes conditions will apply to future development and design review.
3	1/14/19	Oregon Department of Transportation (ODOT)	Comments regarding traffic study. Concludes no significant impact to state highway facilities
4	1/14/19	K. Rueck	1/11/2019 letter. Expresses concern for traffic and neighborhood impacts if carwash were developed; does not support zone change
5	1/14/19	T. Caton & M. Babbitt	Email comments. Expresses concern for traffic and neighborhood impacts if carwash were developed; does not support zone change
6	1/17/19	Applicant, D. Tarlow	Copies of lease/purchase agreements for parcels adjacent to subject site
7	1/21/19	Applicant, D. Tarlow	1/16/19 Memorandum from Johnson Economics, LLC: <i>Assessment of Residential Capacity Impact of a Proposed Zone Change in Unincorporated Clackamas County</i>
8	1/22/19	DTD, Planning Staff	Data to support Goal 10 findings
9	1/28/19	K. Barnett	1/24/2019 email. Expresses concerns about traffic impacts if carwash were developed; does not support zone change
10	1/28/19	N. Hanhan	1/27/19 email & letter. Expresses concern about zone change and impacts to neighborhood, cites inaccuracies in application
11	1/28/19	Applicant, D. Symons/Symons Engineering	Large boards with preliminary site/development plans presented at 1/28/19 public hearing
<b>Exhibits received during first week of open record period, post 1/28/19 public hearing</b>			
12	1/31/19	Applicant, P. Fry	1/31/19 Supplemental memorandum from Johnson Economics, LLC: <i>Assessment of Residential Capacity Impact of a Proposed Zone Change in Unincorporated Clackamas County</i>

**EXHIBIT LIST**  
**IN THE MATTER OF Z0375-18-C & Z0376-18-ZAP**  
**Washman LLC Comprehensive Plan/Zone Change**

13	2/3/19	N. Hanhan	<i>Testimony of the Garden Gate Village Neighbors</i> , dated 2/4/19. Opposes zone change.
<b>Exhibits received during second week of open record period (rebuttal), post 1/28/19 public hearing</b>			
14	2/11/19	N. Hanhan	<i>Supplemental Comments of the Garden Gate Village Neighbors</i> , dated 2/11/19. Opposes zone change.
<b>Exhibits received during third week of open record period (final rebuttal from applicant), post 1/28/19 public hearing</b>			
15	2/14/19	D.Tarlow, Washman LLC	2/14/19 letter from applicant. Requests recommendation of approval from Planning Commission.
16			
17			
18			
19			
20			



## MEMORANDUM

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DATE: January 31, 2019

TO: Peter Finley Fry

FROM: Jerry Johnson  
JOHNSON ECONOMICS, LLC

SUBJECT: Assessment of Residential Capacity Impact of a Proposed Zone Change in Unincorporated Clackamas County

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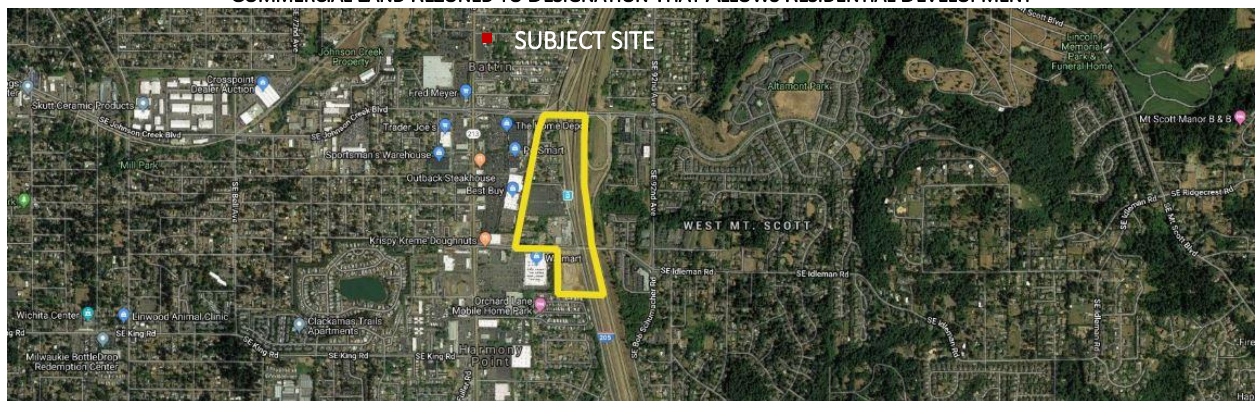
This memorandum summarizes supplemental information pursuant to the requested zone change in unincorporated Clackamas County.

### RESIDENTIAL CAPACITY INCREASE ASSOCIATED WITH REZONING

Our January 16<sup>th</sup> memorandum identified over 470 acres of land zoned as Commercial in unincorporated Clackamas County as having been rezoned to Mixed Use. This information was based on RLIS, and we have subsequently found that the land was reclassified by Metro for their simplified zoning layer as opposed to being rezoned by the County.

While we do not have adequate time to search the approved permits online, we did find an example of a rezoned parcel proximate to the subject site and 48.5 acres in size.

#### COMMERCIAL LAND REZONED TO DESIGNATION THAT ALLOWS RESIDENTIAL DEVELOPMENT



The property zone south of Johnson Creek and east of Fuller was originally zoned LTIC but was changed to SCMU in 2011. LTIC stands for "Low Traffic Impact Commercial" and was a commercial zoning classification. LTIC prohibited new development of single family and two-family dwellings or the use of manufactured dwellings but did grandfather in the use of preexisting dwellings.

One of the stated primary uses of SCMU land is dwellings including, single-family and multifamily. SCMU zoned land requires a minimum of 20 units per net acre for residential development. There appears to be no maximum density for this zone designation however, there are rules regarding the required setback of buildings based on their height.

**Z0375-18-CP & Z0376-18-ZAP**



While the site has not seen residential development yet, I have been working with a private client on an affordable housing solution at a relatively high density on the southern portion of the property. The number of units would be close to 100 as currently envisioned. While not yet a hard project, the rezoned sites clearly represent a significant increase in residential capacity proximate to the subject site.

As noted in our previous memorandum, residential densities for new product in unincorporated Clackamas County has averaged just over 30 units per acre for rental apartments. Assuming only 10% of the rezoned property is developed in this format, the net yield would be 145 units.

**EXHIBIT 12**

**Z0375-18-CP & Z0376-18-ZAP**

**WASHMAN LLC, Comp Plan/Zone Change**

**Page 2 of 7**



## MEMORANDUM

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DATE: January 16, 2019

TO: Peter Finley Fry

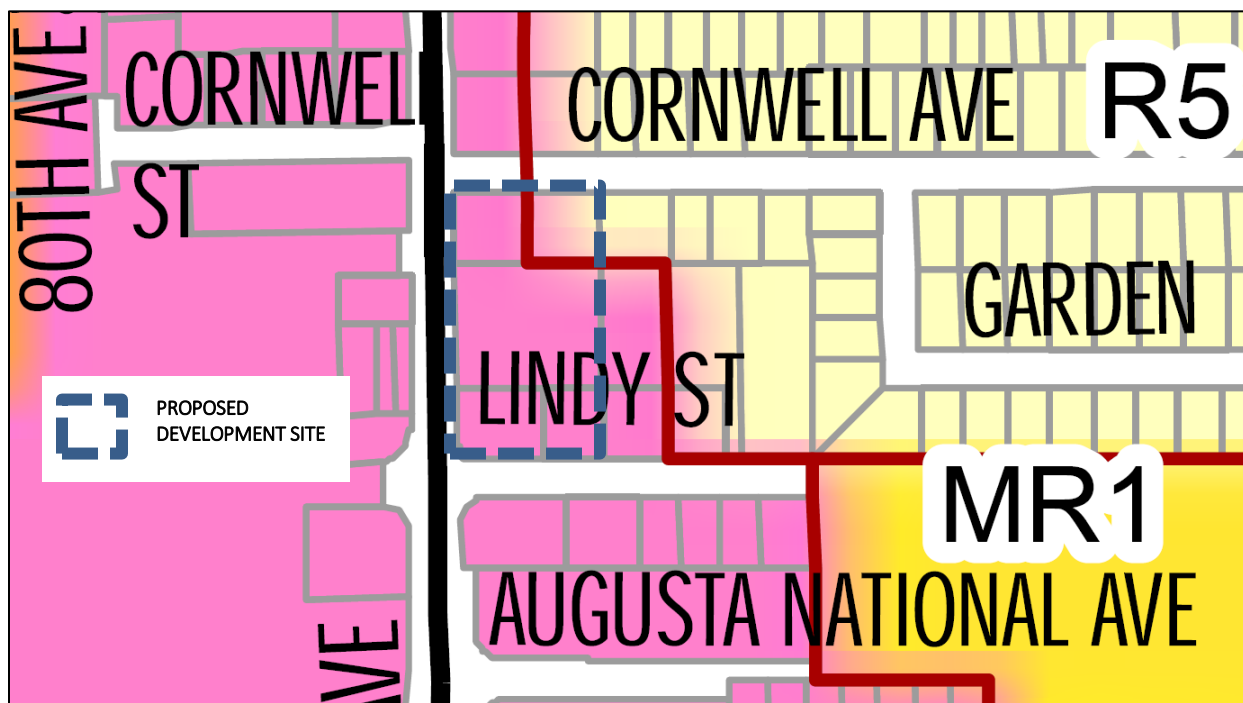
FROM: Jerry Johnson  
JOHNSON ECONOMICS, LLC

SUBJECT: Assessment of Residential Capacity Impact of a Proposed Zone Change in Unincorporated Clackamas County

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## INTRODUCTION

It is my understanding that you are seeking a change from Urban Low Density Residential (SR-5) to Corridor Commercial (CC) for a small parcel at 8880 SE 82<sup>nd</sup> Avenue. The change would allow for commercial development of a consolidated site of five parcels. The subject site is at the northeast corner of the proposed development site.



While the current CC zoning extends to the east of the site, these sites are currently in active residential use, with a single family home on the southern parcel and rental apartments on the central parcel.

Policy 3.1b states that “The designation will not cause a decrease in housing capacity in the County” thus, there can be no net loss of housing capacity. While no residential development is likely in the foreseeable future, the site

**EXHIBIT 12**

**Z0375-18-CP & Z0376-18-ZAP**

**WASHMAN LLC, Comp Plan/Zone Change**

**Page 3 of 7**



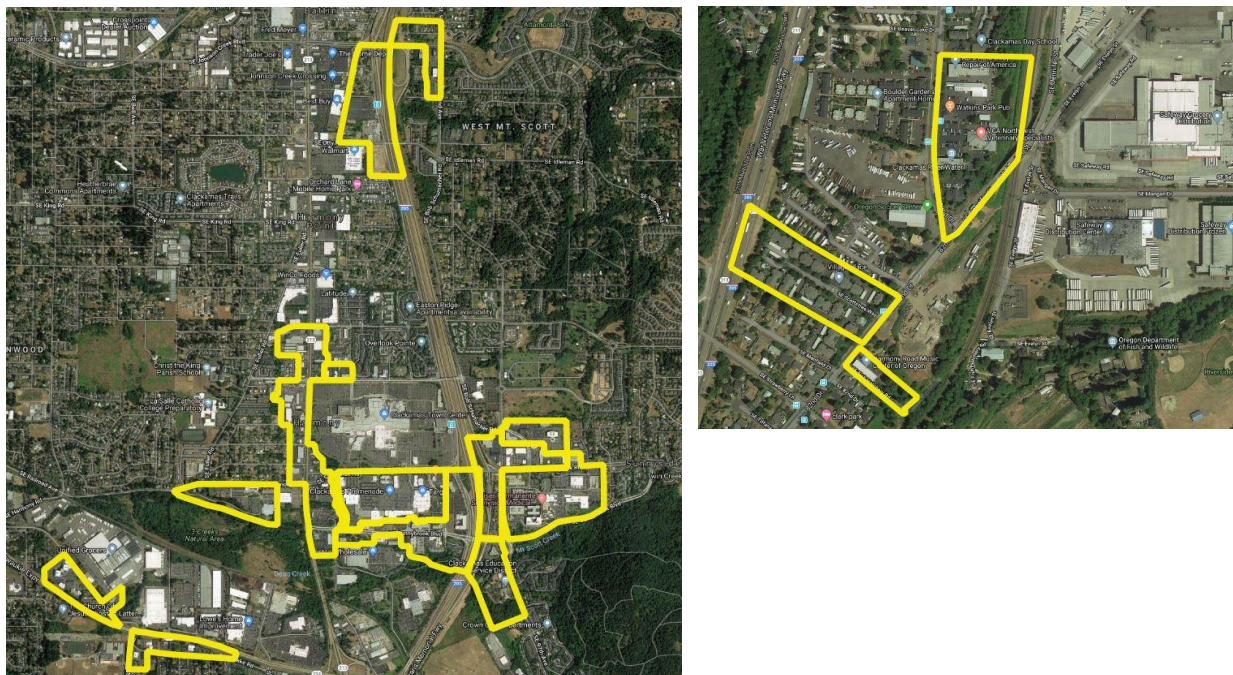


the proposed change would reduce *theoretical* capacity in the area by two residential units at current zoning. This memorandum discusses our findings regarding the likely impact of this change on the local housing market. The analysis looks at marginal changes in residential capacity associated with zone changes in the area over the last decade, changes associated with residential development densities and their impact on residential capacity, and the likely impact on residential yield in the immediate area of the proposed change.

## RESIDENTIAL CAPACITY INCREASE ASSOCIATED WITH REZONING

From 2009 to 2018, over 470 acres of land zoned as Commercial in unincorporated Clackamas county was rezoned to Mixed Use.<sup>1</sup> Each of the areas outlined on the two maps are in unincorporated Clackamas County and were zoned Commercial in 2009 but have since been rezoned as Mixed Use. We have Identified 15 areas that meet these criteria. In total, these constitute an increase of over 470 acres of Commercial land rezoned for Mixed Use from 2009 to 2019. While only a proportion of mixed-use designations are expected to develop as residential uses, even a small share of this property would be necessary to offset the negligible loss of two units of residential capacity associated with the proposed rezoning.

### COMMERCIAL LAND REZONED TO DESIGNATION THAT ALLOWS RESIDENTIAL DEVELOPMENT



The overall amount of land rezoned from Commercial to Mixed Use in unincorporated Clackamas County from 2009 to 2018 constitutes a significant increase in housing capacity in unincorporated Clackamas County, which more than offsets the negligible reduction in capacity associated with rezoning of this individual parcel.





## RECENT DEVELOPMENT PATTERNS

At least 570 units of housing were built or approved on land in unincorporated Clackamas County from 2009 to 2018. The following table summarizes these developments in terms of units and density.

Residential Development Activity Summary, Unincorporated Clackamas County, 2009-18

	Units	Acres	Units/Acre
Rental Apartments	171	5.6	30.3
Condominiums	298	15.3	19.5
Plexes	15	1.0	14.4
Manufactured Homes	6	0.7	8.6
Accessory Dwelling Units	24	N/A	N/A

The information was derived from RLIS and should be considered to be representative and not exhaustive.

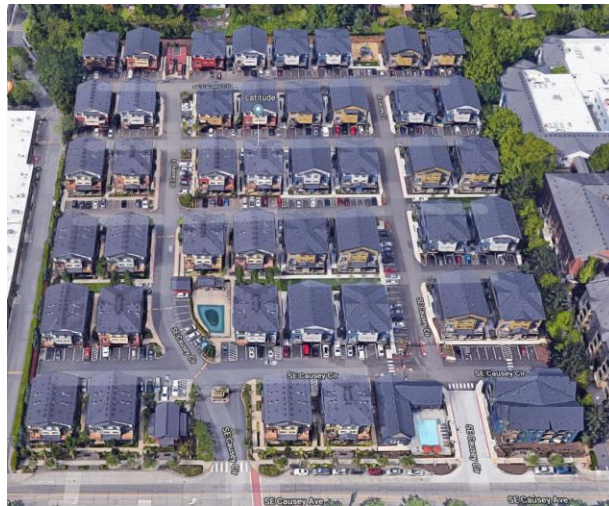
The following are four examples of these developments:

### Latitude

210 Units, 405,000 SF (22.5 units per acre)

Year Built: 2014

Address: 11224 SE CAUSEY CIR



### Town Center Station

52 Units, 60,000 SF (38 units per acre)

Year Built: 2010

Address: 8719 SE MONTEREY AVE

Town Center Courtyards:

60 Units, 84,400 SF (31 units per acre)

Year Built: 2016



EXHIBIT 12

Z0375-18-CP & Z0376-18-ZAP

WASHMAN LLC, Comp Plan/Zone Change

Page 5 of 7



### **Town Center Courtyards**

60 Units, 84,400 SF (31 units per acre)

Year Built: 2016

Address: 11475 SE 85th Ave.



### **Acadia Gardens**

41 Units, 36,508 SF (49 units per acre)

Year Built: 2012

Address: 8370 SE Causey



Each of these projects is proximate to the subject site, but closer to Clackamas Town Center. Two of the projects are three-story wood frame construction that has typically been the prevailing form in the area, yielding densities topping out at just over 30 units per acre. The Town Center Station project had a more urban form at 38 units per acre, but density was limited due to the utilization of structured parking. Acadia Gardens achieved a density of 49 units per acre using four story construction and a limited parking ratio.

As has been seen in other areas of the metropolitan area, increases in achievable pricing and reduced parking requirements due to transit investments have shifted highest and best use solutions to higher density products such as wood frame over podium projects. These have yet to be realized in unincorporated Clackamas County but projects we have been involved with in the area are now considering this as a potential solution, particularly near transit. Most of the planning in Clackamas County is dated and reflects assumptions of density for multi-family residential product at 25 units per acre and less. With current and anticipated development patterns expected to significantly exceed these assumptions, the carrying capacity of the existing inventory is likely underestimated.

