



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

February 10, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Clackamas County Plan Amendment
DLCD File Number 005-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 16, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Mike McCallister, Clackamas County

<paa> ya/

D L C D NOTICE OF ADOPTION

FEB 06 2006

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

(See reverse side for submittal requirements)

Jurisdiction: Clackamas County Local File No.: 20311-05-CP, 20312-05-2
(If no number, use none)

Date of Adoption: 1-26-06 Date Mailed: 2-2-06
(Must be filed in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: _____

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other: _____

(Please Specify Type of Action)

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

COMPREHENSIVE PLAN MAP AMENDMENT FROM MEDIUM DENSITY RESIDENTIAL TO GENERAL COMMERCIAL. CORRESPONDING ZONE CHANGE FROM MR-1 TO C-3.

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 : medium density res to General Commercial

Zone Map Changed from: MR-1 to C-3

Location: corner of River Rd & Glen Echo - blk Acres Involved: 1 acre

Specify Density: Previous: west of McLoughlin Blvd 12 UNITS/ACRE New: N/A

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

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 005-05
(14478)

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: ODOT, Metro,

Oak Lodge Water District, Oak Lodge Sanitary District

Local Contact: Mike McCallister Area Code + Phone Number: 503-353-4522

Address: 9101 SE Sunnybrook Blvd City: Clackamas

Zip Code+4: 97015-6612 Email Address: mike m@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 - ATTENTION: PLAN AMENDMENT SPECIALIST.

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

In the Matter of a Comprehensive
Plan and Zone Change
for Clemens Marina.

File No.: Z0311-05-CP, Z0312-05-Z

ORDER NO. 2006-18
(Page 1 of 2)

This matter coming regularly before the Board of County Commissioners, and it appearing that Clemens Marina made application for a Comprehensive Plan amendment and zone change on property described as T2S, R2E. Section 19AC, Tax Lot 4900, W.M., located directly across from the old Castle Restaurant on the south side of Glen Echo Avenue at its intersection with River Road, Gladstone area; and

It further appearing that planning staff, by its report dated August 3, 2005, recommended denial of the application; and

It further appearing that the Planning Commission, at its September 19, 2005 meeting, recommended denial of the application; and

It further appearing that after appropriate notice a public hearing was held before the Board of County Commissioners on December 14, 2005, at which testimony and evidence were presented, and that a preliminary decision was made by the Board on December 14, 2005;

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

1. The applicant requests approval of a Comprehensive Plan map amendment from Medium Density Residential to General Commercial, and corresponding zone change from MR-1 to C-3, to allow parking of boats in conjunction with its existing boat sales and repair facility.
2. This request complies with the applicable provisions of the Statewide Goals, the Metro Functional Plan, the Clackamas County Comprehensive Plan and the Zoning and Development Ordinance.
3. This Board adopts as its findings and conclusions those portions of the Planning Staff Report/Recommendation which found the application in compliance with applicable criteria.
4. Evidence submitted after the Planning Staff Report/Recommendation was completed demonstrates compliance with ZDO 1202.
5. As to those Comprehensive Plan policies with which the planning staff found the application did not comply, the conditions of approval imposed in this decision ensure compliance.

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

In the Matter of a Comprehensive
Plan and Zone Change
for Clemens Marina.

ORDER NO. 2006-18
(Page 2 of 2)

File No.: Z0311-05-CP, Z0312-05-Z

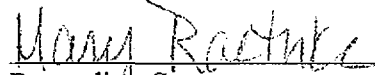
NOW, THEREFORE, IT IS HEREBY ORDERED
that the requested Comprehensive Plan amendment and zone change are granted, subject to the
following conditions.

1. The land uses on the property shall be limited to boat storage, sales and repairs as identified in the submitted application. Any other use may be allowed in the future so long as the traffic generation on the River Road driveway is no greater than the traffic generated by a boat storage, sales and repair use (two vehicle trips per hour during the morning and evening peak hours) and so long as the property use is part of a single business use with the use of Tax Lot 6100. Any further change in approved land uses requires a change of zone process by the County.
2. The subject property shall be consolidated with Tax Lot 6100 into a single legal lot through recorded conveyances. The form of the conveyances shall be approved by the Office of County Counsel. The recorded deeds shall give particular notice of the imposition of the these conditions of approval of the change of zone by stating: "Clackamas County has limited the use of the property that abuts S.E. Glen Echo Avenue or River Road to certain land uses, unless other land use approvals are granted by the County". The unified property shall be used for a single business unless approval of different uses is granted by the County.

DATED this 26th day of January, 2006.

BOARD OF COUNTY COMMISSIONERS


Chair, Board of County Commissioners


Recording Secretary



NAME: Clemens Marina
FILE NO: Z0311-05-CP, Z0312-05-Z
REPORT AUTHOR: Mike McCallister
HEARING DATE: August 8, 2005 (PC), September 21, 2005 (BCC)
REPORT DATE: August 3, 2005

PLANNING STAFF REPORT/RECOMMENDATION
TO THE PLANNING COMMISSION

FACTS

GENERAL INFORMATION

Applicant: Clemens Marina; Charles Meeker; 309 River Avenue; Eugene, OR 97404

Owner: Family Meeker LLC

Proposal: Comprehensive Plan Map Amendment from Medium Density Residential to General Commercial. Corresponding zone change from MR-1 to C-3. The primary uses allowed within the proposed C-3 zoning district include retail and service commercial uses, business park uses, special housing, institutional uses and cultural and public uses. A copy of the C-3 zoning district is included in Exhibit 8.

Location: Directly across from the old Castle Restaurant on the south side of Glen Echo Avenue at its intersection with River Road; Gladstone area.

