



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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## AMENDED NOTICE OF ADOPTED AMENDMENT

November 6, 2007

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 005-07



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

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 20, 2007**

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

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

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

Cc: Doug White, DLCD Community Services Specialist  
Mike McCallister, Clackamas County

<paa> ya/

**FORM 2**

**DLCD NOTICE OF ADOPTION DEPT OF**

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

(See reverse side for submittal requirements)

OCT 31 2007

LAND CONSERVATION  
AND DEVELOPMENT

Jurisdiction: CLACKAMAS CO Local File No.: 20297-07-CP  
20298-07-Z  
(If no number, use none)

Date of Adoption: 10-25-07 Date Mailed: 10-30-07  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 6-22-07

- 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 RURAL TO  
RURAL COMMERCIAL, CORRESPONDING ZONE CHANGE FROM  
RA-1 TO RC

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: RURAL to RURAL COMMERCIAL

Zone Map Changed from: RA-1 to RC

Location: COLTON AREA Acres Involved: 2.04 ACRES

Specify Density: Previous: 1 ACRE New: N/A

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

Was an Exception Adopted? Yes:  No:

DLCD File No.: 005-07(16197)

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, COLTON FIRE DISTRICT, COLTON SCHOOL DISTRICT

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

Address: 9101 SE SUNNYBROOK BLVD City: CLACKAMAS

Zip Code+4: 97015 Email Address: mikem@co.clackamas.or.us

### ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

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

In the Matter of a Comprehensive  
Plan Map Amendment and Zone  
Change for Colton Telephone  
Company



ORDER NO. 2007-584  
(Page 1 of 2)

File No.: Z0297-07-CP, Z0298-07-Z

This matter coming regularly before the Board of County Commissioners, and it appearing that Colton Telephone Company made application for a Comprehensive Plan map amendment and zone change on property described as T4S, R3E, Section 33D, Tax Lot 3300, located on the north side of State Hwy. 211, approximately 500 feet east of its intersection with Wall Street; and

It further appearing that planning staff, by its report dated August 31, 2007, recommended denial of the application; and

It further appearing that the Planning Commission, at its October 8, 2007 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 17, 2007, at which testimony and evidence were presented, and that a preliminary decision was made by the Board on October 17, 2007;

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 Rural to Rural Commercial and corresponding zone change from RA-1 to RC.
2. This request meets the applicable criteria for the reasons stated in the Planning Staff Report/Recommendation, which is hereby adopted as the findings and conclusions of this Board. The only exception to the planning staff report is that staff now recommends approval, because of new information on adequacy and safety of the transportation system submitted after the planning staff report was written.

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

In the Matter of a Comprehensive  
Plan Map Amendment and Zone  
Change for Colton Telephone  
Company

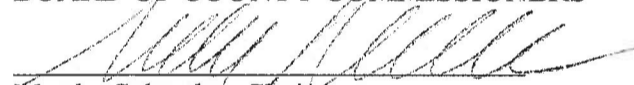
}

ORDER NO. 2007-584  
(Page 2 of 2)


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

DATED this 25th day of October, 2007.

BOARD OF COUNTY COMMISSIONERS



Martha Schrader, Chair



Mary Raethke, Recording Secretary

NAME: Colton Telephone Company  
FILE NO: Z0297-07-CP, Z0298-07-Z  
REPORT AUTHOR: Mike McCallister  
HEARING DATE: September 10, 2007 (PC), October 17, 2007 (BCC)  
REPORT DATE: August 31, 2007

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

GENERAL INFORMATION

Applicant: Colton Telephone; Peggy Turner, 20983 S. Hwy. 211, Colton, OR 97017

Owner: Same

Proposal: Comprehensive Plan Map Amendment from Rural to Rural Commercial.  
Corresponding zone change from RA-1 to RC (Rural Commercial).

The primary uses allowed within the proposed RC zoning district are listed in Section 505.03 of the Clackamas County Zoning and Development Ordinance (ZDO) and include accounting and tax services, banks, credit unions, barber and beauty shops, contractors, feed and garden stores, insurance agents, museums, taverns, telephone co-ops and veterinary services. A copy of the RC zoning district is included in Exhibit 4.

Location: North side of State Hwy. 211, approximately 500 feet east of its intersection with Wall Street.

