



## CLACKAMAS COUNTY BOARD OF COMMISSIONERS

### LAND USE HEARING December 13, 2023 10:00 AM

This public hearing will be conducted in person *and* virtually using the Zoom platform. If you wish to attend in person, the address is:

**2051 Kaen Rd, BCC Hearing Room—4<sup>th</sup> Floor, Oregon City**

The Zoom link to the public hearing and details on how to observe and testify online or by telephone are available on our website: <https://www.clackamas.us/meetings/bcc/landuse>.

All interested parties are invited to attend the hearing in person, online or by telephone and will be provided with an opportunity to testify orally, if they so choose. The staff report and drafts of the proposed amendments are available on our website at <https://www.clackamas.us/meetings/bcc/landuse>. Please direct all calls and correspondence to the staff member listed below.

#### LAND USE HEARING

**File No.:** Z0313-23-CP & Z0314-23-ZAP

**Applicants:** Peter F. Fry for H & R Properties and Susan Owens

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

**Staff Contact:** Martha Fritzie, Principal Planner, 503-742-4529, [MFritzie@clackamas.us](mailto:MFritzie@clackamas.us)

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

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



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

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**File Number(s):** Z0313-23-CP and Z0314-23-ZAP, *Comprehensive Plan Map Amendment and Zone Change*

**Staff Contact:** Martha Fritzie, Planning and Zoning Division, mfritzie@clackamas.us

**Board of County Commissioners Hearing Date:** December 13, 2023

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**PROPOSAL:**

File nos. Z0313-23-CP & Z0314-23-ZAP include a proposed Comprehensive Plan map amendment from Medium Density Residential (MDR) to Light Industrial (LI), and a corresponding zone change from Medium Density Residential (MR-1) to Light Industrial (LI).

The application does not itself propose, nor would its approval authorize, any new development. ZDO Subsection 1102.01(A) requires that, in an industrial zoning district such as the proposed LI District, new development or the change of use of an existing structure from a residential to an industrial use receive design review approval, with consideration of particular aspects such as building design, parking, and landscaping.

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

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

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



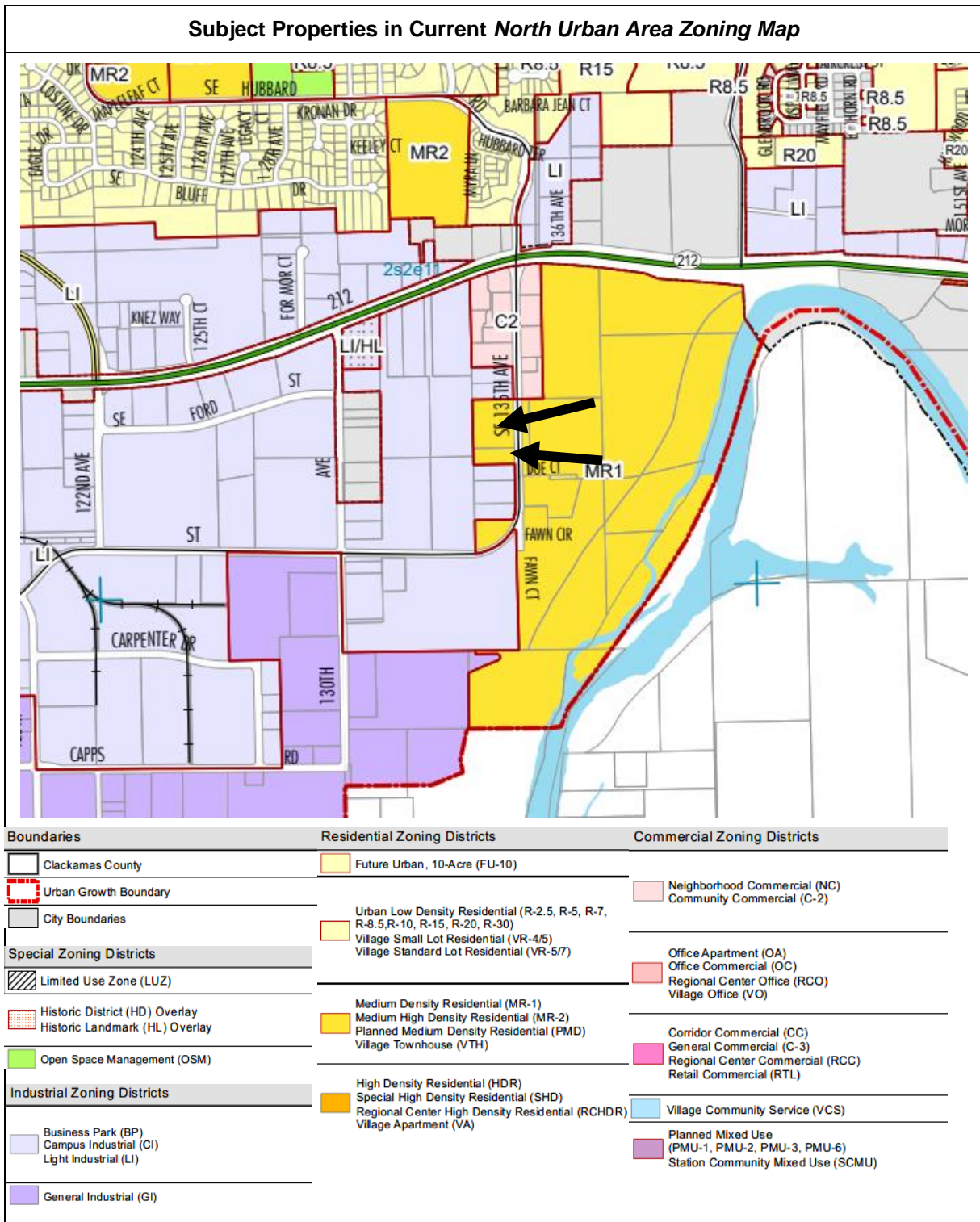
Source: Clackamas County GIS, PlanMap

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

- The western lot line of the subject properties is only about 60 feet from an actively-used 2.5-acre metal industrial building, which is itself surrounded by freight truck accesses, a large parking lot, and other multi-acre industrial buildings.
- The three parcels immediately south of the subject properties had been zoned MR-1, like the subject properties, but were the subjects of similar Comprehensive Plan map amendment and zone change applications to change the zoning designation to LI in 2002 (File Nos. Z0033-02-CP and Z0034-02-Z) and in 2020 (file nos. Z0299-20-CP and Z0300-20-ZAP). These sites do not appear to have been developed yet with light industrial uses.
- The parcel immediately north of the subject is developed with light industrial buildings.

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

Across SE 135<sup>th</sup> Ave to the east and beyond a row of mature hedges is the southwest corner of the Shadowbrook Mobile Home Park, which does not take access from SE 135<sup>th</sup> Ave; its access is from Hwy 212/224 to the north.



The Applicant explains that this request to have the subject property’s Comprehensive Plan designation and zoning district changed to match those of adjacent lots to the north and south “to create a clear and smooth edge along SE 135th between the residential subdivisions on the east and the industrial district on the west.”

Also of note, the subject properties and all of its neighbors to the north, south, west, and across SE 135<sup>th</sup> Ave to the east, are within an area that Metro has identified an “industrial area,” on the *Title 4 ‘Employment and Industrial Areas Map (see Exhibit 3)*. *Exhibit 3* further shows that the subject property is also directly adjacent to a section of the County that Metro classifies as a “regionally significant industrial area” (RSIA)<sup>1</sup>.

These applications are subject to the criteria and processes outlined in the county’s Comprehensive Plan and Zoning & Development Ordinance (ZDO), as well as Metro’s Urban Growth Management Function Plan and the Statewide Planning Goals. Based on the findings detailed in the Planning Commission Staff Report (attached), Staff finds that the subject site meets all the applicable criteria both for a Comprehensive Plan map amendment and zone change from the medium density residential designation to a light industrial designation.

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**RELATED PRIOR BCC ACTION:**

None

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**PLANNING COMMISSION ACTION:**

A public hearing was held on November 27, 2023, for Planning Commission consideration of the applications and the staff recommendation. The applicant team was the only party who provided testimony at the Planning Commission hearing. The Planning Commission voted unanimously (7-0) to recommend approval of Z0313-23-CP and Z0314-23-ZAP.

Draft minutes of the Planning Commission hearing are attached.

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**CPO AND HAMLET RECOMMENDATIONS:**

The local Community Planning Organization (CPO) - the Clackamas CPO – is inactive.

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

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## SIGNIFICANT ISSUES:

At its November 27<sup>th</sup> hearing, the Planning Commission was generally supportive of the proposal, but did spend some time discussing a concern raised by one Planning Commissioner about the loss of potential housing that could be built on the property under the current zoning. However:

- The Planning Commissioners acknowledged that the subject sites are a better location for industrial rather than residential development, in large part, because of the surrounding industrial uses and the designation on Metro's maps.
- Staff noted that the county has recently made a number of amendments to its zoning code to increase allowances for housing in the urban area, including: increasing allowed housing density in certain commercial districts; increasing the affordable housing density bonus; adding a density bonus for mixed-use development; and allowing duplexes, triplexes, quadplexes, townhouses, and cottage clusters (middle housing) in urban low-density residential areas. All of these amendments would enable more housing development in locations much better suited for housing development than are the subject sites.
- Staff also noted that up to 46 additional housing units could be built on the subject sites under the current MR-1 zoning (although none has ever been proposed). This number of potential housing units has been more than offset by the number of new middle housing units (duplexes, triplexes, quadplexes, townhouses, and cottage clusters) that have been permitted or are in the process of being permitted in urban low-density residential zones. Those middle housing are being built in existing, residential neighborhoods – much more appropriate locations for housing development than the subject sites. Based on Staff's initial search of the permitting system, at least 66 new units of middle housing are currently in the process of being developed in other parts of the urban unincorporated area.

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## STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of files Z0313-23-CP and Z0314-23-ZAP, the Comprehensive Plan Map amendmen from Medium Density Residential (MDR) to Light Industrial (LI), and corresponding zone change from Medium Density Residential (MR-1) to Light Industrial (LI), subject to the recommended conditions of approval.

1. *The Clackamas County Comprehensive Plan Map 4-6, North Urban Area Land Use Plan, and all other maps of the Comprehensive Plan that include the subject properties (taxlots 22E11D-01602, with situs address 16107 SE 135<sup>th</sup> Ave., and 22E11DB-00700, with situs address 15997 SE 135<sup>th</sup> Ave.), shall be amended to identify the subject properties as having a Comprehensive Plan land use designation of Light Industrial (LI).*
2. *The Clackamas County North Urban Area Zoning Map shall be amended to identify the subject properties as being in the Light Industrial (LI) zoning district.*

Z0313-23-CP & Z0314-23-ZAP

PROPOSED COMP. PLAN MAP  
AMENDMENT & ZONE CHANGE



Public Hearing, Board of County Commissioners  
December 13, 2023, 10:00AM

# PROPOSAL

- Comprehensive Plan map amendment from Medium Density Residential (MDR) to Light Industrial (LI)
- Corresponding zone change from Medium Density Residential (MR-1) to Light Industrial (LI)
- Comp Plan/zone change would not authorize any development
- Future development would be subject to design review



# SUBJECT SITE(S)

- 22E11DB00700 & 22E11D01602
- 15997 & 16107 SE 135th
- 3.96 acres
- 520 ft. frontage on SE 135th (minor arterial)



# SUBJECT SITES & SURROUNDING AREA

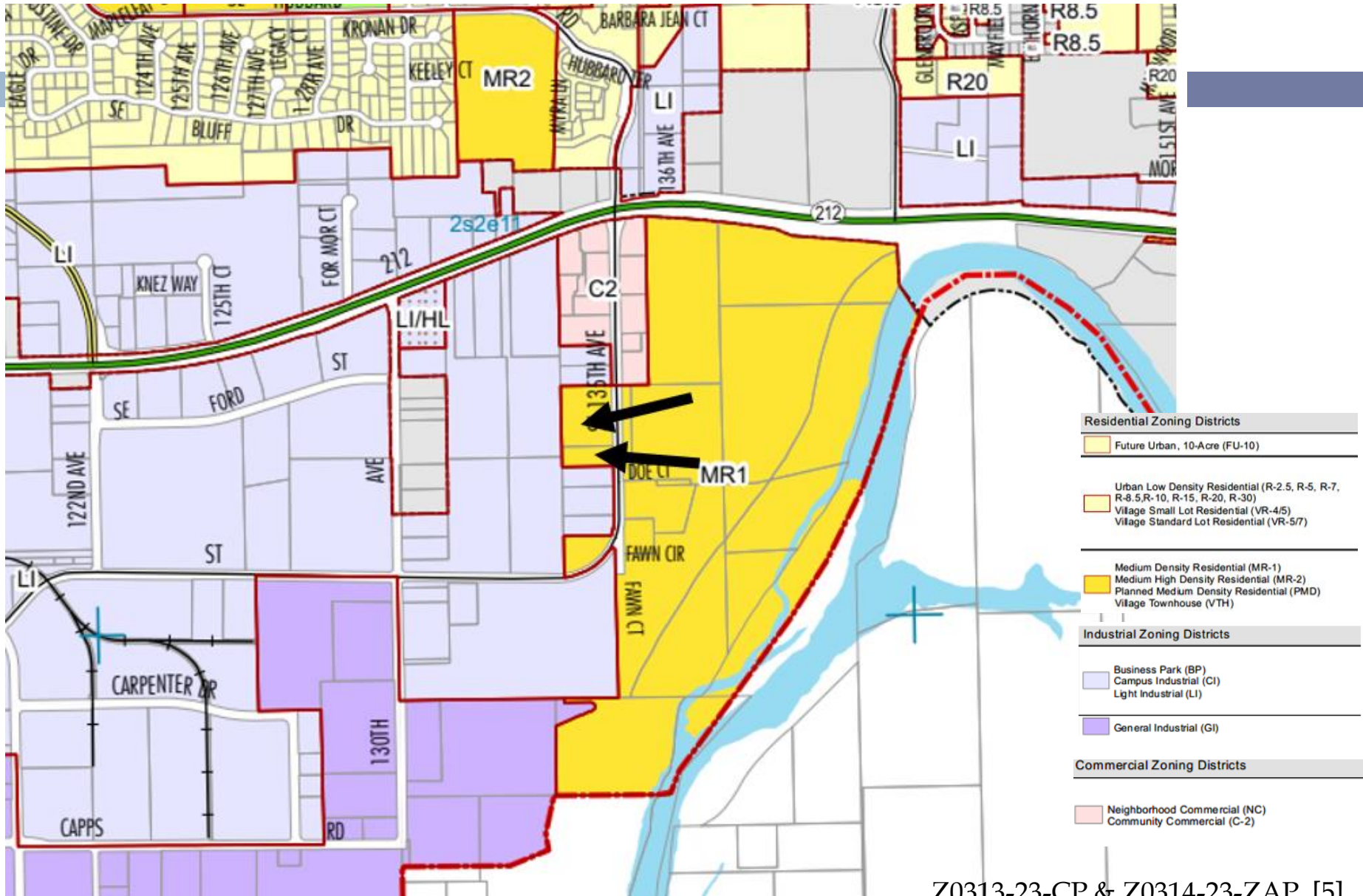
## Subject sites

- Flat, no wetlands or streams, no overlays
- Each lot developed with 1 older, single-family dwelling
- Several accessory structures/storage

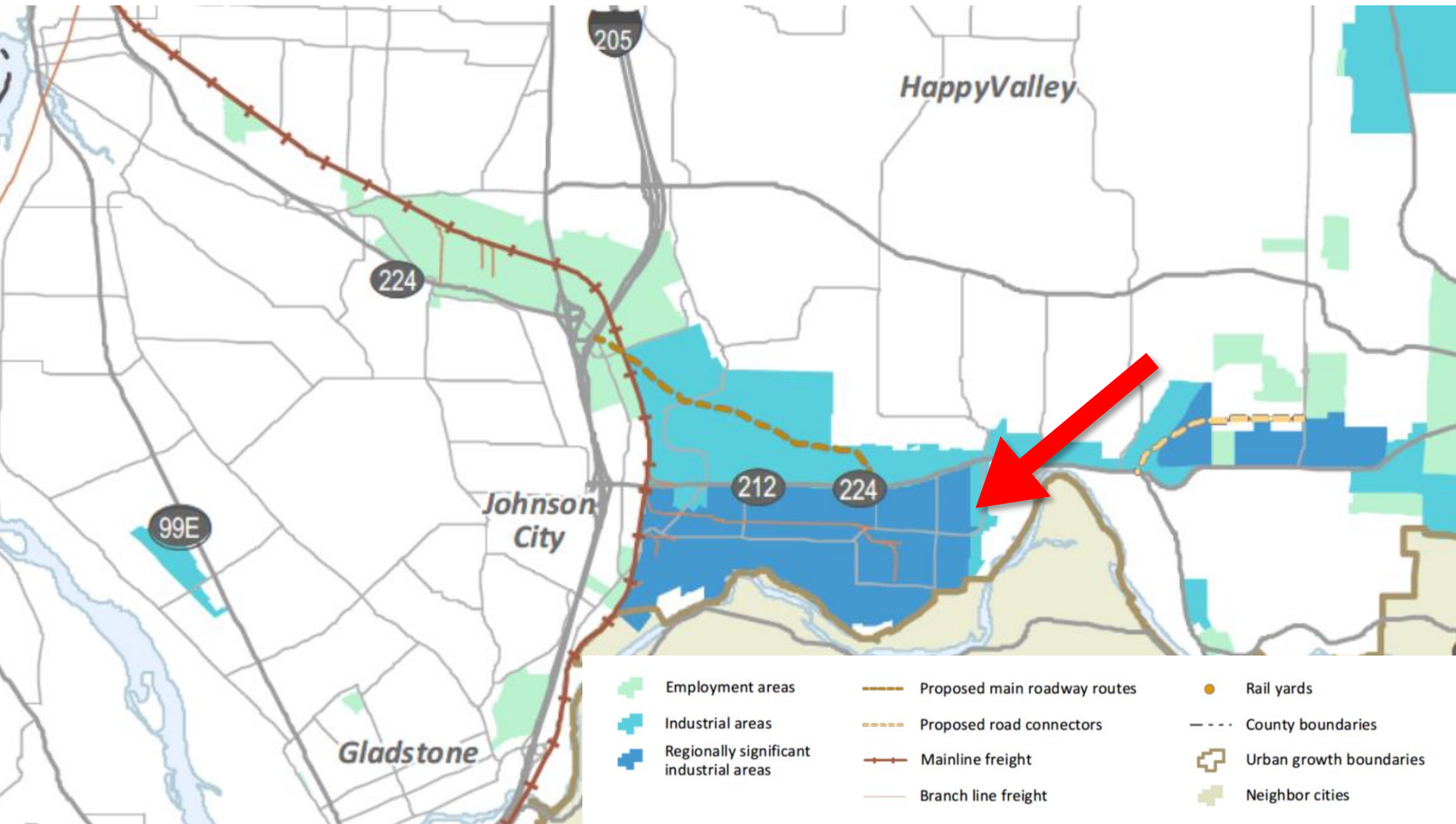
## Surrounding zoning

- West, north and south: *Light Industrial (LI)*
  - RSIA directly to the west
  - 2.5-acre industrial building 60 feet away
  - Lots to the south changed to light industrial in 2002 & 2020
- East: *MR-1 parcels, including mobile home park*

# ZONING MAP



# METRO FUNCTIONAL PLAN TITLE 4 MAP



# PUBLIC COMMENT

- Notice sent 10/23/23
- Two comments
  - Metro – in support, change would align county zoning with Metro’s 2040 Growth Concept Map (Ex. 4)
  - Fair Housing Council of OR (new) – concern with Goal 10 findings (Ex. 6)
- CPO: Clackamas, inactive

# RELEVANT POLICIES AND CRITERIA

## Statewide Planning (SWP) Goals

- Goal 9 (Economic Development)
- Goal 10 (Housing)
- Goal 12 (Transportation)
- Others: Goals 1, 6 & 11

## Metro Urban Growth Mgmt. Functional Plan

- Titles 1 & 4

## County Comprehensive Plan Goals & Policies

- Chapter 4 (Land Use)
- Chapter 5 (Transportation)
- Others: Chapters 2 & 11

## Zoning & Development Ordinance (ZDO)

- Section 1202 (Zone Changes)
- Section 1307 (Procedures)

# FINDINGS

## Statewide Planning (SWP) Goals

- Goal 10, Housing
  - *Demonstrate through findings that the mix and density standards in this Division are met by the amendment*
  - Comment received: need to identify need # for finding
  - County has increased allowed housing density in more appropriate locations
    - Zone changes and other increases
    - Since July 2022, at least 66 new “middle housing” units
  - Even with loss of potential for 46 net housing – consistent with Goal 10

# FINDINGS

## Statewide Planning (SWP) Goals

- Goal 9, Economic Development
  - Increasing employment lands

## Metro Urban Growth Mgmt. Functional Plan

- Title 1: *County may reduce its minimum zoned housing capacity to allow an industrial use consistent with Title 4 of the Functional Plan*
- Title 4: property is identified on the Employment and Industrial Areas Map as an Industrial Area



# ZDO FINDINGS, 1202.03(A)

- Section 1202.03(A): *The proposed zone change is consistent with the applicable goals and policies of the Comprehensive Plan.*
- Chapters 2 & 11: procedural and coordination policies and requirements
  - Have been followed for this application
- Chapter 5: zone change must comply with the Transportation Planning Rule (TPR), SWP Goal 12
  - Traffic study demonstrates compliance with TPR

# ZDO FINDINGS, 1202.03(A)

- Chapter 4: Policy 4.EE.1, can be zoned LI if
  - Excellent access to regional transport network
  - Access to at least a minor arterial
  - Large enough for several industries to cooperatively design an industrial parkSubject site meets criteria for LI zoning designation
  
- Chapter 8: policies for employment and industrial areas
  - 8.A.1: *Protect established industrial areas from incompatible land uses*
  - 8.A.2: *Provide room for the future expansion or relocation of industry*
  - 8.B: *Provide for a broad range of types and sizes of industrial uses*

# ZDO FINDINGS, 1202.03(B)

- Section 1202.03(B): requires demonstration that any needed public services are available and sufficient for development under new zoning designation
  - ▣ Statements of Feasibility – water, sewer, storm

# ZDO FINDINGS, 1202.03(C) & (D)

- Section 1202.03(C): *The transportation system is adequate and will remain adequate with approval of the proposed zone change...*
- Section 1202.03(D): *Safety of the transportation system is adequate to serve the level of development anticipated by the zone change.*
  - Traffic study submitted by applicant
    - Will not have a significant effect on the adequacy or safety of the transportation system

# CONCLUSION & RECOMMENDATION

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- Proposal meets all applicable criteria for a Comprehensive Plan map amendment and zone change to Light Industrial
- Staff recommends approval of Z0313-23-CP & Z0314-23-ZAP

# PLANNING COMMISSION (PC) HEARING

- Public hearing November 27, 2023
- No testimony
- PC discussion/potential concerns
  - Potential loss of housing
- PC recommended approval of Z0313-23-CP & Z0314-23-ZAP
  - Unanimous vote (7-0)

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THANK YOU

Martha Fritzie, (503) 742-4529, [mfritzie@clackamas.us](mailto:mfritzie@clackamas.us)



**PLANNING STAFF REPORT AND RECOMMENDATION TO  
THE PLANNING COMMISSION**

**REPORT DATE:** November 20, 2023

**HEARING DATE:** November 27, 2023 (Agenda Item Time: 6:30 pm)

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

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

**STAFF CONTACT(S):** Martha Fritzie, (503) 742-4529, [mfritzie@clackamas.us](mailto:mfritzie@clackamas.us)

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

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

**APPLICANT(S):** Peter F Fry

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

**TOTAL AREA:** Approximately 3.96 acres

**ZONING:** Medium Density Residential (MR-1)

**COMPREHENSIVE PLAN DESIGNATION:** Medium Density Residential (MDR)

**COMMUNITY PLANNING ORGANIZATION:** CLACKAMAS CPO (inactive)

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

**OPPORTUNITY TO REVIEW THE RECORD:** The submitted application is available for review online at <https://acela.clackamas.us/citizenaccess/>. Select the Planning tab and enter the file number to search. Select 'Record Info' and then select 'Attachments' from the dropdown list, where you will find the submitted application. The complete application file is available for inspection at no cost by contacting the Planner listed on the first page of this decision. Copies of all documents may be purchased at the rate of \$2.00 per page for 8.5" x 11" or 11" x 14" documents, \$2.50 per page for 11" x



17" documents, \$3.50 per page for 18" x 24" documents, and \$0.75 per square foot with a \$5.00 minimum for large format documents.

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

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## I. STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the Comprehensive Plan map amendment and zone change in file nos. Z0313-23-CP and Z0314-23-ZAP, subject to the following conditions:

1. The Clackamas County Comprehensive Plan Map 4-6, *North Urban Area Land Use Plan*, and all other maps of the Comprehensive Plan that include the subject properties (taxlots 22E11D-01602, with situs address 16107 SE 135<sup>th</sup> Ave., and 22E11DB-00700, with situs address 15997 SE 135<sup>th</sup> Ave.), shall be amended to identify the subject properties as having a Comprehensive Plan land use designation of Light Industrial (LI).
2. The Clackamas County *North Urban Area Zoning Map* shall be amended to identify the subject properties as being in the Light Industrial (LI) zoning district.
3. The approval of the application granted by this decision concerns only the applicable criteria for this decision. The decision does not include any conclusions by the county concerning whether the activities allowed will or will not come in conflict with the provisions of the federal Endangered Species Act (ESA). This decision should not be construed to or represented to authorize any activity that will conflict with or violate the ESA. It is the applicant, in coordination if necessary with the federal agencies responsibility for the administration and enforcement of the ESA, who must ensure that the approved activities are designed, constructed, operated and maintained in a manner that complies with the ESA.

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## II. BACKGROUND

**Proposal:** This application requests that Clackamas County's Comprehensive Plan land use plan designation of the subject properties, as identified in Comprehensive Plan maps, be changed from Medium Density Residential (MDR) to Light Industrial (LI), and for the zoning district of the subject property to be changed concurrently from Medium Density Residential (MR-1) to Light Industrial (LI).

The application does not itself propose, nor would its approval authorize, any new development. ZDO Subsection 1102.01(A) requires that new development in an industrial zoning district, such as the proposed LI District, receive design review approval, for which the Applicant has not yet applied. The Applicant acknowledges in their application materials that, even if this Comprehensive Plan Map amendment and zone change application is approved, approval of any desired industrial building will require a separate design review application, with consideration of particular aspects such as building design, parking, and landscaping.

**Subject properties and surrounding area:** The subject properties contain two separate taxlots that together contain roughly 3.96 acres and form a rectangular area with approximately 520 feet of frontage on the west side of SE 135<sup>th</sup> Ave, a minor arterial. The properties are flat, are outside of a

mapped flood hazard area, and have no County-regulated waterbodies, mass-movement or soil hazard areas, or historic landmarks.

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

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

Subject Properties and Vicinity (2022 Aerial Photo)



Source: Clackamas County GIS, PlanMap

As illustrated in attached *Exhibit 3*, the subject properties, as well as all of its neighbors to the north, south, west, and across SE 135<sup>th</sup> Ave to the east, are in an area that Metro has designated an “industrial area,” which the Metro Functional Plan states is intended to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses. *Exhibit 3* further shows that the subject property is also directly adjacent to a section of the County that Metro classifies as a “regionally significant industrial area” (RSIA)<sup>1</sup>.

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

- The western lot line of the subject properties is only about 60 feet from an actively-used 2.5-acre metal industrial building, which is itself surrounded by freight truck accesses, a large parking lot, and other multi-acre industrial buildings.
- The three parcels immediately south of the subject properties had been zoned MR-1, like the subject properties, but were the subjects of similar Comprehensive Plan map amendment and zone change applications to change the zoning designation to LI in 2002 (File Nos. Z0033-02-CP and Z0034-02-Z) and in 2020 (file nos. Z0299-20-CP and Z0300-20-ZAP). These sites do not appear to have been developed yet with light industrial uses.
- The parcel immediately north of the subject is developed with light industrial buildings.

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

Across SE 135<sup>th</sup> Ave to the east and beyond a row of mature hedges is the southwest corner of the Shadowbrook Mobile Home Park, which does not take access from SE 135<sup>th</sup> Ave; its access is from Hwy 212/224 to the north. There is also an approximately 2.57-acre parcel (Tax Lot 22E11D-00900) across the road to the southeast that, despite being zoned medium density residential (MR-1), is currently developed with only one detached single-family dwelling.

