

BEFORE THE LAND USE HEARINGS OFFICER  
CLACKAMAS COUNTY, OREGON

Regarding an Application for a Conditional Use  
Permit for Expansion of the Damascus  
Community Church and Christian School.

Case File No: Z0427-22-CU  
(Damascus Christian School)

**A. SUMMARY**

1. The Hearings Officer received testimony and evidence at the April 20, 2023 public hearing about this application by Damascus Community Church and Christian School, submitted by Steve Kay of Cascadia Planning and Development Services. All exhibits and records of testimony are filed with the Planning Division, Clackamas County Department of Transportation and Development. The public hearing was conducted virtually over the Zoom platform with the County providing an explanation for virtual participation. At the beginning of the hearing the Hearings Officer made the declaration required by ORS 197.763. The Hearings Officer disclaimed any *ex parte* contacts, bias, or conflicts of interest. The Hearings Officer stated that the only relevant criteria were those identified in the County's staff report, that participants should direct their comments to those criteria, and failure to raise all arguments may result in waiver of arguments at subsequent appeal forums.
2. The subject property is approximately 7.09-acres in size and is located at 14251 SE Rust Way and 20651 & 20685 SE Wiese Court. The zoning for the subject property is Rural Residential 1 acre (RA1). This is the site of Damascus Community Church and Damascus Christian School. This proposal includes expansion of the Damascus Christian School including incrementally increasing the student and staff population from 325 to 500 students, and construction of a new 8-classroom school building and associated covered play area/sports court.
3. At the hearing, County Planner II Lizbeth Dance discussed the staff review of this application for a conditional use permit. Ms. Dance provided relevant background information concerning the application, the County's review, and the County's recommendation of approval with conditions.

**B. PRE-HEARING SUBMITTALS**

1. The applicant submitted a land use application for conditional use, deemed complete by the County February 24, 2023. The subject property is located inside an urban growth boundary. The 120-day deadline for final action on the application is June 24, 2023. The application included a number of supporting documents, including site plans, demolition plans, civil plans, landscape plans, architectural plans, Preliminary Stormwater Report dated August 2022 reviewed and stamped by Matthew Lewis, registered PE, with supporting documents, a Transportation Assessment dated August 2022 by Lancaster Mobley, reviewed and stamped by Jennifer Danziger, registered PE, with supporting documentation, concluding that the impacts from the proposed expansion to the existing transportation system within the site vicinity are expected to be minimal. Specifically, the transportation impact study concluded that the new site trips from the proposed expansion are not expected to significantly alter the

operation or safety of the existing transportation facilities. The application included various other supporting documents. (Exhibits 2, 2a, 2b, 2c, 2d)

2. The Transportation Impact Study submitted by Lancaster-Mobley addresses trip generation, on-site queuing analysis, and safety assessment for the proposed expansion of the Damascus Christian School. The scope of the study was based on feedback from ODOT and Clackamas County. The study noted there are three site accesses that currently serve the site, with two along SE Rust Way and one exit from the site directly onto Highway 212. (This exit is a one-way exit-only used during school hours.) Trip rates from the *Trip Generation Manual*<sup>1</sup> were used to estimate traffic demand, specifically trip rates from land use code 532, *Private School (K-12)* were referenced based on number of students. The study concluded the resulting new change in trip generation is an increase of 138 trips during the morning peak hour, 94 trips during the afternoon peak hour, 30 trips during the evening peak hour, and 434 daily trips. (Exhibit 2d)
3. The Lancaster-Mobley Transportation Impact Study included an on-site queuing analysis, describing the current layout of Damascus Christian School as having a one-way flow with vehicles entering the campus through the northern site access located on SE Rust Way and queuing into two parallel lines. At the south side of the school gym vehicles pull into a six-car long curbside loading lane to pick-up or drop-off students and then exit the school campus through either the southern site access on SE Rust Way or the Highway 212 site access (right turn only). The study included a copy of School Hours and Drop Off and Pick Up instructions for the 2021-2022 school year. The study found that the available queuing storage to allow for all pick-up and drop-off activities to occur on-site without interference with traffic flow on SE Rust Way is approximately 400 feet, allowing for a maximum queue of 40 vehicles (20 in each line). (Exhibit 2d)
4. The Lancaster-Mobley Transportation Impact Study provided an estimated loading demand based on trip generation for Damascus Christian School. The study stated that all vehicles exiting the site in the morning were assumed to be the drop-off demand and the remainder entering were assumed to be arriving to park in the lot or on the street. The study also stated that all vehicles arriving in the afternoon were assumed to be pick-up demand and the remainder of the trips out were assumed to be vehicles that parked earlier in the day. The study provided additional description of the school's process, noting six vehicles pull up to the loading area, load/unload in tandem, taking approximately 30 seconds for each group, taking approximately 20 minutes to complete each loading/unloading period. The study's findings based on queue storage analysis concluded the 95<sup>th</sup> percentile queue length is estimated to reach thirty-six vehicles in the morning peak hour, with the 95<sup>th</sup> percentile queue lengths for the afternoon and evening peak hour at thirty-six and six vehicles, respectively. The study concluded that the queuing storage available onsite is adequate to accommodate the 95<sup>th</sup> percentile queue lengths on site without interference with traffic flow on SE Rust Way. (Exhibit 2d)
5. The Transportation Impact Study submitted by Lancaster-Mobley included a parking supply analysis with projected parking demand, finding that the Damascus Christian School campus had a total of 152 standard parking spaces and 8 ADA parking spaces, and an estimated 75

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<sup>1</sup> Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 11<sup>th</sup> Edition, 2021.

additional on-street parking spaces available along SE Rust Way. The study referenced parking rates from the *Parking Generation Manual*<sup>2</sup> were used to estimate parking demand using trip rates from land use code 536, *Private School (K-12)* based on 500 students, finding average peak parking demand is 175 vehicles. The study concluded that when school is in session the parking lot is likely to be 90 to 95 percent occupied at any given time and, based on the available parking supply within the vicinity of the Damascus Christian School, adequate on-street parking is available to serve the proposed expansion in addition to the existing surrounding uses for the peak parking demand. (Exhibit 2d)

6. The Lancaster-Mobley Transportation Impact Study included a Crash History Review using data from the Oregon Department of Transportation's (ODOT) Crash Data System for the most recent five years of available crash data at the site access and exit locations. The study found no reported crashes at the site access or exit locations along SE Rust Way and Highway 212 during the analysis period. The study also included a sight distance analysis for the three existing site accesses, assessing both intersection sight distance (ISD) and stopping site distance (SSD), finding sight lines for each of these site accesses meet the ISD and SSD requirements. (Exhibit 2d)
7. The County requested responses from:
  - A. Department of Transportation and Development (DTD), Traffic Engineering (TE)- See Exhibit # 6
  - B. Department of Transportation and Development (DTD), Building Division See Exhibit # 6
  - C. Department of Environmental Quality (DEQ) See Exhibit # 4
  - D. Oregon Department of Transportation (ODOT) See Exhibit # 2d & Exhibit 2 pages 150-155
  - E. Sunrise Water Authority See Exhibit # 7
  - F. Clackamas RFPD#1 See Exhibit # 6
  - G. Area Property Owners See Exhibit # 2e
8. The County noted the following service providers for the property:
  - A. Surface Water: Surface water is regulated pursuant to Section 1006 of the ZDO and administered by the DTD Engineering Division with outfall into an ODOT swale
  - B. Water: The subject property is served by Sunrise Water Authority
  - C. Fire Protection: Clackamas RFPD #1
9. The County received the following responses in advance of the hearing:
  - A. Neighbor Karen Southern, comments included as Exhibit 2e of this file. Ms. Southern is opposed to this application due to concerns that approval will increase local traffic on Rust Way and Highway 212. Ms. Southern asserts that it is dangerous to make a left turn from Rust Way onto Highway 212 during heavy traffic times, that cars are already backed up onto Rust Way and residents of Rust Way must wait even to make a right hand turn. Ms. Southern reports that the traffic from Damascus Christian School already impacts Wiese Rd., Old Barn Lane, and Royer Rd., and describes Rust Way as a traffic nightmare during arrival and dismissal times.
  - B. Clackamas County Transportation Engineering, Ken Kent, comments included as Exhibit 3 of this file. Mr. Kent reviews a number of requirements and standards, and notes that

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<sup>2</sup> Institute of Transportation Engineers (ITE), *Parking Generation Manual*, 5<sup>th</sup> Edition, 2019.

the applicant provided a Transportation Assessment by Lancaster Mobley dated August 2022 addressing trip generation, on-site circulation and intersection sight distance. Mr. Kent notes that the proposed conditional use will result in a new increase of 138 morning peak hour trips, 94 afternoon peak hour trips, 30 evening peak hours trips, and 434 total daily trips. Mr. Kent reports that the TIA finds that with the proposed use, roadways and intersection within the interface area of the site will operate with adequate capacity and safety. Mr. Kent states that County engineering staff concur with these Traffic Assessment findings, further stating that the roads serving the project site have adequate capacity, and engineering staff finds that the roadways will continue to operate within standards with the additional traffic generated by the proposed development. Mr. Kent further notes that the Traffic Assessment evaluated on-site capacity of the drop-off and pick-up area for students, reporting there is a 400-foot long queue available that will accommodate approximately 40 vehicles. Mr. Kent notes that the Traffic Assessment estimated that the 95<sup>th</sup> percentile queue would result in 36 vehicles. Mr. Kent concludes based on this study that current circulation is adequate to accommodate drop-off and pick-up on-site, without causing interference impacting the public street.

- C. Oregon DEQ, Jessica Joye, comments included as Exhibit 4 of this file. Ms. Joye described certain requirements for a favorable Site Evaluation and groundwater preliminary assessment prior to submitting a WPCF Onsite permit application for the necessary septic system improvements.
  - D. Stantec, Matt Lewis, PE, applicant's consultant, comments included as Exhibit 5 of this file. Mr. Lewis exchanged several emails concerning the approval and permitting requirements from Oregon DEQ for the necessary septic system expansion.
  - E. Clackamas Fire District #1, Valerie Liljefelt, comments included as Exhibit 6 of this file. Ms. Liljefelt noted that a land use review was conducted and it was determined that the property is in an area with public water supply, and with no site conditions that would prevent construction of proper access. Ms. Liljefelt provided additional information concerning submitting a site plan.
  - F. Sunrise Water, Tim Janssen, comments included as Exhibit 7 of this file. Mr. Janssen submitted comments that as long as the proposed expansion is not adding any new domestic meters the development will be approved for domestic water use purposes.
10. The County submitted copies of PLA Decision Z0428-22 & Z0159-23, concerning two properties that the Damascus Community Church purchased and added to the subject property, increasing the size of their parcel. Each of these properties is on SE Wiese Ct. (the back of the church property). (Exhibit 8)

### **C. APRIL 20, 2023 PUBLIC HEARING AND RECORD HIGHLIGHTS**

- 1. Ms. Dance reviewed the approval criteria for this application, sharing a PowerPoint presentation highlighting several portions of the County's staff report, and discussing how the proposal meets or can meet all of the approval criteria for a conditional use permit. Ms. Dance shared a slide showing the subject property, highlighting the original property owned by the Damascus Church that the Damascus Christian School is located on, together with the two additional lots on SE Wiese Ct. that back up to the Church property. The subject property is now known as T2S R3E Section 04CD Tax Lot 700 and T2S R3E Section 04CC Tax Lots 107 & 108, located at 14251 SE Rust Way and 20651 & 20685 SE Wiese Court. An aerial photograph and site plan shared by Ms. Dance show the church and school properties opening to a parking lot with two accesses to

SE Rust Way, and a third access directly onto Highway 212. The proposed school classroom addition is located behind the original school property and on one of the new lots adjacent to SE Wiese Court. (Exhibit 11)

2. Ms. Dance shared a slide showing some of the history of the subject property, pointing out that the Damascus Community Church was established on the site in 1967 through a conditional use review and has been expanded and altered through subsequent conditional use reviews. Ms. Dance noted that currently the Church and K-12 school campus consists of six buildings and supports 325 students, parishioners and staff. Ms. Dance explained that the current application seeks approval for the expansion of the Damascus Community Church campus including the addition of a new 8 room classroom building and covered outdoor sports court to allow for an increase in student body, parishioners and employees from 325 to 500 total people through this Conditional Use application. The project scope of work includes: development of 2 new buildings, installation of landscaping, expansion of the established septic system to be approved by DEQ, frontage improvements, and stormwater improvements. A Master Plan submitted with the application shows the retained existed home also eventually replaced with another school structure and an access road connecting the Church parking lot directly to SE Wiese Ct. (Exhibit 11)
3. Ms. Dance shared additional slides showing the existing Church and school campus along SE Rust Way, highlighting the two lots on the back of the site that comprise 2 lots, 1.17 acres, owned by Damascus Community Church, to be added to the campus through property line adjustments. Each of these lots has an existing single-family residence and takes access from SE Wiese Court. The site plan shows that this application proposes to keep one of these existing homes, replacing the other with the proposed new classroom building. These slides also show the parking lot along SE Rust Way with both an entrance and an exit access. (Exhibit 11)
4. Ms. Dance shared a slide and provided discussion concerning the primary approval criteria for the Conditional Use review. Ms. Dance provided details concerning staff findings supporting approving the application, particularly noting the finding concerning adequacy and safety of the transportation system to serve the proposed use: “Staff finds that the roadway and intersections serving the project site will continue to operate within standards, satisfying the provision of Section 1007.07 and based on submitted analysis the current circulation is adequate to accommodate drop-off and pick-up on-site, without causing impact [to] the public street.” Ms. Dance also provided details concerning staff findings that the proposed use will not alter the character of the surrounding area, and satisfies the goals and policies of the Comprehensive Plan that apply to this proposed use. Ms. Dance further noted that the proposed school use is classified as an institutional use and therefore several ZDO Section 1000 standards apply, providing discussion of these findings. (Exhibit 11)
5. With respect to ZDO Section 1007.07 requiring findings that the capacity of the transportation system is adequate to serve the proposed development, Ms. Dance shared the following finding:  
“Under Roadway Standards Section 295.2(b), a traffic impact study is required when a development will generate more than 20 peak hour vehicle trips. The applicant has provided a Transportation Assessment by Lancaster Mobley, dated August 17, 2022 addressing trip generation, on-site circulation and intersection sight distance. The proposed conditional use will result in a new increase of 138 morning peak hour trips. The TIA finds that with the proposed use, roadways and intersection within the influence area of the site

will operate with adequate capacity and safety. Engineering staff concur with the Traffic Assessment findings. The roads serving the project site have adequate capacity, and engineering staff finds that the roadways will continue to operate within standards with the additional traffic generated by the proposed development.” (Exhibit 11)