## **EXHIBIT 12**

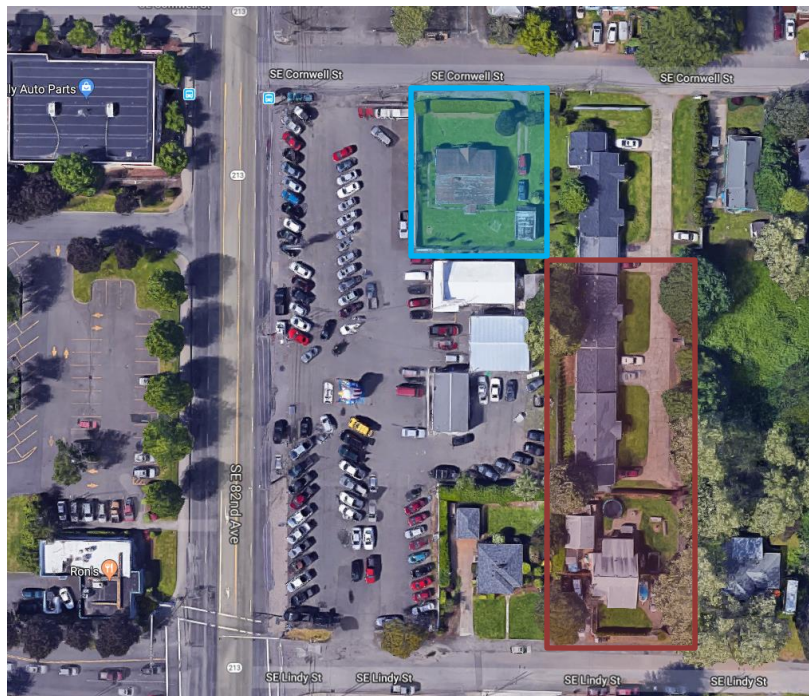
### **Z0375-18-CP & Z0376-18-ZAP**

### **WASHMAN LLC, Comp Plan/Zone Change**



## ECONOMICS OF DEVELOPMENT/REDEVELOPMENT ON THE SITE AND SURROUNDING PROPERTIES

The site for the requested zone change is highlighted below in blue.



Current Market Value	
<i>Land</i>	\$137,720
<i>Improvements</i>	\$143,770
<i>Total</i>	\$281,490
<b>Site Size/SF</b>	10,000
<b>RMV/SF</b>	\$28.15

The current estimated Real Market Value for the site and improvements is \$281,490, reflecting a total value of \$28.15 per square foot. Under the current zoning, the site would be highly unlikely to be redeveloped. While the zoning would allow an increase from one to two lots, the value of those lots would be less than the current real market value of the property. As a result, the likely residential loss would be the existing single unit as opposed to two units.

Another factor to recognize is that the area above designated in red is currently zoned commercial and is being utilized for residential uses. Additional homes are located south of Lindy Street on land zoned CC. Neither site is expected to be developed at any future time for commercial use, and as a result those units represent residential density accommodated on commercial zoning.

### SUMMARY

Based on our review of available materials and the specific characteristics of the site, rezoning of the property from residential to commercial zoning seems highly appropriate. This action would create a rectangular and contiguous site for commercial development. The impact on *theoretical* residential capacity is extremely limited, and more than offset by recent changes in entitlements, development patterns, and existing residential development on commercially-zoned properties.

**EXHIBIT 12**

**Z0375-18-CP & Z0376-18-ZAP**

**WASHMAN LLC, Comp Plan/Zone Change**

**Page 7 of 7**

**BEFORE THE CLACKAMAS COUNTY PLANNING COMMISSION**

**Z0375-18-C/Z0376-18-ZAP**

In the Matter of Washman, LLC., Proposed )  
Amendment to the Comprehensive Plan )  
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TESTIMONY  
OF THE  
GARDEN GATE VILLAGE NEIGHBORHOODS

February 4, 2019

# BEFORE THE CLACKAMAS COUNTY PLANNING COMMISSION

## ZO375-18-C/ZO376-18-ZAP

In the Matter of Washman, LLC., Proposed	)	
	)	
Amendment to the Comprehensive Plan	)	TESTIMONY OF THE
	)	GARDEN GATE VILLAGE
	)	NEIGHBORHOODS
	)	
	)	
	)	
	)	

We are a collective of neighbors who reside on SE Cornwell, SE Garden Lane, and SE Lindy St., or The Garden Gate Village Neighborhoods (“GGVN”).

### I. Introduction

On August 8, 2018, Mark Hanna and David Tarlow (“the applicant”) submitted an application to the Planning Commission (“Commission”) for a zone change in our neighborhoods. The proposal is for a Comprehensive Plan Map Amendment from Low Density Residential (LDR) to Corridor Commercial (COR) with a corresponding Zone Change from Low Density Residential (R-5) to Corridor Commercial (CC). In our testimony, GGVN will challenge material facts the applicant has brought into the record and comment on consistency with relevant planning criteria.

First, GGVN does not believe that the applicant has been forthcoming about the site in question. In our testimony, we explain that the applicant has omitted material information from the record. As a result, GGVN believes it would be unwise for the



Commission to approve a zone change for a site with incomplete information. Second, GGVN corrects additional errors in the applicant's exhibits, specifically its application submitted on August 8, 2018. Third, while GGVN understands that the Commission can only speak to consistencies in the planning criteria, GGVN hopes to submit additional concerns to the record so that the Planning Commission can guide the Board of County Commissioner decision and potential site Design Review process.

Based on the analysis in this testimony, we conclude 1) The applicant has failed to provide a robust record in order for the Commission to make a fully informed decision, and 2) the applicant has failed to meet several planning criteria. As a result, the Commission should not approve the zoning changes and amendments.

## **II. The Burden of Proof is on the Applicant to Show the Adjacent Parcels and the Subject Site can Be Merged; Thus Far, the Applicant Has Not Been Forthcoming About the Subject Site.**

GGVN has reviewed the applicant's exhibits, including the application itself, additional exhibits submitted to the Commission, and the Commission Staff ("Staff") Report and challenges various facts and arguments the applicant has presented.

First, the applicant asserts that the subject site has been vacant since 2007<sup>1</sup> and was not habitable. This is very misleading. The applicant's justification for satisfying planning criteria hinges on the idea that the loss in housing capacity is "negligible," but the subject site in fact contains a habitable home. Neighbors of the Garden Gate Village assert that the individuals living at 8220 Cornwell, the subject site, were our neighbors until the applicant bought the home with the intention of developing the land for a

<sup>1</sup> See Applicant's Land Use Application, page 8. Available at <https://dochub.clackamas.us/documents/drupal/4e3641d6-d57a-48e2-b24b-1b3eb07793cf>.



carwash. Below is a photograph of the subject site prior to being purchased by the applicant. This is a photograph from Google maps, dated March 2016. As *Figure 1* reveals, the hedges are well maintained. As a home built in 1925,<sup>2</sup> it is not difficult to see that the house has been kept up for many years.

*Figure 1 – 8220 Cornwell Ave. Prior to Applicant Purchase*



The second point GGVN wants to bring to the attention of the Planning Commission is that the applicant has not provided sufficient evidence about the status of the sites adjacent to the subject site. After submitting the application, the applicant filed the following additional exhibits describing the status of the parcels adjacent to and near

<sup>2</sup> See Planning Staff Report, page 2. Available at <https://dochub.clackamas.us/documents/drupal/cs7561bf-1ee9-45d7-a400-dedb8e8ec498>.

the subject site: A Ground Lease for property on 8864 SE 82<sup>nd</sup>, a Sales Agreement for 8139 SE Lindy St., and an Amendment to the Sales Agreement for the Lindy property.<sup>3</sup>

As GGVN understands it, the Ground Lease (for 8864 SE 82<sup>nd</sup>) is an agreement between the applicant and a lessor for land adjacent to the subject site, and also adjacent to SE 82<sup>nd</sup> Avenue. The applicant has agreed to lease the property until the death of the lessor and his spouse, or until the lessor decides to sell to the applicant. It is therefore unclear whether the applicant will even be able to merge the subject site and the property adjacent to SE 82<sup>nd</sup>. As Staff correctly points out, if the subject site is not adjacent to the Corridor street, the subject site does not meet appropriate planning criteria. We elaborate on this point further in section III of this testimony.

In addition to the concerns surrounding the Ground Lease property, the Amendment to the Sales Agreement, dated January 3, 2018, addresses a separate parcel on 8139 SE Lindy Street. As GGVN understands it, the applicant and the owner of the parcel on Lindy agreed to close the sale by an ultimate date of February 28, 2019. Thus far, the applicant has not submitted any documentation demonstrating that it has actually purchased the parcel on 8319 SE Lindy Street. Further, there was an additional Sales Agreement dated March 7, 2018, but the Seller appears not to have signed this agreement.

The question of the sale of the property on Lindy is relevant for purposes described in Section III below. At its core, GGVN is unconvinced that the applicant has secured the properties in question to develop the site into a car wash. At the public

<sup>3</sup> See Additional Exhibits 8-11, PDF pages 14-32. Accessible at <https://dochub.clackamas.us/documents/drupal/76b82b7d-9c60-44ae-9420-5001fbbb3344>.

meeting on January 28<sup>th</sup>, the applicant indicated it was “working with” the owner of the SE Lindy property but produced no documents to demonstrate it had closed the sale.

The applicant has not been forthcoming about the details of the subject site and adjacent properties. The applicant incorrectly stated that the subject site was uninhabitable and has failed to produce documentation that merger of necessary adjacent and surrounding properties is feasible. The burden of proof is on the applicant to provide such documentation to the Commission and adjacent neighborhoods. Otherwise, GGVN sees no reason why the Planning Commission should approve a Comprehensive Plan Map Amendment. So far, the applicant has produced site plans under the assumption that it will 1) obtain the land on 8319 SE Lindy, 2) merge the Lindy property with the 8864 SE 82<sup>nd</sup> property, and 3) the merge the subject site with the 8864 SE 82<sup>nd</sup> property.

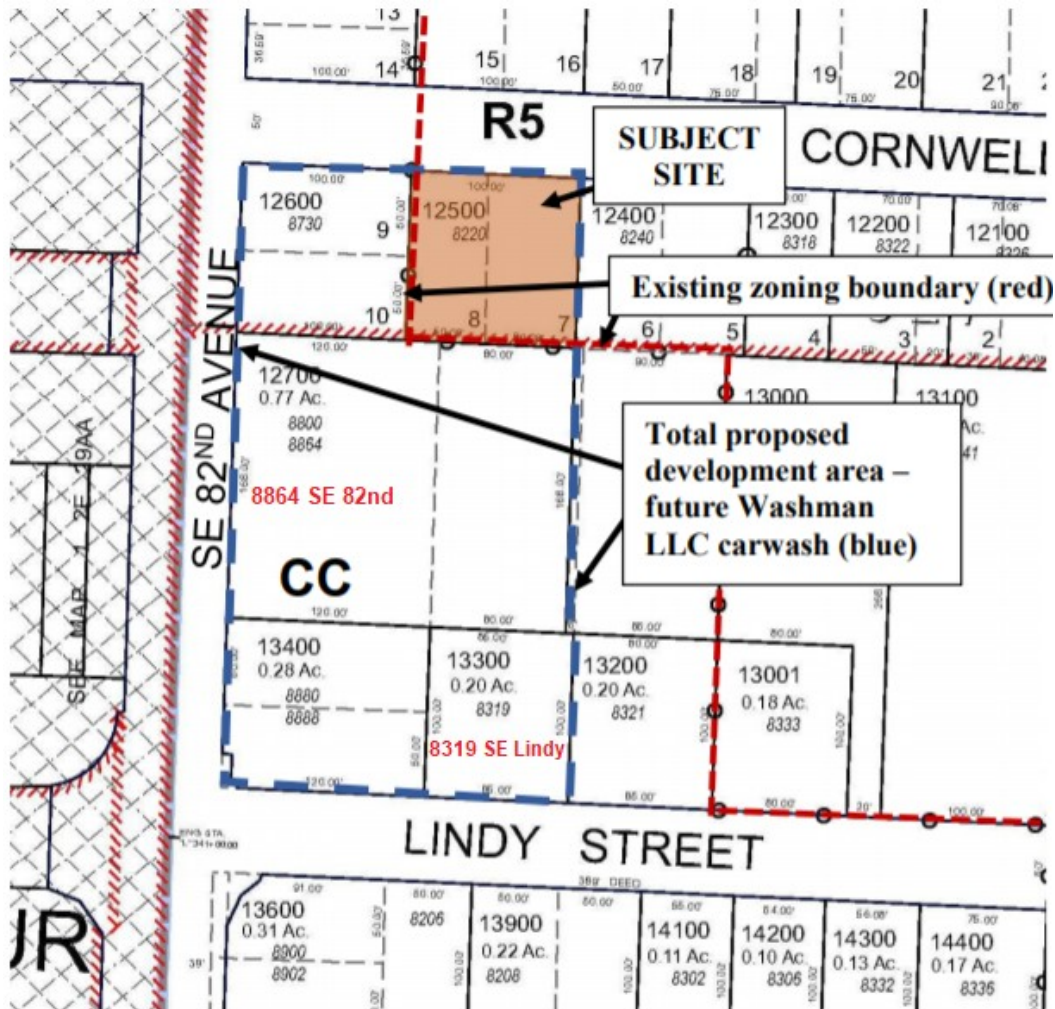
Without evidence to demonstrate that the applicant has secured land for the car wash, there is no reason to approve the rezoning. It makes little sense to rezone a Low Density Residential property to Corridor Commercial for a car wash that cannot proceed without securing adequate room for site development.<sup>4</sup>

For ease of reference, below is a map of the land in question:

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<sup>4</sup> Lastly, the applicant states that the subject site is not in an unincorporated community. This is ~~incorrect~~ but appears to have been recognized in other exhibits. See page 7 of the application.

Figure 2 – Subject Site and Surrounding Parcels



*Conclusion: The Applicant has failed to provide sufficient evidence that the subject site can be merged with adjacent land. The applicant has not demonstrated proof of site development feasibility. Rezoning the site is therefore meaningless, and the Planning Commission should reject the applicant's proposal.*

### **III. The Transportation Impact Study (TIS) Submitted by the Applicant is Inappropriate and Inconsistent with Staff's Recommendation Regarding Viewing the Site as a Whole.**

Among the Planning Criteria submitted, Staff highlighted Policy 2.1 in the Clackamas County Comprehensive Plan, which we restate here:

*2.1 Commercial land use plan designations that may be applied include: Corridor Commercial, Retail Commercial, and Office Commercial. Any site designated for a commercial use shall be located adjacent to the Corridor street.*

Staff noted that because the subject site is not adjacent to 82<sup>nd</sup> avenue (the Corridor street), the subject site does not technically meet the planning criteria. However, Staff indicated that if the subject site were to be viewed as a combined development “site” (i.e., the subject site, the Ground Lease parcel, and Lindy St. parcel discussed above), then the subject site may be reasonably considered as adjacent to the Corridor street.<sup>5</sup> Thus, the applicant can only meet Policy 2.1 if the Commission considers the site as a three-in-one.

This is not a reasonable approach. First, as mentioned above, the applicant has not yet demonstrated that it has acquired the necessary land for merging the required parcels to develop the site. Secondly, viewing the site as a “whole” for the purposes of satisfying Policy 2.1 would be inconsistent with the traffic study findings submitted by the applicant. The TIS submitted by the applicant considered a worst-case scenario *only* for the roughly 10,000 ft<sup>2</sup> subject site parcel. The TIS assumed a small property size and thus conducted a “worst-case scenario” analysis based on the smaller size of the subject site, not the combined sites. Combining the sites would increase the square footage of the property in question, requiring a new TIS considering the combined subject site. The

<sup>5</sup> See Planning Staff Report, page 13. Available at <https://dochub.clackamas.us/documents/drupal/ca7561c5-1ee9-45d7-a400-dedb8e8ec498>.



worst-case scenario for the subject site was determined to be a coffee kiosk, with a PM peak of 87 cars located on the subject site. Interestingly, the TIS does not discuss an AM peak, which is presumably a more reasonable peak for a coffee kiosk.<sup>6</sup>

Regarding County Comprehensive Policy 4.H. (Corridor Policies), Staff represented that “to the extent that approval of this proposed zone change would allow a more efficient and safe development for both the transit and overall street system, as asserted by the applicant, then [the applicant’s] proposal would indeed further the policies listed under Policy 1.1.1.”

It is GGVN’s understanding that the applicant has allowed for a “carve-out” for Tri-Met once it develops the car wash. GGVN finds this interesting as the applicant has failed to present documentation of Tri-Met approving such a carve-out. Staff also noted in its report that the applicant has not provided evidence to show that failing to rezone would preclude the Tri-Met carve-out. The applicant has also failed to explain whether the carve-out is even possible in the terms of the Ground Lease. As a result, it is uncertain whether Policy 4.1.1 is met.

GGVN has taken photographs at key hours, including what traffic is like when Tri-Met and the school bus stop drops off schoolchildren at the Ground Lease property:

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<sup>6</sup> See applicant’s land use application, PDF page 23. Accessible at <https://dochub.clackamas.us/documents/drupal/4e3641d6-d57a-48e2-b24b-1b3eb07793cf>.



*Figure 3 – Why Another Car Wash on 82<sup>nd</sup> is a Bad Idea*



As of these comments, the applicant has failed to represent how the traffic system will be impacted in a worst-case scenario, let alone how the school bus might be impacted by developing a drive-through service on a state highway. Given that the TIS only considered a worst-case scenario for the subject site, the applicant has failed to make clear the real impacts to the transportation system in a worst-case scenario for the merged sites as a whole.

Should the Commission determine that it will view the subject site as a “whole” for the purposes of meeting Policy 2.1, *a new TIS must be submitted by the applicant* to more appropriately evaluate traffic impacts of the larger, three-in-one subject site. GGVN has limited resources, but we are also in the process of gathering additional studies on transportation impacts for a larger site adjacent to the Corridor.

In additional exhibits submitted by Staff, the Oregon Department of Transportation (ODOT) provided comments that there would be no significant impacts to the

transportation system. A concern of GGVN is that ODOT seemed to have regarded the subject site as adjacent to 82nd Ave (OR 213) but used the TIS provided by the applicant, which assumed a smaller parcel size. Importantly, ODOT stated that a car wash would be a more appropriate reasonable worst case for the analysis in question.<sup>7</sup> While ODOT concluded that there would be no significant impacts to highway facilities, it is unclear whether ODOT assumed that the subject site was adjacent to 82<sup>nd</sup>.

It remains that the applicant has failed to provide evidence of adjacency to a corridor, and as a result, submitted a misleading transportation impact analysis. GGVN recommends that the Commission treat the subject site consistently throughout all planning criteria. We also recommend against viewing the subject site as a “three-in-one” as the applicant has not provided evidence of its ability to merge sites.

*Conclusion: The zoning change does **not** meet Policies 2.1 and 4.1.1. of the Clackamas County Comprehensive Plan.<sup>8</sup> GGVN Recommends that the Planning Commission reject the rezoning proposal.*

#### **IV. Staff is Correct that the Application Fails to Meet Corridor Land Use Policy 3.1.**

Staff notes that the applicant has not provided any evidence to demonstrate that the proposal meets county policies regarding no loss of housing in the Clackamas Regional Center. As a result, Staff concluded that the proposal does not meet Policy 3.1.b.<sup>9</sup> GGVN agrees with this conclusion and will not belabor the point further here.