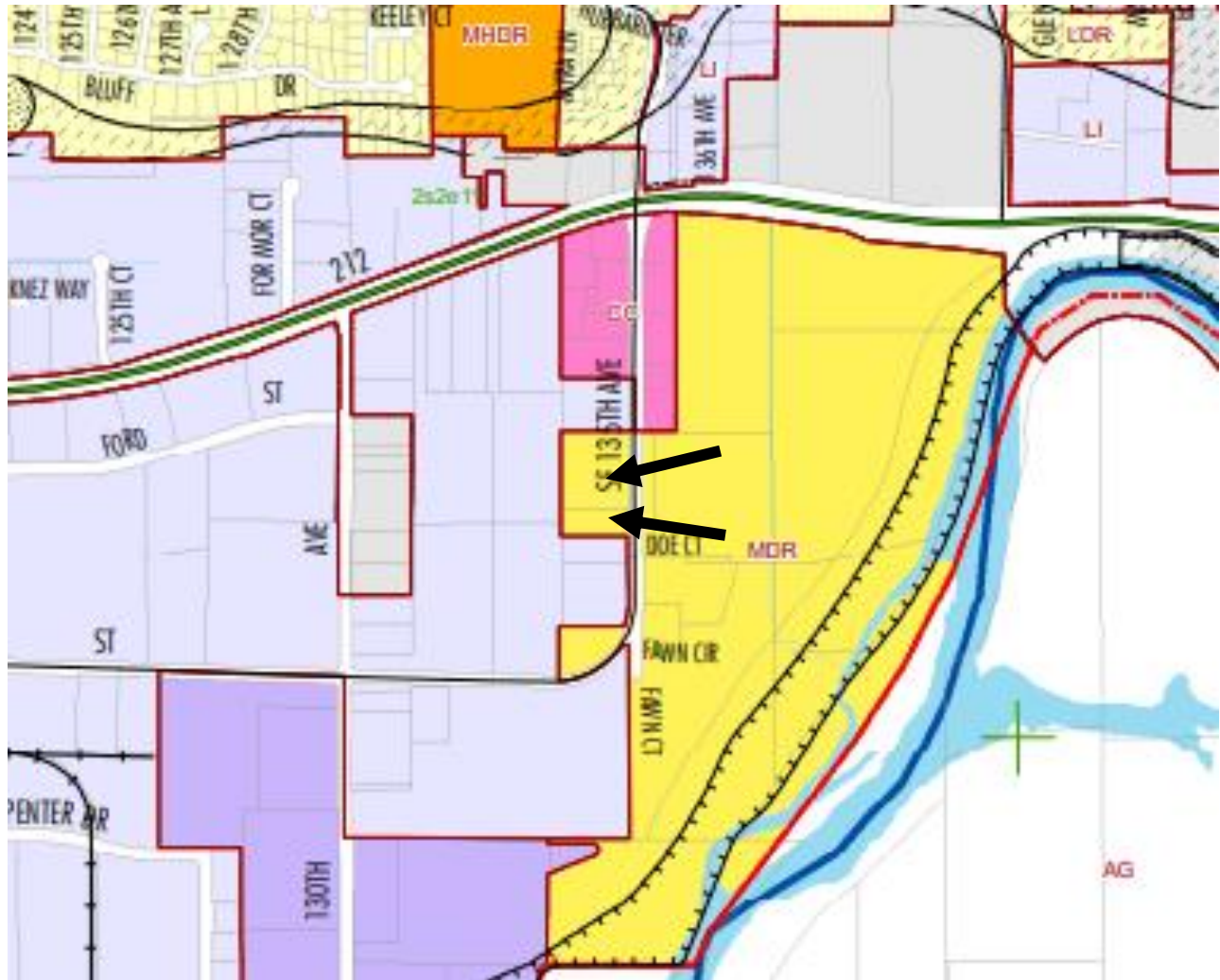
The subject property is not visible from the Clackamas River, which is located more than a quarter mile to the southeast beyond vegetated open space. The Clackamas River is at least 60 feet below the elevation of the subject property.

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

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

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



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

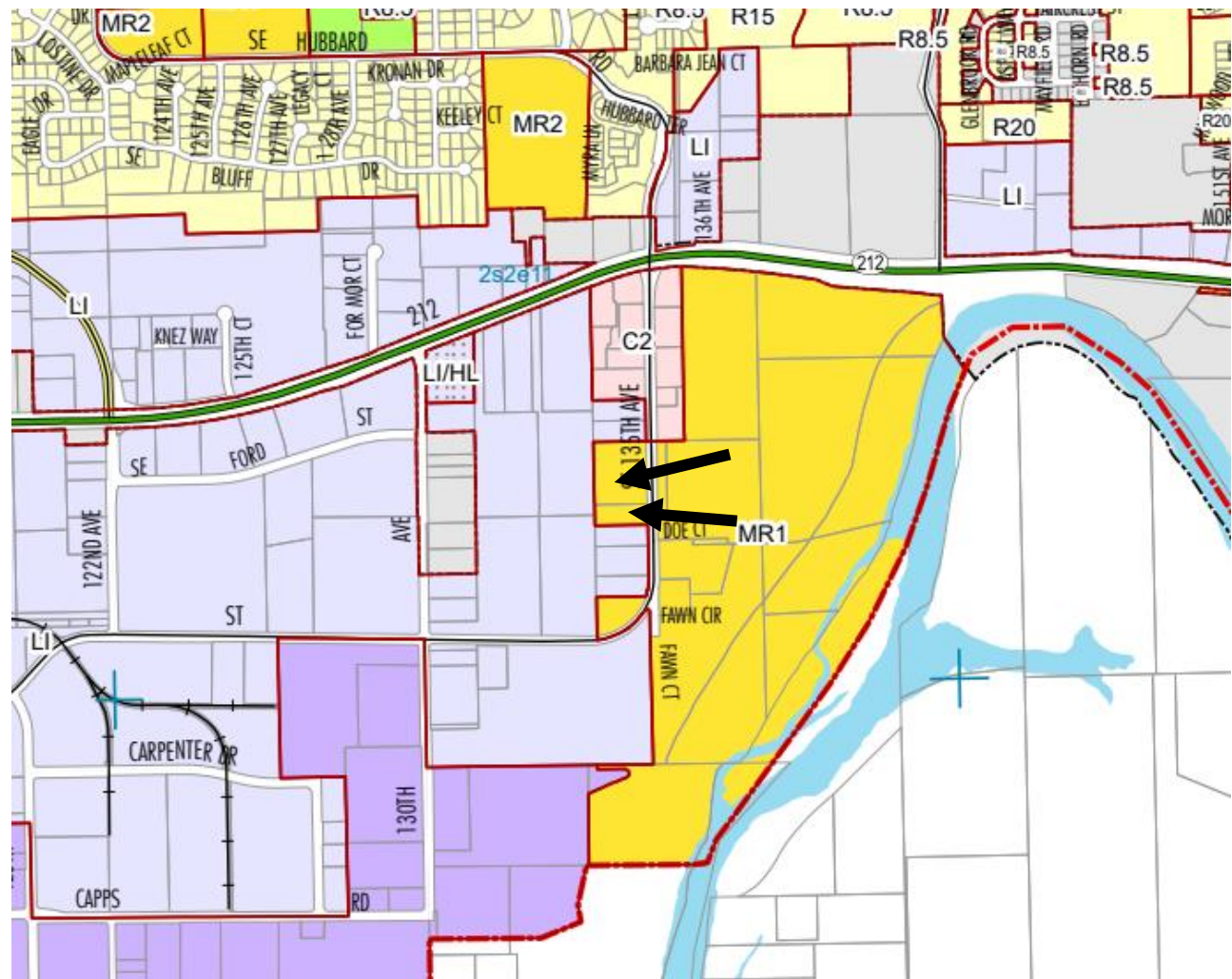
Open Space Plan Designations	
	Major Hazard Open Space
	Resource Protection Open Space
	Public and Community Use Open Space (PCU)
	Floodplain boundary per January 1980 Comprehensive Plan. Not consistent with FEMA National Flood Insurance Program.

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

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

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

### Subject Properties in Current North Urban Area Zoning Map



Boundaries	Residential Zoning Districts	Commercial Zoning Districts
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <ul style="list-style-type: none"> <li><span style="border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Clackamas County</li> <li><span style="border: 2px dashed red; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Urban Growth Boundary</li> <li><span style="border: 1px solid gray; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> City Boundaries</li> </ul> </div> <div style="width: 30%; background-color: #cccccc; padding: 2px;"> <b>Special Zoning Districts</b> <ul style="list-style-type: none"> <li><span style="background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Limited Use Zone (LUZ)</li> <li><span style="background: repeating-linear-gradient(-45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Historic District (HD) Overlay</li> <li><span style="background: repeating-linear-gradient(-45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Historic Landmark (HL) Overlay</li> <li><span style="background-color: #90EE90; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Open Space Management (OSM)</li> </ul> </div> <div style="width: 30%; background-color: #cccccc; padding: 2px;"> <b>Industrial Zoning Districts</b> <ul style="list-style-type: none"> <li><span style="background-color: #D8BFD8; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Business Park (BP)</li> <li><span style="background-color: #D8BFD8; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Campus Industrial (CI)</li> <li><span style="background-color: #D8BFD8; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Light Industrial (LI)</li> <li><span style="background-color: #9370DB; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> General Industrial (GI)</li> </ul> </div> </div>	<ul style="list-style-type: none"> <li><span style="background-color: #FFD700; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Future Urban, 10-Acre (FU-10)</li> <li><span style="background-color: #FFFACD; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Urban Low Density Residential (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, R-30)</li> <li><span style="background-color: #FFFACD; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Village Small Lot Residential (VR-4/5)</li> <li><span style="background-color: #FFFACD; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Village Standard Lot Residential (VR-5/7)</li> <li><span style="background-color: #FFD700; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Medium Density Residential (MR-1)</li> <li><span style="background-color: #FFD700; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Medium High Density Residential (MR-2)</li> <li><span style="background-color: #FFD700; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Planned Medium Density Residential (PMD)</li> <li><span style="background-color: #FFD700; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Village Townhouse (VTH)</li> <li><span style="background-color: #FFD700; 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width: 15px; height: 10px; margin-right: 5px;"></span> Community Commercial (C-2)</li> <li><span style="background-color: #FFB6C1; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Office Apartment (OA)</li> <li><span style="background-color: #FFB6C1; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Office Commercial (OC)</li> <li><span style="background-color: #FFB6C1; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Regional Center Office (RCO)</li> <li><span style="background-color: #FFB6C1; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Village Office (VO)</li> <li><span style="background-color: #FFB6C1; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Corridor Commercial (CC)</li> <li><span style="background-color: #FFB6C1; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> General Commercial (C-3)</li> <li><span style="background-color: #FFB6C1; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Regional Center Commercial (RCC)</li> <li><span style="background-color: #FFB6C1; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Retail Commercial (RTL)</li> <li><span style="background-color: #ADD8E6; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Village Community Service (VCS)</li> <li><span style="background-color: #9932CC; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Planned Mixed Use (PMU-1, PMU-2, PMU-3, PMU-6)</li> <li><span style="background-color: #9932CC; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Station Community Mixed Use (SCMU)</li> </ul>

**Service providers:**

1. Sewer: WES Clackamas County Service District #1
2. Water: Clackamas River Water District
3. Fire Protection: Clackamas RFPD #1

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

**Responses received:** To date, one substantive comment has been received – a comment from Metro staff noting that the proposed change would bring the County’s comprehensive plan map and zoning map into closer alignment with the form of growth and development envisioned in Metro’s 2040 Growth Concept Map. The local Community Planning Organization, the Clackamas CPO, is inactive.

**Public Hearings:**

Two public hearings on the current proposal are scheduled: one before the Planning Commission on November 27, 2023, and another before the Board of County Commissioners (BCC) on December 13, 2023. The Planning Commission makes a recommendation to the BCC, who will ultimately decide whether the proposal is approved.

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**III. FINDINGS**

This application is subject to the following provisions:

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

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

**A. Statewide Planning Goals**

**GOAL 1 – CITIZEN INVOLVEMENT**

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

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

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

*Before the Board of County Commissioners (BCC) can decide on this application, there will have been at least two public hearings with opportunity for interested parties to testify. The public has also been given the opportunity to provide written comments, and all comments provided to-date have been included in the record.*

***The relevant requirements of Statewide Planning Goal 1 are satisfied.***

### **GOAL 2 – LAND USE PLANNING**

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

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

***The relevant requirements of Statewide Planning Goal 2 are satisfied.***

### **GOAL 3 – AGRICULTURAL LANDS**

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

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

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

### **GOAL 4 – FOREST LANDS**

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

*The County has already satisfied its Goal 4 requirements for forest land. This application does not propose to change the Comprehensive Plan Map designation or zoning of any forest land, nor does it propose a change in any allowed land use in its forest zoning districts (i.e., Ag/Forest and*

Timber Districts). The subject is inside the Portland Metro Urban Growth Boundary (UGB) and is currently zoned for medium density residential development, not forest.

**The relevant requirements of Statewide Planning Goal 4 are satisfied.**

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

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

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

**The relevant requirements of Statewide Planning Goal 5 are satisfied.**

**GOAL 6 – AIR, WATER, AND LAND RESOURCES QUALITY**

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

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

*The subject properties are already planned and zoned by the County for urban development. Parcels abutting the subject site to the north, west and south are currently planned and zoned specifically for light industrial uses. As mentioned earlier in this report and shown in Exhibit 3, the subject site itself is also already prioritized by Metro for industrial use as well.*

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

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

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

*Clackamas Water Environment Services (WES) is the surface water management authority for the subject property. The submitted application includes a Preliminary Statement of Feasibility in which WES has determined that adequate surface water treatment and conveyance is already available to serve future industrial development of the subject site, or could be made available through*



*improvements completed by the developer or the system owner. The need for any specific stormwater management system improvements will be evaluated during the design review application process required ahead of any actual industrial development of the subject properties.*

**The relevant requirements of Statewide Planning Goal 6 are satisfied.**

#### GOAL 7 – AREAS SUBJECT TO NATURAL HAZARDS

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

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

**The relevant requirements of Statewide Planning Goal 7 are satisfied.**

#### GOAL 8 – RECREATIONAL NEEDS

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

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

**The relevant requirements of Statewide Planning Goal 8 are satisfied.**

#### GOAL 9 – ECONOMIC DEVELOPMENT

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

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

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

**The relevant requirements of Statewide Planning Goal 9 are satisfied.**

## GOAL 10 – HOUSING

The purpose of Goal 10 is to meet housing needs.

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

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

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

*(a) Demonstrate through findings that the mix and density standards in this Division are met by the amendment; or*

*(b) Make a commitment through the findings associated with the amendment that the jurisdiction will comply with provisions of this Division for mix or density through subsequent plan amendments.”*

*Staff finds the information summarized below and included in the application narrative sufficiently satisfies Goal 10 requirements for the following reasons:*

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

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

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

- 2. The county has taken a wide range of actions to increase the amount and density of housing allowed in more appropriate locations within the urban area, since the most recent adopted*

housing analysis in which the County was found to have a sufficient mix and density to meet the Metropolitan Housing Rule and Goal 10.<sup>2</sup> Specifically, the county has:

- Allowed accessory dwelling units (ADUs) in all low-density single-family zoning districts inside the Metro UGB.
- Increased the maximum allowed density for multifamily dwellings in certain commercial zones from 25 dwelling units/acre to 60 dwelling units/acre.
- Decreased minimum off-street parking requirements for multifamily development and eliminated minimum off-street parking requirements for certain types of development and all development within proximity to transit. These actions make the development of higher-density units more feasible on a site and reduce the pre-unit development costs.
- Increased the affordable housing density bonus, from a maximum of 8% over base density to a maximum of 50% over base density.
- Added density bonus for mixed-use development in certain commercial zones.
- Allowed duplexes, triplexes, quadplexes, townhouses, and cottage clusters (middle housing) in urban low-density residential areas, effectively increasing the allowed density in these areas by more than double what was previously allowed.
- Adopted a number of residential zone changes in the urban area that, on balance, have increased residential housing density in the Metro UGB.

*Under the density allowances for its current MR-1 zoning, the approximately 3.96-acre subject property could be developed with at most 48 dwelling units, though the need for on-site improvements associated with new residential development may result in less buildable area and therefore fewer possible dwelling units. Staff finds that the Applicant's proposed reduction in the County's urban residential land supply by approximately 3.96 acres and the potential for a net loss of up to 46 dwelling units is not a significant reduction and that the reduction will not cause the County to fall below any required minimum, especially in light of the fact that the subject properties are not a particularly desirable or economically feasible location for residential development.*

**The relevant requirements of Statewide Planning Goal 10 are satisfied.**

#### GOAL 11 – PUBLIC FACILITIES AND SERVICES

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

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

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

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

**Statewide Planning Goal 11 is not applicable.**

### GOAL 12 – TRANSPORTATION

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

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

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

- *“For tax lot 700, reasonable worst-case development in the proposed LI zone designation generates an additional 167 daily and 49 PM peak hour trips over the existing MR-1 zone designation. For tax lot 1602, reasonable worst-case development in the proposed LI zone designation generates an additional 56 daily and 16 PM peak hour trips over the existing MR-1 zone designation. For both tax lots, the trip generation increase is 223 daily trips and 65 PM peak hour trips.”*
- *“For the two tax lots, the proposed zone change from MR-1 to LI results in a 223 daily trip increase, less than the 400 average daily trip threshold identified in the Oregon Highway Plan requiring a TPR analysis. Therefore, it can be found that the proposed Comprehensive Plan amendment and zone change will not significantly affect a transportation facility and additional transportation analysis to address TPR criteria is not necessary.”*

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

**The relevant requirements of Statewide Planning Goal 12 are satisfied.**

### GOAL 13 – ENERGY CONSERVATION

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

*The Applicant’s proposal would not change any policy or implementing regulation regarding energy conservation.*

***The relevant requirements of Statewide Planning Goal 13 are satisfied.***

**GOAL 14 – URBANIZATION**

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

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

***The relevant requirements of Statewide Planning Goal 14 are satisfied.***

**GOAL 15 – WILLAMETTE RIVER GREENWAY**

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

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

***Statewide Planning Goal 15 is not applicable.***

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

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

**B. Metro Urban Growth Management Functional Plan (UGMFP)**

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

Below, Staff reviews the Applicant’s proposal to amend the Comprehensive Plan Map for consistency with relevant UGMFP policies.

**Title 1 – Housing Capacity**

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

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

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

**The relevant requirements of Title 1 are satisfied.**

#### Title 4 – Industrial and Other Employment Areas

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

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

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

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

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

**The relevant requirements of Title 4 are satisfied.**

### **C. Clackamas County Comprehensive Plan (Plan)**

The County's Comprehensive Plan includes goals and policies that must be considered when evaluating a proposed change in Comprehensive Plan. Staff has reviewed each chapter of the Comprehensive Plan. In this section of the report and recommendation, Staff provides written findings as to how the Applicant's proposal is consistent with only those chapters, goals, and policies that were found to be applicable to this specific proposal.

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

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

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

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

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

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

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

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

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

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

*In addition, the Applicant notes, and Staff concurs, that "this site is not in the residential neighborhood. The site is located across the street to the west in the industrial district. The zone*

*change completes a clean edge. The zone change to light industrial steps down the industrial uses from the west.”*

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

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

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

**Policy 5.F.6:** Require changes in land use plan designation and zoning designation to comply with the Transportation Planning Rule [Oregon Administrative Rules (OAR) 660-012-0060]

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

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

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

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

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

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

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

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

*This application does not propose to expand incompatible land uses in to established industrial or commercial areas. Rather, Staff finds that changing the Comprehensive Plan land use designation and implementing zoning district of the subject property to light industrial will help to protect adjacent established industrial areas from potentially incompatible residential land uses. As noted earlier in this report, the subject property abuts an RSIA and is only 60 feet from a 2.5-acre industrial building which is itself surrounded by freight truck accesses, a large parking lot, and other multi-acre industrial buildings. Additional residential use of the subject site under its present zoning could be disrupted by, or be disruptive to, these industrial uses, which could lead to land use conflicts. The Applicant’s proposal will also allow the subject properties to be used for industrial uses, rather than residential uses, as envisioned in Metro’s Title 4 map (Exhibit 3).*



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

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

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

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

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

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

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

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

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

***This application is consistent with Chapter 11.***

#### **D. Zoning & Development Ordinance (ZDO)**

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

##### **Section 1202.02, Submittal Requirements**

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

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

**Section 1202.03, General Approval Criteria**

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

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

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

**1202.03(B)**: If development under the proposed zoning district designation has a need for any of the following public services, the need can be accommodated with the implementation of the applicable service provider's existing capital improvement plan: sanitary sewer, surface water management, and water. The cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered.

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

**This application is consistent with 1202.03(B).**

**1202.03(C)**: The transportation system is adequate and will remain adequate with approval of the proposed zone change. For the purpose of this criterion:

1. Adequate means a maximum volume-to-capacity ratio (v/c), or a minimum level of service (LOS), as established by Comprehensive Plan Tables 5-2a, Motor Vehicle Capacity Evaluation Standards for the Urban Area, and 5-2b, Motor Vehicle Capacity Evaluation Standards for the Rural Area.
2. The evaluation of transportation system adequacy shall be conducted pursuant to the Transportation Planning Rule (Oregon Administrative Rules 660-012- 0060).
3. It shall be assumed that the subject property is developed with the primary use, allowed in the proposed zoning district, with the highest motor vehicle trip generation rate.
4. The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards.
5. The adequacy standards shall apply to all roadways and intersections within the impact area of the proposed zone change. The impact area shall be identified pursuant to the Clackamas County Roadway Standards.
6. A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.
7. Notwithstanding Subsections 1202.03(C)(4) through (6), motor vehicle capacity calculation methodology, impact area identification, and transportation impact study requirements are established by the ODOT Transportation Analysis Procedures Manual for roadways and intersections under the jurisdiction of the State of Oregon.

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

**This application is consistent with 1202.03(C).**

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

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

*Based on the crash rate analysis, the TIS concludes that*

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

**This application is consistent with 1202.03(D).**

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

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

**PLANNING COMMISSION  
DRAFT MINUTES**

November 27, 2023

Meeting held online via Zoom

Commissioners present: Kevin Moss, Carrie Pak, Gerald Murphy, Tom Peterson, Louise Lopes, Michael Wilson, Tom Middaugh.

Commissioners absent: Tammy Stevens

Staff present: Martha Fritzie, Jennifer Hughes, Darcy Renhard

Commission Chair Murphy opened the meeting at 6:31 pm.

Chair Murphy asked if there was anyone in the audience who wished to provide public comment on items other than what is on the agenda. There were none.

Chair Murphy opened the public hearing for file numbers Z0313-23-CP and Z0314-23-ZAP. Z0313-23 is for a Comprehensive Plan map amendment from Medium Density Residential (MDR) to Light Industrial (LI), and Z0314-23 is a corresponding zone change from Medium Density Residential (MR-1) to Light Industrial (LI). These proposed amendments do not authorize any development, and any future development would be subject to design review. No future development is currently being proposed.

The properties are located at 15997 and 16107 SE 135<sup>th</sup> Avenue. Combined these properties are approximately 4 acres. The sites are relatively flat and are currently developed with older single-family dwellings and several accessory structures. The surrounding properties are zoned Light Industrial to the north, west, and south. There is a regionally significant industrial area within 60 feet of these properties. To the east is a large manufactured dwelling park that is zoned Medium Density Residential. The manufactured dwelling park does not take access from 135<sup>th</sup>. There is some commercial zoning just north of the properties as well.

Since these properties are within the urban growth boundary, the proposed amendments must meet the requirements in the Metro Urban Growth Management Functional Plan. Under the 2040 Growth Concept Map, the subject properties are in an area designated as an industrial area.

Staff received two comments regarding the proposed amendments. The first comment is in from Metro expressing their support, noting that it would align the County zoning with Metro's 2040 Growth Concept Map. The second is from the Fair Housing Council of Oregon expressing some concern with the Goal 10 findings.

There are a number of policies, goals, and criteria that need to be addressed and met in order for the comprehensive plan and zoning designations to change. Under Statewide Planning Goal 10 (Housing), the County needs to demonstrate through findings that the mix and density standards will be met by the proposed amendment. Since the County has recently increased allowed housing density in more appropriate locations, even with the loss of potentially 46 new housing units on these properties we are still consistent with Goal 10 if these proposals are approved. The subject is not as suitable for residential development as it is for industrial, and we have increased the density in other areas that are more suitable for the middle housing development that could occur on these two properties. This proposal is making this property consistent with the surrounding zoning.

Staff finds that this proposal meets all of the criteria within the Clackamas County Zoning and Development Ordinance and the Comprehensive Plan. It is also consistent with Statewide Planning Goals, and the Metro 2040 Growth Management Functional Plan.

Commissioner Middaugh asked how Clackamas County states its housing surplus—is there a way to numerically state how much surplus we have? Martha explained that we do not have a recent analysis of housing demand versus supply. It is a very expensive process, and we did have a consultant complete a needs analysis in 2019 which did show a deficit. Since that time we have implemented numerous changes that increased the housing capacity in certain zones, including adding an allowance for middle housing in urban low-density residential zones.. Using the information from the 2019 analysis would not provide us with an accurate picture at this point.

Commissioner Pak asked if we had already looked at another property nearby that went through a zone change. Martha answered that the property immediately to the south had gone through a similar zone change from MR-1 to Light Industrial in 2020.

Commissioner Wilson believes that we need to develop industrial areas in order to get jobs in the community. If this is going to help do that, then he thinks it is a good move.

Commissioner Lopes is concerned about the current residents in the two homes on these properties being displaced.

Peter Finley-Fry is representing the applicant. The property on the north side is owned by his client. It is not currently being used as a residence. The property on the south side is owned by a woman named Sue Owens. She is not interested in moving or selling the property at this time. Ms. Owens actually owns the property where she resides, she is in control of what happens to her property. She has signed on to this application with Mr. Finley Fry's client. Mr. Finley Fry stated that the physical realities of these properties do not make them conducive to residential zoning. The pattern of land use in the area is highly industrialized and commercial. Fundamentally this is not a good place to have housing.

Tyler Dean is the northern property owner's real estate agent. The parcel that his client owns is developed with six warehouse-type structures already, so with the zoning of the surrounding parcels already being industrial it just made sense to apply for a zone change and make this property more congruent with those around it. Since it is already developed with fairly new warehouse buildings, there is no intention to develop it further in the near future.

Commissioner Middaugh does have concerns about losing potential housing units but given the location and that Metro designated this area as industrial he supports this proposal.

Commissioner Peterson can't imagine anyone wanting to live in this area and being surrounded by industrial uses. There are no services in the area other than a McDonalds and a Starbucks. The street is extremely busy, and there aren't any amenities to support residential uses. To him this is a logical proposal.

Commissioner Lopes feels that this does make sense. She is reassured that the current residents will not be displaced and is now in support of the proposed change.

Commissioner Pak thinks that it is important to use land in a way that makes sense and she is in support of staff's recommendation.

Commissioner Wilson is all for industrial development, and it looks like this piece of property is well suited for it.

Commissioner Moss is familiar with the area, and it definitely has an industrial feel to it. This change probably should have been made long time ago.

Commissioner Murphy is in favor of keeping the industrial uses in an appropriate area and not mixed with residential uses. He is also in support.

Commissioner Moss moved to recommend approval of Z0313-23-CP and Z0314-23-ZAP subject to the conditions as written in the staff report. Commissioner Peterson seconded. *Ayes=7, Nays=0. Motion passes.*

Commissioner Peterson moved to approve the minutes for October 23<sup>rd</sup>, 2023 as submitted by staff. Commissioner Lopes seconded. *Ayes=5, Nays=0, Abstain=2 (Pak, Moss). Motion passes.*

Ms. Hughes provided a schedule update.

There being no further business, the meeting was adjourned at 8:07 pm.

**Exhibit List**  
**In The Matter Of File Nos. Z0313-23-CP & Z0314-23-ZAP**

<b>Ex. No.</b>	<b>Date Received</b>	<b>Author or source</b>	<b>Subject &amp; Date of document</b>
1*	08/07/23 & 08/28/23	Applicant (Peter F Fry)	Submitted Application   08/07/23, deemed incomplete 08/21/23, deemed complete 08/28/23
2*	---	Planner of Record (M Fritzie)	Land use notices
3*	---	Planner of Record (M Fritzie)	Maps: <i>Title 4, Industrial and Other Employment Areas</i> (Metro) and Assessor's maps for subject properties
4*	10/24/23	Glen Hamburg, Metro	Email noting that the proposed change would bring the County's comprehensive plan map and zoning map into closer alignment with the form of growth and development envisaged in Metro's 2040 Growth Concept Map
5*	10/30/23	Erik Bertram, Water Environment Services (WES)	Email noting that WES has no comments on the zone change proposal, but will provide comments and conditions for any subsequent development on the site
6*	11/21/23	Samuel Goldberg, Fair Housing Council of Oregon	Email requesting a citation of Clackamas County's current housing need
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\* Exhibits received prior to or during hearing  
 \*\* Exhibits received during open record after hearing  
 \*\*\* Oversize exhibits



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

**STAFF USE ONLY**

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RECEIVED

Aug 7 2023

Clackamas County  
 Planning & Zoning Division

Z0313-23  
 Z0314-23

Staff Initials: \_\_\_\_\_ File Number: \_\_\_\_\_

Land use application for:

## COMPREHENSIVE PLAN MAP AMENDMENT & ZONE CHANGE

Application Fee: \$14,920 (+\$150 for expanded notification area if the property is in the AG/F, EFU, FF-10, FU-10, RA-1, RA-2, RC, RI, RR, RRF-5, or TBR zone)

APPLICANT INFORMATION			
Applicant name: <i>Peter F Fry</i>	Applicant email: <i>peter@finleyfry.com</i>	Applicant phone: <i>503 703 8033</i>	
Applicant mailing address: <i>303NW Opdown Terrace #1B</i>	City: <i>Portland</i>	State: <i>OR</i>	ZIP: <i>97210</i>
Contact person name (if other than applicant):	Contact person email:	Contact person phone:	
Contact person mailing address:	City:	State:	ZIP:

PROPOSAL	
Brief description of proposal: <i>Medium Density Residential To Light Industrial</i>	Pre-application conference file number: <i>ZPA0045-20</i>

SITE INFORMATION		
Site address: <i>15997 and 16107 SE 135<sup>th</sup></i>	Comprehensive Plan designation: <i>Medium Density Residential</i>	Zoning district: <i>MDR</i>
Map and tax lot #:	Land area:	
Township: <i>22E</i> Range: <i>11</i> Section: <i>DB</i> Tax Lot: <i>00700</i>	<i>2.96</i>	
Township: <i>22E</i> Range: <i>11</i> Section: <i>D</i> Tax Lot: <i>01602</i>	<i>.99</i>	
Township: _____ Range: _____ Section: _____ Tax Lot: _____		
Adjacent properties under same ownership:		
Township: _____ Range: _____ Section: _____ Tax Lot: _____		
Township: _____ Range: _____ Section: _____ Tax Lot: _____		

Printed names of all property owners: <i>Butch Busse</i> <i>Susan Lynn + Richard Owens</i>	Signatures of all property owners: DocuSigned by: <i>[Signature]</i> DocuSigned by: <i>[Signature]</i> DocuSigned by: <i>[Signature]</i>	Date: <i>7/27/2023</i> <i>7/27/2023</i> <i>7/27/2023</i>
I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.		
Applicant signature:		Date:



**D. Answer the following questions:**

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

Requested Plan designation: Light Industrial LI

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

Requested zoning district: LI

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

NO

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

\_\_\_\_\_

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

NO, this application is being filed alone.