6. Ms. Dance reviewed requirements and staff recommendations for conditions of approval related to landscaping improvements, findings concerning adequacy of existing parking spaces, and adequacy of existing solid waste and recycling facilities. Ms. Dance reviewed staff findings concerning compliance with additional setback requirements and site development standards for places of worship and schools. (Exhibit 11)
7. Ms. Dance discussed two written comments the County received in advance of the hearing (Exhibit 2e and Exhibit 9) related to this proposal, discussing concerns related to SE Wiese Court, traffic and access, strongly opposed to allowing any pick up or drop offs to queue up on SE Wiese Ct., and also opposing the application due to the existing impacts to local traffic associated with Damascus Christian School, asserting there is already too much traffic. With respect to SE Wiese Court access, Ms. Dance pointed to the planned pedestrian pathway connection from the proposed 8-classroom sport court buildings to SE Wiese Court, and to the existing school campus. Ms. Dance noted that there has been no review or requested vehicle access to the school campus through SE Wiese Court. Ms. Dance discussed that the existing home to remain will continue to have a single driveway entrance to serve the home only, with no through connection to the larger Church and School Campus. With respect to traffic, Ms. Dance also noted that the previous land use determinations, Traffic Impact Analysis, parking and queuing assessments do not address any pick up or drop off along SE Wiese Court, and this area has not been approved as a Campus drop off or pick up area. Ms. Dance pointed out that this submittal does include a larger master plan, however this Conditional Use request only address the development of two buildings and an expanded student body to 500 students, parishioners and staff. Staff recommended approval of this application for a Conditional Use Permit subject to a number of recommended conditions. (Exhibits 2e, 9, 11)
8. Several neighbors and members of the general public provided testimony and comments at the hearing. Steve and Laurel Crover live in the vicinity of the Damascus Christian School on SE Lansing Lane, and state that their neighborhood’s only access to Hwy 212 passes by the Damascus Christian School campus via SE Rust Way. They note that both SE Rust Way and SE Lansing Lane are deadend streets and this access to Hwy 212 is the only ingress and egress for these neighborhoods. Mr. and Ms. Crover assert this traffic issue has not received adequate consideration, contending that staff findings that the roads have adequate capacity to not consider time elements involved with the school arrival and release times. They are very concerned that approval of this application will make the traffic access from SE Rust Way to Hwy 212 worse. Mr. and Ms. Crover describe the existing traffic entering and exiting SE Rust Way as a bottleneck, reporting often having to wait in line for up to ten minutes to exit onto Hwy 212 from SE Rust Way particularly when turning left onto the highway. [Testimony at hearing]
9. Mark Paczkowski lives on SE Rust Way, and seconds or corroborates the comments made by the Crovers concerning the traffic issues at the intersection of SE Rust Way and Hwy 212, and delays with the ingress and egress during school arrival and release times. Mr. Paczkowski asked questions of the applicant concerning the timeframe for construction, which the applicant responded to. Matt Lewis of Stantec, an engineering firm, responded that next steps involved

obtaining septic approval through Oregon DEQ. Robyn Wrobleki, an architect with Mahlum, an architecture firm, responded that they hoped to obtain septic approval by the end of the year and break ground in the spring of 2024 depending on conditions. [Testimony at hearing]

10. Randal (Randy) Johnson resides in Sherwood, Oregon but is a former resident of 20575 SE Wiese Ct., Damascus. Mr. Johnson is a transportation engineer with an Oregon Professional Engineer license. Mr. Johnson provided testimony at the hearing stating that he reviewed the development application and associated traffic impact analysis (TIA) and contends that the TIA fails to adequately address approval criteria. Mr. Johnson referenced written comments he submitted via email shortly prior to the hearing described in more detail below. Among other things, Mr. Johnson pointed to the use of SE Wiese Ct. as an access to the site, observing that such off-site access points are a chronic problem at schools and pointing to a lack of analysis of this issue. The written comments included a request that the record stay open for an additional 7 days. This emailed comment was noted by Ms. Dance at the hearing, discussed, and the record was kept open following the hearing as described below. [Testimony at hearing]
11. Matt Lewis is a licensed Professional Engineer with Stantec, an engineering firm working for the applicant. Mr. Lewis commented about the issue of access to the site via SE Wiese Ct., stating they would work with the applicant to further address the issue. Jennifer Danziger is a transportation engineer with Lancaster-Mobley, who conducted the traffic impact analysis on behalf of the applicant. Ms. Danziger responded to the concerns expressed with respect to SE Wiese Ct. being used to access the site, but asserted that additional traffic studies related to SE Wiese Ct. are not necessarily the responsibility of the school. Ms. Danziger described the current directional split of traffic leaving the school, with vehicles turning right onto Hwy 212 utilizing the right turn only one-way egress road from the site, and vehicles turning left onto Hwy 212 directed back via SE Rust Way to its intersection with Hwy 212. Ms. Danziger noted the traffic analysis was looking at impacts related to a K-12 school, anticipating a number of high school students driving to the school at arrival time and parking on site (not departing with the rest of the “drop-off” vehicles” or returning to the car line for pick-up). Ms. Danziger stated that she couldn’t speak for the agency decisions with respect to ODOT and the County not requiring a traffic analysis of Hwy 212, but points to the required trip generation, on-site queuing analysis, and safety assessment for the proposed expansion of the Damascus Christian School. Ms. Danziger referenced comments about speeding on SE Wiese Road, agreeing this is a problem and safety concern, but notes the effort is to try to prevent access to the school via SE Wiese Ct. [Testimony at hearing]
12. Ken Kent, Clackamas County Engineering, referenced the traffic impact study by Lancaster-Mobley, noting the finding that the available queuing storage to allow for all pick-up on-site without interference with traffic flow on SE Rust Way is approximately 400 feet, allowing for a maximum queue of 40 vehicles. Mr. Kent recommends a related Condition of Approval specifically related to this finding requiring the applicant to keep the queue length from extending onto SE Rust Way. Mr. Kent pointed to use of staggered drop-off and release times to keep queue lengths off the public roadway, asserting that the applicant should manage lines of cars for pick-up and drop-offs to circulate internally on-site and not allow vehicles to back up along SE Rust Way. Mr. Kent notes that exiting the site will continue to result in congestion, but keeping cars from backing up onto SE Rust Way as they enter the site is a safety issue that should be prevented. Matt Lewis addressed these comments on behalf of applicant, stating the

applicant is exploring staggered release and drop-off times to keep the queue lengths off the public road. [Testimony at hearing]

13. Pursuant to the written request and as discussed at the hearing, the Hearings Officer left the record open for three weeks following the close of the public hearing as follows: one week for the submission of new evidence, testimony, and argument; one week for responses to the new evidence, testimony, and argument; and one additional week for the Applicant's final legal argument, with the record closing on May 11, 2023.

#### **D. DAY OF HEARING, POST-HEARING, OPEN RECORD COMMENTS**

1. Jim and Marilyn Johnson submitted written comments the morning of the hearing stating they have lived for 48 years on SE Wiese Ct. in Damascus, describing it as a quiet residential cul de sac. Mr. and Ms. Johnson are very concerned that SE Wiese Ct. would become a convenient pick up and drop off place as parents, particularly those already residing on the north side of Hwy 212, seek to avoid the heavy traffic on Hwy 212. Mr. and Ms. Johnson describe the access from SE Wiese Ct. to SE Wiese Rd. as having severely limited sight distance, with vehicles along SE Wiese Rd. unable to see cars pulling out from SE Wiese Ct. or Alder Springs Ct., also describing this issue as exacerbated by frequent speeding along SE Wiese Rd. Mr. and Ms. Johnson assert that cars doing pick up and drop offs should not be allowed to queue up on SE Wiese Ct. and strict traffic controls put in place. They also describe current traffic on Hwy 212 as a "nightmare" and contend that the highway does not need any more cars, arguing Hwy 212 is already too close to its "tipping point." These were among the comments referenced by Ms. Dance at the hearing. (Exhibit 9)
2. Randal (Randy) Johnson submitted written comments April 20, 2023 (the morning of the hearing) stating he is a former resident of 20575 SE Wiese Ct., Damascus. Mr. Johnson also is a transportation engineer with an Oregon Professional Engineer license. Mr. Johnson states that he reviewed the Damascus Christian School conditional use application and associated traffic impact analysis (TIA) and reports that, in his professional opinion, the TIA fails to adequately address approval criteria. (Exhibit 10)
  - Mr. Johnson points to the TIA by Lancaster-Mobley submitted by the applicant, pointing to its use of ITE Trip Generation Manual (11<sup>th</sup> Ed.) Land Use Code 532 Private School (K-12), contending this may under-represent the actual trip generation of the Damascus Christian School (DCS). Specifically, Mr. Johnson refers to the trip generation rates for this code as based on a limited sample size of 7 or less surveys and that some of these schools provided bus service and one used carpooling. Mr. Johnson points out that DCS does not provide bus service or utilize a formal carpooling program, just independent carpools arranged by parents, and he also points out that there is no transit service. Mr. Johnson contends that DCS's operation potentially results in a higher trip generation rate than assumed for the TIA.
  - Mr. Johnson points to the 37% AM peak period exiting percentage and contends this resulting directional distribution result from this same land use code is a low result given no school bus service is provided.
  - Mr. Johnson points out that no traffic count data was included as part of the TIA. He recommends that new traffic count data be collected at school driveways and for the intersection of SE Rust Way/Hwy 212 to verify trip generation rates and directional distribution of trips specific to DCS.



- Mr. Johnson points to the fact that the application and TIA do not address potential traffic impacts to SE Wiese Ct. He notes that the proposal includes a new classroom building with a door facing SE Wiese Ct. and a walkway to a new sidewalk along the site's newly acquired frontage with SE Wiese Ct. Mr. Johnson points out there is currently no public access to the DCS site from SE Wiese Ct., but with this new connectivity SE Wiese Ct. would become a convenient student drop-off/pick-up area, particularly for parents seeking to avoid the congestion of Hwy. 212.
  - Mr. Johnson recommends several strategies be utilized to reduce or eliminate traffic impacts to the SE Wiese Ct. neighborhood, such as placement of "No School/Church Service Parking" signs and creation and enforcement of organization policies to discourage use of SE Wiese Ct. He also notes concerns with enforcement of such policies, but contends the proposed new connectivity will lead to potential school and church on-street parking along SE Wiese Ct., congestion, and possible impacts to mail and garbage services.
  - Mr. Johnson contends that the application and TIA do not address existing community concerns regarding queuing and capacity at the SE Rust Way/Hwy 212 intersection. He asserts the proposed increase in trips (also referring to his earlier comment that the actual trip generation may be higher than the TIA's calculations) will result in increased vehicle queuing on SE Rust Way as well as the eastbound left turn lane on Hwy 212, given the heavy through traffic on Hwy 212. Mr. Johnson asserts that the net increase of 138 vehicles per hour calculated by the TIA (again, pointing out actual experience may be higher) should warrant a capacity analysis and signal warrant analysis for the intersection of SE Rust Way and Hwy 212. Mr. Johnson also states that in his review it is not readily apparent whether ODOT provided comments on the scope of the TIA.
  - Mr. Johnson points to safety concerns associated with the proposal's potential for school drop-off/pick-up traffic to access SE Wiese Ct, describing the intersection of SE Wiese Ct. with SE Wiese Rd. as having an apparent limited intersection sight distance, in addition to an apparent speeding concern along SE Wiese Rd., with this combination posing a potential safety risk. He provides anecdotal reports of residents of SE Wiese Ct. experiencing near collisions at this intersection and reports a handful of actual collisions over the past several decades, contending any increase in traffic on SE Wiese Ct. will exacerbate this safety risk. Mr. Johnson recommends an intersection sight distance study and a speed study be performed along SE Wiese Rd. at the SE Wiese Ct. intersection to determine if there are sight distance or speeding issues that may further increase safety risks, and to mitigate identified deficiencies.
3. Mr. Randal Johnson submitted additional written comments on April 26, 2023, following the statements and public testimony heard at the April 20, 2023 public hearing. These comments address transportation facilities concurrency and safety concerns. (Exhibits 12, 13)
- Mr. Johnson refers to his April 20, 2021 written comments (Exhibit 10), reiterating his statement that the TIA's Trip Generation Rate potentially underestimates existing and forecast demand for DCS. He also observes that this potential underestimate of trip generation would also be reflected in the TIA's queuing analysis. Mr. Johnson pointed to local resident statements at the hearing reporting an on-going history of student pick-up traffic spilling back onto SE Rust Way. He observes that the school is already using mitigation measures to avoid completely blocking the street. Mr. Johnson infers that if the queue extends onto SE Rust Way with existing demand, then the issue will

be worse with 175 additional students. He also infers that the TIA assumptions come from a conversation with the school superintendent and not from actual field observations and measurements.