Legal Description: T2S, R2E, Section 19AC, Tax Lot 4900; W.M

Comprehensive Plan Designation: Medium Density Residential

Zone: MR-1

Total Area Involved: Approximately 1.00 acres

RECOMMENDATION:

1. Denial of the Comprehensive Plan Map Amendment from Medium Density Residential to General Commercial (File No. Z0311-05-CP).
 2. Denial of the zone change from MR-1 to C-3.
-

SITE AND AREA DESCRIPTION AND SERVICE PROVIDERS

Site Description: The subject property is approximately 1.0 acres. The site is vacant. The topography of the site is very level. There are no streams, creeks or wetlands on the property. The property has frontage on River Road and Glen Echo Avenue. Both of these roads are designated as a minor collector. *arterial*

Surrounding Conditions: The adjacent properties to the east are zoned C-3. Tax lot 6100 is owned by the applicant and developed with a boat sales facility (Clemens Marina). Tax lot 6200 is developed with an Insurance office building. Tax lot 6300 and 6400 is developed with a used car sales lot. Tax lot 6001 is developed with a retail thrift store.

The adjacent properties to the south are zoned MR-1. Tax lot 5000 is developed with a single family dwelling and a 3-plex. The remainder of the properties to the south to the Gladstone City Limits is developed with single family and multifamily dwellings. The adjacent property to the west, across River Road was recently zoned from C-2 to R-7 (File No. Z0849-04-CP / Z0850-04-Z). This is the site of the old Castle Restaurant. The remaining properties across River Road are developed with single family dwellings. The adjacent properties to the north, across Glen Echo Avenue are zoned MR-1 and R-10. Tax lot 2300 is developed with a duplex or triplex. Tax lots 2400, 2500 and 2600 are developed with single family dwellings.

Service Providers:

1. Sewer: Oak Lodge Sanitary District
2. Water: Oak Lodge Water District
3. Surface Water: Oak Lodge Sanitary District
4. Fire Protection: Clackamas County Fire District #1

Responses Requested:

1. City of Gladstone
2. Gladstone School District
3. Oak Lodge Sanitary District
4. Oak Lodge Water District
5. Clackamas County Fire District #1
6. Jennings Lodge CPO
7. DTD, Traffic Engineering
8. ODOT
9. Dept. of Land Conservation and Development
10. Metro
11. Property Owners within 300'

CPO Recommendation: The subject property is located within the Jennings Lodge Citizen Planning Organization (CPO). The CPO has submitted comments indicating a meeting will be held in August to discuss this application. See Exhibit 4. The comments and any recommendation of the CPO can be considered at the BCC hearing.

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

FINDINGS AND CONCLUSIONS

The Comprehensive Plan Map Amendment application is subject to and must be consistent with the Statewide Planning Goals, County Comprehensive Plan (CP) policies, Oregon Administrative Rules (OARs) and Metro Functional Plan. A summary of findings for the Comprehensive Plan amendment is included in Section 1, Part 5.

The zone change application is subject to Section 1202 of the Clackamas County Zoning and Development Ordinance (ZDO). The zone change criteria are evaluated in Section 2 of this report.

SECTION 1- COMPREHENSIVE PLAN MAP AMENDMENT FROM MEDIUM DENSITY RESIDENTIAL TO GENERAL COMMERCIAL

PART 1. COMPLIANCE WITH STATEWIDE PLANNING GOALS:

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

This is a quasi-judicial land use application. The Clackamas County Comprehensive Plan and Section 1300 of the Zoning and Development Ordinance (ZDO) contain adopted and acknowledged procedures for citizen involvement and public notification. This application has been processed consistent with the notification requirements in Section 1300 including notice to individual adjacent and surrounding property owners within 300 feet of the subject property, notice in the local newspapers, and notice to affected agencies, dual interest parties and to the Community Planning Organization in the area. One or more advertised public hearings will also be conducted before the Clackamas County Planning Commission and Board of County Commissioners, which provides an opportunity for additional citizen involvement and input.

The proposal is consistent with Goal 1.

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

Goal 2 requires coordination with affected governments and agencies. Notice of this application has been provided to the following agencies and governments for comments; City of Gladstone, Gladstone School District, Oak Lodge Sanitary District, Oak Lodge Water District, Clackamas County Fire District, DTD Traffic Engineering, Oregon Dept. of Transportation (ODOT), Department of Land Conservation and Development (DLCD)

and Metro. Comments have been received from the Oak Lodge Sanitary District and DTD, Traffic Engineering Staff. These comments will be considered in the evaluation of this application.

The subject property is located within the Gladstone Urban Growth Management Area. This is a Dual Interest Area. Under the terms of the UGMA agreement, the County's Comprehensive Plan applies to all Dual Interest Areas. The County is required to provide notice of any Comprehensive Plan amendment to the City at least 35 days prior to the first public hearing. The County then must consider any comments received from the City in the evaluation of the application. The City of Gladstone was notified of this proposal on June 30, 2005 over 35 days prior to the first scheduled hearing before the Planning Commission. No comments have been received from the City. The UGMA states that failure to provide comments within 35 days is deemed to be a waiver of opposition to the proposed application. This application has been processed consistent with the requirements of the Gladstone UGMA.

Goal 2 requires that all land use actions be consistent with the acknowledged Comprehensive Plan. This application has been evaluated against all the applicable goals and policies of the Clackamas County 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 adopted County Comprehensive Plan.

This proposal is consistent with Goal 2.

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

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.*

This proposal does not include any land planned or zoned for Forest uses.

Goal 4 is not applicable.

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

Goal 5 resources include open space areas, scenic and historic resources and other natural features. Chapter 3 of the Clackamas County Comprehensive Plan identifies significant

Goal 5 resources within the County.

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

Goal 5 is not applicable.

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. According to the Department of Geology and Mineral Industries (DOGAMI) map, there are no geologic hazards or significant slopes located on the subject property.

Goal 7 is not applicable.

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

This proposal does not involve any designated recreational or open space lands, or affect access to any significant recreational uses in the area. This project will have no impact on the recreational needs of the County or State.

Goal 8 is not applicable.

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

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

industrial and commercial uses consistent with plan polices.