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

\_\_\_\_\_



Site Plan



**Peter Finley Fry AICP MUP Ph.D.**

August 01, 2023

**Request for amendment to Comprehensive Plan and Zone maps**

**GENERAL INFORMATION**

**Applicants: Owners**

15997 SE 135TH AVE  
Butch Busse  
H&R Properties, LLC.  
PO Box 2375  
Clackamas, OR 97015

16107 SE 135TH AVE  
Susan Lynn & Richard Owens  
8075 SW Spruce ST  
Tigard Oregon 97223

**Planning Consultant:**  
Peter Finley Fry AICP  
303 NW Uptown Terrace, 1B  
Portland, Oregon 97210

Phone: 503-703-8033  
[peter@finleyfry.com](mailto:peter@finleyfry.com)

**Location:** 15997 and 16107 SE 135<sup>th</sup>

**Jurisdiction:** Clackamas County

**State Identification:**

22E11DB -00700	15997 SE 135TH AVE
Building:	2,422 sq ft Site: 2.96 acres (128,937.6 sqft)
22E11D -01602	16107 SE 135TH AVE
Building:	1,575 sq ft Site: 0.99 acres (42,908 sq ft)

**Comprehensive Plan Designation/Zoning:**

<b>Current:</b>	Medium Density Residential	MDR
<b>Proposed:</b>	Light Industrial	LI

**Preapplication Conference:**  
ZPAC0045-20



**303 NW Uptown Terrace #1B  
Portland, Oregon USA 97210  
[peter@finleyfry.com](mailto:peter@finleyfry.com)**

Peter Finley Fry  
Butch Busse and Susan Lynn & Richard Owens  
Comprehensive Plan amendment and zone change

**PROPOSAL**

We request a comprehensive plan map amendment and zone change for these two lots that abut the west side of 135th. We request that the comprehensive plan map be amended, and zone map changed to Light Industrial (LI).

**CRITERIA**

**I. Proposed Amendment of the Comprehensive Plan**

**3.0 Amend the Comprehensive Plan pursuant to the following procedures and guidelines.**

**3.1 Allow initiation of a map amendment only by the Board of County Commissioners, the Planning Commission, the Planning Director, or the owner of the property for which a change is requested.**

**3.2 Allow initiation of a text amendment only by the Board of County Commissioners, the Planning Commission, or the Planning Director.**

**3.3 Consider all proposed Comprehensive Plan amendments at advertised public hearings before the Planning Commission and the Board of County Commissioners, in accordance with state law and County requirements.**

**3.4 For quasi-judicial amendments, provide notice of application and public hearing to nearby property owners and the applicable Community Planning Organization a minimum of 20 days prior to the first scheduled public hearing. Provide a copy of the application to the applicable Community Planning Organization a minimum of 35 days prior to the first scheduled public hearing. For legislative amendments, provide notice of proposal and public hearing to all active and recognized Community Planning Organizations, and ensure that the proposal is available for review, a minimum of 35 days prior to the first scheduled public hearing.**

**3.5 Provide the opportunity for the Department of Land Conservation and Development and Metro to review and comment on proposed legislative amendments, pursuant to the applicable provisions of state law and the Metro Code.**

**3.6 Recognize the Board of County Commissioners as the decision making body for quasi-judicial and legislative Plan amendments, but provide for the Planning Commission to make recommendations to the Board on these amendments, except in the case of a Plan amendment to designate an historic resource, in which case the Historic Review Board shall be the recommending body.**

**FINDING**

The request is made by the property owners and is an amendment to the map and not the Comprehensive Plan text. The request shall be noticed and heard before the Clackamas County Planning Commission for recommendation and the Clackamas County Board of County Commissioners for the local decision. The site is not a designated historic resource. The following findings support the request as equal to/or improved upon the existing Comprehensive Plan map.

**Clackamas County Comprehensive Plan  
Chapter 1 - Introduction**

**GOALS**

The overall goals of the Plan are:

- Balance public and private interests and adopt a coordinated set of goals and policies to guide future development in Clackamas County.
- Identify the most appropriate land uses for individual sites by evaluating site characteristics in light of market demand, human needs, technology, and state, regional, and County goals.

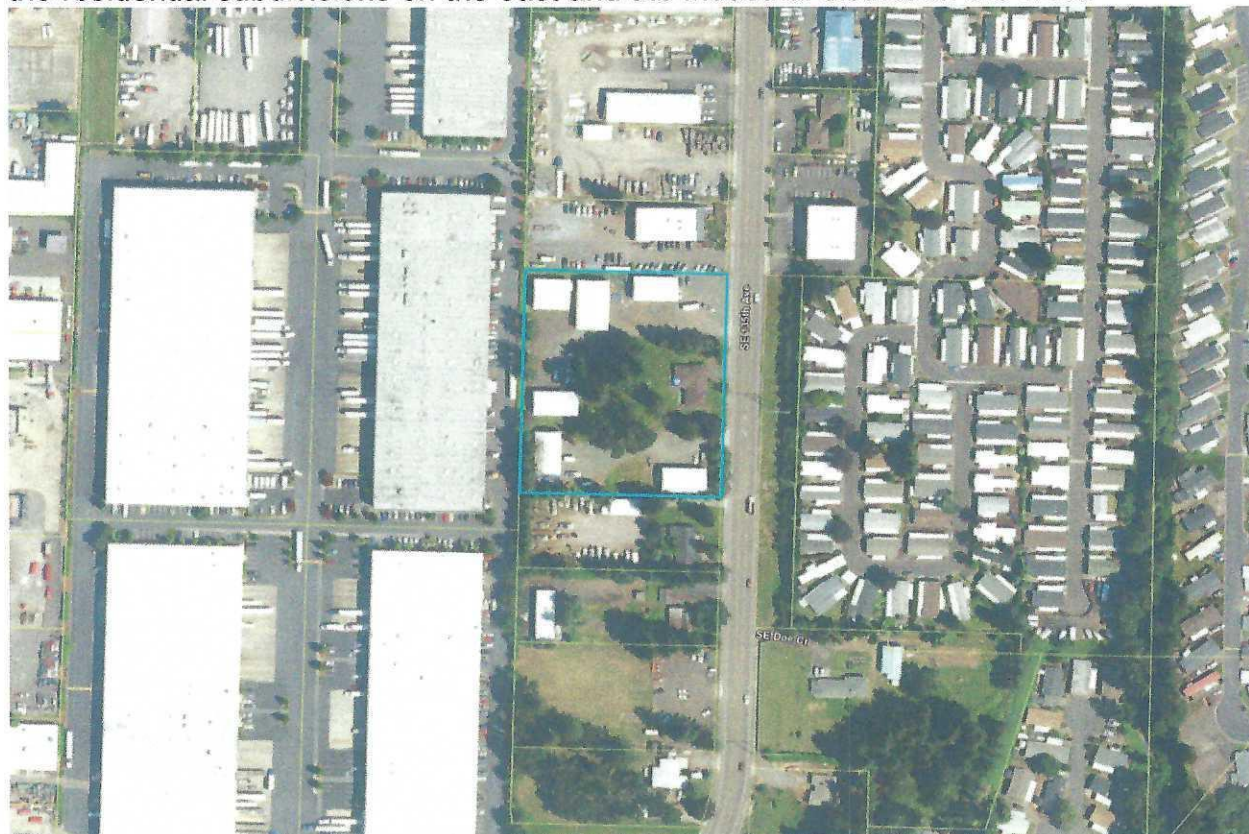
Peter Finley Fry  
Butch Busse and Susan Lynn & Richard Owens  
Comprehensive Plan amendment and zone change

- Provide for growth in areas where public facilities can economically be provided to support growth.
- Create development opportunities most compatible with the fiscal and financial capacity of the County and its residents.
- Implement the policies of this Plan by adopting a zoning map and set of regulations, and by guiding public investments to support anticipated growth.
- Establish a system whereby individual interests may be compared to stated County policy and provide a process for review and amendment of those policies as expressed in this Comprehensive Plan.

**FINDING**

The proposal is to change the use of two lots (2.96 acres and .99 acres) that total 3.15 acres from medium density residential to light industrial. The change is too small to materially affect the County’s twenty-year industrial or residential land supply. The change improves and completes the pattern of use. The proposed site is on the southeastern edge of the large established Clackamas County Industrial District. The site is abutted by industrial designations (uses) on the north, south, and west. The east frontage is a street separating the site from a large residentially zoned community. The residential community is further separated by a no built lot with a landscaped wall abutting the east side of SE 135<sup>th</sup>.

The amendment continues to create a clear and smooth edge along SE 135<sup>th</sup> between the residential subdivisions on the east and the industrial district on the west.



Peter Finley Fry  
Butch Busse and Susan Lynn & Richard Owens  
Comprehensive Plan amendment and zone change

**Chapter 2 – Citizen Involvement**

**FINDING**

The application for an amendment of Clackamas County’s Comprehensive Plan requires public notice and two public hearings. The first public hearing is before the Clackamas County Planning Commission who make a recommendation. The second hearing is before the Clackamas County Board of County Commissioners who make the final local land use decision.

**Chapter 3 – Natural Resources & Energy**

**WATER RESOURCES**

**FINDING**

The site is not on a river or stream corridor and stream and does not have wetland or water features. The site will be developed through Clackamas County’s permitting process to ensure that any storm water is treated and disposed of appropriately.

**AGRICULTURE**

**FINDING**

The site is not in or near an agricultural area. The area is a fully urbanized.

**FORESTS**

**FINDING**

The site is not in or near a forested area. The area is fully urbanized.

**MINERAL AND AGGREGATE RESOURCES**

**FINDING**

The site is not in or near mineral or aggregate resources. The area is fully urbanized.

**WILDLIFE HABITATS AND DISTINCTIVE RESOURCE AREAS**

**FINDING**

The site is not in or near a wildlife habitat or distinctive resource area. The area is fully urbanized.

**NATURAL HAZARDS**

**FINDING**

The site is not in or near an area of natural hazards. The area is fully urbanized.

**ENERGY SOURCES AND CONSERVATION**

**FINDING**

Any development of the requested amendment site will conform with Clackamas County and Oregon State laws regarding noise and air quality.

**NOISE AND AIR QUALITY**

**FINDING**

Any development of the requested amendment site will conform with Clackamas County and Oregon State laws regarding noise and air quality.

Peter Finley Fry  
Butch Busse and Susan Lynn & Richard Owens  
Comprehensive Plan amendment and zone change

## Chapter 4 – Land Use

### URBANIZATION

#### FINDING

The area is fully urbanized.

#### URBAN GROWTH CONCEPT

Provide for a compact urban form, integrating the built environment, transportation network, and open space, that:

Minimizes the amount of Urban Growth Boundary expansion required to accommodate expected population and employment growth in the next 20 years.

Efficiently uses public services including transportation, transit, parks, schools, sewer and water.

Distinguishes areas for intensive development from areas appropriate for less intensive development.

Preserves existing stable and distinct neighborhoods by focusing commercial and residential growth in mixed use centers and corridors.

Develops mixed use centers and corridors at a pedestrian scale and with design features and public facilities that support pedestrian, bicycle and transit trips.

Maintain the rural character of the landscape between the Urban Growth Boundary and neighboring cities.

**4.L. Industrial Area Policies.** The Industrial Area design type designation is applied as shown on Map 4-8. Policies that apply to Industrial Areas include:

**4.L.1.** Limit the size of buildings for retail commercial uses, as well as retail and professional services that cater to daily customers, to 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project. This limitation does not apply to training facilities, the primary purpose of which is to provide training to meet industrial needs.

#### FINDING

The change improves and completes the pattern of use. The proposed site is on the southeastern edge of the large established Clackamas County Industrial District. Industrial designations (uses) on the south, north, and west abut the site on the north, west, and south. The east frontage is a street. The amendment completes a clear and straight edge along SE 135th between the residential subdivisions on the east and the industrial district on the west. The site is not proposed for use as retail or retail or professional clients or a training center.



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**RESIDENTIAL**

**RESIDENTIAL GOALS**

Provide opportunities to enhance neighborhoods with more diverse and affordable housing types and neighborhood-scale commercial uses.

Provide for a variety of living environments.

Provide for development within the carrying capacity of hillsides and environmentally sensitive areas.

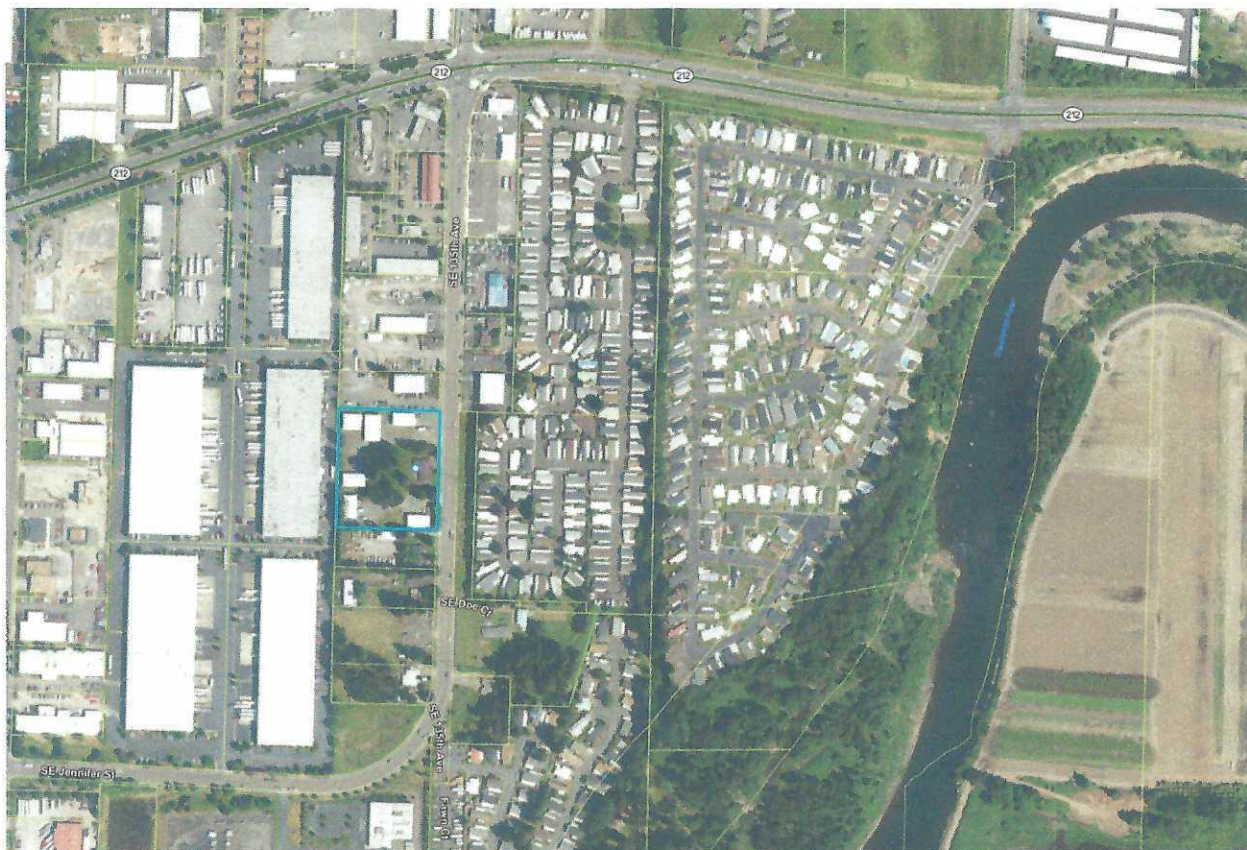
Provide opportunities for those who want alternatives to the single-family house and yard.

Provide for lower-cost, energy-efficient housing.

Provide for efficient use of land and public facilities, including greater use of public transit.

**FINDING**

The site abuts large general industrial warehouses on the property's west side. On the eastside of 135<sup>th</sup> stretching to the Clackamas River are large residential neighborhoods. Aerial pictures show the clear differentiation between industrial uses on the west of 135<sup>th</sup> and residential uses on the east of 135<sup>th</sup>. In fact, along the eastside of 135<sup>th</sup> across the street from the site and stretching several properties to the north is a 650-foot-long large mature hedge of trees within a no access lot. The mature and dense hedge protects the privacy and livability of the neighborhood to the east. The hedge is on its own tax lot.



This site is not in the residential neighborhood. The change will complete a clean edge and step down the heavy and general industrial uses to the west.



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**INDUSTRIAL**

**INDUSTRIAL GOALS**

Provide areas for general industry that meet the locational requirements of prospective industries and protect designated industrial areas from encroachment of incompatible uses.

Protect Industrial areas from the transportation impacts of residential and commercial development.

Protect areas adjacent to industrial areas from potential blighting effects of noise, dust, odor or high truck traffic volumes.

Conserve the supply of industrial land.

**4.FF. Light Industrial Policies**

4.FF.1. The following areas may be designated Light Industrial when either the first or all the other criteria are met:

4.FF.1.1. Areas having an historical commitment to industrial uses.

4.FF.1.2. Areas with excellent access to the regional transportation network.

4.FF.1.3. Areas with access to a street of at least a minor arterial classification.

4.FF.1.4. Areas with sites large enough for several industries to cooperatively design an industrial park.

4.FF.2. The Light Industrial zoning district implements this designation.

**FINDING**

The lot would be combined with the lot to the south to create a parcel large enough to develop industrial service buildings with utility and storage structures for small light industrial businesses.

Any new development will be reviewed by site/design review to ensure response to all the applicable criteria and compatibility with the surrounding area.

The site meets all the criteria of Policy 4.FF.1. The properties abutting and to the west are irrevocably committed to general industrial uses. The properties to the south and north are zoned Light Industrial. The residential neighborhood to the east exhibits a large hedge fence without openings across the street from the subject site. The site is located on SE 135<sup>th</sup>; an important collector serving the Clackamas Industrial Area with close access to Sunnyside Road. The proposed use is a light industrial complex to support industrial service businesses.

This site is not in the residential neighborhood. The site is located across the street to the west in the industrial district. The zone change completes a clean edge. The zone change to light industrial steps down the industrial uses from the west.

**COMMERCIAL**

**FINDING**

The site is not located in a commercial area.

**OPEN SPACE AND FLOODPLAINS**

**FINDING**

The site is not located in an open space or floodplain.

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**UNINCORPORATED COMMUNITIES**

**FINDING**

The site is not located in an unincorporated community.

**RURAL COMMERCIAL**

**FINDING**

The site is not located in a rural commercial area.

**RURAL INDUSTRIAL**

**FINDING**

The site is not located in a rural industrial area.

**RURAL**

**FINDING**

The site is not located in a rural area.

**AGRICULTURE**

**FINDING**

The site is not located in an agricultural area.

**FOREST**

**FINDING**

The site is not located in a forest area.

**Chapter 5 – Transportation System Plan**

*Building on the foundation of our existing assets, we envision a well-maintained and designed transportation system that provides safety, flexibility, mobility, accessibility and connectivity for people, goods and services; is tailored to our diverse geographies; and supports future needs and land use plans.*

**TSP GOALS**

- Goal 1: Provide a transportation system that optimizes benefits to the environment, the economy and the community
- Goal 2: Plan the transportation system to create a prosperous and adaptable economy and further the economic well-being of businesses and residents of the County.
- Goal 3: Tailor transportation solutions to suit the diversity of local communities.
- Goal 4: Promote a transportation system that maintains or improves our safety, health, and security.
- Goal 5: Provide an equitable transportation system.
- Goal 6: Promote a fiscally responsible approach to protect and improve the existing transportation system and implement a cost-effective system to meet future needs.

**FINDING**

A Transportation Impact Analysis (TIA) was conducted by a certified Transportation Engineer that concluded:

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“For the two tax lots, the proposed zone change from MR-1 to LI results in a 223 daily trip increase, less than the 400 average daily trip threshold identified in the Oregon Highway Plan requiring a TPR analysis. Therefore, it can be found that the proposed Comprehensive Plan amendment and zone change will not significantly affect a transportation facility and additional transportation analysis to address Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060 or Clackamas County Zoning and Development Ordinance (ZDO) criteria.”

The TIA examined the reasonable worst case for the existing zoning/designation of both lots with the future condition under LI and concluded that the impact did not exceed the established threshold.

**Chapter 6 – Housing**  
**HOUSING GOALS**

**Goal 1: Meet the needs of the County houseless population through a variety of short- and long-term options.**

**FINDING**

The site is not available to serve the needs of the county’s houseless population.

**Goal 2: Encourage development that will provide a range of choices in housing type, density, and price throughout the County.**

**FINDING**

The applicants do not intend to develop housing on the property. The site is too small and isolated to be anything but a single isolated project that does not positively add to the county’s housing choices as people would not freely choose to live at this site.

**Goal 3: Provide housing opportunities that meet the economic, social, and cultural needs of community members while using energy, land, and public facilities as efficiently as possible.**

**FINDING**

The Comprehensive Plan amendment and zone change is consistent with the mature land use pattern along SE 135<sup>th</sup>. Light Industrial uses occupy the westside of 135<sup>th</sup> and act as a less intensive industrial buffer to the general and heavy industrial uses to the west. Residential uses occupy the eastside of 135<sup>th</sup> stretching east to the Clackamas River.

The state requires jurisdiction to maintain a twenty-year land supply of industrial and residential land. The jurisdiction is required to ensure that changes to the comprehensive plan do not cause the County’s residential land supply to be reduced. State, regional, and county policy require the supply to provide a diversity of housing opportunities. The site cannot provide a feasible residential choice for any housing choice. The conversion of this site to light industrial from residential also does not have a measurable effect on Clackamas County’s residential land supply.

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The county is not required to constantly revise their housing supply when small changes are made. The state requires the County to conduct a periodic review when circumstances have materially changed. The County is obligated to identify affordable housing sites and has allowed increased residential densities in commercial and low-density residential areas. Housing choices have expanded considerably with state mandated "Middle Housing" that increases density in traditional single-family zones. The successful growth of multiple uses in town and regional centers has also significantly increased the supply of housing. The affordability of the supply remains a significant barrier to housing access. In this case, the site will not be affordable to develop as housing.

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

The Regional Housing Needs Analysis: Clackamas County – September 2019 found that the county had grown by 26,292 housing units from 2000. The County had 163,650 dwelling units in 2017. The 12 units represent .05%. The County has 730 MDR lots. The lot represents .14 % of the lots. The County only has eight acres of unconstrained vacant MDR land. This acre is not vacant. The County does project a short fall for 2039 and has established specific strategies to meet that need. The effect of this change is small enough to be absorbed in the normal changes that occur in the County. The effect is not statistically measurable because of its insignificance and the variation of the other variable in the calculation.

The site cannot be developed as part of the established residential neighborhoods to the east because it is separated by 135<sup>th</sup> and by an established hedge. The site is surrounded by non-residential uses in the south/west/north.



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This site is not a viable site for residential development because of its location and surrounding land uses.

**Chapter 7 – Public Facilities & Services**

The provision of public facilities and services is a key ingredient in the development of Clackamas County and the implementation of this Plan. All development requires a certain level of public facilities and services. The objective of this Plan element is to provide the level of public facilities and services to support the land use designations in this Plan, and to provide those facilities and services at the proper time to serve development in the most cost-effective way.

**FINDING**

Clackamas Water Environmental Services and Clackamas River Water have provided Preliminary Feasibility Statements for sewer, storm water, and water. There is adequate capacity to accommodate the requested change. The site is in an area with a complete array of urban services. Any proposed development will be reviewed by site/design review.

**Chapter 8 – Economics**

If any community is to thrive and prosper, jobs must be available to provide income for its residents. The type, quality, wage rates, and variety of jobs available in the community determine, to a large extent, the lifestyle and well-being of its residents.

The economy of Clackamas County is not separable from that of surrounding urban areas, nor is it uniform throughout. The northwest urban portion of the County clearly is part of the highly diversified urban economy of the Portland metropolitan area, with similar industries, and many retail and service businesses to serve the large urban population. The rural parts of the County and the cities lying outside the northwest urban area have traditionally been timber- or agriculture-based economies; however, residents are increasingly commuting to jobs in the Portland and Salem urban areas.

**GOALS**

- Establish a broad-based, stable, and growing economy to provide employment opportunities to meet the needs of the County’s residents.
- Retain and support the expansion of existing industries and businesses. Clackamas County Comprehensive Plan [8-3] Last Amended 10/13/14
- Attract new industrial and commercial development that is consistent with environmental quality, community livability, and the needs of County residents.

**FINDING**

The site abuts an industrial/employment area of regional importance. The application argues that the site is physically in the industrial area and serves as a light industrial buffer to the heavy and general industrial uses fully developed to the west.

**8.A Existing Industry and Business Policies**

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

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

**FINDING**

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The change cleans up an area and allows the development of light industrial uses consistent with the County’s development code.

**8.B New Industry and Business Policies**

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

**8.B.3 Give high priority to provision of sewer, water, and road services to growing industrial areas.**

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

**8.B.6 Provide for a broad range of types and sizes of industrial and commercial development to provide a broad cross section of employment opportunities for residents. Clackamas County Comprehensive Plan [8-5] Last Amended 10/13/14 8.**

**8.B.10 Require design review approval for all industrial and commercial development, addressing:**

**FINDING**

The light industrial site will allow for the development of a light industrial flex space to serve small companies at the edge of the industrial area. This employment is a different mix than the dominant warehouse and heavy industrial employment to the west.

**8.C Coordination Policies**

**8.C.4 Cooperate with the private sector to achieve economic development in the County.**

**FINDING**

The property will provide light industrial sites to local companies.

**8.D Target Industries Policies**

**8.D.1 Encourage the development of the following target industries in County planning areas:**

- a. Metals and Machinery Manufacturing**
- b. Instruments and Electrical Equipment Manufacturing**
- c. Wholesale Trade, Distribution Centers, Warehousing**
- d. Business Centers**
- e. Destination Retail**
- f. Class "A" Offices**
- g. Destination Restaurants Clackamas County Comprehensive Plan [8-7] Last Amended 10/13/14**
- h. Hotels/Motels/Conference Facilities**
- i. Tourism/Destination Attractions and Accommodations**
- j. Agriculture/Horticulture and Specialty Crops**

**FINDING**

The proposed business center will provide for the variety of needs for a regional industrial service business.

**Chapter 9 – Open Space, Parks & Historic Sites**

The conservation of land, water, and historic resources, and the related provision of recreation opportunities, is one of the most important factors in maintaining the quality of life which has made Clackamas County an attractive place to live. Recently, however, the urban area in particular has experienced a sharp jump in population, with substantial changes in the physical environment. Population growth is inevitable, at least for the foreseeable future, but the degradation of our communities is not.

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**FINDING**

The requested amendment does not affect open space, parks, or historic sites.

**Chapter 10 - Community Plans & Design Plans**

The following Community Plans and Design Plans are included in Chapter 10:

**FINDING**

The site is not in an area with a community plan or design plan.

**Chapter 11 – The Planning Process**

The purpose of Clackamas County's comprehensive planning process is to establish a framework for land use decisions that will meet the needs of County residents; recognize the County's interrelationships with its cities, surrounding counties, the region, and the state; and ensure that changing priorities and circumstances can be met. Coordination with other governmental agencies and refinement of this Plan and County ordinances is essential to achieve this end.

**FINDING**

The requested amendment is processed through a quasi-judicial land use process that requires public hearings before Clackamas County Planning Commission and Clackamas County Board of County Commissioners. The Board of County Commissioners is empowered to approve or deny the application.

**METRO CHAPTER 3.07 URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN  
REGIONAL FUNCTIONAL PLAN REQUIREMENTS**

**Title 1: Housing Capacity 3.07.110 Purpose and Intent 3.07.120 Housing Capacity**

**FINDING**

The site is too small to have a material effect on the regions' housing capacity.

**Title 2: Regional Parking Policy [Repealed Ord. 10-1241B, Sec. 6]**

**FINDING**

Title was repealed.

**Title 3: Water Quality and Flood Management**

**FINDING**

All development is required to be reviewed and approved by Clackamas County in a site review process. The site is not in a flood plain nor abutting a water feature.

**Title 4: Industrial and Other Employment Areas**

**FINDING**

The site is on the west side of SE 135<sup>th</sup> Avenue. SE 135<sup>th</sup> Avenue divides Clackamas County industrial area from the residential neighborhoods to the east.

**Title 5: Neighbor Cities and Rural Reserves [Repealed Ord. 10-1238A, Sec. 4]**

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**FINDING**

Title was repealed.

**Title 6: Centers, Corridors, Station Communities, and Main Streets**

**FINDING**

The site is not in a center, corridor, station community, or main street.

**Title 7: Housing Choice 3.07.710**

**FINDING**

The site is too small to have a material effect on the region’s housing choice.

**Title 8: Compliance Procedures 3.07.810**

**FINDING**

This title is not relevant to a comprehensive plan amendment or zone change.

**Title 9: Performance Measures [Repealed Ordinance No. 10-1244B, Sec. 8]**

**FINDING**

Title was repealed.

**Title 10: Functional Plan Definitions 3.07.1010 Definitions**

**FINDING**

This title is not relevant to a comprehensive plan amendment or zone change.

**Title 11: Planning for New Urban Areas**

**FINDING**

The site is not in a new urban area.

**Title 12: Protection of Residential Neighborhoods**

**FINDING**

The amendment clarifies the demarcation between the industrial area to the west and the residential area to the east consistent with METRO’s industrial maps.

**Title 13: Nature In Neighborhoods**

**FINDING**

The amendment is not in a neighborhood.

**Title 14: Urban Growth Boundary**

**FINDING**

The site is not on or near an urban growth boundary. The amendment does not materially affect the twenty-year land supply for either the region’s residential or industrial land because of the very small size of the request.

**Oregon State Land Use Goals**

[Goal 1](#) Citizen Involvement

[Goal 2](#) Land Use Planning

[Goal 3](#) Agricultural Lands

[Goal 4](#) Forest Lands



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- [Goal 5](#) Natural Resources, Scenic and Historic Areas, and Open Spaces
- [Goal 6](#) Air, Water and Land Resources Quality
- [Goal 7](#) Areas Subject to Natural Hazards
- [Goal 8](#) Recreational Needs
- [Goal 9](#) Economic Development
- [Goal 10](#) Housing
- [Goal 11](#) Public Facilities and Services
- [Goal 12](#) Transportation
- [Goal 13](#) Energy Conservation
- [Goal 14](#) Urbanization
- [Goal 15](#) Willamette River Greenway
- [Goal 16](#) Estuarine Resources
- [Goal 17](#) Coastal Shorelands
- [Goal 18](#) Beaches and Dunes
- [Goal 19](#) Ocean Resources

**FINDING**

Clackamas County’s Comprehensive Plan has been acknowledged by the Department of Land Conservation and Development as in compliance with the state goals. The applicant is requesting an amendment to the plan through the established public quasi-judicial process (Goal 1 and 2). The following goals are not relevant to the proposed amendment: Goal 3 – 5 and Goal 7 and 8. Future development requires a public quasi-judicial site/design review that will address Goal 6, Goals 11 -19.