<sup>7</sup> See Additional Exhibits 8-11, PDF page 9. Accessible at <https://dochub.clackamas.us/documents/drupal/76b82b7d-9c60-44ae-9420-5001fbbb3344>.

<sup>8</sup> Not designating all three as the “site” would also preclude the zoning change from complying with 3.1.a. See Staff Report, page 14.

<sup>9</sup> See Staff Report, page 15.

GGVN would however like to address Policies 3.1.c. and 3.1.d. Respectively, they state, “The designation will not cause a significant traffic increase on local streets serving residential areas,” and “Adverse effects, including, but not limited to, traffic and noise, will have a minimal effect on adjacent neighborhoods, or can be minimized through on-site improvements.” Regarding Policy 3.1.c., Staff refers to ODOT’s comments and the applicant’s TIS discussed above and subsequently concludes that the applicant has met Policy 3.1.c. Regarding Policy 3.1.d., Staff concludes that specific development impacts are to be reviewed during site design review and concludes that the policy “can” be met. GGVN respectfully disagrees with Staff’s conclusions.

While GGVN understands that questions outside of site-specific development may be outside the scope of this process, we are unconvinced that there will be minimal effects to our neighborhood. At the public meeting on January 28<sup>th</sup>, we learned that potentially 100 cars an hour drive through a Washman car wash on peak days. The self-serve vacuums, noise, traffic, and other problematic components of the car wash are likely to impose severely negative impacts to our neighborhood. We stress that we do not oppose site development in general, however we are very concerned about the nature of the development and wish to protect the character of our neighborhood. We would be equally concerned with a gas station, storage facility, a motel, or other traffic-heavy service such as another drive-through, and we believe it is important to submit these concerns as early on in the process as possible. One of the goals listed in Chapter 4 of the Clackamas County Comprehensive Plan is to preserve the character of existing low residential neighborhoods.<sup>10</sup> GGVN is concerned about what the rezoning, and

<sup>10</sup> See Chapter 4 of Clackamas County Comprehensive Plan, page 4-17. Accessible at <https://dochub.clackamas.us/documents/drupal/7f7f1fb5-e923-4cd1-94bb-e5b473082b70>.

subsequent site development, could mean for our low density residential neighborhood.

Attachment A to this testimony contain additional concerns about site development.

*Conclusion: The proposal has failed to meet Policies 3.1.b., 3.1.c., and 3.1.d.*

## **V. Conclusion**

We do not believe the applicant has met the appropriate criteria for rezoning.

Summarized here, our conclusions are the following:

- 1) *The Applicant has failed to provide sufficient evidence that the subject site can be merged with adjacent land. The applicant has not demonstrated proof of site development feasibility. Rezoning the site is therefore meaningless, and the Planning Commission should reject the applicant's proposal.*
- 2) *The zoning change does **not** meet Policies 2.1 and 4.1.1. of the Clackamas County Comprehensive Plan. <sup>11</sup> GGVN Recommends that the Planning Commission reject the rezoning proposal.*
- 3) *The proposal has failed to meet Policies 3.1.b., 3.1.c., and 3.1.d.*

The Planning Commission should reject the applicant's proposal for a Comprehensive Plan Map Amendment on 8220 SE Cornwell from LDR to COR with a corresponding Zone Change from R-5 to CC.

Respectfully submitted,

*Neighbors of the Garden Gate Village Neighborhoods*

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<sup>11</sup> Not designating all three as the "site" would also preclude the zoning change from complying with 3.1.b. See Staff Report, page 14.

**Letter to Planning and Zoning (only provided by one member of our neighborhood)**

**1. Our neighborhood lacks the resources for proper Traffic studies, which should adequately suggest:**

- a) **Cornwell and Garden Lane simply are not wide enough.** They are 25' 7" from curb to curb. Because our homes are small, many in our neighborhoods use our garages as extensions of our homes or have officially converted our garages into extra rooms. Due to this, we park our second cars along Garden Lane and Cornwell. With one car parked on each side of the road, there is only enough room for one car to drive through at a time. When cars need to pass each other, one has to pull to over to the curb while the other passes.
- b) A rep from Glisan Washman said that if it's not raining, they easily wash **1000 cars per day.**
- c) **Studies were performed for 82<sup>nd</sup> NOT Cornwell.** Page 5 states Washman wants access on Cornwell.
- d) **Navigating the corner at Cornwell from 82<sup>nd</sup> is already extremely tight.** There are rarely cars waiting to turn onto 82<sup>nd</sup> from Cornwell. Currently, when there is a car waiting to turning onto 82<sup>nd</sup> from Cornwell, and we are pulling onto Cornwell from 82<sup>nd</sup>, we have to navigate the corner slowly enough that we risk being rear ended from the traffic behind us on 82<sup>nd</sup>. Given the potential of 1000 cars per day, we are certain to see and/or be personally affected by collisions.
- e) If there is a **line of cars** waiting to enter the car wash from Cornwell, this will quickly spill out onto 82<sup>nd</sup> and cause a **backup** there. Cornwell is the only way to enter our neighborhood, especially considering the traffic changes a few years back at Johnson Creek and Fuller which eliminated the option to use Fuller to enter our neighborhood unless coming from 205.
- f) **EMS**, especially fire trucks will definitely be unable to navigate the turn onto Cornwell, eastbound, from 82<sup>nd</sup>. Members of our neighborhood have all witnessed fire trucks navigating our narrow streets. They struggle as it is. It was suggested by planners that the **fire department take an alternate route** which would add an additional stop light and distance in order to enter our neighborhood. The safety of our neighborhood is not being taken seriously.
- g) The car wash's own **delivery service** and other service vehicles will have difficulty negotiating 82<sup>nd</sup> onto Cornwell eastbound. Previous use of our streets by the used car dealership proved detrimental. Our curbs are damaged from the service trucks driving over the curbs at the corners. We

**EXHIBIT 13**

**Z0375-18-CP & Z0376-18-ZAP**

**WASHMAN LLC, Comp Plan/Zone Change**

**Attachment A**

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had to call police repeatedly when the used car dealerships were present. Test drivers ripping through our neighborhood put our children at play at high risk of injury.

- h) **School bus stop** cannot and should not be moved. Parents wait in their cars along Cornwell at 82nd to pick up children. **Children should NOT have to walk** along a high traffic highway with inadequate sidewalks like 82nd to reach their neighborhood on Cornwell.
- i) If patrons decide to turn right onto Cornwell, eastbound, after having their car washed to avoid the traffic of 82nd, this will decrease our home values and make our streets **unsafe for our children**, and **adults who exercise on our streets**. This will completely change the livability and safety of our neighborhood. In addition, patrons from the car wash may dump their trash or toss the car cleaning cloths on our streets. We are not accustomed to the volume of litter this may bring to our neighborhood.
- j) The changes at the **intersection of Johnson Creek and Fuller** drastically impacted our ability to reach our neighborhood. The car wash would further impact our ability to access our neighborhood.
- k) The **closure of the Foster Fred Meyer on 82nd** has already has increased the traffic to Johnson Creek Fred Meyer which intersects with Lindy. There are no other nearby grocery stores along mass transit lines that serve 82nd avenue in this area. Was the transportation impact study performed before or after this closure?

## 2. Our neighborhood lacks the resources for proper Environmental studies

- a) **Volatile** organic compounds from car exhaust (average wait time ten minutes x1000 cars daily), soaps, wax, perfumes.
- b) We do not have access to **title information** which would tell us what type of properties were there prior to the two or three used car dealers and motor home sales. Was there a gas station, metal factory, or other company that produced toxic chemicals? Are there gas tanks under the asphalt?
- c) **Noise** pollution from the washer, dryer, self-use vacuums, cars, delivery trucks. Their winter hours are 8am – 6:30 pm. **Summer hours** they are open until 9pm. Not to mention the noise pollution, dust, and other environmental hazards that will arise during construction.
- d) A car wash is more similar to a manufacturing plant as far as environmental pollutants.
- e) Many car washes claim they are environmentally safe. Have there been studies on the effects of **seepage into our soil** where many of us grow our food? What if previous tenants used toxic chemicals that are in the soil under the asphalt? There is the potential for these chemicals to leach into our ground water/soil and be fed to our families.

**EXHIBIT 13**

**Z0375-18-CP & Z0376-18-ZAP**

**WASHMAN LLC, Comp Plan/Zone Change**



- f) The environmental effects from the **removal of the grove** of trees or any trees (increased noise from 82<sup>nd</sup> traffic, the trees improve our air quality, aesthetics).
- g) We also foresee an increase in litter and dumping on our streets.
- h) **A car wash is atypical use.** A car wash is inherently designed to increase traffic, unlike other commercial uses. They want, for example, 100 cars per hour through their property, versus five cars per hour at a health clinic.
- i) After utilizing two different decibel rating apps, **our neighborhood is already at or above 60 DB** with audible traffic from 205 traffic and the MAX train. **These recordings were done at 9:15 a.m. on a Friday.**

**3. Our neighborhood has already experienced significant hardships due to lack of resources**

- a) Changes in traffic signal at Johnson Creek and Fuller Rd force us to sit in the ever-increasing traffic on 82<sup>nd</sup>. We fully understand and appreciate that the traffic change at Johnson Creek and Fuller has substantially decreased the number of serious car accidents and necessity of Live Flight services to that intersection. It was a necessary and positive change, yet we now have limited access to our neighborhood.
- b) We endured years of construction to build the light rail with their construction headquarters located on Fuller Rd. Fuller is how we access 205. For years, we left our homes early to get to work or any destination that required the use of 205.
- c) The construction of a coffee shop and bank on 82<sup>nd</sup> and Lindy with accompanying traffic.
- d) The addition of the 205 bike path along with its construction
- e) The homeless population utilizing the 205 bike path and our neighborhood as an egress to the Clackamas Service Center.
- f) The addition of sewer and continual construction daily for more than a year. All of our homes were filled with dust. We couldn't access our streets easily, if at all. Vibrations were so loud, pictures fell off walls many times. Our lawns have never recovered.
- g) The closure of Foster Fred Meyer is still a huge hardship. This has brought more traffic, making 82<sup>nd</sup> even more congested than it was. We experience longer lines at the grocery store because of the Lents and surrounding neighborhoods needing to use the Johnson Creek Fred Meyer. There is now a lack of parking because of this influx. Shopping carts are a scarcity because of the increased patronage. These are just a few of the changes we've endured.

**EXHIBIT 13**

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**WASHMAN LLC, Comp Plan/Zone Change**

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#### 4. Other factors to consider

- a) **Loss of housing is NOT limited to just two homes** as stated. The impact and diminished **property values** could ultimately result in the devaluation and/or loss of nearly 60 homes. Page 14 of the 1/18/19 staff report states the zoning application is only for the one lot containing the house, but the applicant argues it is applicable to all of the property, exposing all of it to down zoning residential.
- b) We have not had adequate time, nor funds to have **home appraisals** to see how significantly the car wash will decrease the value our homes. Why would you want to risk reducing the value of homes in a low income residence?
- c) Between McBride Street and Liebe Street on 82<sup>nd</sup>, **there are already four car washes within this 3 ½ miles**. There is Pinky's on McBride, Ray's on Lindy, Jackson on Harold, and Eco on Liebe. From what I've read, it appears Eco is also owned by the Hanna family. This doesn't account for the other nearby car washes located off 82<sup>nd</sup>. As I was talking with a customer service representative at a local store explaining that a car lot is going to be added, her response was, "Another one? We don't need another car wash here." Which made me realize we have not had time to determine whether there is **even a legitimate need** for a fifth car wash on one street in 3 ½ miles.
- d) Driving north on 82<sup>nd</sup> from Cornwell to Foster, there are at **least four vacant commercial lots** sitting empty. These are located at Cooper, Duke, Glenwood and Foster, all intersecting with 82<sup>nd</sup>. I have not had the time to drive south on 82<sup>nd</sup> to see if there are available lots in that direction. However, at Sunnyside and 82<sup>nd</sup>, there are another two that have been vacant for a significant amount of time. There is a Toys R Us lot with substantial parking area that would accommodate a car wash, and across the street, there is a vacant Walgreens.

The Garden Gate Village was built in the 1940s. It is rich in history and diversity. Quite a few of our neighbors have lived here their entire lives – more than 60 years. Parents live in one home, while their children and grandchildren live across the street. Garden Gate Village is essentially an island with one entrance and two exits. It's quiet and peaceful in its nature and design. Due to our neighborhood's limited accessibility, there is very little traffic. We feel safe allowing our children to play outside. We feel safe walking and jogging on our streets. Many of us feel safe leaving our doors and windows open.

These homes are not considered starter homes, these are and always have been forever homes. Our quality of life is significantly enriched by the layout of this highly unique neighborhood.

**EXHIBIT 13**

**Z0375-18-CP & Z0376-18-ZAP**

**WASHMAN LLC, Comp Plan/Zone Change**  
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The green house at 8220 Cornwell is not only a necessary residence for low income families, it is greatly historical. This home was built 20 years before the rest. It is large, beautiful, and should be considered historic in nature. Until it sold last spring, this home was very well maintained. If you view images available on Google maps, you can tell that the most recent owner took special care of his home. It is a perfect home for our neighborhood and our next potential neighbor.

Our neighborhood deserves a say in what type of business, if any, sits at the end of our street. We are not satisfied that a car wash will allow our neighborhood to maintain the lifestyle and community feeling we have always been accustomed to. Please take these things into consideration before allowing the rezoning of 8220 Cornwell.

**BEFORE THE CLACKAMAS COUNTY PLANNING COMMISSION**

**Z0375-18-C/Z0376-18-ZAP**

In the Matter of Washman, LLC., Proposed  
Amendment to the Comprehensive Plan

SUPPLEMENTAL COMMENTS  
OF THE  
GARDEN GATE VILLAGE NEIGHBORHOODS

February 11, 2019

# BEFORE THE CLACKAMAS COUNTY PLANNING COMMISSION

## ZO375-18-C/ZO376-18-ZAP

In the Matter of Washman, LLC., Proposed	)	
	)	
Amendment to the Comprehensive Plan	)	SUPPLEMENTAL COMMENTS OF
	)	THE GARDEN GATE VILLAGE
	)	NEIGHBORHOODS
	)	
	)	
	)	
	)	

We are a collective of neighbors who reside on SE Cornwell, SE Garden Lane, and SE Lindy St., or The Garden Gate Village Neighborhoods (“GGVN”). We submitted testimony to the Clackamas County Planning Commission (“Commission”) on February 4, 2019.

### I. Introduction

These comments are in response to a supplemental memorandum filed on behalf of Mark Hanna and David Tarlow (“the applicant”) on January 31, 2019. The supplemental filing is an assessment of the residential capacity impact of a proposed zone change in unincorporated Clackamas County.<sup>1</sup> To GGVN’s knowledge, no other individual, company, or organization has submitted testimony opposing or supporting the rezoning change in this case. Thus, these comments are not intended to serve as Rebuttal Testimony but a response to the applicant’s additional exhibits submitted to the record. In

<sup>1</sup> See Exhibit 12 in File No. ZO375-18-CP, ZO376-18-ZAP. Accessible at <https://dochub.clackamas.us/documents/drupal/cd93d934-32eb-4791-9eba-bfcdacfaa002>.

our comments, we primarily restate the point that the application does not meet relevant planning criteria.

## **II. Proximate, Unrelated Housing Does Not Suffice to Meet the Planning Criteria.**

In the Commission Staff (“Staff”) Report submitted on January 18, 2019, Staff found that the applicant’s application does not satisfy all the applicable state, regional and county criteria for the proposed changes. Staff indicated that the applicant’s proposal fails to meet certain policies in Clackamas County’s Comprehensive Plan, specifically the criteria set forth in Chapter 10, section XVII of the Clackamas Regional Center Area Design Plan. In particular, subsection (XVII)(5.0) of the Design Plan states that housing capacity lost by future Comprehensive Plan Amendments or zone changes must be replaced. Applications for such changes in the Comprehensive Plan must be accompanied by a demonstration of how an equal amount of housing capacity will be replaced on another site or constructed on the site as part of mixed-use development.

The applicant submitted a supplemental memorandum on January 31 to demonstrate that there will be an addition of housing capacity in another part of the Regional Center Area. According to the memorandum, a site in the proximity of the subject site was recently designated to Station Community Mixed Use (“SCMU”) from Low Traffic Impact Commercial (“LTIC”). This redesignation occurred in 2011. The memorandum explains that the SCMU designation has no maximum density, though there are rules around the building setbacks based on height.

The memorandum’s originator, Johnson Economics, indicated that it was in contact with a “private client” regarding development of a site that would potentially

**EXHIBIT 14**

**Z0375-18-CP & Z0376-18-ZAP**

**WASHMAN LLC, Comp Plan/Zone Change**

**Page 3 of 7**



yield over 100 new units in this development. The implication is that because of this additional housing development in the proximity of the subject site, rezoning the subject site and subsequently demolishing a home for the production of a carwash would be considered a “negligible loss” to the housing capacity in the Regional Center Area.

GGVN does not believe that the memorandum suffices in addressing how the applicant will meet the policy requirements. First, despite the fact that additional apartment units *may* be built in a proximate area, it does not seem appropriate to point to additional units that may have been developed *anyway* as justification for razing a house in a Low Density Residential neighborhood. This is similar to saying that because a new Starbucks is “going” to be built several blocks down the street, I should smash the coffee maker I already have because the production of coffee in my area is expected to increase.

GGVN does not find the memorandum compelling. It does not make sense to point to existing *theoretical* housing capacity as justification for eliminating an existing *actual* home. The fact remains that not only is the increased number of units theoretical, the capacity has been around since 2011 and does not actually “increase” the housing capacity in the area because it has already been around.

At the hearing on January 28<sup>th</sup>, the applicant mentioned that by rezoning the subject site to CC, this would theoretically increase the housing capacity of the subject site. GGVN does not disagree, however the applicant is proposing a carwash, not additional housing, which leads to the loss of two housing units and also a third home that is already zoned CC.<sup>2</sup>

Just like there are different flavors of coffee, there are different types of homes. Indeed, the Clackamas County Comprehensive Plan specifically states that the county

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<sup>2</sup> This would be the home on 8319 SE Lindy.

should “Provide for a range and variety of housing types (size and density) and variety of ownership and rental opportunities, in a range of prices.”<sup>3</sup> The subject site contains a home built in 1925. This type of housing deserves to be preserved because it provides a diversity of very limited affordable housing that does not exist elsewhere in Clackamas County. Reading the applicant’s additional analysis on housing capacity in the area summarizes an increase in very similar types of housing—rental apartments, condominiums, plexes, and manufactured homes. These are not the same types of homes we are considering for rezoning—a detached, single-family home in a traditional neighborhood.

