



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/03/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: Clackamas County Plan Amendment
DLCD File Number 007-11

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: Tuesday, April 17, 2012

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Scott Hoelscher, Clackamas County
Angela Lazarean, DLCD Urban Planner
Jennifer Donnelly, DLCD Regional Representative

<paa> YA/ph



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

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DEPT OF

MAR 28 2012

LAND CONSERVATION AND DEVELOPMENT
For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Clackamas County**
ZAP

Local file number: **Z0417-11-CP/Z0418-11-**

Date of Adoption: **3/22/2012**

Date Mailed: **3-27-12**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11/15/11

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The subject property was split zoned between I-2: Light Industrial on western portion and MR-1: Medium Density Residential on the eastern portion of the site. This action amended the Comprehensive Plan from Medium Density Residential to Light Industrial and changed the zone designation from MR-1: Medium Density Residential to I-2: Light Industrial.

Does the Adoption differ from proposal? No, no explanation is necessary

No, adoption does not differ from the proposal. The proposed and adopted amendments are shown below.

Plan Map Changed from: **Medium Density Residential** to: **Light Industrial**

Zone Map Changed from: **MR-1: Med. Density Residential** to: **I-2: Light Industrial**

Location: **16782 SE 130th Ave., 22E11D 01302**

Acres Involved: **19**

Specify Density: Previous: **3,630 sf / unit**

New: **N/A**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD File No. 007-11 (19050) [16991]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Happy Valley; Clackamas Community Planning Organization; Clackamas Rural Fire Protection District #1.

Local Contact: **Scott Hoelscher**

Phone: (503) 742-4524 Extension: 0

Address: **150 Beaver Creek Road**

Fax Number: 503-742-4550

City: **Oregon City**

Zip: **97045-**

E-mail Address: **scotthoe@clackamas.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

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

In the Matter of a Comprehensive
Plan Amendment and Zone Change
for Portland General Electric, on property
described as T2S R2E Section 11D,
Tax Lot 1302



ORDER NO. 2012- 2 0

File No.: Z0417-11-CP / Z0418-11-ZAP

This matter coming regularly before the Board of County Commissioners, and it appearing that Portland General Electric Company made application for a Comprehensive Plan amendment and zone change on property described as T2S, R2E, Section 11D, Tax Lot 01302, located on the south side of S.E. Jennifer Street at the southeast corner of its intersection with SE 135th Avenue, depicted in Exhibit A; and

It further appearing that the planning staff, by its report dated January 2, 2012, recommended approval of the application; and

It further appearing that the Planning Commission, at its January 9, 2012 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 February 15, 2012, at which testimony and evidence was presented, and that a preliminary decision was made by the Board on February 15, 2012;

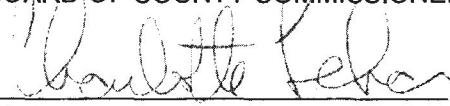
Based on the evidence and testimony presented this Board makes the following findings and conclusions.

1. The applicant requests approval of a Comprehensive Plan Map Amendment from Medium Density Residential to Light Industrial and a corresponding zone change from MR-1 (Medium Density Residential) to I-2 (Light Industrial).
2. The Board finds that the application meets the requirements of the Statewide Planning Goals, the Clackamas County Comprehensive Plan Policies, the applicable state laws and regulations, and the Clackamas County Zoning and Development Ordinance, and adopts as its findings the Staff Report dated January 2, 2012, included as Exhibit B.

NOW, THEREFORE, IT IS HEREBY ORDERED that the requested Comprehensive Plan Amendment and Zone Change are approved and made.

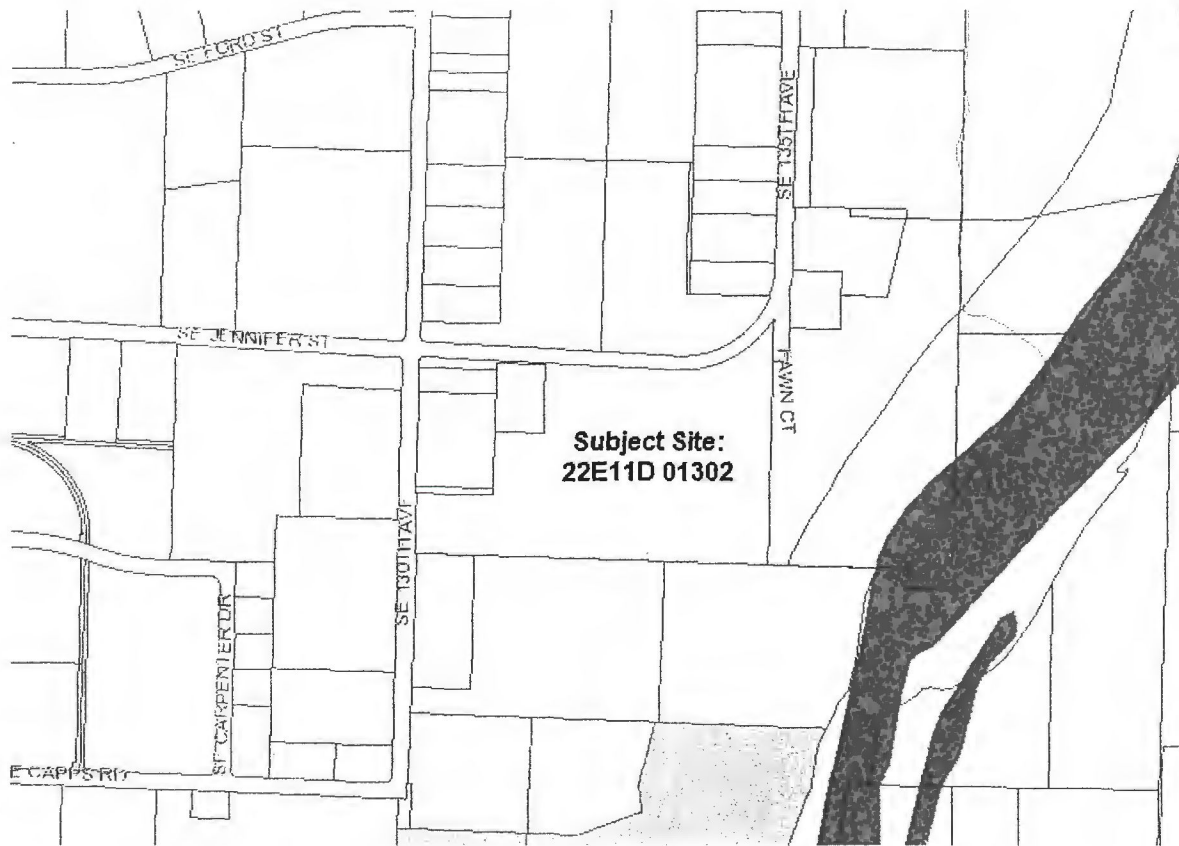
DATED this 22 day of March, 2012.

