



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

January 30, 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 006-05

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. This adoption was adopted by the City on January 5, 2006, and passed the 21-day appeal period from the date of the adoption.

Appeal Procedures*

DLCD DEADLINE TO APPEAL: Acknowledged under ORS 197.625 and ORS 197.830 (9)

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 if no notice of intent to appeal is filed within the 21-day period set out in ORS 197.830 (9), the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation shall be considered acknowledged upon the expiration of the 21-day period.

Under ORS 197.830 (9) a notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final.

***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: Gloria Gardiner, DLCD Urban Planning Specialist
Stacy Hopkins, DLCD Regional Representative
Mike McCallister, Clackamas County

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FORM 2

DEPT OF

JAN 27 2006

DLCD NOTICE OF ADOPTION

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

LAND CONSERVATION AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: CLACKAMAS CO Local File No.: 20305-05-CP 20306-05-2

Date of Adoption: 1-5-06 Date Mailed: 1-26-06

Date the Notice of Proposed Amendment was mailed to DLCD: 7-18-05

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

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."
COMPREHENSIVE PLAN MAP AMENDMENT FROM LOW DENSITY RESIDENTIAL TO OFFICE APARTMENT. CORRESPONDING ZONE CHANGE FROM R-10 TO OA

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 "N/A."
SAME

Plan Map Changed from: ULDR to OFFICE APARTMENT
Zone Map Changed from: R-10 to OA
Location: SUNNYSIDE AREA/132ND AVE Acres Involved: 1.97 ACRES
Specify Density: Previous: 10,000 New: N/A
Applicable Statewide Planning Goals: 1, 2, 9, 10, 11, 12
Was an Exception Adopted? Yes: No: X

DLCD File No.: 006-05 (14521)

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

CACUMAS FIRE DISTRICT, CACUMAS CD SERVICE DIST #1

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

Address: 9101 SE SUMMIT BROOK BLVD

City: CACUMAS OR Zip Code: 97015

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

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

Submit TWO (2) copies the adopted material, if copies are bounded please submit TWO (2) complete copies of documents and maps.

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.

Submission of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

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 "Notice of Adoption" is sent to DLCD.

In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

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 Larry.French@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
North Clackamas School District #12.

File No.: Z0305-05-CP, Z0306-05-Z

ORDER NO. 2006-01
(Page 1 of 2)

This matter coming regularly before the Board of County Commissioners, and it appearing that North Clackamas School District #12 made application for a Comprehensive Plan map amendment and zone change on property described as T2S, R2E, Section 2BD, Tax Lot 1000, W.M., located on the south side of Sunnyside Road, approximately 100 feet east of its intersection with SE 128th Avenue; and

It further appearing that planning staff, by its report dated September 13, 2005, recommended denial of the application; and

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

It further appearing that after appropriate notice a public hearing was held before the Board of County Commissioners on October 19, 2005, at which testimony and evidence were presented, and that a preliminary decision was made by the Board on October 19, 2005;

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

1. The application requests approval of a Comprehensive Plan map amendment from Low Density Residential to Office Apartment and corresponding zone change from R-10 to OA.
2. This application meets the applicable criteria of the Statewide Planning Goals, Metro Functional Plan, Comprehensive Plan and Zoning and Development Ordinance for the reasons stated in the Planning Staff Report/Recommendation, which is hereby adopted as the findings and conclusions of this Board, with the exception of the recommendation concerning the adequacy of the transportation system.
3. The Planning Staff Report stated that the transportation system was not adequate, based on material submitted by the applicant at the time the report was written. Based on later evidence, the staff changed its recommendation to approval. This Board finds that the transportation system is adequate.

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

In the Matter of a Comprehensive
Plan and Zone Change for
North Clackamas School District #12.

File No.: Z0305-05-CP, Z0306-05-Z

ORDER NO. 2006-01
(Page 2 of 2)

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

DATED this 5th day of January, 2006.