The Clackamas County Comprehensive plan anticipates that the The Clackamas Regional Center (within which the subject site and our neighborhood are located) will be the focus of the most intense development and highest densities of employment and housing in our area.<sup>4</sup> This compelled the County to set a goal to “Balance growth with the preservation of existing neighborhoods and affordable housing.”<sup>5</sup>

Demolishing a house and rezoning the land for the purpose of building a car wash does not appear to be consistent with the spirit of the Comprehensive Plan, particularly regarding the preservation of existing neighborhoods and affordable housing. Our opposition to rezoning the subject site is not just about quantity but also about quality. It is about maintaining and promoting a diversity of affordable housing, which is consistent with the policies and planning criteria.

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<sup>3</sup> Clackamas County Comprehensive Plan Chapter 10(XVII)(1.0).

<sup>4</sup> Clackamas County Comprehensive Plan Chapter 10. Page 10-CRC-2.

<sup>5</sup> Clackamas County Comprehensive Plan Chapter 10. Page 10-CRC-3.

### III. The Proposal Fails to Meet Additional Criteria.

The rezoning is inconsistent with several Housing Policies in Chapter 6 of the Comprehensive Plan, including:

*[6.A.6.] Encourage a diversity of housing types and densities in planned unit developments;*

*[6.B.2.] Encourage the development of low- and moderate-income housing with good access to employment opportunities; and*

*[6.C.3.] **Discourage the demolition of housing**<sup>6</sup> which can be economically renovated in residential areas;*

These are self-explanatory. Overall, the Amendment to the Comprehensive Plan and subsequent rezoning would fail to meet all of these criteria in Chapter 6.

GGVN would also like to remind the Commission that the rezoning would cause commercial zoning to encroach onto a residential zone near 82<sup>nd</sup> Avenue, which Staff correctly points out does not meet policy (XVII)(3.0) in Chapter 10 of the Comprehensive Plan: “Limit expansion of commercial zoning into residential neighborhoods along the 82nd Avenue corridor.” The applicant has failed to demonstrate how it meets this policy.

Finally, GGVN would be remiss not to mention that a car wash is fundamentally different from other businesses. As we stated in our earlier Testimony on February 4, we believe that site development would have adverse traffic impacts. The profitability of a car wash lies in its ability to generate as much traffic as possible. 82<sup>nd</sup> Avenue is already congested, and residents on Cornwell and Garden Lane already have a difficult enough time getting in and out of our neighborhood. The way the roads are currently laid out,

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<sup>6</sup> Emphasis added.

exiting onto 82<sup>nd</sup>, a major artery in the area, can be a major challenge. A business designed to maximize traffic would exacerbate the situation to unknown, and likely adverse levels.

#### **IV. Conclusion**

GGVN does not believe that the applicant has met the appropriate criteria for rezoning. In addition to our Testimony submitted on February 4, we reiterate our comments above that we do not find the applicant's supplemental memorandum and subsequent housing analysis compelling. A supplemental report on existing housing capacity fails to explain how Chapters 6 and 10 of the Comprehensive Plan are satisfied.

The Planning Commission should reject the applicant's proposal for a Comprehensive Plan Map Amendment on 8220 SE Cornwell from LDR to COR with a corresponding Zone Change from R-5 to CC.

Respectfully submitted,

*Neighbors of the Garden Gate Village Neighborhoods*



P.O. Box 4124  
Portland, OR 97208  
503-255-9111  
Fax 503-257-9790  
www.washmanusa.com

February 14, 2019

Clackamas County Planning Commission  
c/o Department of Transportation and Development  
150 Beaver Creek Road  
Oregon City, Oregon 97045

RE: Z0375-18-CP, Z0376-18-ZAP

#### Applicant's Final Statement

We request a small change to the edge between the residential and mixed use areas to create a rectangular mixed use (CC) site. A rectangular site is easier to develop for any mixed use with fewer jagged edges. The existing apartment building provides a clear edge between the single family residential neighborhood and the corridor commercial along SE 82nd.

We provided evidence of an approved comprehensive plan/zone change in 2011 near our site (south of John Creek Boulevard on Fuller) that created a required minimum 20 units per net acre on the 48.5 acre parcel. This results in more than 600 new required housing units at a minimum very close by to our proposal.

An environmentally designed car wash has little neighborhood impact. Site/design review provides us an opportunity to explain technological improvements that eliminate vacuum noise. The review provides us a way to include neighborhood improvements such as speed bumps and accommodate bus and school bus stops in a safe and convenient manner.

Please recommend to the Clackamas County Board of Commissioners, approval of our request for a comprehensive plan and zone change.

Thank you.

Sincerely,

David B. Tarlow, CFO  
Washman LLC

**EXHIBIT 15**

**Z0375-18-CP & Z0376-18-ZAP**

**WASHMAN LLC, Comp Plan/Zone Change**

**Page 1 of 1**



JENNIFER HUGHES, PLANNING DIRECTOR  
LINDSEY NESBITT, MANAGER  
PLANNING & ZONING

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

February 19, 2019

TO: Clackamas County Planning Commission  
FROM: Jennifer Hughes, Planning Director  
Karen Buehrig, Transportation Planning Supervisor  
Lorraine Gonzales, Senior Planner  
RE: Overview of input received for 2019-20 Long-Range Planning Work Program

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Since 2012, the Planning and Zoning Division has prepared a Long-Range Planning Work Program for the Board of County Commissioners (BCC) as a tool to prioritize and consolidate amendments to the Comprehensive Plan and Zoning and Development Ordinance (ZDO). The discussions about the work program have allowed for the integration of projects important to the community, as well as increased awareness on the scope of long-range planning projects undertaken by long-range planners.

Over the past years, the Long-Range Planning program has implemented regulations related to marijuana, undertaken a comprehensive audit of the ZDO, worked with community members on the Park Ave Development and Design Standards project, and completed many other transportation and land use projects that created plans and/or updated the Zoning and Development Ordinance.

This year, public outreach to Community Planning Organizations and Hamlets, other interested parties and other county divisions began in October 2018 with a request for project suggestions for the 2019-20 work program, and a discussion at the Community Leaders Meeting in November. Thus far, we have received suggestions from six Community Planning Organizations, two County departments, three residents, two cities in the County and one from the Clackamas County Coordinating Committee (C4). In addition, we have had project suggested by staff, the BCC and the Planning Commission. Attachment A summarizes these suggested projects.

During your study session on February 25, staff will provide an overview of the input and discuss any other suggestions the Planning Commission may have for long-range planning projects in 2019-20.

In addition to an overview of the projects that have been suggested during the public outreach period, staff would like to discuss potential ways to restructure the Long-Range Planning Work program development process. These topics include:

- Developing a multi-year work program that is structured around updating the Comprehensive Plan
- Implementing the use of “issue papers” to provide more information before deciding whether to include a project on the workprogram

- Including an annual work program item to address housekeeping or time-sensitive items identified by staff or amendments that are required due to changes in state and regional requirements

**Multi-Year Work Program:** Having a long-range planning work program for the past seven years has been beneficial in many ways. The current structure, however, does not effectively address those projects that span more than one year. Also, since only a small number of projects can be completed each year, many of the CPOs and interested parties come back each year with the same or very similar requests.

Unexpected staffing changes often impact the amount of project work that can be completed each year. With staffing changes in Planning & Zoning between September 2018 and February 2019, the staff available to work on long-range land use planning projects has been reduced, which will cause the final phase of the ZDO Audit to extend into at least the early part of the next fiscal year. In addition, the Low-Density Residential Zoning Policies project has been tabled pending the outcome of the County Housing Needs Analysis. By early May the BCC will provide direction on whether or not Phase 2 of the Park Ave project should proceed. If the project does proceed, it will continue into next fiscal year. Finally, nearly all of the transportation projects are anticipated to continue into the next fiscal year. It was expected that these projects would be multi-year projects. Projects funded through grants and other outside funding sources require time for intergovernmental agreements to be developed/signed and for consultants to be hired. Attachment B includes the 2018-19 Long-Range Planning Work Program with the projects anticipated to continue into next fiscal year highlighted with RED text.

As we heard at the Planning Commission / Board of County Commissioners meeting on February 11, there is interest by all to develop a pathway for the Comprehensive Plan to be updated. At the February 25 Planning Commission meeting, we would like to get input from the Planning Commission on elements that should be considered as this concept is refined. Attachment A has been organized by Comprehensive Plan chapter to help facilitate this conversation.

**Issue Papers:** We would like to introduce the concept of creating “issue papers” for key project ideas, so the Planning Commission and BCC have more information about a topic before deciding whether to integrate it into the work program. An “issue paper” would provide a more thorough assessment and develop recommendations for future actions.

**Annual work program item for required changes:** Changes in state and regional requirements are made throughout the year. Including a “Required ZDO / Comprehensive Plan updates” item in the work program will help to ensure that sufficient staff time is accounted for to address these types of required changes.

**Next Steps:** With the input gathered from the Planning Commission on February 25, as well as feedback from the BCC in a Planning Session on March 12, staff will develop a recommendation for the 2019-20 Long Range Planning Work program. This recommendation will be presented at the April 8 Planning Commission public meeting. In advance of this meeting, staff will provide more detailed guidance on the estimated time needed to complete various work program projects.





ATTACHMENT A  
Department of Transportation & Development  
2019-2020 Long-Range Planning Work Program - Input Received from Outreach

The table below is organized by Comprehensive Plan chapter with related projects grouped under the overarching categories established by the Plan. Staff recommends that this structure be considered as a way to focus County efforts in the coming years of the work program and allow the pairing of a general Comprehensive Plan update with consideration of priority projects identified by stakeholders. In addition, for each project in the table, staff has identified the related goals from Performance Clackamas, the County’s strategic plan.

County Strategic Goals: 1) Grow a vibrant economy; 2) Build a strong infrastructure; 3) Ensure safe, healthy and secure communities; 4) Honor, utilize, promote and invest in our natural resources, and 5) Build public trust through good government.

Comprehensive Plan Chapters: 1) Introduction; 2) Citizen Involvement; 3) Natural Resources and Energy; 4) Land Use; 5) Transportation System Plan; 6) Housing; 7) Public Facilities and Services; 8) Economics; 9) Open Space, Parks and Historic Sites; 10) Community Plans and Design Plans; 11) The Planning Process

INTRODUCTION

Every year, county long-range planning staff focus on high-priority projects that have been suggested by staff, other county departments, the Board of Commissioners, the Planning Commission, community groups and/or members of the public. The process to select projects for 2019-20 began in fall 2018, when the public and county departments were invited to submit ideas. This opportunity was publicized through news releases, the county’s quarterly newsletter, the county website, social media and emails.

Timeline: February 25, 2019 -- Planning Commission study session to receive an overview of suggested projects and discuss additional project recommendations from the Planning Commission. March 12, 2019 -- Board of County Commissioners policy session to receive an overview of the input. April 8, 2019 -- Planning Commission public meeting to discuss recommended 2019-20 Long Range Planning Work Program. April 30, 2019 -- Board of County Commissioners policy session for final acknowledgement of the work program.

PROPOSED LONG-RANGE PLANNING PROJECTS

#	Project	Description	Source of Proposal	Staff Comments	Exhibit Number	Clackamas County <ul style="list-style-type: none"><li>Comprehensive Plan Chapters</li><li>Zoning and Development Ordinance Sections</li><li>County Strategic Goals</li></ul>
Chapter 3: Natural Resources and Energy						
L-1	Sandy River Channel Migration Zone Work Group	Require Planning & Zoning to assemble and facilitate a community-based stakeholder work group to review ongoing issues on channel migration zone policies and provide the necessary feedback for county decisions. Proposal assumes Planning & Zoning is the appropriate lead since product will require revisions to the ZDO. Proposed members: Mt. Hood Chamber, Homeowners Associations, Rhododendron CPO, Sandy River Watershed Council and others.	Jay Wilson – County Dept. of Disaster Management	This proposal may not be timely because efforts are underway at the state level to develop model channel migration zone regulations and, possibly, to seek state legislation on the topic.	1	<ul style="list-style-type: none"><li>CP Chapter 3: Natural Resources and Energy</li><li>New ZDO Section</li><li>Performance Clackamas Goals 2 and 3</li></ul>
L-2	Sandy River Channel Migration Zone	Implement a channel migration zone for the Sandy River and adopt standards for development in the mapped area.	Planning Commission	This proposal may not be timely because efforts are underway at the state level to develop model channel migration zone regulations and, possibly, to seek state legislation on the topic.		<ul style="list-style-type: none"><li>CP Chapter 3: Natural Resources and Energy</li><li>New ZDO Section</li><li>Performance Clackamas Goals 3 and 4</li></ul>

L-3	<b>Habitat and Water Quality Protection</b>	<ol style="list-style-type: none"> <li>1. Add habitat/water quality protection provisions in the floodplain areas.</li> <li>2. Assess county-wide plan on habitat connectivity, including stream corridors/riparian buffers to create a development code toolkit used by local municipalities, CPOs and Hamlets.</li> </ol>	<ol style="list-style-type: none"> <li>1. Planning Commission</li> <li>2. City of Sandy</li> </ol>	The floodplain proposal may not be timely because we are awaiting action by the state and federal governments on required habitat protections in the floodplain to address the Endangered Species Act. Staff understands that the timeline for this has been extended to October 2021. It is unclear what role the County should play in providing habitat development standards for cities or how these standards should differ from those already in place for riparian areas. Hamlets and CPOs do not have regulatory authority over development.	2	<ul style="list-style-type: none"> <li>• CP Chapter 3: Natural Resources and Energy</li> <li>• ZDO 703 and 704</li> <li>• Performance Clackamas Goals 3 and 4</li> </ul>
L-4	<b>McLoughlin Area Natural Resource Overlays Development and Design Standards</b>	Leverage the land use review process to improve and restore habitat in a coordinated manner to meet multiple state, regional and local land use planning goals. Identify strategies to protect and enhance existing natural habitat.	Oak Grove Community Council	This project likely would require a re-evaluation of the County's Statewide Planning Goal 5 program for wildlife habitat, riparian corridors and wetlands. Consultant assistance with technical aspects of the project may be required.	3	<ul style="list-style-type: none"> <li>• CP Chapter 3: Natural Resources and Energy, 4:Land Use, and 9:Open Space, Parks and Historic Sites</li> <li>• ZDO 703, 705, 706, 709, 710, 1002</li> <li>• Performance Clackamas Goal 4</li> </ul>
L-5	<b>Natural Resource Preservation Techniques</b>	<ol style="list-style-type: none"> <li>1. Amend ZDO to require alternatives analysis for development proposed to impact natural resource overlay districts.</li> <li>2. Amend ZDO 1002.04(A) to require (rather than recommend) that a development plan incorporate a specific number of the natural resource preservation techniques from 1002.04(A) (1-10). Require (rather than suggest) tree preservation as provided for in ZDO 1007.04 on road design, with roads planned around tree groves in order to preserve them.</li> </ol>	<ol style="list-style-type: none"> <li>1. Oak Grove Community Council</li> <li>2. Jennings Lodge CPO</li> </ol>		<ol style="list-style-type: none"> <li>3</li> <li>4</li> </ol>	<ul style="list-style-type: none"> <li>• CP Chapter 3: Natural Resources and Energy</li> <li>• ZDO 703, 705, 706, 709, 710, 1002, 1007</li> <li>• Performance Clackamas Goal 4</li> </ul>
L-6	<b>Solar Infrastructure</b>	<ol style="list-style-type: none"> <li>1. Prohibit photovoltaic solar power generation facilities on high value farmland in the EFU District</li> <li>2. Create more robust code policies on solar field installations, to include additional vegetative screening standards.</li> <li>3. Allow small-scale shared, multi-accessory solar energy systems as an allowed use in rural and resource zones without a conditional use permit. This will align with the launch of the Senate Bill 1547 Community Solar program in 2019. Consider requiring EV charging infrastructure for some commercial developments as part of the land use review process.</li> </ol>	<ol style="list-style-type: none"> <li>1. Board of County Commissioners</li> <li>2. City of Sandy</li> <li>3. Clackamas County Sustainability &amp; Solid Waste</li> </ol>		<ol style="list-style-type: none"> <li>2</li> <li>5A, 5B</li> </ol>	<ul style="list-style-type: none"> <li>• CP Chapter 3: Natural Resources and Energy</li> <li>• ZDO 316, 401, 406, 407, 513, 604, 1015</li> <li>• Performance Clackamas Goals 1 and 2</li> </ul>
L-7	<b>Tree Canopy Preservation</b>	Amend ZDO to apply building limitations on developments to protect tree canopies for acreage with certain tree densities (based on a percentage of existing tree canopy or number of trees per acre). Require developments with a certain percentage of tree canopy or number of trees per acre be submitted as a planned unit development. The intent is for at least 20% of the treed land to be preserved in open space tracts in order to protect significant trees.	Jennings Lodge CPO		3	<ul style="list-style-type: none"> <li>• CP Chapter 3: Natural Resources and Energy</li> <li>• ZDO 1002</li> <li>• Performance Clackamas Goal 4</li> </ul>
<b>Chapter 4: LAND USE</b>						
L-8	<b>Green Corridors</b>	Assess the Green Corridor agreement between the County and the City of Sandy to determine additional regulations to adopt in the County Code for development along Hwy 26 to fulfill the intergovernmental agreement.	City of Sandy		2	<ul style="list-style-type: none"> <li>• CP Chapter 4: Land Use and Chapter 5: Transportation System</li> <li>• ZDO 316, 401, 513</li> <li>• Performance Clackamas Goal 4</li> </ul>

