



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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## NOTICE OF ADOPTED AMENDMENT

October 27, 2008

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 005-08



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: November 10, 2008**

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  
Jennifer Donnelly, DLCD Regional Representative  
Bill Holmstrom, DLCD Transportation Planner  
Mike McCallister, Clackamas County

<paa> ya/phone

**FORM 2**

DEPT OF  
OCT 20 2008

**DLCD NOTICE OF ADOPTION**

LAND CONSERVATION  
AND DEVELOPMENT

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)

Jurisdiction: CLACKAMAS Local File No.: 20014-08-GP  
20015-08-2  
(If no number, use none)

Date of Adoption: OCT 9, 2008 Date Mailed: OCT 15, 2008  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: MAY 22, 2008

- 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 LOW  
DENSITY RESIDENTIAL TO RETAIL COMMERCIAL. CORRESPONDING  
ZONE CHANGE FROM R-10 TO RTC

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 : LDR to RETAIL COMMERCIAL  
Zone Map Changed from: R-10 to RTC

Location: SUNNYSIDE ROAD/HAPPY VALLEY AREA Acres Involved: 1.29

Specify Density: Previous: 10,000 A New: N/A

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

Was an Exception Adopted? Yes: \_\_\_\_\_ No: X

DLCD File No.: 005-08 (16911)



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: \_\_\_\_\_

METRO, SUNRISE WATER AUTHORITY, TAL-MET, CLACK CO. SERVICE DIST. #1

Local Contact: MIKE McALLISTER Area Code + Phone Number: 503-353-4522

Address: 9101 SE SUNNIBROOK BLVD City: CLACKAMAS

Zip Code+4: 97015 Email Address: mikem@co.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](mailto: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 Amendment and Zone Change  
for Ronnie Wilson

File No.: Z00014-08-CP, Z0015-08-Z

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ORDER NO. 2008-156

This matter coming regularly before the Board of County Commissioners, and it appearing that Ronnie Wilson made application for a Comprehensive Plan Amendment from Low Density Residential to Retail Commercial, and a zone change from R-10 to RTL on property described as T2S, R2E Section 3AB, Tax Lots 100, 200, 201 and 202, and T1S, R2E, Section 34D, Tax Lot 1700, located at the northwest corner of the intersection of Sunnyside Road and SE 117th; and

It further appearing that planning staff, by its report dated July 8, 2008, recommended approval of the application; and

It further appearing that the Planning Commission, at its July 14, 2008 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 20, 2008, at which testimony and evidence were presented, and that a preliminary decision was made by the Board on August 20, 2008;

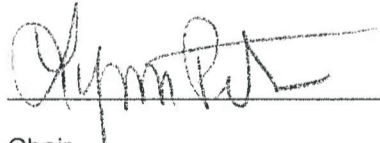
Based upon the evidence and testimony presented, this Board makes the following findings and conclusions:

1. The applicant has applied for a comprehensive plan amendment and zone change, and the application can meet the applicable approval criteria with appropriate conditions of approval. The Board adopts the findings and conclusions in the staff report dated July 8, 2008, but finds it appropriate to allow the applicant to provide replacement housing on another site.


NOW, THEREFORE, IT IS HEREBY ORDERED that the requested Comprehensive Plan amendment and zone change are APPROVED subject to the conditions of approval set forth in Exhibit A.

DATED this 9th day of October, 2008

BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_

Chair

  
\_\_\_\_\_

Recording Secretary



**Z00014-08-CP, Z0015-08-Z**

**Exhibit A to Board Order**

**Conditions of Approval**

1. The driveway providing access to the subject property shall be located at least 200' north of the curb return on SE 117<sup>th</sup> Avenue. Direct access to Sunnyside Road is prohibited.
  2. Sight distance at the new driveway location and Sunnyside Road/SE 117<sup>th</sup> Avenue intersection shall comply with minimum sight and stopping distance standard required by the County Roadway Standards.
  3. Design Review approval is required for any development on the subject property. Design review approval shall include a master plan for at least 5 multifamily housing units in compliance with Sections 303 and 508 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. The replacement housing shall be constructed prior to or concurrently with any other allowable uses on the property.
  4. As an alternative to providing the replacement housing on the subject property as required in condition no. 3, the applicant may replace the required 5 housing units on another site. Final approval of this alternative will require review and approval of a Minor Modification of this decision by the Planning Director pursuant to Section 1305.02 of the Clackamas County Zoning and Development Ordinance. The applicant shall demonstrate that the alternate site is consistent with Policy 5.0 in the Housing Section of the Clackamas Regional Center Design Plan. If approved, the County shall require appropriate conditions of approval and / or any other applicable land use applications to ensure construction of the required housing units prior to or concurrently with any development on the subject property.
-

NAME: Ronnie Wilson  
FILE NO: Z0014-08-CP, Z0015-08-Z  
REPORT AUTHOR: Mike McCallister  
HEARING DATE: July 14, 2008 (PC), August 20, 2008 (BCC)  
REPORT DATE: July 8, 2008

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

GENERAL INFORMATION

Applicant: Ronnie Wilson; P.O. Box 1489; Clackamas, OR 97015

Owners: Ronnie Wilson; P.O. Box 1489; Clackamas, OR 97015

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

Proposal: Comprehensive Plan Map Amendment from Low Density Residential to  
Retail Commercial. Zone change application from R-10 to RTL.

