



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

September 15, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Clackamas County Plan Amendment
DLCD File Number 007-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 29, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Stacy Hopkins, DLCD Regional Representative
Matthew Crall, DLCD Transportation Planner
Mike McCallister, Clackamas County

<paa> ya/



FORM 2

DLCD NOTICE OF ADOPTION

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF
SEP 11 2006
AND CONSERVATION
AND DEVELOPMENT

Jurisdiction: Clackamas Local File No.: 20388-06-CP
20389-06-2
(If no number, use none)

Date of Adoption: 9-6-06 Date Mailed: 9-8-06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 6-19-06

- Comprehensive Plan Text Amendment
 - Comprehensive Plan Map Amendment
 - Land Use Regulation Amendment
 - Zoning Map Amendment
 - New Land Use Regulation
 - Other: _____
- (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write see Attached.≡

COMPREHENSIVE PLAN MAP AMENDMENT FROM MEDIUM HIGH
DENSITY RESIDENTIAL TO OFFICE COMMERCIAL CORRESPONDING
ZONE CHANGE FROM MR-2 TO OC

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write same.≡ If you did not give notice for the proposed amendment, write AN/A.≡

SAME

Plan Map Changed from: MED HIGH DENS. RES to OFFICE COMMERCIAL

Zone Map Changed from: MR-2 to OC

Location: Mt. Scott / Otty Rd. area Acres Involved: 3+ - acres

Specify Density: Previous: 18 UNITS / ACRE New: 25 UNITS / ACRE

Applicable Statewide Planning Goals: 1, 2, 6, 9, 10, 11, 12

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 007-06 (15334)

Did the Department of Land Conservation and Development **receive** a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**? Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: City of Happy Valley, ODOT, Metro.

Local Contact: Mike McCallister Area Code + Phone Number: 503 3534522

Address: 9101 SE Sunnybrook Blvd. City: Clackamas

Zip Code+4: 97015 Email Address: mike.mcco.clackamas, OR, US

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO (2) Copies** of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the ANotice of Adoption≡ is sent to DLCD.
6. In addition to sending the ANotice of Adoption≡ to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

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

In the Matter of a Comprehensive
Plan Map Amendment and Zone Change
for MD Group.

File No.: Z0388-06-CP / Z0389-06-Z

ORDER NO. 2006-402
(Page 1 of 2)

This matter coming regularly before the Board of County Commissioners, and it appearing that MD Group made application for a Comprehensive Plan map amendment and zone change on property described as T1S, R2E, Section 28BD, Tax Lots 5802, 6000, 6100, 6200, 6300, 6400 and 6401; W.M., defined by SE 91st Avenue on the west and SE 92nd Avenue on the east and by Battin Street on the north and Con Battin Road on the south; and

It further appearing that planning staff, by its report dated August 7, 2006, revised August 24, 2006, recommended approval of the application; and

It further appearing that the Planning Commission, at its August 14, 2005 meeting, recommended approval of the application; and

It further appearing that after appropriate notice a public hearing was held before the Board of County Commissioners on August 30, 2006, at which testimony and evidence were presented, and that a preliminary decision was made by the Board on August 30, 2006;

Based upon 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 High Density Residential to Office Commercial, and corresponding zone change from MR-2 to OC.
2. This request complies with the applicable Statewide Goals, Comprehensive Plan policies and Zoning and Development Ordinance provisions for the reasons stated in the revised Planning Staff Report/Recommendation, which is hereby adopted as the findings and conclusions of this Board.

NOW, THEREFORE, IT IS HEREBY ORDERED that the requested Comprehensive Plan map amendment and zone change are granted, subject to the following condition:

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

In the Matter of a Comprehensive
Plan Map Amendment and Zone Change
for MD Group.

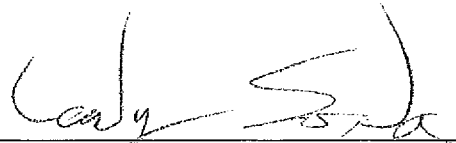
File No.: Z0388-06-CP / Z0389-06-Z

ORDER NO. 2006-402
(Page 2 of 2)

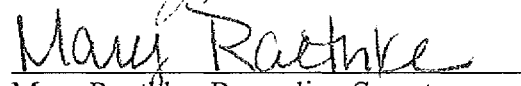
Design Review approval is required for any development on the subject property. Before the County issues any development permits, the applicant shall apply for and receive approval of Design Review. The Design Review approval shall include a master plan for 53 multifamily housing units in compliance with Section 303 and 507 of the ZDO. At a minimum the master plan shall include sufficient details to evaluate minimum and maximum density requirements, lot coverage standards, minimum and maximum off-street parking standards, on-site circulation, access locations, setback standards and landscaping standards.

DATED this 6th day of September, 2006.

BOARD OF COUNTY COMMISSIONERS



Bill Kennemer, Chair



Mary Raethke, Recording Secretary



NAME: MD Group
FILE NO: Z0388-06-CP, Z0389-06-Z
REPORT AUTHOR: Mike McCallister
HEARING DATE: August 14, 2006 (PC), August 30, 2006 (BCC)
REPORT DATE: August 7, 2006 (Revised August 24, 2006 to Incorporate Findings and Recommendation by the Planning Commission)

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

FACTS

GENERAL INFORMATION

Applicant: MD Group; 4445 SW Barbur Blvd., Suite 200; Portland, OR 97239

Owner: Clackamas County Development Agency, 9101 SE Sunnybrook Blvd.,
Clackamas, OR 97015

Proposal: Comprehensive Plan Map Amendment from Medium High Density
Residential to Office Commercial. Corresponding zone change from MR-2 to
OC.

The primary uses allowed within the OC zoning district are listed in Section
507.03 of the ZDO and include business and professional offices, medical
and dental services, testing laboratories, light manufacturing, banks and
credit unions and business services. A copy of the OC zoning district is
included in Exhibit 2.

Location: A block of land defined by SE 91st Avenue on the west and SE 92nd Avenue
on the east and by Battin Street on the north and Con Battin Road on the
south.

Legal Description: T1S, R2E, Section 28BD, Tax Lots 5802, 6000, 6100, 6200, 6300,
6400 and 6401; W.M

Comprehensive Plan Designation: Medium High Density Residential

Zone: MR-2

Total Area Involved: Approximately 2.99 acres.

PLANNING STAFF RECOMMENDATION:

The Planning Staff originally recommended denial of these applications in the staff report dated August 7, 2006 for the following reasons:

1. The Traffic Impact Study does not demonstrate compliance with the Transportation Planning Rule, minimum Level of Service and Volume to Capacity Standards on affected County and State facilities and minimum safety standards (queuing) on affected County and State facilities.
2. There is no evidence in the record demonstrating the Clackamas River Water District has adequate water to support the proposed Office Commercial designation.