Chapter 6: HOUSING						
L-9	<b>Housing Strategies</b>	Amend the Plan and ZDO to address the results of the housing needs analysis currently underway, implement recommendations expected from the Housing Affordability and Homelessness Task Force, and respond to Senate Bill 1051 (2017) as well as any housing legislation passed during the current session of the Oregon Legislature. Consider restricting manufactured dwelling parks from being redeveloped with a different use. Also, the transitional shelter community regulations will sunset on August 28, 2019 unless they are extended through a ZDO amendment.	Planning & Zoning Division			<ul style="list-style-type: none"> <li>CP Chapter 4: Land Use and Chapter 6: Housing</li> <li>Multiple ZDO Sections (e.g., 315, 824, 825, 839, 842, 843)</li> <li>Performance Clackamas Goals 3 and 5</li> </ul>
L-10	<b>Protect Neighborhood Character and R-10 Zoning</b>	<ol style="list-style-type: none"> <li>Modify the ZDO to better protect neighborhoods from up-zoning and incompatible development.</li> <li>Amend the ZDO to implement the Comprehensive Plan goal of protecting the character of existing low density neighborhoods and require that development is compatible with the identified neighborhood character. Adopt a local overlay area that freezes R-10 zoning and has higher standards for zoning approvals or a limitation on the amount of development or infill allowed in the overlay area.</li> </ol>	<ol style="list-style-type: none"> <li>Oak Grove Community Council</li> <li>Jennings Lodge CPO</li> </ol>	A project to consider restricting zone changes in Low Density Residential Districts, including R-10, is on the work program for the current fiscal year. Following a policy session with the Board of County Commissioners, the project is on hold pending the outcome of the housing needs analysis.	3 4	<ul style="list-style-type: none"> <li>CP Chapter 6: Housing; Chapter 4: Land Use; Chapter 10: Community Plans and Design Plans</li> <li>ZDO 315</li> <li>Performance Clackamas Goals 1 and 5</li> </ul>
L-11	<b>Temporary Dwellings for Care</b>	Allow temporary dwellings for care only for property owners or heritage landowners. Require removal of temporary dwellings for care prior to title change or sale.	Eagle Creek Barton CPO		6	<ul style="list-style-type: none"> <li>CP Chapter 4: Housing</li> <li>ZDO 1204</li> <li>Performance Clackamas Goal 3</li> </ul>
						<ul style="list-style-type: none"> <li></li> </ul>
Chapter 7: PUBLIC FACILITIES AND SERVICES						
L-12	<b>Surface Water</b>	Require an assessment of an actual surface water plan prior to approval of a land use application.	Jennings Lodge CPO	The current process requires a statement of feasibility from the surface water management regulatory authority prior to land use approval. Detailed plan review is done prior to issuance of development permits.	4	<ul style="list-style-type: none"> <li>CP Chapter 7: Public Facilities and Services</li> <li>ZDO 1006</li> <li>Performance Clackamas Goal - 2</li> </ul>
Chapter 8: ECONOMICS						
L-13	<b>Home Occupations</b>	Replace current three-year renewal requirement with a one-year renewal after original approval to ensure all conditions of approval are met and no subsequent renewals. Consider revisions to the home occupation standards.	Planning & Zoning Division	Planning staff has interest in this proposal, but consultation is required with other County work groups.		<ul style="list-style-type: none"> <li>CP Chapter 8: Economics</li> <li>ZDO 822</li> <li>Performance Clackamas Goals 1 and 5</li> </ul>
L-14	<b>Small Scale Manufacturing</b>	Allow certain small-scale manufacturing and production uses in the C-2 and C-3 zones, even when the use necessitates some primary processing of certain raw materials, such as brew-pubs and bakeries.	Oak Grove Community Council	Currently, the C-2 zone allows almost no manufacturing and the C-3 zone does not allow primary processing of raw materials.	3	<ul style="list-style-type: none"> <li>CP Chapter 8: Economics</li> <li>ZDO 510</li> <li>Performance Clackamas Goal 1</li> </ul>
L-15	<b>Marijuana Retail Business Operating Hours</b>	Expand the allowed operating hours for marijuana retailers from 10:00 a.m. to 9:00 p.m. to 8:00 a.m. to 10:00 p.m.	Mario Mamone President, Maritime Cafe		12	<ul style="list-style-type: none"> <li>CP Chapter 8: Economics</li> <li>ZDO 841.05</li> </ul>

Chapter 9: Open Space, Parks and Historic Sites, and Chapter 10: Community Plans and Design Plans						
L-16	<b>Recreational and Open Space</b>	<ol style="list-style-type: none"> <li>1. Amend the ZDO to expand the conditions where dedications to North Clackamas Parks and Recreation District are required and key sites are selected.</li> <li>2. Update the Comprehensive Plan to identify lands for open space use. Develop a mechanism to routinely assess land that becomes available on the market for open space and recreation needs.</li> </ol>	<ol style="list-style-type: none"> <li>1. Oak Grove Community Council</li> <li>2. Jennings Lodge CPO</li> </ol>	The Planning and Zoning Division does not evaluate land for acquisition, nor does it have a source of funding for acquisition. Requiring the dedication of land for parks will raise legal questions, particularly in light of the fact that NCPRD already assesses a systems development charge for new residential development.	3 4	<ul style="list-style-type: none"> <li>• CP Chapter 4: Land Use; Chapter 9: Open Space, Parks and Historic Sites; Chapter 10: Community Plans and Design Plans</li> <li>• ZDO 702 and 1011</li> <li>• Performance Clackamas Goal 4</li> </ul>
L-17	<b>McLoughlin Boulevard Community Design Plan</b>	Develop a community design plan for McLoughlin Blvd.	Oak Grove Community Council	The Park Avenue Station Area Development and Design Standards project, currently underway and expected to continue in the next fiscal year, should be completed prior to engaging in other projects along McLoughlin Blvd.	3	<ul style="list-style-type: none"> <li>• CP Chapter 4: Land Use; Chapter 9: Open Space, Parks and Historic Sites; Chapter 10: Community Plans and Design Plans</li> <li>• ZDO 315, 510, 1000 Sections (associated with design review)</li> <li>• Performance Clackamas Goals 1, 2, 3, 4 and 5</li> </ul>
L-18	<b>Historic Overlays</b>	Increase regulations and incentives applicable in the Historic Corridor, Historic District, and Historic Landmark overlay zones.	Oak Grove Community Council		3	<ul style="list-style-type: none"> <li>• CP Chapter 9: Open Space, Parks and Historic Sites</li> <li>• ZDO 707</li> </ul>
L-19	<b>Livability Infrastructure</b>	Identify a mechanism to ensure that livability infrastructure and the necessary funding will be available to support new development. Failing that, large subdivisions or planned unit development applications should not be approved unless the development plan or existing surrounding area has parks, sidewalks and other livability infrastructure.	Jennings Lodge CPO		4	<ul style="list-style-type: none"> <li>• CP Chapter 4: Land Use; Chapter 9: Open Space, Parks and Historic Sites</li> <li>• ZDO 1012, 1013</li> <li>• Performance Clackamas Goals 2 and 3</li> </ul>

Chapter 2: Citizen Involvement and Chapter 11: The Planning Process						
L-20	Public Outreach	<ol style="list-style-type: none"> <li>Email CPOs a “Request for Response” for pre-application conferences for development in their boundaries and include the CPO response in the pre-application conference notes provided to the applicant. Require that all Type II and Type III applications include a narrative to address how the proposal complies with all the relevant approval criteria and standards.</li> <li>Amend the ZDO to add “Clackamas County Planning and CPO’s are planning partners for Clackamas County Planning.”</li> <li>Change the land use application notification distance in rural areas to ¼ to ½ mile from the subject property.</li> <li>Develop a program to foster relations between rural areas and County departments so that rural citizens have a voice in regard to public transportation money, etc. Use CPOs as a communication medium, instead of the poorly attended and advertised public hearings process currently in place.</li> <li>Require a Type III review and expanded notification area for development along the Clackamas River.</li> </ol>	<ol style="list-style-type: none"> <li>Oak Grove Community Council</li> <li>Eagle Creek Barton CPO</li> <li>Jana Lombardi (resident)</li> <li>Redland-Viola-Fischers Mill CPO</li> <li>Jane Turville (resident)</li> </ol>		3 6 7 8 13A, 13B	<ul style="list-style-type: none"> <li>CP Chapter 2: Citizen Involvement; Chapter 11: The Planning Process</li> <li>ZDO 1307</li> <li>Performance Clackamas Goal 5</li> </ul>
OTHER						
L-21	Events and Outdoor Mass Gatherings	Amend the County Code to regulate and require permits for certain large events.	Board of County Commissioners	In 2013, the Board elected to table consideration of these amendments.		<ul style="list-style-type: none"> <li>County Code – Title 6 (Public Protection)</li> <li>Goals 3 and 5</li> </ul>
Chapter 5: TRANSPORTATION						
L-22	Trails	Analyze the feasibility and implications of connecting the Springwater Trail to the Mt. Hood bike trail system	City of Sandy	This is in the Active Transportation Plan – Rose City to Mt Hood Plan	2	<ul style="list-style-type: none"> <li>CP Chapter 5: Transportation</li> <li>Performance Clackamas Goals 2, 3</li> </ul>
L-23	Fee-in-lieu	Amend the fee-in-lieu-of-improvement provisions in ZDO Section 1007.	Transportation Engineering Division			<ul style="list-style-type: none"> <li>CP Chapter 5: Transportation</li> <li>Performance Clackamas Goals 1, 2</li> </ul>
L-24	Clackamas County Transportation Futures Study	Develop long-term plan to identify top priority transportation improvements needed on state, regional and local systems in Clackamas County over the next 50 years. The plan will forecast major population, economic, environmental and technology changes to help inform what investments or actions are required to meet those needs.	Clackamas County Coordinating Committee (C4), BCC	Priority for C4	9	<ul style="list-style-type: none"> <li>CP Chapter 5: Transportation</li> <li>Performance Clackamas Goal 2</li> </ul>
PROPOSALS NOT SUITED FOR THE LONG-RANGE PLANNING WORK PROGRAM						
N-25	Capital Improvements	<ol style="list-style-type: none"> <li>We have 2 very dangerous and heavily used intersections – Beaver Creek Road/Leland Road/Kamrath Road and Beaver Creek Road/Steiner Road/Yeoman Road. How to minimize the risk at these 2 intersections would be helpful.</li> <li>We still have what we call “car eating ditches” in the Beaver Creek area. Continuing the excavating and improvement of these ditches would be helpful.</li> <li>So many of our roads have very little if any shoulders. Once Clackamas County has access to road maintenance funds, we would appreciate safer roads with usable shoulders.</li> <li>Left hand turn lane from Beaver Creek Road traveling south onto Yeoman/Steiner Roads</li> </ol>	Hamlet of Beaver Creek	Capital construction projects, rather than planning projects	10	

N-26	<b>Capital Improvements</b>	<ol style="list-style-type: none"> <li>1. Realign dangerous intersection of Judd Rd. and Hwy. 211, any improvements. Some kind of signal is needed- backup on Judd has taken up to 1.5 Hours to get up Judd and cross intersection when traffic is diverted from highway, which happens frequently.</li> <li>2. Turn lane from Hwy. 224 (east) at Amisigger Rd., and from Amisigger onto Hwy 224.</li> <li>3. Review speed limit on Eagle Creek Rd.;-consensus was 45 MPH.</li> <li>4. Realign intersection of Currin Rd. and Eagle Creek Rd., site distance.</li> <li>5. Improve narrow lane width on rural roads</li> </ol>	Eagle Creek Barton CPO	Capital construction projects, rather than planning projects	6	
N-27	<b>Capital Improvements</b>	Explore alternative improvement options at Highway 26 and 362 <sup>nd</sup> Drive, options with traffic signal or round-about improvements at the intersection of Highway 211 and 362 <sup>nd</sup> Drive, and address design concerns with the curve in 362 <sup>nd</sup> Drive.	City of Sandy	Capital construction project, rather than planning project	2	
N-28	<b>Firwood Intersection</b>	Address design concerns with intersection of Firwood Road and Highway 26, including the potential reconfiguration of the slip lane and ingress/egress to the gas station.	City of Sandy	Capital construction project, rather than planning project. Project is currently in the Transportation System Plan.	2	
N-29	<b>Milwaukie UGMA</b>	Update the Urban Growth Management Agreement between the County and the City of Milwaukie	City of Milwaukie	This proposal can be addressed through the regular work of the Planning and Zoning Division, rather than as a long-range work program item.	11	
N-30	<b>Public Art</b>	Create a program to fund and install public art.	Oak Grove Community Council	It is not clear how this would fit within the scope of the long-range land use planning program.	3	
N-31	<b>Capital Improvement</b>	Change Johnson Road – Stafford Road intersection to a right turn only from Johnson Road coupled with a roundabout at the Stafford/Childs intersection.	Stafford-Lower Tualatin Valley CPO	Capital construction project, rather than planning project. Road Safety Audit recently completed for area. Suggestions are for capital project design.	14	





**Projects that will continue into 2019-2020 are highlighted in RED**

## Long-Range Planning Work Program Overview

July 1, 2018 – June 30, 2019

### LAND USE

#	Name	Description	Action Needed
L-1	<b>Zoning and Development Ordinance (ZDO) Audit</b>	Continue and complete multi-year ZDO audit – Section 700: Special Districts; Section 200: Definitions; possible renumbering / reorganization of entire document.	<ul style="list-style-type: none"> <li>• Research</li> <li>• Write/revise code</li> <li>• Public notice, outreach and hearings</li> <li>• Adopt text amendments to ZDO and, as needed, Comprehensive Plan</li> </ul>
L-2	<b>Park Avenue Station Area Development &amp; Design Standards</b>	Develop and implement public outreach on commercial design and development standards, assess the livability of adjacent residential neighborhoods, and draft proposed design and development standards to support community goals.	Work with project area residents, the community and the consultant to: <ul style="list-style-type: none"> <li>• Develop and implement an inclusive public engagement process</li> <li>• Develop proposed design &amp; development standards</li> </ul>
L-3	<b>Marijuana Ordinance Amendment</b>	Limit the number of Oregon Liquor Control Commission marijuana production licenses and Oregon Health Authority medical marijuana registrations allowed per property.	<ul style="list-style-type: none"> <li>• Research</li> <li>• Write/revise code</li> <li>• Public notice, outreach and hearings</li> <li>• Adopt ZDO amendments</li> </ul>
L-4	<b>Short-Term Rentals in Single-Family Residential Zones</b>	Allow short-term rentals (e.g., Airbnb) in single-family dwellings.	<ul style="list-style-type: none"> <li>• Research</li> <li>• Coordinate with Tourism, Septic, Building Codes and others</li> <li>• Write/revise code</li> <li>• Public notice, outreach and hearings</li> <li>• Adopt amendments to ZDO and, as needed, Comprehensive Plan</li> </ul>
L-5	<b>Low-Density Residential Zoning Policies</b>	Amend policies for applying different low-density residential zones (R-2.5 through R-30).	<ul style="list-style-type: none"> <li>• Research</li> <li>• Write/revise policy language</li> <li>• Public notice, outreach and hearings</li> <li>• Adopt Comprehensive Plan amendments</li> </ul>
L-6	<b>Accessory Dwelling Unit Regulations for Rural Areas</b>	Allow ADUs in rural zoning districts to the extent enabled by changes to state law.	<ul style="list-style-type: none"> <li>• Research</li> <li>• Write/revise code</li> <li>• Public notice, outreach and hearings</li> <li>• Adopt amendments to ZDO and , as needed, Comprehensive Plan</li> </ul>
L-7	<b>Housing Needs Assessment and Buildable Lands Inventory</b>	Prepare countywide needs assessment in compliance with Oregon Planning Housing Goal 10; work with Clackamas County Coordinating Committee (C4); support Homeless and Housing Affordability Task Force.	Provide technical support to appropriate county committees and departments. <ul style="list-style-type: none"> <li>• In-depth analysis of current and future housing options</li> <li>• Buildable lands analysis</li> </ul>



## TRANSPORTATION

#	Name	Description	Action Needed
T-1	<b>Safe Routes to Schools (SRTS)</b>	Develop SRTS action plans for four schools in order to increase safety for children, parents and others going to and from schools.	<ul style="list-style-type: none"> <li>• Education and outreach</li> <li>• Research and analysis</li> <li>• Writing plans</li> </ul>
T-2	<b>Damascus Area Transportation Needs</b>	Review current plans for transportation projects on county roads in unincorporated area formerly in the city of Damascus and outside Happy Valley's planning jurisdiction, and identify or develop needed projects to include in the county's Transportation System Plan (TSP).	<ul style="list-style-type: none"> <li>• Research and assess projects in city and county plans</li> <li>• Identify needed projects</li> <li>• Amend Capital Improvement Plan/TSP</li> <li>• Public notice, outreach and hearings</li> <li>• Adopt Comp Plan amendments</li> </ul>
T-3	<b>Canby Ferry Alternatives Feasibility Study</b>	Analyze the feasibility of adding to or replacing the Canby Ferry with a bridge at the ferry site.	<ul style="list-style-type: none"> <li>• Traffic and cost analysis</li> <li>• Financial feasibility study</li> <li>• Toll operations and administration</li> <li>• Public outreach</li> </ul>
T-4	<b>Arndt Road Extension Goal Exception</b>	Explore alignment options and undertake, as necessary, development of a goal exception to support the crossing of the Molalla River in relation to the Board of Commissioners goal to provide access from I-5 to the city of Canby.	<ul style="list-style-type: none"> <li>• Explore alignment options</li> <li>• Complete cost estimates</li> <li>• Discuss cost, funding with Canby</li> <li>• Update goal exception for alignment <ul style="list-style-type: none"> <li>▪ Write amendments</li> <li>▪ Public notice, outreach, hearings</li> </ul> </li> </ul>
T-5	<b>Stafford Area Preliminary Infrastructure Feasibility Analysis</b>	Work with adjacent cities and the Stafford community to study potential demands various levels of urban growth would have on infrastructure in the Stafford area, and how those demands would impact neighboring cities.	<ul style="list-style-type: none"> <li>• Scope project</li> <li>• Hire consultant</li> <li>• Research and analysis</li> <li>• Identify demands of urban growth</li> <li>• Recommend appropriate future jurisdictional areas of responsibility</li> </ul>
T-6	<b>Rhododendron Sidewalk and Pedestrian Crossings</b>	Seek funds to address ODOT design concerns in the <i>Mt. Hood Villages Pedestrian &amp; Bicycle Implementation Plan</i> Appendix 3 for capital projects to meet sidewalk/ pedestrian crossing needs.	<ul style="list-style-type: none"> <li>• Coordinate with ODOT Transportation &amp; Growth Management (TGM) Quick Response Program and Rhododendron CPO to develop a project application</li> </ul>
T-7	<b>Barton Park Complex Master Plan</b>	Develop a master plan to ensure coordination and best use of facilities and amenities to meet the long-term needs of users.	<ul style="list-style-type: none"> <li>• Scope project</li> <li>• Hire consultant</li> <li>• Research and analysis</li> <li>• Develop master plan</li> </ul>

***The following two projects will be worked on if funds become available. Funds are being sought for both projects.***

T-8	<b>Lake Oswego – Oak Grove Ped/ Bike Bridge Feasibility Study</b>	Work with regional, state and federal partners to determine scope and special studies needed, and to identify appropriate project roles and contributions.	<ul style="list-style-type: none"> <li>• Identify feasible locations</li> <li>• Develop construction, operations and maintenance funding plans</li> <li>• Public outreach</li> </ul>
T-9	<b>Transit Planning for Clackamas County</b>	Seek funding to develop strategies, actions and tools to make transit more usable in the County.	<ul style="list-style-type: none"> <li>• Identify possible funding sources.</li> <li>• Develop grant and other funding requests.</li> </ul>

**EXHIBIT LIST  
IN THE MATTER OF  
2019-2020 Long-Range Planning Work Program**

<i>Ex. No.</i>	<i>Date Received</i>	<i>Author or source</i>	<i>Subject</i>
1	12/28/18	Jay Wilson	Disaster management of Sandy River
2	11/6/18	City of Sandy	Land use & transportation improvements
3	12/14/18	Oak Grove Community Council	Project requests
4	12/10/18	Jennings Lodge CPO	Proposals for Planning work
5	12/26/18	Eben Polk, CC Sustainability	Electronic vehicle charging
5B	12/17/18	CC Sustainability	Small scale solar
6	12/16/18	Eagle Creek/Barton CPO	Work program ideas
7	09/12/18	Jana Lombardi	Stafford area notifications
8	12/17/18	Redland/Viola/Fischers Mill CPO	Transportation funding distribution rural vs. urban
9	01/19	Clackamas County	Transportation futures overview FAQs
10	11/7/18	Beavercreek CPO	Intersection issues in Beavercreek area
11	10/02/18	City of Milwaukie	Update Milwaukie UGMA
12	12/6/18	Mario Mamone	Marijuana dispensary hours
13A	1/21/19	Jane Turville	Design & notice standards along Clackamas River
13B	1/3/19	Jane Turville	Development along Clackamas River
14	10/2/18	Stafford-Lower Tualatin Valley CPO	Stafford & Johnson Road improvements
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**EXHIBIT LIST  
IN THE MATTER OF  
2019-2020 Long-Range Planning Work Program**

[illegible]

**EXHIBIT LIST  
IN THE MATTER OF  
2019-2020 Long-Range Planning Work Program**

Date: December 28, 2018

From: Jay Wilson, Department of Disaster Management

To: Lorraine Gonzales, Planning and Zoning Division

Subject: Proposal for Long Range Planning with stakeholder group from the upper Sandy River communities on Channel Migration Zone (CMZ) Policies

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Issue: Since the January 2011 Sandy River flood, the County has sought to address CMZ hazards as the primary risk along the upper Sandy and Zig Zag Rivers. New scientific studies and advanced mapping have provided hazard and risk awareness but specific policies are needed to address risk reduction and loss avoidance for public safety, infrastructure, and habitat protection. Currently the Board is seeking CMZ policy development from the State of Oregon, with federal agency involvement. Currently, Oregon Solutions is convening CMZ policy review sessions with support from the Oregon Department of Land Conservation and Development.