Goal 9 Economic Development and Goal 10 Housing: The proposal is to change the use of .99 acres. The site is too small to have a material effect on the County’s twenty-year industrial or residential land supply. The change improves the pattern of use. The proposed site is on the southeastern edge of the large Clackamas County Industrial District. The site is abutted by industrial designations (uses) on the south and west. The east frontage is a street. The residential designated properties to the north are both being used for industrial purposes.

The amendment continues to create a clear and smooth edge along SE 135<sup>th</sup> between the residential subdivisions on the east and the industrial district on the west.

**II. Zone Change**

**1202.03 GENERAL APPROVAL CRITERIA** A zone change requires review as a Type III or IV application pursuant to Section 1307, Procedures, and shall be subject to the following standards and criteria:

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

**FINDING**

A comprehensive plan amendment to Light Industrial (LI) is requested concurrent with the request for a zone change to LI.

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**B. If development under the proposed zoning district designation has a need for any of the following public services, the need can be accommodated with the implementation of the applicable service provider's existing capital improvement plan: sanitary sewer, surface water management, and water. The cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered.**

**Sanitary sewer,  
FINDING**

The site has access to a 10 "public sewer in SE 135th Ave and can be served by a sub-regional stormwater facility at 135th and Jennifer. This feasibility only applies to the zone change and Planning may any development will be required to meet conditions of a Site/Design Review applications.

**Surface water management, and  
FINDING**

An Environmental Site Assessment (November 11, 2019) publicly reported on a lot immediately to the south of the site:

*"5.3.1 Soil/Geologic Conditions: According to the Soil Survey of Clackamas County, Oregon printed by the United States Department of Agriculture Soil Conservation Service, the soils in the area of the subject property are characterized as Salem Silt Loam. This deep, well-drained soil is on stream terraces. It formed in alluvium. Typically, the surface layer is very dark grayish brown silt loam about 8 inches thick. The subsoil is dark brown gravelly silty clay loam and gravelly clay loam about 16 inches thick. The substratum to a depth of 60 inches or more is dark grayish brown very gravelly loamy sand. Permeability of this Salem soil is moderate. Available water capacity is about 4 to 6 inches."*

Site/Design review will determine the actual method of storm water disposal based on the proposed development.

**FINDING**

The site is served by an existing 18 " DI water line in SE 135<sup>th</sup> constructed in 2001. A Preliminary Statement of Feasibility and map is included in the application. Any development will be reviewed by site/design review. Fire flow and accessibility will be reviewed and developed to adequately serve the proposed development.

**C. The transportation system is adequate and will remain adequate with approval of the proposed zone change. For the purpose of this criterion:**

**1. Adequate means a maximum volume-to-capacity ratio (v/c), or a minimum level of service (LOS), as established by Comprehensive Plan Tables 5-2a, Motor Vehicle Capacity Evaluation Standards for the Urban Area, and 5-2b, Motor Vehicle Capacity Evaluation Standards for the Rural Area.**

**2. The evaluation of transportation system adequacy shall be conducted pursuant to the Transportation Planning Rule (Oregon Administrative Rules 660-012- 0060).**

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3. It shall be assumed that the subject property is developed with the primary use, allowed in the proposed zoning district, with the highest motor vehicle trip generation rate.

4. The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards.

5. The adequacy standards shall apply to all roadways and intersections within the impact area of the proposed zone change. The impact area shall be identified pursuant to the Clackamas County Roadway Standards.

6. A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.

7. Notwithstanding Subsections 1202.03(C)(4) through (6), motor vehicle capacity calculation methodology, impact area identification, and transportation impact study requirements are established by the ODOT Transportation Analysis Procedures Manual for roadways and intersections under the jurisdiction of the State of Oregon.

## **FINDING**

A Transportation Impact Analysis conducted by a certified Transportation Engineer concluded:

“For the two tax lots, the proposed zone change from MR-1 to LI results in a 223 daily trip increase, less than the 400 average daily trip threshold identified in the Oregon Highway Plan requiring a TPR analysis. Therefore, it can be found that the proposed Comprehensive Plan amendment and zone change will not significantly affect a transportation facility and additional transportation analysis to address Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060 or Clackamas County Zoning and Development Ordinance (ZDO) criteria.”

Specific development is required to be reviewed by site/design review. Unique or special circumstances would be identified and mitigated.



June 21, 2023

Clackamas County Department of Transportation and Development  
Attention: Christian Snuffin  
150 Beaver Creek Road  
Oregon City, Oregon 97045

Re: **15997 and 16107 SE 135<sup>th</sup> Avenue Comprehensive Plan Amendment and Zone Change –  
Clackamas County, Oregon**  
*Transportation Impact Study (TIS)*

Clackamas County File Number ZPAC0015-23  
C&A Project Number 20230405.00

Dear Mr. Snuffin,

This Transportation Impact Study (TIS) supports the proposed Comprehensive Plan map amendment and zone change of two adjacent properties in Clackamas County, Oregon. The following items are specifically addressed:

1. Property Description and Proposed Land Use Actions
2. Trip Generation
3. Summary

## **1. PROPERTY DESCRIPTION AND PROPOSED LAND USE ACTIONS**

The property addressed 15997 SE 135<sup>th</sup> Avenue is identified as tax lot 700 on Clackamas County Assessor's map 22E11DB and is approximately 2.96 acres. It is currently developed with a single-family residence and six (6) buildings used for vehicle storage. The property addressed 16107 SE 135<sup>th</sup> Avenue is identified as tax lot 1602 on map 22E11D and is approximately 0.99 acres. It is currently developed with a single-family residence and one (1) building used for vehicle storage. Both properties have direct access to SE 135<sup>th</sup> Avenue. The property locations are illustrated in the attached Figure 1.

Proposed land use actions for both properties include a Clackamas County Comprehensive Plan map amendment from Medium Density Residential (MDR) to Light Industrial (LI) and a corresponding zone change from Medium Density Residential (MR-1) to Light Industrial (LI).

Based on Clackamas County pre-application conference notes, File Number ZPAC0015-23, for tax lot 700 a transportation impact study (TIS) is necessary to address Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060 in addition to Clackamas County Zoning and Development Ordinance (ZDO) criteria. Subsequent discussions with County staff indicate that the pre-application conference notes for tax lot 700 are also applicable to tax lot 1602. As such, the same land use actions are contemplated for both properties by this analysis.

## 2. TRIP GENERATION

### Transportation Planning Rule Analysis

The Comprehensive Plan amendment and zone change land use actions require a TIS to address TPR requirements, including a comparison of reasonable worst-case development scenarios in both the current and proposed zone designations. Scenario assumptions are as follows:

TABLE 1 – REASONABLE WORST-CASE DEVELOPMENT ASSUMPTIONS				
Property		Zone Designation	Reasonable Worst-Case Development	
Description	Size		Assumption	Size
Tax Lot 700	2.96 Acres 128,938 SF	<b>Current</b>		
		Medium-Density Residential (MR-1)	Per Clackamas County ZDO Section 315, Table 315-4 Dimensional Standards, and Section 1012, the site is allowed a minimum of 29 and a maximum of 36 attached housing units. Assume 36 attached housing units.	36 DU
		<b>Proposed</b>		
		Light Industrial (LI)	Per Clackamas County ZDO Section 602, the LI zone allows numerous uses. Assume a 40% Floor Area Ratio and corporate office use. <sup>1</sup>	51,575 SF
Tax Lot 1602	0.99 Acres 43,124 SF	<b>Current</b>		
		Medium-Density Residential (MR-1)	Per Clackamas County ZDO Section 315, Table 315-4 Dimensional Standards, and Section 1012, the site is allowed a minimum of 10 and a maximum of 12 attached housing units. Assume 12 attached housing units.	12 DU
		<b>Proposed</b>		
		Light Industrial (LI)	Per Clackamas County ZDO Section 602, the LI zone allows numerous uses. Assume a 40% Floor Area Ratio and corporate office use. <sup>1</sup>	17,250 SF

<sup>1</sup> Refer to the attached spreadsheet for a trip generation comparison of allowed LI zone land uses.

Using the above-identified development assumptions, trip generation in the current and proposed zone designations is estimated using the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 11<sup>th</sup> Edition, and practices from the ITE *Trip Generation Handbook*, 3<sup>rd</sup> Edition. Trip generation is presented in the following table.

15997 and 16107 SE 135th Avenue Comprehensive Plan Amendment and Zone Change – Clackamas County, Oregon  
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TABLE 2 – REASONABLE WORST- CASE DEVELOPMENT TRIP GENERATION <sup>1</sup>							
Property	Land Use	ITE Code	Size	Daily	PM Peak Hour		
					Enter	Exit	Total
Tax Lot 700	<b>Current MR-1 Zone Designation</b>						
	Multifamily Housing (Low-Rise)	220	36 DU	243	12	6	18
	<b>Proposed LI Zone Designation</b>						
	Corporate Office	714	51,575 SF	410	6	61	67
<b>Change in Trip Generation with Zone Change</b>				<b>167</b>	<b>(6)</b>	<b>55</b>	<b>49</b>
Tax Lot 1602	<b>Current MR-1 Zone Designation</b>						
	Multifamily Housing (Low-Rise)	220	12 DU	81	4	2	6
	<b>Proposed LI Zone Designation</b>						
	Corporate Office	714	17,250 SF	137	2	20	22
<b>Change in Trip Generation with Zone Change</b>				<b>56</b>	<b>(2)</b>	<b>18</b>	<b>16</b>
<b>Total Change in Trip Generation with Zone Change – Both Tax Lots</b>				<b>223</b>	<b>(8)</b>	<b>73</b>	<b>65</b>

<sup>1</sup> Trip generation estimated using the Average Rate for all Land Uses per recommended practice in the ITE Trip Generation Handbook, 3<sup>rd</sup> Edition.

As identified in the table above, for tax lot 700, reasonable worst-case development in the proposed LI zone designation generates an additional 167 daily and 49 PM peak hour trips over the existing MR-1 zone designation. For tax lot 1602, reasonable worst-case development in the proposed LI zone designation generates an additional 56 daily and 16 PM peak hour trips over the existing MR-1 zone designation. For both tax lots, the trip generation increase is 223 daily trips and 65 PM peak hour trips.

**Transportation Planning Rule Considerations**

Oregon Highway Plan Action 1F.5, states “For purposes of evaluating amendments to transportation system plans, acknowledged comprehensive plans, and land use regulations subject to OAR 660- 12-0060, in situations where the volume-to-capacity ratio or alternative mobility target for a highway segment, intersection, or interchange is currently above the mobility targets in Table 6 or Table 7 or those otherwise approved by the Oregon Transportation Commission, or is projected to be above the mobility targets at the planning horizon, and transportation improvements are not planned within the planning horizon to bring performance to the established target, the mobility target is to avoid further degradation. If an amendment subject to OAR 660-012-0060 increases the volume-to-capacity ratio further or degrades the performance of a facility so that it does not meet an adopted mobility target at the planning horizon, it will significantly affect the facility unless it falls within the thresholds listed below for a small increase in traffic.

In addition to the capacity-increasing improvements that may be required to mitigate impacts, other performance-improving actions to consider include, but are not limited to:

- System connectivity improvements for vehicles, bicycles, and pedestrians.
- Transportation demand management (TDM) methods to reduce the need for additional capacity.
- Multi-modal (bicycle, pedestrian, transit) opportunities to reduce vehicle demand.
- Operational improvements to maximize the use of the existing system.
- Land use techniques such as trip caps/budgets to manage trip generation.

County, Oregon

C&A Project Number 20230405.00

June 21, 2023

Page 4

*In applying “avoid further degradation” for state highway facilities already operating above the mobility targets in Table 6 or Table 7 or those otherwise approved by the Oregon Transportation Commission, or facilities projected to be above the mobility targets at the planning horizon, a small increase in traffic does not cause “further degradation” of the facility.*

*The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes as follows:*

- *Any proposed amendment that does not increase the average daily trips by more than 400.*
- *Any proposed amendment that increases the average daily trips by more than 400 but less than 1,001 for state facilities where:*
  - *The annual average daily traffic is less than 5,000 for a two-lane highway.*
  - *The annual average daily traffic is less than 15,000 for a three-lane highway.*
  - *The annual average daily traffic is less than 10,000 for a four-lane highway.*
  - *The annual average daily traffic is less than 25,000 for a five-lane highway.*
- *If the increase in traffic between the existing plan and the proposed amendment is more than 1,000 average daily trips, then it is not considered a small increase in traffic and the amendment causes further degradation of the facility and would be subject to existing processes for resolution.*

*In applying OHP mobility targets to analyze mitigation, ODOT recognizes that there are many variables and levels of uncertainty in calculating volume-to-capacity ratios, particularly over a specified planning horizon. After negotiating reasonable levels of mitigation for actions required under OAR 660-012-0060, ODOT considers calculated values for v/c ratios that are within 0.03 of the adopted targets in the OHP to be considered in compliance with the target. The adopted mobility target still applies for determining significant affect under OAR 660-012-0060.*

For the two tax lots, the proposed zone change from MR-1 to LI results in a 223 daily trip increase, less than the 400 average daily trip threshold identified in the Oregon Highway Plan requiring a TPR analysis. Therefore, it can be found that the proposed Comprehensive Plan amendment and zone change will not significantly affect a transportation facility and additional transportation analysis to address TPR criteria is not necessary.

15997 and 16107 SE 135th Avenue Comprehensive Plan Amendment and Zone Change – Clackamas County, Oregon  
C&A Project Number 20230405.00  
June 21, 2023  
Page 5

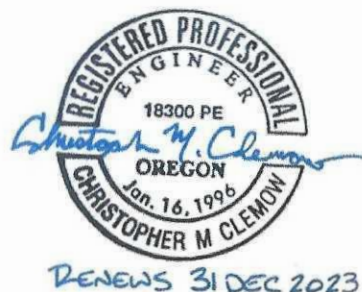
**3. SUMMARY**

The following conclusions are made based on the materials contained in this analysis.

1. The property addressed 15997 SE 135<sup>th</sup> Avenue is identified as tax lot 700 on Clackamas County Assessor’s map 22E11DB and is approximately 2.96 acres. It is currently developed with a single-family residence and six (6) buildings used for vehicle storage. The property addressed 16107 SE 135<sup>th</sup> Avenue is identified as tax lot 1602 on map 22E11D and is approximately 0.99 acres. It is currently developed with a single-family residence and one (1) building used for vehicle storage. Both properties have direct access to SE 135<sup>th</sup> Avenue.
2. Proposed land use actions for both properties include a Clackamas County Comprehensive Plan map amendment from Medium Density Residential (MDR) to Light Industrial (LI) and a corresponding zone change from Medium Density Residential (MR-1) to Light Industrial (LI).
3. Discussions with County staff indicate that the pre-application conference notes for tax lot 700 are also applicable to tax lot 1602. As such, the same land use actions are contemplated for both properties by this analysis.
4. For tax lot 700, reasonable worst-case development in the proposed LI zone designation generates an additional 167 daily and 49 PM peak hour trips over the existing MR-1 zone designation. For tax lot 1602, reasonable worst-case development in the proposed LI zone designation generates an additional 56 daily and 16 PM peak hour trips over the existing MR-1 zone designation. For both tax lots, the trip generation increase is 223 daily trips and 65 PM peak hour trips.
5. For the two tax lots, the proposed zone change from MR-1 to LI results in a 223 daily trip increase, less than the 400 average daily trip threshold identified in the Oregon Highway Plan requiring a TPR analysis. Therefore, it can be found that the proposed Comprehensive Plan amendment and zone change will not significantly affect a transportation facility and additional transportation analysis to address Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060 or Clackamas County Zoning and Development Ordinance (ZDO) criteria.

Sincerely,

Christopher M. Clemow, PE, PTOE  
Transportation Engineer



Attachments: Figure 1 – Site Location  
Land Use Trip Generation Comparison

c: Peter Finley Fry





Functional Roadway Classifications

**LEGEND**

-  Principal Arterial
-  Minor Arterial
-  Collector
-  Local



2237 NW Torrey Pines Drive  
Bend, Oregon 97703  
541-579-8315  
cclemow@clemow-associates.com

**SITE AREA**

SE 135th Avenue CPA-ZC - Cackamas County, Oregon

C&A Project No. 20230405.00

**FIGURE**

**1**







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

## PRELIMINARY STATEMENT OF FEASIBILITY

TO BE COMPLETED BY APPLICANT		
Applicant name: <b>Peter F Fry</b>	Applicant email: <b>peter@finleyfry.com</b>	Applicant phone: <b>503-703-8033</b>
Project engineer:	Project engineer email:	Project engineer phone:
Site address: <b>15997 SE 135th Ave and 16107 SE 135th Ave</b>		
Map and tax lot #: Township: <u>2S</u> Range: <u>2E</u> Section: <u>11DB</u> Tax Lot: <u>00700</u> Township: <u>2S</u> Range: <u>2E</u> Section: <u>11D</u> Tax Lot: <u>01602</u> Township: _____ Range: _____ Section: _____ Tax Lot: _____		

TO BE COMPLETED BY SERVICE PROVIDER / SURFACE WATER MANAGEMENT AUTHORITY	
Name of service provider / surface water management authority: <b>Clackamas River Water</b>	Name and title of authorized representative: <b>Anthony Steele, Engineering Associate</b>
Representative email: <b>astele@crwater.com</b>	Representative phone: <b>503-722-9239</b>
Check all that apply:	
<p><b>Water Service</b></p> <p><input checked="" type="checkbox"/> Water service, including fire flows, is available in levels appropriate for the development and adequate water system capacity is available in source, supply, treatment, transmission, storage, and distribution, or such levels and capacity can be made available through improvements completed by the developer or the system owner.</p> <p><input type="checkbox"/> Water service is adequate with the exception of fire flows. The applicant shall provide a statement from the fire district serving the subject property that states that an alternate method of fire protection, such as an on-site water source or sprinkler system, is acceptable.</p> <p><input type="checkbox"/> Adequate water service cannot be provided.</p> <p><b>Sanitary Sewer Service</b></p> <p><input type="checkbox"/> Sanitary sewer capacity in the wastewater treatment system and the sanitary sewage collection system is available to serve the development or can be made available through improvements completed by the developer or the system owner.</p> <p><input type="checkbox"/> Adequate sanitary sewer service cannot be provided.</p> <p><b>Surface Water Management, Treatment, and Conveyance</b></p> <p><input type="checkbox"/> Adequate surface water management, treatment, and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.</p> <p><input type="checkbox"/> Adequate surface water management, treatment, and conveyance cannot be provided.</p>	
Is this statement issued subject to any conditions of approval?	
<input checked="" type="checkbox"/> YES, and those conditions are attached. <input type="checkbox"/> NO	
Signature of authorized representative: 	Date of signature: <b>7/5/23</b>



## Attachment

### County Preliminary Statement of Feasibility

To: Peter F Fry

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From: Anthony Steele (CRW)

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Date: 07/05/23

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Re: 15997 SE 135<sup>th</sup> Ave and 16107 SE 135<sup>th</sup> Ave

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#### ● Comments:

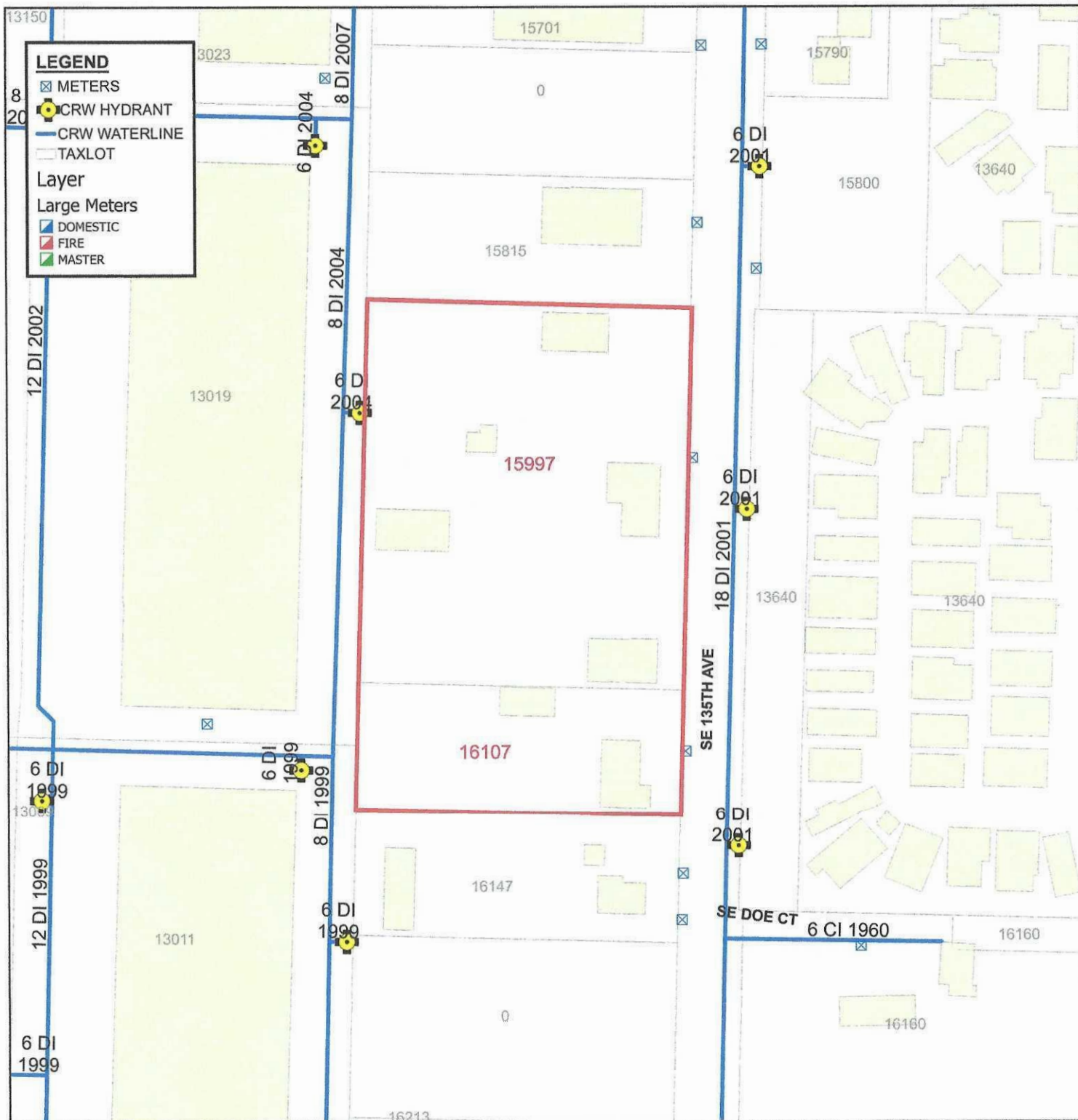
- A. *“Water service will be provided only from pipes or mains located within public street, alleys or rights-of-way, or within easements furnished to CRW, and to property or premises with frontage to such mains.... Each dwelling or building will be provided with its own water service connection and meter ...No person shall furnish water to other buildings or premises without the written approval of the Board, which may be granted in the sole discretion of the Board, and then only under the specific terms of an agreement approved by CRW”*
- B. Fire hydrant number and distribution shall be in accordance with the Oregon Fire Code C105.1
- C. Placement of fire hydrant systems shall be in accordance with the Oregon Fire Code 507.5.1
- D. Unless noted on plans or specified otherwise, all construction and backflow devices are to be in accordance with the most recent version of Clackamas River Water standards and the Oregon Administration Rules (OAR), Chapter 333.
- E. All water facilities design, construction, testing and maintenance, where applicable, shall conform to the latest adopted revision of the Oregon state Health Division administrative Rules chapter 333 on Public water System except where provisions outlined in the Clackamas River Water rules and regulations.
- F. For design of District’s water system improvements, hydraulic system must be analyzed using the worst- case scenario envisioned in the district’s current Water System Facilities Plan. The water system analysis shall be conducted using a simultaneous demand for the maximum (peak) day demand or peak hour non-fire demand, whichever is greater, and the fire demand.
- G. Any substantial deviation from the approved construction plans must have prior approval of the Water District.
- H. Easements for water facilities shall be provided along property lines and designated on the final plat, as deemed necessary by the Water District.
- I. Resale of water purchased from the Water District will not be permitted. No user shall resell or permit resale of water directly to any person, or for any use.

F:\DEVELOPMENT & NEW SERVICES\Land Use Design Review\Pre-App, Design Review & Land Use Applications\15997 and 16107 SE 135th Ave\Preliminary Statement of Feasibility\Statement of Feasibility Conditions.docx

- J. An approved water system capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings are to be constructed.
- K. If water service is adequate with the exception of fire flows, the applicant shall submit a statement to Clackamas River Water from the fire district serving the subject property that states that if and /or what alternate method of fire protection is acceptable.
- L. Upon plan review there may be additional requirements as set forth by the Water District.

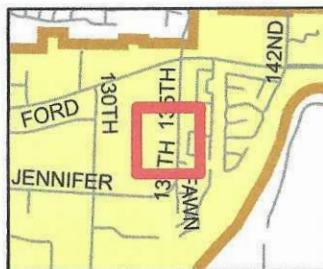
# Clackamas River Water - 15597 & 16107 SE 135th Ave

Z0313-23-CP, Z0314-23-ZAP



Date: 7/5/2023  
 Drawing Name: GIS-Development  
 Drawing Location: I:\Documentation\Facility Data  
 Drawing By: A. Steele

MAP FOR REFERENCE PURPOSES ONLY  
 The information on this map is derived from Clackamas River Water's digital database. However, there may be map errors or omissions. Please contact Clackamas River Water directly to verify map information. Notification of any errors is appreciated.



**CLACKAMAS RIVER WATER**  
 GEOGRAPHIC INFORMATION SYSTEM

16770 SE 82nd Drive - Clackamas, Oregon  
 503-722-9220 - www.crwater.com



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## PRELIMINARY STATEMENT OF FEASIBILITY

(January 2018)

### Instructions to Applicant

- This form is to be completed by the applicable sanitary sewer service provider, surface water management authority and water service provider.
- It is the applicant's responsibility to provide a copy of this form to **each** service provider. Attach the completed forms as part of the land use application submittal for a development. Where there is no surface water management service district, this form is to be provided to the Clackamas County Department of Transportation and Development, Engineering Division.
- A service provider may require the submission of detailed plans and/or engineering data prior to determining whether a Preliminary Statement of Feasibility will be issued. Contact the service providers for details.
- Completed forms are required for design review, subdivisions, partitions and conditional uses, and these applications will not be deemed complete until the completed forms are received by the Planning Division.
- The forms must be dated no more than one year prior to submittal of a complete land use application.
- Forms are not required for on-site sewage disposal systems or water service by private well.

### Instructions to Service Provider

- A development is proposed within your service area. Please complete the attached Preliminary Statement of Feasibility to indicate whether adequate service can be provided to this development.
- If adequate service can be provided only with the implementation of certain conditions of approval, you may attach such conditions to this statement. Completion of this preliminary statement of feasibility does **not** imply that additional requirements (e.g. plan submittals) may not be imposed by your agency once a land use application is filed.
- The Planning Division will continue to provide notice to you of land use applications for property within your service area. This will allow you to determine whether the submitted development proposal differs from the plans reviewed by your agency in conjunction with the completion of this statement. This will also allow you to provide additional comments as necessary.





**PRELIMINARY STATEMENT OF FEASIBILITY**

**To be completed by the applicant:**

Applicant's Name: PETER FRY

Property Legal Description: T 2 S, R 2E, Section 11D, Tax Lot(s) 01601

Site Address: 16147 SE 135th Ave Project Engineer: \_\_\_\_\_

Project Title/Description of Proposed Development: \_\_\_\_\_  
ZONE CHANGE

**To be completed by the service provider or surface water management authority:**

Check all that apply:

- Sanitary sewer capacity in the wastewater treatment system and the sanitary sewage collection system is available to serve the development or can be made available through improvements completed by the developer or the system owner.
- Adequate surface water treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.
- Water service is available in levels appropriate for the development, and adequate water system capacity is available in source, supply, treatment, transmission, storage and distribution or such levels and capacity can be made available through improvements completed by the developer or the system owner. This statement  applies  does not apply to fire flows.\*

*\*If water service is adequate with the exception of fire flows, the applicant shall submit a statement from the fire district serving the subject property that states that an alternate method of fire protection, such as an on-site water source or a sprinkler system, is acceptable.*

- This statement is issued subject to conditions of approval set forth in the attached.
- Adequate  sanitary sewer service,  surface water management,  water service cannot be provided.

Erik Carr Bertram

Signature of Authorized Representative

DEVELOPMENT REVIEW SPECIALIST

Title

MAY 12, 2020

Date

CLACKAMAS WATER ENVIRONMENT SERVICES

Name of Service Provider or Surface Water Management Authority

*Completion of this statement does not reserve capacity for the development and does not alter an applicant's obligation to comply with the service provider's or surface water management authority's regulations. Completion of this statement does not obligate the service provider or surface water management authority to finance or construct improvements necessary to provide adequate service for the proposed development. Completion of this statement does not guarantee that land use approval for the proposed development will be granted.*

**\* This property has the potential to be served by a sub-regional stormwater detention pond located at SE 135th Ave and Jennifer. Receipt of the signed Preliminary Statement of Feasibility does not automatically suggest all WES requirements can or have been met. Following Design Review approval, the applicant shall submit final civil engineered plans and a final storm report to WES for review and approval.**



### **PRE-APPLICATION CONFERENCE SUMMARY**

*The information contained in this memo is introductory in nature and is designed to act as a guide to relevant ZDO and Comprehensive Plan standards. This is an initial review and is based on the information submitted by the applicant for the pre-application conference.*

**Permit Type:** Comp Plan/Zone Change

**File No.** ZPAC0015-23

**Proposal:** Comprehensive Plan map amendment from Medium Density Residential (MDR) to Light Industrial (LI) and corresponding zone change from Medium Density Residential (MR-1) to Light Industrial (LI)

**Staff Contact:** Martha Fritzie, Phone: 503-742-4529, E-mail: mfritzie@clackamas.us

**Applicant:** William Busse

**Assessor's Map and Tax Lot Number:** 22E11DB00700 (was 22E11D 01700)

**Site Address:** 15997 SE 135<sup>th</sup> Ave., Clackamas

**Plan Designation/ Zoning:** Medium Density Residential (MDR) / Medium Density Residential (MR-1)

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#### **I. APPLICABLE ZONING AND DEVELOPMENT ORDINANCE (ZDO), COMPREHENSIVE PLAN, AND OTHER STANDARDS THAT NEED TO BE ADDRESSED**

***Note to applicant:*** Pre-application conferences are advisory in nature and are intended to familiarize applicants with the requirements of this Ordinance; to provide applicants with an opportunity to meet with County staff to discuss proposed projects in detail; and to identify standards, approval criteria, and procedures prior to filing a land use permit application. The pre-application conference is intended to be a tool to orient applicants and assist them in navigating the land use review process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the County from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference. This document is not a land use decision and is not subject to appeal.