The primary uses allowed within the proposed RTL zoning district are listed  
in Section 508.03 of the Clackamas County Zoning and Development  
Ordinance (ZDO) and include office, retail and service commercial uses,  
multifamily residential uses, institutional uses, cultural uses and certain  
wireless telecommunication facilities. A copy of the RTL zoning district is  
included in Exhibit 5.

Location: Northwest corner of the intersection of Sunnyside Road and SE 117<sup>th</sup>  
Avenue.

Legal Description: T2S, R2E, Section 3AB, Tax Lots 100, 200, 201, 202  
T1S, R2E, Section 34D, Tax Lot 1700

Comprehensive Plan Designation: Low Density Residential

Zone: R-10

Total Area Involved: Approximately 1.29 acres.

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**PLANNING STAFF RECOMMENDATION:**

A. Approval of the Comprehensive Plan Map Amendment / File No. Z0014-08-CP.



B. Approval of the Zoning Map Amendment / File No. Z0015-08-Z.

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BACKGROUND INFORMATION, DESCRIPTION OF SUBJECT PROPERTY AND SURROUNDING AREA AND SERVICE PROVIDERS

Background Information:

1. The subject property is located just outside of the City of Happy Valley and is located within the Happy Valley Urban Growth Management Area (UGMA). A copy of the UGMA is included in Exhibit 6.
2. Staff visited the site on July 3, 2008.
3. Ownership: Tax lots 200 and 202 are owned by the applicant. Tax lots 100, 201 and 1700 are owned by the Clackamas County Development Agency. The County Development Agency is in negotiations to sell tax lots 100, 201 and 1700 to the applicant pending the outcome of this application.
4. Notice of this application was sent to the following agencies, departments and property owners:
  - a. City of Happy Valley
  - b. North Clackamas School District #12
  - c. Clackamas County Service District #1
  - d. Sunrise Water Authority
  - e. North Clackamas Park District #3
  - f. Sunnyside CPO
  - g. Clackamas County Fire District #1
  - h. DTD, Traffic Engineering
  - i. Dept. of Land Conservation and Development
  - j. Metro
  - k. Property Owners within 300'
5. Community Planning Organization: The subject property is located within the Sunnyside Community Planning Organization (CPO). No comments have been submitted from the CPO.
6. Exhibits: See Exhibit List following the last page of this report.

Site Description: The subject property consists of 5 tax lots. All five tax lots are vacant. The subject property has approximately 250' of frontage on SE Sunnyside Road and 270' of frontage on SE 117<sup>th</sup> Avenue. The property is relatively level, except for steep embankments along Sunnyside Road and SE 117<sup>th</sup> Avenue. Sunnyside Road is designated as a Major Arterial. SE 117<sup>th</sup> Avenue is designated a connector.

Surrounding Conditions: See tax assessor maps, aerial photos and zoning maps in

Exhibits 1. The adjacent property to the north and west is approximately 13.69 acres and is zoned R-10. This property is developed with a church, off street parking and circulation areas, landscaping and other associated uses. The property is bordered on the east by SE 117<sup>th</sup> Avenue. The property across SE 117<sup>th</sup> Avenue is zoned OSM and R-15. The parcel zoned OSM is vacant and is traversed by Mt. Scott Creek. The area zoned R-15 is developed with single family dwellings. The property is bordered on the south by Sunnyside Road. The area across Sunnyside Road is zoned MR-2 and primarily developed with multi-family / apartment uses.

Service Providers:

1. Sewer: Clackamas County Service District #1
  2. Water: Sunrise Water Authority District
  3. Surface Water: Clackamas County Service District #1
  4. Fire Protection: Clackamas County Rural Fire District #1
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FINDINGS AND CONCLUSIONS

Section 1. Comprehensive Plan Map Amendment. This application is subject to 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 11.  
Part 3 – Evaluation of General County Comprehensive Plan Policies..... Page 12.  
Part 4 – Evaluation of Low Density Residential and Retail Commercial  
Plan Designation Policies..... Page 26.  
Part 5 – Summary of Findings for the Comprehensive Plan Map Amendment ...Page 31.

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 33.  
Part 2 – Summary of Zone Change Criteria.....Page 35.

Section 3. Recommended Conditions of Approval.....Page 36.

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**SECTION 1- COMPREHENSIVE PLAN MAP AMENDMENT FROM  
LOW DENSITY RESIDENTIAL TO RETAIL 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 will provide 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.*

1. 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, Sunrise Water Authority District, Clackamas County Fire District #1, North Clackamas Parks District, Department of Land Conservation and Development (DLCD) and Metro.

2. The subject property is located within the Urban Growth Management Area (UGMA) of the City of Happy Valley. The City was notified of this application May 29, 2008 over 30 days prior to the first hearing before the Planning Commission as required in Section 2(a) of the UGMA. The City of Happy Valley has submitted comments recommending approval of the application. See Exhibits 3 and 10.

3. 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.*

1. Goal 5 resources include open space areas, scenic and historic resources and other natural features. Chapters 3 and 9 of the Clackamas County Comprehensive Plan identify significant Goal 5 resources within the County.

2. 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 a 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. The subject property is not located in an area subject to natural disasters or hazards.



**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, 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."*

1. 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.

2. 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 any other employment use designation to any other use designation to address all applicable planning requirements and;

a. *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*

b. *Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or*

c. *Adopt a combination of the above, consistent with the requirements of this division.*

3. The subject property is less than 2 acres (1.29 acres). The proposed plan amendment is to change the Comprehensive Plan land use designation from a Low Density Residential designation to a Retail Commercial designation. The proposed amendment does not involve a change from an 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.