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 necessary to comply with Goal 9. OAR 660-009-0010(4) outlines the standards and criteria to address any changes to acknowledged commercial and industrial areas. This Section of the OAR requires any jurisdiction which changes its plan designations of lands in excess of two acres to or from commercial or industrial use to address all applicable planning requirements and;

1. *Demonstrate that the proposed use is consistent with the parts of its acknowledged comprehensive plan which address the requirements of this division; or*
2. *Amend its comprehensive plan to explain the proposed amendment, pursuant to OAR 660-009-0015 through 660-009-0025; or*
3. *Adopt a combination of the above, consistent with the requirements of this division.*

The subject property is less than 2 acres (1.00 acres). Therefore OAR 660-009-0010(4) is not applicable. Approval of this application will slightly increase the inventory of buildable lands for commercial uses in the County.

This proposal is consistent with Goal 9.

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

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

"Needed housing" as used in these rules means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels, including attached and detached single family housing and multiple family housing for both owner and renter occupancy, government assisted housing, mobile home or manufactured dwelling parks and manufactured homes on individual lots.

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

The mix and density of needed housing units is determined in the housing needs projection. In June of 2000 Clackamas County completed an analysis of the number of new dwelling units that can be accommodated within the unincorporated area of Clackamas County over the next 20 years. This analysis was completed to meet the

requirements of the Metro's Urban Growth Management Plan. The analysis demonstrates that Clackamas County has adequate land to accommodate 95% of the total number of needed housing units. Although the amount of buildable lands is not adequate to meet 100% of the needed housing units, Metro acknowledged that by meeting 95% of the housing needs the County Comprehensive Plan is in substantial compliance with the Metro Functional Plan.

The current MDR Plan designation allows up to 12 units per acre. Approval of this application will decrease the amount of dwelling units which can be accommodated within urban area by 12 units. This represents an insignificant reduction in the total number of needed housing units in the urban area. The amount of buildable lands will remain in substantial compliance with the housing targets adopted to satisfy the Metro Functional Plan.

In addition, staff is highly confident that the additional zone changes approved since June of 2000 on existing low density residential lands resulting in a higher density of allowed housing will represent an increase in the density of buildable lands in the urban area.

OAR 660-007-0030 also requires the County to designate sufficient buildable land to provide the opportunity for at least 50 percent of new residential units to be attached - single family housing or multiple family housing. Clackamas County was acknowledged to be in compliance with the 50/50 housing mix standard during periodic review in 1988. OAR 660-007-0060(1) requires this 50/50 housing mix standard to be addressed and satisfied during each periodic review. After periodic review OAR 660-007-0060(2) requires findings demonstrating the mix and density standards are met by the proposed amendment.

The Planning Staff has completed and tracked an inventory of the 50/50 mix standard utilizing the original buildable lands inventory from the 1988 periodic review acknowledgment. Based on a review of all the Comprehensive Plan amendments and zone change applications approved by the County since that time, the inventory of buildable lands to accommodate multiple family housing units has increased from 13,426 units to 13,495 units, an increase of 69 units.

This proposal is consistent with Goal 10.

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

This Goal provides guidelines for cities and counties in planning for the timely, orderly and efficient arrangement of public facilities and services, such as sewer, water, solid waste and storm drainage. The Goal requires these public facilities and services to be provided at levels necessary and suitable for urban and rural uses, as appropriate. This proposal involves the conversion of urban residential land to urban commercial land.

The subject property is located within Oak Lodge Sanitary Service District which provides sewer and storm drainage facilities in the area. The property is located within Oak Lodge River Water District which provides public water in the area.

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

The property is also located within the service boundaries of Clackamas County Fire District #1, Gladstone School District, Gladstone Disposal District, Clackamas County Sheriff's District and North Clackamas Parks District #2.

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

This application is consistent with Goal 11.

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

Oregon Administrative Rule (OAR) 660-012 (Transportation Planning Rule) implements Statewide Planning Goal 12.

OAR 660-012-0060 applies to any plan map amendment which significantly affects a transportation facility. OAR 660-012-0060(1) requires any amendments to the 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. Compliance with OAR 660-012-0060(1) can be achieved by;

a) *Limiting allowed uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;*

b) *Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of OAR 660-012;*

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

d) *Amending the TSP to modify the planned function, capacity and performance*

standards, as needed to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.

Pursuant to OAR 660-012-0060(2) a plan or land use regulation amendment is deemed to significantly affect a transportation facility if it;

- a) *Changes the functional classification of an existing or planned transportation facility;*
- b) *Changes standards implementing a functional classification;*
- c) *Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
- d) *Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.*

This proposal does not result in a change in the functional classification of an existing or planned transportation facility, nor change the standards implementing a functional classification.

The applicant has submitted a Traffic Impact Study (TIS) completed by Lancaster Engineering dated April 2005. See Exhibit G. The TIS does not specifically address OAR 660-012-0060. The DTD, Traffic Engineering Staff has submitted comments on this application and the TIS. See Exhibit 7. The Oregon Dept. of Transportation was notified of this proposal. No comments have been received from ODOT.

The TIS evaluated the McLouglin Blvd. / Glen Echo Avenue and River Road / Glen Echo Avenue intersections. The TIS indicates that the above intersections will operate at an acceptable Level of Service based on the proposed development (boat storage/sales) and a General Office use development. The DTD, Traffic Engineering staff has indicated that the TIS does not evaluate a worst case scenario (i.e. highest trip generator) of uses allowed in the proposed General Commercial Plan designation, such as a fast food restaurant, video store, convenience store, etc. Therefore, in order to comply with the TPR, this Plan amendment must be limited or conditioned to only allow the types and levels of land uses specifically identified in the TIS. This is necessary to ensure the proposal will not significantly affect the transportation system. Otherwise, the applicant must amend the TIS to include an evaluation of a worst case traffic scenario. That additional information would need to be evaluated to determine if the proposed amendment would significantly affect the transportation system or otherwise satisfy the TPR.

