



**Stephen L. Madkour**  
County Counsel

September 16<sup>th</sup>, 2021

Board of County Commissioners  
Clackamas County

Members of the Board:

**Kathleen Rastetter**  
**Scott C. Ciecko**  
**Amanda Keller**  
**Nathan K. Boderman**  
**Shawn Lillegren**  
**Jeffrey D. Munns**  
**Andrew R. Naylor**  
**Andrew Narus**  
**Sarah Foreman**  
Assistants

**Adoption of Previously Approved  
Comprehensive Plan Map Amendment and Zone Change Application**

<b>Purpose/Outcomes</b>	Amend the Clackamas County Comprehensive Plan map and zoning designation
<b>Dollar Amount and Fiscal Impact</b>	<i>None identified</i>
<b>Funding Source</b>	<i>N/A</i>
<b>Duration</b>	<i>Indefinitely</i>
<b>Previous Board Action</b>	<i>Board of County Commissioners (“Board” or “BCC”) held a public hearing on July 21, 2021, at which time the BCC voted 5-0 to approve the application, and directed staff to draft the Board Order and the findings of fact, both of which are included with this report.</i>
<b>Strategic Plan Alignment</b>	<i>1. Build public trust through good government.</i>
<b>Contact Person</b>	<i>Nate Boderman, 503-655-8364</i>
<b>Contract No.</b>	<i>None</i>

**BACKGROUND:**

Z0167-21-CP and Z0168-21-ZAP include a Comprehensive Plan Map Amendment from Medium Density Residential (MDR) to High Density Residential (HDR) and corresponding zone change from Medium Density Residential (MR-1) zone to High Density Residential (HDR) zone, to facilitate future multi-family development (subject to a separate Design Review land use approval process) on land comprised of tax lot T2S, R1E, Section 11AA Tax Lot 1700.

A public hearing was held on June 28<sup>th</sup>, 2021 for Planning Commission consideration of the proposed Comprehensive Plan map and zoning designation changes. The Planning Commission voted 8-0 to recommended approval of the proposal, as recommended by staff.

On July 21st, 2021 a public hearing was conducted before the BCC to consider the Comprehensive Plan map and zoning designation changes, during which the BCC orally voted

5-0 to approve the application, as recommended by staff and the Planning Commission.

The Board then directed staff to draft a Board Order and findings consistent with its decision. A copy of the Board Order implementing the oral decision, and findings and conclusions to be adopted by the Board has been attached.

**RECOMMENDATION:**

Staff recommends the Board approve the Board Order and the findings and conclusions which are attached thereto.

Respectfully submitted,

Nate Boderman  
Assistant County Counsel

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

In the Matter of a Comprehensive  
Plan Amendment and Zone Map Amendment  
from D. Ben Henzel and Valerie Henzel  
on vacant property with no address, tax lot  
T2S, R1E, Section 11AA Tax Lot 1700.

File Nos.: Z0167-CP-21 and Z0168-ZAP-21

ORDER NO. \_\_\_\_\_

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**Whereas**, This matter coming regularly before the Board of County Commissioners, and it appearing that D. Ben Henzel and Valerie Henzel made an application for a Comprehensive Plan Amendment from a Medium Density Residential (MDR) Plan designation to a High Density Residential (HDR) Plan designation and corresponding zone change from Medium Density Residential (MR-1) zone to High Density Residential (HDR) zone, to facilitate future multi-family development (subject to a separate Design Review land use approval process), on land comprised of tax lot T2S, R1E, Section 11AA Tax Lot 1700, and;

**Whereas**, It further appearing that after appropriate notice a public hearing was held before the Planning Commission on June 28th, 2021 at which testimony and evidence was presented, and that, at this hearing, the Commission, by the vote of 8-0, recommended approval of this request; and

**Whereas**, It further appearing that after appropriate notice a public hearing was held before the Board of County Commissioners on July 21, 2021 at which testimony and evidence were presented, and that, at that hearing, a decision was made by the Board, by the vote of 5-0 to approve the application, with the Comprehensive Plan Amendment and Zone Map Amendment, as identified in Order Exhibit A and B, which are attached to this order and incorporated herein by reference.

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

1. The applicant requests approval of a Comprehensive Plan Amendment from Medium Density Residential (MDR) to High Density Residential (HDR) and corresponding zone change from Medium Density Residential (MR-1) zone to High Density Residential (HDR) zone for the area identified in Order Exhibit A.
2. This Board adopts as its findings and conclusions the *Findings of Fact for Z0167-21-CP and Z0168-21-ZAP* document attached hereto and incorporated herein as Order Exhibit B, which finds the application to be in compliance with the applicable criteria.