1. Zoning & Development Ordinance (ZDO), Section 1202, *Zone Changes*, including:

Subsection 1202.02, *Submittal Requirements*; and

Subsection 1202.03, *General Approval Criteria*

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

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

**B. If development under the proposed zoning district designation has a need for any of the following public services, the need can be accommodated with the implementation of the applicable service provider's existing capital improvement plan: sanitary sewer, surface water management, and water. The cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered.**

**C. The transportation system is adequate and will remain adequate with approval of the proposed zone change...[includes details for analysis]**

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

2. Comprehensive Plan. Note: Both the Comp Plan amendment and ZDO Section 1202.03(A) require review of Comp Plan and findings to address any applicable policies within the entire Plan. Chapter 4 (Land Use) of the Plan contains policies that direct the designation of the various urban industrial Plan designations. Relevant industrial policies and some other policies likely to be applicable are noted below, but applicant should review Comprehensive Plan to identify all policies applicable to the subject site and proposal.

Chapter 4, Policies 4.EE, *Light Industrial Policies*

**4.EE.1 The following areas may be designated Light Industrial when either the first or all of the other criteria are met:**

**4.EE.1.1 Areas having an historical commitment to industrial uses.**

**4.EE.1.2 Areas with excellent access to the regional transportation network.**

**4.EE.1.3 Areas with access to a street of at least a minor arterial classification.**

**4.EE.1.4 Areas with sites large enough for several industries to cooperatively design an industrial park.**

Chapter 4, Policies 4.L, *Industrial Area Policies*



Chapter 6, Policies 6.A, *Housing Choice Policies*

Chapter 6, Policies 6.B, *Housing Type Policies*

Chapter 6, Policies 6.D, *Livability Policies*

Chapter 8, Policies 8.A, *Existing Industry and Business Policies*

Chapter 8, Policies 8.B, *New Industry and Business Policies*

Chapter 8, Policy 8.C.4, related to cooperation with the private sector

Chapter 8, Policies 8.D, *Target Industries Policies*

### 3. Metro Urban Growth Management Functional Plan (UGMFP)

The subject site is within the area identified on Metro's Title 4 maps as "Industrial Land". Please address any applicable policies within the UGMFP in the application narrative. At a minimum, these include:

Title 1, *Housing Capacity* (3.07.110 – 3.07.120)

Title 4, *Industrial and Other Employment Areas* (3.07.410 – 3.07.440)

Title 7, *Housing Choice* (3.07.710 – 3.07.730)

### 4. Statewide Planning Goals

Consistency with all applicable Statewide Planning Goals and implementing OARs is also required for a Comprehensive Plan amendment and zone change. Please review and address any applicable SWP Goals in the application narrative. At a minimum these should include:

Goal 9, *Economic Development*;

Goal 10, *Housing*

OAR 660, Division 7 (*Metropolitan Housing*)

Goal 11, *Public Facilities and Services*

Goal 12, *Transportation*



## II. LAND USE PERMITTING PROCESS

### 1. Required land use application(s)

#### 1. TYPE III

**A Comprehensive Plan map amendment and zone change** is a “Type III” land use application process, as provided for in Section 1307 of the ZDO. Type III decisions include notice to owners of nearby land, the Community Planning Organization (CPO) if active, service providers (sewer, water, fire, etc.) and affected government agencies, and are reviewed at least two public hearings: one before the County’s Planning Commission and another before the Board of County Commissioners (BCC).

Prior to the public hearings, staff will review the application and prepare a report and recommendation to the County’s Planning Commission. The Planning Commission will then hold a public hearing to consider the recommendation, the testimony of the applicant, and the testimony of any interested party before making a recommendation to the BCC. Staff will present the Planning Commission’s recommendation to the BCC at their public hearing, after which the BCC may rule on the application.

Comprehensive Plan Map amendments are *not* subject to the “120-day/150-day rule” for decisions on certain other land use applications, but the County will make every effort to process the application as quickly as possible and as reviewing bodies’ schedules for public hearings allow.

If the application is approved, the applicant must comply with any conditions of approval identified in the decision. The County’s decision can be appealed to the Oregon Land Use Board of Appeals (LUBA).

- Comprehensive Plan amendment fee: \$12,410
- Zone change fee (filed with a Comp Plan amendment): \$2,510

## III. QUESTIONS RAISED BY THE APPLICANT

None

## IV. MINIMUM LAND USE APPLICATION SUBMITTAL REQUIREMENTS

The submittal requirements are included in the attached land use application forms. Please include the following additional information in your narrative:

- a. A review of national, state, regional, county, and local economic trends that support designating the property for light industrial use;



- b. A computation of the maximum number of dwelling units that could be developed under the property's current MR-1 zoning, according to applicable dimensional standards;
- c. A description of any historical commitment the property and the surrounding area has to an industrial use, with supporting documentation (e.g., Tax Assessor records, signed affidavits, dated photographs); and
- d. An acknowledgement that any development in the LI District requires (separate) design review approval.
- e. How the proposal is consistent with, and necessary to implement, the County's adopted economic development policies;
- f. How the proposal will impact the numbers of needed housing units in the County and the Metropolitan Portland urban growth boundary (UGB), the efficient use of land for housing within the County and UGB, and the ability to provide certainty in the development process so as to reduce housing costs;
- g. How any reduction in the County's minimum zoned capacity for housing could be considered to have a negligible effect on the County's *overall* minimum zoned residential capacity;
- h. How the amount of any net loss of needed housing capacity can be and/or is being provided elsewhere, perhaps with housing developments in the County's commercial areas or middle housing in "single-family" neighborhoods, that were not included in recent housing studies;
- i. Whether adjacent and nearby existing and planned industrial and commercial development could have negative impacts on the subject property's ability or likelihood to be developed with residential uses under the current zoning;
- j. Whether the property's size could mean that its proposed rezoning would affect the County's Comprehensive Plan and ZDO from complying with Statewide Planning Goal 10;
- k. Whether the subject property has access to a street of at least minor arterial classification;
- l. The ability of development under the proposed zoning to access the regional transportation network;
- m. Whether and how the proposal would provide an area large enough for several industries to cooperatively design an industrial park; and
- n. How the property would allow development of the property that can include: entrances and exits that facilitate efficient movement of traffic; landscaping; storm



drainage; underground utilities; pedestrian and bicycle access to adjacent transit corridors and nearby residential areas.

**AGENCY/DEPARTMENT CONTACT INFORMATION:**

*\*This contact list is provided for the applicant to follow up with relevant service providers, agencies and County staff as needed*

1. County Planning: Martha Fritzie, (503) 742-4529, [mfritzie@clackamas.us](mailto:mfritzie@clackamas.us)
2. County Engineering: Christian Snuffin, (503) 742-4716, [CSnuffin@co.clackamas.or.us](mailto:CSnuffin@co.clackamas.or.us)
3. Sewer: Water Environment Services (WES), Erik Bertram, [ebertram@clackamas.us](mailto:ebertram@clackamas.us)
4. Water: Clackamas River Water, Anthony Steele, (503) 722-9239, [astele@crwater.com](mailto:astele@crwater.com)
5. County Building: Richard Carlson, (503) 742-4769, [richardcar@clackamas.us](mailto:richardcar@clackamas.us)

**Community Planning Organization:** Clackamas CPO, not active

**V. LIST OF ATTACHMENTS**

1. Land Use Application form – Comp Plan/Zone Change

**Peter Finley Fry AICP Ph.D.**

---

08/28/2023

Clackamas County Planning and Zoning  
ATTN: Martha Fritz, senior planner

File Number: Z0313-23-CP & Z0314-23-ZAP  
Site Address: 15997 & 16107 SE 135<sup>th</sup> Avenue

Please find attached, the items requested:

- A) Property owner signature authority.
- B) Consistence with zone change criteria related to the safety of the transportation system.

Please deem the application complete with receipt of this information.

Thank you.

Sincerely,



Peter Finley Fry



**IMPORTANT**

Your application will be deemed complete, if, within 180 days of the date the application was first submitted, Planning and Zoning receives one of the following:

- 1. All of the missing information; or
- 2. Some of the missing information and written notice from you (the applicant) that no other information will be provided; or
- 3. Written notice from you (the applicant) that none of the missing information will be provided.

If any one of these options is chosen within 180 days of the date of the initial submittal, approval or denial of your application will be subject to the relevant criteria in effect on the date the application was first submitted.

Your application will be considered **void** if, on the 181<sup>st</sup> day after the date the application was first submitted, you have been mailed this notice and have not provided the information requested in Options 1-3 above. In this case, no further action will be taken on your application.

---

Applicant or authorized representative, please check one of the following and return this notice to: **Clackamas County Planning and Zoning, 150 Beaver Creek Road, Oregon City, OR, 97045** or the staff contact email on page 1 of this notice

- I am submitting the required information (attached); or
- I am submitting some of the information requested (attached) and no other information will be submitted; or
- I will not be submitting the requested information. Please accept the application as submitted for review and decision.

  
Signed

08/28/2023  
Date

Peter F Fry  
Print Name



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

NOTICE OF INCOMPLETE TYPE III LAND USE APPLICATION

FILE NUMBER: Z0313-23-CP & Z0314-23-ZAP
APPLICATION TYPE: Comprehensive Plan map amendment and zone change
APPLICANT NAME: Peter F Fry
SITE ADDRESS: 15997 & 16107 SE 135th Ave.
STAFF CONTACT: Martha Fritzie EMAIL: mfritzie@clackamas.us
DATE OF APPLICATION SUBMITTAL: August 7, 2023
DATE DEEMED INCOMPLETE: August 21, 2023
DATE OF MAILING OF THIS NOTICE: August 21, 2023
DEADLINE FOR SUBMITTAL OF MISSING INFORMATION (180 days from date the application was first submitted): February 3, 2024

Your Type II or III land use application has been deemed incomplete. Pursuant to Subsection 1307.07(E) of the Clackamas County Zoning and Development Ordinance, your application will be void unless the missing information is submitted within 180 days of the date the application was first submitted. Upon voiding of an application, 75 percent of your application fee will be refunded, and you will need to reapply if you are still interested in obtaining this permit.

MISSING INFORMATION REQUIRED FOR A COMPLETE APPLICATION:

- A. Property owner signature: The listed property owner for one of the two subject parcels (22E11DB00700) is H & R Properties LLC. Please provide proof that "Butch Busse" is authorized to sign the land use application on behalf of H & R Properties LLC.
B. Consistency with zone change criteria related to the safety of the transportation system, per ZDO 1202.03(D): ZDO 1202.03(D) requires that the safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change. While the applicant's traffic study does address the adequacy of the transportation system (per ZDO 1202.03(C), there is no information provided to address the safety of the transportation system, as required under ZDO 1202.03(D). Please provide additional analysis and findings to address ZDO 1202.03(D).

Owner Signature  
Authorization

**H & R PROPERTIES LLC**  
**OPERATING AGREEMENT**

**SECTION 1**  
**FORMATION**

- 1.1 Form. The Company is a manager-managed limited liability company and will be managed by the Managers determined as provided in Section 5 below.
- 1.2 Purpose. The Company may engage in any business activity that is available to limited liability companies organized under Oregon law.
- 1.3 Principal Place of Business. The initial principal office of the Company is 19950 South Springwater Road, Estacada, OR 97023. The Managers may relocate the principal office from time to time.
- 1.4 Term. The Company shall exist until dissolved as provided in this Agreement.

**SECTION 2**  
**MEMBERS AND CAPITAL**

- 2.1 Initial Member. Terri Busse is the Company's initial and sole Member.
- 2.2 Future Members. Except for new Members occurring by Permitted Transfers as provided below, no persons or entities shall be accepted as new Members of the Company except as shall be approved by Members owning a majority of the ownership interests in the Company.
- 2.3 Capital Calls. Capital calls may be made by the Managers, but after the initial capital contributions no future capital calls will be made by the Managers unless approved by all of the Members. All capital calls will be made pro rata to all Members based on their respective interests in the Company.
- 2.4 Capital Accounts. The Company shall establish and maintain capital accounts for all Members in accordance with applicable regulations of the Internal Revenue Service.

**SECTION 3**  
**ALLOCATIONS AND DISTRIBUTIONS**

- 3.1 Allocations. Any income or loss generated by Company activities will be allocated among the Members in proportion to their capital accounts.
- 3.2 Distributions. Distributions of excess cash, if any, generated by Company activities will be made by the Managers as and when determined in the Managers' discretion. Distributions will be made periodically out of uncommitted cash reserves, if any, to fund tax liabilities of the Members attributable to Company earnings. All distributions will be made to all

Members on a pro rata basis in proportion to their respective ownership interests in the Company.

#### **SECTION 4 MEMBER MEETINGS AND ACTIONS**

4.1 Actions by Meeting. Members may act at any meeting of the Members with respect to any matter requiring approval of the Members under this Agreement or under Oregon law. Any Member holding 10% or more of the Company's total ownership interests may call a meeting at any time on not less than ten days' notice.

4.2 Actions by Consent. Any action required by the Members of the Company may be taken by written consent signed by all of the Members.

4.3 Matters Requiring Member Action. The following actions require the approval of the Members holding the specified ownership interests in the Company as indicated:

(a) the dissolution and winding up of the Company following the recommendation of the Managers, by approval of Members holding a majority of the ownership interests; and

(b) the election or removal of any person serving as the Manager, which will require approval of Members holding a majority in interest of the ownership interests.

4.4 Member Voting. At any vote of the Members, each Member will have the number of votes equal to the product of multiplying the Member's percentage interest in the ownership of all of the Company's ownership interests times 100.

#### **SECTION 5 MANAGEMENT**

5.1 Management by Managers. The Company will be managed by Managers who will have all authority to act on behalf of the Company with respect to all matters with respect to operating the Company, all without restriction or requirement of ratification or approval of the Members. The Managers will have express authority with respect to all investments of the Company's funds and all distributions. The initial Managers will be William Busse and Terri Busse.

5.2 Additional Managers. The Members may determine to appoint one or more additional Managers at any time by a majority vote of the Members. The Members also may remove any Manager at any time by majority vote of the members.

5.3 Action by the Managers. If at any time more than one Manager is serving as Manager, action by the Managers requires majority vote of all Managers. Any Manager may call for a meeting upon not less than 10 days' notice. In addition to actions taken at a meeting, the Managers at any time when more than one Manager is serving may also act by unanimous written consent.

5.4 Officers. Terri Busse as Manager will serve as the Company's Chief Executive Officer and Secretary. Each of them will individually have check-signing authority with respect to all matters. The Managers do not contemplate the need for other officers of the Company, but may appoint other officers as needed, with any attendant powers to be specified in the appointment.

5.5 Contract Services. The Managers may retain professional and other service providers and contract for other services to be provided to the Company.

## SECTION 6 OTHER ACTIVITIES OF MEMBERS AND MANAGERS

Members and Managers are unrestricted in their ability to pursue other private or business ventures without bringing them to the Company, and the Members expressly disclaim any duty equivalent to the corporate opportunity doctrine.

## SECTION 7 BOOKS AND RECORDS; TAX MATTERS

7.1 Books and Records. The Company shall maintain adequate books and records to reflect its assets, revenues and expenses. The books shall be available at all times for inspection by all Members.

7.2 Tax Matters Partner. Terri Busse will be the tax-matters partner for the Company.

## SECTION 8 TRANSFERS OF INTEREST

8.1 General Prohibitions. No Member will transfer any interest in the Company except as expressly permitted in this Section 8.

8.2 Permitted Transfers. The following transfers of interest by a Member are expressly permitted and are sometimes referred to herein as Permitted Transfers:

- (a) any transfer that has been approved in advance by the Managers; and
- (b) any transfer by a Member of all or part of his or its ownership interest to a member of his immediate family or any trust or other entity all of the beneficial interest in which is owned by the Member or any members of his immediate family, or to any family member or trust or other entity of any affiliated person of any Member that is a limited liability company, provided that as a condition of the transfer if so requested by the Managers the transferring Member either retains all voting rights associated with the ownership interests or transfers such voting rights by proxy to a person or persons approved by the Managers. Upon any such transfer under this subpart (b), a notice of transfer shall be sent to the Managers supplying all such information with respect to the transferee, including federal tax identification number, as the Managers may request.

**SECTION 9  
DISSOLUTION AND WINDING UP**

9.1 Liquidating Events. The Company will dissolve and commence winding up and liquidating upon the first to occur of any of the following events:

(a) a majority vote of the Members following a recommendation to the members by the Managers that the Company be liquidated; or

(b) a unanimous vote to liquidate by Members owning all of the total ownership interests in the Company.


9.2 Winding Up Procedures. Upon the occurrence of a liquidating event, the Managers shall proceed to wind up the affairs of the Company by collecting any outstanding payment obligations due from Members or third parties, selling all Company assets at the best available cash price, and discharging all of the Company's liabilities, including any then outstanding loans payable by the Company to any Member, and to then distribute to Members all remaining proceeds, with all such distributions to be made to all Members in proportion to their respective ownership interests in the Company. A Member may be a purchaser in the liquidation sale of any asset. In lieu of converting all assets to cash prior to liquidation, the Managers may determine to distribute assets in kind to the Members in proportion to their interests in the Company provided that all assets being distributed in kind are proportionately distributed to all members.


**SECTION 10  
AMENDMENTS**

This Agreement may be amended at any time by the execution of an appropriate amending document signed by Members owning all of the ownership interests in the Company.

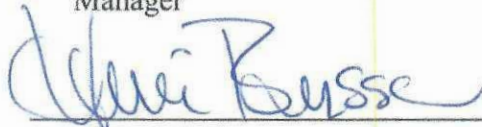
EXECUTED effective June 28, 2017.

COMPANY: H & R Properties LLC

By:   
William Busse  
Manager

By:   
Terri Busse  
Manager

MEMBER:

  
Terri Busse

Revised  
transportation  
Impact Study





June 21, 2023, *Revised August 24, 2023*

Clackamas County Department of Transportation and Development  
Attention: Christian Snuffin  
150 Beaver Creek Road  
Oregon City, Oregon 97045

**Re: 15997 and 16107 SE 135<sup>th</sup> Avenue Comprehensive Plan Amendment and Zone Change –  
Clackamas County, Oregon**  
*Transportation Impact Study (TIS)*

Clackamas County File Number ZPAC0015-23  
C&A Project Number 20230405.00

Dear Mr. Snuffin,

This Transportation Impact Study (TIS) supports the proposed Comprehensive Plan map amendment and zone change of two adjacent properties in Clackamas County, Oregon. The following items are specifically addressed:

1. Property Description and Proposed Land Use Actions
2. Trip Generation
3. Safety Analysis
4. Summary

## **1. PROPERTY DESCRIPTION AND PROPOSED LAND USE ACTIONS**

The property addressed 15997 SE 135<sup>th</sup> Avenue is identified as tax lot 700 on Clackamas County Assessor's map 22E11DB and is approximately 2.96 acres. It is currently developed with a single-family residence and six (6) buildings used for vehicle storage. The property addressed 16107 SE 135<sup>th</sup> Avenue is identified as tax lot 1602 on map 22E11D and is approximately 0.99 acres. It is currently developed with a single-family residence and one (1) building used for vehicle storage. Both properties have direct access to SE 135<sup>th</sup> Avenue. The property locations are illustrated in the attached Figure 1.

Proposed land use actions for both properties include a Clackamas County Comprehensive Plan map amendment from Medium Density Residential (MDR) to Light Industrial (LI) and a corresponding zone change from Medium Density Residential (MR-1) to Light Industrial (LI).

15997 and 16107 SE 135th Avenue Comprehensive Plan Amendment and Zone Change – Clackamas County, Oregon  
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 Page 2

Based on Clackamas County pre-application conference notes, File Number ZPAC0015-23, for tax lot 700 a transportation impact study (TIS) is necessary to address Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060 in addition to Clackamas County Zoning and Development Ordinance (ZDO) criteria. Subsequent discussions with County staff indicate that the pre-application conference notes for tax lot 700 are also applicable to tax lot 1602. As such, the same land use actions are contemplated for both properties by this analysis.

**2. TRIP GENERATION**

**Transportation Planning Rule Analysis**

The Comprehensive Plan amendment and zone change land use actions require a TIS to address TPR requirements, including a comparison of reasonable worst-case development scenarios in both the current and proposed zone designations. Scenario assumptions are as follows:

TABLE 1 – REASONABLE WORST-CASE DEVELOPMENT ASSUMPTIONS				
Property		Zone Designation	Reasonable Worst-Case Development	
Description	Size		Assumption	Size
Tax Lot 700	2.96 Acres 128,938 SF	<b>Current</b>		
		Medium-Density Residential (MR-1)	Per Clackamas County ZDO Section 315, Table 315-4 Dimensional Standards, and Section 1012, the site is allowed a minimum of 29 and a maximum of 36 attached housing units. Assume 36 attached housing units.	36 DU
		<b>Proposed</b>		
		Light Industrial (LI)	Per Clackamas County ZDO Section 602, the LI zone allows numerous uses. Assume a 40% Floor Area Ratio and corporate office use. <sup>1</sup>	51,575 SF
Tax Lot 1602	0.99 Acres 43,124 SF	<b>Current</b>		
		Medium-Density Residential (MR-1)	Per Clackamas County ZDO Section 315, Table 315-4 Dimensional Standards, and Section 1012, the site is allowed a minimum of 10 and a maximum of 12 attached housing units. Assume 12 attached housing units.	12 DU
		<b>Proposed</b>		
		Light Industrial (LI)	Per Clackamas County ZDO Section 602, the LI zone allows numerous uses. Assume a 40% Floor Area Ratio and corporate office use. <sup>1</sup>	17,250 SF

<sup>1</sup> Refer to the attached spreadsheet for a trip generation comparison of allowed LI zone land uses.

Using the above-identified development assumptions, trip generation in the current and proposed zone designations is estimated using the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 11<sup>th</sup> Edition, and practices from the ITE *Trip Generation Handbook*, 3<sup>rd</sup> Edition. Trip generation is presented in the following table.

TABLE 2 – REASONABLE WORST- CASE DEVELOPMENT TRIP GENERATION <sup>1</sup>							
Property	Land Use	ITE Code	Size	Daily	PM Peak Hour		
					Enter	Exit	Total
Tax Lot 700	<b>Current MR-1 Zone Designation</b>						
	Multifamily Housing (Low-Rise)	220	36 DU	243	12	6	18
	<b>Proposed LI Zone Designation</b>						
	Corporate Office	714	51,575 SF	410	6	61	67
<b>Change in Trip Generation with Zone Change</b>				<b>167</b>	<b>(6)</b>	<b>55</b>	<b>49</b>
Tax Lot 1602	<b>Current MR-1 Zone Designation</b>						
	Multifamily Housing (Low-Rise)	220	12 DU	81	4	2	6
	<b>Proposed LI Zone Designation</b>						
	Corporate Office	714	17,250 SF	137	2	20	22
<b>Change in Trip Generation with Zone Change</b>				<b>56</b>	<b>(2)</b>	<b>18</b>	<b>16</b>
<b>Total Change in Trip Generation with Zone Change – Both Tax Lots</b>				<b>223</b>	<b>(8)</b>	<b>73</b>	<b>65</b>

<sup>1</sup> Trip generation estimated using the Average Rate for all Land Uses per recommended practice in the ITE *Trip Generation Handbook*, 3<sup>rd</sup> Edition.

As identified in the table above, for tax lot 700, reasonable worst-case development in the proposed LI zone designation generates an additional 167 daily and 49 PM peak hour trips over the existing MR-1 zone designation. For tax lot 1602, reasonable worst-case development in the proposed LI zone designation generates an additional 56 daily and 16 PM peak hour trips over the existing MR-1 zone designation. For both tax lots, the trip generation increase is 223 daily trips and 65 PM peak hour trips.

**Transportation Planning Rule Considerations**

Oregon Highway Plan Action 1F.5, states “For purposes of evaluating amendments to transportation system plans, acknowledged comprehensive plans, and land use regulations subject to OAR 660- 12-0060, in situations where the volume-to-capacity ratio or alternative mobility target for a highway segment, intersection, or interchange is currently above the mobility targets in Table 6 or Table 7 or those otherwise approved by the Oregon Transportation Commission, or is projected to be above the mobility targets at the planning horizon, and transportation improvements are not planned within the planning horizon to bring performance to the established target, the mobility target is to avoid further degradation. If an amendment subject to OAR 660-012-0060 increases the volume-to-capacity ratio further or degrades the performance of a facility so that it does not meet an adopted mobility target at the planning horizon, it will significantly affect the facility unless it falls within the thresholds listed below for a small increase in traffic.

In addition to the capacity-increasing improvements that may be required to mitigate impacts, other performance-improving actions to consider include, but are not limited to:

- System connectivity improvements for vehicles, bicycles, and pedestrians.
- Transportation demand management (TDM) methods to reduce the need for additional capacity.
- Multi-modal (bicycle, pedestrian, transit) opportunities to reduce vehicle demand.
- Operational improvements to maximize the use of the existing system.
- Land use techniques such as trip caps/budgets to manage trip generation.

15997 and 16107 SE 135th Avenue Comprehensive Plan Amendment and Zone Change – Clackamas  
County, Oregon  
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*In applying “avoid further degradation” for state highway facilities already operating above the mobility targets in Table 6 or Table 7 or those otherwise approved by the Oregon Transportation Commission, or facilities projected to be above the mobility targets at the planning horizon, a small increase in traffic does not cause “further degradation” of the facility.*

*The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes as follows:*

- *Any proposed amendment that does not increase the average daily trips by more than 400.*
- *Any proposed amendment that increases the average daily trips by more than 400 but less than 1,001 for state facilities where:*
  - *The annual average daily traffic is less than 5,000 for a two-lane highway.*
  - *The annual average daily traffic is less than 15,000 for a three-lane highway.*
  - *The annual average daily traffic is less than 10,000 for a four-lane highway.*
  - *The annual average daily traffic is less than 25,000 for a five-lane highway.*
- *If the increase in traffic between the existing plan and the proposed amendment is more than 1,000 average daily trips, then it is not considered a small increase in traffic and the amendment causes further degradation of the facility and would be subject to existing processes for resolution.*

*In applying OHP mobility targets to analyze mitigation, ODOT recognizes that there are many variables and levels of uncertainty in calculating volume-to-capacity ratios, particularly over a specified planning horizon. After negotiating reasonable levels of mitigation for actions required under OAR 660-012-0060, ODOT considers calculated values for v/c ratios that are within 0.03 of the adopted targets in the OHP to be considered in compliance with the target. The adopted mobility target still applies for determining significant affect under OAR 660-012-0060.*

For the two tax lots, the proposed zone changes from MR-1 to LI results in a 223 daily trip increase, less than the 400 average daily trip threshold identified in the Oregon Highway Plan requiring a TPR analysis. Therefore, it can be found that the proposed Comprehensive Plan amendment and zone change will not significantly affect a transportation facility and additional transportation analysis to address TPR criteria is not necessary.

### 3. SAFETY ANALYSIS

The Clackamas County Zoning and Development Ordinance (ZDO) Section 1202.03(D) requires that the safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change. To address this criterion, the following analysis was performed.

#### ***Intersections***

When evaluating roadway and intersection safety, consideration is given to the total number and types of crashes occurring, and the number of vehicles traveling on a roadway segment or entering the intersection. This leads to the concept known as the “crash rate.” Specific to intersections it is typically expressed in terms of the number of crashes occurring per one million vehicles entering the intersection (crashes/mev). A critical crash rate analysis is then performed by comparing the subject intersection to the published statewide 90<sup>th</sup> percentile intersection crash rates at comparable/reference intersections. Crash rates close to or exceeding 1.0 crashes/mev or the 90<sup>th</sup> percentile rates require further analysis.

15997 and 16107 SE 135th Avenue Comprehensive Plan Amendment and Zone Change – Clackamas County, Oregon  
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Study area intersection crash data were obtained from the Oregon Department of Transportation (ODOT) for five years from January 1, 2017 through December 31, 2021. Based on a detailed data review, all crashes associated with the study intersections were identified and the following table presents crash rates and critical crash analysis. Crash data and crash rate calculations are attached for reference.

TABLE 3 – INTERSECTION CRASH RATES											
Intersection	2017	2018	2018	2020	2021	Total	Crash Rate (crashes/mev)	Reference Population <sup>1</sup>	90 <sup>th</sup> Percentile Crash Rate	Over or under Crash Rate?	
OR 224 / SE 135 <sup>th</sup> Avenue	17	15	13	11	10	66	0.784	Urban 4SG	0.860	Under	
SE 130 <sup>th</sup> Avenue / SE Jennifer Street	4	3	2	0	0	9	0.107	Urban 4ST	0.408	Under	

<sup>1</sup> 4SG is defined as a four-leg signalized intersection.  
 4ST is defined as a four-leg intersection with minor STOP control.

The observed crash rates at the study intersections are less than the 1.0 crashes/mev threshold and the 90<sup>th</sup> percentile crash rates of the reference populations.

**Roadway Segments**

Study area roadway segment crash data were obtained from the Oregon Department of Transportation (ODOT) for five years from January 1, 2017 through December 31, 2021. Based on a detailed data review, there were no crashes on the roadway segments within 500 feet of the property frontages. Roadway segment crash data is illustrated in the attached Figure 2.

**Safety Analysis Summary**

Overall, all study area intersections and roadway segments are considered relatively safe, and no further consideration of safety improvements is necessary.

Further, the nature of the traffic associated with future property development in the proposed zone designation is consistent with existing/background traffic in the surrounding area, and the small potential traffic volume increase is not anticipated to significantly affect transportation system safety. As such, it is found that the safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change as required by ZDO Section 1202.03(D).

**4. SUMMARY**

The following conclusions are made based on the materials contained in this analysis.

1. The property addressed 15997 SE 135<sup>th</sup> Avenue is identified as tax lot 700 on Clackamas County Assessor’s map 22E11DB and is approximately 2.96 acres. It is currently developed with a single-family residence and six (6) buildings used for vehicle storage. The property addressed 16107 SE 135<sup>th</sup> Avenue is identified as tax lot 1602 on map 22E11D and is approximately 0.99 acres. It is currently

County, Oregon

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developed with a single-family residence and one (1) building used for vehicle storage. Both properties have direct access to SE 135<sup>th</sup> Avenue.