4. Generally, this proposal will increase the amount of commercial land for employment opportunities.

**This proposal is consistent with Goal 9.**

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

1. 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.

2. "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.

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

4. The current Low Density Residential plan designation and implementing R-10 zoning district allows for up to 4 dwelling units per acre. Under the current Low Density Residential plan designation a total of 5.61 dwelling units (1.29 acres = 56,192 square feet / 10,000 square feet) is allowed on the subject property. The proposed Retail Commercial plan designation allows commercial uses and multifamily uses at a density of up to 25 units per acre. Policy 5.0 in Section XVII of the Clackamas Regional Center Design Plan Area in Chapter 10 of the Comprehensive Plan 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.

5. Pursuant to Policy 5.0 a condition of approval is warranted requiring Design Review approval of a mixed use development. Compliance with this condition will ensure that there is no net reduction in the buildable land inventory and housing capacity in the County.

**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.”*

1. 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.

2. 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 Sunrise Water Authority 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.

3. The adequacy of these facilities is evaluated in the zone change application in Section 2 of this report and is adopted to address this Goal. Those findings demonstrate that sewer, water and storm drainage facilities are adequate or can be made adequate to support allowable uses in the Retail Commercial Plan designation. 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 public facilities and services are orderly and efficient.

4. 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 #3.

5. 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 retail commercial 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 would;

a) *Change the functional classification of an existing or planned transportation facility;*

b) *Change standards implementing a functional classification; or*

c) *As measured at the end of the planning period identified in the adopted transportation system plan:*

i. *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*

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

iii. *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. Where it is determined that there would be a significant effect, compliance with OAR 660-012-0060(1) can be accomplished through 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 Analysis Letter completed by Compass Engineering, dated November 15, 2007 (Exhibit 8) and a subsequent Traffic Impact Analysis from Kelly Engineering, dated March 10, 2008 (Exhibit 9). The traffic analysis letters include an evaluation of the Sunnyside Road / SE 117<sup>th</sup> Avenue intersection and an analysis of the year 2007 / 2008 existing traffic conditions and year 2028 future year conditions during the AM and PM peak hours. The DTD, Traffic Engineering (TE) staff has determined that there are no intersections, except the Sunnyside Road / SE 117<sup>th</sup> Avenue intersection, impacted by this proposal. The worst case scenario for traffic is assumed to be a 6,600 square foot high turnover (sit down) restaurant.

6. The DTD, TE staff has reviewed the traffic analysis letters and submitted comments on this proposal. See Exhibit 4. The DTD, TE staff concurs with the findings in the traffic analysis letters that the Sunnyside Road / SE 117<sup>th</sup> Avenue intersection will operate at an acceptable level of service in the year 2028 with the proposed Plan amendment. No mitigation measures or other improvements to the transportation are needed to support traffic anticipated from the proposed Plan amendment. The comments from the DTD, TE staff in Exhibit 4 are incorporated into this report by reference therein. The traffic analysis letters in Exhibits 8 and 9 and comments from the DTD, TE staff demonstrates the proposed Comprehensive Plan amendment will not significantly affect the transportation facility as described in OAR 660-012-0060(1).

**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.**

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**PART 2. COMPLIANCE WITH METRO FUNCTIONAL PLAN:**

A. 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 (Exhibit 11).

B. "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...."

C. 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.

D. The findings under Goal 10 of the Statewide Planning Goals and Chapter 10 of the Comprehensive Plan demonstrate this proposal will not reduce the housing capacity in the County because replacement housing will be required on site. Therefore this proposal will not reduce the housing capacity in the County.

E. The proposed Retail Commercial plan designation will increase the amount of business and employment land in the County.

**This proposal is consistent with the Metro Functional Plan.**

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**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.*

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

a. 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.*

2. 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 (Sunnyside 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 the subject property.

- b. Wetlands: There are no wetlands identified on the North Urban Wetland Inventory or on the National Wetland Inventory on 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 the Water Resources 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 or III-3 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: *The Land Use Section of the Plan includes the definitions for*



*urban and rural land use categories, and outlines policies for determining the appropriate Comprehensive Plan land use designation for all lands within the County.*

1. 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.

2. 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.

a. 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;

i. *Served by public services (including sewer, water, stormwater facilities, and transportation facilities);*

ii. *Included within boundaries of cities or within special districts capable of providing public services and planned to be served in the near future; or*

iii. *Substantially developed or surrounded by development at urban densities.*

b. The subject property is located within the boundaries of Clackamas County Service District and Sunrise Water Authority District which are capable of providing sewer, water and stormwater facilities to the property and area. The aerial photo in Exhibit 7 demonstrates the property is substantially surrounded by development at urban densities. The subject property is located adjacent to land within the City of Happy Valley and has frontage on a major arterial urban road. The subject property clearly satisfies the definition of Immediate Urban land. Immediate urban areas are planned and zoned for urban uses. The proposed Retail Commercial Plan designation is an urban plan designation.

c. 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 is considered an Immediate Urban Area.

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

3. 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.

a. The proposed Retail 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.**

4. Land Use Plan Designations. The subject property is currently designated Low Density Residential on the Comprehensive Plan map. The proposed amendment is to change the land use plan designation to Retail Commercial. Therefore, only the existing Low Density Residential (Policy 1.0) plan policies in the Residential Section and Retail Commercial (Policy 44.0) policies in the Commercial Section of this Chapter are applicable to this application. The remaining policies for the High 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.

a. The specific plan policies for the Low Density Residential (Policy 1.0) and Retail Commercial (Policy 44.0) plan designations in Chapter 4 are evaluated in Part 4 of this report.

b. Based on the findings in Part 4 the subject property satisfies both the Low Density and Retail Commercial plan policies.