Subsequent to August 7, 2006 staff report, the applicant submitted additional information to address these two issues. The Planning Staff changed the recommendation from denial to approval for both the Comprehensive Plan Map Amendment from Medium High Density Residential to Office Commercial (File No. Z0388-06-CP) and the zone change from MR-2 to OC (File No. Z0389-06-Z)

BACKGROUND INFORMATION, SITE AND AREA DESCRIPTION AND SERVICE PROVIDERS

Background Information:

1. The subject property (all 7 tax lots) is currently owned by the Clackamas County Development Agency. The Development Agency Manager, Gary Cook has signed the land use application form authorizing the applicant to submit the application for review by the County. All development on this property is subject to a Development Agreement to be approved by the Development Agency and Clackamas County Board of Commissioners.
2. Map X-CRC-4 of the Clackamas Regional Center Design Plan Area identifies a need "New Local Street" connection between 91st and 92nd Avenue in the general location of the subject property. The Clackamas County Development Agency, County staff and applicant are working on a specific location for this connection. The location for this connection is limited due to topography and existing development including a large storm detention pond on tax lot 100 to the south. The 91st Avenue extension shown on the submitted concept plan map is an alignment the County is currently considering to provide this extension.

Site Description: The subject property consists of 7 tax lots. All 7 tax lots are vacant. The property consists of moderate west facing slope (slopes from 92nd Avenue down to 91st Avenue). The vegetation consists of a mix of scattered coniferous and deciduous trees and underbrush. An aerial photo of the property and surrounding areas is included in

Exhibit 3 (oversize). The subject property has frontage on 91st Avenue, 92nd Avenue and Con Battin Road. SE 92nd Avenue is designated as a minor arterial street. Johnson Creek Blvd. located just to the north is also designated as a minor arterial street. SE 91st Avenue and Con Battin Road are designated as local streets. Battin Road between SE 91st Avenue and SE 92nd Avenue is completely vacated.

Surrounding Conditions: See tax assessor's map in Exhibit 1, zoning map in Exhibit 8 and aerial photo in Exhibit 3.

The adjacent properties to the east, across 92nd Avenue are zoned R-10 and R-15. This area is developed with a storm detention pond (tax lot 6090), multifamily structure which appears to be a triplex or small apartment building (tax lots 1592 and 1593) and single family dwellings on the remaining parcels. This area consists of moderately steep west facing slopes and slopes down to 92nd Avenue.

The adjacent properties to the south, across Con Battin Road area all zoned MR-2. Tax lot 100 is owned by the Clackamas County Development Agency and is developed with a large storm detention pond. Tax lot 400 is developed with a single family dwelling. Tax lot 100 is vacant.

The adjacent properties to the west, across 91st Avenue are all zoned MR-2. Tax lot 5800 is developed with an apartment complex (Kensington Point Apartments). Tax lots 6600, 6700 and 7000 area each developed with a single family dwelling.

Service Providers:

1. Sewer: Clackamas County Service District #1
2. Water: Clackamas River Water District
3. Surface Water: Clackamas County Service District #1
4. Fire Protection: Clackamas County Fire District #1

Responses Requested:

1. City of Happy Valley
2. North Clackamas School District #12
3. Clackamas County Service District #1
4. Clackamas River Water District
5. Clackamas County Fire District #1
6. North Clackamas Parks District #12
7. Tri-Met
8. West Mt. Scott CPO
9. DTD, Traffic Engineering
10. ODOT
11. Dept. of Land Conservation and Development
12. Metro
13. Property Owners within 300'

CPO Recommendation: The subject property is located within the West Mt. Scott Citizen Planning Organization (CPO). The CPO has not submitted a recommendation or comments on this proposal.

Exhibits: See Exhibit List following the last page of this report.

FINDINGS AND CONCLUSIONS

Section 1. Comprehensive Plan Map Amendment. This application is subject to compliance with the Statewide Planning Goals, Metro Functional Plan, County Comprehensive Plan (CP) policies and Oregon Administrative Rules (OARs).

Part 1 – Evaluation of Statewide Planning Goals.....	Page 4
Part 2 – Evaluation of Metro Functional Plan.....	Page 13
Part 3 – Evaluation of General County Comprehensive Plan Policies.....	Page 13
Part 4 – Evaluation of Medium High Density and Office Commercial Plan Designation Policies.....	Page 26
Part 5 – Summary of Findings for the Comprehensive Plan Map Amendment ...	Page 29

Section 2. Zone Change Application. The zone change application is subject to the criteria in Section 1202 of the Clackamas County Zoning and Development Ordinance.

Part 1 – Evaluation of criteria in Section 1202.....	Page 31
Part 2 – Summary of Zone Change Criteria.....	Page 33

<u>Section 3. Recommended Conditions of Approval.....</u>	Page 33
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SECTION 1- COMPREHENSIVE PLAN MAP AMENDMENT FROM MEDIUM HIGH DENSITY RESIDENTIAL TO OFFICE COMMERCIAL

PART 1. COMPLIANCE WITH STATEWIDE PLANNING GOALS:

A. 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 1300 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 adjacent and surrounding property owners within 300 feet of the subject property, notice in the local newspapers, and notice to affected agencies, dual interest parties and to the Community Planning Organization in the area. 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.

B. 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; City of Happy Valley, North Clackamas School District, Clackamas County Service District #1, Clackamas River Water District, Clackamas County Fire District #1, Tri-met, Oregon Dept. of Transportation (ODOT), Department of Land Conservation and Development (DLCD) and Metro.

The subject property is not located within any Urban Growth Management Areas (UGMA) of any nearby or surrounding cities. The property is located just outside of the Happy Valley UGMA. However, the City of Happy Valley was notified of this proposal. No comments or recommendation have been received from the City. 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.

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

The subject property is located within the Metro Urban Growth Boundary. This proposal does not include any land planned or zoned for Agricultural uses.

Goal 3 is not applicable.

D. 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 the Metro Urban Growth Boundary. This proposal does not include any land planned or zoned for Forest uses.

Goal 4 is not applicable.

E. 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 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.

F. 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 adopted public facilities and service plans 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.

G. 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) map, there are no geologic hazards or significant slopes located on the subject property.

This application is consistent with Goal 7.

H. 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, or affect access to any significant recreational uses in the area, or involve the siting of a destination resort. This project will have no impact on the recreational needs of the County or State.

Goal 8 is not applicable.

I. 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.

The Clackamas County Comprehensive Plan has been acknowledged in compliance with Goal 9. OAR 660-009 (Industrial and Commercial Development) outlines the standards and criteria to comply with Goal 9. OAR 660-009-0010(4) outlines the standards and criteria to address any changes to acknowledged commercial, industrial and other employment areas. This Section of the OAR requires any jurisdiction which changes its plan designations of lands in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation to address all applicable planning requirements and;

- 1. Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or*
- 2. Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or*
- 3. Adopt a combination of the above, consistent with the requirements of this division.*

The subject property is over 2 acres (2.99 acres). However, the proposed plan amendment is to change the Comprehensive Plan land use designation from a multifamily designation to a commercial designation. The proposed amendment does not involve a change from a industrial use designation to a non-industrial use designation or an employment use designation to any other designation. Therefore OAR 660-009-0010(4) is not applicable.