BOARD OF COUNTY COMMISSIONERS


Chair


Recording Secretary

FILE No. Z0417-11-CP / Z0418-11-ZAP: SITE LOCATION MAP



NAME: PGE: Carver Substation
 FILE NO: Z0417-11-CP, Z0418-11-ZAP
 REPORT AUTHOR: Scott Hoelscher
 HEARING DATE: January 9, 2012 (PC), February 15, 2012 (BCC)
 REPORT DATE: January 2, 2012

PLANNING STAFF REPORT/RECOMMENDATION
TO THE PLANNING COMMISSION

GENERAL INFORMATION

Applicant: Portland General Electric Company (PGE); 121 SW Salmon Street; Portland, OR 97204

Owner: Portland General Electric Company (PGE); 121 SW Salmon Street; Portland, OR 97204

Representative: Frank Angelo, Angelo Planning Group, 921 SW Washington Street, Suite 468, Portland, OR 97205

Proposal: Comprehensive Plan Map Amendment from Medium Density Residential to Light Industrial and corresponding zone change from MR-1 to I-2.

The primary uses allowed in the proposed I-2 zoning district are listed in Section 602 of the Clackamas County Zoning and Development Ordinance and include manufacturing; warehouse facilities; distribution centers; research offices and laboratories and certain wireless communication facilities. A copy of the I-2 zoning district is attached as Exhibit 1.

Location: Southwest corner of the intersection of S.E. Jennifer Street and S.E. 135th Avenue.

Legal Description: T2S, R2E, Section 11D, Tax Lots 01302

Site Address: 16782 SE 130th Avenue

Plan Designation: Medium Density Residential

Zone: MR-1

Total Area Involved: 19.73 acres (tax lot 1302); 1.14 acres (tax lot 1201)

PLANNING STAFF RECOMMENDATION:

A. Approval of the Comprehensive Plan Map Amendment / File No. Z0417-11-CP.

B. Approval of the Zoning Map Amendment / File No. Z0418-11-ZAP.

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

Background Information:

1. The subject property is located within the Metro Urban Growth Boundary (UGB) and in the Clackamas Industrial Area, approximately ½ mile south of Hwy. 212/224.
2. Staff visited the subject site on December 19, 2011.
3. Notice of this application was sent to the following agencies, departments and property owners:
 - a. Clackamas River Water
 - b. Clackamas County Service District #1 (Sewer)
 - c. Clackamas CPO
 - d. Clackamas County Fire District #1
 - e. DTD, Traffic Engineering
 - f. Clackamas County Tax Assessor
 - g. Dept. of Land Conservation and Development
 - h. Oregon Department of Transportation
 - i. Metro
 - j. Property Owners within 300'
4. Community Planning Organization: The subject property is located within the Clackamas Community Planning Organization (CPO). No comments have been received from the CPO.
5. Exhibits: See Exhibit List following the last page of this report.
6. Site Description: The subject property consists of two tax lots and is 20.87 acres in size. Tax lot 1201 is 1.14 acres in size and is currently vacant. Tax lot 1302 is 19.73

acres and includes the existing PGE Carver Substation. Tax lot 1302, the subject of this application, is split zoned with Light Industrial (I-2) zoning on the western portion of the site and Medium Density Residential (MR-1) on the eastern portion. Of the 6.48 acres that are the subject of the zone change, 2.11 acres are currently occupied by the PGE substation. The remaining 4.37 acres are undeveloped. The subject property has approximately 1,145 feet of frontage on SE Jennifer Street Road, which is designated as a Minor Arterial. The property is relatively level and does not include any significant natural features.

7. Surrounding Conditions: The adjacent property to the east is approximately 10 acres and is zoned MR-1: Medium Density Residential. This property is developed as the Clackamas River Village mobile home park. In all other directions, the subject property is bordered by industrial zoned property. The adjacent property to the south is zoned I-3: General Industrial. The subject property is bordered on the north by Jennifer Street. The area across Jennifer Street is zoned I-2 and developed with the Jennifer Distribution Center.

8. Future Use: This application is for a zone change request from MR-1 to I-2 and a corresponding Comprehensive Plan map amendment. Although the application does not involve a development request, the applicant has indicated that future development plans for the site include construction of a PGE Readiness Center. The 10,000 – 14,000 square foot building would be designed to provide critical response and recovery functions to maintain public safety and power restoration in the event of a catastrophic emergency that renders primary critical response and recovery functions inoperable. Events that could cause activation of the PGE Readiness Center include natural disasters such as earthquakes or floods and acts of terrorism.

9. Service Providers:

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

FINDINGS AND CONCLUSIONS

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

Part 1 – Evaluation of Statewide Planning Goals.....Page 3.
 Part 2 – Evaluation of Metro Functional Plan..... Page 12.
 Part 3 – Evaluation of General County Comprehensive Plan Policies..... Page 14.
 Part 4 – Evaluation of Medium Density Residential and Light Industrial
 Plan Designation Policies..... Page 23.
 Part 5 – Summary of Findings for the Comprehensive Plan Map Amendment ...Page 26.

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 28.
 Part 2 – Summary of Zone Change Criteria.....Page 30.

**SECTION 1- COMPREHENSIVE PLAN MAP AMENDMENT FROM
 MEDIUM DENSITY RESIDENTIAL TO LIGHT INDUSTRIAL**

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 and to the Community Planning Organization in the area. One or more advertised public hearings will also be conducted before the Clackamas County Planning Commission and Board of County Commissioners, which will provide an opportunity for additional citizen involvement and input.