**This application is consistent with the Land Use Designation policies in this Chapter.**

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 on SE Sunnyside Road and SE 117<sup>th</sup> Avenue. Sunnyside Road is classified as a major arterial. 117<sup>th</sup> Avenue is classified as a connector.

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 Sunnyside Road and SE 117<sup>th</sup> Avenue, access to this site should be restricted to SE 117<sup>th</sup> Avenue which has a lower classification. This proposal is consistent with this policy because no direct access is proposed to Sunnyside Road. A condition of approval is warranted to that effect.

Table V-5 also prohibits driveways on connector streets within 25 feet of the right-of-way lines at an intersection. The traffic analysis letters submitted with this application recommends that the driveway on SE 117<sup>th</sup> Avenue be located a minimum of 150' and preferably 200' from the Sunnyside Road intersection. A condition of approval is warranted to that effect. This condition will ensure the driveway spacing on SE 117<sup>th</sup> Avenue is in compliance with the access spacing standard for connector streets in Table 5.

**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.

Sunnyside Road is identified on the Planned Bikeway Network Map V-7a and Essential Pedestrian Network Map V-8. Sunnyside Road along the frontage of the subject property is currently improved with a bike path and sidewalk which was constructed in the recent capital improvement project for Sunnyside Road.

SE 117<sup>th</sup> Avenue is not identified on the Planned Bikeway Network Map V-7a, but is identified on the Essential Pedestrian Network Map V-8. Sidewalks do not currently exist on SE 117<sup>th</sup> Avenue along the frontage of the subject property. Sidewalk requirements will be considered on this street in the review of any future development applications on the property. 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 Chapter 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."*

The need to provide and maintain housing choices is addressed in the findings under Statewide Planning Goal 6 and under the Low Density Residential policies in Part 4 of this report (Policy 1.1 in the Low Density Residential Section of Chapter 4). Those findings demonstrate this proposal will not decrease the amount of buildable land available for housing or the variety of housing choices in the unincorporated areas of the County. Those findings are adopted by reference to address this Chapter of the Comprehensive Plan.

**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.*

1. 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.

2. 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.

3. This proposal will have no impact on the school district because the property is being converted from residential land to employment land.

4. 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 demonstrating that the public sewer and storm drainage facilities are adequate or can be made adequate to support uses allowed under the proposed Retail Commercial plan designation.

5. The property is located within the Clackamas River Water District. The Clackamas River Water District has submitted comments demonstrating that the public water facilities are adequate or can be made adequate to support uses under the proposed Retail Commercial plan designation. See Exhibit 2.

6. The subject property is located in an area with an appropriate level of public facilities and services necessary to support the Retail Commercial plan designation.

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

**H. Chapter 8; Economics:** *The goal of the Economics Chapter 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 create a new Retail Commercial plan designation in the northwest quadrant of the Sunnyside Road / SE 117<sup>th</sup> Avenue intersection. The property is located in proximity to a low density and multi-family residential area and the City of Happy Valley. The property is also located on a Tri-met bus line. The proximity of this property to a residential area and location on a Tri-met bus provides an employment area that will minimize journey to work and facilitate mass transit usage in the area.

**This policy is met.**

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

**I. Chapter 9; Open Space, Parks, and Historic Sites:** *The purpose of this Chapter 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 Historic Landmarks, Historic Districts or Historic Corridors on or adjacent to the subject property.

**Chapter 9 is not applicable.**

**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.*

1. 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.

2. LAND USE POLICIES:

a. Land Use Policies Generally (Section I):

i. 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 Retail Commercial plan designation to be applied within the CRC Design Plan area.

**This policy is met.**

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



The Retail Commercial Plan designation and implementing RTL zoning district allows mixed used development. Pursuant to Policy 5.0 in the Housing Section of this Chapter, approval of this application will require replacement housing units to replace the housing lost by changing the Low Density Residential to a Commercial Plan designation. Therefore the development of this site will require a mix of commercial and residential uses.

**This policy is met.**

b. Land Use Policies for Corridor Design Type Areas (Section III). The subject property is located adjacent to Sunnyside Road, a “Corridor” street as identified on Map X-CRC-1.

i. Policy 1.0: *Land uses in Corridors shall be planned to:*

1. Policy 1.1: *Provide for both employment and housing, including mixed use.*

The Retail Commercial Plan designation and implementing RTL zoning district allows mixed used development. Pursuant to Policy 5.0 in the Housing Section of this Chapter, approval of this application will require replacement housing units to replace the housing lost by changing the Low Density Residential to a Commercial Plan designation. Therefore the development of this site will require a mix of uses.

**This policy is met.**

ii. Policy 2.0: *Corridor Land Use Designations. A range of land use designations may be applied within a designated Corridor as shown on Map X-CRC-2 may be designated in corridors as identified on Map X-CRC-1. Each corridor shall include within its area land use designations which provide primarily for employment and shopping, and land use designations that provide primarily for residences.*

1. Policy 2.1: *Commercial designations that may be applied include Corridor Commercial, Retail Commercial, Low Traffic Impact Commercial, and Office Commercial. Any site designated for a commercial use shall be located adjacent to the Corridor Street.*

The subject property is located in the Sunnyside Road “Corridor.” The proposed Retail Commercial Plan designation is an allowed Commercial Plan designation within the Corridor area. The subject property is also located adjacent to this Corridor Street.