In the Matter of a Comprehensive  
Plan Amendment and Zone Map Amendment  
from D. Ben Henzel and Valerie Henzel  
on vacant property with no address, tax lot  
T2S, R1E, Section 11AA Tax Lot 1700.

File Nos.: Z0167-21-CP and Z0168-21-ZAP



ORDER NO. \_\_\_\_\_

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**NOW THEREFORE, IT IS HEREBY ORDERED** that the requested Comprehensive Plan Amendment and Zone Map Amendment are hereby APPROVED, for the area identified in Order Exhibit A, as described in the staff recommendation in Order Exhibit B which are attached to this order and incorporated herein by reference.

DATED this 16<sup>th</sup> day of September, 2021

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

**Board Order Exhibit A:  
Z0167-21-CP & Z0168-21-ZAP  
Comprehensive Plan/Zoning Designation Amendment  
(Med. Density Residential/MR-1 to High Density Residential/HDR)**



taxlot: 21E11AA01700

The information provided was derived from digital databases from Clackamas County's GIS. Although we strive to provide the best data we can, we sometimes use data developed by jurisdictions outside Clackamas County. Therefore, Clackamas County cannot accept any responsibility for any errors, omissions, or positional accuracy, and therefore, there are no warranties which accompany this product. Although information from Land Surveys may have been used in the creation of this product, in no way does this product represent or constitute a Land Survey. Users are strongly cautioned to verify all information before making any decisions.



Board Order Exhibit B

PLANNING & ZONING DIVISION

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

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**FINDINGS OF FACT FOR Z0167-21-CP & Z0168-21-ZAP:  
COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE**

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**DATE:** September 16th, 2021

**ADOPTION DATE:** September 16th, 2021

**CASE FILE NO.:** Z0167-21-CP and Z0168-21-ZAP

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

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

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

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

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

**TOTAL AREA:** Approximately 0.48 acres

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

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

**COMMUNITY PLANNING ORGANIZATION:** Oak Grove Community Council

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

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

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

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**I. BOARD DECISION**

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

The Board **APPROVES** the Comprehensive Plan amendment and Zone Change Application Z0167-21-CP and Z0168-21-ZAP because the proposed Comprehensive Plan Amendment and Zone Change meets the applicable Comprehensive Plan criteria, statewide planning goals, and ZDO Section 1202. The Board adopts the following findings in support of the approval, as detailed in Section II.