2. Proposed land use actions for both properties include a Clackamas County Comprehensive Plan map amendment from Medium Density Residential (MDR) to Light Industrial (LI) and a corresponding zone change from Medium Density Residential (MR-1) to Light Industrial (LI).
3. Discussions with County staff indicate that the pre-application conference notes for tax lot 700 are also applicable to tax lot 1602. As such, the same land use actions are contemplated for both properties by this analysis.
4. For tax lot 700, reasonable worst-case development in the proposed LI zone designation generates an additional 167 daily and 49 PM peak hour trips over the existing MR-1 zone designation. For tax lot 1602, reasonable worst-case development in the proposed LI zone designation generates an additional 56 daily and 16 PM peak hour trips over the existing MR-1 zone designation. For both tax lots, the trip generation increase is 223 daily trips and 65 PM peak hour trips.
5. For the two tax lots, the proposed zone changes from MR-1 to LI results in a 223 daily trip increase, less than the 400 average daily trip threshold identified in the Oregon Highway Plan requiring a TPR analysis. Therefore, it can be found that the proposed Comprehensive Plan amendment and zone change will not significantly affect a transportation facility and additional transportation analysis to address Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060 or Clackamas County Zoning and Development Ordinance (ZDO) criteria.
6. Overall, all study area intersections and roadway segments are considered relatively safe, and no further consideration of safety improvements is necessary.
7. The nature of the traffic associated with future property development in the proposed zone designation is consistent with existing/background traffic in the surrounding area, and the small potential traffic volume increase is not anticipated to significantly affect transportation system safety. As such, it is found that the safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change as required by ZDO Section 1202.03(D).

Sincerely,

Christopher M. Clemow, PE, PTOE  
Transportation Engineer



RENEWS 31 DEC 2023

Attachments: Figures 1 and 2  
Land Use Trip Generation Comparison  
Crash Data

c: Peter Finley Fry



Functional Roadway Classifications

**LEGEND**

-  Principal Arterial
-  Minor Arterial
-  Collector
-  Local



2237 NW Torrey Pines Drive  
Bend, Oregon 97703  
541-579-8315  
cclemow@clemow-associates.com

**SITE AREA**

SE 135th Avenue CPA-ZC - Cackamas County, Oregon

C&A Project No. 20230405.00

**FIGURE**

**1**



OREGON DEPARTMENT OF TRANSPORTATION - POLICY, DATA, AND ANALYSIS DIVISION - TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT

2012-2021 Crash Data Viewer (Beta v2.8)

Updated 08/23/23

Support: [CrashAnalysis@ReportingSupport@odot.oregon.gov](mailto:CrashAnalysis@ReportingSupport@odot.oregon.gov)

Start Here (select crash year and area of interest)

\*Limit your search area to improve performance.

Year (Multiple values) **2017 - 2021**

Urban Area **PORTLAND UA**

County **Clackamas**

City **(All)**

ODOT Region **(All)**

ODOT District **(All)**

Street Name **(All)**

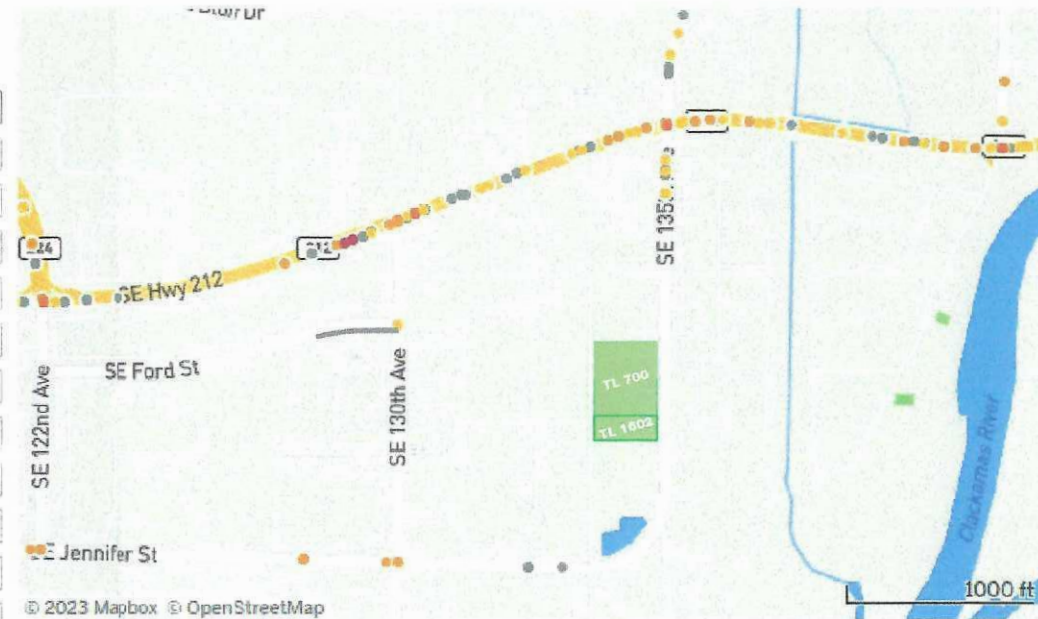
Int. Street **(All)**

Route No **(All)**

Hwy No **(All)**

LRS **(All)**

Milepoint **(All)**



Injury Severity Filter **(All)**

Participant Type **(All)**

Participant Gender **(All)**

Participant Age **(All)**

Alcohol Involved **(All)**

Drugs Involved **(All)**

Marijuana Involved **(All)**

Investigating Agency **(All)**

Note: Map shows only the selected years data.

Summary Data (Selected Years) \*Counts Participants in the crash



2237 NW Torrey Pines Drive  
Bend, Oregon 97703  
541-579-8315  
cclemow@clemow-associates.com

CRASH LOCATIONS - Roadway Segments

SE 135th Avenue CPA-ZC - Clackamas County, Oregon

C&A Project No. 20230405.00

FIGURE

2





**SW 135th Avenue Zone Change**  
 Tax Lot 1602  
 Existing Zone Designation **MR-1**  
 Proposed Zone Designation **I1**

Description	Acres	Square Feet
Gross Site Area (GSA)	0.99	43,124
Industrial Floor Area Ratio (FAR)	40%	
Net Building Site		17,250
MB-1 Zone District Land Area (DUA) for Calculating Density Base (NAB) (GSA/DUA)		3,630
Min Density = GSA/DUA*78		12
		10

Data Entry Cells  
 Notes

Spreadsheet updated to ITE TGM 11th Edition Data

A	B	C	D	E	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH	AI	AK	AL			
PM Peak Hour	Description	ITE Land Use Code	PM Peak Trip Generation Rate or Equation	ADT	Accommodated Building Sites (SF)	Enter (%)	Exit (%)	Enter (Users)	Exit (Users)	[T*P]	[T*Q]	[H/1,000*Q]	Enter (%)	Exit (%)	Enter (Users)	Exit (Users)	[U*P]	[U*Q]	Enter (%)	Exit (%)	Enter (Users)	Exit (Users)	Total (#)	Enter (#)	Exit (#)	Total (#)	Total (%)	Total (%)	Total (#)	Total (%)	Total (%)	Total (#)	Total (%)	Total (%)	Total (%)	Notes		
	Comparable ITE Land Use Description					[%]	[%]	[Users]	[Users]	[T*P]	[T*Q]	[H/1,000*Q]	[%]	[%]	[Users]	[Users]	[U*P]	[U*Q]	[%]	[%]	[Users]	[Users]	[Users]	[Users]	[Users]	[Users]	[Users]	[Users]	[Users]	[Users]	[Users]	[Users]	[Users]	[Users]	[Users]			
	Potential LU Zone Uses (Select list of higher trip generating uses)																																					
	Research Facilities and Laboratories	760	0.58	11.08	17,250	5.6%	3.4%	17,250	3.4%	0.6	0.1	17,250	0.6%	0.4%	17,250	3.4%	0.6	0.1	0.6%	0.4%	0.6%	0.4%	17,250	3.4%	0.6%	0.4%	17,250	3.4%	0.6%	0.4%	17,250	3.4%	0.6%	0.4%	17,250	3.4%	0.6%	0.4%
	Manufacturing	140	0.74	4.75	17,250	5.6%	3.4%	17,250	3.4%	0.6	0.1	17,250	0.6%	0.4%	17,250	3.4%	0.6	0.1	0.6%	0.4%	0.6%	0.4%	17,250	3.4%	0.6%	0.4%	17,250	3.4%	0.6%	0.4%	17,250	3.4%	0.6%	0.4%	17,250	3.4%	0.6%	0.4%
	Offices	714	1.30	7.95	17,250	5.6%	3.4%	17,250	3.4%	0.6	0.1	17,250	0.6%	0.4%	17,250	3.4%	0.6	0.1	0.6%	0.4%	0.6%	0.4%	17,250	3.4%	0.6%	0.4%	17,250	3.4%	0.6%	0.4%	17,250	3.4%	0.6%	0.4%	17,250	3.4%	0.6%	0.4%
	Repair and Servicing Uses	110	0.65	4.87	17,250	5.6%	3.4%	17,250	3.4%	0.6	0.1	17,250	0.6%	0.4%	17,250	3.4%	0.6	0.1	0.6%	0.4%	0.6%	0.4%	17,250	3.4%	0.6%	0.4%	17,250	3.4%	0.6%	0.4%	17,250	3.4%	0.6%	0.4%	17,250	3.4%	0.6%	0.4%

January 1, 2017 through December 31, 2021														
INTERSECTION CRASH RATES														
Intersection	Crashes						PM Entering Volume	ADT (10xPM)	AADT (365xADT)	Annual Crashes	Crash Rate (crashes/MEV)	Reference Population	90th%ile Crash Rate	Over or Under Crash
	2017	2018	2019	2020	2021	Total								
OR 224 / SE 135th Avenue	17	15	13	11	10	66	4,613	46,130	16,837,450	13.20	0.784	Urban 4SG	0.860	Under
SE 130th Avenue / SE Jennifer Street	4	3	2	0	0	9	4,594	45,940	16,768,100	1.80	0.107	Urban 4ST	0.408	Under

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT  
URBAN NON-SYSTEM CRASH LISTING

135TH AVE at CARVER RD, City of Happy Valley, Clackamas County, 01/01/2017 to 12/31/2021  
1 - 4 of 66 Crash records shown.

SER#	INVEST	RD DPT	UNLOC?	D C S V L K L A T	DATE	CLASS	CITY STREET	RD CHAR	INT-TYPE	INT-REL	OFFRD	WTHR	CRASH	SECL USE	TEL R QTY	MOVE	PH TYPE	SVFTY	LOC	ERROR	ACT EVENT	CAUSE	
02231	N N N N	06/28/2021	14	MO	45 24 37.68	-122 31	SE 135TH AVE	06	1	TRF SIGNAL	N	DRY	REAR	N/A	N - S	01	DRVR	NONE	00	Unk	UNK	00	
N	N	12P			45 24 37.68	-122 31	017100100S00	06	1	TRF SIGNAL	N	DAY	PDO	PSNGR CAR						000	000	000	00
N	N	4P			45 24 37.69	-122 31		06	1	TRF SIGNAL	N	DAY	INJ	PSNGR CAR						026	000	000	29
N	N	45 24 37.69			45 24 37.69	-122 31		06	1	TRF SIGNAL	N	DAY	INJ	PSNGR CAR						026	000	000	29
N	N	06/28/2021	14	MO	45 24 37.69	-122 31	SE 135TH AVE	06	1	TRF SIGNAL	N	DRY	REAR	N/A	N - S	01	DRVR	NONE	00	Unk	UNK	00	
N	N	12P			45 24 37.69	-122 31	017100100S00	06	1	TRF SIGNAL	N	DAY	INJ	PSNGR CAR						026	000	000	29
N	N	4P			45 24 37.69	-122 31		06	1	TRF SIGNAL	N	DAY	INJ	PSNGR CAR						026	000	000	29
N	N	45 24 37.69			45 24 37.69	-122 31		06	1	TRF SIGNAL	N	DAY	INJ	PSNGR CAR						026	000	000	29
N	N	04/13/2019	14	SA	45 24 37.69	-122 31	SE 135TH AVE	06	1	TRF SIGNAL	N	WET	REAR	N/A	N - S	01	DRVR	NONE	17	M	OR-Y	OR<25	29
N	N	12P			45 24 37.69	-122 31	017100100S00	06	1	TRF SIGNAL	N	DAY	INJ	PSNGR CAR						026	000	000	29
N	N	45 24 37.69			45 24 37.69	-122 31		06	1	TRF SIGNAL	N	DAY	INJ	PSNGR CAR						026	000	000	29
N	N	04/13/2019	14	SA	45 24 37.69	-122 31	SE 135TH AVE	06	1	TRF SIGNAL	N	WET	REAR	N/A	N - S	01	DRVR	NONE	17	M	OR-Y	OR<25	29
N	N	12P			45 24 37.69	-122 31	017100100S00	06	1	TRF SIGNAL	N	DAY	INJ	PSNGR CAR						026	000	000	29
N	N	45 24 37.69			45 24 37.69	-122 31		06	1	TRF SIGNAL	N	DAY	INJ	PSNGR CAR						026	000	000	29
N	N	12/02/2019	14	MO	45 24 37.69	-122 31	SE 135TH AVE	06	1	TRF SIGNAL	N	ICE	REAR	N/A	N - S	01	DRVR	NONE	00	Unk	UNK	UNK	29
N	N	6A			45 24 37.69	-122 31	017100100S00	06	1	TRF SIGNAL	N	DAWN	PDO	PSNGR CAR						000	000	000	00
N	N	45 24 37.69			45 24 37.69	-122 31		06	1	TRF SIGNAL	N	DAWN	PDO	PSNGR CAR						000	000	000	00

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CDS380  
 08/22/2023

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT  
 URBAN NON-SYSTEM CRASH LISTING

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CITY OF HAPPY VALLEY, CLACKAMAS COUNTY

135TH AVE at CARVER RD, City of Happy Valley, Clackamas County, 01/01/2017 to 12/31/2021  
 5 - 8 of 66 Crash records shown.

SER#	P	R	J	S	W	DATE	CLASS	CITY STREET	RD CHAR	INT-TYPE	SPCL USE	TRLR QTY	MOVE	A	S	PED	ERROR	ACT	EVENT	CAUSE											
INVEST	E	A	U	I	C	O	DIST	FIRST STREET	DIRECT	(MEDIAN)	INT-REL	OFFPRD	WTHR	CRASH	OWNER	FROM	BRTC	INJ	G	E	LICNS	RES	LOC	ERROR	ACT	EVENT	CAUSE				
RD DPT	E	L	G	N	H	R	TIME	SECOND STREET	DIRECT	LEGS	TRAF-	RNDBT	SURF	COLL	OWNER	FROM	BRTC	INJ	G	E	LICNS	RES	LOC	ERROR	ACT	EVENT	CAUSE				
UNLOC?	D	C	S	V	L	K	LAT	LONG	LRS	LOCTN	(#LANES)	DRVWY	LIGHT	SVRTY	V#	TYPE	TO	P#	TYPE	SVRTY	R	X	RES	LOC	ERROR	ACT	EVENT	CAUSE			
												02	NONE	9		STOP															
												N/A				E -W															
												PSNGR	CAR					01	DRVR	NONE	00	Unk	UNK		000		011	000	00		
03368	N	N	N	N		12/11/2020	14	CARVER RD	INTER	CROSS	N	N	UNK	O-1STOP	01	NONE	0	STRGHT										05			
NO RPT						FR		SE 135TH AVE	E		TRF SIGNAL	N	WET	HEAD		UNKN		E -W									000	00			
N						10P			06	1		N	DLIT	INJ		PSNGR	CAR									080	000	05			
N						45 24 37.68 -122 31 28.69		017100100S00																							
												02	NONE	0		STOP															
												PRVTE			W -E													012	000	00	
												PSNGR	CAR					01	DRVR	INJB	54	F	OR-Y		000		000	00			
												02	NONE	0		STOP															
												PRVTE			W -E														012	000	00
												PSNGR	CAR					02	PSNG	INJA	55	M			000		000	00	00		
01503	N	N	N	N	N	Y	06/14/2020	14	CARVER RD	INTER	CROSS	N	N	CLD	S-1STOP	01	NONE	0	STRGHT									27,07,29			
CITY						SU		SE 135TH AVE	E		TRF SIGNAL	N	DRY	REAR		PRVTE		E -W									000	00			
N						9P			06	1		N	DLIT	INJ		PSNGR	CAR									043,026	038	27,07,29			
N						45 24 37.68 -122 31 28.71		017100100S00																							
												01	NONE	0		STRGHT															
												PRVTE			E -W														000	00	
												PSNGR	CAR					02	PSNG	INJC	21	F			000		000	00	00		
												02	NONE	0		STOP															
												PRVTE			E -W														011	000	00
												PSNGR	CAR					01	DRVR	INJC	44	M	OR-Y		000		000	00			
												02	NONE	0		STOP															
												PRVTE			E -W														011	000	00
												PSNGR	CAR					02	PSNG	INJC	24	M			000		000	00	00		
00800	N	N	N	N		02/28/2017	14	CARVER RD	INTER	CROSS	N	N	UNK	S-1STOP	01	NONE	0	STRGHT										29			
NOVE						TU		SE 135TH AVE	SE		YIELD	N	WET	REAR		UNKN		SW-NE									000	00			
N						2P			09	1		N	DAY	INJ		UNKNOWN										026	000	29			
N						45 24 37.69 -122 31 28.7		017100100S00																							
												02	NONE	0		STOP															
												PRVTE			SW-NE														011	000	00
												PSNGR	CAR					01	DRVR	INJC	62	M	OR-Y		000		000	00	00		

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CDS380  
 09/22/2023

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT  
 URBAN NON-SYSTEM CRASH LISTING

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CITY OF HAPPY VALLEY, CLACKAMAS COUNTY

135TH AVE at CARVER RD, City of Happy Valley, Clackamas County, 01/01/2017 to 12/31/2021  
 9 - 12 of 66 Crash records shown.

SER#	P	R	J	S	W	DATE	CLASS	CITY STREET	INT-TYPE	SPCL USE	MOVE	A	S	PED	CAUSE													
INVEST	E	A	U	I	C	O	DIST	FIRST STREET	RD CHAR	TRLR QTY	MOVE																	
RD DPT	E	L	G	N	H	R	TIME	SECOND STREET	DIRECT	OWNER	FROM	PRTC	INJ	G	E	LICNS	PED											
UNLOC?	D	C	S	V	L	K	LAT	LONG	LOCTN	VEH TYPE	TO	PH	TYPE	SVRTY	E	X	RES	LOC	ERROR	ACT	EVENT	CAUSE						
										(#LANES)	COBTL	DRVWY	LIGHT	SVRTY														
03801	N	N	N	N	N	09/15/2017	14	CARVER RD	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	0	STRGHT							29			
NONE						FR		SE 135TH AVE	SE		YIELD	N	DRY	REAR	PRVTE		SW-NE							000	00			
N						5P			09	1		N	DAY	INJ	PSNGR CAR					01	DRVR	NONE	56	M	OR-Y	026	000	29
N						45 24 37.69	-122 31 28.7	017100100S00																				
															02	NONE	0	STOP								011	00	
															PRVTE		SW-NE									000	000	00
															PSNGR CAR					01	DRVR	INJC	47	F	OR-Y	000	000	00
															02	NONE	0	STOP								011	000	00
															PRVTE		SW-NE									000	000	00
															PSNGR CAR					02	PSNG	INJC	16	F		000	000	00
00048	N	N	N	N	N	01/04/2017	14	CARVER RD	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	9	STRGHT							29			
NONE						WE		SE 135TH AVE	SE		YIELD	N	DRY	REAR	N/A		SW-NE							000	000	00		
N						11A			09	1		N	DAY	PDO	PSNGR CAR					01	DRVR	NONE	00	Unk	Unk	000	000	00
N						45 24 37.69	-122 31 28.7	017100100S00																				
															02	NONE	9	STOP								011	000	00
															N/A		SW-NE									000	000	00
															PSNGR CAR					01	DRVR	NONE	00	Unk	Unk	000	000	00
00224	N	N	N	N	N	01/13/2017	14	CARVER RD	INTER	CROSS	N	N	SNOW	S-1STOP	01	NONE	9	STRGHT							124	29		
NONE						FR		SE 135TH AVE	SE		YIELD	N	ICE	REAR	N/A		NE-SW							000	000	00		
N						2P			09	1		N	DAY	PDO	PSNGR CAR					01	DRVR	NONE	00	Unk	Unk	000	000	00
N						45 24 37.69	-122 31 28.7	017100100S00																				
															02	NONE	9	STOP								011	000	00
															N/A		NE-SW									000	000	00
															PSNGR CAR					01	DRVR	NONE	00	Unk	Unk	000	000	00
02206	N	N	N	N	N	06/06/2017	14	CARVER RD	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	9	STRGHT							29			
NONE						TU		SE 135TH AVE	SE		YIELD	N	DRY	REAR	N/A		SW-NE							000	000	00		
N						7P			09	1		N	DAY	PDO	PSNGR CAR					01	DRVR	NONE	00	Unk	Unk	000	000	00
N						45 24 37.69	-122 31 28.7	017100100S00																				
															02	NONE	9	STOP								011	000	00
															N/A		SW-NE									000	000	00
															PSNGR CAR					01	DRVR	NONE	00	Unk	Unk	000	000	00
02526	N	N	N	N	N	06/26/2017	14	CARVER RD	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	9	STRGHT							27, 29			
NONE						MO		SE 135TH AVE	SE		YIELD	N	DRY	REAR	N/A		NE-SW							000	000	00		
N						12P			09	1		N	DAY	PDO	PSNGR CAR					01	DRVR	NONE	00	Unk	Unk	000	000	00
N						45 24 37.69	-122 31 28.7	017100100S00																				

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CDS380  
 08/22/2023

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT  
 URBAN NON-SYSTEM CRASH LISTING

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CITY OF HAPPY VALLEY, CLACKAMAS COUNTY

135TH AVE at CARVER RD, City of Happy Valley, Clackamas County, 01/01/2017 to 12/31/2021

13 - 17 of 66 Crash records shown.

SER#	P	R	J	S	W	DATE	CLASS	CITY STREET	RD CHAR	INI-TYPE	SPCL USE	MOVE	A	S	PED	ERROR	ACT	EVENT	CAUSE										
INVEST	E	A	U	I	C	O	DAY	FIRST STREET	DIST	(MEDIAN)	INI-REL	OPFRD	WTHR	CRASH	TRLR QTY	FROM	PRTC	INJ	G	E	LICNS	LOC	ERROR	ACT	EVENT	CAUSE			
RD DPT	E	L	G	N	H	R	TIME	SECOND STREET	FROM	LEGS	TRAF-	RNDBT	SURF	COLL	OWNER	FROM	PRTC	INJ	G	E	LICNS	LOC	ERROR	ACT	EVENT	CAUSE			
UNLOC?	D	C	S	V	L	K	LAT	LONG	LRN	LOCTN	(#LANES)	DRVWY	LIGHT	SVRTY	V#	TYPE	TO	P#	TYPE	SVRTY	E	X	RES	LOC	ERROR	ACT	EVENT	CAUSE	
															02	NONE	9	STOP											
															N/A		NE-SW									011	00		
															PSNGR	CAR		01	DRVR	NONE	00	Unk	UNK		000	000	00		
02930	N	N	N	N	N	07/20/2017	14	CARVER RD	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	9	STRGHT									29		
								SE 135TH AVE	SE		TRF SIGNAL	N	DRY	RRAR		N/A	NE-SW									000	00		
									09	1		N	DAY	PDO		PSNGR	CAR		01	DRVR	NONE	00	Unk	UNK		000	000	00	
						45 24 37.69	-122 31	017100100S00																					
															02	NONE	9	STOP											
															N/A		NE-SW									011	00		
															PSNGR	CAR		01	DRVR	NONE	00	Unk	UNK		000	000	00		
04883	N	N	N	N	N	11/19/2017	14	CARVER RD	INTER	CROSS	N	N	RAIN	S-1STOP	01	NONE	9	STRGHT									29		
								SE 135TH AVE	SE		YIELD	N	WET	RRAR		N/A	SW-NE									000	00		
									09	1		N	DUSK	PDO		PSNGR	CAR		01	DRVR	NONE	00	Unk	UNK		000	000	00	
						45 24 37.69	-122 31	017100100S00																					
															02	NONE	9	STOP											
															N/A		SW-NE									011	00		
															PSNGR	CAR		01	DRVR	NONE	00	Unk	UNK		000	000	00		
05130	N	N	N	N	N	12/04/2017	14	CARVER RD	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	9	STRGHT									29		
								SE 135TH AVE	SE		YIELD	N	DRY	RRAR		N/A	SW-NE									000	00		
									09	1		N	DAY	PDO		PSNGR	CAR		01	DRVR	NONE	00	Unk	UNK		000	000	00	
						45 24 37.69	-122 31	017100100S00																					
															02	NONE	9	STOP											
															N/A		SW-NE									011	00		
															PSNGR	CAR		01	DRVR	NONE	00	Unk	UNK		000	000	00		
02349	N	N	N	N	N	07/06/2018	14	CARVER RD	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	0	STRGHT									29		
								SE 135TH AVE	SE		YIELD	N	DRY	RRAR		PRVTE	SW-NE									000	00		
									09	1		N	DAY	INJ		PSNGR	CAR		01	DRVR	NONE	40	M	OR-Y		026	000	29	
						45 24 37.7	-122 31	017100100S00																					
															02	NONE	0	STOP											
															PRVTE		SW-NE									011	00		
															PSNGR	CAR		01	DRVR	INJC	39	M	OR-Y		000	000	00		
															02	NONE	0	STOP											
															PRVTE		SW-NE									011	00		
															PSNGR	CAR		02	PSNG	INJC	37	F			000	000	00		

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CDS380  
 08/22/2023  
 CITY OF HAPPY VALLEY, CLACKAMAS COUNTY  
 OREGON, DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT  
 URBAN NON-SYSTEM CRASH LISTING  
 135TH AVE at CARVER RD, City of Happy Valley, Clackamas County, 01/01/2017 to 12/31/2021  
 18 - 22 of 66 Crash records shown.

SER#	P	R	J	S	W	DATE	CLASS	CITY STREET	INT-TYPE	RD CHAR	INT-REL	OFFRD	WTHR	CRASH	SPCL USE	MOVE	A	S	PED	CAUSE								
INVEST	E	A	U	I	C	O	DAY	FIRST STREET	(MEDIAN)	INI-REL	TRAF-CONTL	RNDBT	SURF	COLL	OWNER	FROM	PRTC	INJ	G	E	LICNS	LOC	ERROR	ACT	EVENT	CAUSE		
RD DPT	E	L	G	N	H	R	TIME	SECOND STREET	LEGS	TRAF-CONTL	DRVWY	LIGHT	SVRTY	V#	TYPE	TO	PH	TYPE	SVRTY	E	X	RES	LOC	ERROR	ACT	EVENT	CAUSE	
UNLOC?	D	C	S	V	L	K	LAT	LONG	LRS	LOCTN	(#LANES)																	
02870	N	N	N	N		07/27/2018	14	CARVER RD	CROSS	N	N	CLR	S-1STOP	01	NONE	0											29	
NONE						FR		SE 135TH AVE			YIELD	N	DRY	REAR	PRVTE	SW-NE										000	00	
N						7P			09	1		N	DAY	INJ	PSNGR CAR		01	DRVR	NONE	44	M	OR-Y		026		000	29	
N						45 24 37.71	-122 31 28.72	017100100S00																				
															02	NONE	0										011	00
															PRVTE	SW-NE											000	00
															PSNGR CAR		01	DRVR	INJC	28	F	OR-Y		000		000	00	
03000	N	N	N	N		08/16/2018	14	CARVER RD	CROSS	N	N	CLR	S-1STOP	01	NONE	0											29	
NONE						TH		SE 135TH AVE			YIELD	N	DRY	REAR	PRVTE	NE-SW										000	00	
N						1P			09	1		N	DAY	INJ	PSNGR CAR		01	DRVR	NONE	48	F	OR-Y		026		000	29	
N						45 24 37.69	-122 31 28.7	017100100S00																				
															02	NONE	0										011	00
															PRVTE	NE-SW											000	00
															PSNGR CAR		01	DRVR	INJC	31	F	OR-Y		000		000	00	
03290	N	N	N	N		09/17/2018	14	CARVER RD	CROSS	N	N	CLR	S-1STOP	01	NONE	0											29	
NONE						MO		SE 135TH AVE			YIELD	N	DRY	REAR	PRVTE	SW-NE										000	00	
N						2P			09	1		N	DAY	INJ	PSNGR CAR		01	DRVR	NONE	41	F	OR-Y		026		000	29	
N						45 24 37.72	-122 31 28.71	017100100S00																				
															02	NONE	0										011	00
															PRVTE	SW-NE											000	00
															PSNGR CAR		01	DRVR	INJC	42	M	UNK		000		000	00	
03819	N	N	N	N		10/22/2018	14	CARVER RD	CROSS	N	N	CLR	S-1STOP	01	NONE	0											29	
NONE						MO		SE 135TH AVE			YIELD	N	DRY	REAR	PRVTE	NE-SW										000	00	
N						6P			09	1		N	DUSK	INJ	PSNGR CAR		01	DRVR	NONE	49	M	OR-Y		026		000	29	
N						45 24 37.7	-122 31 28.71	017100100S00																				
															02	NONE	0										011	00
															PRVTE	NE-SW											000	00
															PSNGR CAR		01	DRVR	INJC	27	M	OR-Y		000		000	00	
0441	N	N	N	N		02/05/2018	14	CARVER RD	CROSS	N	N	CLR	S-1STOP	01	NONE	9											29	
NONE						MO		SE 135TH AVE			YIELD	N	DRY	REAR	N/A	SW-NE										000	00	
N						10A			09	1		N	DAY	PDO	PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000		000	00	
N						45 24 37.69	-122 31 28.7	017100100S00																				
															02	NONE	9										011	00
															N/A	SW-NE											000	00
															PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000		000	00	

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OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT

CITY OF HAPPY VALLEY, CLACKAMAS COUNTY

135TH AVE at CARVER RD, City of Happy Valley, Clackamas County, 01/01/2017 to 12/31/2021  
23 - 27 of 66 Crash records shown.