Legal Description: T4S, R3E, Section 33D, Tax Lot 3300; W.M

Site Address: 20951 S. Hwy. 211

Comprehensive Plan Designation: Rural

Zone: RA-1

Total Area Involved: Approximately 2.04 acres.

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RECOMMENDATION:

1. Denial of the Comprehensive Plan Map Amendment from Rural to Rural Commercial (File No. Z0297-07-CP). Denial of the zone change from RA-1 to RC (File No. Z0298-07-Z).

2. The recommendation for denial is for two reasons. First, there is no evidence demonstrating compliance with Statewide Planning Goal 12 – Transportation and the Transportation Planning Rule. Second, there is no evidence demonstrating access to the property can be provided in compliance with applicable sight distance standards and access spacing standards. The applicant has indicated to staff that a traffic study is being completed and will be submitted prior to the public hearing.

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BACKGROUND INFORMATION, SITE AND AREA DESCRIPTION AND SERVICE PROVIDERS

Background Information:

1. This application was originally scheduled for the August 13, 2007 Planning Commission hearing and September 12, 2007 Board of County Commissioners hearing. During the comment period, the Oregon Dept. of Transportation submitted comments recommending denial of the application because there is no evidence demonstrating the application complies with the Transportation Planning Rule and Oregon Hwy. Plan. See Exhibit 5. The ODOT recommended that a traffic impact study be completed. The applicant requested a postponement of the application in order to complete a traffic study. A traffic study has not been submitted as of the date of this report. Rick Givens, the Planning Consultant for this application has indicated that a traffic study is being completed and will be submitted to the County prior to the public hearing. The Planning Staff will attempt to get comments on the traffic study from the ODOT and DTD, Traffic Engineering staff prior to the public hearing.

2. The subject property is located within the Colton Unincorporated Rural Community. See Exhibit 3.

3. The adjacent property to the south (tax lot 3400) is owned by Colton Telephone and is currently developed with Colton Telephone facilities including an office building, shop building and storage building. Colton Telephone proposes to expand and construct a new office building on this property if this application is approved.

4. Prior Land Use Applications:

a. File No. UADP 6-76: Unzoned Area Development Permit approved on tax lot 3300 (existing Colton Telephone site) to enlarge the Colton Telephone Building.

b. File No. Z0217-06-NCU: Verification of a Nonconforming Use application on tax lot 3400 (subject property) to determine whether or not a nonconforming use status has been

established and maintained for a four-plex building located on the property. This application was approved and recognized the four-plex building as a legal nonconforming use in the existing RA-1 zoning district.

c. File No. Z0408-99: Alteration of a Nonconforming Use on tax lot 3600 (now combined with tax lot 3400) to add a 12' x 30' concrete patio slab with a roof as an employee break room. The application was approved.

Site Description: The subject property is approximately 2.04 acres and flag shaped, forming a rectangle in conjunction with Tax Lot 3400. The property is presently developed with a four-plex. The property is very level. The property has approximately 111' of frontage on Hwy. 211, which is designated as a major arterial.

Surrounding Conditions: The adjacent properties to the north and west are zoned RA-1. This area consists of parcels ranging from approximately ½ acre to 2 acres in size. Most of the parcels are developed with single family dwellings.

The property to the south is approximately 1.20 acres and is zoned Rural Commercial. This property is owned by the Colton Telephone Company and is developed with the Telephone office, shop and storage building. Access to this property is from State Hwy. 211.

The area to the southeast consists of two tax lots approximately .46 acres and .94 acres which are owned by the Colton Fire District. Tax lot 1003 is zoned Timber (TBR). Tax lot 1100 is zoned Rural Commercial. These properties are owned by the Colton Fire District and developed with the fire district building and facilities.

The property to the east is approximately 142 acres and is zoned Timber (TBR). The property is developed with a single family dwelling and is primarily in forest production.

The area to the south, across Hwy. 211 includes land zoned RA-1 and Rural Commercial. The area zoned RA-1 consists of parcels ranging from ½ acre up to 3 acres. Most of these parcels are developed with single family dwellings. The area zoned Rural Commercial is developed with a post office.

