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December 3, 2020

Board of County Commissioners  
Clackamas County

Members of the Board:

**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”) held a public hearing on October 21<sup>st</sup>, 2020, 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:**

Z0299-20-CP and Z0300-20-ZAP include a Comprehensive Plan Map amendment from Medium Density Residential (MDR) to Light Industrial (LI), and a concurrent zone change from Medium Density Residential (MR-1) to Light industrial (LI), for the approximately 0.99-acre property described as T2S, R2E, Section 11D, Tax Lot 1601, W.M., with situs address 16147 SE 135<sup>th</sup> Ave, Clackamas, Oregon.

A public hearing was held on September 14<sup>th</sup>, 2020, for Planning Commission consideration of the proposed Comprehensive Plan Map amendment and zone change. The Planning Commission voted 6-0 to recommended approval of the proposal, as

recommended by Staff.

On October 21<sup>st</sup>, 2020, a public hearing was conducted before the Board to consider the Comprehensive Plan Map amendment and zone change, after which the Board orally voted 5-0 to approve the application, as recommended by Staff and the Planning Commission.

The Board then directed Staff to draft an 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, is attached.

**RECOMMENDATION:**

Staff recommends the Board approve the attached 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 Map Amendment and Zoning and Zoning  
Map Amendment proposed by Brooktraut  
Properties LLC for property described as T2S,  
R2E, Section 11D, Tax Lot 1601, W.M. with situs  
address 16147 SE 135<sup>th</sup> Ave, Clackamas, Oregon

File Nos.: Z0299-20-CP and Z0300-20-ZAP



Order No. \_\_\_\_\_  
Page 1 of 2

**Whereas**, this matter coming regularly before the Board of County Commissioners, and it appearing that Brooktraut Properties LLC made an application for a Comprehensive Plan Map amendment from Medium Density Residential (MDR) to Light Industrial (LI), and a concurrent zone change from Medium Density Residential (MR-1) to Light Industrial (LI), for the approximately 0.99-acre property described as T2S, R2E, Section 11D, Tax Lot 1601, W.M., with situs address 16147 SE 135<sup>th</sup> Ave, and;

**Whereas**, it further appearing that after appropriate notice a public hearing was held before the Planning Commission on September 14<sup>th</sup>, 2020, at which testimony and evidence was presented, and that, at this hearing, the Commission, by a vote of 6-0, 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 October 21<sup>st</sup>, 2020, at which testimony and evidence were presented, and that, at that hearing, a decision was made by the Board, by a vote of 5-0, to approve the application, with the Comprehensive Plan Map amendment and zone change, as identified in Order Exhibit A, and subject to the conditions of approval that are in Order Exhibit 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 Map amendment from Medium Density Residential (MDR) to Light Industrial (LI), and a concurrent zone change from Medium Density Residential (MR-1) to Light Industrial (LI), for the approximately 0.99-acre area described as T2S, R2E, Section 11D, Tax Lot 1601, W.M., and illustrated in Order Exhibit A.
2. This Board adopts as its findings and conclusions the "*Findings of Fact for Z0299-20-CP and Z0300-20-ZAP*" document attached hereto and incorporated herein as Order Exhibit B, which finds the application to be in compliance with the applicable criteria.

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

In the Matter of a Comprehensive  
Plan Map Amendment and Zoning and Zoning  
Map Amendment proposed by Brooktraut  
Properties LLC for property described as T2S,  
R2E, Section 11D, Tax Lot 1601, W.M. with situs  
address 16147 SE 135<sup>th</sup> Ave, Clackamas, Oregon

File Nos.: Z0299-20-CP and Z0300-20-ZAP



Order No. \_\_\_\_\_  
*Page 2 of 2*

**NOW THEREFORE, IT IS HEREBY ORDERED** that the requested Comprehensive Plan Map amendment and zone change are hereby APPROVED for the area identified in Order Exhibit A, subject to the conditions of approval identified in Order Exhibit B, which are attached to this order and incorporated herein by reference.

**DATED** this 3<sup>rd</sup> day of December, 2020.

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

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

# EXHIBIT A

File Z0299-20-CP & Z0300-20-ZAP

**T2S R2E, Section 11D, Tax Lot 1601, W.M.**  
**(Highlighted yellow and with situs address 16147 SE 135<sup>th</sup> Ave, Clackamas, Oregon)**



# EXHIBIT B

*File Z0299-20-CP & Z0300-20-ZAP*

## FINDINGS OF FACT FOR Z0299-20-CP & Z0300-20-ZAP: COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE

### SECTION I: GENERAL INFORMATION

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**Planning & Zoning File Nos.:** Z0299-20-CP & Z0300-20-ZAP

**Adoption Date:** December 3, 2020

**Applicant:** Brooktraut Properties LLC

**Property Owner:** Brooktraut Properties LLC

**Proposal:** Comprehensive Plan Map amendment to change the land use plan designation of the subject property from Medium Density Residential (MDR) to Light Industrial (LI), with a corresponding zone change of the subject property from Medium Density Residential (MR-1) to Light Industrial (LI)

**Property Location:** On the west side of SE 135<sup>th</sup> Ave, approximately 1,580 feet south of the intersection of SE 135<sup>th</sup> Ave and Hwy 212/224 and approximately 1,170 feet northwest of the Clackamas River