This proposal is consistent with Goal 9.

J. 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 660-008 addresses the general housing standards. OAR 660-007 addresses the housing standards inside the Portland Metropolitan Urban Growth Boundary. OAR 660-007 takes precedence over any conflicts between the two rules.

"Needed housing" as used in these rules means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and

rent levels, including attached and detached single family housing and multiple family housing for both owner and renter occupancy, government assisted housing, mobile home or manufactured dwelling parks and manufactured homes on individual lots.

"Buildable land" means residentially designated vacant and redevelopable land within the Metro urban growth boundary that is not severely constrained by natural hazards.

The current Medium High (MH) Density Residential plan designation allows up to 18 units per acre. The proposed Office Commercial plan designation allows office related uses and also multifamily uses at a density of up to 24 units per acre, an increase in 6 units per acre above the existing MH Density Residential designation. The applicant has submitted a proposed concept plan for a mixed use development on the subject property to include office uses and multifamily housing. Multifamily uses are an allowed outright use in the Office Commercial zoning district subject to the standards of the High Density Residential zoning district in Section 303 of the ZDO. The mixed use development is intended to address the replacement housing policy (Policy 5.0 in Section XVII) in the Clackamas Regional Center Design Plan Area in Chapter 10 of the Comprehensive Plan. This policy requires any Comprehensive plan map amendment from a residential to a non-residential plan designation to replace the lost housing capacity either on-site or on another site within the urban growth boundary.

Under the current Medium High Density Residential plan designation a total of 53 dwelling units is allowed on the subject property. The proposed concept plan includes 53 condominium units to replace the lost housing capacity if this application is approved. Generally, the proposed concept plan complies with the minimum design standards (parking, setbacks, access, etc.) to accommodate a mixed use development and provide for the replacement housing required in Policy 5.0. The Planning Staff has requested the applicant to provide some additional details and analysis of the proposed development to demonstrate the minimum landscaping standards and minimum density standards for housing in the HDR can be met.

This proposal for a mixed use development will provide replacement housing for the lost housing capacity within the MHDR plan designation and therefore will not affect the amount of buildable land for multifamily uses within the CRC boundary. Pursuant to Policy 5.0 a condition of approval is warranted requiring Design Review approval of the mixed use development prior to the Comprehensive Plan and Zone Change application becomes effective.

This proposal is consistent with Goal 10.

K. 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. This proposal involves the conversion of urban residential land to urban commercial land.

The subject property is located within Clackamas County Service District #1 which provides sewer and storm drainage facilities in the area. The property is located within Clackamas River Water District which provides public water in the area.

The sewer, storm drainage and water services and facilities have been established in this area consistent with adopted service plans. The adequacy of these facilities is evaluated in the zone change application in Section 2 of this report. The final design and improvements to the systems will be determined during review of future development proposals. This will ensure the facilities are designed according to adopted facility plans and appropriate to serve urban uses. This will ensure the facilities are orderly and efficient.

The property is also appropriately located within the service boundaries of Clackamas County Fire District #1, North Clackamas School District #12, Sunset Garbage Collection District, Clackamas County Sheriff's District and North Clackamas Parks District #2.

The subject property is located within the urban growth boundary in an area which can be provided with an orderly and efficient arrangement of public facilities and services to serve residential development.

This application is consistent with Goal 11.

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

1. Oregon Administrative Rule (OAR) 660-012 (Transportation Planning Rule) implements Statewide Planning Goal 12.
2. 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 functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility to demonstrate that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.
3. 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) *As measured at the end of the planning period identified in the adopted transportation system plan:*

1. *Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or*

2. *Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

3. *Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

4. 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) *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*

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

e) *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.*

5. The applicant has submitted a Traffic Impact Study (TIS) completed by Lancaster Engineering dated April 2006. See Exhibit 4. The TIS does not specifically address OAR 660-012-0060. The TIS evaluated the SE 92nd Avenue / Johnson Creek Boulevard intersection, the SE 91st Avenue / Johnson Creek Boulevard intersection and both interchange ramps for Interstate 205 at SE Johnson Creek Boulevard.

6. This proposal is consistent with (a) and (b) because it does not include in a change in the functional classification of an existing or planned transportation facility, nor change the standards implementing a functional classification.

7. This proposal is not consistent with OAR 660-012-0060(1)(c) based on the comments from the ODOT and DTD, Traffic Engineering Staff. The DTD, Traffic Engineering Staff and Oregon Dept. of Transportation (ODOT) have submitted comments on this application and the TIS. See Exhibits 5 and 6, respectively. The comments from the DTD, Traffic Engineering Staff and the ODOT identify a number of flaws in the TIS regarding the methodology used for the study as well as unacceptable impacts to transportation system.

8. The ODOT has identified the following methodology flaws and issues with the TIS:

- a) The anticipated growth rate for the 2026 background traffic is not based on the 2025 Metro Model.
- b) The volume-to-capacity (v/c) ratio and queue analysis does not comply with the *Application of Oregon Highway Plan Mobility Standards* because it did not utilize the existing traffic signal timing at the I-205 / Johnson Creek interchange.
- c) The v/c ratio at the I-205 Southbound Ramps / SE Johnson Creek Blvd intersection will be further degraded. The TIS did not demonstrate planned projects for this intersection will result in an acceptable level of service or that queuing will be adequate at this intersection with the proposed zone change.
- d) The queuing analysis at the I-205 Northbound and Southbound Off-Ramps did not correctly analyze the queue lengths and portion of the ramps need to accommodate deceleration from freeway speeds.

9. The DTD, TE staff has identified the following methodology flaws and issues with the TIS:

- a) The existing queues for the eastbound left turn lane at the intersection of Johnson Creek Boulevard / 92nd Avenue exceeds the available queue storage. The queues will back into the through lanes of Johnson Creek Boulevard and block the intersection of Johnson Creek Blvd and 91st Avenue.
- b) The TIS demonstrates the Johnson Creek Blvd / 91st Avenue intersection will fail in the 20 year horizon (2026).
- c) The traffic analysis is not based upon an approved regional transportation model used for this area.
- d) The TIS assumed the extension of 91st Avenue intersecting with 92nd Avenue as a Planned Capital Improvement Project (CIP) for purposes of evaluating long term impacts. This intersection is identified in the CRC Design Plan as a needed local road connections but it is not identified in the Clackamas County CIP as a planned project.

10. An Addendum to the Traffic Impact Study was submitted by the applicant on August 10, 2006. See Exhibit 9. The ODOT and DTD, TE staff reviewed and provided comments on the Traffic Impact Study Addendum. See Exhibit 12 and 13, respectively. The

comments from the DTD, TE in Exhibit 13 demonstrate the deficiencies raised in the original Traffic Impact Study have been addressed and that this proposal is consistent with the TPR as it relates to the County Transportation System. The ODOT staff reviewed the Traffic Impact Study Addendum and conducted some of their own analysis and also concluded that this proposal complies with the TPR as it relates to the State Transportation System.