BOARD OF COUNTY COMMISSIONERS

[Signature]
Chair, Board of County Commissioners

Mary Raetke
Recording Secretary



DEPARTMENT OF
TRANSPORTATION AND DEVELOPMENT

Sunnybrook Service Center

Campbell Gilmour
Director

NAME: North Clackamas School District
FILE NO: Z0305-05-CP, Z0306-05-Z
REPORT AUTHOR: Mike McCallister
HEARING DATE: September 19, 2005 (PC), October 19, 2005 (BCC)
REPORT DATE: September 13, 2005

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

FACTS

GENERAL INFORMATION

Applicant: North Clackamas School District #12; David Church, 12451 SE Fuller Road;
Milwaukie, OR 97222.

Owner: Same

Proposal: Comprehensive Plan Map Amendment from Low Density Residential to
Office Apartment. Corresponding zone change from R-10 to OA.

The primary uses allowed within the OA zoning district includes business and professional offices, medical and dental services, testing laboratories and facilities, graphic arts and printing related business, banks, credit unions and other financial services, civic uses and day care facilities. A copy of the OA zoning district is included in Exhibit 2.

Location: South side of Sunnyside Road, approximately 100 feet east of its intersection with SE 128th Avenue.

Legal Description: T2S, R2E, Section 2BD, Tax Lot 1000; W.M

Comprehensive Plan Designation: Low Density Residential

Zone: R-10

Total Area Involved: Approximately 1.47 acres.

RECOMMENDATION:

1. Denial of the Comprehensive Plan Map Amendment from Low Density Residential to Office Apartment (File No. Z0305-05-CP).

2. Denial of the zone change from R-10 to OA (File No. Z0306-05-Z).

The Planning Staff is recommending denial because the traffic study submitted with the application only provided a 5 year analysis of traffic impacts. This analysis does not comply with the requirements of Statewide Goal 12 as implemented by the Transportation Planning Rule or the Zone Change criteria in Section 1202 of the ZDO. The staff notified the applicant of this deficiency several weeks ago. No new information has been received. Staff anticipates a revised study will be submitted prior to the September 19, 2005 public hearing. If the revised study demonstrates compliance with the TRP and zone change criteria, the Planning Staff will amend the recommendation to approval.

SITE AND AREA DESCRIPTION AND SERVICE PROVIDERS

Site Description: The subject property is approximately 1.47 acre and rectangular in shape. The property is vacant. There are no wetlands, streams, creeks or other significant natural features on the site. The property slopes down towards Sunnyside Road. The property has approximately 260' of frontage on Sunnyside Road, which is designated as a Major Arterial. An aerial photo of the property and surrounding areas is included in Exhibit 5 (oversize).

Surrounding Conditions: The property is bordered on the north by Sunnyside Road. The area across Sunnyside Road is zoned R-8.5 and R-10. This area is developed with single family residential subdivisions. The area to the east of the subject property is zoned FU-10 and Office Apartment. The adjacent parcel to the east (tax lot 1100) is zoned FU-10 is approximately .59 acres and is developed with a single family dwelling. The Comprehensive Plan designation on this tax lot is Office Apartment. The area further east is zoned OA and FU-10 / HL. Tax lot 1200 is developed with a professional office building. Tax lot 1400 is developed with a grange hall (historic landmark) used for a jazzercise business. The adjacent property to the south is zoned Open Space Management (OSM). This property is approximately 8.99 acres and is owned by the North Clackamas School District. This site is developed with recreational fields. The Sunnyside Elementary School is located on the east side of the recreational fields. The adjacent properties to the west are zoned R-10. This area is primarily developed with single family residential subdivisions.

Service Providers:

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

Responses Requested:

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

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

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

FINDINGS AND CONCLUSIONS

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
LOW DENSITY RESIDENTIAL TO OFFICE APARTMENT**

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; North Clackamas School District, Clackamas County Service District #1, Sunrise Water Authority, Clackamas County Fire District #1, Tri-Met, Department of Land Conservation and Development (DLCD) and Metro.

The subject property is not located within any Urban Growth Management Areas (UGMA) of any nearby or surrounding cities. This application does not affect any other adopted City Comprehensive Plans.

Goal 2 requires that all land use actions be consistent with the acknowledged Comprehensive Plan. 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 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 to this application.

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 to this application.

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

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

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

The proposal is consistent with Goal 5.