**Subject Map and Tax Lot:** T2S R2E Section 11D, Tax Lot 1601 W.M.

**Site Address:** 16147 SE 135<sup>th</sup> Ave, Clackamas, OR 97015

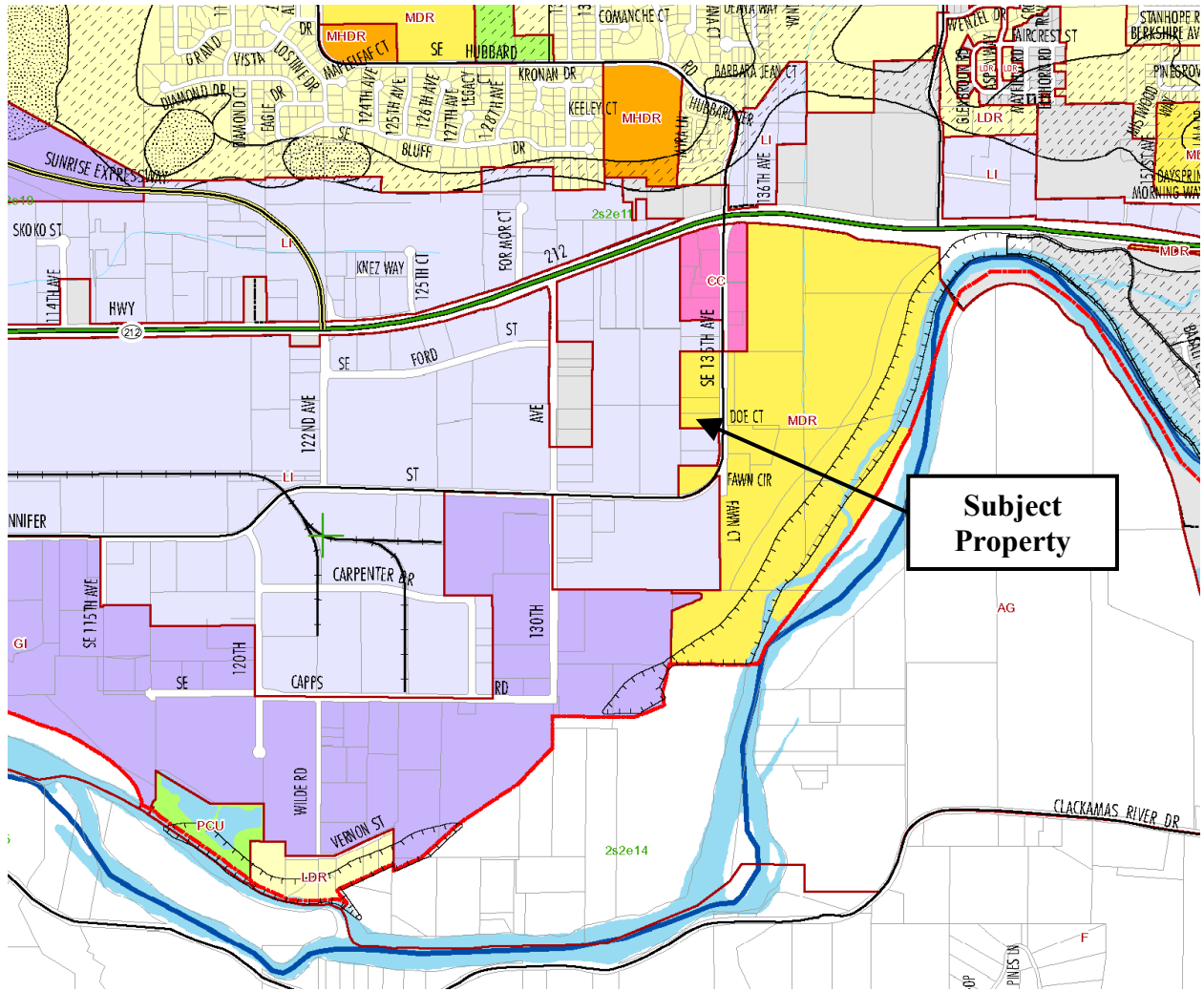
**Total Area:** Approximately 0.99 acres

**Comprehensive Plan Designation:** Medium Density Residential (MDR)

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

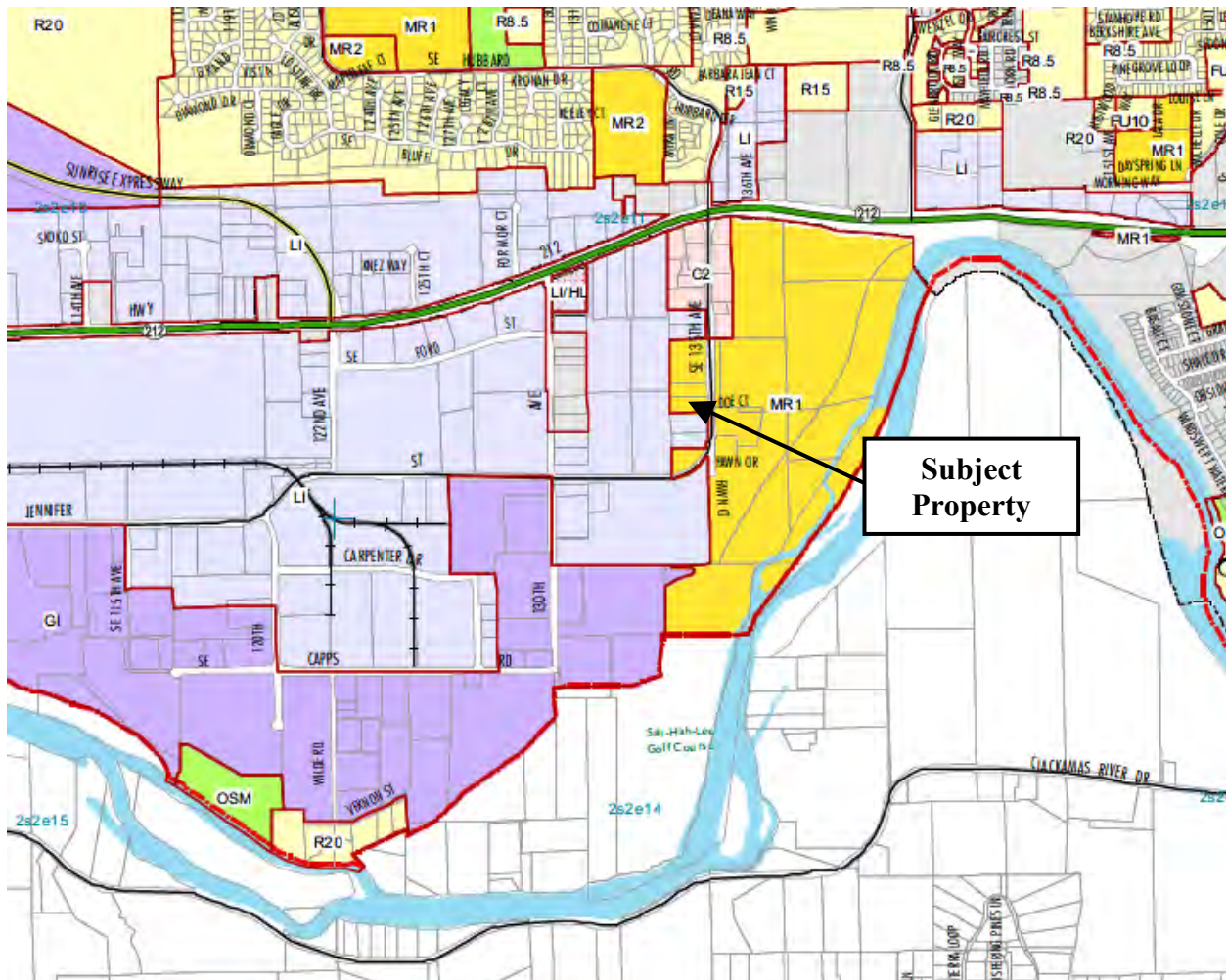
**Citizens Planning Organization (CPO) for Area:** Clackamas CPO (inactive)

**Subject Property in Current Comprehensive Plan Map 4-6, North Urban Area Land Use Plan  
(Full Map in Exhibit 2)**



Boundaries	Industrial Plan Designations	Commercial Plan Designations
City Boundaries	General Industrial (GI)	Community Commercial (CC)
Clackamas County Boundary	Business Park (BP)	Corridor Commercial (COR)
Metro Service Boundary	Campus Industrial (CI)	General Commercial (GC)
Parcels	Light Industrial (LI)	Regional Center Commercial (RCC)
Urban Growth Boundary	<b>Residential Plan Designations</b>	
<b>Open Space Plan Designations</b>		
Major Hazard Open Space	Low Density Residential (LDR)	Office Apartment (OA)
Resource Protection Open Space	Village Townhouse (VTH)	Office Commercial (OC)
Public and Community Use Open Space (PCU)	Small Lot Single Family (SMLSF)	Regional Center Office (RCO)
Floodplain boundary per January 1980 Comprehensive Plan. Not consistent with FEMA National Flood Insurance Program.	Standard Lot Single Family (STLSF)	Village Office (VO)
	Medium Density Residential (MDR)	Planned Mixed Use (PMU)
	High Density Residential (HDR)	Station Community Mixed Use (SCMU)
	Medium High Density Res. (MHDR)	Village Community Service (VCS)
	Special High Density Res. (SHDR)	
	Regional Center High Density Res. (RCHDR)	
	Village Apartment (VA)	