This application, with conditions 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 to Clackamas County.

PART 2. COMPLIANCE WITH METRO FUNCTIONAL PLAN:

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

"Neighborhoods" are defined as "Primarily residential areas which are accessible to jobs and neighborhood businesses. This broad category includes areas set aside for homes, parks and open space, schools, public services, and neighborhood business uses. The intent is to facilitate the Region 2040 "Inner Neighborhood" design type." "Inner Neighborhoods" are defined in the Urban Growth Management Functional Plan (UGMFP) as "Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes...."

Title 1 of the UGMFP is applicable to this proposal. Title 1 of the Urban Growth Management Functional Plan outlines the Requirements for Housing and Employment

Accommodations. Title 1 is intended to ensure the efficient use of land within the UGB by increasing its capacity to accommodate housing and employment. In June 2000, the County completed an analysis of the number of new dwelling units and employees that can be accommodated within the urban unincorporated area in Clackamas County over the next 20 years. This housing and employment analysis demonstrates that the County can accommodate 95% of the required dwelling units and 86% of the required employment target. These housing and employment capacities were considered to be in substantial compliance with Title 1 and adopted by Metro in compliance with the Metro Functional Plan.

This proposal will reduce the amount of land available for housing by 8-10 dwellings units. Although the County is still in need of some additional lands for housing, this proposal will not represent a significant decrease in the overall housing capacity. The County would still remain in substantial compliance with Title 1 housing needs. This proposal will slightly increase the amount of land available for employment opportunities.

This proposal will not change any other provisions of the Comprehensive Plan related to meeting minimum densities required in Title 1. Metro was notified of this application. No comments were received from this agency:

This proposal is consistent with the Metro Functional Plan.

PART 3. COMPLIANCE WITH CLACKAMAS COUNTY COMPREHENSIVE PLAN POLICIES:

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

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

Chapter 1 is not applicable.

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

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

Policy 1.0; Require provisions for opportunities for citizen participation in preparing and revising local land use plans and ordinances. Insure opportunities for broad representation, not only of property owners and Countywide special interests, but also of those within the neighborhood or areas in question.

The Clackamas County Comprehensive Plan and ZDO have adopted and acknowledged procedures for citizen involvement. This application has been processed consistent with those procedures. Specifically, the County has provided notice to the Citizen's Planning Organization in the area (Jennings Lodge CPO), to property owners within 300 feet of the subject property, and published public notices in the newspaper consistent with State law and Section 1302 of the ZDO. The Planning Commission and Board of County Commissioners will also hold one or more public hearings, as necessary, consistent with Section 1303 of the ZDO. These public mailings, notices and hearings will ensure an opportunity for citizens to participate in the land use process.

This application is consistent with Chapter 2.

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

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

1. Water Resources: This Section of the Chapter identifies policies applicable to River and Stream Corridors, Principal River Conservation Areas, Stream Conservation Areas, Wetlands and Groundwater.
 - a. River and Stream Corridors and Principal River and Stream Conservation Area Policies: There are no river or stream corridors identified on the River and Stream Conservation Area map located on or near the subject property.
 - b. Wetlands: There are no wetlands identified on the North Urban Wetland Inventory or on the National Wetland Inventory on or near the subject property.
 - c. Groundwater: The subject property is not located in any Limited or Critical Groundwater Area identified by the Oregon Department of Water Resources.

There are no policies in this 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 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: This Section of the Chapter identifies policies intended to conserve energy and promote energy efficiency through source development, recycling, land use circulation patterning, site planning, building design and public education. There are no policies in this Section applicable to this application.
8. Noise and Air Quality. This Section of the Chapter identifies policies intended to minimize noise and improve air quality. There are no policies in this Section applicable to this application.

Chapter 3 is not applicable.

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

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

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

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

following conditions;

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

The subject property is located within the boundaries of Oak Lodge Sanitary Service District and Oak Lodge Water District which provide sewer, water and stormwater facilities in the area. The aerial photo in Exhibit 9 and description of adjacent and nearby land uses in the Background Section of this report demonstrates the property is substantially surrounded by development at urban densities. The subject property is also located in a number of special service districts (sewer, water, storm drainage, garbage, etc.). The subject property clearly satisfies the definition of Immediate Urban land.

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

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

2. Urban Growth Concept Policies. The Urban Growth Concept policies in this Section of the Plan are intended to implement the Region 2040 Growth Concept Plan. The subject property is located within the boundaries of the Region 2040 Concept Plan. The property is identified in the McLoughlin Corridor Map X-MC-1 as a "Corridor" design type area.

a. An area designated as a "Corridor" generally includes "Areas located along streets which have existing or planned high quality transit service and feature a high quality pedestrian environment, convenient access to transit and increased residential and employment densities. The intent of the Corridor designation is to encourage increase densities by facilitating zone and plan changes in specific locations. In addition, it provides guidance for development review to implement a high quality pedestrian environment."

b. Policies 2.0 – 5.0 in the Urban Growth Concept Section of the Plan outline the policies applicable to Corridors. Policy 5.0 is applicable to this proposal.

c. Policy 5.0: *Specific policies for the McLoughlin Blvd. Corridor are located in Chapter 10: McLoughlin Corridor Design Plan.*

The Corridor policies in the McLoughlin Corridor Design Plan are addressed in Chapter 10 of this report. Those findings are adopted to address this policy. Based on those

findings, the proposed General Commercial plan designation is not consistent with the Corridors policies in the Urban Growth Concept Section of the plan.

3. Land Use Plan Designations. The subject property is currently designated Medium Density Residential on the Comprehensive Plan map. The proposed amendment is amend the plan map to General Commercial. Therefore, only the existing Medium Density Residential plan designation policies in the Residential Section of this Chapter and General Commercial plan policies in the Commercial Section of this Chapter are applicable to this application.

The remaining policies pertaining to the Residential, Commercial, Industrial, Open Space and Floodplains, Rural Communities, Rural, Agriculture and Forest plan designations in this Section of the plan are not applicable.