Service Providers:

1. Sewer: The subject property is not located within a public or private sewer district. Sewage disposal will be accommodated by an on-site sewage disposal system.
2. Water: Colton Water District
3. Surface Water: Surface and storm water is regulated pursuant to Section 1008 of the ZDO.
4. Fire Protection: Colton Fire District #70



Responses Requested:

1. Colton School District
2. Colton Fire District
3. Colton CPO
4. Colton Water District
5. DTD, Traffic Engineering
6. Water Environment Services, Soils Division
7. Oregon Dept. of Transportation
8. Dept. of Land Conservation and Development
9. Property Owners within 500'

CPO Recommendation: The subject property is located in the Colton Citizen Planning Organization (CPO). No comments have been received from the CPO.

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

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FINDINGS AND CONCLUSIONS

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

Part 1 – Evaluation of Statewide Planning Goals.....Page 4  
Part 2 – Evaluation of General County Comprehensive Plan Policies..... Page 11  
Part 3 – Evaluation of Rural Residential and Rural Commercial  
Plan Designation Policies..... Page 19  
Part 4 – Summary of Findings for the Comprehensive Plan Map Amendment ...Page 21

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

Part 1 – Evaluation of criteria in Section 1202.....Page 22  
Part 2 – Summary of Zone Change Criteria.....Page 24

Section 3. Recommended Conditions of Approval.....Page 24

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**SECTION 1- COMPREHENSIVE PLAN MAP AMENDMENT  
FROM RURAL TO RURAL 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 property owners within 500 feet of the subject property, notice in the local newspaper, 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; Colton School District, Colton Fire District, Colton Water District, Oregon Dept. of Transportation (ODOT), and the Department of Land Conservation and Development (DLCD).

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

Goal 2 requires that all land use actions be consistent with the acknowledged Comprehensive Plan. The background information and findings provided by the applicant and within this report, and comments received from agencies and interested parties provide an adequate factual base for rendering an appropriate decision consistent with the County Comprehensive Plan.

**This proposal is consistent with Goal 2.**

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

The subject property is located within an acknowledged exception area designated Rural on the County Comprehensive Plan map. This proposal does not include any land planned or zoned for Agricultural uses.

**Goal 3 is not applicable.**

D. Goal 4; Forest Land: *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the*

*leading use on forest land consistent with sound management of soil, air, water and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

The subject property is located within an acknowledged exception area designated Rural on the County Comprehensive Plan map. 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 (Natural Resources and Energy) and Chapter 9 (Open Space, Parks and Historic Sites) 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 implementing regulations to accommodate all waste and process discharges in order to protect watersheds, airsheds and land resources. These regulations will be applied to any future development proposals on the property and will protect the affected air, water and land resources.

**This application is consistent with Goal 6.**

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

The subject property is not located within any designated floodplain area. The subject property is not included on Department of Geology and Mineral Industries (DOGAMI) maps. There is no evidence of geologic hazards, significant slopes or other areas subject to natural disasters or hazards 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, affect access to any significant recreational uses in the area, or involve the siting of a destination resort. This proposal will have no impact on the recreational needs of the County or State.

**Goal 8 is not applicable.**

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

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

OAR 660-009 (Industrial and Commercial Development) implements Goal 9. Pursuant to OAR 660-009-0010(1) the requirements and standards in OAR 660-009 are only applicable to areas within urban growth boundaries and does not require or restrict planning for industrial and other employment uses outside urban growth boundaries. Therefore OAR 660-009 is not applicable.

Generally, approval of this application will increase the inventory of commercial land available for rural commercial uses.

**This application 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.

Pursuant to OAR 660-007-0000 and 660-008-0000 the requirements and standards in OAR 660-007 and 660-008 are only applicable to areas within urban growth boundaries and does not require or restrict planning for residential uses in outside urban growth boundaries.

**Goal 10 is not applicable.**

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. OAR 660-011 implements the requirements of Goal 11.

OAR 660-011-0060 and OAR 660-011-0065 regulates the provisions for, and the extension of sewer and water service to rural lands, respectively. The subject property is not located within a public sewer district. Sewage disposal will be accommodated by an on-site sewage disposal system. The subject property is located in the Colton Water District which provides public water in the area.

Storm drainage is subject to the requirements in Section 1008 of the Clackamas County Zoning and Development Ordinance and will require on-site detention and treatment. This proposal will not impact any public storm drainage facilities.

The property is also appropriately located within the service boundaries of Colton Fire District #70, Molalla Sanitary Garbage Collection District and Clackamas County Sheriff's District.

**This application is consistent with Goal 11.**

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

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

2. OAR 660-012-0060 applies to any plan map amendment which significantly affects a transportation facility. OAR 660-012-0060(1) requires any amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility to demonstrate that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.