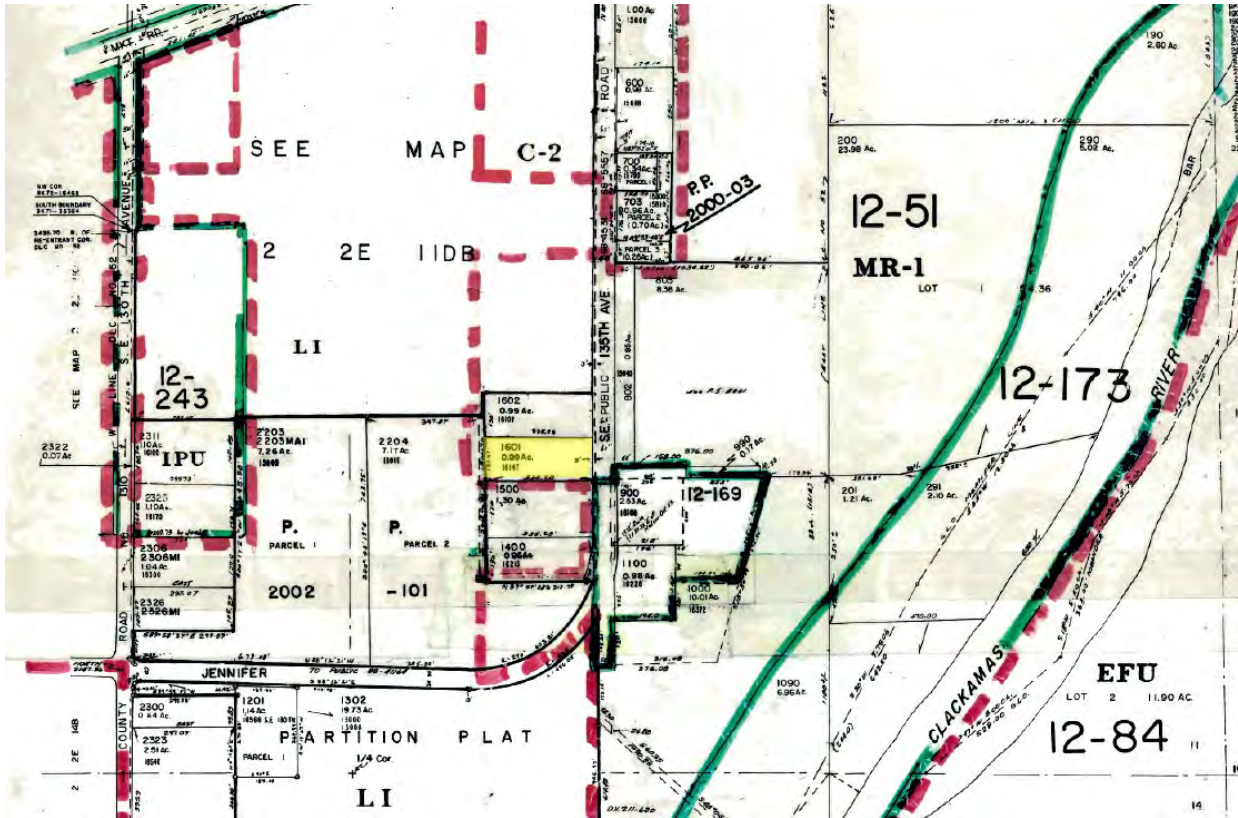
**Subject Property in Current North Urban Area Zoning Map**  
**(Full Map in Exhibit 3)**



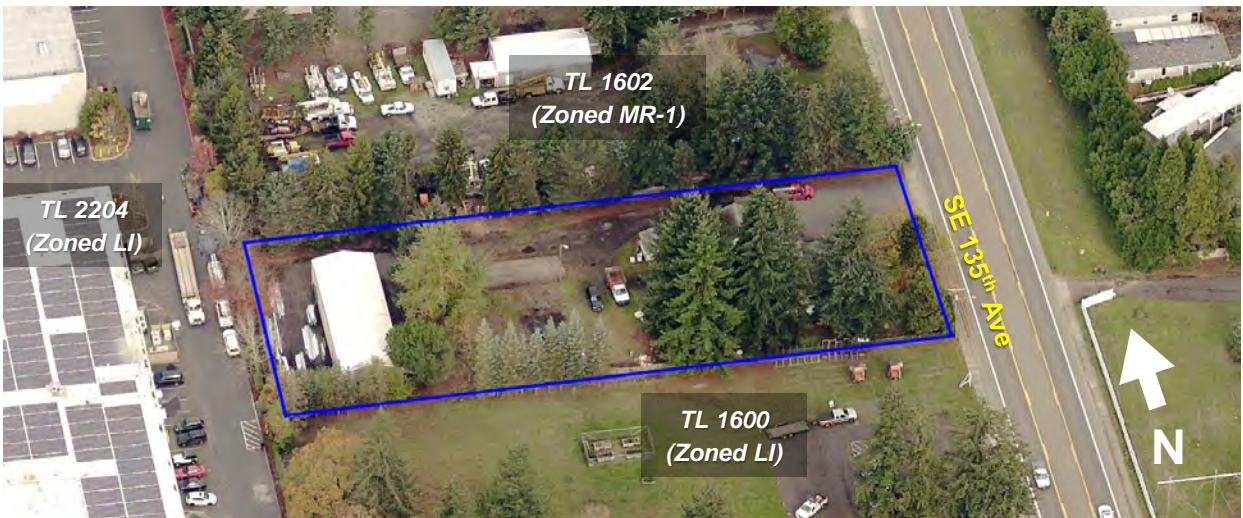
Boundaries	Industrial Zoning Districts	Commercial Zoning Districts
<ul style="list-style-type: none"> <li>Clackamas County</li> <li>Urban Growth Boundary</li> <li>City Boundaries</li> </ul>	<ul style="list-style-type: none"> <li>Business Park (BP)</li> <li>Campus Industrial (CI)</li> <li>Light Industrial (LI)</li> <li>General Industrial (GI)</li> </ul>	<ul style="list-style-type: none"> <li>Neighborhood Commercial (NC)</li> <li>Community Commercial (C-2)</li> </ul>
Special Zoning Districts	Residential Zoning Districts	<ul style="list-style-type: none"> <li>Office Apartment (OA)</li> <li>Office Commercial (OC)</li> <li>Regional Center Office (RCO)</li> <li>Village Office (VO)</li> </ul>
<ul style="list-style-type: none"> <li>Limited Use Zone (LUZ)</li> <li>Historic District (HD) Overlay</li> <li>Historic Landmark (HL) Overlay</li> <li>Open Space Management (OSM)</li> </ul>	<ul style="list-style-type: none"> <li>Future Urban, 10-Acre (FU-10)</li> <li>Urban Low Density Residential (R-2.5, R-5, R-7, R-8, 5.R-10, R-15, R-20, R-30)</li> <li>Village Small Lot Residential (VR-4/5)</li> <li>Village Standard Lot Residential (VR-5/7)</li> <li>Medium Density Residential (MR-1)</li> <li>Medium High Density Residential (MR-2)</li> <li>Planned Medium Density Residential (PMD)</li> <li>Village Townhouse (VTH)</li> <li>High Density Residential (HDR)</li> <li>Special High Density Residential (SHD)</li> <li>Regional Center High Density Residential (RCHDR)</li> <li>Village Apartment (VA)</li> </ul>	<ul style="list-style-type: none"> <li>Corridor Commercial (CC)</li> <li>General Commercial (C-3)</li> <li>Regional Center Commercial (RCC)</li> <li>Retail Commercial (RTL)</li> <li>Village Community Service (VCS)</li> <li>Planned Mixed Use (PMU-1, PMU-2, PMU-3, PMU-6)</li> <li>Station Community Mixed Use (SCMU)</li> </ul>