The specific plan polices pertaining to the existing Medium Density Residential (Policy 21.0) and proposed General Commercial (Policy 34.0) plan designations in Chapter 4 are evaluated in Part 4 of this report.

This proposal is not consistent with the Corridor Policies in the Urban Growth Concept Section or General Commercial Plan polices in Chapter 4.

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 frontage on Glen Echo and River Road. Both roads are classified as a minor arterial street. Table V-5, provides guidelines for driveway access on Minor Arterial streets. This Table recommends that new driveway access

be located more than 300 feet from an intersection along minor arterials except when it is demonstrated that no other alternative is feasible. The DTD, TE staff has submitted comments addressing access policies in Table V-5. See Exhibit 7, Finding nos. 2 and 3. These comments are adopted into this report by reference therein. These findings demonstrate that the proposed driveway accesses do not meet minimum spacing standards for a minor arterial street and do not meet minimum site distance standards.

The findings in Exhibit 7 demonstrate access cannot be provided to this site consistent the guidelines in Table V of the Comprehensive Plan. However, these access restrictions will apply to the property whether it is developed under the existing Medium Density Residential plan designation or the proposed General Commercial plan designation. In addition, this policy allows exceptions and modifications to these standards in order to provide reasonable access to the property.

This policy can be met with appropriate conditions by limiting access to the site from one driveway in the safest location on the property. This access location can be determined more specifically through the development review process. If this application is approved, a condition of approval is warranted to that effect.

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

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

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

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

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

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

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

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

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

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

This application can be consistent with Chapter 5 with appropriate conditions of approval addressing access spacing and site distance standards for new access drives.

F. Chapter 6; Housing: *The purpose of the Housing element of the Plan is to, "Provide opportunities for a variety of housing choices, including low and moderate income housing, to meet the needs, desires, and financial capabilities of all Clackamas County residents to the year 2010."*

The general goal of this Chapter requires an adequate amount of residential land to accommodate a variety of housing choices. The proposed General Commercial Plan designation will result in a decrease in the amount of available land for multifamily residential housing. The findings in part 1 of this report address Goal 10 - Housing of the Statewide Planning Goals. The findings under that section demonstrates the removal of this land from the buildable lands inventory will not significantly decrease the amount of needed housing units required in the County. Those findings are adopted to address this Chapter of the Comprehensive Plan by reference therein.

1. This Chapter contains six (8) distinct Sections addressing; 1) Housing Choice; 2) Affordable Housing; 3) Neighborhood Quality; 4) Urban Infill; 5) Multifamily Residential; 6) Common Wall Units; 7) Mobile Homes and; 8) Density Bonuses.

There are no policies in this Chapter of the Plan applicable to application of the General Commercial plan designation on the subject property.

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.*

The subject property is located within the Oak Lodge Sanitary District, which provides sanitary sewer and surface water facilities in the area. The property is located in the Oak Lodge Water District, which provide public water in the area.

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

The subject property is located in the Gladstone School District. This proposal will not impact the school district because it will reduce the amount of residential housing in the area. The proposed General Commercial plan designation will not result in additional students.

This Section of the Plan includes a number of policies related to providing adequate public facilities and services to support urban and rural development. However, these policies are applicable to new developments and are not particular to a Comprehensive Plan map amendment. The adequacy of these facilities will be evaluated in the zone change application in Section 2 of this Report.

This application is consistent with Chapter 7.

H. Chapter 8; Economics: *The goal of the Economics element of the Plan is to "Establish a broad-based, stable and growing economy to provide employment opportunities to meet the needs of the County residents." This Chapter contains 4 Sections related to; 1) Existing Industry and Business; 2) New Industry and Business; 3) Coordination; and 4) Target Industries.*

There are no policies in this Section of the Plan applicable to this proposal.

Chapter 8 is not applicable.

I. Chapter 9; Open Space, Parks, and Historic Sites: *The purpose of this Chapter of the Plan is to protect the open space resources of the County, to provide land, facilities and programs which meet the recreation needs of County residents and visitors, and to preserve the historical, archaeological, and cultural resources of the County.*

The subject property does not include any lands designated as open space or park land. There are no designated Historic Landmarks, Historic Districts or Historic Corridors on or adjacent to the subject property. There are no policies in this Section of the Plan applicable to this proposal.

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.*

The subject property is located within the McLoughlin Corridor (MC) Design Plan area. Chapter 10 includes the goals and policies that are specific to the MC Design Plan area intended to guide decisions on land use, transportation, housing and certain urban design elements. The goals and policies in Chapter 10 take precedence where conflicts exist between other parts of the Comprehensive Plan. A copy of the MC Design Plan is included in Exhibit 6. The following policies are applicable to this application and shall be applied in the CRC Design Plan area.

1. LAND USE POLICIES

a. Land Use Policies:

1. Policy 5.0: *A range of land use designations may be applied within the designated Corridor design type area. Land use designations that provide primarily for employment and shopping, and land use designations that provide primarily for multi-family residences shall be considered. Land Use Designations applicable in the Corridor design type area are:*

a. Policy 5.1: *Commercial and Office designations that may be applied include: General Commercial, Retail Commercial, Office Commercial and Office Apartment. Any site designated for a commercial use shall be located adjacent to McLoughlin.*

The subject property is located in the MC Design Type boundary identified on Map X-MC-1. This policy allows the proposed General Commercial Plan designation to be applied within the MC Design Type area.

The second part of this policy requires the site to be located adjacent to McLoughlin Blvd. The subject property is not located adjacent to McLoughlin Blvd. The applicant has indicated this policy is met because the applicant owns contiguous property (tax lot 6100) which is adjacent to McLoughlin Blvd. However, the subject property and tax lot 6100 are separate legal lots of record. These tax lots can be sold or developed separately. In such a case, the subject property would not have access or be adjacent to McLoughlin Blvd.