11. The Planning Staff adopts findings in the Traffic Impact Study in Exhibit 4, Traffic Impact Study Addendum in Exhibit 9 and comments from the DTD, TE staff and ODOT staff in Exhibits 5, 6, 12 and 13 as part of this report by reference therein. These findings in these Exhibits demonstrate this proposal is consistent with the Transportation Planning Rule.

This application is consistent with Goal 12.

M. 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.

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

The subject property is located within the UGB and currently designated for urban uses. 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. There are no planning or implementation measures under this Goal applicable to this application.

Goal 14 is not applicable.

O. 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.

P. 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.

PART 2. COMPLIANCE WITH METRO FUNCTIONAL PLAN:

The subject property is located within the Metro Urban Growth Boundary and subject to the requirements of the Metro Functional Plan (MFP). The subject property is designated as a "Neighborhood" on the County Comprehensive Plan in compliance with the Metro Functional Plan. See Map IV-8 of the Comprehensive Plan.

"Neighborhoods" are defined as "Primarily residential areas which 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. The intent is to facilitate the Region 2040 "Inner Neighborhood" design type." "Inner Neighborhoods" are defined in the Urban Growth Management Functional Plan (UGMFP) as "Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes...."

Title 1 of the UGMFP is applicable to this proposal. Title 1 of the Urban Growth Management Functional Plan outlines the Requirements for Housing and Employment Accommodations. Title 1 is intended to ensure the efficient use of land within the UGB by increasing its capacity to accommodate housing and employment.

This proposal is not in conflict with any provisions in Title 1 because the planned development of the property is a mixed use development consisting of multifamily housing and office / employment uses. The planned development will ensure the site is developed with a multifamily uses at a density which will meet or exceed the housing allowed under the existing Medium High Density Residential plan designation. The proposed Office Commercial plan designation and planned medical office development will also increase employment opportunities on the property. This proposal will not change any other provisions of the Comprehensive Plan related to meeting minimum densities required in Title 1.

This proposal is consistent with the Metro Functional Plan.

PART 3. COMPLIANCE WITH CLACKAMAS COUNTY COMPREHENSIVE PLAN POLICIES:

A. Chapter 1; Introduction: *This Chapter identifies the purpose of the Comprehensive Plan and how to use the Plan.*

This Chapter of the Plan includes a general introduction to the plan and describes how to use the plan. This Chapter does not include any Goals or Policies applicable to a quasi-judicial land use application.

Chapter 1 is not applicable.

B. 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 1.0; 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 Countywide 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 (West Mt. Scott CPO), to property owners within 300 feet of the subject property, and published public notices in the newspaper consistent with State law and Section 1302 of the ZDO. The Planning Commission and Board of County Commissioners will also hold one or more public hearings, as necessary, consistent with Section 1303 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.

C. 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.

1. 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.
 - a. River and Stream Corridors and Principal River and Stream Conservation Area Policies: There are no river or stream corridors identified on the River and Stream Conservation Area map located on or near the subject property.
 - b. Wetlands: There are no wetlands identified on the North Urban Wetland Inventory or on the National Wetland Inventory on or near the subject property.
 - c. Groundwater: 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.

2. 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.
3. 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.
4. 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.
5. 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.
6. 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. According to the DOGAMI maps there are no natural or geologic hazards, steep slopes or shrink-swell soils located on the property. There are no policies in this Section of the Comprehensive Plan applicable to this proposal.

7. Energy Sources and Conservation: There are no policies in this Section applicable to this application.
8. Noise and Air Quality. There are no policies in this Section applicable to this application.

This application is consistent with Chapter 3.

D. 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, Rural

Communities, Rural, Agriculture and Forest. Each of these Sections is addressed below.

1. Urbanization Section. This Section of the Plan outlines policies guiding land use in Immediate Urban Areas, Future Urban Areas, Future Urban Study Areas and Urban Reserve Areas.

The subject property is located within the Metro Urban Growth Boundary. The property satisfies the definition of "Immediate Urban Area" which includes lands within the UGB and meeting one of the following conditions;

- a) *Served by public services (including sewer, water, stormwater facilities, and transportation facilities);*
- b) *Included within boundaries of cities or within special districts capable of providing public services and planned to be served in the near future; or*
- c) *Substantially developed or surrounded by development at urban densities.*

The subject property is located within the boundaries of Clackamas County Service District and Clackamas River Water District which are capable of providing sewer, water and stormwater facilities to the property and area. The aerial photo in Exhibit 3 demonstrates the property is substantially surrounded by development at urban densities. The subject property clearly satisfies the definition of Immediate Urban land. Immediate urban areas are planned and zoned for urban uses.

There are no policies in the Urbanization Section applicable to this application. The policies pertaining to Future Urban areas, Future Urban Study areas and Urban Reserve areas are not applicable to this application because the subject property is located within the UGB and considered an Immediate Urban Area.

This proposal is consistent with the Urbanization policies of this Chapter.

2. 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. The subject property is located within the boundaries of the Region 2040 Concept Plan identified on Map IV-8, and designated as a "Neighborhood" design area. An area designated as a "Neighborhood" is generally intended to be set aside for residential areas that are accessible to jobs and neighborhood businesses, and includes areas set aside for homes, park and open space, schools, public services, and neighborhood business uses.

The proposed Office Commercial Plan designation provides land for neighborhood businesses and is allowed within a "Neighborhood" Design Area. There are no policies in the Urban Growth Concept Section applicable to this application.

This application is consistent with the Urban Growth Concept policies of this Chapter.

3. Land Use Plan Designations. The subject property is currently designated Medium High Density Residential on the Comprehensive Plan map. The proposed amendment is to change the land use plan designation to Office Commercial. Therefore, only the existing Medium High Density Residential (Policy 33.0) plan designation policies in the Residential Section and Office Commercial (Policy 15.0) in the Commercial Section of this Chapter are applicable to this application. The remaining policies pertaining to the Low Density Residential, Multifamily, Commercial, Industrial, Open Space and Floodplains, Rural Communities, Rural, Agriculture and Forest plan designations in this Section of the plan are not applicable.

The specific plan policies for the Medium High Density Residential (Policy 33.0) and Office Commercial (Policy 15.) plan designations in Chapter 4 are evaluated in Part 4 of this report.

Based on the findings in Part 4 and 5 of this report the Office Commercial plan designation is the most appropriate plan designation on the subject property.

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

This Chapter contains six (6) distinct Sections addressing; 1) Roadways; 2) Transportation Demand Management; 3) Parking; 4) Transit; 5) Pedestrian and Bicycle Facilities and; 6) Freight, Rail, Air, Pipelines and Water Transportation. Each of these Sections is addressed below.