**This policy is met.**

2. Policy 2.4: *Existing single family neighborhoods and mobile home parks should be zoned to discourage redevelopment to other uses.*

The subject property is not currently developed with single family dwellings or a mobile home park. The subject property is also isolated from the nearby low density residential neighborhoods by the large property to the north which is developed with a church. This policy is satisfied because it is vacant land which is physically separated from existing developed single family neighborhoods and when balanced with the other goals and policies of the Comprehensive Plan is not suitable for low density residential uses.

**This policy is met.**

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

i. 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.*

1. 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, the plan different plan designations (commercial, industrial, residential) could be ranked in intensity. Second, the different commercial, industrial and residential designations could be divided into distinct groups and then ranked 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 located within the Sunnyside Road "Corridor" street as identified on Map X-CRC-1. The only Comprehensive Plan designation located north side of Sunnyside Road in this area of the CRC is Low Density Residential. The proposed Retail Commercial Plan designation on the subject property will result in an increase in the level of intensity of the land use designations from Low Density Residential to Commercial toward the Corridor Street.

**This policy is met.**

2. 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 subject property is isolated from the nearby low density residential neighborhood by the large property to the north which is developed with a church. The commercial component of any development on the property will be small in scale due to the small size of the property, other required development standards (parking, landscaping, setbacks, etc.) and the requirement to provide replacement housing on the site. The proposed Retail Commercial land use designation will maintain the character and scale of the existing neighborhoods because it is physically separated from the existing low density residential area and the physical characteristics of the property will limit the scale of the commercial use to a neighborhood use.

**This policy is met.**

3. 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 proposed Retail Commercial Plan designation provides for employment uses. The subject property is located in the Sunnyside Road "Corridor" Street. The subject property is also located adjacent to Sunnyside Road, which is classified as a Major Arterial Street.

**This policy is met.**

d. HOUSING POLICIES (Section XVII)

i. 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.*

The subject property is approximately 1.29 acres (56,192 square feet). Under the current Low Density Residential Plan designation and R-10 zoning district, the property could potentially be developed with up to 5 single family dwelling units. A condition of approval can require a minimum of 5 replacement housing units on the site.

**This policy can be met.**

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

The CRC Design Plan has been adopted and acknowledged as part of the Clackamas County Comprehensive Plan. This proposal includes a Plan amendment and zone change application submitted subsequent to the adoption of the CRC Design Plan.

**This policy is met.**

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

This is a quasi-judicial application involving a plan amendment from a Low Density Residential Plan designation to a Commercial (non-residential) Plan designation.

**This policy is met.**

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

The applicant has not identified any sites other than the subject property to replace the needed housing units. Therefore the housing will need to be replaced on the subject property.

**This policy is met.**

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.*

This policy requires the approval of a design review application and any other applicable land use permits to demonstrate that the replacement housing can be provided on-site. The applicant has not provided any concept plans or other information to demonstrate how a mixed use development, including replacement housing can be constructed on the site. (The site plan included in the file is not adequate because it does not provide any details about housing and does not accurately represent the size or shape of the property because it includes a large area which is not part of the public road right-of-way). The Planning Staff does have concerns about the small size, odd configuration and topography of the property which will limit development. In addition, development standards such as setbacks, landscaping, off-street parking, loading and circulation and other dimensional standards will further limit the building area on this site.



The Planning Staff also has concerns about the compatibility of some of the land uses allowed under the proposed RTL plan designation and the required replacement housing. This raises the issue of whether the allowable land uses on the property should be limited to those types of uses which are compatible with housing, such as low traffic uses, office uses, etc. On the other hand, the RTL Plan designation currently supports mixed use developments and provides for a wide range of commercial uses as well as multi-family residential uses. Therefore, it may not be necessary to limit the land uses on the property except to the extent that the replacement housing must be accommodated in conjunction with any other allowed uses. The Planning Staff believes this issue warrants some consideration by the Planning Commission.

In either case, submittal and approval of a Design Review application for a development plan for the site, including a plan for the replacement housing, can be required if this application is approved. A condition of approval is warranted to that effect.

**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 and in the Urban Growth Management Area of the City of Happy Valley. 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, Sunrise Water Authority District, Clackamas County Fire District #1, North Clackamas Parks District #3, 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 is consistent with the 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.

**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 application was submitted by the property owners, Ronnie Wilson and the Clackamas County Development Agency.

**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 Sunnyside Community Planning Organization was



notified of the application on May 29, 2008, 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.**

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**PART 4. COMPLIANCE WITH LOW DENSITY RESIDENTIAL AND RETAIL 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, this section of the report includes an evaluation of the policies for the Plan designation being requested (Retail Commercial) as well as the existing Plan designation policies (Low Density Residential). This analysis will assist in weighing and balancing the policies to determine the most appropriate Plan designation.

A. Low Density Residential Plan Policies: Policy 1.0 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 Low Density Residential Plan designation to be applied to an area. This Plan designation may be applied if any of the following criteria are met.

1. Policy 1.1: *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 other 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.