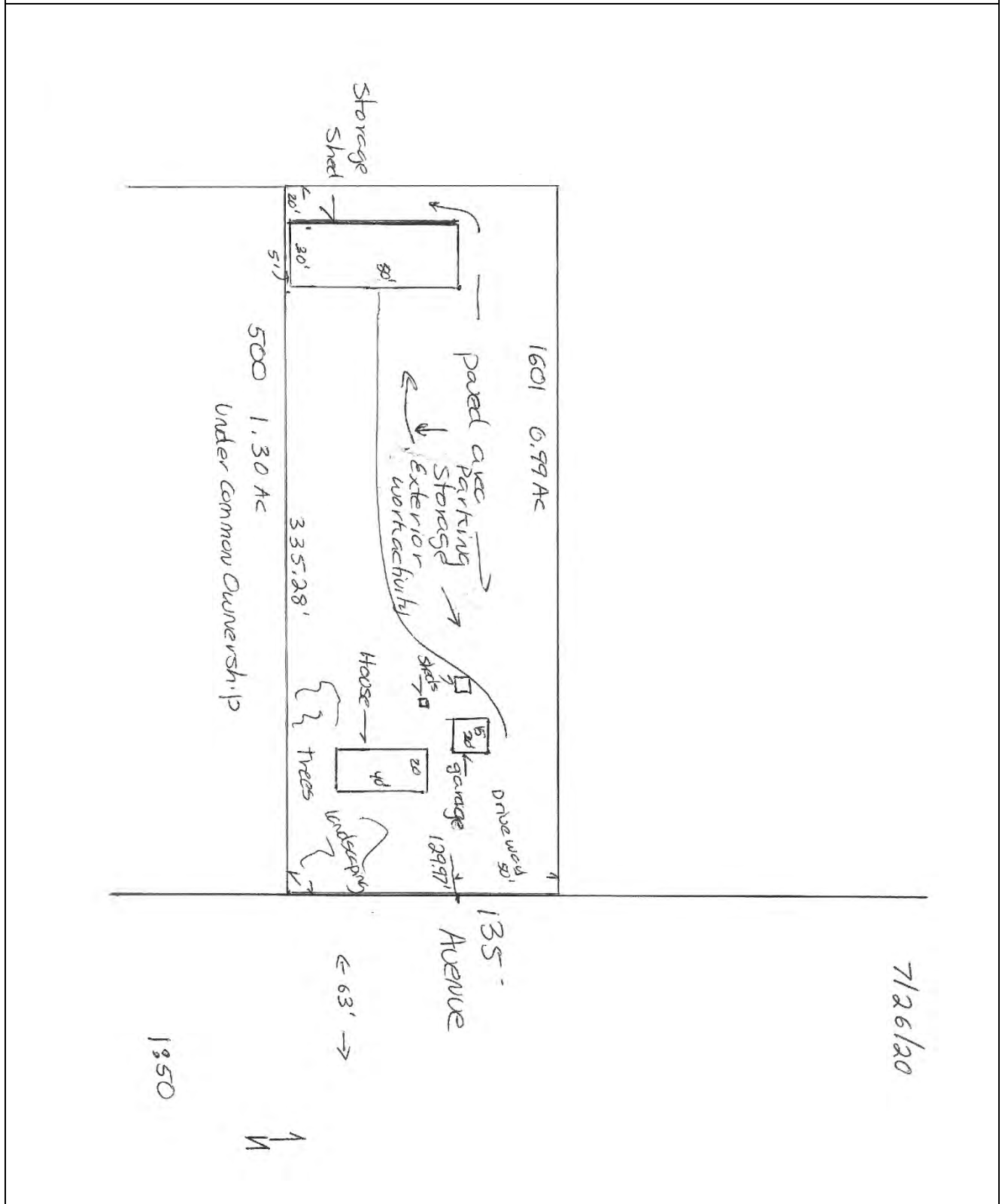
Subject Property, Highlighted Yellow, in Tax Map 22E11D  
(Full Tax Map in Exhibit 1)



2018 Aerial Views of Subject Property and Vicinity  
(Subject Property Outlined in Blue)



**July 26, 2020, Existing Conditions Map (Site Plan)**  
**Submitted by Applicant**



## Potential Future Development Plans Submitted by Applicant

Including Subject Property, as well as Tax Lots 1400 & 1500 (both already zoned LI and owned by applicant)

**16213 SE 135th Ave. Clackamas, Oregon**  
**Site Area 3.36 Acres - 146,362 SF**  
**Building 200 x 230 = 46,000 SF**  
**Coverage 31.4%**  
**12/13/19**



## **SECTION II: CONCLUSION & CONDITIONS OF APPROVAL**

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The Board of County Commissioners (the “Board”) finds that this application satisfies all applicable State of Oregon, Metro, and County criteria to amend the County’s Comprehensive Plan Map land use plan designation for the subject property from Medium Density Residential (MDR) to Light Industrial (LI) and to rezone the property from Medium Density Residential (MR-1) to Light Industrial (LI). The Board **APPROVES** this application, subject to the following two (2) conditions:

1. Clackamas County Comprehensive Plan Map 4-6, *North Urban Area Land Use Plan*, and all other maps of the Comprehensive Plan that identify the land use plan designation of the subject property (Tax Lot 22E11D-01601, with situs address 16147 SE 135th Ave), shall be amended to identify the subject property as having a Comprehensive Plan land use designation of Light Industrial (LI); and;
2. The Clackamas County *North Urban Area Zoning Map* shall be amended to identify the subject property as being in the Light Industrial (LI) zoning district.