3. Pursuant to OAR 660-012-0060(1) a plan or land use regulation amendment is deemed to significantly affect a transportation facility if it;

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

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

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

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

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

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

4. Compliance with OAR 660-012-0060(1) can be achieved by one or a combination of the following;

a) *Adopting measures that demonstrate the allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*

b) *Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*

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

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

e) *Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.*

5. The applicant has not submitted a Traffic Impact Study (TIS) or any other substantial evidence demonstrating this proposal is consistent with the Transportation Planning Rule.

6. The Oregon Dept. of Transportation (ODOT) staff has submitted comments on this proposal. See Exhibit 5. The ODOT staff has stated that there have been no recent traffic studies completed in the area which can be relied upon to determine the operating

capacity of State Hwy. 211. Therefore, the ODOT staff recommended denial of the application and recommends a traffic impact analysis be completed to address the TPR and requirements of the Oregon Highway Plan (OHP).

7. The DTD, Traffic Engineering (TE) staff has submitted comments on this proposal. See Exhibit 7. Hwy. 211 is designated as a major arterial roadway. This segment of Hwy. 211 includes an existing 60' wide right of way and is paved at varying widths of approximately 30 – 33 feet, with a gravel shoulder vary from approximately one to two feet. The TE comments identify the minimum County Roadway Standards for a major arterial highway. The minimum right-of-way width is 60 feet. Therefore no additional right-of-way is required. The minimum road improvement is a 36 foot wide paved road surface to accommodate two 12' wide travel lanes and six-foot wide bike lanes. A six-foot wide gravel shoulder is also required. The adequacy of the transportation system requires an evaluation of the necessity to improve the road to current County Roadway Standards. This evaluation will be provided if and when a traffic impact study is completed and submitted to the County.

8. As mentioned in the Background Section of this report, the applicant requested a continuance of the August 13, 2007 public hearing in order to have time to complete a traffic study. No traffic study has been submitted as of the date of this report. The Planning Staff anticipates that the applicant will submit a traffic study. The traffic study will need to be reviewed by the ODOT staff and DTD, Traffic Engineering staff. If a traffic study is submitted, the Planning Staff will attempt to forward it to the ODOT and DTD, Traffic Engineering staff for review and comment prior to the public hearing.

9. There is no substantial evidence in the record demonstrating this proposal complies with the TPR or 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.**

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

The subject property is located outside of the Metropolitan UGB and the UGB of all nearby cities. This proposal does not involve a change in the location of the UGB, a conversion of rural land to urban land, or urbanizable land to urban land. There are no planning or implementation measures under this Goal applicable to this application.

**Goal 14 is not applicable.**

O. Goal 15: Willamette River Greenway: *To protect, conserve, enhance and maintain the natural scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The subject property is not located within the Willamette River Greenway.

**Goal 15 is not applicable.**

P. Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes) and Goal 19 (Ocean Resources).

**Goals 16, 17, 18 and 19 are not applicable in Clackamas County.**

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**PART 2. COMPLIANCE WITH 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 (Colton CPO), to property owners within 500 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 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. The subject property is not included on DOGAMI maps. There is no other evidence of 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 not within an urban growth boundary, future urban area, future urban study area or urban reserve area. There are no policies in this Section of the Plan applicable to this application.

**The Urbanization policies are not applicable.**

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 not located within the boundaries of the Region 2040 Concept Plan identified on Map IV-8 of the Comprehensive Plan.

**The Urban Growth Concept policies are not applicable.**

3. Land Use Plan Designations. The subject property is currently designated Rural on the

Comprehensive Plan map. The proposed amendment is to change the land use plan designation to Rural Commercial. Therefore, only the existing Rural Community policies and Rural Commercial policies in the Rural Communities Section of this Chapter are applicable to this application. The remaining policies pertaining to the Residential, Commercial, Industrial, Open Space and Floodplains, Rural, Agriculture and Forest plan designations in this Section of the plan are not applicable.

The specific plan policies for the Rural and Rural Commercial plan designations in Chapter 4 are evaluated in Part 3 of this report.

**Based on the findings in Part 3 and 4 of this report the Rural Commercial 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.