SER#	INVEST	RD DPT	UNLOC?	CLASS	DIST	DATE	CITY STREET	RD CHAR	INT-TYPE	INF-REL	OFFRD	WTHR	CRASH	SPL USE	TELQ	QTY	OWNER	MOVE	FROM	TO	PH	TYPE	SVFTY	E	X	RES	LOC	ERROR	ACT	EVENT	CAUSE					
00889	N N N N	N N N N	N N N N	14		03/12/2018	CARVER RD	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	9	N/A	SW-NE	STRGHT	01	DRVR	NONE	00	Unk	Unk	Unk	Unk	000	000	00	00					
NONE							SE 135TH AVE	SE	YIELD	N	N	DRY	REAR	N/A			PSNGR	SW-NE																		
N								09	1			DAY	PDO	PSNGR	CAR																					
N							017100100800																													
02435	N N N N	N N N N	N N N N	14		07/13/2018	CARVER RD	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	9	N/A	SW-NE	STRGHT	01	DRVR	NONE	00	Unk	Unk	Unk	Unk	000	000	00	00					
NONE							SE 135TH AVE	SE	YIELD	N	N	DRY	REAR	N/A			PSNGR	SW-NE																		
N								09	1			DAY	PDO	PSNGR	CAR																					
N							017100100800																													
00404	N N N N	N N N N	N N N N	14		02/02/2019	CARVER RD	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	0	N/A	SW-NE	STRGHT	01	DRVR	NONE	00	Unk	Unk	Unk	Unk	000	000	00	00					
NONE							SE 135TH AVE	SE	YIELD	N	N	DRY	REAR	N/A			PSNGR	SW-NE																		
N								09	1			DAY	INJ	PSNGR	CAR																					
N							017100100800																													
00625	N N N N	N N N N	N N N N	14		02/21/2019	CARVER RD	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	0	N/A	SW-NE	STRGHT	01	DRVR	NONE	00	Unk	Unk	Unk	Unk	000	000	00	00					
NONE							SE 135TH AVE	SE	YIELD	N	N	DRY	REAR	UNKN			PSNGR	SW-NE																		
N								09	1			DAY	INJ	PSNGR	CAR																					
N							017100100800																													
02841	N N N N	N N N N	N N N N	14		08/18/2019	CARVER RD	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	0	N/A	SW-NE	STRGHT	01	DRVR	NONE	00	Unk	Unk	Unk	Unk	000	000	00	00					
NONE							SE 135TH AVE	SE	YIELD	N	N	DRY	REAR	UNKN			PSNGR	SW-NE																		
N								09	1			DAY	INJ	PSNGR	CAR																					
N							017100100800																													

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CDS380  
 08/22/2023

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT  
 URBAN NON-SYSTEM CRASH LISTING

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CITY OF HAPPY VALLEY, CLACKAMAS COUNTY

135TH AVE at CARVER RD, City of Happy Valley, Clackamas County, 01/01/2017 to 12/31/2021  
 28 - 32 of 66 Crash records shown.

SER#	S	D	M	P	R	J	S	W	DATE	CLASS	CITY STREET	INT-TYPE	SPCL USE	TRLR QTY	MOVE	A	S	PED	ERROR	ACT	EVENT	CAUSE							
INVEST	E	A	U	I	C	O	DAY	DIST	FIRST STREET	RD CHAR	(MEDIAN)	INT-REL	OFFRD	WTHR	CRASH	OWNER	FROM	PRTC	INJ	G	E	LICNS	LOC						
RD DPT	E	L	G	N	H	R	TIME	FROM	SECOND STREET	DIRECT	LEGS	TRAF-	RNDBT	SURF	COLL	SVRTY	V#	TYPE	TO	P#	TYPE	SVRTY	E	X	RES	OR<25			
UNLOC?	D	C	S	V	L	K	LAT	LONG	LRS	LOCTN	(#LANES)	CORTL	DRVWY	LIGHT	SVRTY	PRVTE	NE-SW	01	DRVR	NONE	28	M	OR-Y	OR<25	026	000	000		
03357	N	N	N	N	N	N	09/28/2019	14	CARVER RD	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	0	STRGHT									29	
NONE							SA		SE 135TH AVE	SE		YIELD	N	DRY	REAR	PRVTE	NE-SW										000	00	
N							10A		017100100S00	09	1		N	DAY	INJ	PSNGR CAR			01	DRVR	NONE	28	M	OR-Y	OR<25	026	000	29	
N							45 24 37.69	-122 31 28.71																					
																02	NONE	0	STOP									011	00
																PRVTE	NE-SW											000	000
																PSNGR CAR			01	DRVR	INJC	23	F	OR-Y	OR<25	000	000	00	
00532	N	N	N	N	N	N	02/15/2019	14	CARVER RD	INTER	CROSS	N	N	RAIN	S-1STOP	01	NONE	9	STRGHT									29	
NONE							FR		SE 135TH AVE	SE		YIELD	N	WET	REAR	N/A	SW-NE										000	00	
N							2P		017100100S00	09	1		N	DAY	PDO	PSNGR CAR			01	DRVR	NONE	00	Unk	UNK	UNK	000	000	00	
N							45 24 37.69	-122 31 28.7																					
																02	NONE	9	STOP									011	00
																N/A	SW-NE											000	000
																PSNGR CAR			01	DRVR	NONE	00	Unk	UNK	UNK	000	000	00	
03704	N	N	N	N	N	N	10/22/2019	14	CARVER RD	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	9	STRGHT									29	
NONE							TU		SE 135TH AVE	SE		YIELD	N	DRY	REAR	N/A	NE-SW										000	00	
N							6P		017100100S00	09	1		N	DARK	PDO	PSNGR CAR			01	DRVR	NONE	00	Unk	UNK	UNK	000	000	00	
N							45 24 37.7	-122 31 28.73																					
																02	NONE	9	STOP									011	00
																N/A	NE-SW											000	000
																PSNGR CAR			01	DRVR	NONE	00	Unk	UNK	UNK	000	000	00	
03719	N	N	N	N	N	N	10/23/2019	14	CARVER RD	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	9	STRGHT									29	
NONE							WE		SE 135TH AVE	SE		YIELD	N	DRY	REAR	N/A	NE-SW										000	00	
N							2P		017100100S00	09	1		N	DAY	PDO	PSNGR CAR			01	DRVR	NONE	00	Unk	UNK	UNK	000	000	00	
N							45 24 37.69	-122 31 28.7																					
																02	NONE	9	STOP									011	00
																N/A	NE-SW											000	000
																PSNGR CAR			01	DRVR	NONE	00	Unk	UNK	UNK	000	000	00	
04293	N	N	N	N	N	N	11/15/2019	14	CARVER RD	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	9	STRGHT									29	
NONE							FR		SE 135TH AVE	SE		YIELD	N	DRY	REAR	N/A	NE-SW										000	00	
N							3P		017100100S00	09	1		N	DAY	PDO	PSNGR CAR			01	DRVR	NONE	00	Unk	UNK	UNK	000	000	00	
N							45 24 37.69	-122 31 28.72																					
																02	NONE	9	STOP									011	00
																N/A	NE-SW											000	000
																PSNGR CAR			01	DRVR	NONE	00	Unk	UNK	UNK	000	000	00	

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OS3363  
 06/22/2023  
 CITY OF HAPPY VALLEY, CLATSOP COUNTY

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT  
 URBAN NON-SYSTEM CRASH LISTING  
 135TH AVE AT CARVER RD, City of Happy Valley, Clatsop County, 01/01/2017 to 12/31/2021  
 33 - 36 of 66 Crash records shown.

SR#	PL	RS	W	DATE	CLASS	CITY STREET	RD CHAR	INT-TYPE	INT-REL	OFFRD	WTR	CRASH	SPCL USE	TRLR CITY	MOVE	PRTC	INJ	A	S	E	LICNS	PEB	LOC	ERROR	ACT	EVENT	CAUSE	
00749	N	N	N	02/26/2020	14	CARVER RD	INTER	CROSS	N	N	DRY	REAR	UNKNOWN	PRVTE	NE-SW	01	DRVR	NONE	43	M	OR-Y	OR<25		026	000	000	00	29
						SE 135TH AVE	SE	YIELD	N	N	DRY	REAR	PRVTE	NE-SW	01	DRVR	NONE	43	M	OR-Y	OR<25		026	000	000	00	29	
						017100100S00																						
01156	N	N	N	04/21/2020	14	CARVER RD	INTER	CROSS	N	N	DRY	REAR	PRVTE	NE-SW	01	DRVR	NONE	27	M	OR-Y	OR<25		000	000	000	00	29	
						SE 135TH AVE	SE	YIELD	N	N	DRY	REAR	PRVTE	NE-SW	01	DRVR	NONE	69	M	OR-Y	OR<25		000	000	000	00	29	
						017100100S00																						
00685	N	N	N	02/21/2020	14	CARVER RD	INTER	CROSS	N	N	DRY	REAR	PRVTE	NE-SW	01	DRVR	NONE	27	M	OR-Y	OR<25		026	000	000	00	29	
						SE 135TH AVE	SE	YIELD	N	N	DRY	REAR	PRVTE	NE-SW	01	DRVR	NONE	27	M	OR-Y	OR<25		026	000	000	00	29	
						017100100S00																						
01306	N	N	N	05/19/2021	14	CARVER RD	INTER	CROSS	N	N	DRY	REAR	PRVTE	NE-SW	01	DRVR	NONE	65	M	OR-Y	OR<25		026	000	000	00	29	
						SE 135TH AVE	SE	YIELD	N	N	DRY	REAR	PRVTE	NE-SW	01	DRVR	NONE	65	M	OR-Y	OR<25		026	000	000	00	29	
						017100100S00																						

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OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT  
URBAN NON-SYSTEM CRASH LISTING

135TH AVE at CARVER RD, City of Happy Valley, Clackamas County, 01/01/2017 to 12/31/2021  
37 - 40 of 66 Crash records shown.

CDS380  
08/22/2023

CITY OF HAPPY VALLEY, CLACKAMAS COUNTY

SR#	P R J S W DATE	CLASS	CITY STREET	RD CHAR	INT-TYPE	INT-REL	OFFRD	WTHR	CRASH	SPCL USE	SPCL USE	ACT EVENT	CAUSE
NONE	WE		SE 135TH AVE	SE	CROSS	YIELD	N	CLR	S-1STOP	01 NONE	0	STRGHT	29
N	1P			09	1		N	DRY	REAR	PRVTE	REAR	SW-NE	00
N	45 24 37.71	-122 31	017100100800				N	DAY	INJ	PSNGR CAR	42 M	OTH-Y	00
		28.7									N-RES		29
02944	N N N N	10/04/2021	17	CARVER RD	INTER	CROSS	N	CLR	S-1STOP	01 NONE	0	TURN-R	29,07
NONE	MO	0		SE			N	DRY	REAR	PRVTE	S - E	052	00
N	4P			09	1		N	DAY	INJ	PSNGR CAR	56 M	026	29,07
N	45 24 37.69	-122 31									OR<25		
		28.7											
03525	N N N N	11/18/2021	17	CARVER RD	INTER	CROSS	N	CLR	S-1STOP	01 NONE	0	TURN-R	29
NONE	TH	0		SE			N	DRY	REAR	PRVTE	S - E	000	00
N	8A			09	1		N	DAY	INJ	PSNGR CAR	64 P	026	29
N	45 24 37.69	-122 31									OR<25		
		28.7											
03564	N N N N	11/21/2021	17	CARVER RD	INTER	CROSS	N	CLR	S-OTHER	01 NONE	0	TURN-R	29
NONE	SU	0		SE			N	DRY	REAR	PRVTE	S - E	052	00
N	10A			09	1		N	DAY	INJ	PSNGR CAR	41 P	026	29
N	45 24 37.69	-122 31									OR<25		
		28.7											
00929	N N N N	03/09/2017	14	CARVER RD	INTER	CROSS	N	CLR	S-1STOP	01 NONE	0	STRGHT	29,07
NONE	TH			S			N	DRY	REAR	PRVTE	S - N	000	00
N	4P			06	1		N	DAY	INJ	PSNGR CAR	52 M	043,026	29,07
N	45 24 37.69	-122 31									OR<25		
		28.7											

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OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT  
URBAN NON-SYSTEM CRASH LISTING

135TH AVE at CARVER RD, City of Happy Valley, Clackamas County, 01/01/2017 to 12/31/2021  
41 - 45 of 66 Crash records shown.

CITY OF HAPPY VALLEY, CLACKAMAS COUNTY

SR#	P	R	J	S	N	DATE	CLASS	CITY STREET	INT-TYPE	INT-REL	OFFRD	WTHR	CRASH	SECL USE	RD CHAR	RD DIR	LOCN	LR	FROM	TO	PH TYPE	SURFTY	E	X	RES	LOC	ERROR	ACT EVENT	CAUSE					
INVEST	E	A	U	I	C	O	D	FIRST STREET	(MEDIAN)	INW-REL	DRY	REAR	WTHR	CRASH	TELR QTY	DIRECT	LOCN	LR	FROM	TO	PH TYPE	SURFTY	E	X	RES	LOC	ERROR	ACT EVENT	CAUSE					
RD DPT	B	L	O	C	O	D	DATE	SECOND STREET	(PLANES)	COMB	DRVVY	LIGHT	SURFTY	VE TYPE	OWNER	FRM	TO	PH TYPE	SURFTY	E	X	RES	LOC	ERROR	ACT EVENT	CAUSE								
UNLOC?	D	C	S	V	L	K	LAT	LONG	VE TYPE	OWNER	DRVVY	LIGHT	SURFTY	VE TYPE	OWNER	FRM	TO	PH TYPE	SURFTY	E	X	RES	LOC	ERROR	ACT EVENT	CAUSE								
00081	N	N	N	N	N	01/06/2017	14	CARVER RD	CROSS	N	N	CLR	S-1STOP	01 NONE 9	STRTGHT	S	INTER	SE 135TH AVE	TRF SIGNAL	N	DRY	REAR	WET	REAR	CRASH	0	011 013	00						
NONE																																		
N																																		
N																																		
02772	N	N	N	N	N	07/11/2017	14	CARVER RD	CROSS	N	N	CLR	S-1STOP	01 NONE 9	STRTGHT	S	INTER	SE 135TH AVE	TRF SIGNAL	N	DRY	REAR	WET	REAR	CRASH	0	000	00						
NONE																																		
N																																		
N																																		
01971	N	N	N	N	N	06/08/2018	16	CARVER RD	CROSS	N	N	RAIN	S-1STOP	01 NONE 0	STRTGHT	S	INTER	SE 135TH AVE	TRF SIGNAL	N	WET	REAR	WET	REAR	CRASH	0	000	00						
NONE																																		
N																																		
N																																		
03985	N	N	N	N	N	10/31/2018	16	CARVER RD	CROSS	N	N	UNK	S-1STOP	01 NONE 9	STRTGHT	S	INTER	SE 135TH AVE	TRF SIGNAL	N	WET	SS-O	WET	SS-O	CRASH	0	000	00						
NONE																																		
N																																		
N																																		

Exhibit 1  
Z0313-23-CP, Z0313-23-ZAP  
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*Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submission of crash reports is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer reported damage only crashes being eligible for inclusion in the Statewide Crash Data File.*



CDS380  
 08/22/2023

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT  
 URBAN NON-SYSTEM CRASH LISTING

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CITY OF HAPPY VALLEY, CLACKAMAS COUNTY

135TH AVE at CARVER RD, City of Happy Valley, Clackamas County, 01/01/2017 to 12/31/2021  
 50 - 54 of 66 Crash records shown.

SER#	P	R	J	S	W	DATE	CLASS	CITY STREET	RD CHAR	INT-TYPE	INT-REL	OFFRD	WTHR	CRASH	SPCL USE	TRLR QTY	MOVE	PH	TYPE	SVRVTY	E	X	RES	LOC	ERROR	ACT	EVENT	CAUSE		
INVEST	E	A	U	I	C	O	DAY	FIRST STREET	DIST	(MEDIAN)	INT-REL	OFFRD	WTHR	CRASH	TRLR QTY	MOVE	PH	TYPE	SVRVTY	E	X	RES	LOC	ERROR	ACT	EVENT	CAUSE			
RD DPT	E	L	G	N	H	R	TIME	SECOND STREET	FROM	LEGS	TRAF-	RNDBT	SURF	COLL	OWNER	FROM	PH	TYPE	SVRVTY	E	X	RES	LOC	ERROR	ACT	EVENT	CAUSE			
UNLOC?	D	C	S	V	L	K	LAT	LONG	LRS	LOCIN	(#LANES)	COFTL	DRVWY	LIGHT	SVRVTY	V#	TYPE	TO	PH	TYPE	SVRVTY	E	X	RES	LOC	ERROR	ACT	EVENT	CAUSE	
																02	NONE	9												
																N/A														
																PSNGR	CAR			01	DRVR	NONE	00	Unk	UNK		000	011	00	
02198	N	N	N	N		06/30/2019	14	CARVER RD	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	0	STRGHT										29		
	NONE					SU		SE 135TH AVE	W		TRF SIGNAL	N	DRY	REAR		PRVTE		W -E									000	00		
N						7A			06	1		N	DAY	INJ		PSNGR	CAR			01	DRVR	NONE	41	M	OR-Y		026	000	29	
N						45 24 37.7	-122 31 28.71	017100100S00																						
																02	NONE	0	STOP											
																PRVTE		W -E										011	00	
																PSNGR	CAR			01	DRVR	INJC	57	M	OR-Y		000	000	00	
00412	N	N	N	N		01/02/2019	14	CARVER RD	INTER	CROSS	N	N	CLR	O-1STOP	01	NONE	9	BACK										10		
	NONE					WE		SE 135TH AVE	W		TRF SIGNAL	N	DRY	BACK		N/A		E -W									000	00		
N						5P			06	1		N	DLIT	PDO		PSNGR	CAR			01	DRVR	NONE	00	Unk	UNK		000	000	00	
N						45 24 37.72	-122 31 28.74	017100100S00																						
																02	NONE	9	STOP											
																N/A		W -E										011	00	
																PSNGR	CAR			01	DRVR	NONE	00	Unk	UNK		000	000	00	
00054	N	N	N	N		01/06/2020	14	CARVER RD	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	0	STRGHT										29		
	NONE					MO		SE 135TH AVE	W		TRF SIGNAL	N	DRY	REAR		PRVTE		W -E									000	00		
N						1P			06	1		N	DAY	INJ		PSNGR	CAR			01	DRVR	INJC	51	M	OR-Y		026	000	29	
N						45 24 37.68	-122 31 28.71	017100100S00																						
																02	NONE	0	STOP											
																PRVTE		W -E										011	00	
																PSNGR	CAR			01	DRVR	INJC	42	M	OR-Y		000	000	00	
01221	N	N	N	N		05/01/2020	14	CARVER RD	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	0	STRGHT										29		
	NONE					FR		SE 135TH AVE	W		TRF SIGNAL	N	DRY	REAR		PRVTE		W -E									000	00		
N						3P			06	1		N	DAY	INJ		PSNGR	CAR			01	DRVR	NONE	51	M	OR-Y		026	000	29	
N						45 24 37.69	-122 31 28.71	017100100S00																						
																02	NONE	0	STOP											
																PRVTE		W -E										011	00	
																PSNGR	CAR			01	DRVR	INJC	42	M	OR-Y		000	000	00	
																02	NONE	0	STOP											
																PRVTE		W -E										011	00	
																PSNGR	CAR			02	PSNG	INJC	76	P			000	000	00	

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CDS380  
08/22/2023

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT  
URBAN NON-SYSTEM CRASH LISTING

Page: 29

CITY OF HAPPY VALLEY, CLACKAMAS COUNTY

135TH AVE at CARVER RD, City of Happy Valley, Clackamas County, 01/01/2017 to 12/31/2021  
63 - 66 of 66 Crash records shown.

SER#	S D M	P R J S W DATE	CLASS	CITY STREET	RD CHAR	INT-TYPE	INT-REL	OFFRD	WTHR	CRASH	SPCL USE	TRLR QTY	MOVE	A S	PRTC	INJ	G E LICNS	PED	ERROR	ACT	EVENT	CAUSE
RD DPT	E L G N H R TIME	FROM	SECOND STREET	DIRECT	LEGS	TRAF-	RNDST	SURF	COLL	OWNER	FROM	TO	PH TYPE	SVRTY	E X RES	LOC						
UNLOC?	D C S V L K LAT	LONG	LRB	LOCIN	(#LANES)	COVTL	DRVWY	LIGHT	SVRTY	V# TYPE												
										02 NONE		0	STOP									
										PRVTE			W -E								011	00
										PSNGR CAR				01 DRVR	INJC	63 M	OR-Y		000		000	00
00325	N N N N N N	01/21/2020	14	CARVER RD	INTER	CROSS	N	N	CLD	ANGL-OTH	01 NONE	9	STRGHT									04
COUNTY	TU			SE 135TH AVE	CN		TRF SIGNAL	N	WET	ANGL	N/A		E -W								000	00
N	6A				01	1		N	DLIT	PDO	PSNGR CAR			01 DRVR	NONE	00	Unk UNK		000		000	00
N	45 24 37.73	-122 31		017100100S00																		
		28.69																				
										02 NONE		9	STRGHT									
										N/A			N -S								000	00
										PSNGR CAR				01 DRVR	NONE	00	Unk UNK		000		000	00
02995	N N N N N	10/09/2021	14	CARVER RD	INTER	CROSS	N	N	CLR	O-1 L-TURN	01 NONE	0	STRGHT									02
NO RPT	SA			SE 135TH AVE	CN		TRF SIGNAL	N	DRY	TURN	PRVTE		E -W								000	00
N	9P				02	1		N	DLIT	INJ	PSNGR CAR			01 DRVR	NONE	20 M	NONE		000		000	00
N	45 24 37.69	-122 31		017100100S00																		
		28.7																				
										02 NONE		0	TURN-L									
										PRVTE			W -N								000	00
										PSNGR CAR				01 DRVR	INJB	17 M	OR-Y		028		000	02
01161	Y N N N N	05/05/2021	14	CARVER RD	INTER	CROSS	N	N	CLR	S-OTHER	01 NONE	9	TURN-R									01
NONE	WE			SE 135TH AVE	CN		TRF SIGNAL	N	DRY	REAR	N/A		W -S								001	00
N	10A				03	0		N	DAY	PDO	PSNGR CAR			01 DRVR	NONE	00	Unk UNK		000		000	00
N	45 24 37.69	-122 31		017100100S00																		
		28.7																				
										02 NONE		9	STOP									
										N/A			W -S								013	00
										PSNGR CAR				01 DRVR	NONE	00	Unk UNK		000		000	00

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OREGON.. DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT  
COUNTY ROAD CRASH LISTING

SE JENNIFER ST, MP 1.66 to 1.66, 01/01/2017 to 12/31/2021  
1 - 5 of 9 Crash records shown.

CLACKAMAS COUNTY

SR	P	R	J	S	W	DATE	MILEPNT	COUNTY ROADS	INT-TYPE	RD CHAR	INT-REL	OFFRD	WTHR	CRASH	SECL USE	TELR QTY	MOVE	FROM	TO	STREHT	CAUSE
INVEST	E	A	U	I	C	O	DAY	FIRST STREET	(MEDIAN)	IM-REL	TRAF-	ENDET	SURF	COLL	CRASH	TELR QTY	FROM	TO	STREHT	CAUSE	
RD DPT	E	L	G	N	H	R	TIME	SECOND STREET	LESS	TRAF-	ENDET	SURF	COLL	CRASH	TELR QTY	FROM	TO	STREHT	CAUSE		
UNLOC?	D	C	S	V	L	K	LAT	LONG	(#LANES)	CORNL	DRVWY	LIGHT	SVRTY	E	X	RES	LOC	ERROR	ACT EVENT	CAUSE	
00853	N	N	N	N	N	N	03/08/2018	1.66	SE JENNIFER ST	CROSS	N	N	CLR	S-1STOP	01 NONE	0	STREHT				29
NONE							TH			STOP SIGN	N	DRY	REAR	PRVTE		E -W					00
N							2P		0		N	DAY	INJ	PSNGR CAR							00
N							45 24 14.49	-122.31													29
							48.97														
02940	N	N	N	N	N	N	07/21/2017	1.66	SE JENNIFER ST	CROSS	N	N	CLR	S-1STOP	01 NONE	0	STREHT				29
NO RPT							FR			STOP SIGN	N	DRY	REAR	PRVTE		W -E					00
N							5P		0		N	DAY	INJ	PSNGR CAR							00
N							45 24 14.5	-122.31													29
							48.97														
03459	N	N	N	N	N	N	08/22/2017	1.66	SE JENNIFER ST	CROSS	N	N	CLR	S-1STOP	01 NONE	0	STREHT				29
NONE							TU			STOP SIGN	N	DRY	REAR	PRVTE		W -E					00
N							5P		0		N	DAY	INJ	PSNGR CAR							00
N							45 24 14.5	-122.31													29
							48.97														
01917	N	N	N	N	N	N	06/04/2018	1.66	SE JENNIFER ST	CROSS	N	N	CLR	S-STREHT	01 NONE	9	STREHT				06
NONE							MO			STOP SIGN	N	DRY	SS-O	N/A		W -E					00
N							1P		0		N	DAY	PDO	PSNGR CAR							00
N							45 24 14.5	-122.31													00
							48.97														
03382	N	N	N	N	N	N	08/07/2018	1.66	SE JENNIFER ST	CROSS	N	N	CLR	ANGLI-OTH	01 NONE	9	STREHT				02
NONE							TU			STOP SIGN	N	DRY	ANGL	N/A		W -S					00
N							8A		0		N	DAY	PDO	PSNGR CAR							00
N							45 24 14.51	-122.31													00
							48.97														

**Exhibit 1**  
**Z0313-23-CP, Z0314-23-ZAP**  
**Page 16 of 78**

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submission of crash reports is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer (possibly) damage only crashes being eligible for inclusion in the Statewide Crash Data File.

CDS380  
 08/22/2023

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT  
 COUNTY ROAD CRASH LISTING

Page: 3

CLACKAMAS COUNTY

SE JENNIFER ST, MP 1.66 to 1.66, 01/01/2017 to 12/31/2021

6 - 9 of 9 Crash records shown.

SER#	S	D	M	P	R	J	S	W	DATE	MILEPNT	COUNTY	ROADS	INT-TYPE	RD CHAR	(MEDIAN)	INT-REL	OFFRD	WTHR	CRASH	SPCL USE	TLR QTY	MOVE	PRTC	INJ	G	E	LICNS	PED	ERROR	ACT	EVENT	CAUSE	
INVEST	E	A	U	I	C	O	D	A	Y	DIST FROM	FIRST STREET	RD DPT	DIRECT	LEGS	TRAF-	RNDBT	SURF	COLL	OWNER	FROM	TO	PH	TYPE	SVRTY	E	X	RES	LOC					
UNLOC?	D	C	S	V	L	K	LAT			LONG	LRS	LOCTN	(#LANES)	CONTL	DRVWY	LIGHT	SVRTY	V#	TYPE														
00710	N	N	N	N	N	N	02/22/2017			1.66	SE JENNIFER ST	INTER	CROSS	N		N	RAIN	ANGL-OTH	01 NONE	0	STRGHT												
COUNTY								WE				CN		STOP SIGN	N	WET	ANGL		PRVTE		E - W									000		00	
N								4P				02	0		N	DAY	INJ		PSNGR CAR			01	DRVR	NONE	37	M	OTH-Y		021	000	03		
N								45 24 14.5	-122 31	48.97																							
																					02 NONE	0	STRGHT										
																					PRVTE	S - N							015		00		
																					PSNGR CAR		01	DRVR	INJC	31	M	OR-Y		000	000	00	
01944	N	N	N	N	N	N	06/12/2019			1.66	SE JENNIFER ST	INTER	CROSS	N		N	CLR	ANGL-OTH	01 NONE	9	STRGHT												
NONE								WE				CN		STOP SIGN	N	DRY	ANGL		N/A		E - W									015		00	
N								6P				02	0		N	DAY	PDO		PSNGR CAR			01	DRVR	NONE	00	Unk	UNK		000	000	00		
N								45 24 14.5	-122 31	48.98																							
																					02 NONE	9	STRGHT										
																					N/A	S - N							015		00		
																					PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000	00	
00432	N	N	N	N	N	N	02/01/2017			1.66	SE JENNIFER ST	INTER	CROSS	N		N	CLR	ANGL-OTH	01 NONE	0	STRGHT												
COUNTY								WE				CN		STOP SIGN	N	DRY	ANGL		PRVTE		W - E									000		00	
N								5A				03	0		N	DLIT	INJ		PSNGR CAR			01	DRVR	INJC	32	M	OR-Y		021	000	03		
N								45 24 14.5	-122 31	48.97																							
																					02 NONE	0	STRGHT										
																					PRVTE	N - S							015		00		
																					PSNGR CAR		01	DRVR	INJC	66	F	OR-Y		000	000	00	
																					02 NONE	0	STRGHT										
																					PRVTE	N - S							015		00		
																					PSNGR CAR		02	PSNG	INJC	30	M			000	000	00	
																					02 NONE	0	STRGHT										
																					PRVTE	N - S							015		00		
																					PSNGR CAR		03	PSNG	INJC	25	F			000	000	00	
02882	N	N	N	N	N	N	08/21/2019			1.66	SE JENNIFER ST	INTER	CROSS	N		N	CLD	O-1 L-TURN	01 NONE	9	STRGHT												
NONE								WE				CN		STOP SIGN	N	WET	TURN		N/A		W - E									000		00	
N								1P				03	0		N	DAY	PDO		PSNGR CAR			01	DRVR	NONE	00	Unk	UNK		000	000	00		
N								45 24 14.5	-122 31	48.97																							
																					02 NONE	9	TURN-L										
																					N/A	E - S							015		00		
																					PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000	00	

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**H & R PROPERTIES LLC**  
**OPERATING AGREEMENT**

**JUNE 28, 2017**



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

**Date of Mailing of this Notice:** October 23, 2023

**Notice Sent to:** Applicant; property owners within 300 feet of the subject property; and applicable cities, Community Planning Organizations (CPOs), special districts, and government agencies

*Please note that the Planning Commission is holding land use public hearings virtually using the Zoom platform, and that the Board of County Commissioners is holding land use public hearings both in person and virtually using the Zoom platform.*

**PLANNING COMMISSION HEARING:**

**Hearing Date & Time:**

Monday, November 27, 2023,  
at 6:30pm

**How to Attend via Zoom:**

One week prior to the hearing, a Zoom link to the public hearing and details on how to observe and testify online or by telephone will be available on our website:  
<https://www.clackamas.us/planning/planning-commission>

**BOARD OF COUNTY COMMISSIONERS HEARING:**

**Hearing Date & Time:**

Wednesday, December 13, 2023,  
at 10:00am

**In-Person Hearing Location:**

BCC Hearing Room (4<sup>th</sup> Floor), 2051 Kaen Rd, Oregon City, 97045

**How to Attend via Zoom:**

One week prior to the hearing, a Zoom link to the public hearing and details on how to observe and testify online or by telephone will be available on our website:  
[www.clackamas.us/meetings/bcc/landuse](http://www.clackamas.us/meetings/bcc/landuse)

**Planning File Numbers:** Z0313-23-CP and Z0314-23-ZAP

**Applicant(s):** Peter F Fry

**Property Owner(s):** H& R Properties LLC and Susan Lynn & Richard Warren Owens

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

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

**Situs Address:** 15997 & 16107 SE 135<sup>th</sup> Ave, Clackamas, OR 97015

**Location of Subject Properties:** On the west side of SE 135<sup>th</sup> Ave, approximately 1,100 feet (0.21 miles) south of the intersection of SE 135<sup>th</sup> Ave and Hwy 212/224.