## **SECTION III: PROJECT OVERVIEW AND BACKGROUND**

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

The subject property is a roughly 0.99-acre rectangular legal lot of record with approximately 130 feet of frontage on the west side of SE 135<sup>th</sup> Ave, a minor arterial. The property is flat, is outside of a mapped flood hazard area, and has no County-regulated waterbodies, mass-movement or soil hazard areas, or historic landmarks.

According to the Applicant’s existing conditions map and site plan, a transportation impact study included with the application, and available Assessment & Taxation Department records (Exhibit 5 in the record), the property currently has the following improvements:

- A two-story 1,542-square-foot “stick-built” single-family dwelling built in 1946;
- A 300-square-foot detached garage located north of the dwelling;
- A 2,400-square-foot detached storage shed in the property’s southwest corner; and
- Two small detached sheds.

In their testimony before the Planning Commission, the Applicant described the dwelling as in a poor condition not suitable for habitation.

The Applicant owns the subject property and adjacent Tax Lot 1500 to the south (no situs address, approximately 1.4 acres), as well as Tax Lot 1400 (16213 SE 135<sup>th</sup> Ave, 0.97 acres)

adjacent and to the south of Tax Lot 1500. These two other tax lots under common ownership (Tax Lots 1400 and 1500) used to also be zoned medium density residential, but were the subject of a similar combined Comprehensive Plan map amendment and zone change application (File Nos. Z0033-02-CP and Z0034-02-Z, Exhibit 6) that was approved in 2002 to change their plan designation and zoning district to light industrial.

The Applicant explains that this latest request to have the subject property's Comprehensive Plan designation and zoning district changed to match those of Tax Lots 1400 and 1500 is necessary to site a new industrial building that would span all three tax lots. The Applicant states that the new building will be used to house a "statewide light industrial service business" providing "safety management services to public agencies for public infrastructure construction projects throughout the northwest".

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

As shown in Exhibit 4 in the record, the subject property, as well as all of its neighbors to the north, west, and across SE 135<sup>th</sup> Ave to the east, are already in an area that Metro has designated an "industrial area" that the Metro Functional Plan states is intended to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses. Exhibit 4 further shows that the subject property is also directly adjacent to a section of the County that Metro classifies as a "regionally significant industrial area" (RSIA)<sup>1</sup>.

The western lot line of the subject property is only about 70 feet from an actively-used 2.5-acre metal industrial building, which is itself surrounded by freight truck accesses, a large parking lot, and other multi-acre industrial buildings.

Directly to the north and separated from the subject property by a row of trees are two residentially-zoned parcels (Tax Lots 22E11D-01602 and 22E11DB-00700) that are nonetheless developed with a number of large metal out-buildings and used for outdoor storage. Beyond those parcels toward the intersection of SE 135<sup>th</sup> Ave and Hwy 212/224 are other properties already zoned LI, as well as a commercial area developed with a vehicle service station, other auto-related businesses, a landscaping company, and a couple chain and fast-food restaurants.

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

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

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

## **SECTION IV: FINDINGS**

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This application is subject to the following provisions:

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

The Board has reviewed these provisions in conjunction with this proposal and makes the following findings. ZDO Sections 202 and 1307 provide only definitions and procedural requirements that do not warrant separate written findings in this report.

### **A. STATEWIDE PLANNING GOALS:**

#### *Goal 1 – Citizen Involvement*

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

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

Section 1307 of the ZDO contains adopted and State-acknowledged procedures for citizen involvement and public notification of quasi-judicial applications. This application has been processed consistent with those requirements, including with notice to the Department of Land Conservation and Development (DLCD) as directed, to property owners within 300 feet of the subject property, to Metro and ODOT, and in the Oregonian. The proposal has also been advertised on County websites.

Before the Board decided on this application, there were two duly-noticed public hearings: one with the County's Planning Commission on September 14, 2020, and another with the Board on October 21, 2020.

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

*Goal 2 – Land Use Planning*

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

The proposed amendment to Clackamas County's Comprehensive Plan maps, including to Map 4-06, would not change the County's land use planning process. Even under the Applicant's proposal, the County will continue to have a comprehensive land use plan and consistent implementing regulations. Part IV.C of this section of this report, beginning on Page 21, outlines how this proposal is consistent with applicable policies of the County's State-acknowledged comprehensive plan. The Applicant does not request an exception to any Statewide Planning Goal.

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

*Goal 3 – Agricultural Lands*

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

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

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

*Goal 4 – Forest Lands*

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

As with Goal 3 and its farmland, the County has already satisfied its Goal 4 requirements for forest land. This application does not propose to change the Comprehensive Plan Map designation or zoning of any forest land, nor does it



propose a change in any allowed land use in its forest zoning districts (i.e., Ag/Forest and Timber Districts).

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

*Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces*

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

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

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

*Goal 6 – Air, Water, and Land Resources Quality*

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

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

The subject property is already planned and zoned by the County for urban development. Parcels abutting the subject property to the west and south, and located just 650 feet to the north of the subject property, are currently planned and zoned specifically for light industrial uses. As mentioned earlier in this report and shown in Exhibit 4, the subject property itself is also already prioritized by Metro for industrial use as well.

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

- Electrical power production facilities;
- Outdoor entertainment facilities, including race tracks;
- Petroleum, coal, or other fuel storage, refining, reclaiming, distribution, or wholesale trade;

- Retail auto repairing, overhauling, painting, washing, body and fender work, and reconditioning; and
- Wrecking yards.

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

Clackamas Water Environment Services (WES) is the surface water management authority for the subject property. The submitted application includes a Preliminary Statement of Feasibility in which WES has determined that adequate surface water treatment and conveyance is already available to serve future industrial development of the subject property, or could be made available through improvements completed by the developer or the system owner. The need for any specific stormwater management system improvements will be evaluated during the design review application process required ahead of any actual industrial development of the subject property.

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

#### *Goal 7 – Areas Subject to Natural Hazards*

Goal 7 requires the County to address Oregon's natural hazards. This proposal would not change the County's adopted and acknowledged Comprehensive Plan policies or implementing regulations regarding natural disasters and hazards, nor would it modify the mapping of any hazard. Even if the proposed map amendment and zone change is approved, development of the subject property will still be required to comply with the County's existing hazard-related land use regulations.

As noted previously however, the subject property is flat and has no mapped mass-movement or soil hazard areas. The property is also not in a mapped flood hazard area.

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

#### *Goal 8 – Recreational Needs*

Goal 8 requires the County to plan for the recreational needs of its residents and visitors. The proposal would not change any existing, State-acknowledged County Comprehensive Plan policy or implementing regulation regarding recreational needs, nor would it reduce or otherwise modify a mapped recreational resource.

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

### *Goal 9 – Economic Development*

The purpose of Goal 9 planning is to provide adequate opportunities throughout Oregon for a variety of economic activities vital to the health, welfare, and prosperity of Oregonians. Goal 9 requires the County’s Comprehensive Plan for its urban areas to contain economic analyses and economic development policies. It also requires the Comprehensive Plan to provide “at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses”.

The County’s State-acknowledged Comprehensive Plan already contains the required economic analyses and development policies, which this application does not propose to change. This application does, however, propose to amend the Comprehensive Plan maps in order to increase the supply of sites for allowable industrial uses.