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 State Hwy. 211, which is classified as a major arterial. The safety of the transportation system and access to the property is subject to the requirements of the ODOT and Oregon Highway Plan because Hwy. 211 is a state highway. An existing driveway off of Hwy. 211 provides access to the subject property. There is no substantial evidence in the record demonstrating this access drive meetings minimum safety standards, including sight distance and spacing standard to accommodate development under the proposed Rural Commercial plan designation. Staff anticipates these issues will be addressed in the traffic impact study and in subsequent comments from the ODOT. At this time, there is no evidence in the record that the existing or planned access to the property for commercial uses is acceptable to the ODOT or otherwise complies with AASHTO guidelines.

**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 proposal is not consistent with Chapter 5.**

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

This Chapter includes a variety of policies regarding housing choices, affordable housing, neighborhood quality, urban infill, multifamily residential housing, common wall units, mobile homes and density bonuses for low cost housing and park dedication.

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

**Chapter 6 is not applicable.**

**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 not located within a public sewer or surface water drainage district. Sewage disposal is accommodated by an on-site sewage disposal system. Surface water is regulated pursuant to Section 1008 of the ZDO but will not require use of a public storm drainage system. Public water is provided by the Colton Water District.

The Public Facilities Section of this Chapter includes policies regarding Sanitary Sewage Treatment, Water, Storm Drainage, Solid Waste and Street Lighting. The policies regarding Sanitary Sewage Treatment and Street Lighting are not applicable because the property is not located within a public sewer or street lighting district.

Policies 19.0 - 26.0 under the Storm Drainage Section include a number of policies requiring new development to provide storm drainage, water quality and erosion control plans. The subject property is not located within a public storm water / storm drainage district. Therefore, storm drainage, water quality and erosion control is regulated pursuant to Section 1008 of the Clackamas County Zoning and Development Ordinance. This proposal will not impact any public storm drainage facilities.

Policy 17.0 requires water service purveyors to provide water services for non-urban areas at levels appropriate for non-urban uses. The applicant has provided a Statement of Feasibility from the Colton Water District demonstrating adequate water can be provided to the property to accommodate rural commercial uses.

The subject property is located within the Molalla Sanitary District which provides adequate solid waste management services in the area.

The Public Services Section of this Chapter includes policies regarding Fire, Law Enforcement, Education and County Government. The property is located within Colton Rural Fire Protection District #70. All new development will require review and approval by the Colton Fire District consistent with Policy 1.0. The Clackamas County Sheriff Department provides law enforcement services in the area. This proposal will have no additional impact on the school district because no new housing is proposed. The policies regarding County Government are not applicable to this proposal. There are no policies in this Section of the Plan applicable to this application.

**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 Chapter applicable to this application.

**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.

**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 not located within the boundary of any Community Plan or Design Plan area.

**Chapter 10 is not applicable.**

**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 not located within the Metro Urban Growth Boundary or within the Urban Growth Management Area of any nearby cities.

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

**1. City, Special District and Agency Coordination Section**

a. Policy 1.0; *Participate in interagency coordination efforts with federal, state, Metro, special purpose districts and cities. The County will maintain an updated list of federal, state and regional agencies, cities and special districts and will invite their participation in plan revisions, ordinance adoptions, and land use actions which affect their jurisdiction or policies.*

Notice of this application has been provided to the following agencies and governments for comments; Colton School District, Colton Fire District #70, Colton Water District, ODOT, and DLCD. This notice and advertised public hearings before the Planning Commission and Board of County Commissioners provide an adequate opportunity for interagency coordination efforts of this plan amendment and demonstrates substantial compliance with this policy.

**This policy is met.**

2. Amendments and Implementation Section

a. Policy 1.0; *Assure that the Comprehensive Plan and County ordinances meet the goals of LCDC, the Region 2040 Urban Growth Management Functional Plan and the Metro Framework Plan.* "

Based on the findings in Part 1 of this report this proposal is consistent with all of the LCDC Statewide Planning Goals, except Goal 12 - Transportation. The 2040 Urban Growth Management Functional Plan and Metro Framework Plan are not applicable to this application because the property is located outside of the Metro Urban Growth Boundary.

**This policy is not met.**

b. Policy 3.0; *Amend the Comprehensive Plan pursuant to the following procedures and guidelines (listed in subpolicies 3.1 through 3.6).*

This is a quasi-judicial Comprehensive Plan map amendment and is subject to subpolicies 3.1, 3.3 and 3.4.