1. Roadways. The purpose of this Section is to create and maintain a safe, continuous County-wide road system that accommodates movement by all modes. The adopted County Roadway Standards are also used to ensure a safe and adequate road system.

A. Policy 14.0 under Access Standards is applicable to this application.

1. Policy 14.0: *Plan and control access onto roads within the County, as shown on Table V-5, for urban areas and according to the American Association of State Highway and Transportation Officials (AASHTO) guidelines for rural areas, for both new and existing uses, and coordinate with the Oregon Department of Transportation for access control on state highways. Access standards need to be applied in a flexible manner that maintains reasonable access to property when access cannot be denied.*

The subject property has road frontage SE 91st and 92nd Avenue. SE 91st Avenue is classified as a local street. SE 92nd Avenue is classified as a minor arterial street.

Table V-5 directs access for developments with frontage on both an arterial street and other lower classification streets to be located on the street with the lower functional classification. Because the subject property has frontage on both SE 91st Avenue and

SE 92nd Avenue, access to this site is restricted to 91st Avenue, the local street.

The conceptual development plan does not propose any access to SE 92nd Avenue. The Traffic Impact Study also indicates that access is proposed from 91st Avenue, and no access is proposed to SE 92nd Avenue.

This policy is met.

2. Transportation Demand Management. This Section outlines strategies to achieve efficiency in the transportation system by reducing demand and vehicle miles traveled.

There are no policies in this Section of the Chapter applicable to this application.

3. Parking. This Section of the Chapter outlines policies for parking standards to meet the Region 2040 Growth Concept Plan, Transportation Planning Rule and DEQ's Air Quality Maintenance Plan.

There are no policies in this Section of the Chapter applicable to this application.

4. Transit. This Section of the Chapter outlines policies for accommodating transit services and facilities.

There are no policies in this Section of the Chapter applicable to this application.

5. Pedestrian and Bicycle Facilities. This Section of the Chapter outlines policies for providing pedestrian and bicycle facilities.

There are no policies in this Section of the Chapter applicable to this application.

6. Freight, Rail, Air, Pipelines and Water Transportation. This Section of the Chapter outlines policies applicable to these various travel modes of movement of people and goods.

There are no policies in this Section of the Chapter applicable to this application.

This proposal is consistent with Chapter 5.

F. 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 proposal is accompanied by conceptual development plan to construct office uses and multifamily housing on the property. The development plan is intended to provide for and replace the housing currently allowed in the Medium High Density Residential plan

designation This proposal will not result in a net loss of housing capacity within the Clackamas Regional Center Design Plan boundary or urban growth boundary.

This proposal is consistent with Chapter 6.

G. 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.*

Policies 12.0, 18.0 and 26.0 require a coordinated review of development applications with the appropriate sewer, storm water and water service providers to ensure that approval is not granted in absence of these facilities or concurrently with the development. Although this application is not a development application, this goal requires a finding that there are adequate public facilities and services to support the Comprehensive Plan land use designation.

The property has adequate fire protection and law enforcement services. The property is located within Clackamas Rural Fire Protection District #1. The Clackamas County Sheriff Department provides law enforcement services in the area.

This proposal will have no additional impact on the school district when compared to the amount of housing allowed under the current MHDR plan designation.

The subject property is located in Clackamas County Service District No. 1 which provides sewer and storm drainage facilities and services in the area. The CCSD No. 1 has submitted comments on this application. See Exhibit 7. Sanitary sewer is available to support the proposed Office Commercial Plan designation. Storm water services are also available in the area although storm pipe connections in the area are undersized. Therefore a downstream analysis, upsizing pipes or detention will be necessary to accommodate storm drainage. It is feasible to accommodate storm drainage for this site with one or more of the above methods.

The property is located within the Clackamas River Water District. Prior to the Planning Commission public hearing, the applicant submitted as Statement of Feasibility Form from the Clackamas River Water District demonstrating there is adequate public water to serve development under the proposed Office Commercial plan designation.

This application is consistent with Chapter 7.

H. 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.*

1. Policy 2.5 under the New Industry and Business Section is applicable to this application.

a. Policy 2.5: *Encourage the location of business and industry in areas that minimize the journey to work and/or facilitate mass transit usage for the journey to work.*

This proposal will promote a mixed use development of office and multifamily uses. The subject property is also located on a Tri-met bus line. The multifamily housing on the proposed concept plan is adjacent to a commercial area developed with an existing significant professional medical facility and proposed medical facility on the subject property. The close proximity of the existing and proposed commercial uses to the proposed multifamily housing will result in new business and employment opportunities which minimize the journey to work. The proposed multifamily development in proximity to a Tri-met bus line will also facilitate mass transit use to other employment areas.

This proposal is consistent with this policy.

This application is consistent with Chapter 8.

I. 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.

This application is consistent with Chapter 9.

J. 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 located within the Clackamas Regional Center (CRC) Design Plan area. Chapter 10 includes the land use, transportation, housing and urban design goals and policies that are specific to the Clackamas Regional Center. The goals and policies in Chapter 10 take precedence where conflicts exist between other parts of the Comprehensive Plan. The following policies are applicable to this application and shall be applied in the CRC Design Plan area.

1. **LAND USE POLICIES:**

a. Land Use Policies Generally (Section I):

1. Policy 2.0 – Commercial: *The following primarily retail commercial designations shall be provided in the Clackamas Regional Center Design Plan area: Regional Center Commercial; Retail Commercial, Corridor Commercial, and Low Traffic Impact Commercial.*

The following primarily office commercial designations shall be provided in the Clackamas Regional Center Design Plan area: Regional Center Office and Office Commercial.

This policy allows the proposed Office Commercial plan designation to be applied within the CRC Design Plan area.

This policy is satisfied.

2. Policy 2.1 – *Allow a mix of uses on the development site.*

The proposed conceptual development plan submitted with the application includes a mix of office and multifamily uses.

This policy is satisfied.

b. Land Use Policies For Other Areas Within The Clackamas Regional Center Design Plan Area (Section IV)

1. Policy 1.0: *A range of land use designations shall be provided in portions of the Clackamas Regional Center Design Plan Area located outside the Regional Center and Corridors.*

a. Policy 1.1: *Land use designations shall generally increase in level of intensity in areas close to the Regional Center and Corridors.*

This policy requires an evaluation of the intensity of the various plan designations allowed in the CRC and the appropriate location, or proximity, of these designations to the core of the Regional Center (RC) and Corridor Streets. In regards to the intensity of the plan designation, this could be evaluated in two different ways. First, looking at all the plan designations (commercial, industrial, residential) and ranking them in intensity. Second, separating the different commercial, industrial and residential designations into distinct groups and then ranking them within the group (i.e. residential designation, with single family designations least intensive and HDR most intensive). Staff believes the latter alternative is the most appropriate.

The subject property is adjacent to Johnson Creek Blvd. which is identified as a “Corridor” street on Map X-CRC-1. The next closest “Corridor” street is

82nd Avenue located on the west (opposite) side of I-205. The Planning Staff believes the Johnson Creek corridor, rather than the 82nd Avenue corridor is the most appropriate corridor to consider when reviewing the intensity of plan designation because of the location of the subject property on the east side of I-205.