- Mr. Johnson expresses his concern that the level of existing congestion and estimated impact of the school expansion are not correctly represented by the TIA, with potential consequences including increased congestion and access impacts for the SE Rust Way/SE Lansing Lane neighborhood that has no alternative access. He reiterates his concerns over use of SE Wiese Ct. as an alternative access point, asserting increased likelihood parents frustrated over congestion at the SE Rust Way access will utilize SE Wiese Ct. as a pick-up/drop-off area. Mr. Johnson asserts that getting parents to follow school policies regarding approved drop-off/pick-up procedures is a challenge for schools with access issues.
- Mr. Johnson again recommends that a revised TIA perform traffic counts of site access points and field observations of the pick-up/drop-off operations to better reflect the demand and operations for existing conditions, provide higher confidence that future mitigation strategies will address impacts, and that additional student traffic will not further impact SE Rust Way.
- Mr. Johnson contends that both ODOT and the County have ignored their own requirements for a TIA. He points to County TIS standards requiring that a TIS addressing traffic capacity is not required for developments that do not exceed 20 peak hour trips, and states that ODOT typically requires a full TIS for new developments that produce 50 or more peak hour trips. Mr. Johnson points out that the DCS proposal greatly exceeds these thresholds, with at least 138 new peak hour trips.
- Mr. Johnson again recommends that a revised traffic study perform traffic counts and analysis to assess the capacity of SE Rust Way and Hwy 212. He also refers to his recommendations concerning a signal analysis at this intersection, and further suggests that the traffic study assess the need for a right turn lane on SE Rust Way to reduce impacts from left-turning vehicles should a traffic signal not be warranted.
- Mr. Johnson refers to the concerns regarding access to the site via SE Wiese Ct., and use of this area for pick-up/drop-off activity, again recommending signage such as “Resident Only Parking” and/or “No School Drop-off/Pick Up” be installed along SE Wiese Ct. Mr. Johnson observes that the current application does not address how DCS will minimize the potential traffic impacts to the SE Wiese Ct. neighborhood.
- Mr. Johnson references the neighborhood concerns about the safety of the SE Wiese Ct./SE Wiese Rd. intersection expressed at the hearing and encourages the County to perform a sight distance study for the SE Wiese Ct. approach at the SE Wiese Rd. intersection and a speed study along SE Wiese Rd. at this intersection, and consider potential mitigation such as driver feedback sign installation, vegetation removal, street lighting, and/or re-grading slopes.
- Mr. Johnson states that he fully supports the development of DCS but wants to ensure that potential impacts are appropriately accounted for, documented, and mitigated. He asserts that the current application and traffic study fail to represent and document existing conditions, verify site-specific trip generation rates, or evaluate the existing capacity and safety impacts of the proposed development.

4. Jim and Marilyn Johnson reside on SE Wiese Ct. and also submitted written comments on April 20, 2023 in opposition to this application (Exhibit 9). Mr. and Ms. Johnson submitted

additional written comments in opposition to this application during the open record period, asserting that the proposed expansion of the Damascus Christian School will have a big impact on Highway 212. They describe traffic on Hwy 212 as backing up not just at peak times but most of the day, contending that Damascus does not need any more cars [on this road] and a further traffic impact study is warranted. Further, they contend that if a traffic signal is warranted at the intersection of SE Rust Way and Hwy 212, then the applicant should be required to pay for it. Mr. and Ms. Johnson point to the Church's Master Plan involving additional planned future development including additional use of the second lot the applicant purchased on SE Wiese Ct., and plans to put a new access road from their parking lot through SE Wiese Ct., resulting in use of this area for access to the site, drop-off/pick-up activities, etc. including exiting SE Wiese Ct. at the intersection of SE Wiese Rd., Wiese Ct. and Alder Springs. They describe this intersection as having a hill blocking the view of cars pulling onto SE Wiese Rd., causing a dangerous condition, providing anecdotal statements concerning witnessing accidents and many close calls. They also assert that the added car trips associated with this proposal affects all locals. (Exhibit 14)

5. Matt Lewis, PE, with Stantec (applicant's project engineer), submitted a revised Transportation Assessment memo (Exhibit 16) to replace the original submitted memo, and at the hearing officer's request submitted proposed draft language for two conditions of approval to address concerns discussed at the hearing: (Exhibit 15)
  - a. "Prior to Final Occupancy, fencing shall be erected to prevent pedestrian access from SE Wiese Ct. to the school campus. Gates with panic hardware shall be provided for pedestrian egress from the campus to SE Wiese Ct. All vehicle access to the campus is limited to SE Rust Way. The school will ensure that parents are informed that Wiese Court may not be used when picking up or dropping off students."
  - b. "It is suggested that the applicant annually monitor transportation conditions and consider schedule changes as needed to improve potential queuing within the public street right of way."
  
6. Jennifer Danziger, PE, with Lancaster-Mobley, submitted a revised Transportation Assessment memo dated April 27, 2023. Ms. Danziger clarifies that this revised memo is based on site observations collected in April 2023, whereas the original memorandum was completed in August 2022 when school was not in session. Ms. Danziger further clarifies that, before performing the transportation assessment, both ODOT and the County were contacted to identify the scope. She reports that in an email exchange from Mariah Danielson dated April 14, 2022, ODOT determined that no access permits were required and they had no concerns that needed to be addressed. Ms. Danziger also reports that in a subsequent phone call with Christian Snuffin on July 11, 2022, the County determined that, with no concerns from ODOT regarding the highway operations, Clackamas County would require a safety assessment focusing on the trip generation and queuing. (Exhibit 16)
  - Ms. Danziger reported site observations of traffic activity at the school were completed on Monday afternoon, April 24, 2024, and Tuesday Morning, April 25, 2023. She stated these observations include traffic counts at all of the driveways and observations of queuing during the morning and afternoon peaks. All three site accesses that currently serve the site were assessed yielding the following:
    - The northeast access along SE Rust Way primarily serves as an entrance to the site although some traffic from the northern parking lot exits at this driveway. This

- access is also used as the primary entrance for curbside drop-off/pick-up activity in the morning and afternoon.
- The southeast access along SE Rust Way serves as an entrance to the southern parking lots as well as an exit for traffic destined for SE Rust Way after curbside drop-off/pick-up activity.
  - The access along Highway 212 is one-way, exit-only, and limited to right-turn movements [onto Highway 212].
  - Ms. Danziger reported that traffic volumes were measured at all three site driveways between 2:30 pm to 6:00 pm on Monday, April 24, 2024 and between 7:00 am and 8:30 am on Tuesday, April 25, 2023, identifying peak hours of activity from 7:25 am to 8:25 am, 2:35 pm to 3:35 pm, and 4:00 pm to 5:00 pm. Ms. Danziger analyzed the data, stating that the observed rates were compared with the study in the original traffic memo, noting that:
    - Average trip rate in the morning peak was estimated at 0.79 trips per student with a range of 0.49 to 0.96 trips per student, whereas the observed rate of 0.978 falls near the high value of the sites studied. Ms. Danziger hypothesized a greater number of students enrolled in the lower school [younger grades].
    - Average trip rate in the afternoon peak was estimated at 0.53 trips per student with a range of 0.46 to 0.79 trips per student in the studies. The observed rate of 0.948 was considerably higher than the rates for the studied sites. Ms. Danziger reported from the observations that most students left campus immediately after school and did not stay for after-school activities.
    - Average trip rate in the afternoon peak was estimated at 0.17 trips per student with a range of 0.13 to 0.23 trips per student in the studies. The observed rate of 0.098 was considerably lower than rates for the studied sets. Ms. Danziger noted this finding is consistent with the higher activity rate in the afternoon period.
  - Ms. Danziger provided observations for site activity for: vehicles that arrive in the morning, park on site, and depart in the afternoon (staff and student drivers); vehicles that arrive in the morning or afternoon at the northeast driveway to enter the queue to drop off or pick up students in front of the gym and exit, and; vehicles that arrive in the morning or afternoon at the southeast driveway to park temporarily to drop off or pick up students and then exit. Ms. Danziger reported that during the morning period, 193 vehicles entered the site and 139 vehicles exited. She noted that 54 vehicles arrived and parked for the day, 119 vehicles went through the queue and dropped students off in front of the gym, and 20 vehicles parked in the south lot to drop off students.
  - Ms. Danziger reported that during the afternoon observation 138 vehicles entered the site and 170 vehicles exited, 32 vehicles departed after parking for the day, an estimated 94 vehicles went through the queue and picked up students in front of the gym, and an estimated 44 vehicles parked in the south lot to pick up students. Ms. Danziger pointed out that the total vehicle traffic for the morning (139) was nearly equal to the observed total vehicle traffic for the afternoon (138).
  - With respect to parking demand and utilization, Ms. Danziger noted observed peak parking demand of 89 vehicles for 325 students, or 0.27 vehicles per student. She pointed to the studies originally referenced as estimating 0.35 vehicles per student within a range of 0.28 to 0.42 vehicles per student, with observed DCS rates falling near the low value.

- With respect to queuing observations, Ms. Danziger again provided a description of the dual queue line arriving from SE Rust Way, moving through the parking lot into two lines and dropping students off in front of the gym. Ms. Danziger revised the Traffic Memo to state that the available queuing storage to allow for all pick-up and drop-off activities to occur on-site without interference with the sidewalk or traffic flow on SE Rust Way is approximately 520 feet, with the frontage along the gym allowing for six queued vehicles and the remaining 370 feet observed to accommodate two rows of 16 vehicles for a total queuing capacity of 38 vehicles.
- Ms. Danziger provided data concerning observations of the queuing in the morning, with peak queuing of 20 vehicles occurring at 8:00 am when the doors were opened to students.
- Ms. Danziger provided data concerning observations of the queuing in the afternoon, with peak queuing of 46 vehicles occurring at 3:04 pm, shortly after the 3:00 pm first dismissal time when doors open. (Classes end at 3:00 pm for the lower school children and 3:15 pm for the middle and high school children). The data provided by Ms. Danziger shows that the queue length exceeded 38 (on site capacity) at 2:56 pm, the queue extended into SE Rust Way between 2:57 pm and 3:09 pm, with the queuing contained on site again at 3:10 pm. Ms. Danziger's key findings from these observations are that 45 of the 94 vehicles that utilized the queue to pick up students arrived before the doors were open, with the queue starting to form about 25 minutes before students were dismissed, and the queue extended into the street for 12 to 13 minutes before clearing.
- Ms. Danziger stated that no intersection analysis for SE Rust Way with Highway 212 was performed, but that queuing on SE Rust Way at Highway 212 and the south access at Highway 212 were observed. She reported that during the morning peak hour highway volumes are higher westbound than eastbound and queues from the traffic signal at SE Foster Road can back up as far as the school sometimes. She further reported that queues on the south access were observed to be as long as 11 to 12 vehicles. Queues on SE Rust Way were observed to be no more than 5 vehicles, most of which were signalling to make a left-turn. Ms. Danziger reported that when congestion was present, highway drivers would create gaps to allow vehicles to exit the school. She noted that more than 85 percent of the traffic exiting the school occurred during the 20-minute period from 8:00 am to 8:20 am. Ms. Danziger reported that during the afternoon, overall traffic on the highway is greater than in the morning, but westbound volumes are lower than the morning volumes and eastbound volumes higher. She stated that since most of the traffic entering the highway from the school turns westbound from the south access, queues were observed to be shorter. Ms. Danziger stated that 80 percent of the traffic exiting the school occurred during the 20 minute period from 3:05 pm to 3:25 pm.
- Ms. Danziger reported reviewing crash history and sight distances, but did not make substantive revisions in these areas. However, she made substantive revisions in the areas of trip generation, future site activity, and future on-site queuing. Ms. Danziger made revisions to the future parking analysis that estimate a maximum utilization rate of 60% will occur in the morning and 90% in the afternoon, suggesting that staggering the arrival and departure times will likely reduce the demand.
- With respect to projected future trip generation, the revisions project that queue length will continue to remain on site in the morning, but in the afternoon the queue length

will extend into the street from approximately 2:50 pm until 3:30 pm, with a projected maximum queue length of 77 vehicles occurring at 3:15 pm, or about twice the on-site capacity of 38 vehicles.

- Ms. Danziger concluded her revised Traffic Memo stating that, under current conditions, the school was measured to generate 318 morning peak hour, 308 afternoon peak hour, and 32 evening peak hour trips, noting this is higher than the average rates for a private K-12 school from standard industry resources. Ms. Danziger referenced the queuing observations, noting that the morning drop off activity showed moderate on-site queuing that dissipated quickly, but afternoon queues started forming about 25 minutes early and the queues extended into the public roadway for about 12-13 minutes before clearing. Ms. Danziger noted adequate parking available on site to meet future demands.
- With respect to the proposed school expansion to 500 students, Ms. Danziger estimates an increase of 171 trips during the morning peak hour, 166 trips during the afternoon peak hour, and 17 trips during the evening peak hour based on the observed trip rates. She notes that the actual increase in traffic demand may be lower than this, and will be spread out over approximately 8 years as the school plans to add one classroom per year. Ms. Danziger refers to the longer expected queues during the morning peak hour and offers two potential solutions: 1) allow students into the building 5 minutes earlier than currently allowed, or 2) stagger start times to spread arrivals out over a longer period of time. Ms. Danziger asserts that these solutions would allow queue dissipation to begin more quickly or spread demand so that queues never build as much. She also points out that a staggered start will also spread the demand of school traffic exiting the site [due to the staggered release time].
- With respect to the estimated increase in trips during the afternoon peak hour with the forecast growth, and assuming no change in operations or parent behavior, Ms. Danziger projects that queues in the street are anticipated to grow substantially and increase to as many as 40 or so vehicles [on SE Rust Way queuing to enter the site] and a duration of up to 35 minutes. She states that the most effective solution to address the longer queues is to create three staggered dismissal times at intervals of at least 15 minutes instead of two dismissal times. Ms. Danziger asserts that this option, paired with discouraging parents from arriving more than 15 minutes before dismissal, may help shorten the queues and dissipate them more quickly. Ms. Danziger estimates that three dismissal times 15 minutes apart would reduce anticipated queuing in the street to 8-12 vehicles for an approximate duration of 10 minutes. She points out the added benefit of staggering dismissal times is to spread the demand of school traffic exiting the site onto the highway, making it less likely delays will back up into the loading area.
- Ms. Danziger states that the school's existing parking on site should meet future estimated parking demand and the school is not expected to need on-street parking to meet demand.
- Ms. Danziger reiterates that the biggest issue with the school expansion will be managing the queuing, particularly during the afternoon peak period. She asserts that staggered start and dismissal times can mitigate the impacts of the increased traffic demand and help manage the queuing. Ms. Danziger also recommends that, as it grows, the school monitor the on-street queuing as well as queuing at the south access onto Highway 212 and respond with schedule changes as needed.