The proposal is consistent with Goal 1.

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

Goal 2 requires coordination with affected governments and agencies. Notice of this application has been provided to the following agencies and governments for comments: Clackamas County Service District #1, Clackamas River Water District, Clackamas County Fire District #1, Clackamas CPO, Department of Land Conservation and Development (DLCD) and Metro. The subject property is not located within an Urban Growth Management Area (UGMA).

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 Clackamas County Comprehensive Plan.

This proposal is consistent with Goal 2.

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

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

Goal 3 is not applicable.

D. Goal 4; Forest Land: *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

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

Goal 4 is not applicable.

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

Goal 5 resources include open space areas, scenic and historic resources and other natural features. Chapters 3 and 9 of the Clackamas County Comprehensive Plan identify significant Goal 5 resources within the County. No scenic views/sites, wilderness areas, wetlands, historic sites or structures, cultural areas, potential or approved Oregon recreation trails or other significant Goal 5 resources identified in the Comprehensive Plan are located on the subject property.

The proposal is consistent with Goal 5.

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

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

This application is consistent with Goal 6.

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

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

This application is consistent with Goal 7.

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

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

Goal 8 is not applicable.

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

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

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

a. *Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or*

b. *Amend its comprehensive plan to incorporate the proposed amendment, consistent*

with the requirements of this division; or

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

3. The subject property is more than two acres (19.73 acres). The proposed amendment is to change the Comprehensive Plan land use designation of 6.48 acres from a Medium Density Residential designation to a Light Industrial designation. The amendment does not involve a change from an industrial use designation to a non-industrial use designation or an employment use designation to any other designation. Therefore OAR 660-009-0010(4) is not applicable.

4. Generally, this proposal will increase the amount of industrial land for employment opportunities. A portion of the site is currently zoned I-2 and already developed with an existing light industrial use, the PGE Carver Substation. If approved, the eastern 6.48 acres of the site currently zoned MR-1 would be added to the County's industrial land supply. The eastern 6.48 acres are already acknowledged by Metro's Title 4 map as an Industrial area.

This proposal is consistent with Goal 9.

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

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

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

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

4. The current Medium Density Residential plan designation and implementing MR-1 zoning district allows for up to 12 dwelling units per acre. Under the current Medium Density Residential plan designation a total of 77.76 dwelling units (6.48 acres x 12 dwelling units) is allowed on the subject property. However, because the Carver Substation is located on a portion of the property zoned MR-1, the actual buildable land for medium density housing is less than 77.76 dwelling units. It is safe to assume that the existing substation which occupies 2.11 acres of the MR-1 zone would not be redeveloped but would remain as a substation. Removing the Carver Substation from the

residential site capacity reduces the number of dwelling units allowed on-site to 52.44 (4.37 acres x 12 dwelling units).

5. Goal 10 compliance requires an assessment of the potential loss of housing units and a determination that any potential housing supply reduction from the Comprehensive Plan Amendment and Zone Change can be “made up” in other areas of the County. As noted, a change from Medium Density Residential to Light Industrial would result in a potential loss of between 52 and 78 dwelling units.

6. Clackamas County has taken steps to provide medium-high density housing in more appropriate locations than the subject site. As the applicant indicates in the submitted application materials, two recent planning projects will add to the multi-family housing opportunities in the County. First, the Fuller Road Station Area Plan, adopted by the County in 2010, applied the Station Community Mixed Use (SCMU) zoning to approximately 20 acres around the Max Green Line Fuller Road Station. Areas in the northern part of the County that were previously zoned commercial in the vicinity of the Fuller Road Station are now zoned SCMU which allows residential densities at a minimum of 20 units per acre. This rezone established the potential for a minimum of 400 new housing units. Any housing loss on the subject property due to the Comprehensive Plan Amendment and Zone Change can be more than made up through the County’s actions to increase residential densities in other parts of the county.

7. If approved, this Comprehensive Plan Amendment and Zone Change would have the effect of reducing the housing supply in the County by potentially up to 78 dwelling units. If the 2.11 acres with the existing substation were removed from the analysis, the residential loss would be 54 units. This loss of housing units is more than made up through adopted and proposed station plans to increase residential densities and provide multi-family housing opportunities in LRT station areas.

This proposal is consistent with Goal 10.

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

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

2. The subject property is located within Clackamas County Service District #1 which provides sewer and storm drainage facilities in the area. The property is located within the Clackamas River Water District which provides public water in the area. The sewer, storm drainage and water services and facilities have been established in this area consistent with adopted service plans.

3. The adequacy of these facilities is evaluated in the zone change application in Section 2 of this report and is adopted to address this Goal. Those findings demonstrate that sewer, water and storm drainage facilities are adequate or can be made adequate to support allowable uses in the Light Industrial zone. 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; appropriate to serve urban uses and will ensure the public facilities and services are orderly and efficient.

4. The property is also appropriately located within the service boundaries of Clackamas County Fire District #1, North Clackamas School District #12, Clackamas County Sheriff's District and North Clackamas Parks District #3.

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

This application is consistent with Goal 11.

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

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

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

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

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

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

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

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

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

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

4. Where it is determined that there would be a significant effect, compliance with OAR 660-012-0060(1) can be accomplished through one or a combination of the following;

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

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

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

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

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

5. The applicant has submitted a Traffic Impact Study (TIS) completed by Lancaster Engineering, dated September 15, 2011 (Exhibit 2). The TIS considers potential trip generation of a worst-case development scenario under the existing zoning and vehicle trips of a worst case development under the proposed zoning. Under the current MR-1 zoning, a total of 54 residential dwelling units could be constructed on the 4.37 acres of underdeveloped land (the TIS assumes that the 2.11 acres occupied by the existing substation will not be redeveloped). Under the proposed I-2 zoning, it was assumed that approximately 25 percent of the total site area could be occupied by a general industrial building or a building approximately 47,600 square feet in size. The reasonable worst-case development comparison shows that the proposed change in zoning will result in only a minor increase in trips during the morning and evening peak hours and an overall reduction in daily trips. The weekday traffic volume would be decreased by 14 trips as documented in the TIS. For AM peak hour trips, the TIS found a net increase of 17 trips

and for PM peak hours, a net increase of 14 trips. Because the net increase in peak hour trips that could be attributed to the proposed zone change is so small, none of the intersections surrounding the site would see a significant increase in trips.