The proposed General Commercial Plan designation is not consistent with Policy 5.1 because the site is not located adjacent to McLoughlin Blvd.

This policy is not met.

b. Policy 5.2: *Multifamily designations that may be applied include: Special High Density, High Density, Medium High Density and Medium Density Residential. Multifamily designations should generally be located so as to form a buffer between commercial uses adjacent to McLoughlin and low density residential areas.*

The subject property is currently designated Multifamily on the Comprehensive Plan map. The existing Comprehensive Plan designations along River Road between the City Limits of Gladstone to the south and to SE River Drive to the north are substantially consistent with this buffer policy. This area consists of an excellent land use pattern which provides a transition from commercial, to multifamily to low density residential. See Exhibit 3. The existing Multifamily Plan designation on the subject property does provide a buffer between the McLoughlin Blvd. commercial area and areas designated Low Density Residential on the west side of River Road. The proposed General Commercial plan designation would eliminate the multifamily buffer

between the McLoughlin commercial area and low density residential areas.

This policy is not met.

2. TRANSPORTATION POLICIES:

A. Policies 6.0 – 11.0 outline the transportation policies applicable in the McLoughlin Corridor. The Planning Staff does not believe any of these policies are applicable to this proposal.

This proposal is not consistent with Policies 5.1 and 5.2 in Chapter 10.

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

The subject property is located within Metro's jurisdiction. The property is located within the Gladstone Urban Growth Management Area.

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

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 Gladstone, Gladstone School District, Oak Lodge Sanitary District, Oak Lodge Water District, Clackamas County Fire District #1, ODOT, Metro and DLCDC. 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

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.

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.

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.

This application has been initiated by the property owner, Clemens Marina / Charles Meeker.

This policy is met.

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.

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 Jennings Lodge Community Planning Organization was notified of the application on June 30, 2005, over 35 days prior to the first hearing before the Planning Commission.

This policy is met.

This application has been processed consistent with Chapter 11.

PART 4. COMPLIANCE WITH MEDIUM DENSITY RESIDENTIAL AND GENERAL COMMERCIAL PLAN POLICIES IN CHAPTER 4:

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

A. Medium Density Residential Plan Policies: Policy 21.0 in Chapter 4 of the Residential Section of the Land Use Chapter of the Plan identifies the criteria that must be satisfied in order for the Medium Density Residential Plan designation to be applied to an area. This Plan designation may when at least the first two criteria are met

1. Policy 21.0(a): *Areas where a need for this type of housing exists.*

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

Staff believes there are a number of areas of consideration that could be used in assessing the need for medium density residential housing. Those areas of consideration could vary to include all the land within the unincorporated areas of Clackamas County, lands in the UGB west of I-205, or area within the McLoughlin Corridor 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 MC Design Plan boundary.

The most current analysis of residential land needs within the unincorporated area of the UGB was completed by the County in June 2000. Based on this Housing and Employment Study, Clackamas County can accommodate approximately 95% of the needed housing units in the unincorporated area of the County. Within the MC Design Plan boundary, the Housing Study found that there is an unmet need for 12 dwelling units. There is a continued need for additional housing within the MC Design Plan Boundary. Although this study demonstrated substantial compliance with Metro's housing requirements, additional land is required to meet 100% of the County's housing needs in the MC Design Plan area and unincorporated areas of the UGB.

In addition, this same study indicates there is a demonstrated need both locally and

regionally for housing in close proximity to a commercial areas and employment centers. The subject property is located with the MC Design Plan area, which includes significant commercial areas and employment centers.

The MC Design Plan also states: "A market analysis addressed the market for a range of land uses, and the types of employment and housing densities that are suitable for the corridor. It was determined that the employment and housing uses and densities appropriate to the corridor are already feasible under the existing plan designations provided for in the Comprehensive Plan."

This policy is met.

2. Policy 21.0(b): *Areas with access to a major or minor arterial or collector. Siting should not result in significant traffic increase on local streets serving low density residential areas.*

The subject property has frontage on River Road, which is designated as a minor arterial street. River Road provides excellent access to the McLoughlin Blvd. commercial corridor to the east. The subject property is located between this commercial corridor and a large area designated low density residential to the west. Traffic from multifamily housing in this location will primarily be to and from McLoughlin Blvd and therefore will not generate significant traffic on the local streets to the west serving the low density residential areas.

This policy is met.

3. Policy 21.0(c): *Areas located near or adjacent to commercial areas, employment concentrations or transit stops.*

The subject property is located adjacent to the McLoughlin Blvd. commercial corridor. This commercial area consists of significant employment concentrations, including retail, service and service commercial uses. Numerous automobile sales business, service stations, strip malls and shopping centers are located in the area. A Tri-met bus stop is located on the corner of Glen Echo Road and east side of McLoughlin Blvd. within 450' of the subject property. The subject property is located adjacent to, or very near commercial and employment areas and a transit bus stop.

This policy is met.

4. Policy 21.0(d): *Areas of deteriorating dwelling or structures in neighborhoods to stimulate private investment, infilling and redevelopment, as long as one or more of the preceding criteria apply.*

The Planning Staff believes the area for consideration of this criteria should include the area designated Medium Density Residential on the east side of River

Road between the City Limits of Gladstone and Glen Echo Road. This area is developed with a mix of single family residential structures and small multifamily residential structures (tri-plexes and four plexes). The structures in this area include a mix of older single family dwellings and small multifamily buildings (a triplex and two 5-plex buildings) which are generally in fair to poor condition.

This policy is met.

B. General Commercial Plan Policies: Policy 34.0 in Chapter 4 of the Commercial Section of the Land Use Chapter of the Plan identifies the criteria that must be satisfied in order for the General Commercial Plan designation to be applied to an area. This Plan designation may be applied when either the first or all of the other criteria are met:

1. Policy 34.0(a): *Areas having an historical commitment to commercial uses.*

The applicant has not addressed this policy. The subject property is vacant and there is no evidence in the record the site has historically been developed with a commercial use or any other use.