## **E. RESPONSES AND REBUTTALS, OPEN RECORD PERIOD**

1. Jennifer Danziger, PE, provided a May 4, 2023 written response on behalf of the applicant (Exhibit 17) addressing the open record period comments submitted by Randal Johnson dated April 26, 2023 (Exhibit 13). Ms. Danziger addresses each of Mr. Johnson's comments as follows:
  - Ms. Danziger addressed Mr. Johnson's comments that the proposed Trip Generation Rate potentially underestimates the existing and forecast demand because it is based on a limited survey of school sites with differing circumstances, and not actual observations of DCS. Ms. Danziger points out that the transportation assessment was updated based on driveway counts as Mr. Johnson suggested. Ms. Danziger points to the resulting data, noting that trip generation was found to be higher during some periods and lower during others, with the updated driveway volumes and trip generation estimates documented in the revised transportation assessment dated April 27, 2023. (Exhibit 16)
  - Ms. Danziger addressed Mr. Johnson's comments that the possible underestimate of DCS's trip generation is also reflected within the queuing analysis. Ms. Danziger also addressed corroborative local resident testimony of an on-going history of student pick-up traffic spilling back onto SE Rust Way under existing student demand. Ms. Danziger points to the transportation assessment update, noting detailed observations of queuing made during both the morning drop-off period and afternoon pick-up period. Ms. Danziger notes that all queuing in the morning was observed to occur on site with no overflow into the street. Ms. Danziger also noted that the afternoon queuing was observed to extend to as many as 8 vehicles into the street for a period of 12 to 13 minutes before it cleared, consistent with comments received from neighbors. Ms. Danziger points to recommendations made in the revised traffic assessment for staggered start and dismissal times to address the increased congestion that will occur as the school grows over the next 8 to 10 years. Ms. Danziger reiterates that a specific threshold for changes is not recommended; rather, the recommendation is that the school monitor the on-street queuing as well as queuing at the south access onto Highway 212 and respond with schedule changes as needed.
  - Ms. Danziger addressed Mr. Johnson's comments that the existing congestion and estimated impacts of the DCS school expansion are not represented, including: 1) Increased congestion and access impact for the local neighborhood that has no alternative access; 2) Increased likelihood parents frustrated with over-congestion issues will utilize SE Wiese Court as a pick-up/drop-off area; 3) Increased safety and capacity concerns at the intersection of SE Rust Way/Highway 212.
    - Ms. Danziger reports that no traffic counts were collected at the intersection of SE Rust Way/Highway 212. Ms. Danziger points to observations of queuing noting that most vehicles using SE Rust Way were turning left onto the Highway during the periods of school activity, with right-turning vehicles generally using the school exit directly onto Highway 212. Ms. Danziger points out that the periods of congestion were observed to be about 20 minutes long in the morning and afternoon [referring to school drop-off and pick-up times], but also noted that outside those periods the school added little traffic to the roadway. Ms. Danziger pointed to the revised traffic assessment recommendation that as the school grows over the next 8-10 years, staggered start and dismissal times are recommended to spread the traffic demand over a longer period of time to reduce the intensity of congestion. Ms. Danziger

- asserts that the impacts of the school will still be limited to 20 to 30 minute periods in the morning and afternoon with minimal effect the rest of the day.
- Ms. Danziger asserts that the school is taking actions to discourage traffic on SE Wiese Court.
  - Ms. Danziger points out that the original traffic assessment reviewed a five-year crash history at the intersections of SE Rust Way and Highway 212 and the school exit at Highway 212, finding no crashes reported at the school exit. Ms. Danziger noted that those crashes that did occur near SE Rust Way occurred during periods when school traffic was not active and appeared to involve only through traffic on the highway.
  - Ms. Danziger addressed Mr. Johnson’s recommendation that a revised traffic study perform traffic counts of site access points and field observations of the pick-up/drop-off operations to better reflect demand and existing conditions consistent with local resident comments, assist future mitigation strategies to address impacts, and provide confidence that additional traffic resulting from the proposal will not further impact SE Rust Way. Ms. Danziger pointed to her response with respect to underestimating trip generation, which notes that detailed observations of queuing were made as part of the transportation assessment update.
  - Ms. Danziger addressed Mr. Johnson’s comments that he was surprised to hear that both ODOT and the County ignored requirements for a traffic impact study, citing Section 295.2 – Transportation Impact Study requirements, stating, among other things, that a TIS to address traffic capacity is not required for developments that do not exceed 20 peak hour trips. Mr. Johnson asserts that ODOT typically requires a full TIS for new developments that produce 50 or more peak hour trips, noting the DCS proposal exceeds this threshold. Ms. Danziger responds noting that both agencies were consulted and the traffic assessment addressed the issues identified.
  - Ms. Danziger addressed Mr. Johnson’s recommendations that a revised traffic study perform traffic counts and analysis to assess the capacity needs of SE Rust Way and Highway 212, conduct a signal warrant analysis for the intersection, address citizen concerns about congestion on Highway 212 that impact ingress and egress at SE Rust Way, and assess the need for a right turn lane on SE Rust Way to reduce the impacts from left-turning vehicles. Ms. Danziger noted that although traffic data was not collected at the intersection of SE Rust Way/Highway 212, volumes on SE Rust Way were collected at the south driveway. Ms. Danziger pointed to this data, stating that these volumes were well below the thresholds that would warrant a traffic signal. Ms. Danziger asserts that even with an increase in demand associated with school growth the traffic volumes are still likely to fall below the thresholds. Ms. Danziger pointed out that adding a separate right-turn lane would reduce delays on SE Rust Way, but the periods of congestion associated with the school were observed to be about 20 minutes long in the morning and afternoon. Ms. Danziger points out that, outside of those periods, the school adds little traffic to the roadway. Ms. Danziger asserts that staggered start and dismissal times will likely spread the school peaks and reduce the intensity of the congestion and delays. Ms. Danziger argues that the impacts of the school will still be limited to 20- to 30-minute periods in the morning and afternoon and minimal effects the rest of the day.
  - Ms. Danziger addressed Mr. Johnson’s comments referencing concerns expressed at the hearing about SE Wiese Ct. being used for drop-off/pick-up activity and his recommendation that signs for “Resident Only Parking” and/or “No School Drop-off/Pick-up” be installed along SE Wiese Court. Mr. Johnson’s comments also point out that the application does not address potential traffic impacts to the SE Wiese Court



neighborhood related to the proposal. Ms. Danziger addressed these comments by asserting that the school is taking actions to discourage traffic on SE Wiese Court, and also stating that Mr. Johnson's suggestions have been noted.

- Ms. Danziger addressed Mr. Johnson's comments regarding neighborhood concerns expressed about the safety of the SE Wiese Ct./Wiese Road intersection, encouraging the County to perform sight distance and speed studies at this intersection, with related suggestions for potential mitigation. Ms. Danziger addressed these comments by responding that the safety concerns about the SE Wiese Ct./Wiese Road intersection are noted and the school is taking actions to discourage traffic on SE Wiese Court.

2. Kenneth Kent, Clackamas County Development Engineering, submitted a May 4, 2023 written response to open record comments. (Exhibit 18)

- Mr. Kent noted that public comments questioned whether the ITE trip generation rate used [in the traffic assessment] may potentially underestimate the trips for the proposed school. He noted that this may be correct, but contends that any differences between actual trips and those predicted in ITE Trip Generation would not be significant enough to dramatically alter any findings. Mr. Kent states that ITE Trip Generation is the industry standard, contains the best available data, and is applied consistently with other applications. He further noted that the site counts provided by the revised traffic assessment provide additional clarity on site trip generation.
- Mr. Kent addressed comments questioning whether use of the ITE trip generation rate resulted in an underestimate of trip generation that would impact the queuing analysis. He pointed out that the site observations discussed in the revised Transportation Assessment generally account for potential undercounting, noting that schools are very challenging because of the high volume and time-based concentration of arrivals that can result in queuing sometimes spilling out into the public roadway system. Mr. Kent further noted that DCS has a much larger paved area footprint than a typical school, thus more room for vehicle queuing. He asserts that a condition of approval requiring the school to have a traffic management plan in practice to maximize on-site queuing and minimize overflow queues onto SE Rust Way will address the impacts of the proposed increase in enrollment.
- Mr. Kent addressed public comments asserting there will be increased congestion and access impacts for the SE Rust Way/SE Lansing Lane neighborhood that has no alternative access. He responded that staff agree there is likely to be increased congestion, but for very brief periods of time. Mr. Kent asserts that proposed conditions of approval for the school to provide on-site traffic management will mitigate the impacts.
- Mr. Kent discusses the revised Traffic Assessment by Lancaster Mobley, dated April 27, 2023, that provides additional information related to traffic counts at the site driveways on SE Rust Way, observations of queuing for the student drop-off and pick-up on site, as well as the SE Rust Way/Highway 212 intersection and the right-turn, exit-only driveway onto Highway 212. Mr. Kent points to the memo's findings that there are periods in which vehicle queues back onto SE Rust Way. Further, Mr. Kent referenced public comments that raised the concern that the SE Rust Way approach on Highway 212 has a single shared left-thru-right lane, thus a single left-turning vehicle can take multiple minutes to turn left onto Highway 212 and cause significant queuing on SE Rust Way. He further notes that the revised Transportation Assessment confirmed vehicle queues at

the intersection, with most vehicles signaling to make a left turn. To address impacts for increased enrollment and additional congestion at the SE Rust Way/Highway 212 intersection, Mr. Kent recommends that the traffic study assess the need for a right-turn lane on Rust Way to reduce the impacts from left-turning vehicles. Mr. Kent noted that, in addition to the need for a right-turn lane, mitigation may also include a school traffic management plan.

- Mr. Kent references public comments raising the question of intersection sight distance at the SE Wiese County/SE Wiese Rd. intersection. He points out that vehicular access is not proposed to the site [via SE Wiese Ct.] and therefore a sight distance evaluation was not required for this intersection, noting also that the applicant has proposed a pedestrian connection only at this time.
- To address concerns that student drop-off and pick-up might occur on SE Wiese Court, Mr. Kent asserts that a condition is warranted requiring all student drop-off and pick-up occur from SE Rust Way. Mr. Kent advises that County Engineering staff agree with the language provided by the applicant on April 27, 2023. [referencing Exhibit 15]
- Mr. Kent recommends the following additional conditions of approval:
  - a. “The applicant shall analyze the intersection of SE Rust Way and Highway 212 based on ODOT mobility standards for an urban area roadway. AM and PM peak hour operational analysis at the intersection of Rust and OR212 to determine whether any safety mitigations may be warranted. The analysis should use trip generation rates obtained from the recent observations and counts at the school, and it should include both existing volumes plus volumes associated with full occupancy.”
  - b. “Vehicle queues related to student drop-off and pick-up shall be managed on-site and shall not extend into the SE Rust Way right-of-way.”
  - c. “Prior to final occupancy, the applicant shall submit a traffic management plan that includes measures to contain all queues for student drop-off and pick-up on-site without extending into SE Rust Way. The traffic management plan may also serve to mitigate impacts at the SE Rust Way/Highway 212 intersection and the right-out only driveway onto Highway 212. The traffic management plan may include one or more of the following elements:
    - “1. Staggering class times to distribute the traffic peaks.”
    - “2. Bus Service and/or actively managed carpool program.”
    - “3. On-site circulation improvements that accommodate all queuing on the property and does not rely on the local street system for queue storage.”
    - “4. Directing most exiting vehicles to the right-only approach on the southwest corner of the property to reduce traffic impacts to the Rust Way/OR 212 intersection.”

## **F. APPLICANT’S FINAL ARGUMENT**

1. Applicant’s project engineer, Matt Lewis, submitted a final written argument on behalf of applicant. Mr. Lewis states that Damascus Christian Community Church and School is committed to being a good neighbor. He advises, however, that while the school will make every effort to eliminate queuing in the street it may not be possible for some very short periods of time. Mr. Lewis states that the applicant does not agree that it is an appropriate standard to eliminate all vehicular queuing on the public roadway at all times. He points out that there are a number of schools in the County that queue on public roadways, such as Cannady Elementary School, a K-5<sup>th</sup> grade school [clarified to be a public school], and Lewis and Clark Montessori Charter School, a K-8<sup>th</sup> grade school [also clarified to be a public

school<sup>3</sup>]. Mr. Lewis reports that both of these schools front to public local streets similar to DCS and have limited queuing at pick up or drop off.

2. Mr. Lewis, on behalf of the applicant, proposes the following edits to the additional conditions of approval proposed by County engineering staff:
  - a. “The applicant shall analyze the intersection of SE Rust Way and Highway 212 based on ODOT mobility standards for an urban area roadway. AM and PM peak hour operational analysis at the intersection of Rust and OR212 to determine whether any safety mitigations may be warranted. The analysis should use trip generation rates obtained from the recent observations and counts at the school, and it should include both existing volumes plus volumes associated with full occupancy.”
  - b. “Vehicle queues related to student drop-off and pick-up shall be managed on-site ~~and shall not extend into~~ *to minimize queuing into* the SE Rust Way right-of-way.”
  - c. “Prior to final occupancy, the applicant shall submit a traffic management plan that includes measures to contain all queues for student drop-off and pick-up on-site without extending into SE Rust Way. The traffic management plan may also serve to mitigate impacts at the SE Rust Way/Highway 212 intersection and the right-out only driveway onto Highway 212. The traffic management plan may include one or more of the following elements:
    - “1. Staggering class times to distribute the traffic peaks.”
    - “2. Bus Service and/or actively managed carpool program”
    - “3. On-site circulation improvements that ~~accommodate all queuing on the property and does not rely on the local street system for queue storage~~ *maximize queue storage on the property to the extent possible.*
    - “4. Directing most exiting vehicles to the right-only approach on the southwest corner of the property to reduce traffic impacts to the Rust Way/OR 212 intersection.”