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

The property is currently owned by the Colton Telephone Company. The Land Use Application form has been signed by Peggy Turner, Manager of Colton Telephone authorizing filing of the application.

**This policy is met.**

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

Both the Planning Commission and Board of County Commissioners will review this application through one or more public hearings. Notice of the hearings have been

published in the local newspaper and advertised consistent with all ZDO notice requirements.

**This policy is met.**

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

The property owners within 500 feet of the subject property were notified as required in Section 1303 of the ZDO. The Colton Citizen Planning Organization was notified of the application on June 25, 2007, over 35 days prior to the first scheduled public hearing before the Planning Commission on August 13, 2007 and was also renotified of the continued hearing date of August 13, 2007 on July 25, 2007.

**This policy is met.**

**This application has been processed consistent with Chapter 11.**

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**PART 3. COMPLIANCE WITH RURAL COMMUNITIES AND RURAL 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 (Rural Commercial) as well as the existing Plan designation policies (Rural Communities). This analysis will assist in weighing and balancing the policies to determine the most appropriate Plan designation.

A. Rural Communities Plan Policies: Policy 1.0 in Chapter 4 of the Rural Communities Section of the Land Use Chapter of the Plan identifies the criteria which must be satisfied in order for the Rural Communities Plan designation to be applied to an area.

1. Policy 1.0: *When the following criteria are met, areas may be designated Rural Communities:*

a. *Land which has been acknowledged as a Goal 3 or 4 exception area and historically considered to be part of the community provided the land only includes existing, contiguous concentrations of: commercial, industrial, or public uses, and / or dwelling units and associated residential lots at a greater density than exception lands outside rural communities;*

b. *Lands planned and zoned for farm or forest use provided such land: is*



*contiguous to Goal 3 or 4 exception lands included in the community boundary, the land was occupied as of October 28, 1994 by one or more of the following uses: church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility; only that portion of the lot or parcel that is occupied by the use(s) above may be included within the boundary, and the land remains planned and zoned for farm or forest use.*

The subject property is included in the boundary of the Colton Rural Community, which has been acknowledged as a Goal 3 and 4 exception area and includes commercial, industrial and public uses as well as dwelling units and residential development on lots generally smaller than 1 acre which are smaller than lots in other exception lands outside the Rural Community. Based on these findings the subject property satisfies the criteria for the Rural Communities plan designation.

**This criterion is met.**

B. Rural Commercial Plan Policies: Policy 3.0 in the Rural Commercial Section of the Land Use Chapter of the Plan identifies the criteria which must be satisfied in order for the Rural Commercial Plan designation to be applied to an area. This Plan designation may be applied when either the first or both of the other criteria are met:

1. Policy 3.0a: *Areas shall have an historical commitment to commercial uses.*

The applicant has indicated that the property does not have an historical commitment to commercial uses and is not attempting to justify the Rural Commercial plan designation under this policy.

The subject property is currently developed with a residential four-plex building which has been recognized as a legal nonconforming use. See Exhibit 8. This historical commitment of the property is a residential use. The subject property does not have an historical commitment to commercial uses.

A larger "area" could also be considered to determine if the land use pattern and nearby and adjacent land uses result in a historical commitment of the property to a commercial use. If a larger "area" is considered, the Planning Staff believes the appropriate area is the boundary of the Colton Unincorporated Community. This area consists of a mix of rural residential uses, small scale commercial uses (grocery store, cafe, real estate office) and government and community uses (post office, fire station, water district, schools, churches). The majority of the land within the Unincorporated Community is committed to rural residential uses. The subject property is bordered on the south and east by government (fire station) and service (water district) uses. There are no commercial uses directly adjacent to the subject property. The closest commercial uses are located across Hwy. 211 and west of Wall Street. The Planning Staff does not believe the land use pattern and location of other nonresidential uses in the Unincorporated Community causes the subject property to have an historical commitment to commercial uses.

**This criterion is not met.**

2. Policy 3.0b: *Areas shall be located within an Unincorporated Community.*

The subject property is located within the boundaries of the Colton Unincorporated Community. See Exhibit 3.

**This criterion is met.**

3. Policy 3.0c: *The site shall have direct access to a road of at least a collector classification.*

The subject property has frontage on State Highway 211, which is designated as a major arterial road. Direct access currently exists to the highway. Staff believes direct access to this property can continue to be provided from the highway via the existing driveway or a consolidated driveway with the existing Colton Telephone Company property.