F. Goal 6; Air, Water and Land Resources Quality: *To maintain and improve the quality of the air, water and land resources of the state.*

The County Comprehensive Plan and ZDO contain adopted implementing regulations to protect the air, water and land resources. The County also has adopted public facilities and service plans to accommodate all waste and process discharges in order to protect watersheds, airsheds and land resources. These regulations will be applied to any future development proposals on the property and will protect the affected air, water and land resources.

This application is consistent with Goal 6.

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

The subject property is not located within any floodplain area. According to the Department of Geology and Mineral Industries (DOGAMI) map, there are no geologic hazards or significant slopes located on the subject property.

This application is consistent with Goal 7.

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

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

Goal 8 is not applicable to this application.

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

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

The Clackamas County Comprehensive Plan has been acknowledged in compliance with Goal 9. OAR 660-009 (Industrial and Commercial Development) outlines the standards and criteria to comply with Goal 9. OAR 660-009-0010(4) outlines the standards and criteria to address any changes to acknowledged commercial 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 (1.47 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.

This proposal will change the Comprehensive Plan map from Low Density Residential to Office Apartment. Under the existing Low Density Residential Plan designation the property can provide accommodate approximately 5 single family residential dwelling units (Based on the existing zoning designation of R-10 (10,000 square feet). The proposed Office Apartment Plan designation allows multi-family residential uses as a Limited Use in conjunction with a primary use subject to the density requirements in Section 313 (Medium High Density Residential- MHDR) of the ZDO. The MHDR plan designation allows up to 18 units per acre. Attached single family dwellings may also be developed as a Limited Use subject to the density standards in Section 1604 (Village Townhouse Residential – VTH) of the ZDO. The VTH plan designation allows a density of up to 2,000 square feet per lot. See Sections 509.05(A and B) in Exhibit 2. The proposed Office Apartment plan designation will provide for residential housing comparable or in excess to the existing Low Density Residential plan designation. This proposal will not result in a decrease in buildable land for residential housing 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 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. The adequacy of these facilities is evaluated in the zone change application in Section 2 of this report. The final design and improvements to the systems will be determined during review of future development proposals. This will ensure the facilities are designed according to adopted facility plans and appropriate to serve urban uses. This will ensure the facilities are orderly and efficient.

The property is also appropriately located within the service boundaries of Clackamas County Rural Fire Protection District #1, North Clackamas Park District #2, North Clackamas School District #12, John P Lehl Garbage Collection District and Clackamas County Sheriff's District.

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 office and residential 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 not demonstrated that the performance standards of the transportation system will operate within an acceptable level of service identified in the TSP upon

approval of the plan map amendment. The applicant has submitted a Traffic Impact Study (TIS) completed by Lancaster Engineering dated April 2005. The TIS does not specifically address OAR 660-012-0060. In addition, the TIS is based on a five-year forecast of traffic volumes. This is inconsistent with the zone change criteria and the County adopted TSP which is based on a 20 year forecast and therefore does not comply with the TPR. The County has requested the applicant to provide a revised TIS to include a 20 year analysis. Absent this information the Planning Staff does not believe there is adequate information in the record demonstrating compliance with the TPR and Goal 12.

This application is not 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 to this application.

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 to this application.

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 to this application.

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.

This proposal is not in conflict with any provisions in Title 1 because it will not result in a decrease in the amount of housing which can be accommodated on the property, and, and will result in a slight increase in the amount of land planned for commercial uses and related employment opportunities. This proposal will not change any other provisions of the Comprehensive Plan related to meeting minimum densities required in Title 1.

This proposal is consistent with the Metro Functional Plan.

PART 3. COMPLIANCE WITH CLACKAMAS COUNTY COMPREHENSIVE PLAN POLICIES:

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

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

Chapter 1 is not applicable to this application.

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 (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 or near the subject property.
 - b. Wetlands: There are no wetlands identified on the North Urban Wetland Inventory or on the National Wetland Inventory on or near the subject property.
 - c. Groundwater: The subject property is not located in any Limited or Critical Groundwater Area identified by the Oregon Department of Water Resources.