Currently, the Plan designations increase in intensity from the south (Otty Road area) moving north towards the Johnson Creek Blvd. Corridor consistent with this policy. The area to the south and east is designated Low Density Residential which then transitions to Medium High Density Residential and finally to Neighborhood and Office Commercial designations. This proposal represents an expansion of the existing Office Commercial plan designation on the adjacent property to the north. This will not change the pattern of intensification of the existing land use designations and is consistent with this policy.

This policy is met.

b. Policy 1.2: *Land use designations shall maintain the character of existing neighborhoods by providing for uses and improvements that are consistent with the type and scale of existing development.*

The proposed Office Commercial land use designation and conceptual development plan will be substantially consistent with the type and scale of existing development in the area for the following reasons. First, the Low Density Residential areas located to the east are separated from the more intensive multifamily and commercial zoning districts on the subject property and adjacent properties by 92nd Avenue. The proposed Office Commercial plan designation will not encroach across 92nd Avenue into the Low Density Residential areas. Second, the proposed uses on the property include a mix of professional office uses and multifamily uses which is substantially consistent with the existing professional medical office use to the north and apartment complex to the west. Third, the conceptual development plan proposes to establish a medical office building on the north end of the property adjacent to an existing medical facility. Finally, the proposed medical office building is substantially similar in size and scale as the existing office building to the north.

This policy is met.

c. Policy 1.3: *Employment uses shall be provided for in the Regional Center or Corridors, and/or in locations adjacent to streets that are at least minor arterials.*

The subject property is not located within the Regional Center or on a Corridor Street. The subject property is located adjacent to 92nd Avenue,

which is classified as a Minor Arterial Street.

This policy is met.

c. Streets and Gateways (Section VII)

1. Policy 5.0: *Encourage retention and development of a local street network as shown on Map X-CRC-4, and as otherwise required in the Clackamas Regional Center Design Plan.*

Map X-CRC-4 identifies a “New Local Street” (Location to be determined – public or private) which is intended to provide a connection between 91st Avenue and 92nd Avenue. The proposed concept plan provides an extension of 91st Avenue connecting to 92nd Avenue south of the subject property. The alignment takes into account the topography of the area and avoids a significant storm detention facility on the adjacent property to the south. The proposed concept plan provides for a relocation of 91st Avenue to the east within the boundaries of the subject property. The County does not believe it is appropriate to provide the connection directly through the subject property because of topographical constraints. The County Development Agency and DTD staff generally agrees with this proposed alignment and will continue to work towards a final location and design.

This policy is met.

2. HOUSING POLICIES (Section XVII)

a) Policy 5.0: *Replace housing capacity lost in the study area by future Comprehensive Plan or zone changes. Any application for a change in Comprehensive plan designation within the Clackamas Regional Center Design Plan Area will be accompanied by a demonstration of how an equal amount of housing capacity is replaced on another site, or constructed on the site as part of a mixed use development.*

1. Policy 5.1: *The purpose of this policy is to maintain the potential for the amount of housing identified in the Clackamas Regional Center Area Plan.*

2. Policy 5.2: *This policy would apply to plan or zone changes made subsequent to adoption of the Clackamas Regional Center Area Plan.*

3. Policy 5.3: *This policy would apply to quasi-judicial changes from residential to a non-residential use.*

4. Policy 5.4: *Replacement housing capacity could be located anywhere within unincorporated Clackamas County located within the Urban Growth Boundary.*

5. Policy 5.5: *Approval of a design review application and any other applicable land use permit for the required amount of replacement housing on a site in a commercial or office district, not including PMU sites, will meet the requirements of policy 5.0.*

Policy 5.0 is applicable because this is a quasi-judicial application involving a plan amendment from a Medium Density Residential Plan designation to a Commercial (non-residential) Plan designation. The subject property is approximately 2.99 acres (130,244 square feet). Under the current MR-2 zoning district, the property could potentially be developed with up to 53 multifamily dwelling units. The applicant has submitted a conceptual development plan with 53 multifamily housing units. Pursuant to Policy 5.5 if this application is approved, a condition of approval is warranted requiring Design Review approval of the proposed concept plan prior to final approval of the Comprehensive Plan map amendment.

This policy is met.

This proposal is consistent with Chapter 10.

K. 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 Metro's jurisdiction. The property is not located within any 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.

1. City, Special District and Agency Coordination Section

a. 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; City of Happy Valley, North Clackamas School District, Clackamas County Service District #1, Clackamas River Water District, Clackamas County Fire District #1, North Clackamas Parks District #12, ODOT, Metro and DLCD. 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.

2. Amendments and Implementation Section

a. 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 the LCDC Statewide Planning Goals. Based on the findings in Part 2 this proposal is consistent with the Metro Framework Plan and Urban Growth Management Functional Plan. Those findings are adopted to address this policy by reference therein. No comments have been received from the Department of Land Conservation and Development or Metro.

This policy is met.

b. 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 subpolicies 3.1, 3.3 and 3.4.*

1. Subpolicy 3.1; *A map amendment may be initiated only by the Board of County Commissioners, the Planning Commission, the Planning Director, or the owner of the property for which a change is requested.*

The property is currently owned by the Clackamas County Development Agency. The Development Agency Manager, Gary Cook has signed the Land Use Application form authorizing the applicant to file the application.

This policy is met.

2. Subpolicy 3.3; *All proposed Comprehensive Plan amendments are to be considered at advertised public hearings before the Planning Commission, in accordance with state law and County requirements.*

Both 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 or exceeding all ZDO notice requirements.

This policy is met.

3. Subpolicy 3.4; *If the proposed amendment is quasi-judicial, property owners will be notified as required. The Community Planning Organization in the affected area shall be notified at least 35 days prior to the first hearing.*

The property owners within 300 feet of the subject property were notified as required in Section 1303 of the ZDO. The West Mt. Scott Planning Organization was notified of the application on June 21, 2006, over 35 days prior to the first hearing before the Planning Commission.

This policy is met.

This application has been processed consistent with Chapter 11.

PART 4. COMPLIANCE WITH MEDIUM HIGH DENSITY RESIDENTIAL AND OFFICE COMMERCIAL PLAN POLICIES IN CHAPTER 4.

The Land Use Chapter of the Comprehensive Plan contains specific policies for determining the appropriate Comprehensive Plan land use designation for property. It is feasible and very common for a particular property to meet the policies and criteria for more than one land use Plan designation. In order to determine the most appropriate Plan designation, staff has evaluated both the policies for the Plan designation being requested (Office Commercial) as well as the existing Plan designation policies (Medium High Density Residential). This analysis will assist in weighing and balancing the policies to determine the most appropriate Plan designation.