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

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



## A. Background and Proposed Comprehensive Plan Amendment

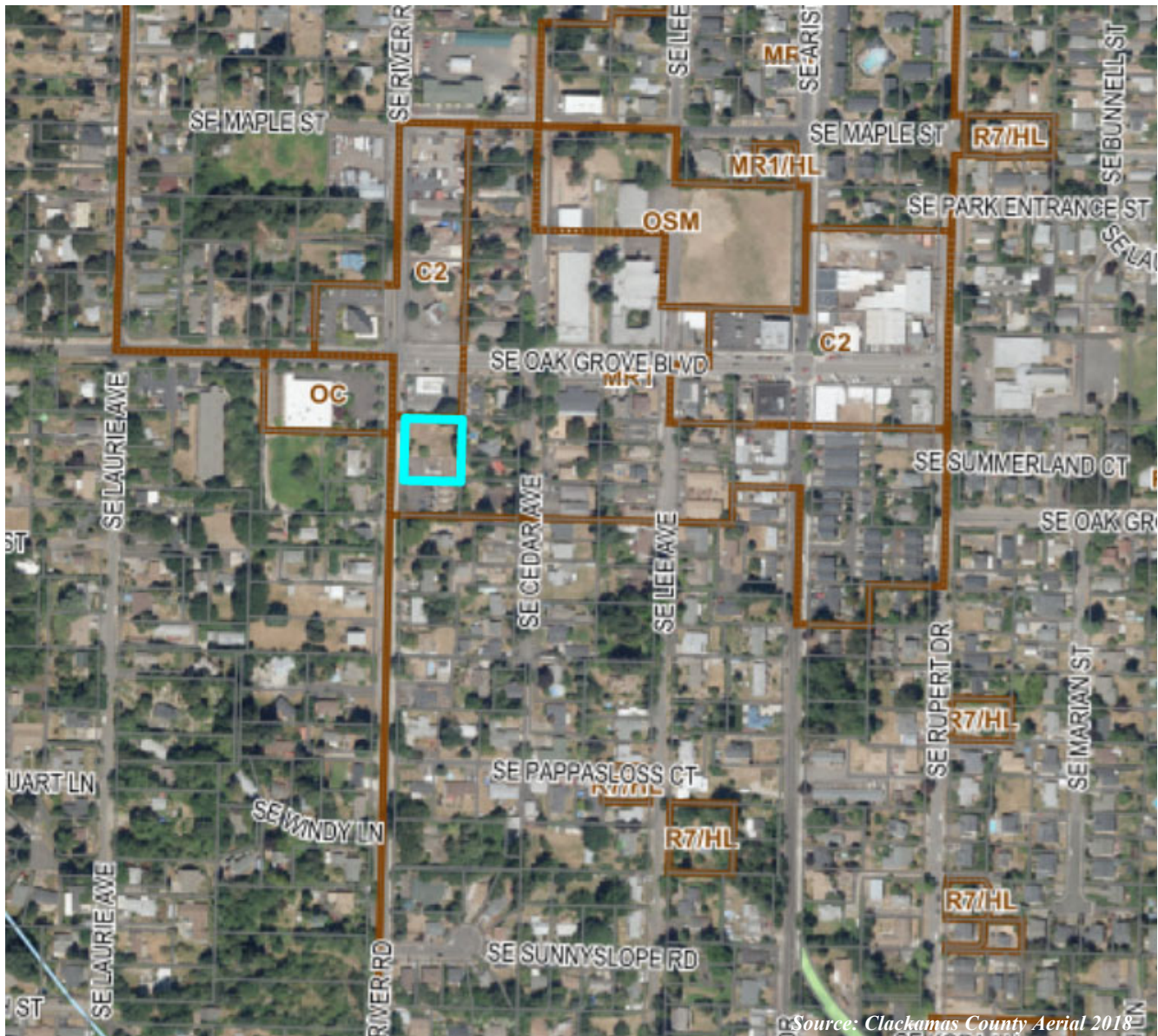
### Subject Site

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

The subject property is located on River Road, a transit corridor served by Trimet. The property is also located immediately adjacent to the Historic Downtown Oak Grove neighborhood, in close proximity to the Mcloughlin Blvd. corridor shopping district, and 1.3 miles to the Park Avenue Light Rail Station. Historic Downtown Oak Grove (HDOG) is currently an affiliate of Oregon Main Street (OMS). OMS is a Heritage Program of the Oregon Parks and Recreation Department. The Oak Grove town site was first platted in 1890 from the original Creighton and Crow donation land claims (DLCs) of the 1830s and 1840s, according to the HDOG website. The Oregon Main Street Association assists with the revitalization of traditional downtowns, promotes economic development, and encourages historic preservation and the vision of the HDOG, per their website, is: “[...] *A bustling downtown with flourishing small businesses, beautiful streetscapes, community events and an identity of a true downtown and center of our community.*” Included in downtown Oak Grove the HDOG website lists 3 eating/drinking establishments, 19 professional service and retail businesses, 1 civic service (Oak Lodge Water Services), 5 beauty parlors, 1 arts/entertainment center, 5 auto repair and sales establishments, and 5 wellness/health offices. Directly to the north of the subject property is McQueen’s Bar and Grill, across the street to the West is an office/retail building, and further north across the intersection of SE River Road with SE Oak Grove Blvd is Vista Grocery Store and an Oak Lodge Water Services office building. Further to the north along SE River Road are additional business such as auto repair stores and another Oak Lodge Water Services office. To the east along SE Oak Grove Blvd, approximately 400 ft. from the subject property is the North Clackamas School District New Urban High School. (See Exhibit 4, Aerial View).

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

**Figure 1: Property Aerial**



The applicant is proposing to change the Comprehensive Plan designation for the property from Medium Density Residential (MDR) to High Density Residential (HDR) and change the Zoning designation from Medium Density Residential (MR-1 zone) to High Density Residential (HDR zone), to facilitate future multi-family development. Future development of the property with multi-family housing would be subject to a Design Review land use application. As part of that application the density requirements of the zoning district and design standards of the Zoning and Development Ordinance would be applied to the development proposal. The High Density Residential Comprehensive Plan Designation is intended for those areas planned for up to 25 units per gross acre (exclusive of density bonuses and conditional

uses). Primary uses allowed within the proposed HDR zoning district consist of multi-family, two-family or three-family dwellings, nursing homes, congregate housing facilities, government owned recreational uses, pedestrian amenities, and retaining walls. Clackamas County Zoning and Development Ordinance (ZDO) Section 315 lists the primary permitted uses of the HDR zoning district, as well as conditional and prohibited uses.