The Planning staff believes there are a number of areas of consideration that could be used in assessing the need for low density residential housing. Those areas could include all the land within the unincorporated areas of Clackamas County, lands in the UGB west of I-205, or the area in the Clackamas Regional Center Design Plan area. Absent some other justification from the applicant, the Planning Staff believes the appropriate "area" of consideration for this application should include the land within the CRC Design Plan area. The County was required to provide adequate land within this Design Plan area to meet minimum housing targets established by the Metro Functional Plan.

The most current analysis of residential land needs within the unincorporated area of the UGB and the CRC was completed by the County in June 2000. Based on this

Housing and Employment Study, the needed housing target in CRC Design Plan area is 2,827 dwelling units. The actual capacity of the buildable land in the CRC will accommodate 2,813 dwelling units. Although this study demonstrated substantial compliance with Metro's housing requirements, an additional 14 units of low density residential housing is necessary to meet 100% of the County's housing needs in the CRC Design Plan area.

The subject property is approximately 1.29 acres and 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 single-family or low density housing.

**This policy is met.**

2. Policy 1.2: *Areas which are currently developed at low density and where little need exists for redevelopment.*

All 5 tax lots are currently vacant. The subject property is not currently developed with low density residential uses.

For purposes of defining the "area" of consideration for this policy, the Planning Staff believes the appropriate area should include the areas defined by Sunnyside Road on the south, SE 117<sup>th</sup> Avenue / Happy Valley City limits on the east, Happy Valley City limits on the north and Happy Valley / HDR zoning on the west. See Exhibit 12. This is an area predominately bordered by Sunnyside Road and the City of Happy Valley which is designated for low density residential uses.

This area includes lands zoned R-8.5, R-10, R-15, NC (Neighborhood Commercial) and OSM (Open Space Management). The land zoned NC and OSM is limited to three parcels. The parcel zoned NC is located at the northwest corner of the Sunnyside Road / SE Valley View intersection. The land zoned OSM includes two open space areas associated with developed single family residential subdivisions. With the exception of the parcel zoned NC and one parcel developed with a church, this area consists entirely of platted subdivision lots developed with single family dwellings and associated open space areas. The subject property is located in an area which is currently developed with low density residential subdivisions and where there is no redevelopment potential of existing lots based on the underlying zoning in the area.

**This policy is met.**

3. Policy 1.3: *Areas where transportation is limited to collectors and local streets.*

The Planning Staff believes the "area" of consideration used in Policy 1.2 is also the appropriate area for the evaluation of this policy. This area is bisected SE 117<sup>th</sup> / 119<sup>th</sup> Avenue which provides a north / south connection between Sunnyside Road



and a significant low density residential area and extends into the City of Happy Valley.

The subject property has frontage on Sunnyside Road, a major arterial and SE 117<sup>th</sup> Avenue, a connector street. No direct access will be permitted to Sunnyside Road. Access to the subject property will be limited to SE 117<sup>th</sup> Avenue, a connector street which also provides access to the local streets serving the low density residential area to the north. The subject property is located in an area where access to the transportation for low density residential lands is limited to connectors and local streets.

**This policy is met.**

4. Policy 1.4: *Areas where sensitivity to the natural environment or natural hazards indicate a reduced density.*

There are no wetlands, geologic hazards, floodplain, significant slopes or other significant environmental or natural hazards on the subject property which warrant a reduced density.

**This policy is not met.**

B. Retail Commercial Plan Policies: Policy 44.0 in the Commercial Section of the Comprehensive Plan identifies the policies for applying the Retail Commercial Plan designation to a property or area. This Plan designation may be applied when either the first or all of the other criteria are met:

1. Policy 44.0a: *Areas having an historical commitment to commercial uses.*

The applicant has not proposed to justify this application under this policy. In addition the subject property is vacant. Based on a review of a 1976 aerial photo, the Planning Staff believes that one or more of these parcels were developed with single family dwellings which were subsequently removed as part of the recent Sunnyside Road widening / improvement project. There are no commercial zoning districts or commercial uses adjacent to the property. The subject property and area does not have an historical commitment to commercial uses.

**This criterion is not met.**

2. Policy 44.0b: *Areas necessary to serve the shopping needs of County residents.*

This approval criteria requires “areas” to be necessary to serve the shopping needs of the County. The word “necessary” is not defined in the Comprehensive Plan or ZDO. Webster defines “Necessary” as “...absolutely required, needed to bring about a certain effect or result, unavoidably determined by prior conditions or circumstances, required by obligation, convention or compulsion.” The staff does

not believe the criteria are intended to require the applicant to exhaust all other options and locations, but in fact the threshold should be high to demonstrate the need for additional commercial land.

The applicant has addressed this criteria with a statement that: "There appears to be a shortage of commercial property in the area east of Clackamas Town Center, as determined by the short vacancy period of existing store fronts and by anecdotal comments." The Planning Staff does not believe this is adequate justification to demonstrate compliance with this policy. The applicant has not provided any commercial needs analysis, market studies or even relevant evidence to substantiate the statements in the application.

The most current analysis of employment land needs within the unincorporated area of the UGB and the CRC was completed by the County in June 2000. Based on this Housing and Employment Study, the needed employment target in CRC Design Plan area is 16,755 jobs. The actual capacity of the employment land in the CRC will accommodate only provide 15,727 jobs. This study demonstrates a need for an additional 1,028 jobs to meet 100% of the County's housing needs in the CRC Design Plan area. The Planning Staff believes this study demonstrates a need for additional employment land and the subject property is necessary to serve shopping needs of the County.