A. Medium Density High Residential Plan Policies: Policy 33.0 in Chapter 4 of the Residential Section of the Land Use Chapter of the Plan identifies the criteria that must be satisfied in order for the Medium High Density Residential Plan designation to be applied to an area. This Plan designation may be applied when the first two and at least one of the remaining criteria are met.

1. Policy 33.0a: *Areas where a need for this type of housing exists.*

This criterion does not identify what "Areas" of consideration should be used or how it should be defined in the evaluation of this plan policy and remaining plan policies where the word "Areas" is used. The Board of County Commissioners over the years have made various interpretations of this word, ranging from the just the subject property or to include other broadly defined areas around the subject property.

Staff believes there are a number of areas of consideration that could be used in assessing the need for multifamily housing. Those areas of consideration could vary to include all the land within the unincorporated areas of Clackamas County or land within the CRC Design Plan area. The Planning Staff believes the "area" of consideration for this application should include the land within the CRC Design Plan boundary. The property is located within the CRC Design Plan boundary. The County was required to provide adequate land within this Regional Center to meet minimum housing targets established by Metro.

The subject property is approximately 3 acres as was identified as land necessary to meet minimum housing targets required by the Metro Functional Plan. Therefore, this is an area where there is a need for multifamily housing.

This criterion is met.

2. Policy 33.0b: *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.*

The subject property has approximately 600' of frontage on SE 92nd Avenue, which is designated as a minor arterial street. Access to the subject property will be limited to SE 91st Avenue, which is a local street. Direct access to 92nd Avenue is not feasible due to the slopes up to this road and because transportation access policies prohibit direct access to a minor arterial when access is available on a lower classification street.

The property has access to nearby Johnson Creek Blvd., a minor arterial street via 91st Avenue and will effectively have direct access to 92nd Avenue upon completion of the 91st Avenue road extension. The subject property has excellent access to two minor arterial streets.

The only adjacent and nearby properties designated low density residential are located east of the subject property, across 92nd Avenue. All the land in the area between 92nd Avenue and I-205 is zoned MR-2, Neighborhood Commercial or Office Commercial. The local streets within this area are 91st Avenue and Con Battin Road. These local streets only serve the adjoining lands designated for multifamily uses. This proposal will cause any significant increase on local streets serving low density residential on the east side of 92nd Avenue.

This criterion is met.

3. Policy 33.0c: *Areas adjacent to or within walking distance of a significant education, cultural, recreational or open space facility or area.*

The Planning Staff is not aware of any significant educational, cultural, recreational or open space facility or area adjacent to or within walking distance of the subject property.

This criterion is not met.

4. Policy 33.0d: *Areas located adjacent or in proximity to a designated commercial or industrial area on the Comprehensive Map.*

The property to the north of the subject property is designated Office Commercial and the property to the northwest, across 91st Avenue is designated Neighborhood

Commercial. The subject property is directly adjacent to a designated commercial area on the Comprehensive Plan map. The subject property is also within walking distance of a significant commercial area on the west side of I-205 (Johnson Creek Blvd. area).

This criterion is met.

5. Policy 33.0e: *Areas within 800 feet of a transit line or transit station or within one-quarter mile of such transit facility if easily accessible due to pedestrian amenities such as sidewalks, pedestrian ways and street lights.*

Tri-met bus services run along 92nd Avenue adjacent to the subject property (15 minute service). The subject property is located within 800 feet of a transit line.

This criterion is met.

B. Office Commercial Plan Policies: Policy 15.0 in the Commercial Section of the Comprehensive Plan identifies three criteria that must be satisfied in order for the Office Commercial Plan designation to be applied to an area. Pursuant to Section 507.02 of the ZDO (Area of Application in the OC zoning district) this Plan designation may be applied when at least one of the three criteria are met:

1. Policy 15.0a: *Properties or areas currently developed with office commercial uses or committed to such uses, or which are adjacent to properties developed or committed to such uses, and are required in order to protect such uses from incompatible development.*

The applicant has argued this criterion is met in part because this proposal will provide a continuation of the medical services on the adjacent property to the north and will integrate multifamily housing on the site. The Planning Staff does not concur with these findings.

The subject property is currently vacant. The adjacent property to the north is zoned Office Commercial and developed with an office medical use (Mt. Scott Professional Center). However, there is no substantial evidence demonstrating that the proposed Office Commercial plan designation is required on the subject property in order to protect the adjacent office commercial development from incompatible development.

The Planning Staff does not believe a multifamily development would be incompatible with the adjacent Office Commercial zoning and existing office commercial development. Office uses and multifamily land uses are generally deemed to be compatible developments and Comprehensive Plan policies support the location of these types of uses in proximity to each other. In addition, the proposed conceptual development on the subject property includes a mix of office uses and multifamily housing. Therefore, the Planning Staff does not believe the

Office Commercial plan designation is required on this property in order to protect the adjacent office commercial development from incompatible development.

This criterion is not met.

2. Policy 15.0b: *Properties offering high visibility from a major highway or arterial which will not draw traffic through single family neighborhoods.*

The subject property has approximately 600 feet of frontage on SE 92nd Avenue, which is designated as minor arterial street. The site is also visible from vehicles traveling east on Johnson Creek Blvd. which is also a designated as a minor arterial street. The subject property is highly visible from two minor arterial streets.

This criterion is met.

3. Policy 15.0c: *Properties or areas which provide a buffer between residential and commercial or industrial properties.*

This proposal would result in an extension of the existing Office Commercial plan designation on the adjacent property to the north. The existing Comprehensive Plan designations consist of Low Density Residential areas to the east, Multifamily designations to the south and west and Commercial (Office Commercial and Neighborhood Commercial) areas to the north and northwest. The existing land use pattern provides a good transition of plan designations from low density residential to multifamily to commercial. This proposal will maintain a good transition of these land use designations. The proposed Office Commercial plan designation on the subject property will provide a buffer between low density residential and multifamily uses to the south and east and commercial properties to the north and northwest.

This criterion is met.

PART 5. SUMMARY OF FINDINGS AND CONCLUSIONS ON COMPREHENSIVE PLAN AMENDMENT

A. Parts 1-4 in Section 1 of this report outlines and addresses all the policies, standards and criteria found to be applicable to this proposal. These policies and standards range from being very general (i.e. Statewide Planning Goals) to more specific in nature (i.e. Plan Designation Policies). As a result all these policies and standards must be weighed and balanced against this specific land use proposal to determine whether the existing Medium High Density Residential or the proposed Office Commercial Plan designation is most appropriate plan designation.