**Area of Subject Properties:** Approximately 3.96 acres

**Current Zoning:** Medium Density Residential (MR-1)

**Approval Criteria:** Statewide Planning Goals; Clackamas County Comprehensive Plan Chapters 2, 4, 5, 6, and 11; and Clackamas County Zoning and Development Ordinance (ZDO) Sections 1202 and 1307

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:**

ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

## HOW TO OBTAIN ADDITIONAL INFORMATION

**Staff Contact:** Martha Fritzie, Principal Planner (Tel: 503-742-4529, Email: mfritzie@clackamas.us)

A copy of the entire application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost. In addition, a staff report on the application will be available for inspection at no cost at least **seven days prior to the Planning Commission hearing**. Hard copies of documents will be provided at reasonable cost. You may inspect or obtain these materials by:

1. Emailing or calling the staff contact Martha Fritzie (see above);
2. Visiting the Planning & Zoning Division, at the address shown at the top of the first page of this notice, during regular business hours, which are Monday-Thursday, 8:00am to 4:00pm; or
3. Online at <https://accela.clackamas.us/citizenaccess/>. After selecting the "Planning" tab, enter the File Number to search. Select Record Info and then select "Attachments" from the dropdown list, where you will find the submitted application.

### **Community Planning Organization for Your Area:**

The following recognized Community Planning Organization (CPO) has been notified of this application and may develop a recommendation. You are welcome to contact the CPO and attend their meeting on this matter, if one is planned. If this CPO currently is inactive and you are interested in becoming involved in land use planning in your area, please contact the Community Involvement Office at 503-655-8552. **CPO: Clackamas CPO (not active)**

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## HOW TO SUBMIT TESTIMONY ON THIS APPLICATION

- All interested parties are invited to attend the Zoom hearings remotely online or by telephone, and to attend the Board of County Commissioners hearing in person. They will be provided with an opportunity to testify orally, if they so choose. One week prior to each hearing, additional instructions will be available online as explained on the first page of this notice.
- Written testimony received by **November 14, 2023**, will be considered by staff prior to the issuance of the staff report and recommendation on this application. However, written testimony will continue to be accepted until the record closes, which may occur as soon as the conclusion of the Board of County Commissioners' hearing.
- Written testimony may be submitted by email, fax, regular mail, or hand delivery. Please include the case file numbers (Z0313-23-CP and Z0314-23-ZAP) on all correspondence and address written testimony to the staff contact who is handling this matter (Martha Fritzie).
- Testimony, arguments, and evidence must be directed toward the approval criteria identified on the first page of this notice. Failure to raise an issue at the hearing or by letter prior to the close of the record, or failure to provide statements or evidence sufficient to afford the Board of County Commissioners and the parties involved an opportunity to respond to the issue, precludes an appeal to the Oregon Land Use Board of Appeals based on that issue.
- Written notice of the Board of County Commissioners' decision will be mailed to you **if you submit a written request and provide a valid mailing address**.

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## PROCEDURE FOR THE CONDUCT OF THE HEARINGS

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

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

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

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



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

**TYPE II OR III LAND USE APPLICATION**

**DEEMED COMPLETE**

ORIGINAL DATE SUBMITTED:	08/07/23
FILE NUMBER:	Z0313-23-CP & Z0314-23-ZAP
APPLICATION TYPE:	ZONE CHANGE-COMP PLAN

The Planning and Zoning Division staff deemed this application complete for the purposes of Oregon Revised Statutes (ORS) 215.427 on: 08/28/2023

Martha Fritzie  
Staff Name

Pr. Planner  
Title

**Comments:**

[Empty comment box]

**Check one:**

The subject property is located inside an urban growth boundary. The 120-day deadline for final action on the application pursuant to ORS 215.427(1) is: n/a

The subject property is not located inside an urban growth boundary. The 150-day deadline for final action on the application pursuant to ORS 215.427(1) is: n/a



# PamplinMediaGroup

## -Ad Proof-

This is the proof of your ad, scheduled to run on the dates indicated below. Please proofread carefully, and if changes are needed, please contact Sarah Penn prior to deadline at or [spenn@pamplinmedia.com](mailto:spenn@pamplinmedia.com).

<p><b>Date:</b> 11/06/23  <b>Account #:</b> 138159  <b>Reference #:</b> Z0313-23-CP &amp; Z0314-23-ZAP  <b>Company Name:</b> CLACKAMAS CO. PLANNING &amp; ZONING DIVISION  <b>Contact:</b> DARCY RENHARD  <b>Address:</b> 150 BEAVERCREEK RD  OREGON CITY    <b>Telephone:</b> (503) 742-4545  <b>Fax:</b></p>	<p><b>Ad ID:</b> 307332  <b>Start:</b> 11/15/23  <b>Stop:</b> 11/15/23    <b>Total Cost:</b> \$131.35  <b>Ad Size:</b> 5.542  <b>Column Width:</b> 1  <b>Column Height:</b> 5.542    <b>Ad Class:</b> 1202  <b>Phone #</b>  <b>Email:</b> <a href="mailto:spenn@pamplinmedia.com">spenn@pamplinmedia.com</a></p>
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**Run Dates:**  
Lake Oswego Review 11/15/23

**NOTICE OF PUBLIC HEARINGS  
SCHEDULED ON PROPOSED  
CLACKAMAS COUNTY COMPREHENSIVE  
PLAN MAP AMENDMENT AND ZONE CHANGE**

The Clackamas County Planning Commission and Board of County Commissioners will hold public hearings to consider a Comprehensive Plan map amendment to change the land use plan designation from Medium Density Residential (MDR) to Light Industrial (LI), with a corresponding zone change from Medium Density Residential (MR-1) to Light Industrial (LI), for approximately 3.96 acres of property located at 15997 & 16107 SE 135th Ave. (22E11DB 00700 & 22E11D 01602). No development is proposed with this application.

**The applications (Z0313-23-CP & Z0314-23-ZAP)  
are available at:** <https://acela.clackamas.us/citizenaccess/>

Interested parties are welcome to provide testimony in advance of or at the hearings listed below. Planning Commission public hearings are held virtually using the Zoom platform. Board of County Commissioners public hearings are held both virtually using the Zoom platform and in person. One week before the hearing dates, a Zoom link to the public hearing and details on how to observe and testify will be posted at the hearing web address.

**Planning Commission Public Hearing**

6:30 p.m., Monday, November 27, 2023

[www.clackamas.us/planning/planning-commission](http://www.clackamas.us/planning/planning-commission)

**Board of County Commissioners Public Hearing**

10:00 a.m., Wednesday, December 13, 2023

Public Services Building, 4th Floor Board Hearing Room

2051 Kaen Rd, Oregon City, OR 97045

[www.clackamas.us/meetings/bcc/landuse](http://www.clackamas.us/meetings/bcc/landuse)

For more information: Martha Fritzie,  
503-742-4529 or [mfritzie@clackamas.us](mailto:mfritzie@clackamas.us)

Publish November 15, 2023

LOR307332

**Fritzie, Martha**

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**From:** DLCD Plan Amendments <plan.amendments@dlcd.oregon.gov>  
**Sent:** Monday, October 23, 2023 1:53 PM  
**To:** Fritzie, Martha  
**Subject:** Confirmation of PAPA Online submittal to DLCD

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**Warning: External email. Be cautious opening attachments and links.**

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**Clackamas County**

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.

Local File #: Z0313-23-CP & Z0314-23-ZAP

DLCD File #: [009-23](#)

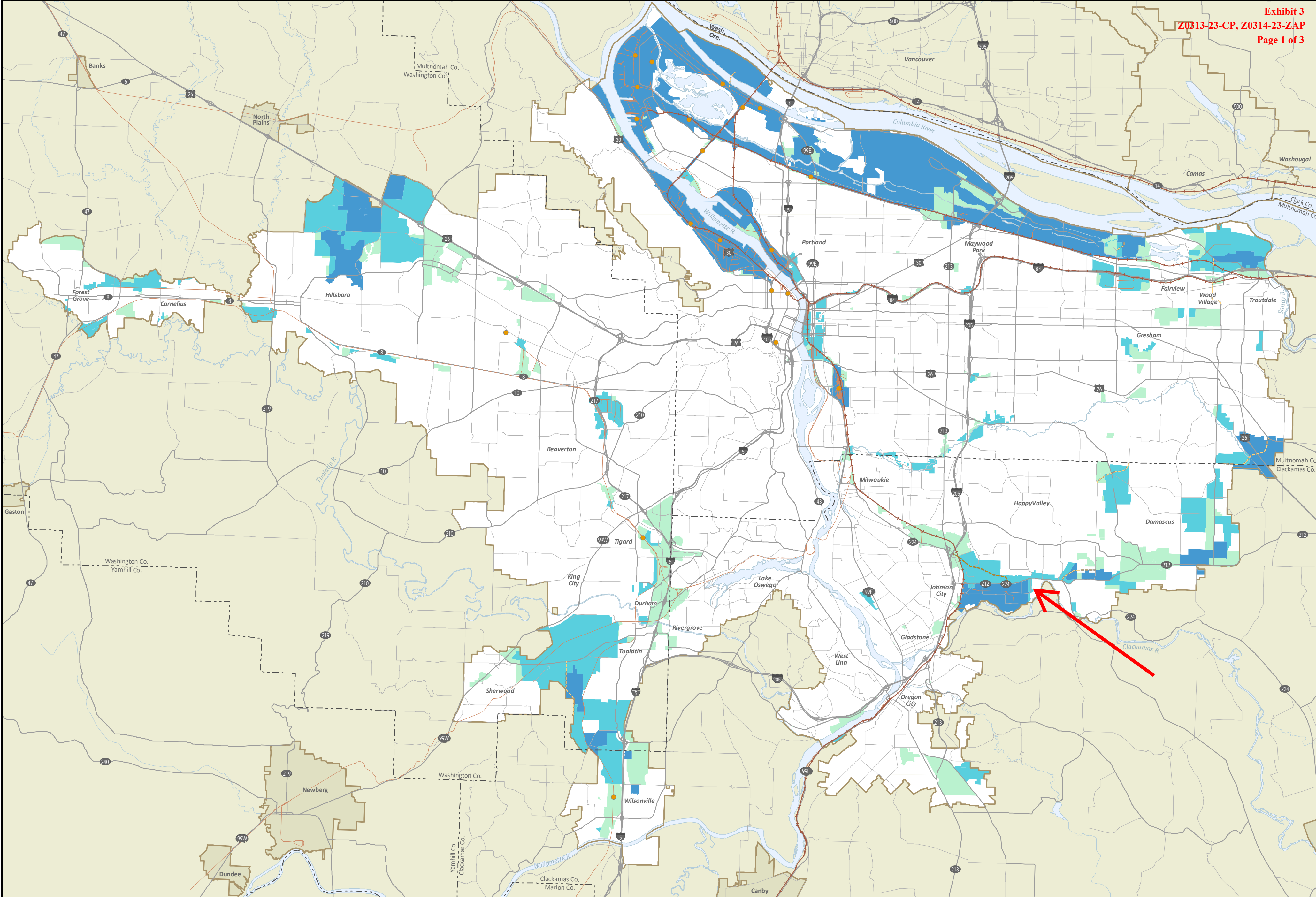
Proposal Received: 10/23/2023

First Evidentiary Hearing: 11/27/2023

Final Hearing Date: 12/13/2023

Submitted by: mfritzie

If you have any questions about this notice, please reply or send an email to [plan.amendments@dlcd.oregon.gov](mailto:plan.amendments@dlcd.oregon.gov).



# Title 4, Industrial and Other Employment Areas

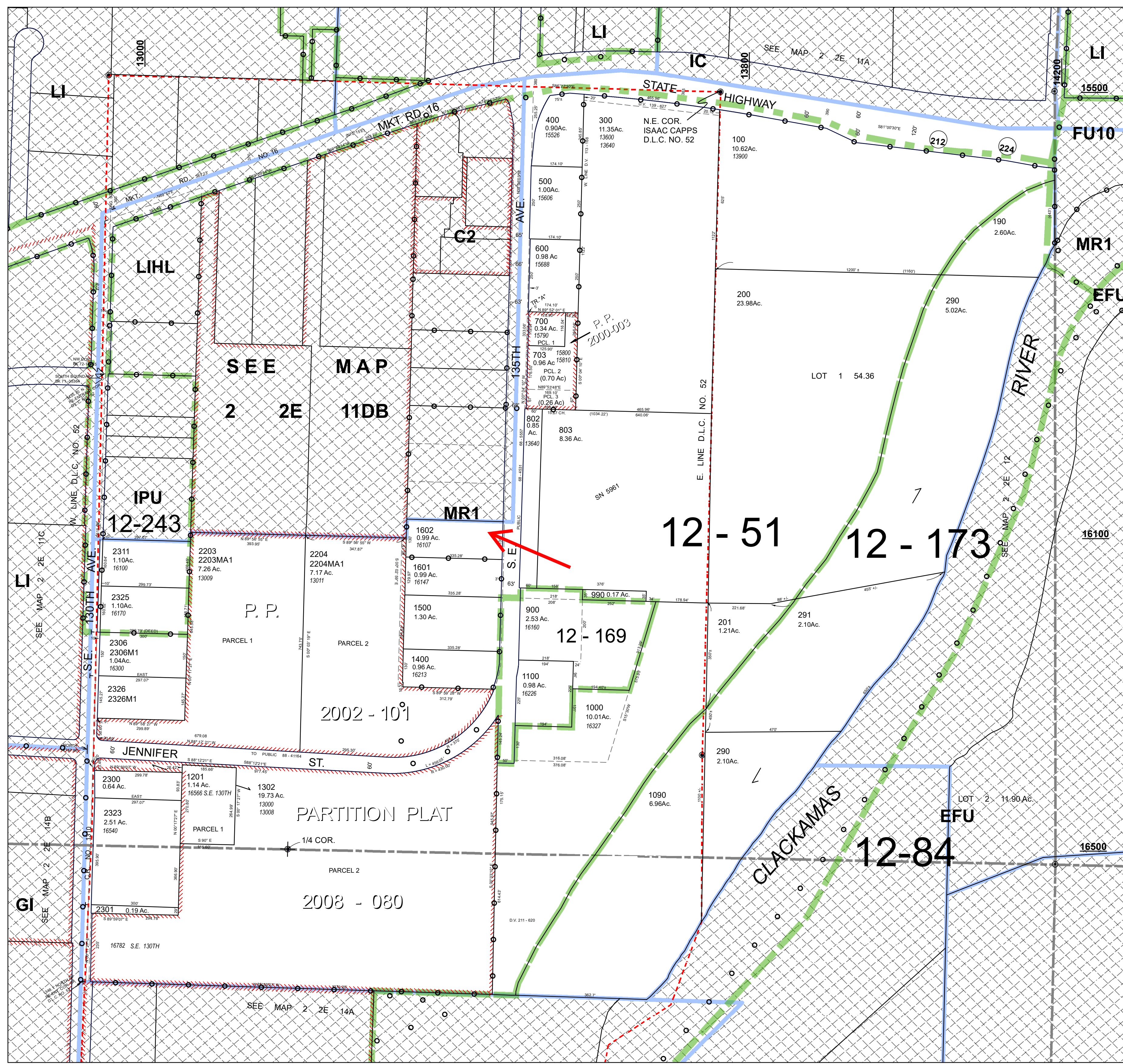
October 2014

- Employment areas
- Industrial areas
- Regionally significant industrial areas
- Proposed main roadway routes
- Proposed road connectors
- Mainline freight
- Branch line freight
- Rail yards
- County boundaries
- Urban growth boundaries
- Neighbor cities



The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors are appreciated.

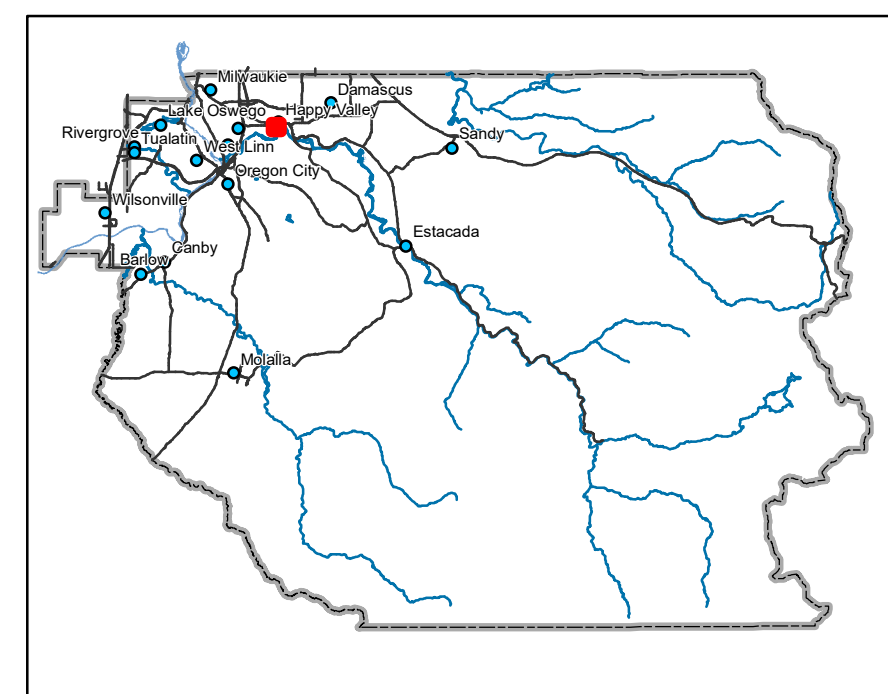
S.E. 1/4 SEC. 11 T.2S. R.2E. W.M.  
CLACKAMAS COUNTY  
1" = 200'



Cancelled Taxlots

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

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



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

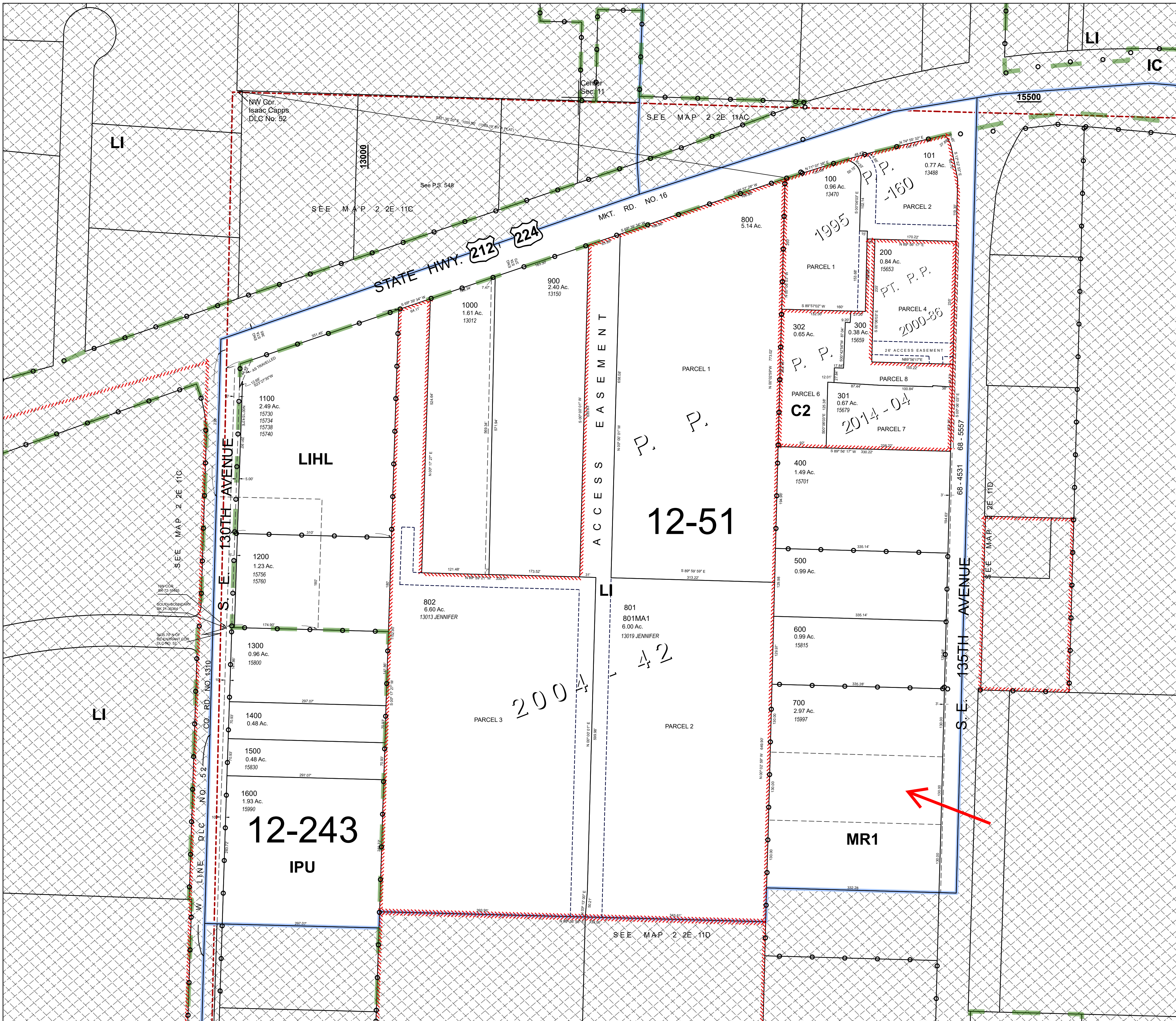
2 2E 11DB

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

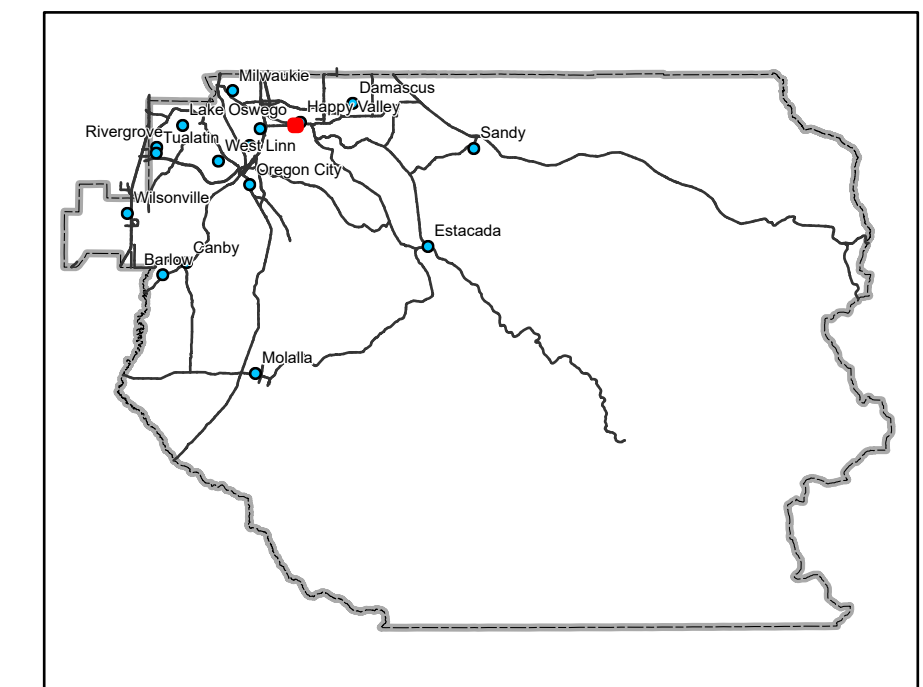
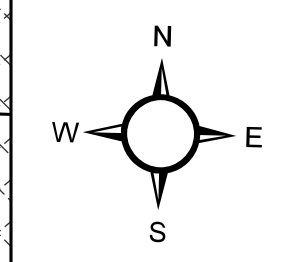
1" = 100'

D. L. C.  
ISAAC CAPPS NO. 52

Cancelled  
1100A1  
1100



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



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY

2 2E 11DB

Print Date: 9/11/2023

**Fritzie, Martha**

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**From:** Glen Hamburg <Glen.Hamburg@oregonmetro.gov>  
**Sent:** Tuesday, October 24, 2023 7:55 AM  
**To:** Fritzie, Martha  
**Cc:** Gary Shepherd  
**Subject:** RE: Z0313-23-CP, Z0314-23 ZAP SUBMITTED APPLICATION FINAL

**Warning: External email. Be cautious opening attachments and links.**

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Good morning Martha,

My comments are only to note that the subject properties are already designated 'Employment Land' on Metro's 2040 Growth Concept Map and more specifically 'Industrial Land' on the UGMFP Title 4 Map. Therefore, approval of these proposals would bring the County's comprehensive plan map and zoning map into closer alignment with the envisaged form of growth and development for the region. The commercial retail limitations of the proposed LI zoning in ZDO Section 602 are also consistent with UGMFP Title 4's requirements for Industrial Lands.

These proposals are similar to those approved by the BCC in Files Z0299-20-CP and Z0300-20-ZAP concerning property to the south.

Regards,

**Glen Hamburg** | Metro | Associate Regional Planner  
Cell: 971.666.1048  
My gender pronouns: he/him/his



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**From:** Thornhill, Susan <SThornhill@clackamas.us>  
**Sent:** Monday, October 23, 2023 12:43 PM  
**To:** Land Use Notifications <landusenotifications@oregonmetro.gov>; Gary Shepherd <Gary.Shepherd@oregonmetro.gov>  
**Subject:** [External sender]RE: Z0313-23-CP, Z0314-23 ZAP SUBMITTED APPLICATION FINAL

**CAUTION:** This email originated from an **External source**. Do not open links or attachments unless you know the content is safe.

Hi there,  
Your emails were kicked back as undeliverable because the attachment is too large. You can access the notice & application at <https://accela.clackamas.us/citizenaccess/>  
File number is Z0313-23 and Z0314-23 but the notice is the same for both.

If you have any problems accessing the files please let me know.

Thank you,

Susan Thornhill, Permits Specialist  
Clackamas County Transportation & Development  
Planning and Zoning  
150 Beaver Creek Road  
Oregon City, Oregon 97045  
503.742.4515

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**From:** Thornhill, Susan  
**Sent:** Monday, October 23, 2023 12:32 PM  
**To:** 'LANDUSENOTIFICATIONS@OREGONMETRO.GOV' <[LANDUSENOTIFICATIONS@OREGONMETRO.GOV](mailto:LANDUSENOTIFICATIONS@OREGONMETRO.GOV)>;  
'GARY.SHEPHERD@OREGONMETRO.GOV' <[GARY.SHEPHERD@OREGONMETRO.GOV](mailto:GARY.SHEPHERD@OREGONMETRO.GOV)>  
**Subject:** Z0313-23-CP, Z0314-23 ZAP SUBMITTED APPLICATION FINAL

I sent this earlier to the agencies but yours was kicked back. Trying a second time.  
Thank you,

Susan Thornhill, Permits Specialist  
Clackamas County Transportation & Development  
Planning and Zoning Division  
150 Beaver Creek Road  
Oregon City, Oregon 97045  
503.742.4515

My office hours are M-F 7:30 am to 5:00 pm, with every other Friday off  
Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

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

Were you happy with the service you received today?



CLICK A SMILEY

Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).



**Fritzie, Martha**

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**From:** Bertram, Erik  
**Sent:** Monday, October 30, 2023 11:32 AM  
**To:** Fritzie, Martha  
**Subject:** FW: Z0313-23-CP, Z0314-23 ZAP SUBMITTED APPLICATION FINAL  
**Attachments:** Z0313-23-CP, Z0314-23 ZAP SUBMITTED APPLICATION FINAL.pdf

Martha – WES has no comments on this proposed comp plan amendment. We'll provide comments and conditions with any forthcoming land use application.

Thanks,

-----  
**Erik Bertram**  
Phone: 503-936-3666  
Clackamas Water Environment Services (WES)

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**From:** Thornhill, Susan <SThornhill@clackamas.us>  
**Sent:** Monday, October 23, 2023 12:26 PM  
**Subject:** Z0313-23-CP, Z0314-23 ZAP SUBMITTED APPLICATION FINAL

Please see the attachment.  
Thank you,

**Susan Thornhill, Permits Specialist**  
Clackamas County Transportation & Development  
Planning and Zoning Division  
150 Beaver Creek Road  
Oregon City, Oregon 97045  
503.742.4515

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This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

**Fritzie, Martha**

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**From:** Samuel Goldberg <sgoldberg@fhco.org>  
**Sent:** Tuesday, November 21, 2023 12:38 PM  
**To:** Fritzie, Martha  
**Subject:** Findings for Z0313-23-CP & Z0314-23-ZAP

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Hello Martha,

I am the coordinator for a project which reviews housing-related PAPAs statewide for Goal 10 compliance. In reviewing the findings for Z0313-23-CP & Z0314-23-ZAP, we did not see a citation of the Clackamas County's current need, only the assertion that there will still be a residential land surplus after the zone change. This number should be stated in order to affirm that the amendment meets Goal 10.

Thank you,

Samuel Goldberg  
Education & Outreach Specialist  
**Fair Housing Council of Oregon**  
1221 SW Yamhill St. #305  
Portland, Oregon 97205  
(503) 223-8197 ext. 104  
Preferred Pronouns: He/Him/His