Goal 9 is formally implemented by Oregon Administrative Rules (OAR) chapter 660, division 9. Rule 25 of division 9 requires the County to adopt measures adequate to address identified economic development needs and priorities, specifically including amendments to its Comprehensive Plan maps and zoning maps, as necessary. The Applicant’s proposal would amend the Comprehensive Plan Map and zoning map to increase the County’s industrial land supply and would allow adjacent vacant properties to the south that are already zoned LI (Tax Lots 1400 and 1500) to be developed with the Applicant’s prospective industrial use.

Neither Goal 9 nor OAR chapter 600, division 9 require the applicant to conduct an economic opportunity analysis (EOA) to justify their proposal, as the subject property is less than two acres in area and would not result in a reduction in employment (industrial or commercial) lands.

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

### *Goal 10 – Housing*

The purpose of Goal 10 is to meet housing needs. It requires the preparation of inventories of buildable residential lands, requirements which the County and Metro have already satisfied. Goal 10 does not require the subject property to remain zoned and prioritized for residential use instead of as employment lands. Goal 10 itself also does not include any specific requirements for evaluating applications for post-acknowledgement plan amendments converting urban residential land to urban industrial land within unincorporated areas of the County.

Oregon Administrative Rules (OAR) chapter 660, division 7, which implements Goal 10 for the portions of the County within the Metro UGB, does mandate that Clackamas County provide the *opportunity* for at least 50 percent of new residential units within its portion of the Metro UGB to be attached single-family housing or multi-family housing. Clackamas County already provides an opportunity for attached single-family dwellings in 100 percent of its residential zoning districts

within the UGB, and approval of this application does not change that. Division 7 also requires the County provide for an overall density of eight or more dwelling units per net buildable acre within its portion of the Metro UGB; the County already meets this requirement and approval of this application would not lead to a reduction in housing capacity that would cause the County to fall below the requirement in rule 35 of eight dwelling units per acre; as discussed elsewhere in this report, the Board finds that a reduction in. **Therefore, the housing mix and density requirements of the OARs implementing Goal 10 will continue to be met with approval of this application.**

Metro, rather than Clackamas County, is the entity that regulates residential land supply within the Metro UGB and that conducts a review of Metro region's housing capacity every six years, making necessary adjustments to adopted plans and regulations where necessary to accommodate projected housing needs. Metro's existing rules, which themselves have already been acknowledged as consistent with Goal 10, allow for the Applicant's proposal to convert residential land to industrial land, as explained further in Part IV.B of this report beginning on Page 19.

Metro's 2018 Urban Growth Report (Exhibit 13) found that the Metro UGB already has more than sufficient zoned capacity for multi-family housing to meet its projected 2038 needs.<sup>2</sup> Since this 2018 analysis by Metro, Clackamas County has not approved any other reductions in urban residential zoned capacity for multi-family housing.

Rather, since 2018, the County has eliminated certain barriers to accessory dwelling units (ADUs), thereby facilitating *greater* residential density within the Metro UGB. Oregon House Bill 2001 also effectively requires the County to allow by 2022 duplexes and other forms of "middle housing" as a primary use in all urban low-density residential zoning districts in the Metro UGB, thereby increasing the "outright" allowable residential density in those areas.

Per the applicable density provisions in the ZDO, a 0.99-acre property zoned MR-1 may have at most 12 dwelling units, though the amount of dwellings that could actually be sited on a given property would likely be further limited by the need for parking, landscaping, utility connections, and other facilities, while also abiding by property line setbacks. The Board finds that it is reasonable to assume the looming increase in housing capacity required by HB 2001 will far exceed<sup>3</sup> the at-most 12-

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<sup>2</sup> Although the County recently completed its own HNA, this study was not a full Goal 10 analysis, has not been formally adopted, and, importantly, did not consider the existing capacity for multi-family housing in various commercial zoning districts or the increases in allowable density required by Oregon House Bill 2001. Therefore, the most recent, adopted, and complete HNA and BLI relevant to this application is in Metro's 2018 Urban Growth Report.

<sup>3</sup> An existing 34-lot residential subdivision located less than a half-mile north of the subject property (Plat No. 2905) is zoned R-8.5, a zoning district that currently only allows one primary detached single-family dwelling per lot of record. HB 2001 will require that the County newly allow a duplex as a primary use on each lot in the zone subject to standards, thereby increasing the subdivision's net number of allowable primary dwelling units by 34 – nearly three times the maximum number of dwelling units that could be established on the subject property if it were to

dwelling-unit loss in capacity in the Metro UGB proposed in this application.

The Board also finds that a reduction in zoned housing capacity of at most (but likely less) than 12 dwelling units is not large enough to be statistically meaningful and would not “move the needle” in the County’s ability to supply sufficient land for multi-family housing.

To be sure, a new HNA or BLI is not required for every proposal to reduce the County’s zoned urban residential capacity. There is no such requirement in the text of Goal 10 itself, nor in OAR 660-007-0060(2) listing the requirements for post-acknowledgement plan amendments and zone changes in the Metro UGB. Metro has assessed the region’s housing capacity as recently as 2018, will do so again six years later, and, in the meantime, has a state-acknowledged Function Plan that both assumes industrial use of the subject property and that allows for rezoning of property to Title 4 industrial uses when certain criteria reviewed in IV.B are satisfied.

Because the adopted and state-acknowledged Metro Functional Plan states the subject property is intended to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses, the Applicant’s proposal would bring the County’s Comprehensive Plan Map and Zoning Maps in closer alignment with Metro’s. Metro has been provided this application, has stated “this [proposal] looks pretty straightforward”, and has acknowledged that the Applicant’s proposal would make the County’s maps more consistent with Metro’s adopted Functional Plan Title 4 map (Exhibit 10).

DLCD staff have also reviewed the Applicant’s proposal and Goal 10 requirements, and have stated explicitly that “DLCD has no concerns” (Exhibit 16).

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

*Goal 11 – Public Facilities and Services*

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

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

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remain zoned MR-1. HB 2001 will also newly allow triplexes, quadplexes, and cottage clusters in the R-8.5 District and in all other urban low density residential zoning districts in the County, thereby increasing the opportunities for multi-family housing development in the area of the subject property and the wider Metro region.

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

**The relevant requirements of Statewide Planning Goal 11 are satisfied.**

*Goal 12 – Transportation*

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

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

The Applicant has provided a traffic impact study (TIS) completed by a licensed engineer that addresses TPR requirements. It includes a comparison of the reasonable worst-case traffic impacts caused by potential development under the property’s current MR-1 zoning to the reasonable worst-case traffic impacts under the proposed LI zoning. As explained previously in response to Goal 10, under the present zoning, the roughly 0.99-acre subject property could accommodate up to 12 dwelling units (but no detached single-family dwelling units, as MR-1 District does not permit new detached single-family dwellings). Of all the land uses that the proposed LI District would allow outright, the TIS identifies manufacturing as the use that would likely generate the most vehicle traffic. The TIS then compares the traffic volumes that would be generated by the 12 dwelling units to the traffic volumes generated by manufacturing uses on the property, even though the Applicant here does not necessarily propose for the site to be used for manufacturing.