B. In consideration of the findings in Parts 1-4, staff finds that the Office Commercial Plan designation is the most appropriate plan designation on the

subject property for the following reasons:

1. The Office Commercial plan designation is consistent with the Statewide Planning Goals and Metro Functional Plan.

2. The Office Commercial plan designation complies with the Transportation Planning Rule in OAR 660-012-0060.

3. The subject property satisfies both the existing Medium High Density Residential and Office Commercial Plan policies in the Land Use Chapter of the Comprehensive Plan. Specifically:

a. The property satisfies the first two policies (Policies 33.0a and 33.0b) and two of the three remaining policies (Policies 33.0d and 33.0e) in the MHDR Section. Only the first two policies and one of the remaining three policies need to be satisfied in order to apply the MHDR designation.

b. The subject property satisfies two of the three policies (Policy 15.0b and 15.0c) under Policy 15.0 of the Office Commercial Section of the Land Use Chapter. Only one of the three policies needs to be satisfied in order to apply the Office Commercial plan designation.

c. In this case the OC plan designation is most appropriate because it satisfies Policy 5.0 in the Housing Policies Section of the CRC plan. The proposed concept plan will provide replacement housing which equals or exceeds the housing capacity of the existing Medium High Density Residential plan designation and provide employment uses in a mixed use development.

4. The Office Commercial plan designation is consistent with Policy 2.5 in the New Business and Industry Section in the Economics Chapter of the Comprehensive Plan because the property will be developed with a mixed use development which will provide new employment opportunities adjacent to existing and proposed multifamily housing and a Tri-met bus line. This will provide housing opportunities that minimize the distances work and encourages use of transit facilities.

5. The subject property can be served with adequate public facilities and services to support the Office Commercial Plan designation.

6. The Office Commercial plan designation is consistent with Policy 2.0 in the Land Use Policies Section of the CRC Plan. Specifically, the Office Commercial plan designation is an allowed land use designation in the CRC area and Subpolicy 2.1 encourages a mix of uses on a development site.

7. The Office Commercial plan designation is consistent with Policy 1.0 in the Land Use Policies For Other Areas Section of the CRC Plan because the land use designations in the area will continue to increase in intensity towards the Johnson

Creek Blvd. Corridor Street, the proposed use of the site is substantially the same in character and scale as the existing commercial and multifamily uses in the area, and the property is located on a minor arterial street.

8. The proposed concept plan is consistent with Policy 5.0 in the Streets and Gateways Section of the CRC plan because it provides for a local street connection between 91st Avenue and 92nd Avenue consistent with Map X-CRC-4.

SECTION 2- ZONE CHANGE FROM MR-2 TO OC

PART 1: COMPLIANCE WITH SECTION 1202 OF THE ZDO

A. The zone change criteria are listed in Section 1202 of the Clackamas County Zoning and Development Ordinance (ZDO). Section 1202.01 states that the Hearings Officer shall allow a zone change, after a hearing conducted pursuant to Section 1300, if the applicant provides evidence substantiating the following criteria:

1. Section 1202.01A: *Approval of the zone change is consistent with the Comprehensive Plan.*

The proposed OC zoning district (Section 507 of the ZDO) implements the Office Commercial Plan designation. Based on the findings in Section 1 of this report, the Office Commercial plan map designation is consistent with the Comprehensive Plan.

This criterion is met.

2. Section 1202.01B: *If development has a need for public sanitary sewer, surface water management and/or water service, a zone change may be approved if development under the new zoning designation can be accommodated with the implementation of service providers' existing capital improvement plans. The cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered.*

The subject property is located within the UGB and in an immediate urban area. Any development proposed on this property requires public sanitary sewer, surface water management and water service.

The subject property is located within Clackamas County Service District No. 1 which provides public sanitary sewer and storm drainage services in the area. The CCSD No. 1 has submitted comments indicating sewer and storm drainage facilities are adequate or can be made adequate to support proposed OC zoning district.

The subject property is located in the Clackamas River Water District. The applicant has submitted a Statement of Feasibility demonstrating adequate public water is available to support uses allowed under the OC zoning district.

This criterion is met.

3. Section 1202.01C: *The transportation system is adequate, as defined in Subsection 1022.07(B) and will remain adequate with approval of the zone change. Transportation facilities that are under the jurisdiction of the State of Oregon are exempt from this subsection. For the purpose of this criterion:*

a) Section 1202.01C(1): *The evaluation of transportation system adequacy shall include both the impact of the proposed zone change and growth in background traffic for a twenty-year period beginning with the year that a complete land use application is submitted.*

b) Section 1202.01C(2): *It shall be assumed that all improvements identified in the Clackamas County 20-Year Capital Improvement Plan, the Statewide Transportation Improvement Plan, and the capital improvement plans of other local jurisdictions are constructed.*

c) Section 1202.01C(3): *It shall be assumed that the subject property is developed with the primary use, allowed in the proposed zoning district, with the highest motor vehicle trip generation rate.*

d) Section 1202.01C(4): *Transportation facility capacity shall be calculated pursuant to Subsection 1022.07(C).*

e) Section 1202.01C(5): *A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.*

The applicant has submitted a Traffic Impact Study and Traffic Impact Study Addendum. The DTD, TE staff has reviewed these Traffic Impact Studies and determined that the transportation facility is adequate as defined in Section 1022.07(B) to support the proposed zone change. The findings in the Traffic Impact Study in Exhibit 4 and Traffic Impact Study Addendum in Exhibit 9 and comments from the DTD, TE Staff in Exhibits 5 and 13 are adopted to address this criteria by reference therein. Based on the findings in these exhibits, this proposal complies with Section 1202.01C.

This criterion is met.

4. Section 1202.01D: *The proposal, as it relates to transportation facilities under the jurisdiction of the State of Oregon, complies with the Oregon Highway Plan.*

The applicant has submitted a Traffic Impact Study and Traffic Impact Study Addendum. The ODOT staff has reviewed these Traffic Impact Studies and determined that this proposal complies with the Oregon Highway Plan. The findings in

the Traffic Impact Study in Exhibit 4 and Traffic Impact Study Addendum in Exhibit 9 and comments from the ODOT staff in Exhibits 6 and 12 are adopted to address this criteria by reference therein. Based on the findings in these exhibits, this proposal complies with Section 1202.01D.

This criterion is met.

5. Section 1202.01E: *Safety of the transportation system is adequate to serve the level of development anticipated by the zone change.*

The Planning Staff adopts findings in the Traffic Impact Study in Exhibit 4, Traffic Impact Study Addendum in Exhibit 9 and comments from the DTD, TE staff and ODOT staff in Exhibits 5, 6, 12 and 13 as part of this report by reference therein. These findings in these Exhibits demonstrate the safety of the State and County transportation system is adequate to serve the level of development anticipated by the proposed OC zoning district.

This criterion is met.

PART 2. SUMMARY OF ZONE CHANGE CRITERIA:

- A. This application satisfies all five of the criteria in Section 1202.01 of the ZDO.
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SECTION 3 – RECOMMENDED CONDITIONS OF APPROVAL

- A. If this application is approved, the following condition of approval is recommended:

1. Pursuant to Policy 5.0 in the Housing Policies Section of the CRC Design Plan, the Comprehensive Plan Map Amendment and Zone Change application will not become effective until a Design Review application is approved for this site which includes a minimum of 53 multifamily housing units in compliance with Section 303 of the ZDO