## **G. FINDINGS AND DISCUSSION**

The evidence presented is reliable, probative, and substantial evidence upon which to base a determination in these matters. This application is subject to the standards and criteria of Clackamas County Zoning and Development Ordinance (ZDO) Section 1203. This application is being processed as a Type III Permit, pursuant to Section 1307. A Type III Permit is quasi-judicial in nature, and involves land use actions governed by standards and approval criteria that require the use of discretion and judgment. The issues associated with the land use action may be complex and the impacts significant, and conditions of approval may be imposed to mitigate the impacts and ensure compliance with this Ordinance and the Comprehensive Plan. The Type III procedure is a quasi-judicial review process where the review authority receives testimony, reviews the application for conformance with the applicable standards and approval criteria, and issues a decision.

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 202, 316, 804, 805, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1015, 1021, 1102, 1203 & 1307; and the Comprehensive Plan. Clackamas County Planning and Zoning Staff have reviewed these Sections of the ZDO and Comprehensive Plan in conjunction with this proposal

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<sup>3</sup> The public school status was clarified after the statement was submitted and is reported here. I do not find it relevant whether or not schools queuing in the public roadway are public or private.

and make the following findings and conclusions, reviewed, adopted, and/or modified by the Hearings Officer:

## **BACKGROUND INFORMATION, SITE AND AREA DESCRIPTION AND SERVICES**

### 1. Background:

#### Applicant's discussion of their proposal:

The applicant and property owner, Damascus Community Church, is requesting approval of a Type III Conditional Use application. Approval of the Conditional Use Permit application will permit the proposed expansion of the Damascus Christian School, increasing student and staff population from 325 to 500 people, with the construction of a new 8-classroom school building and associated covered play area and courtyard improvements. The existing church and school campus is located at 14251 SE Rust Way. A series of two separate Property Line Adjustment applications submitted to incorporate parcels located at 20651 and 20685 SE Wiese Court into the existing Damascus Community Church and school campus.

The subject site is identified within Clackamas County's Portland Metropolitan Urban Growth Boundary as an Unincorporated Community Residential (Previously Damascus) area on Land Use Plan Map 4-7-a. The subject site is located within the RA-1 zone (Rural Residential) and school and church campuses are classified as a conditional use in this zone. The existing church and school campus contains approximately 5.92 acres, and is identified by the County Assessor as Tax Lot 700 of Map 23E04CD. With the inclusion of Tax Lots 107 and 108 of Tax Map 23E04CC, the campus will be increased by 1.17 acres. With the property line adjustment, the campus will have frontage on SE Wiese Road and SE Rust Way, both of which are designated as Local Streets and are under Clackamas County jurisdiction. The south boundary of the site also has frontage on Highway 212, which is under ODOT jurisdiction and is classified as a Principal Arterial.

This site has been operating as the Damascus Community Church and Christian School since 1960 with several conditional use reviews over the years adding and expanding the campus and services provided. The most recent conditional use Land Use File Z0994-96 limits the capacity of the K-12, Damascus Christian School to 325 students. The submitted exhibits illustrate that the proposed school improvements will increase the K-12 school capacity to 500 total people. The applicant has provided detailed improvement plans in accordance with Design Review standards, including preliminary civil engineering, landscaping plans, and architectural plans (see Exhibit 2 a-e).

*The submitted application materials included as exhibits with this recommendation indicate that proposed use can be adequately served by existing and proposed facilities. Domestic water and fire service for the new classroom building will be provided from the existing public main line within SE Wiese Court. The attached Preliminary Stormwater Report and Composite Utility Plan demonstrate that the drainage from new impervious surfaces will be managed by detaining and treating stormwater within an on-site facility before drainage is piped and released at the pre-development rate into an ODOT culvert to the southwest of the site (see Exhibits 2 a-e, 4, 6 and 7). Since public sanitary service is not available in the vicinity of the site, improvements to the existing septic system and drain field exceed the capacity that can be reviewed through the County, the development will require approval from the Department of Environmental Quality for the proposed septic expansion. Also, included with the submitted application is a*

*Transportation Impact Study, demonstrating that the existing transportation system can accommodate the proposed improvements.*

*This application seeks approval for the expansion of the Damascus Community Church campus including the addition of a new 8 room classroom building and covered outdoor sports court to allow for an increase in student body, parishioners and employees from 325 to 500 total people through this Conditional Use application.*

2. Site Description and History: Property is approximately 7.09-acres in size, located NW of the intersection of Highway 212 and SE Rust Way. The existing Damascus Community Church facility was originally approved by Conditional Use permit in 1967 (File No. PCU-76-67). In 1980, a second conditional use permit was approved to expand the parking facilities on the church property and relocate the septic drainfields (file No. 1473-80-C). In 1981, an additional conditional use permit was approved authorizing the establishment of a day school through grade 12 with a maximum of 250 students and 15 faculty (file No. 1693-80) with 1996 approval increasing total students to 325 students using existing facilities (file No. Z0994-96-C).
3. Natural Features: The property is developed with a church, school and associated facilities. There is a mapped culverted stream through the parking lot area – this is an unclassified stream with no other environmental indicators that lead staff to determine it is not a regulated Natural Feature.
4. Surrounding Conditions: The surrounding areas to the north, east and west are zoned residential. Property to the north and across Highway 212 is zoned Rural Commercial.
5. Service Providers:
  - A. Surface Water: Surface water is regulated pursuant to Section 1006 of the ZDO and administered by the DTD Engineering Division with outfall into an ODOT swale
  - B. Water: The subject property is served by Sunrise Water Authority
  - C. Fire Protection: Clackamas RFPD #1
6. The following service providers were sent notice of the proposed development:
  - A. Department of Transportation and Development (DTD), Traffic Engineering (TE)- See Exhibit # 6
  - B. Department of Transportation and Development (DTD), Building Division See Exhibit # 6
  - C. Department of Environmental Quality (DEQ) See Exhibit # 4
  - D. Oregon Department of Transportation (ODOT) See Exhibit # 2d & Exhibit #2 pages 150-155
  - E. Sunrise Water Authority See Exhibit # 7
  - F. Clackamas RFPD#1 See Exhibit # 6
  - G. Area Property Owners See Exhibit # 2e

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## **PART 1. SUBMITTAL REQUIREMENTS – CONDITIONAL USE PERMIT**

Subsection 1203.02 of the Zoning and Development Ordinance lists the information that must be included in a complete application for a conditional use permit.

This application includes a completed land use application form, site plan, application fee and completed supplemental application addressing the criteria in Section 1203 of the ZDO. The application also includes a description of the proposed use and vicinity map. All the submittal requirements under Subsection 1203.02 are included in the application file. Application materials were submitted on 9/6/22, 10/14/2022, 11/2/2022 and 2/24/23 and the application was deemed complete 2/24/23 (Exhibit 2- 8).

**The Hearings Officer concurs with staff that the requirements of Subsection 1203.02 are met.**

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## **PART 2. CONDITIONAL USE PERMIT**

1. **Subsection 1203.03** of the Zoning and Development Ordinance lists six criteria that must be satisfied in order to approve this Conditional Use.

A. **Subsection 1203.03(A):** *The use is listed as a conditional use in the zoning district in which the subject property is located.*

Section 316 RA-1: The subject property is zoned RA1 – Rural Area Residential 1-Acre (ZDO Section 316). Table 316-1 lists schools as a conditional use. This proposal involves expansion of the existing school and church to provide a new building with 8 classrooms and sports courts This criterion is met.

**The Hearings Officer concurs with staff that this criterion is met.**

B. **Section 1203.03(B):** *The characteristics of the subject property are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.*

The proposed use is an expansion of the established use on the property including a Church and School Campus total property dimensions to be expanded 1.17 acres through two consecutive Property Line Adjustments increasing the total site area from 5.89 acres to 7.09 acres. All established and proposed development meets setback standards for the zone 30' front any street facing property boundary access it taken from, 10' sides and 10' rear. The property will remain irregular in shape.

1. Size: The site will be approximately 7.06-acres in size after recording Property Line Adjustments Z0428-22 & Z0159-23, which combines 2 adjacent parcels to the west expanding the campus. As noted, the school was established with the original land use approval (File No. PCU-76-67) in 1967. This proposal involves adding one new 8 classroom building 7,788 square foot building and a 3,920 square foot covered sports court. Existing driveway/circulation/parking will be used. Other existing outdoor use areas will continue to be used as they are currently. The submitted site plans and narrative demonstrate the property is of sufficient size to accommodate the proposed use and will meet required setbacks as proposed. Setbacks for the 8-classroom building and sports court as represented in the site plan and landscape plans are 35 feet from front, SE Wiese Ct and 25 feet from the north/side boundary. The Classroom building will be separated from the residence to the north with a hedgerow running east west for the

length of the building to the Right of Way with additional landscaping along SE Wiese Ct.

2. Shape/Topography: The property [is] generally level [sloping] gently and irregular in shape, the proposed Property Line Adjustments will increase the parcel size by combining 2 parcels to the west where the proposed development will take place.
4. Location: The site is located at the intersection of Highway 212 and SE Rust Way, surrounded by residential uses to the north and east and commercial uses to the south and west.
5. Improvements: The subject property is currently developed with a school, church, off street parking, outdoor areas and walking paths. This proposal is for an additional 8 room classroom school building and covered sports court off of SE Wiese Ct. This new development with expanded student body requires additional landscaping, pedestrian connectivity, surface water management, DEQ Septic improvements, on site circulation and parking, and increased services. These standards are outlined in the Zoning and Development Ordinance 1000 series development standards required with this submittal included in the applicants' submittal materials addresses in recommended findings and conditions.
6. Natural Features: There are no "natural features" identified on the property.
7. Summary: The location, size, shape, topography, natural and developed characteristics of the property are suitable to accommodate the proposed use. The roads serving the project site have adequate capacity, and engineering staff has found the roadways will continue to operate within standards with the additional traffic generated by the proposed development.

**The Hearings Officer finds that the characteristics of the subject property for the proposed expanded school use, considering size, shape, location, topography, existence of improvements, and natural features, are suitable for the proposed use and concurs with staff that, as conditioned, these criteria are met.**

C. Section 1203.03(C): *The proposed use is consistent with Subsection 1007.07, and safety of the transportation system is adequate to serve the proposed use.*

1. Subsection 1007.07: Transportation Facilities Concurrency
  - a. Subsection 1007.07(A): *"Shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses."*
  - b. Subsection 1007.07(B): *"Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner."*
2. Safety:

- a. Subsection 1007.02(D): *“Developments shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards. In addition:*
  - i. *No planting, signing, or fencing shall be permitted which restricts motorists’ vision; and*
  - ii. *Curbside parking may be restricted along streets with visibility problems for motorists, pedestrians, and/or bicyclists as deemed appropriate by the Department of Transportation and Development.”*

The applicant has provided a Traffic Impact Analysis that has been reviewed for compliance by the Transportation and Engineering Staff.

*The applicant has proposed a conditional use application for modification of the established school and church facility which includes the construction of two new structures. The proposal includes a 7,788 s.f. 8 room building for classrooms and a 3,920 s.f. covered sport court structure. The proposal will increase the student and staff population from 325 people to 500 people.*

*The proposed buildings will accommodate the school expansion to one site. The proposed development is subject to the provisions of Clackamas County Zoning and Development Ordinance (ZDO) section 1007 roads and connectivity, section 1015 parking and loading, and the Clackamas County Roadway Standards Chapter 4 pertaining to surface water management.*

*ZDO Section 1007.07 requires that development is served by a transportation system that has adequate capacity to handle any increased vehicle trips generated by new development. As outlined in the Traffic Impact Analysis (exhibit # 2d ) prepared by Lancaster Mobley assess increases in peak hour vehicle trips, pick up and drop of, on site vehicle queuing total parking and impacts to traffic in the surrounding area stating “The impacts of the proposed expansion to the existing transportation system within the site vicinity are expected to be minimal. The new site trips are not expected to significantly alter the operation to the existing transportation facilities.”*

*Review of this report in **conjunction with no change or alteration to the established ingress and egress on the site including ODOT Highway 212 exit only, right only egress**-planning staff finds that the roadway and intersections serving the project site will continue to operate within standards, satisfying the provisions of Section 1007.07.*

*The Engineering staff has provided comments including review of the traffic impact analysis, finds that the roadway and intersections serving the project site will continue to operate within standards, satisfying the provisions of Section 1007.07. These facts and findings are included later in this recommendation as well.*

Staff Finding: With conditions of approval as recommended, this criterion is satisfied.

**From Hearings Officer:**



**I considered and found credible the testimony by local residents Steve and Laurel Crover, corroborated by Mark Oaczkowski, concerning the bottleneck that regularly occurs on SE Rust Way in front of DCS as vehicles are using the egress/ingress from Highway 212. A similar description is offered in written comments submitted by local resident Karen Southard concerning cars getting backed up on SE Rust Way, particularly during arrival and dismissal times, and heavy traffic on area roads. Local residents of SE Wiese Ct., Jim and Marilyn Johnson, also submitted written concerns regarding potential impacts to SE Wiese Ct. and SE Wiese Road from the proposed expansion of DCS, particularly safety concerns, underscored by testimony and written submissions by Randal (Randy) Johnson, a former local resident of SW Wiese Ct. Mr. Randy Johnson's written comments were particularly persuasive and resulted in substantive changes to the evaluation of the local traffic system, revisions to the applicant's Transportation Assessment, and related additional conditions of approval being proposed by applicant through its consultant, Matt Lewis, and by Kenneth Kent, Clackamas County Engineering, to address these identified concerns.**

**With respect to the safety of SE Wiese Ct. and SE Wiese Road I note that use of these roads is not proposed or anticipated by this particular proposal. In reviewing the entire application in this proposal I did note the Master Plan for the site shows a future vehicle access from the school site through the second parcel the Church purchased on SE Wiese Ct. Such use of the second parcel to provide access to the DCS parking lot via SE Wiese Ct. is not part of this proposal. I agree with applicant, and County staff, that potential impacts to SE Wiese Ct. and SE Wiese Rd. did not require assessment as part of this proposal. The concerns expressed by local residents of SE Wiese Ct., Jim and Marilyn Johnson, and expressed by Randy Johnson, former resident of SE Wiese Ct., are genuine: the Church now owns two of the lots on SE Wiese Ct., creating the potential for "short-cut" access to DCS school grounds. These concerns were discussed at the hearing and the applicant proposed conditions to address these concerns by: installing fencing to prevent pedestrian access from SE Wiese Ct. to the DCS campus; limiting vehicle access to the campus to the SE Rust Way accesses, and ensuring parents are informed that SE Wiese Ct. may not be used for picking up or dropping off students. I find that these conditions are adequate to address potential safety issues related to parents trying to avoid the traffic congestion at the front entrance by discouraging such activity. I do not find that additional proposed measures such as installation of "No Parking" signage is warranted. If the Church submits a future proposal concerning access to its parking lot via SE Wiese Ct., then the safety concerns raised with respect to intersection sight distance, speeding, and crash history will require consideration.**

**With respect to the safety of the proposal, I refer to the Lancaster-Mobley Transportation Impact Study submitted by applicant. This study included a sight distance analysis for the three existing site accesses assessing both intersection sight distance (ISD) and stopping sight distance (SSD), finding sight lines for each of these site accesses meet the ISD and SSD requirements. This study also included a Crash History Review using data from ODOT's Crash Data System for the most recent**

five years of available crash data at the site access and exit locations. There were no reported crashes at the site access and exit locations along SE Rust Way and Highway 212 during the analysis period.