The TIS estimates there would be just three additional PM peak hour trips under the proposed LI zoning over the existing MR-1 zoning designation at full residential build-out. The TIS concludes that the impacts of the Applicant’s proposal on the existing transportation system would be *de minimus* and that there is no need to consider system improvements. The County’s Transportation Engineering Division has reviewed this TIS and concurs with its findings (Exhibit 9).

The required design review process ahead of any actual industrial development of the subject property will consider access, circulation, motor vehicle and bicycle parking, and the need for any frontage improvements.

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

*Goal 13 – Energy Conservation*

Goal 13 encourages land use plans to consider lot size, siting controls, building height, density, and other measures in order to help conserve energy. The Applicant’s proposal would not change any policy or implementing regulation regarding energy conservation.

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

*Goal 14 – Urbanization*

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

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

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

*Goal 15 – Willamette River Greenway*

The purpose of Goal 15 is to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway. The subject property is nearly five miles from the Willamette River and is not located in the Willamette River Greenway. The Applicant’s proposal would not change any existing, State-acknowledged County Comprehensive Plan policy or implementing regulation regarding the Willamette River Greenway.

**The relevant requirements of Statewide Planning Goal 15 are satisfied.**

*Goal 16 – Estuarine Resources*

**Goal 16 is not applicable to Clackamas County.**

*Goal 17 – Coastal Shorelands*

**Goal 17 is not applicable to Clackamas County.**

*Goal 18 – Beaches and Dunes*

**Goal 18 is not applicable to Clackamas County.**

*Goal 19 – Ocean Resources*

**Goal 19 is not applicable to Clackamas County.**

**B. METRO URBAN GROWTH FUNCTIONAL PLAN:**

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

Below is a review of the Applicant’s proposal to amend the Comprehensive Plan Map for consistency with relevant Function Plan policies.

*Title 1 – Housing Capacity*

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

Separately, 3.07.120(e) of Title 1 also provides that the County may reduce the minimum zoned capacity of a single lot or parcel so long as the reduction has a “negligible effect” on the County’s overall minimum zoned residential capacity. The Board finds that the proposed reduction in the County’s overall residential capacity – approximately 0.99 acres in terms of land supply, and a maximum *net* of 11 potential dwelling units – would indeed be negligible, particularly when considering the increases in opportunities for residential development that have been made since the Functional Plan, Metro 2040 Growth Concept, and the County’s implementing plans and regulations were first adopted. The County has increased opportunities for additional residential development since then by allowing residential development in certain formerly commercial-only areas and approving applications for increased residential density (i.e., for a zone change from R-10 to R-8.5) more often than applications for less density.

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

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

*Title 4 – Industrial and Other Employment Areas*



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

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

Moreover, the proposed amendments could help to protect, and even support, the RSIA and other industrial property directly adjacent to the subject property, in three ways. First, the Applicant shows that it is necessary to rezone the property to LI in order to site a new building for an allowable industrial use that would span and be accessed by other properties already zoned LI. Second, the proposal would facilitate the kind of “clustering” of industrial uses intended for the neighboring industrial uses. Third, rezoning the subject property – located just 70 feet away from a 2.5-acre industrial building in an RSIA that is surrounded by freight truck operations – from to LI would reduce the potential for conflict between residential and industrial land uses.

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

Rather, the Applicant proposes to apply the policies and regulations for the LI District to the subject property. With approval of this application, all land uses and development would have to comply with existing LI District requirements.

For these reasons, the Board finds that **all relevant requirements of Title 4 are satisfied.**

## **C. CLACKAMAS COUNTY COMPREHENSIVE PLAN GOALS AND POLICES:**

The County's Comprehensive Plan includes goals and policies that must be considered when evaluating a proposed change in Comprehensive Plan land use designation and implementing zoning district. In this section of the report and recommendation, each chapter of the Comprehensive Plan are addressed with written findings as to how the Applicant's proposal is consistent with those chapters' applicable goals and policies.

### *Chapter 1 – Introduction*

Chapter 1 of the County's Comprehensive Plan serves only as an introduction and **does not warrant written findings.**

### *Chapter 2 – Citizen Involvement*

Chapter 2 of the Comprehensive Plan aims to promote public participation in the County's land use planning. Its policies largely focus on the County's Community Planning Organization (CPO) program and methods for informing and involving the public, policies which this application does not propose to change. This application has been processed according to the requirements of ZDO 1307, which implement public notification policies of Chapter 2, including with notice to nearby property owners, relevant agencies, service providers, online, and in the Oregonian.

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

### *Chapter 3 – Natural Resources and Energy*

The subject property is in a fully urbanized area and has no County-regulated water bodies, identified wetlands, or other significant natural features. It is not known to have any significant mineral or aggregate resources, is not in or adjacent to any protected open space, and is entirely flat. All future development will have to conform to the standards required of the LI District, as well as State and County laws related to noise, air quality, and waste management.

**This application is consistent with Comprehensive Plan Chapter 3.**

### *Chapter 4 – Land Use*

Chapter 4 includes the definitions of urban and rural land use categories and outlines policies for determining the appropriate Comprehensive Plan land use designation for all lands within the County.

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

- It has “excellent” access to the regional transportation network;

- It has access to a street with at least a minor arterial classification; and
- It is “large enough for several industries to cooperatively design an industrial park”.

The Applicant’s proposal meets each of these criteria. The property is only about 1,500 feet south of Hwy 212/224, an important regional transport route; it has frontage on SE 135<sup>th</sup> Ave, which is a minor arterial; and, at one acre in size, is conceivably large enough for several industries, particularly in combination with the other adjacent underdeveloped industrial property under common ownership. In fact, as the Applicant explains, rezoning the subject property to LI is necessary to utilize neighboring property already zoned LI for their prospective light industrial uses.

Practical constraints could inhibit this particular property from being developed with new housing in the next 20 years under its current MR-1 zoning. The Applicant has shown that the subject property is presently only developed with one detached single-family dwelling, and has testified that the dwelling is not in a condition to be occupied. If the use of the structure as a dwelling were ever to be discontinued for 12 consecutive months, and if the zoning of the property were to remain MR-1, the right to a detached single-family dwelling on the property under the ZDO’s nonconforming use provisions could be lost. Any future residential development of the property while zoned MR-1 would then have to comply with the current standards for the MR-1 District, and such development may be impractical or unlikely in the next 20 years given the property’s existing structures, conflicting surrounding land uses, and the lack of nearby schools, public transportation, and other services that would support and encourage new residential use of the property.

Indeed, the noise, vibrations, traffic, and other impacts of the surrounding industrial land uses would reasonably conflict with residential uses, especially when those residential uses are right next door. As noted elsewhere in this report, the subject property borders industrial parcels to the west and south and is just 70 feet from a 2.5-acre industrial building and directly abuts a more than 900-acre “regionally significant” industrial complex. The two residentially-zone parcels to the north of the subject property are reportedly developed with industrial uses also, despite their current underlying zoning.