**This criterion is met.**

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#### **PART 4. SUMMARY OF FINDINGS AND CONCLUSIONS ON COMPREHENSIVE PLAN AMENDMENT**

A. Parts 1-3 in Section 1 of this report outlines and addresses all the policies, standards and criteria found to be applicable to this proposal. These policies and standards range from being very general (i.e. Statewide Planning Goals) to more specific in nature (i.e. Plan Designation Policies). As a result all these policies and standards must be weighed and balanced against this specific land use proposal to determine whether the existing Rural or the proposed Rural Commercial Plan designation is most appropriate plan designation.

B. Based on the findings in Parts 1-3 of this report, the Rural Commercial Plan designation is not warranted for the following reasons:

1. There is no evidence demonstrating this proposal complies with Statewide Planning Goal 12 – Transportation and the Transportation Planning Rule.
2. There is no evidence demonstrating the existing driveway provides safe access to the property in compliance with the Oregon Highway Plan and / or AASHTO standards.

C. If the applicant provides additional information demonstrating compliance with Statewide Planning Goal 12 and the TPR and that safe access can be provided to the property, the Planning Staff would find the Rural Commercial Plan designation is warranted on the property for the following reasons:

1. The application satisfies Policy 3.0 in the Rural Communities Section of the Land Use Chapter because the last two policies are met. Specifically, Policy 3.0b because the property is located in an Unincorporated Community and Policy 3.0c because the property has direct access to a road of at least a collector classification.
2. The property is contiguous to two properties currently designated Rural Commercial and developed with Rural Commercial uses.
3. Adequate public facilities and services, including water, fire protection, police protection and garbage collection, can be provided to the property at a scale appropriate for nonurban uses.
4. The property will provide land for the expansion of the Colton Telephone Company which provides telephone and cable television services in the Colton Rural Community and surrounding area.

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## SECTION 2- ZONE CHANGE FROM RA-1 TO RC

### PART 1: COMPLIANCE WITH SECTION 1202 OF THE ZDO

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

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

If the Comprehensive Plan map amendment application is approved the subject property will be designated Rural Commercial. The proposed RC zoning district (Section 505 of the ZDO) implements the Rural Commercial Plan designation. Based on the findings in Parts 1-3 and as summarized in Part 4 of this report, the Rural Commercial plan designation is not consistent with the applicable Comprehensive Plan policies. Therefore, the proposed RC 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 not located in a public sewer or surface water district, nor are these services required to support the uses allowed under the proposed RC zoning district.

The subject property is within the Colton Water District. The applicant has submitted a Statement of Feasibility form from the Colton Water District demonstrating adequate public water can be provided to the property to support rural commercial uses.

**This criterion is met.**

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

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

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

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

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

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

The adequacy of the transportation system has been addressed under the discussion of Statewide Planning Goal 12 and the implementing Transportation Planning Rule. The impacts from this proposal on the transportation system are limited to Hwy. 211 which is a State transportation facility. This proposal will not significantly affect the capacity of any County transportation facilities in the area.

**This criterion is met.**

4. Section 1202.01D: *The proposal, as it relates to transportation facilities under the*

*jurisdiction of the State of Oregon, complies with the Oregon Highway Plan.*

The adequacy of the State transportation system has been addressed under the discussion of Statewide Planning Goal 12 and the implementing Transportation Planning Rule. Based on those findings, there is not substantial evidence in the record demonstrating this proposal complies with the Oregon Highway Plan. Those findings are adopted by reference to address this criterion.

**This criterion is not met.**

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

The application materials indicate that this criteria is satisfied because sight distance is unobstructed in both directions along the frontage of the subject property and traffic volumes are low to moderate on this segment of the highway. There is no specific evidence demonstrating the actual sight distance available at the driveway, nor is there any evidence identifying the location of the proposed access drive to the property and whether the driveway meets minimum access spacing standards and other applicable requirements of the Oregon Highway Plan.

**This criterion is not met.**

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

A. This application satisfies the criteria in Section 1202.01B and C of the ZDO. The application does not satisfy the criteria in Section 1202.01A, D and E of the ZDO.

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**SECTION 3 – RECOMMENDED CONDITIONS OF APPROVAL**

A. No conditions of approval are recommended at this time. The staff will provide recommended conditions of approval after an evaluation and review of the traffic study.

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