With respect to the capacity of the existing transportation facilities, I note that this application is essentially for an expansion of an existing school consistent with existing approved land use for this site. I find reasonable and persuasive the conclusions by County staff, consistent with the view of ODOT staff, concerning the minimal safety concerns and minimal anticipated impact to the capacity of the transportation system, that this proposed use is consistent with Subsection 1007.07, and the safety of the existing transportation system is adequate to serve the proposed use. Here, the impacts are primarily to the local SE Rust Way/Lansing Lane neighborhood, a local residential neighborhood that appears to have approximately 60 homes that is only accessed via the intersection of Highway 212 and SE Rust Way, and by passing the Damascus Christian Church and school campus.

I find there is substantial evidence that at peak traffic times associated with arrival and dismissal times at DCS the activities at the school site do in fact block local access along SE Rust Way, particularly during the afternoon pickup time, and cause congestion at the adjacent SE Rust Way/Highway 212 intersection. Ms. Danziger confirmed that a single left-turning vehicle at the intersection with Highway 212 can cause several minutes delay, also consistent with observations reported by local residents. In the afternoon, as shown by the queuing observations reported by Ms. Danziger in her revised Transportation Assessment, as many as 8 vehicles are queued in the public roadway waiting to enter the school site to pick up students and this queuing does not clear for 12-13 minutes, consistent with testimony by neighbors. Ms. Danziger's revised traffic memo projects that morning queue lengths will remain on-site [contained in the Church parking lot] in the mornings, but in the afternoon the queue length will extend into the street from approximately 2:50 pm until 3:30 pm, with a projected maximum queue length of 77 vehicles occurring at 3:15 pm, which is about twice the current on-site queue length capacity of 77 vehicles.

I find that Mr. Kent is correct in pointing to the projected queue length as a safety concern that must be addressed. He submitted proposed additional conditions of approval that include, among other things, a proposed condition that: "Vehicle queues related to student drop-off and pick-up shall be managed on-site and shall not extend into the SE Rust Way right-of-way." The applicant disagrees with this condition, proposing alternatively a condition that: "Vehicle queues related to student drop-off and pick-up shall be managed on-site to minimize queuing into the SE Rust Way right-of-way." Applicant also points out that other schools have similar car line queues extending into the public roadway. I believe this is true; however, I agree with Mr. Kent that it is not safe to allow car line queues to extend into the public roadway and block *the only access* to this neighborhood for a period of roughly 40 minutes every afternoon. It may not be possible to *always* eliminate car line queues extending into SE Rust Way, but such queues cannot be allowed to

**continue or worsen. I find that the several conditions proposed by Mr. Kent are required conditions necessary to address these concerns.**

**The Hearings Officer concurs with staff that, with conditions of approval as recommended, these criteria can be met.**

D. **Section 1203.03(D):** *“The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located.”*

1. The project site is in zoned RA1. Surrounding areas to the north of highway 212 are zoned RA1, and R-10 and generally in residential use the commercial zoning and uses are established to the south of highway 212. Uses allowed in the RA1 Zone are listed in Table 316-1, and are generally residential in nature. This site has been established as a Church and School campus since 1967 the proposal does not further alter the established use it expands it.

**This criterion does not require that the proposed use not have *any* impacts; rather, the impacts must not *substantially* limit, impair or preclude the use of surrounding properties for the allowed primary uses. [Emphasis added by Hearings Officer]**

2. The applicant is proposing an allowed use under the RA1 zoning district is allowed through the conditional use process. The Campus for Damascus Community Church and Community School is getting larger. The new buildings are proposed on properties owned by Damascus Community Church. The conditional use permit aspect of this request is to expand the already established school facility from what has been reviewed in the 1996 CU Z0994-96-C and school’s original conditional use permit from 1968 (Permit # CU-76-67) to allow an expansion of the student body and provide additional educational facilities including an 8-classroom building and sports court.

The structures as proposed would become part of the Damascus Community Church and School campus. The current proposal is an expansion of student, staffing and Parishioners and there will be no change of use to that established development and activity. Combined with previously discussed use of existing access/parking, required expansion of surface water management, landscaping, septic facility, and services staff is able to support this proposal as conditioned will not substantially limit, impair or preclude the use of surrounding properties for the allowed primary uses.

Staff Finding: This criterion is satisfied.

**From Hearings Officer:**

**In making a determination concerning ZDO 1203.03(D), the hearings officer must first make a determination identifying the character of the surrounding area, then conduct an inquiry to determine whether the proposed use would: (1) substantially limit; (2) substantially impair; or (3) substantially preclude, the primary identified**

uses on properties within the surrounding area, essentially altering the character of the surrounding area.

First, I find no real question of fact presented that the character of the surrounding area is rural residential use, together with the existing uses by the Damascus Christian Church, and associated Damascus Christian School (DCS). In other words, I find that DCS is part of the existing character of this area. The continued use of the subject property for activities related to the church and school are not at issue here: this proposal is for an expansion related to this existing use, increasing capacity of DCS from 325 to 500.

Therefore, given that the actual primary uses of the surrounding property are rural residential, church and school, the effects of the applicant's proposal for increased capacity on the existing residential use must be considered. Specifically, whether approval of the applicant's proposal at the site of its existing church and school will alter the rural residential character in a manner that substantially limits, impairs, or precludes these primary allowed uses. The fact that a proposed use may cause inconveniences and annoyances is not enough to deny an application.

Opponents raise valid concerns with respect to the effect of the proposal on traffic congestion impacting existing residential use of properties located nearby, particularly those utilizing SE Rust Way that must pass by the Church and school. These were the impacts addressed by the staff report and by supplemental recommendations made following review of the revised traffic memo submitted by Ms. Danziger. I agree with staff and opponents of this application that the impacts to primarily consider are those related to the identified rural residential use in the area and the impacts of traffic associated with this proposal to that residential use.

I understand that for about twenty minutes in the morning and again for about 20 minutes in the afternoon, traffic associated with DCS school impacts neighbors, causing them delays as they have no alternative to this route. While irritating and inconvenient, this impact does not *substantially* limit use of these nearby properties for their primary residential purposes. Likewise, the described impacts do not rise to the level of *substantially impairing* residential use of area properties: property owners may enjoy the residential use of their properties without any impairment. Rather, there is a brief period during the morning school drop-off and particularly afternoon school pickup times when the neighborhood is inconvenienced (and nearby residents perhaps annoyed or irritated) by traffic congestion. I do not find that primary residential use of area properties is in any way precluded by such traffic congestion. In this case, opponents primarily point to the *existing* impacts from the school and are rightfully concerned regarding worsening traffic impacts from expansion of DCS. Here, we are considering impacts from this specific proposal for an expansion of this existing use and its known impacts, increasing the capacity from 325 to 500. As discussed above, I find that requiring the conditions proposed by Mr. Kent will actually improve the local traffic congestion by requiring DCS to take measures to prevent its car line queues from extending into the public roadway.

The Hearings Officer concurs with staff that this criterion is satisfied.

E. **Section 1203.03(E):** *“The proposal satisfies the goals and policies of the Comprehensive Plan that apply to the proposed use.”*

1. The applicant has addressed the Comprehensive Plan briefly in their submitted narrative stating that the application is consistent with the applicable goals and policies of the comprehensive plan. Though this response is brief, the subject property is Rural Area Residential 1 acre zone. Chapter 4 of the Comprehensive Plan address Land Use and Chapter 7 addressed the School use.

The expansion of the established Church and school reviewed through this conditional use application as proposed and conditioned herein can satisfy the goals and policies of the Comprehensive Plan.

Staff Finding: These criteria can be met.

**Hearings Officer:** *As discussed, the church and school are allowed uses in this zone and were approved many years ago consistent with the goals and policies of the Comprehensive Plan. The Hearings Officer concurs with staff that this criterion is met.*

F. **Section 1203.03(F):** *The proposed use complies with any applicable requirements of the zoning district and overlay zoning district(s) in which the subject property is located, Section 316 (further below, under Part 3 of this report), and Section 1000.*

Sections: 1000, 1005, 1006, 1007, 1009, 1010, 1015, and 1021 were reviewed.

**Staff Finding:** The applicant is requesting Conditional Use approval for the renovation of the Damascus Christian School with an addition of a new 8-room classroom building and associated improvements to the school campus. The school use is classified as an institutional use therefore; Section 1000 standards apply to the land use applications.

**The Hearings Officer concurs with staff that this criterion is met.**

G. **Section 1005, Sustainable Site and Building Design:**

Section 1005 of the ZDO provides standards, requirements and considerations that pertain to additional techniques to meet sustainability goals. Applicant provides lengthy response to this criterion. Staff has reviewed the response relative to Section 1005 and finds the following criteria apply:

- a. Section 1005.02, General Site Design Standards (A-D) discusses site design standards such as clustering buildings to extent possible, providing efficient on-site circulation for vehicle and pedestrians both, consider potential for use of both passive and active solar when laying out buildings, etc.

**Staff Finding:** *The proposed development layout demonstrates that the buildings have been clustered on the school and church campus. The design includes a pedestrian*

walkway and ADA accessible network that allows separate, efficient, and convenient circulation for pedestrians from vehicles. The submitted plan illustrates that the interior pedestrian walkway network connects all of the buildings to existing parking areas and rights-of-way.

On-site circulation for vehicle and pedestrians for the primary school has previously been approved by the County and is established. Access to the proposed new structures are shown as utilizing existing school driveway/circulation. The proposed access to the classroom building and sports court will add to pedestrian facilities that presently serve the school.

Based on information submitted by the applicant, staff is able to find applicable portions of Section 1005.02 are met with this proposal.

**The Hearings Officer concurs with staff that these criteria are met.**

b. Section 1005.03(A) Building Design:

The existing facility was originally constructed prior to the establishment of these design requirements.

The proposed buildings will be visible from SE Rust Way, SE Wiese Court and Highway 212; therefore, these standards apply to the building's north, east and west façades. The applicant submitted elevations of these façades within the application materials to demonstrate compliance with the building design standards and all other applicable standards.

***Staff Finding:*** The submitted Building Elevations illustrate that the proposed 8-room school building and entry façade design utilize architectural elements to provide visual interest through glazing, articulation, building mass modulation, and detailing consistent with an educational use. Consistent with Section 1005.03.A.1, the submitted plans indicate that the west façade has multiple windows and door openings, and there are changes in the pattern of the siding material. Meeting Section 1005.03.A.1 standards, the western doorway is centered on the façade and is accessed from a pedestrian walkway. The western façade features deciduous and evergreen plantings to frame the door, consistent with Section 1005.03.A.3. Also consistent with 1005.03.A.4, the west façade features doors and windows which allow views to and from the building. These windows are placed with a rhythmic pattern to support an interior daylighting strategy. Finally, meeting 1005.03.A.1 standards, the proposed roof slope is consistent with the existing church building, the building is residential in scale, and the siding is similar to dwellings in the adjacent neighborhood. **The Hearings Officer concurs.**

c. 1005.03(B) Requirements for building entries:

1. Public entries shall be clearly defined, highly visible and sheltered with an overhang or other architectural feature, with a depth of at least four feet.

2. Commercial, mixed-use and institutional buildings sited to comply with 1005.03(E) shall have public entries that face streets and are open to the public during all business hours.