**Service Providers:**

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

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Noticing

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

Responses Received:

None

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**B. Submittal Requirements**

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

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

**The submittal requirements of Subsection 1307 and 1202.02 are met.**

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**C. Statewide Planning Goal Consistency**

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

This is a quasi-judicial land use application. The Clackamas County Comprehensive Plan and Section 1307 of the Zoning and Development Ordinance (ZDO) contain adopted and acknowledged procedures



for citizen involvement and public notification. This application has been processed consistent with the notification requirements in Section 1300 including notice to individual property owners within 500 feet of the subject property, notice in the local newspaper, and notice to affected agencies, dual interest parties and to the Oak Grove Community Council CPO. One or more advertised public hearings will also be conducted before the Clackamas County Planning Commission and Board of County Commissioners, which provides an opportunity for additional citizen involvement and input. **The proposal is consistent with Goal 1.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OAR 660-009 (Industrial and Commercial Development) implements Goal 9. Pursuant to OAR 660-009-0010(1) the requirements and standards in OAR 660-009 are only applicable to areas within urban growth boundaries, which includes the subject property. However, OAR-660-009 would not apply to the subject Comprehensive Plan amendment because the proposed amendment would not change the plan designation

of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation. The proposed Comprehensive Plan amendment would allow for increased housing opportunities, which would be symbiotic with ongoing and future economic development in the County. **This application is consistent with Goal 9.**

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

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

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

- (2) For plan and land use regulation amendments which are subject to OAR 660, Division 18, the local jurisdiction shall either:*
- (a) Demonstrate through findings that the mix and density standards in this Division are met by the amendment; or*
  - (b) Make a commitment through the findings associated with the amendment that the jurisdiction will comply with provisions of this Division for mix or density through subsequent plan amendments.*

The proposed Comprehensive Plan Amendment will allow for increased density of housing and more options for multi-family development than the current Comprehensive Plan Designation of medium density residential. Specifically, the proposed high density residential designation will provide homes for more individuals and families through shared wall construction at a higher density than permitted in the current medium density residential designation, which may result in increased affordability and housing access for the community. OAR 660-008-0020 requires the plan designations assigned to buildable land to be specific so as to accommodate the varying housing types and densities identified in the local housing needs projection. The subject property is within an area that the recent Clackamas County Housing Needs Analysis (*ECONorthwest Clackamas County Regional Housing Needs Analysis, September 2019*) identified as having a deficit in land needed to accommodate expected growth over the next 20 years in Urban Unincorporated areas. Specifically, the plan recommends that the Urban Unincorporated area of the County, which includes the Oak Grove neighborhood, increase densities allowed for housing. The Housing Needs Analysis states that for Urban Unincorporated areas, which includes the subject property:

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

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

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

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

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

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

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

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

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

- a. *Changes the functional classification of an existing or planned transportation facility;*
- b. *Changes standards implementing a functional classification; or*
- c. *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluation projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including but not limited to,*

*transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

*1. Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

*2. Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan or;*

*3. Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

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

*a. Adopting measures that demonstrate the allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*

*b. Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*

*c. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*

*d. Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.*

*providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, of the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.*

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



maximum of four net new peak hour trips. The subject property will be accessed of River Rd., a minor arterial, through an existing driveway.

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

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

**Goal 13; Energy Conservation: To conserve energy.**

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

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

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

**Goal 15: Willamette River Greenway:** To protect, conserve, enhance and maintain the natural scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

The subject property is not located within the Willamette River Greenway. **Goal 15 is not applicable.**

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

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

**D. Compliance with Clackamas County Comprehensive Plan Policies**

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

There is one specific policy in this Chapter applicable to this application.

*Policy 2.A.1; Require provisions for opportunities for citizen participation in preparing and revising local land use plans and ordinances. Insure opportunities for broad representation, not*

*only of property owners and County wide special interests, but also of those within the neighborhood or areas in question.*

The Clackamas County Comprehensive Plan and ZDO have adopted and acknowledged procedures for citizen involvement. This application has been processed consistent with those procedures. Specifically, the County has provided notice to the Citizen's Planning Organization in the area (Oak Grove Community Council), to property owners within 500 feet of the subject property, and published public notices in the newspaper consistent with State law and Section 1307 of the ZDO. The Planning Commission and Board of County Commissioners will also hold one or more public hearings, as necessary, consistent with Section 1307 of the ZDO. These public mailings, notices and hearings will ensure an opportunity for citizens to participate in the land use process. **This application is consistent with Chapter 2.**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **This application is consistent with Chapter 3.**

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

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

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

Urban Growth Concept Policies. The Urban Growth Concept policies in this Section of the Plan are intended to implement the Region 2040 Growth Concept Plan. It is the purpose of Title 1 of Metro's Urban Growth Management Functional Plan to accomplish the regional policies and the regional framework plan by requiring each City and County to maintain or increase its housing capacity. See Metro Plan, Section 3.07.110. The applicant's intention to develop the subject property into multi-family housing is consistent with the regional policy of increasing housing capacity.