Purpose: Requesting that the Planning Commission facilitate a community-based stakeholder work group to review ongoing issues on CMZ policies and provide the necessary feedback for County decisions.

Composition: Representatives from the Mt Hood Chamber, Homeowners Associations, Rhododendron CPO, Sandy River Watershed Council, and others.

Meetings: Recommendation for monthly meetings in order for public engagement during the state's review of CMZ policies to meet the Board's request for assistance. Potential for new legislation is likely.

Staffing: Because most of the expected policies will be based around Land Use and Zoning, we recommend the County lead be affiliated with the Planning Commission, but there can be additional support from County staff, such as Disaster Management, Development and Transportation, Public and Government Affairs, WES, and Tourism.

Function: This stakeholder group would convene to review and discuss implications of CMZ policies and represent their concerns and preferred alternatives to the Planning Commission. Possible policies include hazard disclosure, regulation of future and/or existing development, infrastructure protection, bank stabilization, code enforcement, liability, habitat protection, and disaster recovery planning.

Timing: The timing of any stakeholder deliberation and findings should be aligned with state CMZ policy review and coordinated with the Board's consideration of the CMZ policy findings from the state and possible Legislative actions. The next state CMZ policy meeting is March 13, 2019.

Outcomes: Desired outcomes are for due process of CMZ policy considerations, public transparency, and improved trust between the County and community stakeholders.

November 6, 2018

Clackamas County DTD  
Planning & Zoning Division  
ATTN: Lorraine Gonzales  
150 Beaver Creek Road  
Oregon City, OR 97045

RE: 2019-2020 Long Range Planning Work Program

Lorraine Gonzales,

At the City Council work session on November 5, 2018 the City of Sandy reviewed the documents associated with the Clackamas County Planning and Zoning Division Work Program and created a prioritized suggestion list. We understand the list we provide will be evaluated by County staff, but we hope that serious consideration is given to our project ideas. Here is the list forwarded by Sandy City Council with numbers corresponding to priority:

**Land Use**

1. Assess the Green Corridor agreement to determine additional regulations in the County Code to adopt for development along Highway 26 to fulfill the agreement.
2. Assess county-wide plan for habitat connectivity, including stream corridors/riparian buffers. This evaluation could create a development code toolkit for local municipalities, CPOs and Hamlets to consider using for development.
3. Amend the existing County development code to create more robust code policies on solar field installations, including additional vegetative screening standards.

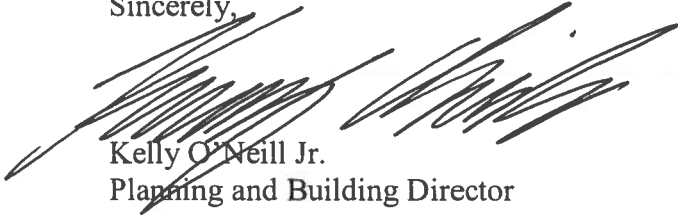
**Transportation**

1. Explore alternative improvement options at Highway 26 and 362nd Drive, explore options with traffic signal or round-a-about improvements at the intersection of Highway 211 and 362nd Drive, and address design concerns with the curve in 362nd Drive.
2. Address design concerns with the intersection of Firwood Road and Highway 26, including the potential reconfiguration of the slip lane and ingress/egress to the gas station.
3. Analyze the feasibility and implications of connecting the Springwater Trail to the Mt. Hood bike trail system.

Please forward me dates and times for meetings on this topic with the Clackamas County Planning Commission and the Board of County Commissioners so that Sandy City Council may have representation at those meetings. Receiving applicable meeting dates at least two weeks in advance would be preferred so that attendees may plan accordingly.

If you have any questions, please call me at 503-489-2163 or email me at [koneill@ci.sandy.or.us](mailto:koneill@ci.sandy.or.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly O'Neill Jr.", written over a horizontal line.

Kelly O'Neill Jr.  
Planning and Building Director

CC: file

Bill King, Mayor

Jeremy Pietzold, City Council President

Scott Horsfall, City Councilor

John Hamblin, City Councilor

Jan Lee, City Councilor

Carl Exner, City Councilor

Kim Yamashita, City Manager





## Oak Grove Community Council

December 14, 2018

Dear Ms. Gonzales,

In response to the Planning Division's annual call for long-range land use and transportation planning projects for the 2019-20 fiscal year, the OGCC (Oak Grove Community Council) requests the county's consideration of the projects on the following pages. Projects I to IV were sourced from the *McLoughlin Area Plan Phase II* and identified in the BCC-approved document *The Five Components of the McLoughlin Area Plan*.

We additionally request that some very specific amendments to the Zoning and Development Ordinance be considered by staff, the Planning Commission, and the Board of County Commissioners to improve public participation in the land use planning and development review processes, and to enable certain small-scale manufacturing and production uses in *Community Commercial* and *General Commercial* districts.

At the December 5, 2018 OGCC general business meeting, a motion was made to submit this document to the county for consideration of long-range land use and/or transportation planning projects for the 2019-20 Long-Range Planning Work Program. Except for one abstention the motion was unanimously approved.

Respectfully,

Baldwin van der Bijl  
Chair Oak Grove Community Council

3416 SE Naef Rd, Oak Grove, OR 97267  
Cell: 503-360-5593  
vanderbijl@comcast.net



# OGCC 2019-20 Long Range Planning Requests

## Summary

Details and reasons for 2019-20 fiscal year project requests from the Oak Grove Community Council.

During the summer of 2017, meetings of the Jennings Lodge CPO and the Oak Grove Community Council included activities for members to vote for their top priorities for the near term projects and programs from the McLoughlin Area Plan Phase II. New projects I-IV received the most votes during these exercises. Projects V-VIII arise from our experience reviewing land use applications, and Projects IX and X from a series of discussions with prospective investors, entrepreneurs and feedback from the general public.

## Existing Projects

Park Avenue Station Area Development and Design Standards

Lake Oswego-Oak Grove Bicycle/Pedestrian Bridge Feasibility Study

## New Projects

I. Neighborhood Affordability and Development Compatibility Standards for Urban Low Density and Medium Density Residential Districts

**Summary:** The first project, described in the MAP Phase II report as modify the existing Zoning and Development Ordinance to better protect neighborhoods from up-zoning and incompatible development, received dozens more votes than the second place project. This reflects our community's deep, shared concern about the impacts we're observing due to the ongoing

regional housing affordability crisis that is leading to gentrification of lower and middle class neighborhoods, and the displacement of our neighbors. Due to existing rules in our Zoning and Development Ordinance, most new development is incompatible with existing neighborhoods and priced out of reach of the lower and middle class households who are most in need of reasonably priced housing options close to employment centers, services and high quality public transportation. The McLoughlin Area Plan calls for inclusive, safe and healthy neighborhoods that meet the needs of all of our residents, no matter their ability or socioeconomic strata.

**Description:** Modify the existing Zoning and Development Ordinance to better protect neighborhoods from up-zoning and incompatible development

The community vision maintains current designations for low-density housing. To protect the existing character of the residential neighborhoods within the MAP area, this program is intended to ensure compatible and desirable development in existing neighborhoods. There are two primary land use tools available for ensuring compatible character. First and foremost is zoning. Zoning is relatively straightforward to administer and it provides a great degree of certainty to both developers and neighbors. Zoning tools largely control the footprint and intensity of the development, and have limited ability to affect visual character.

Zoning tools that are most successful include:

- Lot size
- Lot coverage
- Floor area ratios (FAR)
- Maximum percentages of impervious surface

The second tool, design guidelines, can be used to influence style and aesthetics of new housing. Design guidelines can be administered in a clear and objective fashion to address elements such as building materials, the amount of wall space covered by windows and doors, building heights, and orientation on the lot.

## II. McLoughlin Boulevard Community Design Plan Framework Plan

**Summary:** The second project, described as Develop a community design plan for McLoughlin Boulevard, is intended to follow up the Park Avenue Station Area Development and Design Standards project currently underway. We envision this project resulting in a framework plan where the community helps identify future nodes/activity centers on McLoughlin Boulevard to complement the Community Engagement Framework Plan that will be delivered by the Park Avenue project. This will enable efficient rollout of future node planning projects, with geographical boundaries and key amenities or sites identified for nodes in advance, allowing for a coordinated series of projects over time, as market conditions enable redevelopment at each node. Amendments to the ZDO may result to protect the future nodes, by changing some incompatible uses to restricted or limited, or requiring conditional use reviews to mitigate impacts of incompatible uses - those uses that conflict with the goals and policies of the Corridor design type in the Comprehensive Plan.

**Description:** Develop a community design plan for McLoughlin Boulevard

The McLoughlin Area Plan establishes a community supported vision for McLoughlin Boulevard. The next steps should include the creation of a design plan which would include design standards and guidelines, revised street sections and potentially form-based codes. Presently, McLoughlin Boulevard functions as one long corridor of similar auto-oriented character. A design plan helps to emphasize and develop distinct places along the corridor. Part of the design plan may include establishing locations where travel speeds are slower and activity clusters are planned. Details regarding where redevelopment efforts should focus, where streetscape improvements should be prioritized and where other public investments are most likely to leverage private investment will be determined in the design plan. The design plan should be developed by Clackamas County in partnership with the MAP committee or an advisory committee, the community and area businesses.

### III. McLoughlin Area Parks and Recreation Assets Framework Plan

**Summary:** The third-ranked project seeks to support the North Clackamas Parks and Recreation District by helping to identify and implement measures to leverage new development and redevelopment to increase parkland, urban plazas, wildlife corridors and recreational trail assets throughout the McLoughlin Area. This is also envisioned as a framework plan and amendments to the ZDO to expand the conditions where dedications to NCPRD are required and key sites are selected. Planning and public participation for development of specific sites will be coordinated by NCPRD.

**Description:** Acquire property and/or develop new parks and open spaces

The North Clackamas Parks and Recreation District (NCPRD) is responsible for coordinating acquisition of park land and developing parks and trails in the area, and will be an essential partner in acquiring new property for parks and open spaces. A District Master Plan, adopted in 2004, guides the work of NCPRD and covers the MAP study area. An update to the District Master Plan is on the horizon; the McLoughlin community should partner with NCPRD to ensure future plans for parks are included in the update. Assembling funds will be the most challenging task in this strategy. Metro is another potential partner opportunity. Examples of improved park and open space amenities include:

- Improved boat ramps.
- Increased parking options for river access.
- Improved neighborhood park accessibility by foot, bicycle, or public transit within a half-mile radius of residences, to provide easy access to green space especially for children and senior adults.
- Create community parks to serve a larger geographic area that may include large sports fields, skateparks, dog parks, tennis courts, and community pools.

### IV. McLoughlin Area Natural Resource Overlays Development and Design Standards

**Summary:** The fourth-ranked project could easily be combined with the previous project as there are many mutual goals for each. Where the previous project seeks the acquisition or transfer of capital assets, this project seeks to leverage the land use review process to improve

and restore habitat in a coordinated manner to meet multiple state, regional, and local land use planning goals. Part of the unique identity of the McLoughlin Area - perhaps its brand - is the prevalence and integration of natural areas and abundant wildlife with the built environment. The existing ZDO does not protect or enhance the unique identity or valuable characteristics of our natural spaces, in favor of an easy-to-administer set of homogenous guidelines for the entire urban unincorporated area. As population growth and resulting development pressures continue, these natural areas are at increased risk of decimation, with predictable negative impacts to endangered species and all other wildlife. This project envisions amendments to the ZDO to require additional design considerations for new development and redevelopment to support increased buffers for natural resource overlay districts (WQRA, HCA, WRG, FMD and SBH), standards to reestablish safe movement of wildlife between disconnected islands of habitat, evidence-based standards to reduce impacts of transportation facilities and turf-lawns upon water quality resources.

**Description:** Identify strategies to protect and enhance existing natural habitat

The McLoughlin area benefits from a rich ecology. It is home to salmon-bearing waterways, quality wetlands and upland forests. The natural environment is a defining characteristic and a main reason that many people call the area home. As the McLoughlin corridor is revitalized and new buildings are constructed, protection of natural habitat, and its functions regarding water quality and wildlife, will continue to gain importance. This plan suggests development of a habitat friendly development program. Without any negative impact to property owners, the County can work with them to make it as easy as possible to implement environmentally sensitive development solutions. The first step is to define habitat areas. These are typically divided into riparian (water related) and upland habitat. The Metro regional government and Clackamas County have developed a detailed inventory of existing conditions that can form the base of this assessment stage. The County should then develop guidelines to help owners minimize impacts from development. Use of the guidelines is typically voluntary. However some jurisdictions have succeeded in offering incentives such as fee waivers to encourage their utilization. Guidelines for habitat friendly development typically include:

- Clearing and grading.
- Site development.
- Low-impact development techniques.
- Ongoing maintenance.

## V. Amend ZDO: Send “Request for Response” to Active CPOs for Pre-Application Conferences

We request that CPOs be issued an email “Request for Response” for pre-application conferences in their boundaries and that the CPO’s response be included in the pre-application conference notes provided to applicants, as are other county, regional and state agencies, such as Oak Lodge Water Services and Clackamas Fire District. Such notification would allow CPOs to submit comments expressing their hopes and concerns about specific sites or proposals before the development review process begins. Once submitted for development review, most projects are too far along to be significantly influenced by feedback from the public. The pre-

application conference represents the last realistic opportunity for the public to affect the trajectory of a land use proposal to improve compatibility of resulting development. How an applicant chooses to leverage the CPO's response is up to them, but this affords CPOs the opportunity to put information in front of an applicant before a land use review is underway.

## VI. Amend ZDO: Require Applicant Narrative for Type II/III Land Use Reviews

We request that all applications that require Type II and Type III reviews must include a narrative addressing how the proposal complies with all of the relevant approval criteria and standards. The primary function of CPOs is to review land use applications and submit recommendations to the county, pursuant to State Land Use Goal 1, Citizen Involvement. CPOs consist of volunteer boards and membership, and are often not well-versed in land use law. When we receive applications that do not include a narrative, it can be very time-consuming and challenging for these volunteers to identify how a proposal - often delivered only in the form of a hand-drawn site plan - complies with all of the relevant approval criteria. Given that an applicant is supposed to know what approval criteria are applicable to their proposal and how their proposal addresses these criteria, it seems appropriate to require a narrative describing that compliance be provided with the application. This will improve a CPO's efficiency with respect to interpreting a project's compliance with approval criteria and enable recommendations that can better address a project's shortcomings in meeting relevant approval criteria.

## VII. Amend ZDO: Require Alternatives Analysis for Development Proposed to Impact Natural Resource Overlay Districts

For development in Natural Resource Overlay Districts (*HCA, WQRA, WRG, SBH, FMD*, etc.) and those subject to the Tree ordinance (ZDO 1002.04), amend the ZDO to require submittal of one or more *design alternatives* that leverage as many recommended design techniques as needed to meet the intent of the standards (a "code-compliant" proposal), and then to describe why recommended design techniques are not feasible (the applicant's "preferred alternative"). This is consistent with the requirements for *Variance* requests, where an applicant must show a design alternative that does not utilize the requested variance and explain why approving the variance results in a proposal that does a better job of meeting the intent of the standard. Similarly, an application that proposes to encroach into a natural resource overlay or buffer, or that proposes to remove mature trees, should be required to demonstrate why it is not feasible to incorporate the low-impact design techniques recommended in the ZDO to protect those features.

## VIII. Amend ZDO: Additional Protections for Historic Overlay Districts

For land divisions of properties in the *Historic Corridor, Historic District* and *Historic Landmark* Overlay districts, resources (such as accessory structures or heritage trees) associated with the primary Historic Resource on a site should be afforded the option of protection via shared-ownership tracts, or by easements or dedications to the Parks department. Presently, to be protected, associated resources must be moved to the same lot the primary resource will

occupy after land division; resources that cannot be moved are offered no protection and the overlay is reduced to the boundaries of the one lot that contains the original historic resource. Historic resources that are demolished or redeveloped should maintain non-intrusive easements for public access to view the resources and/or interpretive markers that identify resources' historic significance and provide the public with a sense of connection with our valuable historic and cultural resources. Divisions of *Historic Landmarks* should retain the historic designation on all resulting parcels, and the resulting development should pay tribute to the culturally significant resources of the original Landmark, perhaps with architecture, resource preservation or other techniques. Due to the voluntary nature of the *Historic Landmark* ordinance, we should seek to balance new requirements with incentives to better protect the historic resources and the economic sustainability of their preservation.