6. The functional classification of the County's roadways is commonly based on the average daily traffic volumes. Since there will not be an increase in vehicle trips, the functional classification of the transportation system will not be changed by the proposed zone change.

7. The intersections near the subject site will operate at an acceptable level of service with the proposed Plan amendment. No mitigation measures or other improvements to the transportation are needed to support traffic anticipated from the proposed Plan amendment. The submitted TIS demonstrates that the proposed Comprehensive Plan amendment will not significantly affect the transportation facility as described in OAR 660-012-0060(1).

This application is consistent with Goal 12.

M. Goal 13; Energy Conservation: *To conserve energy.*

This proposal will have no impact on any known or inventoried energy sites or resources. There are no planning or implementation measures under this Goal applicable to this application.

Goal 13 is not applicable.

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

The subject property is located within the UGB and currently designated for urban uses. This proposal does not involve a change in the location of the UGB, a conversion of rural land to urban land, or urbanizable land to urban land. There are no planning or implementation measures under this Goal applicable to this application.

Goal 14 is not applicable.

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

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

Goal 15 is not applicable.

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

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

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 two sections of the MFP which apply to the proposed Comprehensive Plan Amendment and Zone Change are Title 1: *Requirements for Housing and Employment Accommodation* and Title 4: *Industrial and Other Employment Areas*. (Note: only the relevant portions of the MFP are addressed in the following sections).

A. Title 1: Requirements for Housing and Employment Accommodation

3.07.110: Purpose and Intent: *Title 1 intends to use land within the UGB efficiently by increasing its capacity to accommodate housing and employment. Title 1 directs each city and county in the region to consider actions to increase its capacity and to take action if necessary to accommodate its share of regional growth.*

3.07.120: Housing and Employment Capacity:

- A. Each city and county shall determine its capacity for housing and employment in order to ensure that it provides and continues to provide at least the capacity for the city or county specified in Table 3.07-1. (Note: Table 3.07-1 lists the Clackamas County Dwelling Unit Capacity as 13,340 units and the Job Capacity as 31,901).*
- B. A city or county shall determine its capacity for dwelling units by cumulating the minimum number of dwelling units authorized in each zoning district in which dwelling units are authorized.*
- C. If a city annexes county territory, the city shall ensure that there is no net loss in regional housing or employment capacity, as shown on Table 3.07-1, as a result of amendments or comprehensive plan or land use regulations that apply to the annexed territory.*
- D. After completion of its initial determination of capacity, each city or county shall report changes in its capacity by April 15 of the first calendar year following completion of its initial determination and by April 15 of every following year.*

The proposed Comprehensive Plan Amendment and Zone Change request is to change 6.48 acres from Medium Density Residential to Light Industrial. Metro's Title 4 Map (Industrial and Employment Areas) already designates the eastern portion of the subject property as an "Industrial Area." In addition, 2.11 acres of the 6.48 acres are already occupied by a portion of the PGE Carver Substation. Given that the substation provides essential infrastructure to the surrounding area, it is reasonable to assume that it will not redevelop within the MFP planning horizon. However, the MFP requires an assessment of the potential loss of housing units and a determination that any potential loss can be potentially "made up" in other area of Clackamas County.

As detailed in the Housing Goal in Part 1 of this staff report, the existing MR-1 zoning would allow up to 78 residential dwelling units. If the 2.11 acres with the existing substation is subtracted, the theoretical residential capacity would be 54 dwelling units. The reduction in housing dwelling units by rezoning 6.48 acres from MR-1 to I-2 can be “made up” through the County’s adopted and proposed actions to increase residential densities in other areas of the County. Therefore, this application complies with Metro’s Title 1.

B. Title 4: Industrial and Other Employment Areas

Title 4 of the MFP is applicable to this proposal. Title 4 of the MFP outlines the requirements for “Industrial and Other Employment Areas.” Title 4 is intended to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Industrial Areas. The applicable sections of Title 4 are addressed below.

3.07.410: Purpose and Intent: *To improve the region’s economic climate, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSISs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of “clustering” to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region’s transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Employment Areas, Corridors, Main Streets and Station Communities.*

The proposed Comprehensive Plan Amendment and Zone Change is for a portion of an industrial site that is split zoned: 13.47 acres is zoned I-2: Light Industrial, while the smaller portion of the site (6.48 acres) is zoned MR-1: Medium Density Residential. The larger portion of the site which will remain unchanged is designated as a Regionally Significant Industrial Areas (RSISs) by Metro’s Title 4. The 6.48 acres proposed for the zone change is designated as an “Industrial Area” by Metro’s Title 4. By changing the Plan designation from Medium Density Residential to Light Industrial, the site will be consistent with the adopted Metro Title 4 map.

3.07.420: Protection of Regionally Significant Industrial Areas (RSIAs). *RSIAs are those areas near the region’s most significant transportation facilities for the movement of freight and other area most suitable for movement and storage of goods.*

The portion of the subject property that is subject to this Comprehensive Plan Amendment and Zone Change is not designated as a *Regionally Significant Industrial Area*. Therefore, this section is not applicable.

3.07.430: Protection of Industrial Areas. *Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new building*

for retail commercial uses-such as stores and restaurants-and retail and professional services that cater to daily customers such as financial, insurance, real estate, legal, medical and dental offices, in order to ensure that they serve primarily the needs of workers in the area.

If the Comprehensive Plan Amendment and Zone Change are approved, the I-2: Light Industrial zone will be applied to the site. The primary uses allowed in the proposed I-2 zoning district are listed in Section 602 of the Clackamas County Zoning and Development Ordinance and include manufacturing; warehouse facilities; distribution centers; research offices and laboratories; and certain wireless communication facilities. Retail commercial uses and service commercial uses catering to the general public are prohibited in the I-2 zoning district. Display and sale of products manufactured on-site is allowed provided the floor area of the display/sale area does not exceed 20 percent of the floor area of the primary use, or no more than 3,000 square feet, whichever is less. If approved, the subject property will be subject to these standards and all regulations of Section 602: Light Industrial of the Clackamas County Zoning and Development Ordinance.