**Staff Finding:** *The submitted Site Plan demonstrates that the proposed school classroom building faces SE Wiese Court and includes a building entrance located on the street side of the structure (see Exhibit # 2c). The other primary entrance is on the west side of the building and features a covered porch facing the existing church building. The submitted Building Elevations illustrate that the proposed architectural features accentuate the building entry façade so that it is clearly defined. **The Hearings Officer concurs***

- d. 1005.03(C-E) address specific design elements including facades, windows, roof design and materials with ratios and development standards:

**Staff Finding:** *The proposed school building and entry façade utilize transparent glazing to provide visual interest at a minimum of 40 percent of the first floor's linear frontage. Elevations demonstrate that the proposed structures provide a 24-in. eave overhang as required. The applicant states and staff concurs that all exterior building colors and materials have been chosen for their aesthetic appeal throughout the campus. As proposed these standards are met. **The Hearings Officer concurs***

- e. 1005.03(G-H)- Requirement for increase safety and surveillance and Solar Access:

**Staff Finding:** *Surveillance of walkways and outdoor recreation facilities can be achieved as proposed by locating these facilities within a courtyard that can be viewed from adjacent structures on the campus. The submitted plan demonstrates that the proposed landscaping design permits surveillance of campus facilities. As required, lighting will be provided in accordance with County standards. The submitted Building Elevations and Architectural Renderings show that windows are concentrated on the south and north sides of the building with eaves and architectural features that regulate solar access. **The Hearings Officer concurs***

#### H. Subsection 1005.04 Outdoor Lighting:

##### A. Outdoor lighting devices:

- i. *“Shall be architecturally integrated with the character of the associated structures, site design and landscape.*
- ii. *Shall not direct light skyward.*
- iii. *Shall direct downward and shield light; or direct light specifically toward walls, landscape elements or other similar features, so that light is directed within the boundaries of the subject property;*
- iv. *Shall be suitable for the use they serve, e.g. bollard lights along walkways, pole mounted lights for parking lots;*

- v. *Shall be compatible with the scale and intensity of uses they are serving. Height of pole mounted fixtures shall not exceed 25 feet or the height of the tallest structure onsite, whichever is less; and*
- vi. *At entrances, shall be glare-free. Entrance lighting may not exceed a height of 12 feet and must be directed downward.”*

***Staff Finding:*** *All proposed lighting will meet the requirements of this section. A Lighting-Photometrics Plan has been provided demonstrating compliance with the requirements of this section. Proposing lighting is architecturally integrated with the character of the proposed structures, site design and landscape and directs light downward and not skyward. The lighting proposed is suitable for the use with which it serves; that is, all lighting serves the walkways on the exteriors of the proposed buildings. All lighting is compatible with respect to scale and intensity, and the height of fixtures do not exceed 25 feet. **The Hearings Officer concurs***

- I. *Applicant has provided narrative and plans supporting that Section 1005.04 standards can be met as proposed. Subsection 1005.05 – Additional Requirements: Development shall comply with a minimum of one of the following techniques per 20,000 square feet of site area. Regardless of site size, a minimum of one and a maximum of five techniques are required. Partial site area numbers shall be rounded.*

***Staff Finding:*** *The Proposed new development and site expansion is 1.17 acres 50,978 square feet of expansion area requiring three techniques be implemented with the development. Below are the standards identified in the narrative and supporting submittal calling out three additional requirements B (3,4,5),D and G.*

- a. *A Install a solar energy system: The applicant is currently considering this as an option however, this is not one of the three options to be assess with this review.*
- b. *Use passive solar heating or cooling techniques to reduce energy consumption. Examples of techniques:*

***Staff Finding:*** *The Proposed Building elevation demonstrate that windows are placed to optimize natural daylight and to minimize glare. The included landscaping plan includes deciduous shade trees along the south and west boundaries of the classroom building. **The Hearings Officer concurs***

- c. *Place major outdoor use areas such as plazas playgrounds, gardens, etc. on the south side of the buildings:*

***Staff Finding:*** *The Proposed classroom building is oriented with long walls along the north and south sides of the structure, this will protect the covered sport court to the south of the classroom building from winter winds coming from the north. **The Hearings Officer concurs***

- d. *Provide addition landscaping area at least 10 percent above the requirements for the site pursuant table 1009-1.*



***Staff Finding:*** *The proposed new structures, site expansion and added people require an updated landscape plan. Per landscaping requirements table 1009-1 25 percent of the site is required to be landscaped. Landscape plan provided with narrative identifies 40 percent of the overall site to be landscaped with an enhanced landscaping plan surrounding the new development area. **The Hearings Officer concurs***

J. Section 1006, Water Supply, Sanitary Sewer, Surface Water; and Utilities Concurrency:

Section 1006 of the ZDO sets forth the standards, requirements and considerations that pertain to utility lines and facilities.

- a. 1006.02 Street Lights: Street lights are required for all development within the Portland Metro Urban Growth Boundary. Requiring Street Lighting to be installed in accordance with County Service District No. 5 standards. If the site is not within this service district annexation is required.

***Staff Finding:*** *The applicant states that no work is happening towards the roads, staff finds that the expansion of the student body and addition of structures is development within the UGB. A condition of approval is warranted requiring street light assessment and if the property is not currently within the Clackamas County Service District No.5, annexation through petition. **The Hearings Officer concurs, and adopts the related proposed condition of approval.***

b. Subsection 1006.03 – Water Supply:

1. The location, design, installation, and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbance of soil and site consistent with the rules and regulations of the surface water management regulatory authority.
  - i. All development that has a need for electricity, natural gas, and communications services shall install them pursuant to the requirements of the utility district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be installed underground.
  - ii. Coordinated installation of necessary water, sanitary sewer, and surface water management and conveyance facilities is required.
  - iii. Easements shall be provided along lot lines as deemed necessary by the County, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency.

***Staff Finding:*** *The application has provided a statement of feasibility form Sunrise Water Exhibit # stating that adequate water capacity meeting the public water system standards set forth by the Oregon Health Authority is available. Water can be available as required by this section to serve the site expansion as proposed. **The Hearings Officer concurs.***

K. Subsection 1006.05 – Onsite Wastewater Treatment: All development proposing subsurface sewage disposal shall receive approval for the system from the Clackamas County Septic &

Onsite Wastewater System Programs prior to submittal of a land use application to the County for development.

***Staff Finding:*** *The required septic system expansion is at a proposed capacity over the threshold of what the County Septic Onsite Wastewater Program can review. This expansion requires approval from the Department of Environmental Quality (DEQ). The applicant has been working with DEQ and County Septic Staff regarding the permitting of this expansion. Without a land use determination, the Clackamas County Planning and Zoning Division cannot complete the required Land Use Capability statement for installation of the DEQ system. DEQ, Jessica Joye, REHS, NW Region and Marion Onsite Wastewater Specialist has provided comments included in exhibit 4 regarding the system expansion and are currently working with the applicant. A condition of approval is warranted: **Prior to development permits associated with the Classroom building, expanding of the total number of people beyond the currently established 325 will require approval and verification of installation of the DEQ permitted Septic System expansion.***

***The Hearings Officer concurs, and adopts the proposed condition of approval.***

a. Subsection 1006.06 - Surface Water Management and Erosion Control:

- i. *“All developments shall provide for positive drainage and adequate conveyance of storm and surface water runoff from roofs, footings, foundations, and other impervious or near-impervious surfaces to an appropriate discharge point and shall:*
  1. *Comply with the requirements of any special districts with surface water management regulatory jurisdiction; or*
  2. *The requirements of Section 1008 and the County Roadway Standards in areas not under the jurisdiction of a surface water management regulatory authority.*
- ii. *Installation of stormwater management and conveyance facilities shall be coordinated with the extension of necessary water and sanitary sewer services.*
- iii. *Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water management, treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.*
  1. *The service provider may require a preliminary storm water management plan, storm drainage report, natural resource assessment and buffer analysis prior to signing the preliminary statement of feasibility.*
  2. *In those areas that are not within a surface water management district, the preliminary statement of feasibility shall be signed by the Surface Water Management Agency of Clackamas County (SWMACC).*

3. *The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve surface water treatment and conveyance system capacity for the development.*

***Finding:*** *Clackamas County Department of Transportation and Engineering is the Surface water authority for this property. A preliminary statement of feasibility dated within a year of this submittal with an engineered surface water management and erosion control plan was submitted and reviewed for compliance with these standards. The surface water management and erosion control plan will be implemented and inspected per Department of Transportation and Engineering and ODOT standards through site development permitting. As conditioned, this standard can be met including a condition requiring the applicant obtain a permit from ODOT prior to development permit issuance for the drainage system expansion to connect into the ODOT Highway 212 system as outlined in the ODOT memo (exhibit# 2 pages 150-155).*

**The Hearings Officer concurs, and adopts the proposed condition of approval.**

L. Section 1007, Roads and Connectivity:

- a. Subsection 1007.02(F): developments within the UGB required to improve the roadway frontage of the project site to current urban roadway standards.

***Finding:*** *The project site is located within the Urban Growth Boundary (UGB). Roadway and frontage improvements are required. The existing frontage of Highway 212 and SE Rust Way are improved, including curb and curb-sidewalk. The frontage of SE Wiese Court is improved with curb and no sidewalk on either side. As mitigation for additional impacts on the transportation system and development along the frontage of SE Wiese Court, the applicant will be required to provide adequate pedestrian access along the site frontage of SE Wiese Court. A 6-foot wide, curb-tight sidewalk will be required from the start of the cul-de-sac, extending north to the north property line of current Tax Lot 107. As Conditioned, this standard can be met. The Hearings Officer concurs, and adopts the proposed condition of approval.*

- b. Subsection 1007.03 – Private roads and Access Drives:

- i. *The location, alignment, design, grade, width, and capacity of all roads shall be planned, coordinated, and controlled by the Department of Transportation and Development and shall conform to Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards. Where conflicts occur between Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards, the Comprehensive Plan shall control.*
- ii. *Right-of-way dedications and improvements shall be required of all new developments, including partitions, subdivisions, multifamily dwellings, two- and three-family dwellings, condominiums, single-family dwellings, and commercial, industrial, and institutional uses, as deemed necessary by the Department of Transportation and Development and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.*

The applicant has proposed addition of an 8-room classroom building and sports court with a 175 person increase in the student body. No change of use is proposed. The proposed development is subject to the provisions of *Clackamas County Zoning and Development Ordinance (ZDO)* section 1007 pertaining to roads and connectivity, Section 1015 pertaining to parking and loading, and Clackamas County Roadway Standards, Chapter 4 pertaining to storm water management.

Applicant notes: “Because the subject property is the location of a fully developed school site with improved right-of-way and adequate multi-modal connectivity to adjacent roads, improvements to roads and connectivity are not anticipated requirements for the proposal. The buildings will be located on the west side of the site utilizing established ingress and egress to SE Rust way, a public road and right turn exit only to HWY 212. The building will be adjacent to the main school building, which is well-connected to all site access points as approved through previously approved land use actions.

***Finding:*** *The applicant has submitted a Conditional Use application to increase the student population at the Damascus Christian School from 325 to 500, construct an 8-classroom building, and a covered play area. The project site located on the north side of State Highway 212, the west side of SE Rust Way, and the east side of SE Wiese Court.*

*The proposed development is subject to the provisions of Clackamas County Zoning and Development Ordinance (ZDO) Section 1007 pertaining to roads and connectivity, Section 1015 pertaining to parking and loading, and Clackamas County Roadway Standards, Chapter 4 pertaining to surface water management.*

*The project site is served by two existing driveways on SE Rust Way and one right-out, exit only driveway onto Highway 212. No changes to the existing accesses are proposed with this application.*

*The proposed classroom building and covered play area are proposed on Tax Lots 107 and 108 that will be incorporated into the main property through a property line adjustment. The existing house on Tax Lot 107 will be removed and the house on Tax Lot 108 will be retained. As a result of the property line adjustment, the project site will have frontage on SE Wiese Court. The preliminary plans identify a pedestrian walkway connection to SE Wiese Court and a water line connection.*

**The Hearings Officer concurs.**

3. ZDO Subsection 1007.07 requires that the capacity of the transportation system is adequate to serve proposed development.

***Staff Findings:*** *Under Roadway Standards Section 295.2(b), a traffic impact study is generally required when a development will generate more than 20 peak hour vehicle trips. The applicant has provided a Transportation Assessment by Lancaster Mobley, dated August 17, 2022 addressing trip generation, on-site circulation and intersection sight distance. The proposed conditional use will result in a net increase of 138 morning*

*peak hour trips, 94 afternoon peak hour trips, and 30 evening peak hour trips, and 434 total daily trips. The TIA finds that with the proposed use, roadways and intersection within the influence area of the site will operate with adequate capacity and safety. Engineering staff concur with the Traffic Assessment findings. The roads serving the project site have adequate capacity, and engineering staff finds that the roadways will continue to operate within standards with the additional traffic generated by the proposed development.*

*The Traffic Assessment evaluated on-site capacity of the drop-off and pick-up are for students. There is a 400-foot long queue available that would accommodate approximately 40 vehicles. The Traffic Assessment estimated that the 95<sup>th</sup> percentile queue would result in 36 vehicles. Based on this the current circulation is adequate to accommodate drop-off and pick-up on-site, without causing impact the public street.*

*As used in Subsection 1007.07(B), 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. The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards. These are the standards used by Lancaster Mobley in the submitted Transportation Assessment (Exhibit 2d) included with this submittal and assessed by Transportation and Engineering staff for compliance.*

**Finding: As represented and proposed this standard can be met.**

**The Hearings Officer:**

The revised Traffic Assessment submitted by Ms. Danziger reported an afternoon queue length of 8 vehicles extending out into the public roadway, consistent with observations by local residents. Further, the SE Rust Way approach onto Highway 212 has a single shared left-thru-right lane, with Ms. Danziger noting that a single left-turning vehicle can take several minutes to turn left onto Highway 212 causing significant queuing on SE Rust Way, also consistent with reports by local residents. Ms. Danziger's projections show that, without changes, the queuing onto SE Rust Way and at the SE Rust Way approach onto Highway 212 will worsen. Ms. Danziger made several recommendations to mitigate this impact. Mr. Kent responded to the revised traffic assessment and recommendations by Ms. Danziger, and to the concerns expressed by residents and Mr. Johnson, by submitting additional written responses on behalf of the County to these comments, and by proposing additional conditions of approval. I find that with the additional conditions proposed by Mr. Kent these standards can be met.

M. Section 1009 Landscaping- addressing the required increase in landscaping relative to the scope of the additional site area increase and development. This section addresses:

1. Landscaping materials shall be selected and sited to produce a hardy and low-maintenance landscaped area with an emphasis on fast-growing plants. Selection shall include consideration of soil type and depth, spacing, exposure to sun and wind, slope and contours of the subject property, building walls and overhangs, and compatibility

with existing vegetation to be preserved. Notwithstanding the requirement for hardiness, annuals are permitted as provided in Subsection 1009.01(B).