## IX. Small scale manufacturing and production in the Community Commercial and General Commercial districts.

**Summary:** We are requesting amendments to the use table in Section 510 (*Table 510-1: Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts*) to permit certain small-scale manufacturing and production uses in the Community Commercial and General Commercial districts. We expect these changes to unlock economic opportunities for small commercial hubs and corridors throughout the unincorporated county. Small-scale brew-pubs and bakeries are presently restricted in the *Community Commercial* (C-2) and *General Commercial* (C-3) districts when they involve "primary processing of raw materials" which can include ingredients such as malts and yeasts. Uses such as breweries and bakeries are restricted in *Community Commercial* districts when they distribute their products, even if only to other nearby local businesses, which is a very common business model for small-scale breweries (e.g., distribute through local bars and restaurants) and bakeries (e.g., distribute through local cafes). A recently published report by *Smart Growth America (Made in Place: Small-Scale Manufacturing & Neighborhood Revitalization)* details how small-scale manufacturing - including breweries and bakeries - can help revitalize and enhance prosperity for economically depressed areas, such as the downtown Oak Grove commercial node. During the inaugural July 2017 *Historic Trolley Trail Fest* in downtown Oak Grove, member after member of the community filled out suggestion cards stating that they want to see a bakery or a brew-pub in downtown Oak Grove. Several prospective investors have recently expressed interest in developing brewpubs in downtown Oak Grove only to be disillusioned by unsupportive land use regulations. There is a tremendous volume of opportunity here locked behind a small set of revisions to the ZDO.

**Description:** Amend the ZDO to allow certain small-scale manufacturing and production uses in the C-2 and C-3 districts, even when the use necessitates some primary processing of certain raw materials, such as brew-pubs (breweries with a retail/restaurant space that may include some distribution of beverages) and bakeries (a bakery with a retail/restaurant space that may include some distribution of its prepared food products). Additional details can be furnished upon request.



## X. One Percent for Art

**Summary:** Increase opportunities for public art installations and displays in the Oak Grove/McLoughlin Area by creating a county/urban area public art fund. Several cities in Oregon and across the United States have adopted an ordinance for “1% for Art” that levies a fee upon large scale development projects in order to fund and install public art. Due to the dearth of civic and public spaces in the Oak Grove/McLoughlin Area, there are relatively few opportunities for public art installations. This project should also result in updated development standards that help identify locations that are appropriate for public art installations, and create incentives and/or requirements for dedicating space for public art installations.

# Jennings Lodge CPO 12-10-2018 Proposals for Planning Work

## A. Meaningful Analysis/Input on Storm Water Plans *Before* County Approvals

Currently, development applications are only required to have a statement from a jurisdictional surface/storm water authority that essentially *some type* of surface water system is *feasible* - **no jurisdictional assessment of an *actual* surface or storm water plan is required before the County makes a decision on the application.** Storm water planning is an integral and important part of an overall land use development plan, and can create local flooding and other negative consequences if not handled properly from the outset, so **it *shouldn't* be left to be settled *after* the County approves an application.** We ask for a requirement in the Zoning Ordinance that jurisdictional storm water authority comments on the actual storm water plan proposed (not just a statement of general feasibility) **be submitted either *with* the application, or *before* the public hearing, to provide for meaningful analysis and public input on storm water plans that may be pertinent to the County's overall approval of a land use application.**

## B. Protect Neighborhood Character and R-10 Zoning

Our community puts a high priority on protecting neighborhood character as part of development, and ensuring that development will be consistent with the surrounding neighborhood character. **We ask that (1) language be added to the Zoning Ordinance that specifically implements the Comprehensive Plan Chapter 4 goal of protecting the character of existing low density neighborhoods** [and provides for neighborhoods to have input into defining the character of their particular neighborhood]; and **requires that development is compatible with the identified neighborhood character.** We also ask for **(2) a local overlay area that freezes residential R-10 zoning and has higher standards for zoning approvals; and/or a limitation on the amount of development or infill allowed in the overlay area(s).**

## C. Require That Development Plans Incorporate Natural Resource Preservation Techniques

We request that (1) 1002.04 (A) be amended to *require* (rather than suggest) that a development plan *must* incorporate a specific number of the natural resource preservation techniques from 1002.04 (A) 1-10. And that (2) the Zoning Ordinance be amended to *require* (rather than suggest) tree preservation as provided for in ZDO Subsection 1007.04 on road design, with roads planned around tree groves in order to preserve them.

## D. Preserve Current Canopies Tree

To preserve the tree canopy for current and future residents of communities *inside the urban growth boundary*, we ask for language in the Zoning Ordinance that requires: **(1) building limitations on developments to protect tree canopies for acreage with certain tree densities** (acreage with over a specified percentage of tree canopy or number of trees per acre); and **(2) that developments must be submitted as a planned unit developments if the proposed development has acreage containing over a certain percentage of tree canopy or number of trees per acre**, so that at least 20% of the treed land is preserved in open space tracts in order to protect and save significant trees.

## E. Ensure Livability Infrastructure to Support New Development

No major developments should be added to neighborhoods without the appropriate livability infrastructure in place (or funding) to support them - it is contrary to good planning to do otherwise. In addition, large proposed developments should contribute positively to the communities around them. Our experience has shown that system development charges (SDCs) alone aren't sufficient to make this happen. **We ask that a mechanism be identified to ensure that such infrastructure and the necessary funding will be available to support new development. Failing that, large subdivisions or PUD applications should not be approved** unless the development plan or existing surrounding area has parks, sidewalks and other livability infrastructure. We previously provided one type of mechanism: a formula incorporated into the Zoning Ordinance by which large subdivisions must provide a certain amount of park land or open space as part of subdivision development.

## F. Identify New Opportunities for Recreational & Open Space

New open space opportunities must continue to be identified and developed beyond what is currently on Comprehensive Plan Map IV-6. In order to update that map, **a mechanism needs to be identified to routinely assess land that becomes available on the market for its suitability in meeting the open space and recreation needs of current and future residents in the local communities.**

Eben-

Building off of the document you forwarded earlier today (2017 City of Portland Electric Vehicle Strategy), it would be more appropriate to request a specific change to the ZDO if we, as a County, had a specific strategy or plan that gave guidance on a suite of implementation tools on the topic of Electric Vehicles.

I would think we would want to update Comprehensive Plan Chapter 3: Natural Resources and Energy to reflect direction for the Sustainability Plan, or other plans first. After that, we would update the ZDO to implement the direction of the plan. It is challenging to make small changes to the ZDO out of context of the larger picture.

Does that make sense?

Karen

**From:** Polk, Eben

**Sent:** Wednesday, December 26, 2018 12:27 PM

**To:** Hughes, Jennifer <[jenniferh@co.clackamas.or.us](mailto:jenniferh@co.clackamas.or.us)>; Gonzales, Lorraine <[LorraineGo@co.clackamas.or.us](mailto:LorraineGo@co.clackamas.or.us)>

**Cc:** Buehrig, Karen <[KarenB@co.clackamas.or.us](mailto:KarenB@co.clackamas.or.us)>

**Subject:** another planning program suggestion

Lorraine,

Can I add another suggestion to look at during the upcoming work program? This one does not have as much detail behind it.

Karen, I'd love to know what you think as well about this: I'd like the County to consider requiring EV charging infrastructure for some commercial developments, in the land use process.

Thanks,

Eben Polk

Clackamas County Sustainability & Solid Waste Program • 503-742-4470 • [epolk@clackamas.us](mailto:epolk@clackamas.us)

**From:** Hughes, Jennifer

**Sent:** Thursday, December 20, 2018 5:43 PM

**To:** Gonzales, Lorraine <[LorraineGo@co.clackamas.or.us](mailto:LorraineGo@co.clackamas.or.us)>

**Cc:** Buehrig, Karen <[KarenB@co.clackamas.or.us](mailto:KarenB@co.clackamas.or.us)>; Trevisan, Claire <[CTrevisan@co.clackamas.or.us](mailto:CTrevisan@co.clackamas.or.us)>; Polk, Eben <[EPolk@co.clackamas.or.us](mailto:EPolk@co.clackamas.or.us)>

**Subject:** FW: Solar Suggestion for Planning Commission Work Program

Lorraine,

See attached for a work program suggestion from the Sustainability Office to be added to our draft list.

**Jennifer Hughes** | Long Range Land Use Planning Manager  
Clackamas County Planning and Zoning Division | 150 Beaver Creek Road | Oregon City, OR 97045 | 📞: 503-742-4518

*The Planning and Zoning Division public service/permits lobby is open Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Friday from 8:00 a.m. to 3:00 p.m. The public service telephone line at 503-742-4500 and email account at [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us) are staffed Monday through Friday from 8:00 a.m. to 5:00 p.m.*

The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your [feedback](#). We appreciate your comments and will use them to evaluate and improve the quality of our public service.

**From:** Trevisan, Claire  
**Sent:** Monday, December 17, 2018 9:47 AM  
**To:** Hughes, Jennifer <[jenniferh@co.clackamas.or.us](mailto:jenniferh@co.clackamas.or.us)>  
**Cc:** Polk, Eben <[EPolk@co.clackamas.or.us](mailto:EPolk@co.clackamas.or.us)>  
**Subject:** Solar Suggestion for Planning Commission Work Program

Hi Jennifer,

Per our conversation the other week, Eben and I have drafted a suggestion for the 2019-2020 work program related to small scale shared solar.

I am not familiar with what the process looks like from here, but please let us know any refining that is needed and what we can do to assist you, Clay, Martha, etc. in this effort.

Thanks,  
Claire

**Claire Trevisan, Rural Energy & Climate Specialist**  
Resource Assistance for Rural Environments (RARE) AmeriCorps Member  
Pronouns: She/Her/Hers  
Clackamas County Sustainability & Solid Waste  
150 Beaver Creek Rd, Oregon City, OR 97045  
503-742-4456  
[www.clackamas.us/sustainability](http://www.clackamas.us/sustainability)

## **Planning Commission Long-range Work Program Suggestion**

On behalf of Clackamas County's Sustainability and Solid Waste office, I propose allowing small-scale shared, 'multi-accessory' solar energy systems as an allowed use in rural and resource zones without a conditional use permit. Currently, any solar array on a property that is sized to provide more than the demand at that property, would be treated as a utility project and require a conditional use permit. To outright allow "small-scale shared solar energy systems" will require a definition to be created and standardized. The definition may be created based on system capacity, system dimensions, number of electric customers served, and/or other characteristics. Additionally, this effort would require an amendment to the current exclusion of energy source development on RA-1, RA-2, RRFF-5, FF-10, and FU-10-zones.

This change is important to include on the 2019-2020 Work Program because the state legislature of Oregon will launch its Senate Bill 1547 Community Solar program in 2019. The program mandates Investor-Owned Utilities (IOUs) allow solar energy systems sized 25 kW to 3 MW be tied into the grid and their electric output shared through net-metering to multiple residential and small commercial customers. The purpose of this program is to promote renewable energy generation in Oregon and increase access to solar for all customer types (renters, low income residents, etc). This aligns with County goals for supplemental energy source development and conservation as well as with the Board's renewed commitment to combatting climate change.

The current requirement of a conditional use permit for non-accessory solar energy systems regardless of system size puts an unnecessary time and financial burden on small-scale projects that could be a part of the Community Solar program. These small-scale projects likely would involve a group of neighbors coming together around an agreed upon project, so there is less need for a land use review. However, it is also expected that some projects in the Community Solar program will be larger-scale solar energy systems (1-3 MW) and thus still require a conditional use permit. This is why it is important that the ZDO is amended to distinguish the review process for energy systems based on size rather than rate structure, program participation, or other factors. Overall, this change would allow small-scale solar energy systems as an allowed use in rural and resource zones to encourage the development of solar energy systems by avoiding unnecessary costs and review.

The actions needed for this effort would likely include: research, writing and revising code, and the adoption of ZDO amendments – likely for ZDO 316, 401, 406, 407, 513, and 604.

Lorraine,

At the last Leaders Meeting they gave us until December 15th to get our ideas for Long Range Planning.

At the Dec.13, 2018 meeting of the Eagle Creek Barton CPO these were our recommendations, all passing unanimously.

**ZDO Changes:**

1. Add verbiage; Clackamas County Planning and CPO's are planning partners for Clackamas County Planning.
2. Section 1201; allowing additional housing for Temporary Care for only property owners or heritage landowners.
3. Remove Temporary care dwellings before title change or sale.

**Transportation:**

1. Realign dangerous intersection of Judd Rd. and Hwy.211, any improvements. Some kind of signal is needed- backup on Judd has taken up to 1.5 Hours to get up Judd and cross intersection when traffic is diverted from highway, which happens frequently.
2. Turn lane from Hwy. 224 (east) at Amisigger Rd., and from Amisigger unto Hwy 224.
3. Review Speed limit on Eagle Creek Rd.-consensus was 45 MPH.
4. Realign intersection of Currin Rd. and Eagle Creek Rd., site distance.
5. Improve narrow lane width on Rural roads.

**Planning:**

1. Revisit 1996 property zoning; TBR, EFU, RRF10, RFF5, Light Industrial, Commercial, Areas on Eagle Creek road

Thank You,  
Brent Parries  
Chairman

Eagle Creek Barton Community Council

P O Box 101

Eagle Creek Oregon 97022

eaglecreekchttps://sites.google.com/a/eaglecreekbarton.com/www/po@gmail.com

Hi Jennifer and Lorraine!

Katie Wilson gave me your contact info when I approached her about an idea I had. I live in the Stafford Hamlet area. When someone puts in a permit application, it requires notification of properties within 500 feet. Because of the parcel sizes in this area, that might include 1 adjacent property, despite the fact that the permit might affect the immediate surroundings.

It seems ineffective to have the same notification requirements for urban areas (higher density, where maybe 20 people would be notified) as rural areas. My proposal is to change the notification for rural areas to 1/4 to 1/2 mile. Even with this change, it might only notify a handful of people, but it would be better than none.

We've had a number of proposals in the area where no one knows about something proposed, unless the CPO holds a meeting about it (or sends an email about it). In one instance a few years, a large sports complex proposal wasn't known about by any of the adjacent neighborhoods. There also does seem to be a lack of reliability with the postcard notifications - I'm not sure if they don't arrive, or they're so small/unobtrusive that they're being tossed out inadvertently.

Thank you so much for your time to read my suggestion!

Best,  
Jana Lombardi

Dec 17, 2018

Lorraine, I realized in my first submission misstated the disparity in rural/city spending. Please accept this substitute. Thanks. Martin Meyers

I am responding to the County's September 19, 2018 request for input on long range transportation and planning goals.

The rural areas of the County received just .5% of the money the County received from the State under its 2017 public transportation bill. Of the almost \$40 million received, just around \$240,000 is scheduled to be used in unincorporated areas, according to presentations made at a C4 meeting some months back. This is the case while almost 50% of the County's population lives in unincorporated areas. While it makes sense for money earmarked for public transportation go to more urban areas where population is concentrated, it is indefensible that the disparity is so great.

Incorporated areas have great advantages over unincorporated areas. Among other things, cities have staff and the organization to prepare the necessary applications and long term projects needed to exploit these types of opportunities. The unincorporated areas must rely on County staff for this. Citizens in the unincorporated areas have, for many reasons, lacked a common voice to call for such projects, a situation I hope is being remedied as CPOs find new callings and a more common voice.

A general County goal therefore should be to foster the relationships between rural areas and the various County departments such as public transportation, specifically through their CPOs. Outreach through public hearing and presentations seem to be poorly advertised and from my experience, poorly attended. CPOs, because of their structure and position in the County hierarchy, could make for much better mediums for communication in both directions.

A specific long term goal would be for more of future State public transportation monies to be spent in the rural areas. Greater bus service is one option, but a more reasonable goal might be the type of door to door public transportation services that are now being offered by cities such as Sandy and others. This is where the needy and elderly are given a public option at subsidized rates, to call for transportation direct from their place of residence and then later back to it. County residents in certain urban areas have this option, why can't it be brought to the rural areas too, where the need may arguably be greater? I have heard this may be because each such trip might be more expensive than those made in urban areas. To this I say the overall disparity between public transportation expenditures in urban versus rural areas entirely justifies the greater cost per trip.

This will take a coordinated effort by the rural areas and County transportation officials to qualify for State moneys next time they're available. Seeing this happen should be one of the County's long term goals.



I am copying Katie Wilson and Rick Cook on this, as we are right now working to facilitate greater coordination between the rural areas, CPOs and Hamlets, and the County, consistent with this request.

Thank you,

Martin Meyers  
Chair, Redland-Viola-Fischers Mill CPO  
C4 CPO Alternate

# Clackamas County *TRANSPORTATION 2070*

**PROPOSAL** -- *Clackamas County and its 16 cities* propose to develop a long-term plan to identify top priority transportation improvements needed on state, regional and local systems in Clackamas County over the next 50 years. The plan will forecast major population, economic, environmental, and technology changes to help inform what investments or actions are required to meet those needs. **Duration: 2 years**

*The 2013 State Legislature funded a similar project in Washington County, which allowed the county to better understand and address long-term transportation needs.*

**STATE FUNDING REQUEST** -- **\$2.5 million**. This project will only be possible with state funding because the county and cities have large transportation maintenance and improvement deficits that HB2017 only begins to remedy.

**TASKS** -- *Clackamas County and its cities, ODOT, Metro and TriMet* will identify expected changes and begin planning to work with and enhance those changes to meet local and regional long-term transportation needs. The proposed project will include six main tasks:

1. **Identify** predicted future population and employment growth.
2. **Consider** major issues related to all transportation systems (including motorized vehicles, freight, transit, bicycles and pedestrians), such as:
  - a. Future traffic on major corridors (e.g., I-205, OR 212/Sunrise Expressway, US 26, Highway 43, Highway 99E, etc.)
  - b. Regional connections, urban-rural connectivity, and telecommuting
  - c. Seismic resiliency and climate change adaptation
3. **Anticipate** major changes in the economy and in technology.
4. **Utilize** scenario planning to manage the uncertainty involved in long-term planning.
5. **Select** the highest priority transportation improvements that serve multiple needs.
6. **Implement** survey research, focus groups, online public engagement and other strategies to involve all segments of the community from across the entire county.



**RATIONALE** -- *The next 50 years* will see meaningful change in transportation systems. By 2070, experts anticipate full implementation of autonomous and connected vehicles. During the same 50 years, population and employment growth will expand developed areas of Clackamas County beyond the Metro Urban Growth Boundary, creating a need for new transportation facilities and systems.



If ODOT, Metro, TriMet, Clackamas County and the cities fail to anticipate and adjust to these rapid changes, it will adversely affect the attractiveness of the county and its cities as a place to live and grow a business, as well as hamper mobility in the increasingly populated urban and rural areas between the Willamette River and Mt. Hood.