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

At the same time, the property is served by a minor arterial and is close to major highways and rail services. The County’s existing/planned transportation

infrastructure has been determined to be adequate to serve industrial uses on the property, and service providers have attested that water, sewer, and stormwater services for industrial uses are or could be made available concurrent with their development.

The Applicant argues that a more appropriate and logical boundary between residential and industrial uses in the area would be SE 135<sup>th</sup> Ave, a minor arterial with mature vegetation along one side, rather than the existing boundary. Staff and members of the Planning Commission agreed.

The Board therefore finds that the subject property is less suitable for residential development than it is for industrial development, considering existing surrounding land uses, access to services, and site conditions; new residential land uses of the subject property – which is already mapped for industrial use in Metro’s adopted Functional Plan Title 4 map – could conflict with established and future industrial uses on adjacent properties.

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

*Chapter 5 – Transportation System Plan*

As noted previously, this application and its TIS have been reviewed by the County’s Transportation Engineering Division, and their staff has concurred with the TIS’s finding that industrial development of the property would have a minimal additional impact on the planned transportation system over the existing zoning and that no amendments to the TSP are necessary to accommodate the proposal.

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

*Chapter 6 – Housing*

The County is not required by Chapter 6 to keep this property zoned for residential use. Rather, the County must balance its need for land suitable for housing with its need for land suitable for employment opportunities, including light industrial uses.

As noted previously, the Applicant has shown that the property is currently only developed with one detached single-family dwelling, and has testified that it is not in a condition to be occupied. If the use of the dwelling were ever to be discontinued for 12 consecutive months, the right to a detached single-family dwelling on the property under the ZDO’s nonconforming use provisions could be lost. Any future residential development would then have to comply with the standards for the MR-1 District, and such development may be impractical or unlikely in the next 20 years given the property’s existing structures and surrounding land uses. As explained earlier in this report, the subject property is less suitable for residential development than it is for industrial development, considering existing surrounding land uses, access to services, and site conditions.

The property has the capacity for *at most* 12 total dwelling units under the MR-1 zoning. The Applicant outlines with calculations how their proposed reduction in housing capacity and in the County's overall residential land supply by approximately 0.99 acres is comparatively insignificant. It is reasonable to assume that the amount of housing capacity that the County loses with approval of this application is even less than 12 dwelling units when considering that the 0.99-acre property would also need to provide parking, landscaping, utility connections, and other facilities, while also abiding by setbacks.

As discussed earlier, implementation of HB 2001 will also allow for greater residential development opportunities, including multi-family housing opportunities, within about a half-mile of the subject property.

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

*Chapter 7 – Public Facilities and Services*

The Applicant has submitted Statements of Feasibility completed by the property's water, sewer, and stormwater service providers attesting that they could serve light industrial development on the subject property.

**This application is consistent with Comprehensive Plan Chapter 7.**

*Chapter 8 – Economics*

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

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

This application does not propose to expand incompatible land uses in to established industrial or commercial areas. Rather, the Board finds that changing the Comprehensive Plan land use designation and implementing zoning district of the subject property to light industrial will help to protect adjacent established industrial areas from potentially incompatible residential land uses. As noted earlier in this report, the subject property abuts an RSIA and is only 70 feet from a 2.5-acre industrial building which is itself surrounded by freight truck accesses, a large parking lot, and other multi-acre industrial buildings. Additional residential use of the subject property under its present zoning could be disrupted by, or be disruptive to, these industrial uses, which could lead to land use conflicts. The Applicant's proposal will also allow the subject property to be used for industrial uses, rather than residential uses, as envisioned in Metro's Title 4 map (Exhibit 4).

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

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

- 8.B.6: *Provide for a broad range of types and sizes of industrial and commercial development to provide a broad cross section of employment opportunities for residents.*

The Applicant explains that their request is necessary to construct a building that will house a company providing safety management services to public infrastructure projects in the Pacific Northwest. The Board has not been made aware of any similar business in the area of the subject property, and the existing industrial buildings in the area are much larger than what is being considered by the Applicant. The Board finds that the prospective safety management services business itself could provide new types of employment opportunities to residents while also supporting public works projects that foster additional employment opportunities.

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

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

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

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

The subject property is not in, nor does it abut, any designated open space area. There are no parks or protected historic sites on the property or on any adjacent property. Staff agrees with the Applicant that their requested amendment does not affect any open space, parks, or historic site.

**This application is consistent with Comprehensive Plan Chapter 9.**

### *Chapter 10 – Community Plans and Design Plans*

The subject property is not in an area of the County with a particular community plan or design plan.

**This application is consistent with Comprehensive Plan Chapter 10.**

### *Chapter 11 – The Planning Process*

Chapter 11 contains polices under its ‘*City, Special District, and Agency Coordination*’ section that encourage the involvement of relevant state and regional governments, cities, and special districts in the planning process, consistency between city and County plans, and public engagement. The ‘*Amendments and Implementation*’ section of this chapter also contains procedural standards for Comprehensive Plan amendments and requirements for the Plan and implementing regulations in ZDO Section 1307 to be consistent with Statewide Planning Goals.

Earlier sections of this report demonstrate how the Applicant’s proposal is consistent with Statewide Planning Goals. The process followed for consideration of this application is in compliance with Section 1307’s notification standards. Specifically, notice of the County’s public hearings was provided to property owners within 300 of the proposed expansion area 20 days in advance, and notice published in the local newspaper at least 10 days in advance. ODOT, the City of Happy Valley, and other relevant agencies were duly notified. The Clackamas CPO is currently inactive.

**This application has been processed consistent with Comprehensive Plan Chapter 11 and implementing regulations in ZDO Section 1307.**

**D. ZONING AND DEVELOPMENT ORDINANCE (ZDO) CRITERIA:**

Section 1202, *Zone Changes*, of the County’s ZDO provides standards, criteria, and procedures under which a change to the zoning maps (i.e., a zone change from MR-1 to LI) may be approved. Subsections of Section 1202 relevant to this application are reviewed here below.

*1202.03 – GENERAL APPROVAL CRITERIA*

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

- A. The proposed zone change is consistent with the applicable goals and policies of the Comprehensive Plan.*
- B. If development under the proposed zoning district designation has a need for any of the following public services, the need can be accommodated with the implementation of the applicable service provider’s existing capital improvement plan: sanitary sewer, surface water management, and water. The cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered.*
- C. The transportation system is adequate and will remain adequate with approval of the proposed zone change. [...]*
- D. Safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.*

This application, which includes a proposed zone change from MR-1 to LI, is being reviewed and processed as a Type III application pursuant to ZDO Section 1307, *Procedures*. This report outlines how the proposal is consistent with applicable goals and policies of the County’s Comprehensive Plan.

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

ZDO Subsections 1202.03(C)(1)-(7) define what is meant by an “adequate” transportation system. The Applicant’s submitted TIS, which was completed by a licensed engineer, finds that the County’s existing and planned transportation system is adequate to serve the proposed zone change, and the County’s Transportation Engineering Division concurs. ODOT was provided notice of this application and has not opposed it for safety concerns or for any other reason.



**The relevant requirements of ZDO Subsection 1202.03 are satisfied.**