This policy is not met.

2. Policy 34.0(b): *Areas necessary to serve the shopping needs of County residents.*

The applicant has not provided any substantial evidence indicating this area is necessary to serve shopping needs of County residents. The property is located within the McLoughlin Corridor Design Plan area. This area consists of a commercial strip over 3 ½ miles long. There is no analysis of other vacant commercial land, market analysis or other information is demonstrating there is a need for additional commercial land in this area.

This policy is not met.

3. Policy 34.0(c): *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 is located on River Road, which is designated as a minor collector street. The applicant has proposed to develop the subject property in conjunction with an existing boat sales business (Clemens Marina) located on tax lot 6100. Tax lot 6100 has direct access to McLoughlin Blvd., which is designated as a major arterial. However, the applicant has also proposed to establish and new access drive(s) to River Road from the existing boat facility property and the subject property. This access scenario would result in the subject property having access to a major arterial street (McLoughlin Blvd.) providing it was developed and used in conjunction with the business on tax lot 6100. However, these two tax lots are considered separate legal lots of record and may be sold and developed

separately. If the lots are ever sold or developed separately, the subject property would not have access to a major arterial street. In addition, even if the lots are developed separately, the proposed access on to the minor arterial street to serve a commercial development is inconsistent with this policy.

This policy is not met.

4. Policy 34.0(d): *Areas which do not increase an existing commercial strip or create new strips.*

This proposal will increase the depth of the existing commercial strip. It will not increase the length of the existing commercial strip or create a new strip.

This policy is met.

5. Policy 34.0(e): *Areas where adverse effects, such as traffic and noise will have a minimal effect on adjacent neighborhoods or can be minimized through on-site improvements.*

The applicant has indicated this proposal will have little or no affect on adjacent properties because the land is currently vacant, the proposed development will be aesthetically pleasing and the owner has been a good neighbor. Staff recognizes the applicant may very well be a good neighbor. However, that is not relevant to this policy nor is the existing or future visual characteristics of the property particularly relevant.

This policy requires an evaluation of adverse effects such as noise or traffic. The applicant has not addressed either one of these impacts. This proposal, if approved is not limited to impacts from the proposed boat storage and sales area. If approved the proposed General Commercial Plan designation would allows any use allowed in the C-3 zoning district, including fast food restaurants, banks, outdoor lumber yards, new and used auto sales. These types of uses can generate significant noise and traffic. All this additional traffic would be generated on River Road which is developed primarily with single family and multifamily land uses. The submitted Traffic Impact Study does not provide an evaluation of potential traffic from these higher traffic trip generators. The applicant has not provided any substantial evidence demonstrating the proposed uses allowed under the Commercial Plan designation will not result in adverse effects such as traffic and noise.

This policy is not met.

6. Policy 34.0(f): *Areas near employment centers.*

The subject property is located adjacent to the McLoughlin Blvd. commercial corridor. This commercial area consists of significant employment concentrations, including retail, service and service commercial uses. Numerous automobile sales

business, service stations, strip malls and shopping centers are located in the area. The subject property is located adjacent to, or very near commercial and employment areas.

This policy is met.

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

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 in nature (i.e. Statewide Planning Goals) to very specific in nature (i.e. Plan Designation Policies). As a result all these policies and standards must be weighed and balanced against this specific land use proposal to determine whether the existing Medium Density Residential or the proposed General Commercial Plan designation is most appropriate plan designation.

In consideration of the findings in Parts 1-4, staff finds that the General Commercial Plan designation is not appropriate on the subject property and the existing Medium Density Residential Plan designation is the most appropriate plan designation on the property for the following reasons:

1. The subject property does not satisfy General Commercial Plan Policy 34.0 in the Land Use Chapter of the Comprehensive Plan. This policy requires the property to have a historical commitment to a commercial use (Policy 34.0(a)) or to satisfy the remaining 5 policies (34.0(b-f)).

a. The property does not have a historical commitment to a commercial use therefore Policy 34.0(a) is not met.

b. The applicant has not demonstrated the property complies with Policy 34.0(b) which requires the property to be necessary to serve shopping needs of County Residents.

c. Policy 34.0(c) is not met because the property does not have access to a major arterial street.

d. Policy 34.0(e) is not met because it eliminates a buffer between lands designated for commercial uses and a low density residential area. The proposed General Commercial Plan designation will result in significant traffic and potentially noise adjacent to a low density residential neighborhood.

2. The subject property does satisfy Medium Density Residential Plan Policy 21.0 in the Land Use Chapter of the Comprehensive Plan. This policy requires the property to satisfy at least the first two of the four policies. The subject property satisfies all

four of the policies.

a. Policy 21.0(a) is met because there is a general need for additional housing in the MC Design Plan Area and in the UGB. In weighing this policy against Policy 34.0(b) (Area necessary for shopping needs) this policy should carry more weight because there is far more buildable and available land for commercial uses than there is for multifamily uses.

b. Policy 21.0(b) is met because the property has access to a minor arterial street.

c. Policy 21.0(c) is met because the property is located very close to commercial areas, employment centers and a Tri-met bus stop. These are very suitable locational characteristics for multifamily housing developments.

d. Policy 21.0(d) is met because the subject property is located in an area with a mix of older dwelling units and small multifamily apartments in fair to poor condition.

3. The proposed General Commercial Plan designation is not consistent Urban Growth Concept "Corridor" policies in the Land Use Chapter or Policy 5.0 in the McLoughlin Corridor Design Plan in Chapter 10 of the Comprehensive Plan. The MC Corridor Design Plan includes specific policies for applying land use plan designations in this area and take precedence over other policies in the Land Use Chapter. Therefore, these policies should be given significant weight in the evaluation of this application.

a. Policy 5.1 in the MC Design Plan requires any site designated for commercial use to be adjacent to McLoughlin Blvd. The subject property is not directly adjacent to McLoughlin Blvd.

b. Policy 5.2 in the MC Design Plan is not met because it eliminates the multifamily buffer between the MC commercial area to the east and low density residential neighborhood to the west.

c. There is 9 parcels with the existing MDR Plan designation along this portion of River Road which provide an excellent transition and buffer between the MC commercial area and low density residential neighborhood. The conversion of the subject property is inconsistent with this established land use pattern and sets a significant precedent for conversion of the remaining parcels if they are developed in conjunction with adjacent sites on McLoughlin Blvd.