**This policy is met.**

3. Policy 44.0c: *Areas having access to a street of at least a major arterial classification or transit trunk route. Siting should not result in significant traffic increase on local streets serving residential areas.*

The subject property has frontage on Sunnyside Road, a major arterial street and SE 117<sup>th</sup> Avenue, a connector street. Direct access to this site will not be allowed to Sunnyside Road. The Planning Staff believes this policy is satisfied for two reasons. First, this policy unlike policies in other parts of the Comprehensive Plan does not require the property to have "direct" access to a major arterial road (For example, see Community Commercial Policy 7.0c). Second, access to the site will be limited to SE 117<sup>th</sup> Avenue consistent with access management policies. The access management policies in Chapter 5 of the Comprehensive Plan which requires access to the lower classification street when a property has frontage on two or more streets. The access management policies in Chapter 5 have to be balanced with this policy.

Sunnyside Road is identified as a Transit Route on Map V-6 of the Comprehensive Plan. The property has access to a transit trunk route.

The property is located on the corner of a major arterial street and connector street. The location of the property will primarily attract traffic from Sunnyside Road. Traffic to the site from Sunnyside Road will not pass through any residential



neighborhoods or be directed through local streets.

Access to the site will be located on SE 117<sup>th</sup> Avenue, approximately 200 feet north of Sunnyside Road. SE 117<sup>th</sup> Avenue turns into SE 119<sup>th</sup> Avenue and provides a north – south connection between Sunnyside Road and SE Causey. Traffic coming from the City of Happy Valley and other destinations north of the site will access the site via SE 117<sup>th</sup> Avenue / 119<sup>th</sup> Avenue and will not require access on local streets.

The traffic analysis letter submitted with the application indicates that development of the site with the most intense use (3,600 square foot high turnover sit down restaurant) will generate approximately 70 new trips on SE 117<sup>th</sup> Avenue north of the proposed site access. There are currently approximately 1,400 average daily trips (ADT) on SE 117<sup>th</sup> Avenue. These additional trips represent an increase in less than 5% of the existing average daily traffic. Even if traffic to this site uses local streets, it does not represent a significant increase to the total amount of average daily traffic in the area.

The subject property has access to a major arterial street, transit trunk route and will not result in a significant traffic increase on local street serving residential areas.

**This policy is met.**

4. Policy 44.0d: *Areas which do not increase an existing commercial strip or create new strips.*

The subject property includes land located in the northwest corner of the Sunnyside Road / SE 117<sup>th</sup> Avenue intersection. There is no commercial zoning or commercial uses adjacent to the subject property, across SE 117<sup>th</sup> Avenue or Sunnyside Road. This proposal will not increase an existing commercial strip.

The subject property is approximately 1.29 acres and has approximately 250 feet of frontage on Sunnyside Road. This proposal includes one quadrant or node of this signalized intersection. Based on the limited site frontage, small size of the property and requirement to provide replacement housing and a mixed use development, this proposal will not create a new commercial “strip.”

**This policy is met.**

5. Policy 44.0e: *Areas where adverse effects, such as traffic and noise, will have a minimal affect on adjacent neighborhoods or can be minimized through on-site improvements.*

The subject property is bordered by Sunnyside Road on the south, SE 117<sup>th</sup> Avenue on the east and surrounded by a large parcel developed with a church / day care facility on the north and west. The location of the property is substantially buffered

from the adjacent multi-family residential neighborhoods to the south by Sunnyside Road, a seven lane major arterial road. The property is significantly buffered from the low density residential areas to the north and west by a 13.69 acre parcel developed with a church facility, off-street parking areas and landscaping. The property is buffered from the low density residential area to the east by a parcel of land zoned OSM which is traversed by Mt. Scott Creek.

The findings in the discussion of Policy 44.0c demonstrate that this proposal will not result in significant traffic increases on local streets in the neighborhood.

Based on the isolated location of the property, this proposal will not have adverse affects such as traffic or noise on adjacent neighborhoods.

**This policy is met.**

6. Policy 44.0f: *Areas near employment centers.*

The subject property is just over ½ miles from the Kaiser Sunnyside Medical Center located on the south side of Sunnyside Road. The Kaiser Sunnyside Medical Center is a regional hospital facility and major employer within the County. The area to the north of the Kaiser Sunnyside Medical Center is also developed with a number of significant service commercial and office commercial uses.

The property is also located within ¼ mile of the Sunnyside Road / 122<sup>nd</sup> Avenue commercial node identified in the Sunnyside Corridor Design Plan. The subject property is located near employment centers.

**This policy is met.**

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**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). These policies and standards must be weighed and balanced against each other and this specific land use proposal to determine whether the existing Low Density Residential or the proposed Retail Commercial Plan designation is the most appropriate plan designation.

B. Based on the findings in Part 4 of this report, the subject property satisfies three of the four Low Density Residential Plan policies (Policies 1.1, 1.2 and 1.3 are met, Policy 1.4 is not met). Only 1 of the 4 policies needs to be satisfied to apply the Low Density Residential Plan designation. The subject property also satisfies the Retail Commercial Plan policies (Policies 44.0b – 44.0f). Therefore, either Plan designation is appropriate on



the property.