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

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

4. Mineral and Aggregate Resources: The subject property is not identified on the "Inventory of Mineral and Aggregate Resource Sites" in Table III-2 of the Comprehensive Plan. There are no policies in this Section of the Comprehensive Plan applicable to this proposal.
5. Wildlife Habitats and Distinctive Resource Areas: There are no significant wildlife habitats or scenic areas identified on Map III-2 of the Comprehensive Plan located on or near the subject property. There are no policies in this Section of the Comprehensive Plan applicable to this proposal.
6. Natural Hazards: This Section of the Chapter identifies policies applicable to floodplains, natural and geologic hazards, steep hillsides and areas with limiting soil characteristics such as shrink-swell soils, compressed soils, etc.

The subject property is not located within a designated floodplain. According to the DOGAMI maps there are no natural or geologic hazards, steep slopes or shrink-swell soils located on the property. There are no policies in this Section of the Comprehensive Plan applicable to this proposal.

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

This application is consistent with Chapter 3.

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

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

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

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

- a) *Served by public services (including sewer, water, stormwater facilities, and*

transportation facilities);

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

c) Substantially developed or surrounded by development at urban densities.

The subject property is located within the boundaries of Clackamas County Service District and Sunrise Water Authority District which are capable of providing sewer, water and stormwater facilities to the property and area. The aerial photo (Exhibit 8) demonstrates the property is substantially surrounded by development at urban densities. 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 adjacent to Sunnyside Road which is designated as a "Corridor" design type area on the Region 2040 Concept Plan Map (Map IV-8). A "Corridor" is defined as "*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 increased 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.*"

The proposed Office Apartment Plan designation provides land for office and business uses and other limited uses such as multi-family and attached single family dwellings as a mixed use development. Policies 2.0 – 5.0 in the Urban Growth Concept Section of the Plan identify the policies applicable to the "Corridor" design type areas. Policy 2.0 and 4.0 are applicable to this application.

a. Policy 2.0: *The "Corridor Design Type Area: designation is applied to sites adjoining the Corridor streets shown on Map IV-8. Corridor Design Type Areas may be either continuous or development nodes. The area of application for Corridor Design Type Areas are specified in Chapter 10 for all of the Corridor Streets.*

1. Policy 2.1: *Provide for both employment and housing, including mixed use.*

The proposed Office Apartment plan designation allows employment uses as an outright use and housing as a Limited Use to accommodate mixed use developments. The Office

Apartment plan designation is consistent with this policy.

This policy is met.

b. Policy 4.0: *Specific policies for the Sunnyside Road (from approximately SE 117th Ave to SE 139th Avenue) Corridor Design Type Area are located within Chapter 10: The Sunnyside Corridor Community Plan.*

Policy 1.0 in the Sunnyside Corridor Community Plan specifically allows the Office Apartment Plan designated to be applied within the Corridor Design Type area.

This policy is met.

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

3. Land Use Plan Designations. The subject property is currently designated Low Density Residential on the Comprehensive Plan map. Therefore, only the existing Low Density Residential (Policy 1.0) plan designation policies in the Residential Section and Office Apartment (Policy 30.0) policies in the Commercial Section of this Chapter are applicable to this application.

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

The specific plan policies for applying the Low Density Residential and Office Apartment plan designations in Chapter 4 are evaluated in Part 4 of this report.

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

This application is consistent with 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.

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

~~This policy is not met.~~

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

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

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

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

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

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

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

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

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

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

This application is consistent with Chapter 5.

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

1. The policies in the Neighborhood Quality (Policy 3.0) and Urban Infill (Policy 4.0) Section of this Chapter are applicable to this application.

a. Policy 3.0: Neighborhood Quality: *Provide for a variety of housing opportunities that are complimentary of compatible with existing neighborhoods.*

1. Policy 3.2: *Protect the quality, life-style and values of existing neighborhoods.*

b. Policy 4.0: Urban Infill Policy: *Make use of existing urban service capacities without damaging the character of existing low-density neighborhoods. This policy will be achieved by the following:*

2. Policy 4.2: *Locating higher density Plan designations at locations that have minimum impact on existing low-density neighborhoods.*

2. This proposal will convert the subject property from a Low Density Residential Plan designation to a higher density Office Apartment Plan designation. This proposal will protect and be compatible with the existing low density residential neighborhoods for the following reasons:

a. The Office Apartment plan designation is intended to provide for a high standard of architectural design and landscaping which is visually compatible with residential uses.

b. The low density residential area to the north is separated from the subject property by Sunnyside Road, which is a major arterial street.

c. Traffic from this site will utilize the planned local road between Sunnyside Road and SE 132nd Avenue. Commercial and multi-family traffic from the subject property will not be directed through local streets serving the low density residential area to the west.

d. The area to the south of the property is zoned Open Space Management which does not allow low density residential uses.