Following the Comprehensive Plan Amendment and Zone Change, PGE plans to construct a Readiness Center which would be designed to provide critical response and recovery functions to maintain public safety and control of electrical transmission in the event of a catastrophic event that renders the primary response and recovery functions inoperable. There are no retail or commercial uses proposed for the site.

3.07.420.D: *No city or county shall amend its land use regulations that apply to lands shown as RSIA on the Employment and Industrial Areas Map to authorize uses described in subsection B that were not authorized prior to July 1, 2004.*

This application is not proposing to amend a land use regulation that applies to lands designated as RSIA on the Metro Employment and Industrial Areas Map or to authorize any commercial or retail use.

This proposal is consistent with the Metro Functional Plan.

PART 3. COMPLIANCE WITH CLACKAMAS COUNTY COMPREHENSIVE PLAN POLICIES:

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

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

Chapter 1 is not applicable.

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

1. There is one specific policy in this Chapter applicable to this application.
 - a. Policy 1.0; *Require provisions for opportunities for citizen participation in preparing and revising local land use plans and ordinances. Insure opportunities for broad representation, not only of property owners and Countywide special interests, but also of those within the neighborhood or areas in question.*
2. The Clackamas County Comprehensive Plan and ZDO have adopted and acknowledged procedures for citizen involvement. This application has been processed consistent with those procedures. Specifically, the County has provided notice to the Citizen's Planning Organization in the area (Clackamas 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 ten (10) 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; 9) Habitat Conservation Area; 10) Water Quality Resource Area. Each of these Sections is addressed below.

1. Water Resources: This Section of the Chapter identifies policies applicable to River and Stream Corridors, Principal River Conservation Areas, Stream Conservation Areas, Wetlands and Groundwater.
 - a. River and Stream Corridors and Principal River and Stream Conservation Area Policies: There are no river or stream corridors identified on the River and Stream Conservation Area map located on the subject property.
 - b. Wetlands: There are no wetlands identified on the North Urban Wetland Inventory or on the National Wetland Inventory on the subject property.

- c. Groundwater: The subject property is not located in any Limited or Critical Groundwater Area identified by the Oregon Department of Water Resources.

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

2. Agriculture: This application does not involve any land planned or zoned for Agricultural uses. There are no policies in this Section of the Comprehensive Plan applicable to this proposal.
3. Forests: This application does not involve any land planned or zoned for Forest uses. There are no policies in this Section of the Comprehensive Plan applicable to this proposal.
4. Mineral and Aggregate Resources: The subject property is not identified on the "Inventory of Mineral and Aggregate Resource Sites" in Table III-2 of the Comprehensive Plan. There are no policies in this Section of the Comprehensive Plan applicable to this proposal.
5. Wildlife Habitats and Distinctive Resource Areas: There are no significant wildlife habitats or scenic areas identified on Map III-2 or III-3 of the Comprehensive Plan located on or near the subject property. There are no policies in this Section of the Comprehensive Plan applicable to this proposal.
6. Natural Hazards: This Section of the Chapter identifies policies applicable to floodplains, natural and geologic hazards, steep hillsides and areas with limiting soil characteristics such as shrink-swell soils, compressed soils, etc.

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

7. Energy Sources and Conservation: There are no policies in this Section applicable to this application.
8. Noise and Air Quality. There are no policies in this Section applicable to this application.
9. Habitat Conservation Areas. The subject property is not located within a Habitat Conservation Area.
10. Water Quality Resource Areas. The subject property is not located within a Water Quality Resource Area.

This application is consistent with Chapter 3.

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

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 and Industrial.

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.

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

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

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

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

b. The subject property is located within the Metro Urban Growth Boundary and within the boundaries of Clackamas County Service District #1 and Clackamas River Water which are capable of providing sewer, water and stormwater facilities to the property and area. The subject property is substantially surrounded by development at urban densities and has frontage on a minor arterial road, Jennifer Street. The subject property clearly satisfies the definition of Immediate Urban Area. Immediate Urban Areas are planned and zoned for urban uses. The proposed Light Industrial Plan designation is an urban plan designation.

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

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

2. Urban Growth Concept Policies. The Urban Growth Concept policies in this Section of the Plan are intended to implement the Region 2040 Growth Concept Plan. The subject property is located within the boundaries of the Region 2040 Concept Plan identified on Map IV-8 of the Clackamas County Comprehensive Plan and is designated as an "Industrial" area on the adopted Urban Growth Concept Map. An area designated as an "Industrial" is generally intended for industrial activities with limited supporting uses.

The intent is to prohibit “big box retailers” from these areas in order to allow for industrial uses. The proposed Comprehensive Plan Amendment and Zone Changes from Medium Density Residential to Light Industrial are consistent with and will implement the County Urban Growth Concept.

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

3. Land Use Plan Designations. The subject property is currently designated Medium Density Residential on the Comprehensive Plan map. The proposed amendment is to change the land use plan designation to Light Industrial. Therefore, only the existing Medium Density Residential plan policies (Policy 21.0) in the Residential Section and Light Industrial plan policies (Policy 13.0) in the Industrial Section of this Chapter are applicable to this Comprehensive Plan Amendment. The remaining policies for the High Density Residential, Multifamily, Commercial, Industrial, Open Space and Floodplains, Rural Communities, Rural, Agriculture and Forest plan designations in this Section of the plan are not applicable.

a. The specific plan policies for the Medium Density Residential (Policy 21.0) and Light Industrial (Policy 13.0) plan designations in Chapter 4 are evaluated in Part 4 of this report.

The proposed change from Medium Density Residential to Light Industrial is consistent with the Land Use Designation policies in this Chapter.

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

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

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

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

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

The subject property has road frontage on SE Jennifer Street and SE 130th Avenue. SE Jennifer Street is classified as a Minor Arterial and SE 130th Ave. is classified as a collector. Table V-5 of the Comprehensive Plan directs access for developments with frontage on both an arterial street and other lower classification streets to be located on the street with the lower functional classification. Access to the existing PGE Carver Substation is from SE 130th Ave. Site access to the future PGE Readiness Center will be reviewed during the development review process. However, because the subject property has frontage on both SE Jennifer Street and SE 130th Ave, access to this site should be from SE 130th Avenue which has a lower classification.