2. The planting of invasive non-native or noxious vegetation shall be prohibited, and existing invasive non-native or noxious vegetation shall be removed.
3. Landscaped areas shall not be used for other purposes, such as storage or display of automobiles, equipment, merchandise, or materials.
4. Table 1009-1 Minimum Landscaped Area in Zoning Districts: FF-10, FU-10, R-2.5 through R-30, RA-1, RA-2, RR, RRRF-5, VR-4/5, and VR-5/7 is:
5. 25 percent for conditional uses and for primary-use attached single-family dwellings in the VR-4/5 District if three or more dwelling units are attached in succession

***Finding:*** *The subject site is zoned RA-1 and the applicant is requesting Conditional Use approval to expand the existing school use, therefore per Table 1009-1 landscaping standards, the minimum landscaped area for the site is 25%. The attached Area of Work Plan indicates that 40.09% of landscape area is provided with the proposed development. Therefore, the above standards are met. The submitted Site Plan demonstrates that the proposed development is located adjacent to single-family residential uses to the west and north of the subject site and the proposed landscaping adequately buffers the campus from adjacent residential uses in accordance with the above standards. As proposed the landscape plan meets the standards.*

**The Hearings Officer concurs.**

#### 1009.07: Fences and Walls

1. Fences and walls shall be of a material, color, and design complementary to the development.

***Finding:*** *The submitted Site Plan indicates that a black 6-ft. chain link fence will be installed with the proposed development, which matches established fencing. As proposed, this standard is met.*

1009.10: Planting and Maintenance, Plans shall be installed as outlined in this section. Landscaping materials shall be guaranteed for a period of one year from the date of installation. The developer shall either submit a signed maintenance contract for the one-year period or provide a performance surety pursuant to Section 1311, Completion of Improvements, Sureties, and Maintenance, covering the landscape maintenance costs for the one-year period.

***Finding:*** *A condition of approval is warranted that prior to final occupancy planting is installed as proposed a 1 year maintenance agreement provided to ensure the one year survivability of planting and supporting irrigation and landscape areas.*

**The Hearings Officer concurs, and adopts the proposed condition of approval.**

#### N. Section 1010 Standards, Signs:

***Finding:*** *Aside from address numbering no additional signage is proposed. The standards of Section 1010 are met.*

**The Hearings Officer concurs.**

M. Section 1015, Parking and Loading:

ZDO Section 1015, the applicant will be required to provide adequate on-site circulation for all vehicles anticipated to use the site. No change in circulation is proposed here. None of the existing parking 152 spaces will be removed as a result of this proposal.

***Staff Finding:*** *The subject site is already developed as the location of Damascus Community Church and School. As mentioned elsewhere in this narrative, this proposal concerns the addition 2 buildings and an increase in total people on site from 325 to 500. All existing development and parking has been approved through previous land use approvals. As shown on the provided plans, the current number of total parking spaces is 152, which exceeds the minimum required parking spaces for churches, elementary schools and high schools as outlined in table 1015-1 including the proposed student body and 8 classroom expansion.*

*The submitted Site Plan and Building Floor Plans indicate that the Damascus Christian School will be expanded to accommodate 8 classrooms with the proposed school expansion development. Per Table 1015-1, Elementary and Junior High Schools require a minimum of 15 vehicle parking spaces, 2 per parking spaces per classroom, whichever is less. Therefore, a minimum of 15 additional parking spaces are required for the elementary and junior high school. For High School uses, a minimum of 0.2 vehicle parking spaces are required per student or staff member. Per the parking analysis included with the attached Traffic Impact Statement, 160 existing on-site and 75 adjacent on-street parking spaces will continue to exceed the minimum parking demand for the existing use and proposed improvements to the school). Since the church sanctuary is used only during evenings and weekends, the Damascus Christian School does not require use of the available parking stalls at the same time as the church. There is no maximum parking for schools. These existing parking and maneuvering areas will continue to be maneuverable as required. The existing parking and circulation has functioned adequately as a school site and will continue to be adequate to serve the proposed use. As conditioned these standards will be met.*

**From Hearings Officer:** **I concur with staff findings with respect to the adequacy of on-site parking. As discussed in the sections above, however, the revised traffic memo submitted by Ms. Danziger, and the reports by local residents, show that DCS will need to make changes to its on-site circulation in order to accommodate the anticipated vehicles using the site, particularly during the afternoon pickup time. I find that the proposed conditions of approval will ensure that these standards will be met.**

O. Section 1021 Standards, Refuse and Recycling Standards for Commercial, Industrial, and Multifamily Developments: outlines the standards for refuse and recycling for commercial developments.

***Finding:*** *Existing facilities are shown to meet requirements of Section 1021. This proposal involves continued use of existing facilities. This criterion is satisfied.*

**The Hearings Officer concurs.**

Section 804, Places of Worship

804.01: Places of worship shall comply with the following standards:

- A. Maximum Lot Coverage: The maximum lot coverage is 50 percent.
- B. Maximum Building Height: The maximum building height is 50 feet.
- C. Minimum Rear Setback: The minimum rear setback is 20 feet plus five feet for each story in excess of two.
- D. Minimum Side Setback: The minimum side setback is 20 feet plus five feet for each story in excess of two.

***Staff Finding:*** *The existing Damascus Community Church currently meets the above setback standards. New buildings as proposed are 35 feet off the West boundary and 20 feet off the south boundary at the closest points. The submitted Conditional Use Application for the proposed expansion includes a new 8-room classroom building and courtyard improvements, and does not include further development of the Damascus Community Church or new Place of Worship use. The Master Plan Documents included among the exhibits are conceptual documents provided for reference only, illustrating future development plans for the site. These standards do not apply for this proposal.*

**The Hearings Officer concurs.**

Section 805, Schools

805.01: The minimum side setback for a school is 20 feet. This section of the Zoning Ordinance contains the single requirement that schools maintain minimum side yard setback of 20-ft

***Staff Finding:*** *The proposed new school building and sports court as represented throughout this submittal are at least 20 feet from the side lot lines. These setbacks represent what the setbacks will be once the approved property line adjustments are recorded. A condition of approval is recommended to require the recording of the property line adjustment prior to any earth disturbing activity. **As conditioned, this standard can be met.***

**The Hearings Officer concurs, and adopts the proposed condition of approval.**

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**PART 3. OTHER DEVELOPMENT STANDARDS**

**Other Applicable Sections of the ZDO:** Other applicable standards and Sections of the ZDO applicable to this application are addressed below.

A. Section 805, Schools

This section of the Zoning Ordinance contains a single criterion: the minimum side setback for a school is 20 feet.



**The Hearings Officer concurs with staff that this requirement is met with this proposal.**

- B. Section 804, Places of Worship. This Section includes a variety of dimensional standards all of which are met with this proposal. Also, uses customary and accessory are provided for here.

**The Hearings Officer concurs with staff that this requirement is met with this proposal.**

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#### **PART 4. CONDITIONS OF APPROVAL**

**The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis. The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. It shall be the responsibility of the property owner(s) to comply with the limitation of any approval resulting from the decision described herein.**

The Clackamas County Land Use and Zoning staff recommends approval of this application for Conditional Use Permit subject to the following conditions, reviewed, adopted and/or modified by the Hearings Officer:

#### **I. General Conditions:**

- 1) Approval of this land use permit is based on the submitted written narrative and plan(s) dated 9/6/22, 10/14/2022, 11/2/2022 and 2/24/2023. No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with this document(s) and the limitations of approval described herein.
- 2) The conditional use approval is valid for 4-years from the date of the final written decision. During this four-year period, the approval shall be implemented, or the approval will become void. “Implemented” means all major development permits shall be obtained and maintained for the approved conditional use, or if no major development permits are required to complete the development contemplated by the approved conditional use, “implemented” means all other necessary County development permits (e.g. grading permit, building permit for an accessory structure) shall be obtained and maintained. A “major development permit” is:
  - a) A building permit for a new primary structure that was part of the conditional use approval; or
  - b) A permit issued by the County Engineering Division for parking lot or road improvements required by the conditional use approval.
- 3) This Conditional Use approval is granted subject to the above and below stated conditions. Failure to comply with any of the conditions of approval constitutes a violation of this permit and may be cause for revocation of this approval.

## **II. Planning and Zoning Conditions:**

- 1) Any outdoor lighting [ZDO 1005.04(A) and (B)] and 806.02(I) shall be located and designed so that it does not shine onto adjacent properties, upwards or right-of-ways. If additional lighting will be installed, the applicant will submit an outdoor lighting system design plan prior to installation of the outdoor lighting system for review and approval by Planning and Zoning Division.
- 2) **Prior to Building Permit Issuance:** Two property line adjustments Z0428-22 and Z0159-23 that were filed concurrently with this request shall be final and recorded prior to development activity associated with this request.
  - a) Street Lighting to be installed in accordance with County Service District No. 5 standards. If the site is not within this service district annexation is required.
  - b) Verification of the issued permit from ODOT for the on-site surface water management drainage system expansion to connect into the ODOT HWY 212 system is required.
- 3) **Prior to Development Permit Issuance for the Classroom Building:** Verification from the Department of Environmental Quality (DEQ) stating that adequate sanitary and sewer service can be established to support the proposed building expansion is required prior to development associated with increase in total number of people that will occupy the proposed new classroom facility including students, staff parishioners . This verification shall state Adequate sanitary and Sewer Service can be established to support the increase.
- 3) **Prior to Final Occupancy:** Planting shall be installed as proposed with verification of a **1 year** maintenance agreement provided to ensure the one year survivability of planting and supporting irrigation and landscape areas.

## **III. Conditions Discussed at Hearing:**

- 1) Prior to Final Occupancy, fencing shall be erected to prevent pedestrian access from SE Wiese Ct. to the school campus. Gates with panic hardware shall be provided for pedestrian egress from the campus to SE Wiese Ct. All vehicle access to the campus is limited to SE Rust Way. The school will ensure that parents are informed that Wiese Court may not be used when picking up or dropping off students.
- 2) It is suggested that the applicant annually monitor transportation conditions and consider schedule changes and other strategies as needed to improve potential queuing within the public street right of way.

## **IV. Development Engineering: Ken Kent, (503) 742-4673, [kenken@clackamas.or.us](mailto:kenken@clackamas.or.us)**

### **PRIOR to Building Permit Issuance:**

- 1) All frontage improvements in, or adjacent to Clackamas County right-of-way, or on site, shall be in compliance with *Clackamas County Roadway Standards* as outlined below.

- 2) Applicant shall grant an eight-foot wide easement for signs, slopes and public utilities along the entire SE Rust Way and SE Wiese Court frontage
- 3) The applicant shall design and construct the following on the SE Wiese Court frontage:
  - a) A 6-foot wide, curb-tight sidewalk shall be constructed from a point just prior to the cul-de-sac bulb to the north property line, per Standard Drawing S960.
  - b) Remove and replace the driveway drop on Tax Lot 107 frontage and replace with standard curb, per Standard Drawing S100.
  - c) ADA curb ramps shall be constructed at the north and south ends of the sidewalk, constructed per Oregon Standard Drawings, Series RD900.
- 4) Storm drainage facilities shall be provided for the public and on-site impervious areas, in conformance with Clackamas County Roadway Standards Chapter 4.
- 5) **Prior to the issuance of a building permit**, the applicant shall submit to Clackamas County Engineering Office:
  - a) Written approval from the Clackamas Fire District #1 for the planned access, circulation, fire lanes and water source supply. The approval shall be in the form of site and utility plans stamped and signed by the Fire Marshal.
  - b) Written approval from Sunrise Water Authority verifying adequate water supply source to serve the development. The approval shall be in the form of utility plans stamped and signed by the Water District representative.
  - c) A Development permit including set of street and site improvement construction plans, including a striping and signing plan, for review, in conformance with *Clackamas County Roadway Standards* Section 140, shall be submitted to Clackamas County's Engineering Office and obtain written approval.
    - i) The applicant shall have an Engineer, registered in the state of Oregon, design and stamp the construction plans for all required improvements.
- 6) **Prior to certificate of occupancy**, Substantial Completion shall be met, per Roadway Standards Section 190.2. For any other unfinished improvements required by conditions of approval, a performance surety shall be provided per Roadway Standards Section 190.3, based on an Engineer's cost estimate. The estimate shall be submitted for review and approval of quantities of asphalt concrete, aggregates, curbs, sidewalks and any other required improvements and associated construction costs.

**Additional Conditions of Approval Addressing Transportation System Impacts:**

- 7) The applicant shall analyze the intersection of SE Rust Way and Highway 212 based on ODOT mobility standards for an urban area roadway. AM and PM peak hour operational analysis at the intersection of Rust and OR212 to determine whether any safety mitigations may be warranted. The analysis should use trip generation rates obtained from the recent observations and counts at the school, and it should include both existing volumes plus volumes associated with full occupancy.

- 8) Vehicle queues related to student drop-off and pick-up shall be managed on-site and shall not extend into the SE Rust Way right-of-way.
- 9) Prior to final occupancy, the applicant shall submit a traffic management plan that includes measures to contain all queues for student drop-off and pick-up on-site without extending into SE Rust Way. The traffic management plan may also serve to mitigate impacts at the SE Rust Way/Highway 212 intersection and the right-out only driveway onto Highway 212. The traffic management plan may include one or more of the following elements:
  - a. Staggering class times to distribute the traffic peaks.
  - b. Bus Service and/or actively managed carpool program.
  - c. On-site circulation improvements that accommodate all queuing on the property and does not rely on the local street system for queue storage.
  - d. Directing most exiting vehicles to the right-only approach on the southwest corner of the property to reduce traffic impacts to the Rust Way/OR 212 intersection.

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## **H. DECISION**

Based on the findings, discussion, conclusions, and record in this matter, the Hearings Officer APPROVES application Z0427-22-CU, subject to conditions of approval.

Dated: June 5, 2023



Carl D. Cox  
Clackamas County Hearings Officer

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## **APPEAL RIGHTS**

ZDO 1307.10(F) provides that, with the exception of an application for an Interpretation, the Land Use Hearings Officer's decision constitutes the County's final decision for purposes of any appeal to the Land Use Board of Appeals (LUBA). State law and associated administrative rules promulgated by LUBA prescribe the period within which any appeal must be filed and the manner in which such appeal must be commenced. Presently, ORS 197.830(9) requires that any appeal to LUBA "shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final." This decision is "final" for purposes of a LUBA appeal as of the date of the decision appearing by my signature.