This proposal is consistent with Chapter 6.

G. Chapter 7; Public Facilities and Services: *The goal of the Public Facilities and Services Chapter is to ensure an appropriate level of public facilities and services are necessary to support the land use designations in the Comprehensive Plan, and to provide those facilities and services at the proper time to serve the development in the most cost effective way.*

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

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

The North Clackamas School District has submitted comments stating “There will be no

impact on adjacent schools from the future development of this property to its highest and best use. The property is surplus to the needs of the school district." See Exhibit 3.

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 application includes a Statement of Feasibility from Water Environment Services signed August 27, 2004 indicating that adequate sewer and storm drainage services are available to accommodate development under the Office Apartment plan designation. The Water Environment Services (WES) Division has submitted comments indicating sewer and storm drainage services are available and adequate to serve the uses allowed under the Office Apartment plan designation. See Exhibit 4.

The property is located within the Sunrise Water Authority District. No comments have been received from the Water District. The application includes a Statement of Feasibility from Water Environment Services signed August 27, 2004 indicating that adequate water service is available to accommodate development under the Office Apartment plan designation.

This application is consistent with Chapter 7.

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

There are no policies in this Chapter applicable to this application.

This application is consistent with Chapter 8.

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

The subject property does not include any lands designated as open space or park land. There are no designated Historic Landmarks, Historic Districts or Historic Corridors on or adjacent to the subject property.

This application is consistent with Chapter 9.

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

The subject property is located within the Sunnyside Corridor Design Plan area. Chapter 10 includes the goals and policies that are specific to the Sunnyside Corridor to guide decisions on land use, transportation, housing and urban design elements. The goals and policies in Chapter 10 take precedence where conflicts exist between other parts of the Comprehensive Plan. The following policies are applicable to this application and shall be applied in the Sunnyside Corridor Design Plan area.

1. LAND USE POLICIES:

A. Policy 1.0: *Map X-SC-2 illustrates the Land Use Plan designations for the Sunnyside Corridor Community Plan Area. The following uses may be allowed: Low Density Residential, Medium High Density Residential, Office Apartment, Community Commercial, and Public and Community Use. Policies directing the application of these plan designations are located in Chapter 4 of this Plan. In addition, policies establishing special standards for these plan designation when applied in the Sunnyside Corridor Community Plan Area are set out in policies 2.0 to 5.0 below.*

This policy allows the Office Apartment plan designation to be applied within the Sunnyside Corridor Design Plan area subject to the policies in the Land Use Chapter (Policy 30.0 in the Commercial Section of Chapter 4). This proposed Office Apartment Plan designation is an allowed land use designation in the Sunnyside Corridor Design Plan area. The findings in Part 4 of this report demonstrate the subject property satisfies the Office Apartment land use policies in Chapter 4.

This policy is satisfied.

B. Policy 2.0: *The Growth Concept Design Type Corridor, as defined in Chapter 4, shall be applied along Sunnyside Road from approximately SE 117th Avenue to SE 138th Avenue. The Corridor Design Type location shall be defined within the Sunnyside Corridor Community Plan as development nodes, which are delineated on Map X-SC-1.*

1. Policy 2.1: *The development nodes will contain concentrations of higher intensity development, separated by Office Apartment or Low Density Residential uses.*

The subject property is not located within a development node. The property is located adjacent to the SE 132nd / Sunnyside Road development node. This proposal is consistent with this policy because the development node will be separated by the Office Apartment plan. **This policy is met.**

2. Policy 2.2: *Corridor Policies 2.1 – 2.5 stated in Chapter 4: Urban Growth Concept shall be applicable to the development nodes.*