With several highly important state transportation facilities traversing Clackamas County, growing cities, and integration with the Portland metropolitan area, the county is ideally located to support long-term growth in the transportation system for our residents and our region. But long-term needs should be studied now, and can only happen with state funding support.

Nov 7, 2018

Hey Lorraine,

Can we add more information to our list?

For safety issues, at the Beavercreek/Steiner/Yeoman Roads intersection, we REALLY need a left hand turn lane from Beavercreek Road traveling south onto Yeoman/Steiner Roads. There is room and it would go a long way to help the safety and flow of the intersection, school children, residents and commuters. It is our highest priority.

Thanks a million!

Tammy Stevens

**From:** Tammy Stevens [<mailto:tsr@bctonline.com>]  
**Sent:** Tuesday, October 30, 2018 12:36 PM  
**To:** Gonzales, Lorraine <[LorraineGo@co.clackamas.or.us](mailto:LorraineGo@co.clackamas.or.us)>  
**Cc:** Hamlet Board <[board@beavercreek.org](mailto:board@beavercreek.org)>  
**Subject:** RE: Planning & Zoning Work Program 2019-2020 Fiscal Yr

Hey Lorraine:

We discussed The Hamlet of Beavercreek's 2029-20 long-range land use and/or transportation planning project wish list and would like to submit the following:

1. We have 2 very dangerous and heavily used intersections – Beavercreek Road/Leland Road/Kamrath Road and Beavercreek Road/Steiner Road/Yeoman Road. How to minimize the risk at these 2 intersections would be helpful.
2. We still have what we call “car eating ditches” in the Beavercreek area. Continuing the excavating and improvement of these ditches would be helpful.
3. So many of our roads have very little if any shoulders. Once Clackamas County has access to road maintenance funds, we would appreciate safer roads with usable shoulders.

Thanks again,

Tammy Stevens  
The Hamlet of Beavercreek  
503.632.3552

Hello Lorraine –

The City of Milwaukie is in the process of updating its Comprehensive Plan including the section related to growth management. The current growth management section sets City policy for how we coordinate with the County regarding land that is subject to our mutual Urban Growth Management Agreement (UGMA). As part of the first block of work on the Comprehensive Plan, we addressed growth management policies and “pinned down” an initial draft set of policies. I shared these with Martha a couple of months ago. Over the next nine months we are working on a variety of other policy packages including housing, natural resources, energy conservation and climate change, public facilities, etc. In July of 2019, we will move into what we are calling the synthesis stage where we expect to resolve conflicts and identify map changes. During the late fall of 2019, we anticipate holding hearings and adopting an updated plan.

I’m providing that background because as part of the adoption of the plan, we would like to adopt an updated UGMA at the same time. Current policies state that the 1990 agreement is “incorporated in the Comprehensive Plan”. Given this language, we are anticipating a need to address the agreement as a part of the plan update.

We request that you allocate staff (and Planning Commission) time to participate in the process of updating the Milwaukie UGMA. I anticipate that we will want to set the stage for this work in the spring and begin serious discussions in the summer. The City would like to see stronger policies and implementation measures to encourage annexation of property that is subject to the UGMA prior to development or redevelopment. The approach is described in the draft policies that were provided to Martha.

Let me know if you have any questions or if you would like a copy of the draft policies.

Thanks for the opportunity to comment.

Denny

Dennis Egner, FAICP  
Planning Director

City of Milwaukie  
6101 SE Johnson Creek Blvd | Milwaukie, OR 97206  
T 503.786.7654 | F 503.774.8236  
Community Development 503.786.7600

Join us on the [web](#), [facebook](#) and [twitter](#)!



*Maritime Café, Inc.  
17417 SE McLoughlin Blvd.  
Gladstone, OR 97267  
503 305-8307*

Clackamas County Planning Commission  
150 Beavercreek Rd.  
Oregon City, OR 97045

*December 6, 2018*

Dear Commissioner Schrader,

We the owners of the cannabis dispensaries located within unincorporated Clackamas County, propose that we be allowed to open at 8:00 am and close at 10:00 pm. Currently, dispensaries within unincorporated Clackamas County operate from 10:00 am to 9:00 pm. Whereas, cannabis dispensaries within the cities of Clackamas County operate from as early as 7:30 am and close at 10:00 pm. We request that the Clackamas County Commissioners consider making our proposal a part of the Planning Commissions work for the upcoming work year.

The marijuana retail business has gone through considerable changes and become more competitive since 2015 when the County first issued Time, Place, and Manner regulations for cannabis dispensaries. At that time there were only four (4) dispensaries within the County and they were all located within unincorporated Clackamas County. Currently, there are a total of 10 cannabis dispensaries within unincorporated Clackamas County: five (5) dispensaries on McLoughlin Blvd.; two (2) on 82<sup>nd</sup> Drive; two (2) on Highway 212; and one (1) on highway 26. Additionally, Cities within the County now have a total of 14 cannabis dispensaries: Oregon City - 10; Molalla 2; and Milwaukie 2.

We the owners of the cannabis retail businesses located within unincorporated Clackamas County believe that our businesses need equal operating hours as our competitors in the adjacent cities of Clackamas County. The shorter hours we operate has put us at a competitive disadvantage. We miss all the early and late shoppers that drive by our closed dispensaries to go to open dispensaries in Oregon City or nearby SE Portland. Also, longer operating hours for our dispensaries will increase our revenues and provide greater tax revenues for Clackamas County, tax revenues that are currently going to several cities within the County.

We, the owners of the Clackamas County marijuana dispensaries are in agreement on the necessity and urgency of our request.

Sincerely,

Mario Mamone  
President, Maritime Cafe

January 21, 2019

Hi Jennifer,

Thanks for your note and follow up note. I received both. I'm a grant writer by trade and when a list of them is due, I often have to put everything else aside to meet those deadlines!

I certainly appreciate your note and apologize for any confusion my letter caused.

My concern focuses on the Clackamas River, particularly the environmental impacts of development activity along the river. I would like to see rules changed so that when development happens on property that directly abuts the river, design review includes opportunities for the public to know about the development and have opportunity for comment. The property across the river from where I live was a type of Design Review that limited notification to 300' from the actual new building and allowed design review decision-making to be left to staff only.

I believe that the river is important enough that decisions about what is built along it should not be limited to staff decision-making but should include a public hearing and adequate time for comment. Public input should happen early in the process so that individuals who are planning the new structure are not given an undue financial or time burden because they find out after the thing is designed that the public has issues with it. You have indicated a Type III review would do this and I would like to see all development from east of Estacada down to Clackamette Park have this designation.

As far as expansion of notification, I would encourage notifying all landowners whose property abuts the Clackamas on either North or South banks that lie directly across from or downriver from the proposed development to be notified. Those downriver are the ones most affected by any environmental issues.

Regarding the scope of work that would trigger extended notification, that gets a bit trickier. For instance, if my husband and I decide to build a goat barn that looks out over the river, should that trigger a public hearing? I guess I would encourage the idea that, if a structure is built behind a specified setback from the floodplain (no building in the floodplain at all) or if the structure can be seen by individuals on the river, or if the structure may potentially house environmentally dangerous activities or materials, then the public should have the right to know about it and the opportunity to weigh in and express concerns (or support). So, in my goat barn scenario, if it is out of the floodplain (setback TBD), not visible from the river, and not designed to have environmentally hazardous storage or activities, it would not need a public hearing. However, if it was within a specific setback from the floodplain, could be seen from the river or was designed so that when we cleaned out the goats the dirty straw and sawdust could potentially wash down toward the river and contaminate the river during a flood, we would have to have public comment on that. For me, it's not necessarily a scale thing but an impact thing, if that makes sense.

My take on things is that it is a privilege to live on the river and own land here. Only a handful of people who live in Clackamas County have that privilege. So, with it comes

responsibility. Other areas have homeowner associations or gated communities that dictate what you can do with the house and land that you own there. People still move there and abide by those rules. I don't see why living on the river should be any different. If you have some special rules to abide by because you are lucky enough to be here, so be it. If you don't want to abide by those rules, don't buy land on the river.

That's way overly simplistic and I know its a lot more complicated than that. But the reality is that it is special and that responsibility for river health should be a particular part of our lot because we are here.

I appreciate your taking time to delve a little further into my concerns and hopes for what may come from considering these options. Thank you also for letting me know about the April 8th meeting and putting me on the Planning Commission list. I will certainly plan to attend. As I told Dan, I would like to be part of the solution when I come up with concerns. Thanks for giving me that opportunity.

All the best,  
Jane

Regarding your question about  
On Jan 18, 2019, at 1:18 PM, Hughes, Jennifer <[jenniferh@co.clackamas.or.us](mailto:jenniferh@co.clackamas.or.us)> wrote:

Hi Jane,

I sent the email below to the address on your business card, but I realized later that perhaps I should have sent it to the address at the bottom of your January 3<sup>rd</sup> letter, so here it is!

Jennifer

**Jennifer Hughes** | Long Range Land Use Planning Manager  
Clackamas County Planning and Zoning Division | 150 Beavercreek Road | Oregon City, OR 97045 | 📞: 503-742-4518

*The Planning and Zoning Division public service/permits lobby is open Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Friday from 8:00 a.m. to 3:00 p.m. The public service telephone line at 503-742-4500 and email account at [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us) are staffed Monday through Friday from 8:00 a.m. to 5:00 p.m.*

The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your [feedback](#). We appreciate your comments and will use them to evaluate and improve the quality of our public service.

**From:** Hughes, Jennifer  
**Sent:** Tuesday, January 15, 2019 5:56 PM  
**To:** '[jane@waggingtale.com](mailto:jane@waggingtale.com)' <[jane@waggingtale.com](mailto:jane@waggingtale.com)>

**Cc:** Johnson, Dan <[danjoh@clackamas.us](mailto:danjoh@clackamas.us)>

**Subject:** Your Request for Revisions to the Clackamas County Zoning and Development Ordinance

Hi Jane,

Department of Transportation and Development Director Dan Johnson, whom you spoke with after the BCC Business Meeting last week, passed your January 3<sup>rd</sup> letter on to me. I am part of the staff team that is pulling together proposals for potential inclusion on the Long Range Planning Work Program for next fiscal year. Dan mentioned to me that you are interested in changing the notification distance for land use applications. Your letter does not mention this specifically, so I'd like to clarify.

You've requested that all development applications for land abutting the Clackamas River be changed to a status that requires general public notification with scheduled public hearings. Automatic public hearings would be Type III reviews, but notice distances do not change under that process. It would be helpful if you could clarify what notice distance you are requesting beyond the 300 feet from the subject property lines that currently applies in the urban area. Also, a number of land use applications (e.g., floodplain development permits) may apply to single-family dwellings or related outbuildings. Are you requesting public hearings for those as well, or is your proposal confined to more intense development?

These additional details will be helpful in ensuring that staff accurately describes your proposal in our summary materials for work program consideration. Also, you can be assured that you will now be included on the notice list for the Planning Commission public meeting to consider the work program, tentatively scheduled for April 8.

Jennifer

**Jennifer Hughes** | Long Range Land Use Planning Manager  
Clackamas County Planning and Zoning Division | 150 Beavercreek Road | Oregon City, OR 97045 | 📞: 503-742-4518

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January 3, 2019

Clackamas County Commissioners  
Clackamas County  
2051 Kaen Rd.  
Oregon City, OR 97045

RE: Proposed development located at 11650 SE Capps Rd.; Permit #Z0387-18-D.

Dear County Commissioners,

Please accept this letter as background and a more in-depth testimony than my 3 minutes of testimony will allow at today's Commissioner's Business Meeting. My purpose for both written and verbal testimony is to make two requests of you. They are:

1. I request that the Clackamas County Commissioners put a hold on the permit being granted for the property located at 11650 SE Capps Rd., Clackamas County Staff Decision Z0387-18-D.
2. I request that the Clackamas County Commissioners work with me and other interested parties to change the Clackamas County Zoning and Development Ordinance and the Planning Department processes which govern land and development directly adjacent to the Clackamas River. I request that development and planning decisions made for land abutting the Clackamas River be changed from Type 2, which allows all decisions to be made entirely by planning staff to Type 1, which triggers public input for development.

My neighbor John Niemeyer spoke with you before the holidays regarding an industrial development being proposed on the site located at 11650 SE Capps Rd., Clackamas, OR. The proposed development consists of a large warehouse building on what is currently land owned by Clackamas County. We are not opposed to this building on this site. However, we are opposed to the location of this extremely large warehouse building being constructed directly adjacent to the river's floodplain. The proposed location includes a retaining wall that is proposed on the edge of what is unbuildable steeply sloping fill. Together, the location of the building and this wall create significant potential environmental hazards to the river as well as sets a extremely undesirable precedent for building and development proximity to the river and floodplain, both of which are sensitive environmental areas and necessary for flood management.

My neighbor John Niemeyer appealed the staff's decision to grant this permit. The appeal hearing took place on Thursday, December 27<sup>th</sup>. Prior to the start of the hearing, the Hearings Officer Mr. Fred Wilson stated that his decisions would be based on if the staff had followed the letter of the zoning and design review code when making their recommendations. With this understanding, the hearing commenced.

My neighbor John presented testimony as did I and one other neighbor. In all, seven neighbors in opposition to the development as it currently stands were in attendance. What we discovered is that, because the project was deemed Type 2 Design Review, input from adjacent property owners within 300 ft. of the site's property line was allowed but all decisions are made by staff. Staff rebuttal to my testimony was that I really had no rights to input because my property (directly across the river from the west portion of the site) does not fall within the 300 ft.

boundary. Because of the Type 2 Design Review status, the only responsibility of planning staff is to inform <300 ft. adjacent property owners of development decisions. Type 2 puts all decision-making options in the hands of planning department staff. Additionally, the site does not abut land zoned agricultural or timber, resulting in only a very cursory environmental impact review. The zoning allocation does not seem to recognize the Clackamas River as important enough to trigger environmental impact reviews under the Type 2 Design Review designation.

During the hearing, staff referenced a geo-tech report that was not included in the packet sent to my neighbor John Niemeyer. In reviewing the packet sent to me by planning staff, I could not find a geo-tech report either. Additionally, when the hearings officer asked about review of the Habitat Conservation areas, staff said that a meeting had taken place and that all environmental concerns and habitat concerns had been addressed at that time. Again, no one knew about this meeting or was invited to attend because, well by golly, it's a staff decision.

The hearing has been extended for one week (until Friday, January 4<sup>th</sup>) because staff had failed to share a letter in opposition from the Board of Directors of the Clackamas River Basin Council (CRBC) with the applicant, VLMK Engineering. At the time of the hearing, staff had also not delivered the CRBC's letter (as well as an opposition letter that I wrote) to the hearings officer, to which the letter was addressed. Both letters are attached for your review.

This extension has given time for John to examine the geo-tech report and his findings are attached. John's notes speak for themselves. The extension also allowed me to dig a little deeper into who attended the land use/environmental impact meeting. Staff shared with me the attendance sheet which shows that the meeting consisted of three representatives from VLMK (the applicant), two Clackamas County Planning Department staff (a Development Review Coordinator and a Land Use Planner) and a representative from Choyce Peterson, a Corporate Tenant Consulting Firm. Again, Type 2 Design Review processes allow land use and environmental impact reviews to be done by staff with input from the applicant and the applicant's representative. No other input is required.

My deep fear, and I believe it is John's too, is that the hearings officer can only make his decision based on if the staff followed the code properly. The staff may very well have followed the letter of the code. But, if the code that is applied does not reflect the physical site and its environment, then potentially harmful decisions are made that can significantly damage the beauty, habitat/wildlife diversity and environmental health of the Clackamas River. The code that the staff has followed allows them to treat the site as if it is a typical industrial tract, surrounded on all four sides by similar development. This is the approach that the staff has taken and there is nothing in the code they have followed that keeps this approach from occurring now or in the future.

This is just plain wrong. The Clackamas River is owned by all Clackamas citizens. It is vital to our environmental, economic and societal health and well-being. It is not an edge. It is a seam that ties plots of land together as neighbors, just as a street does. What happens on one side of the river impacts the other side, regardless of zoning and land use. Additionally, to have codes that call out development of lands adjacent to agricultural or timber use to trigger more robust environmental review and NOT include lands directly abutting the Clackamas River just makes no sense at all. The Clackamas is as vital to our county's economic stability as farming or harvesting timber. Please review the attached Oregonian Op-Ed of December 29, 2018 by Bill Monroe to gain a further appreciation of the unique and vital economic contribution of the Clackamas.

These concerns prompt me to address you today verbally and in this letter to ask that we begin working together to change the way that development along the Clackamas River is addressed by the County Planning Department. Changes should include:

1. All development along the river should be Type 1 or have the status that requires general public notification, with scheduled public hearings.
2. Development decisions for site abutting the Clackamas River should NEVER be Type 2 staff only.
3. Zoning governing what is considered environmentally fragile or important to our economy should include properties abutting the Clackamas River.

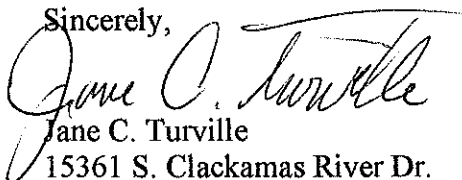
I understand that these kind of changes take time. I am willing to pursue this and work with you, County staff, CRBC members, neighbors and property owners to begin the process that leads to our rules and codes reflecting the importance of our strongest and most valuable natural resource, the Clackamas River.

Meanwhile, I respectfully request that, as the owner of the property at 11650 SE Capps Rd., you step in as representative of the people of Clackamas County and request that the permit #Z0387-18-D be put on hold until sufficient public input and environmental review by competent agencies such as the CRBC has been achieved. I was told by staff that the only ones who have the authority to place the permit on hold is the applicant. As the owner of the land and representatives of the public, I ask you request this and, if denied, supersede their and place the permit on hold.

Please understand that no one is in opposition to the applicant moving ahead and building a warehouse on this site. We are only asking that recognition of the important role the Clackamas River plays in the environmental, economic and societal health of our community be reflected in the final design of this site. This can only be achieved when all who are impacted by development on the river have their voices heard.

Thank you for your time and consideration.

Sincerely,



Jane C. Turville  
15361 S. Clackamas River Dr.  
Oregon City, OR 97045  
jcturville@gmail.com

October 2, 2018

Need to change Johnson Road-Stafford Road intersection:

Suggest Right Turn Only from Johnson Road, coupled with Roundabout at Child's Road-Stafford Road;  
Left Turn Lane added  
for South bound Stafford Road to Johnson Road.

Len Schaber  
Stafford-Lower Tualatin Valley CPO