4. The submitted Traffic Impact Study does not demonstrate the affected transportation system is adequate to accommodate all the allowed uses within the proposed General Commercial Plan designation. Unless updated traffic information is provided otherwise, this makes the site less suitable for commercial uses than for multifamily uses.

5. The comments from the DTD, Traffic Engineering staff demonstrates that access cannot be provided to the site in compliance with minimum spacing guidelines in Table V-5 of the Comprehensive Plan or minimum site distance standards. These issues should not be given significant weight in the evaluation of this application, because the same issues exist if the site is developed with multifamily uses. However, this does point out the inadequacy of the transportation system and generally supports the use of the property for the less intensive MRD plan designation over the more intensive General Commercial Plan designation.

SECTION 2- ZONE CHANGE

This application includes a zone change application from MR-1 to C-3. This application is subject to the zone change criteria 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.*

Based on the findings in Section 1 of this report, the proposed General Commercial plan designation is not consistent with the Comprehensive Plan. The C-3 zoning district implements the General Commercial Plan designation. Therefore the proposed zone change to C-3 is not consistent with the Comprehensive Plan.

This criterion is not met.

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

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

The subject property is located within Oak Lodge Sanitary Sewer District, which provides public sanitary sewer and storm drainage services in the area. The applicant has submitted a Preliminary Statement of Feasibility from the OLSA indicating the sewer and surface water facilities have adequate capacity to serve the proposed uses of the property for boat parking. See Exhibit F. The OLSA has submitted comments on this proposal. See Exhibit 5. These comments do not address the adequacy of sewer for other uses allowed in the C-3 zoning district and indicates on-site surface

water detention and treatment facilities will be required for any new development on this property because public storm sewer is not readily available.

The applicant has submitted a Preliminary Statement of Feasibility from the Oak Lodge Water District indicating water service is adequate to serve the proposed uses of the property for boat parking. No other comments have been received from the Oak Lodge Water District. There is not adequate information in the record demonstrating there is adequate water to serve other uses allowed in the C-3 zoning district.

There is not substantial evidence in the record indicating adequate sewer or water capacity exists to generally support all the uses allowed in the proposed C-3 zoning district. There is also no evidence indicating adequate surface water facilities can be provided to the property, or that the property is otherwise suitable to accommodate on-site surface water detention and treatment facilities.

This criterion is not met.

3. Section 1202.01C: *The zone change will not impact the transportation system such that a roadway as planned in the 20-Year Capital Improvement Plan:*

a) Section 1202.01C(1): *Must be designed or increased to a higher functional classification in order to maintain the minimum acceptable performance evaluation Level-of-Service standard identified by the Comprehensive Plan; or*

b) Section 1202.01C(2): *Will operate at a performance evaluation Level-of-Service standard below the minimum acceptable level identified in the Comprehensive Plan.*

c) Section 1202.01C(3): *For the purpose of evaluating these criteria, the cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered. The analysis shall consider a five-year period that begins with the date of the transportation impact study provided the study is dated nor more than 90 days prior to the date a completed land use application is submitted. If a transportation impact study is not required or is dated more than 90 days prior to the date a complete land use application is submitted, the five-year period shall begin with the date a complete land use application is submitted.*

d) Section 1202.01C(4): *Any impacts on State transportation facilities shall be evaluated pursuant to the Oregon Highway Plan rather than the Comprehensive Plan.*

The Traffic Impact Study completed by Lancaster Engineering (Exhibit G) does not address the worst case traffic scenario which may be generated from uses allowed in the proposed C-3 zoning district. See DTD, Traffic Engineering comments in Exhibit 7. These comments are adopted as part of this report by reference therein. There is not substantial evidence in the record demonstrating the zone change is consistent with the approval criteria in Section 1202.01C(1) and 1202.01C(2).

This criterion is not met.

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

The Traffic Impact Study completed by Lancaster Engineering (Exhibit G) also addresses site distance requirements for two proposed access drives. The TIS indicates minimum site distance standards can be met if on-site vegetation is removed and the site is developed as shown on the submitted site plan with parking along the boundaries and grass landscaping in the center of the site. The TIS evaluated site distance standards for passenger vehicles. The DTD, TE staff does not believe the site distance standards for passenger automobiles is appropriate because the proposed use of the site will primarily involve passenger vehicles towing a boat trailer. Therefore, the site distance standard should be evaluated based on the requirements for a single unit truck. The TIS does not demonstrate the safety of the transportation system is adequate to serve the level of development anticipated by the zone change.

This criterion is not met.

5. Section 1202.01E: *Development based on a zone change granted pursuant to this section shall be subject to Section 1022.*

This is not an approval criteria applicable to a zone change application, rather only an informational statement to notify the applicant that any future development proposal must comply with the Concurrency standards in Section 1022 of the ZDO.

Zone Change Criteria Conclusions: This application does not satisfy any of the four criteria applicable to a zone change in Section 1202.01 of the ZDO.

SECTION 3 – RECOMMENDED CONDITONS OF APPROVAL

If this application is approved, the Planning Staff recommends the following conditions of approval, which are necessary to satisfy the Transportation Planning Rule and Access Guidelines in Table V-5 of the Comprehensive Plan.

1. Land uses allowed on the subject property shall be limited to boat sales/ storage facility as identified in the submitted application or other land uses which do not exceed the trip generation identified in the Traffic Impact Study (Exhibit G) for a General Office use.
2. Access from the subject property to River Road shall be prohibited.