The Corridor Policies 2.1- 2.5 in the Urban Growth Concept Section of Chapter 4 are addressed in the findings under Chapter 4. Only policies 2.0 (2.1) and 4.0 are applicable to this proposal. The findings in Chapter 4 demonstrate compliance with these policies is adopted to address these policies within the Sunnyside Corridor Design Plan. **This policy is met.**

3. Policy 2.3: *The development nodes will include a complementary mix of land uses. The following uses are expected to be found in the Corridor design type area: retail, services, offices, schools, religious facilities, community facilities, and multifamily residential. The following Plan designations may be located within the development nodes: community Commercial, Office Apartment, Medium High Density Residential and Low Density Residential.*

The subject property is not located within an identified development nodes. **This policy is not applicable.**

4. Policy 2.4: *The Corridor Design Type development nodes shall not be expanded to include additional land area.*

This application does not include a proposal to expand the SE 132nd / Sunnyside Road development node. **This policy is met.**

C. Policy 4.0: *The Office Apartment designation shall be applied in the Sunnyside Corridor Community Plan Area to provide for employment and limited housing uses. Office Apartment designation shall be applied as depicted on Map X-SC-2 and may be applied in other locations when the Office Apartment Area of Application criteria are met.*

This policy directs the Office Apartment plan designation to be applied to areas identified on Map X-SC-2 and other areas within the Sunnyside Corridor Design Plan Area. The Office Apartment plan designation is not identified on the subject property on Map X-SC-2. Therefore, this Plan designation can only be applied if it satisfies the Area of Application criteria in Section 509.02 of the ZDO. See Exhibit 2. This criteria is the same as the Office Apartment policies in policy 30.0 of the Commercial Section of the Land Use Chapter. Those policies are specifically addressed in Part 4 of this report and adopted to address this policy by reference therein. **This policy is met.**

This proposal is consistent with Chapter 10.

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

The subject property is located within Metro's jurisdiction. The property is not located within any Urban Growth Management Area of any nearby cities.

In the City, Special District and Agency Coordination Section of this Chapter, Policy 1.0, is applicable. In the Amendments and Implementation Section of this Chapter, Policy 1.0 and 3.0 are applicable.

1. City, Special District and Agency Coordination Section

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; North Clackamas School District, Clackamas County Service District #1, Sunrise Water Authority, Clackamas County Fire District #1, Tri-Met, 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

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 not consistent with Statewide Planning Goal 5 because there is not adequate information demonstrating the Office Apartment plan designation is consistent with the Transportation Planning Rule and Goal 5. Based on the findings in Part 2 this proposal is consistent with the Metro Framework Plan and Urban Growth Management Functional Plan. Those findings are adopted to address this policy by reference therein. No comments have been received from the Department of Land Conservation and Development or Metro.

This policy is not 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, North Clackamas School District.

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 Sunnyside Community Planning Organization was sent notice of the application on August 2, 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 LOW DENSITY RESIDENTIAL AND OFFICE APARTMENT N POLICIES IN CHAPTER 4:

The Land Use Chapter of the Comprehensive Plan contains specific policies for determining the appropriate Comprehensive Plan land use designation for property. It is feasible and very common for a particular property to meet the policies and criteria for more than one land use Plan designation. In order to determine the most appropriate Plan designation, staff has evaluated both the policies for the Plan designation being requested (Office Apartment) 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 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 low 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 east of I-205 including or excluding the Sunnyside Village and Sunnyside Corridor Design Plan areas, and consideration of new lands recently added to the Urban Growth Boundary (i.e. Damascus area). The Planning Staff believes the appropriate "area" of consideration for this application should include the land within the Sunnyside Corridor Design Plan boundary. The County was required to meet minimum housing targets within this specific design plan area.

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. Although this study demonstrated substantial compliance with Metro's housing requirements, additional land is required to meet 100% of the County's housing needs. Within the Sunnyside Corridor Design Plan boundary, the Housing Study found that there is an unmet need for 327 dwelling units. There is a continued need for additional Low Density Residential housing within the Sunnyside Corridor Design Plan area.

This criterion is met.