This policy can be 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.

Jennifer Street is identified on the Planned Bikeway Network Map V-7a and Essential Pedestrian Network Map V-8. Jennifer Street along the frontage of the subject property is currently improved with a bike lane and sidewalks along the eastern portion of the site. This standard is met.

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

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

This proposal is consistent with Chapter 5.

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

The need to provide and maintain housing choices is addressed in the findings under Statewide Planning Goal 6 and under the Medium Density Residential policies in Part 4 of this report. Those findings demonstrate this proposal will provide opportunities for a variety of housing choices in the unincorporated areas of the County. Those findings are adopted by reference to address this Chapter of the Comprehensive Plan.

This proposal is consistent with Chapter 6.

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

1. Policies 12.0, 18.0 and 26.0 require a coordinated review of development applications with the appropriate sewer, storm water and water service providers to ensure that approval is not granted in absence of public facilities. Although this application is not a development application, this goal requires a finding that there are adequate public facilities and services to support the Comprehensive Plan land use designation.
2. The property has adequate fire protection and law enforcement services. The property is located within Clackamas Rural Fire Protection District #1. The Clackamas County Sheriff Department provides law enforcement services in the area.
3. This proposal will have no impact on the school district because the property is being converted from residential land to industrial land.
4. The subject property is located in Clackamas County Service District (CCSD) No. 1 which provides sewer and storm drainage facilities and services in the area. The CCSD No. 1 has submitted comments demonstrating that the public sewer and storm drainage facilities are adequate or can be made adequate to support uses allowed under the proposed Light Industrial plan designation.
5. The subject property is located in the Clackamas River Water district. A Preliminary Statement of Feasibility dated December 29, 2011 has been submitted by Clackamas River Water (See Exhibit 6). The feasibility statement is evidence that water service is available in levels appropriate to support uses allowed under the proposed I-2 zoning district.
6. The subject property is located in an area with an appropriate level of public facilities and services necessary to support the proposed Light Industrial plan designation.

This application is consistent with Chapter 7.

H. Chapter 8; Economics: *The goal of the Economics Chapter is to "Establish a broad-based, stable and growing economy to provide employment opportunities to meet the needs of the County residents."*

1. Policy 1.1 under the "Existing Industry and Business" section is applicable to this application.

a. Policy 1.1: *Protect established industrial and commercial areas from encroachment by incompatible land uses.*

PGE operates the existing Carver Substation on the subject property. This proposal requests that the current split zoning on the subject property be unified under the Light Industrial zone. This action will recognize and retain the existing industrial use of the property and allow a future PGE support facility (Emergency Readiness Center) to be constructed on the property. Given the presence of the existing substation, the property is unlikely to develop as multi-family housing. The area is characterized by light industrial uses such as warehousing and distribution centers. Staff finds that multi-family housing would not fit the character of the area and that rezoning to I-2: Light Industrial would protect the established industrial uses from encroachment by incompatible land uses.

This policy is met.

This application is consistent with Chapter 8.

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

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

Chapter 9 is not applicable.

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

The Clackamas Industrial Area and North Bank of the Clackamas River Design Plan includes areas on the north bank of the Clackamas River eligible for an Open Space

Management Zoning District. Areas along the north bank of the Clackamas River have been targeted for preservation due to proximity to the Clackamas Industrial Area and potential impacts from industrial development. The areas eligible for protection are shown on Map X-CR-1 of the Comprehensive Plan. The subject property on Jennifer Street is outside the areas identified on Map X-CR-1 and not subject to the *Clackamas Industrial Area and North Bank of the Clackamas River Design Plan*. The subject property is not located within any other community or design plan area.

This proposal is consistent with Chapter 10.

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

The subject property is located within Metro's jurisdiction and the special districts noted below. 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: Clackamas County Service District #1, Clackamas River Water, Clackamas County Fire District #1, North Clackamas Parks District #3, Metro and DLCDC. This notice and advertised public hearings before the Planning Commission and Board of County Commissioners provide an adequate opportunity for interagency coordination efforts of this plan amendment and demonstrates compliance with this policy.

This policy is met.

2. Amendments and Implementation Section

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

Based on the findings in Part 1 of this report this proposal is consistent with the Statewide Planning Goals. Based on the findings in Part 2 this proposal is consistent with the Metro Framework Plan and Urban Growth Management Functional Plan. Those findings are

adopted to address this policy by reference therein.

This policy is met.

b. Policy 3.0; *Amend the Comprehensive Plan pursuant to the following procedures and guidelines (listed in subpolicies 3.1 through 3.6). This is a quasi-judicial Comprehensive Plan map amendment and is subject to subpolicies 3.1, 3.3 and 3.4.*

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

The application was submitted by the property owner, Portland General Electric.

This policy is met.

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

Both the Planning Commission and Board of County Commissioners will review this application through one or more public hearings. Notice of the hearings have been published in the local newspaper and advertised consistent with or exceeding all ZDO notice requirements.

This policy is met.

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

The property owners within 300 feet of the subject property were notified as required in Section 1303 of the ZDO. The Clackamas Community Planning Organization was notified of the application over 35 days prior to the first hearing before the Planning Commission.

This policy is met.

This application has been processed consistent with Chapter 11.

PART 4. COMPLIANCE WITH MEDIUM DENSITY RESIDENTIAL AND LIGHT INDUSTRIAL 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 lands in

Clackamas County. It is feasible and very common for a particular property to meet the policies and criteria for more than one land use Plan designation. In order to determine the most appropriate Plan designation, this section of the report includes an evaluation of the policies for the Plan designation being requested (Light Industrial) as well as the existing Plan designation policies (Medium Density Residential). This analysis will assist in weighing and balancing the policies to determine the most appropriate Plan designation.