C. In balancing all the applicable goals and policies and findings in Part 1-4 of this report, the Retail Commercial Plan designation is the most appropriate Plan designation for the following reasons:

1. The Retail Commercial Plan designation is consistent with the Statewide Planning Goals, including Goal 12 – Transportation and the Transportation Planning Rule.
2. The Retail Commercial Plan designation is consistent with the Metro Functional Plan.
3. Based on the Housing and Employment Study completed in 2000, there is a need for additional housing and employment uses in the CRC Design Plan Area. Pursuant to Policy 5.0 in the Housing Section of the CRC Design Plan, replacement housing must be provided on this site. Therefore, this site will require a mixed use development and provide both needed housing units and employment uses.
4. The property is located within the Sunnyside Road “Corridor.” The Retail Commercial Plan designation creates a land use pattern that increases level of intensity of the Plan designations toward the Corridor. Corridors are intended to provide a mix of employment and housing uses.
5. The property is small isolated area located on the corner of a major arterial street and connector street and surrounded by a large institutional use. This location is more desirable for a mixed use development than for low density residential uses. This location will also minimize any adverse affects such as traffic and noise on adjacent low density residential neighborhoods to the north, east and west. Sunnyside Road is a 7 lane major arterial street and provides a good buffer from the multifamily developments on the south side of Sunnyside Road.
6. The small size of the property and requirement for a mixed use development will ensure the site is developed with neighborhood uses at an appropriate scale without generating significant traffic on local streets serving low density residential areas.
7. The Retail Commercial Plan designation will provide additional employment land on a Tri-met bus line and near a residential area consistent with Policy 2.5 in the New Industry and Business Section of the Economic Chapter. This will minimize distances to work and facilitate mass transit usage.

D. The sewer, water and storm drainage facilities and services are adequate to support the Retail Commercial Plan designation.

E. The Retail Commercial Plan designation does not conflict with the City of Happy Valley UGMA or Comprehensive Plan.

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**SECTION 2- ZONE CHANGE FROM R-10 TO RTL**

**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 RTL zoning district (Section 508 of the ZDO) implements the Retail Commercial Plan designation. Based on the findings in Section 1, Part 4 of this report, the Retail Commercial plan map designation is consistent with the Comprehensive Plan. Those findings are adopted to address this criteria by reference therein.

**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. All 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 record of the application includes an email from Tim Finley, CCSD No. 1 dated October 27, 2007 which indicates sewer and surface water facilities are adequate or can be made adequate to support uses allowed in the proposed RTL zoning district.

The subject property is located in the Sunrise Water Authority District. The Sunrise Water Authority District has submitted comments dated June 16, 2008 indicating that the district has adequate potable water supplies in sufficient quantities to support uses allowed under the proposed RTL 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 capacity of the transportation system has been evaluated in Part 1 of this report in the discussion of Statewide Planning Goal 12 and the Transportation Planning Rule. Those findings demonstrate the affected transportation system (Sunnyside Road / SE 117<sup>th</sup> Avenue intersection) is currently operating at an acceptable level of service and will continue to operate at an acceptable level of service in the year 2028 with the proposed zone change. Those findings are adopted to address this criteria by reference therein.

**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 traffic analysis letters submitted with this application included an analysis of the Sunnyside Road / SE 117<sup>th</sup> Avenue intersection, which is under the jurisdiction of Clackamas County. The DTD, TE staff concurs that this is the only intersection in the impact area of this proposal. The subject property is not located in proximity to any transportation facilities under the jurisdiction of the State of Oregon which would be impacted by this proposal.

**This criterion is not applicable.**

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

The traffic analysis letter in Exhibit 9 addresses the safety of the transportation system including an analysis of queuing and sight distance. The Sunnyside Road / SE 117<sup>th</sup> Avenue intersection is currently improved with a full traffic signal. Queuing issues have been evaluated for the southbound lane on SE 117<sup>th</sup> Avenue. No queuing issues were identified on Sunnyside Road.

The queuing analysis concludes that traffic queues on the southbound approach of SE 117<sup>th</sup> Avenue will not exceed 150 feet with traffic from the proposed zone change. Therefore, the traffic analysis letter recommends the driveway to the site be located at least 150 feet from Sunnyside Road and preferably 200' north of the curb return on SE 117<sup>th</sup> Avenue. The DTD, TE staff concurs with the conclusions of the queuing analysis provided in Exhibit 9 and recommends that the driveway access be located at least 200 feet from Sunnyside Road. A condition of approval is warranted to that effect.

The findings in the traffic analysis letter in Exhibit 9 and in the DTD, TE comments in Exhibit 4 address the sight distance standards. SE 117<sup>th</sup> Avenue is posted for a 25 mile hour speed limit. The minimum sight distance standard is 280 feet. The traffic analysis letter and comments from the DTD, TE staff both concur that sight distance is significantly restricted to the north and south of a possible driveway location on SE 117<sup>th</sup> Avenue due to an embankment and vegetation. However, it is feasible to meet sight distance standards by removing the embankment and vegetation on the subject property. Removal of the embankment may also require construction of retaining walls.

Based on the above findings the safety of the County transportation system is adequate to accommodate the level of development anticipated by the proposed RTL zoning district.

**This criterion is met.**

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## **PART 2. SUMMARY OF ZONE CHANGE CRITERIA:**

- A. This application satisfies all 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. The driveway providing access to the subject property shall be located at least 200' north of the curb return on SE 117<sup>th</sup> Avenue. Direct access to Sunnyside Road is prohibited.



2. Sight distance at the new driveway location and Sunnyside Road / SE 117<sup>th</sup> Avenue intersection shall comply with minimum sight and stopping distance standards required by the County Roadway Standards.
  3. 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 at 5 multifamily housing units in compliance with Section 303 and 508 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. The replacement housing shall be constructed prior to or concurrently with any other allowable uses on the property.
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