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

Staff believes that the appropriate area for consideration of this criteria is the again the area within the Sunnyside Corridor Design Plan area. This area consists of a mix of established and newly constructed subdivisions built to densities consistent with the underlying low density residential zoning district. The area to the south and east along SE 132nd Avenue consists of a large block of vacant and underdeveloped land. The subject property is currently vacant. Neither the subject property nor the land within the Sunnyside Corridor Community Plan is an area where there is a need for significant redevelopment. Both the subject property and adjacent and nearby lands designated Low Density Residential are currently developed with low density residential housing where little needs exists for redevelopment.

This criterion is met.

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

The subject property currently has frontage and access to Sunnyside Road, which is classified as a major arterial street. Access from Sunnyside Road to the subject property will be prohibited and restricted to the new frontage road being constructed from SE 132nd Avenue. This road will be classified as a local road. Therefore, the subject property will have direct access to a local street.

This criterion is met.

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

The Planning Staff believes the area for consideration of this criteria should be limited to the subject property because this is where development will actually occur. The subject property does not contain any significant environmental features or characteristics or natural hazards.

This criterion is not met.

B. Office Apartment Plan Policies: Policy 30.0 in Chapter 4 of the Plan identifies two criteria that must be satisfied in order for the Office Apartment Plan designation to be applied to an area. This Plan designation may be applied when either of the criteria is met:

1. Policy 30.1: *The area to be considered by the land use application is located in a Corridor Design Type Area as defined in the Growth Concepts section of the Land Use Chapter of the Comprehensive Plan.*

The subject property is located on Sunnyside Road. Pursuant to Map IV-8 and Policy 4.0 in the Urban Growth Concept Section of the Land Use Chapter, Sunnyside Road between 117th Avenue and SE 139th Avenue is designated as a Corridor Design Type Area.

This policy is met.

2. Policy 30.2: *The area to be considered by the land use application is located on a Corridor street and the majority of the area is within 150' of the Corridor street right-of-way, and meets the following criteria:*

a. *Access to the site will meet transportation safety standards and not cause an unacceptable level of service on the Corridor street; and*

b. *The site can be developed consistent with access management plans that have*

been prepared for the Corridor street (for example in Sunnyside Corridor Community Plan Map X-22(correct map reference is X-SC-5)) and consistent with access management requirements stated in the Clackamas County Comprehensive Plan Table V-5.

As discussed in Policy 30.1 the subject property is located on a portion of Sunnyside Road identified as a Corridor street. The subject property is approximately 1.47 acres and has a lot depth ranging from 200 – 250'. The majority of the property, approximately .90 acres (61% of the land area) is located within 150' of the Sunnyside Road right-of-way.

This proposal complies with Policy 30.2.

The proposed Sunnyside Road project and new frontage street will be constructed to satisfy all applicable road standards to accommodate safe movement of traffic in the area and from the subject property. The submitted traffic study demonstrates the transportation system will operate at an acceptable level of service in the short term (5 years) but does not adequately address the long term (20 years) impact.

Therefore this proposal does not comply with Policy 30.2(a).

Access to this site will be from a new frontage road being constructed by the County as part of the Sunnyside Road improvement project. See Engineering Maps in Exhibit 8. No direct access will be allowed to Sunnyside Road. The new access road will consist of a full (non-signalized) intersection. The Sunnyside Road improvement project will eliminate all individual driveways to Sunnyside Road except for one right-in / right-out driveway to the Dolton property (tax lot 1200). Map X-SC-5 (See Exhibit 7) identifies the Sunnyside Road Access Management Targets for this area of Sunnyside Road. This map identifies the number of driveways targeted for certain segments along the road. The driveway target for Sunnyside Road between 128th Avenue and 132nd Avenue is 1 (one). Restricting access from the subject property to Sunnyside Road will reduce the number of driveways on this section of Sunnyside Road to one consistent with Map X-CS-5.

This proposal complies with Policy 30.2(b).

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 Low Density Residential or the proposed Office Apartment Plan designation is most

appropriate plan designation.

1. In consideration of the findings in Parts 1-4, staff finds that the Office Apartment Plan designation is not appropriate on the subject property because the impacts on the transportation system have not adequately been addressed. As a result the proposal does not comply with Statewide Planning Goal 5 or Policy 30.2(a) in the Office Apartment Section of Chapter 4.