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

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

This plan policy does not identify what "Areas" of consideration should be used or how it should be defined in the evaluation of this policy. The Board of County Commissioners over the years has made various interpretations of this word, ranging from just the subject property to other broadly defined areas around the subject property. In this case, "Areas" could include all the land within the unincorporated areas of Clackamas County, lands within the UGB east of I-205, the Clackamas industrial area or just the subject property. Absent some other justification from the applicant, Planning staff believes the appropriate "Area" of consideration for this application is the Clackamas industrial area bounded by Hwy. 212 on the north; the Clackamas River on the south and east and 82nd Drive on the west.

The subject property is a 19.95 acre tax lot with split zoning: 13.47 acres is zoned Light Industrial and 6.48 acres is zoned Medium Density Residential. The existing Carver Substation is located in both the industrial and residential portions of the property. 2.11 acres of the 6.48 acre MR-1 site are already occupied by substation, reducing the medium density housing development potential to 4.37 acres. From a locational standpoint, medium density housing adjacent to the existing PGE Carver Substation is not a preferred location. Given the presence of the existing substation, the site would be difficult to develop for medium density housing when the required setbacks, landscaping and other development standards are considered. The area in general is characterized by light industrial uses such as warehousing and distribution centers. Multi-family housing in this area is not preferred considering the potential impacts from industrial use, including noise and truck traffic. In addition, the Jennifer Street industrial area is identified as a Regionally Significant Industrial Area by Metro's Title 4 and the actual subject property is designated as an Industrial Area on Metro's Title 4 map. This is not an area where a need for medium density housing exists. As discussed in Part I of Section I of this report, other medium density housing opportunities exist in the County and increased densities and mixed use developments near existing and planned light rail stations

are more appropriate locations for this type of housing.

This policy is not met.

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

The subject property has frontage on S.E. Jennifer Street, a designated minor arterial on the Clackamas County Functional Classification map. In addition, the area is served by Hwy. 212/224 and three other arterials. There are no local streets serving low density residential areas in the vicinity. With the exception of the MR-1 land to the east of the subject property, this area consists almost entirely of lands zoned I-2: Light Industrial and I-3: General Industrial. Multi-family housing development on the property would not result in significant traffic increase on local streets serving low density residential areas.

This policy is met.

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

The subject property is located in a high employment area, the Clackamas Industrial Area. The area is characterized by light industrial uses such as distribution centers and warehousing facilities. The area is not located near or adjacent to a commercial center. The nearest transit line is Tri-Met bus line #30 which is located approximately ½ mile north of the site. The 30 line travels Hwy. 212 east to the Carver Junction and then south on Hwy. 224 to Estacada.

This policy is met.

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

The area is characterized by light industrial uses such as distribution centers and warehousing facilities. The residential uses in the area include the Clackamas River Village Mobile Home Park located to the east of the subject property and scattered residential units on S.E. 135th Ave. between Jennifer St. and Hwy. 212/224. These areas do not consist of deteriorating or dilapidated dwellings or structures.

This policy is not met.

B. Light Industrial Plan Policies: Policy 13.0 in the Industrial Section of the Comprehensive Plan identifies the policies for applying the Industrial Plan designation to

a property or area. This Plan designation may be applied when either the first or all of the other criteria are met:

1. Policy 13.0.a: *Areas having an historical commitment to industrial uses.*

The subject property is currently developed with the PGE Carver Substation. The proposed zone change would convert 6.48 acres of MR-1 property to the I-2: Light Industrial zone. Approximately 2.11 acres of the MR-1 property are currently occupied by the PGE substation. The fact that a portion of the site is currently occupied by the substation is evidence that there is a historical commitment to industrial use.

This criterion is met.

2. Policy 13.0.b: *Areas with excellent access to the regional transportation network.*

The Clackamas Industrial Area is well served by the existing transportation system with excellent access to the regional transportation network. S.E. Jennifer Street provides a parallel route to Highway 212 and connection to the state highway is provided via two collectors, 122nd Ave. and 130th Ave. and a minor arterial, 135th Ave. Hwy. 212 provides direct, convenient access to Interstate 205, while Jennifer Street provides a convenient route to and from the west for destinations such as 82nd Drive, Gladstone and Interstate 205.

This policy is met.

3. Policy 13.0.c: *Areas with access to a street of at least a minor arterial classification.*

The subject property has frontage on and access to SE Jennifer Street, a minor arterial street. The Clackamas Industrial Area is served by a state highway, Hwy. 212/224 and four streets with at least a minor arterial classification: 82nd Drive; Evelyn Street; 135th Avenue and Jennifer Street.

This policy is met.

4. Policy 13.0.d: *Areas with sites large enough for several industries to cooperatively design an industrial park.*

The subject property is occupied by the existing PGE Carver Substation. Each of the adjacent parcels is developed. The property is not large enough or situated adjacent to undeveloped parcels to cooperatively design an industrial park.

This policy is not met.

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

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

B. Based on the findings in Part 4 of this report, the subject property satisfies two of the four Medium Density Residential Plan policies (Policies 21.0.b and 21.0.c are met; Policy 21.0.a and 21.0.d are not met). For a Medium Density Residential designation, the first two criteria (21.0.a and 21.0.b) must be met.

C. Based on the findings in Part 5 of this report, the subject property satisfies three of the four Light Industrial Plan policies (Policies 13.0.a, 13.0.b and 13.0.c are met; Policy 13.0.d is not met). For a Light Industrial Plan designation, either the first (13.0.a) or all (13.0.a-d) must be met.

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

1. The Light Industrial Plan designation is consistent with the Statewide Planning Goals, including Goal 12 – Transportation and the Transportation Planning Rule. As evidenced by the Lancaster Engineering Transportation Impact Study dated September 15, 2011, the reasonable worst-case development comparison showed that the proposed zone change will result in only a very minor increase in trips during the morning and evening peak hours and an overall reduction in daily trips.
2. The Light Industrial Plan Designation is consistent with the Light Industrial Plan Policies in Chapter IV of the County Comprehensive Plan. Three of the four Light Industrial Plan policies are met.
3. Medium Density Residential is not appropriate because Policy 21.0.a: (*Areas where a need for this type of housing exists*) in Chapter IV of the Comprehensive Plan is not met.
4. The Light Industrial Plan designation is consistent with the Metro Urban Growth Management Functional Plan. The portion of the subject property currently zoned MR-1 is designated as an Industrial Area by Metro's Title 4.