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

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

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

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

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

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

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

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

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

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

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

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

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

Roadways: includes policies relating to functional classification; urban and rural roadway considerations; project development; improvements to serve development; and performance evaluation and access standards. There are no policies applicable to the proposed Comprehensive Plan Amendment/Zone

Change and all of the development specific policies of this section are implemented by the County's Zoning and Development Ordinance and will be analyzed as part of the Design Review application for the multi-family housing development.

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

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

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

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

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

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

**In summary, this proposal is consistent with Chapter 5.**

**Chapter 6; Housing:** The purpose of the Housing element of the Plan is to, "Provide opportunities for a variety of housing choices, including low and moderate income housing, to meet the needs, desires, and financial capabilities of all Clackamas County residents to the year 2010." This Chapter includes a variety of policies regarding housing choices, affordable housing, neighborhood quality, urban infill, multifamily residential housing, common wall units, mobile homes and density bonuses for low cost housing and park dedication. Refer to page 9 under the consistency analysis for Statewide Planning Goal 10. The proposed Comprehensive Plan Amendment will allow for increased density of housing and more options for multi-family development than the current Comprehensive Plan Designation of medium density residential. Specifically, Policy 6.A.1 is applicable to the proposed Comprehensive Plan Amendment/Zone Change and states:

*6.A Housing Choice Policies*

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

Additionally, Policy 6.E Multifamily Residential Policies states:

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

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

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

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

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

**The subject proposal is consistent with Chapter 7.**

**Chapter 8; Economics:** The goal of the Economics element of the Plan is to "Establish a broad-based, stable and growing economy to provide employment opportunities to meet the needs of the County residents." This Chapter contains 4 Sections related to; 1) Existing Industry and Business; 2) New Industry and Business; 3) Coordination; and 4) Target Industries. **There are no policies in this Section of the Chapter applicable to this application. Chapter 8 is not applicable.**

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

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



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

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

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

City, Special District and Agency Coordination Section

*Policy 1.0; Participate in interagency coordination efforts with federal, state, Metro, special purpose districts and cities. The County will maintain an updated list of federal, state and regional agencies, cities and special districts and will invite their participation in plan revisions, ordinance adoptions, and land use actions which affect their jurisdiction or policies.*

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

Amendments and Implementation Section

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

Based on the findings in Part 1 of this report this proposal is consistent with all of the LCDC Statewide Planning Goals. The Region 2040 Urban Growth Management Functional Plan and Metro Framework Plan are applicable to this application because the property is located inside the Metro UGB and service district. The subject property is within the 'Neighborhood' designation of the Urban Growth Management Functional Plan and the proposed Comprehensive Plan and Zone Change is consistent with the intent of that urban designation to provide a diverse mix of housing opportunities. This policy is met.

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

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

before the Planning Commission on June 28<sup>th</sup>, 2021. **This policy is met. This application has been processed consistent with Chapter 11.**

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

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

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

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

#### **Policy 4.U:** High Density Residential Policies

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

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

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

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

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

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

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

The is no definition of 'proximity' in Chapter 4 of the Comprehensive Plan or in Section 1202 of the



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

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

Similarly, the commercial amenities, institutional uses, and services of the Oak Grove Community function as an employment concentration and operate as a branch of the larger Mcloughlin commercial corridor employment center. Specifically, the New Urban High School, two Oak Lodge Water services district offices, Oak Grove preschool and daycare, multiple restaurants and bars, multiple retail and professional service establishments, health/wellness offices, multiple auto retail and mechanic shops, multiple business office buildings housing a variety of tenants, grocery store, and multiple hair salons, collectively function as an employment concentration.

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

**This policy is met.**

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

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

areas.

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

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

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

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

**III. ZONE CHANGE FINDINGS**

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

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

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

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

**2. 1202.03(B)** *If development under the proposed zoning district designation has a need for any of the following public services, the need can be accommodated with the implementation of the applicable service provider's existing capital improvement plan: sanitary sewer, surface water management, and water. The cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered.*

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

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

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

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

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

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

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