2. If the applicant provides information demonstrating compliance with Goal 5, the Transportation Planning Rule and Policy 30.2(a), the staff believes the Office Apartment designation is the most appropriate land use designation on the property for the following reasons:

a. The Office Apartment plan designation is consistent with the remaining Statewide Planning Goals and Metro Functional Plan.

b. The property is located on a Corridor street consistent with the Corridor Design Type Area policies in the Urban Growth Concept Section in Chapter 4. Specifically Policy 2.1 which supports mixed use plan designations.

c. The Office Apartment plan designation is consistent with the Housing Policies in Chapter 6. Specifically, Neighborhood Quality Policy 3.2 and Urban Infill Policy 4.2 because this Plan designation is compatible with the existing low density residential areas to the north and west. The area to the south and east is designated for Open Space and Office Apartment uses.

d. Adequate public facilities and services exist to serve uses allowed in the Office Apartment plan designation.

e. The Office Apartment plan designation is consistent with the Sunnyside Corridor Design Plan policies in Chapter 10. Specifically; 1) Policy 1.0 which allows the Office Apartment designation to be applied in the Sunnyside Corridor; 2) Policy 2.1 which supports separating development nodes by Office Apartment plan designations and 3) Policy 4.0 which allows the Office Apartment plan designation to be applied within development "nodes" and in other locations when the Office Apartment policies are met.

f. The Office Apartment designation complies with Policy 30.0 in Chapter 4 because the property is located on a Corridor street and the majority of the property is within 150' of the Sunnyside Road right-of-way.

g. The property can be developed with Office Apartment uses consistent with the access management targets on Map X-SC-5.

h. The Office Apartment plan designation will increase the both the amount of land available for employment and housing to accommodate attached and multi-family housing.

i. The subject property is very suitable to accommodate Office Apartment uses. The site does not have any topographical limitations, nor does the site contain any wetlands, streams, creeks, floodplains, natural hazards or significant natural features.

j. Traffic generated from the subject property on the new local frontage road under the Office Apartment plan designation is consistent with other users of the road. This frontage road will be limited to use by other existing and future uses located within the 132nd Avenue development node.

SECTION 2- ZONE CHANGE

The zone change 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.*

The proposed Office Apartment zoning district implements the Office Apartment Comprehensive Plan designation. Based on the findings in Part 1 of this report and summarized in Part 5 the proposed Office Apartment Plan designation is not warranted. Therefore, the Office Apartment zoning district 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. All development proposed on this property requires public sanitary sewer, surface water management and water service.

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 application includes a Statement of Feasibility from Water Environment Services signed August

27, 2004 indicating that adequate sewer and storm drainage services are available to accommodate development under the Office Apartment plan designation. The WES has also submitted comments indicating sewer and storm drainage facilities are adequate to support Office Apartment uses. See Exhibit 4.

The property is located within the Sunrise Water Authority District, which provides public water service in the area. The application includes a Statement of Feasibility from Water Environment Services signed August 20, 2004 indicating that adequate water service is available to accommodate development under the Office Apartment plan designation.

This criterion is met.

3. Section 1202.01C: *The transportation system is adequate, as defined in Subsection 1022.007(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) *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) *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) *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) *Transportation facility capacity shall be calculated pursuant to Subsection 1022.07(C).*

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

The applicant has submitted a Traffic Impact Study (TIS) completed by Lancaster Engineering dated April 2005. The TIS is based on a five-year forecast of traffic volumes. This study does not comply with Section 1202.01C(1) which requires a 20 year analysis. The County has requested the applicant to provide a revised TIS to include a 20 year analysis. Absent this information there is not substantial evidence in the record demonstrating compliance with this criteria.

This criterion is not 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.*

This proposal does not impact any State transportation facilities.

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 TIS submitted by the applicant demonstrates there are no safety deficiencies associated with the affected transportation system. In addition, the Sunnyside Road improvement project and new frontage road are being constructed to meet County Roadway Standards.

This criterion is met.

Zone Change Criteria Conclusions: This application does not satisfy the zone change criteria under Subsection 1202.01C of the ZDO.