5. The subject property is designated as “Industrial Area” on the Clackamas County Urban Growth Concept Map (Map IV-8 of the Comprehensive Plan).
6. The subject property is located on a minor arterial street and surrounded by light industrial uses. This location is more desirable for an industrial development than for medium density residential uses.
7. The presence of the existing PGE Carver Substation on the subject property renders residential development on the property highly unlikely.
8. Housing construction adjacent to the existing substation is not a preferred option. The subject site is physically constrained by the presence of the Carver Substation; 2.11 acres of the 6.48 acre site are occupied by the existing substation. Residential development on the site would be negatively impacted by the proximity of the substation and by noise and truck traffic from other existing industrial uses.
9. The sewer, water and storm drainage facilities and services are adequate to support the Light Industrial Plan designation.

SECTION 2- ZONE CHANGE FROM MR-1 TO I-2

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 are met:

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

The proposed I-2 zoning district (Section 602 of the ZDO) implements the Light Industrial Plan designation. Based on the findings in Section 1, Part 4 of this report, the Light Industrial plan map designation is consistent with the Comprehensive Plan. Those findings are adopted to address this criteria by reference therein.

This criterion is met.

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

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

The subject property is located within Clackamas County Service District No. 1 which provides public sanitary sewer and storm drainage services in the area. The public record includes an email from Tim Finley of CCSD # 1 dated December 19, 2011 which indicates that sanitary sewer will be addressed with future building plans and during the design review phase for the emergency preparedness center. CCSD#1 states that storm water facilities have been provided and are adequate or can be made adequate to support uses allowed in the proposed I-2 zoning district.

The subject property is located in the Clackamas River Water district. A Preliminary Statement of Feasibility dated December 29, 2011 has been submitted by Clackamas River Water (See Exhibit 6). The feasibility statement is evidence that water service is available in levels appropriate to support uses allowed under the proposed I-2 zoning district.

This criterion is met.

3. Section 1202.01C: *The transportation system is adequate, as defined in Subsection 1022.07(B) and will remain adequate with approval of the zone change. Transportation facilities that are under the jurisdiction of the State of Oregon are exempt from this subsection. For the purpose of this criterion:*
 - a) Section 1202.01C(1): *The evaluation of transportation system adequacy shall include both the impact of the proposed zone change and growth in background traffic for a twenty-year period beginning with the year that a complete land use application is submitted.*
 - b) Section 1202.01C(2): *It shall be assumed that all improvements identified in the Clackamas County 20-Year Capital Improvement Plan, the Statewide Transportation Improvement Plan, and the capital improvement plans of other local jurisdictions are constructed.*
 - c) Section 1202.01C(3): *It shall be assumed that the subject property is developed with the primary use, allowed in the proposed zoning district, with the highest motor vehicle trip generation rate.*
 - d) Section 1202.01C(4): *Transportation facility capacity shall be calculated pursuant to Subsection 1022.07(C).*
 - e) Section 1202.01C(5): *A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.*

The capacity and adequacy of the transportation system have been evaluated in Part I of this report in the discussion of Statewide Planning Goal 12 and the Transportation Planning Rule. Those findings demonstrate the affected transportation system (S.E. Jennifer Street / SE 135th Avenue) is currently operating at an acceptable level of service and will continue to operate at an acceptable level of service with the proposed zone change. Those findings are adopted to address this criteria by reference therein.

This criterion is met.

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

The nearest transportation facility under the jurisdiction of the State of Oregon is Highway 212 located to the north of the subject property. The potential daily increase in vehicle trips to Highway 212 under the proposed I-2 zoning is less than potential trips under the current zoning. ODOT has not commented on the proposed Comprehensive Plan Amendment and Zone Change. The proposal complies with the Oregon Highway Plan.

This criterion is met.

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

The Transportation Impact Study prepared by Lancaster Engineering addresses the safety of the transportation system. SE Jennifer Street; SE 130th Avenue and SE 135th Avenue are all constructed to their ultimate three-lane configuration, a center turn lane is available on all three facilities to improve traffic flow and provide a refuge for left-turning vehicles. In addition, bike lanes are in place on all three roadways, providing separation for bicycle traffic.

Written comments have not been received by the DTD, Traffic Engineering (TE) staff. However, Planning and Zoning staff discussed the proposed Comprehensive Plan Amendment and Zone Change with TE staff on December 27, 2011. Robert Hixson of the TE Division indicated that staff did not have any transportation related concerns with the proposal and that the system is adequate to serve the level of development anticipated by the zone change.

Based on the above findings, the safety of the County transportation system is adequate to accommodate the level of development anticipated by the proposed I-2 zoning district.

This criterion is met.

PART 2. SUMMARY OF ZONE CHANGE CRITERIA:

A. This application satisfies all the criteria in Section 1202.01 of the ZDO.

Exhibit List

- 1) ZDO Subsection 602: Light Industrial
- 2) Traffic Impact Study, Lancaster Engineering, September 15, 2011
- 3) Memorandum dated December 19, 2011 from Tim Finley, Water Environment Services.
- 4) Comprehensive Plan Map IV-8
- 5) Tax Assessor Map
- 6) Preliminary Statement of Feasibility, Clackamas River Water, December 29, 2011
- 7) Attachment: County Preliminary Statement of Feasibility, Clackamas River Water, December 29, 2011



DEPT OF
MAR 28 2012
LAND CONSERVATION
AND DEVELOPMENT

OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING

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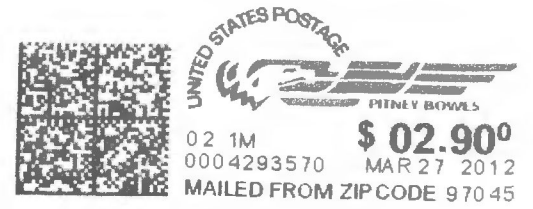
CERTIFICATE OF MAILING

I hereby certify that the enclosed Board Order No. 2012-20, Local File No. Z0417-11-CP / Z0418-11-ZAP was deposited in the mail on March 27, 2012

Signed: _____


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