



Oregon

Theodore R. Kubongoski, 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

09/04/2012

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 007-12

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, September 18, 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: Gary Hewitt, Clackamas County  
Jon Jinings, DLCD Community Services Specialist  
Katherine Daniels, DLCD Farm/Forest Specialist  
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE  
STAMP

DEPT OF

AUG 29 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**

Local file number: **Z0190-12-CP/Z0191-12-Z**

Date of Adoption: **8/23/2012**

Date Mailed: **8/28/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 5/17/2012

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 Board of County Commissioners approved the application for a Comp Plan designation change from Ag to Forest with a corresponding Zone Change from EFU to TBR.

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

Plan Map Changed from: **Agriculture**

to: **Forest**

Zone Map Changed from: **EFU**

to: **TBR**

Location: **22780 S. Eaden Rd., Oregon City, Oregon**

Acres Involved: **24**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. \_\_\_\_\_

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

DEPT OF

N/A

AUG 29 2012

LAND CONSERVATION  
AND DEVELOPMENT

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Local Contact: **Gary Hewitt - Sr. Planner**

Phone: (503) 742-4519

Extension:

Address: **150 Beaver Creek Road**

Fax Number: 503-742-4550

City: **Oregon City**

Zip: **97045-**

E-mail Address: **garyh@co.clackamas.or.us**

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## 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](mailto:plan.amendments@state.or.us).

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011



DEPT OF

AUG 29 2012

LAND CONSERVATION  
AND DEVELOPMENT

OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING

2051 KAEN ROAD OREGON CITY, OR 97045

**Stephen L. Madkour**  
County Counsel

**David W. Anderson**  
**Kimberley Ybarra**  
**Kathleen Rastetter**  
**Scot A. Sideras**  
**Chris Storey**  
**Scott C. Ciecko**  
**Alexander Gordon**  
**Rhett C. Tatum**  
Assistants

## CERTIFICATE OF MAILING

I hereby certify that the enclosed Board Order No. 2012-84, Local File No. Z0190-12-CP / Z0191-12-Z was deposited in the mail on August 28, 2012

Signed: \_\_\_\_\_

Cheryl J. Cornelison, Administrative Assistant  
Clackamas County Counsel's Office  
(503) 655-8619

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

In the Matter of a Comprehensive  
Plan Amendment and Zone Change  
For Shawn & Tamra Wilks, on property  
Described as T2S, R3E, Section 35,  
Tax Lot 1701



ORDER NO. 2012-84

File No.: Z0190-12-CP / Z0191-12-Z

This matter coming regularly before the Board of County Commissioners, and it appearing that Shawn and Tamra Wilks made application for a Comprehensive Plan amendment and zone change on property described as T2S, R3E, Section 35, Tax Lot 1701, located directly south and across the road from S. Rory Court which fronts S. Eaden Road which fronts the subject property to the north, and depicted in Exhibit A.

If further appearing that planning staff, by its report dated June 18, 2012, recommended approval of the application; and

It further appearing that the Planning Commission, at its June 25, 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 July 25, 2012, at which testimony and evidence were presented, and that the Board made a preliminary decision to approve the application;

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

1. The applicant requests approval of a Comprehensive Plan map amendment from Agriculture to Forest with a corresponding zone change from EFU to TBR.
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 June 18, 2012, included as Exhibit B.

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

DATED this 23rd day of August, 2012

BOARD OF COUNTY COMMISSIONERS

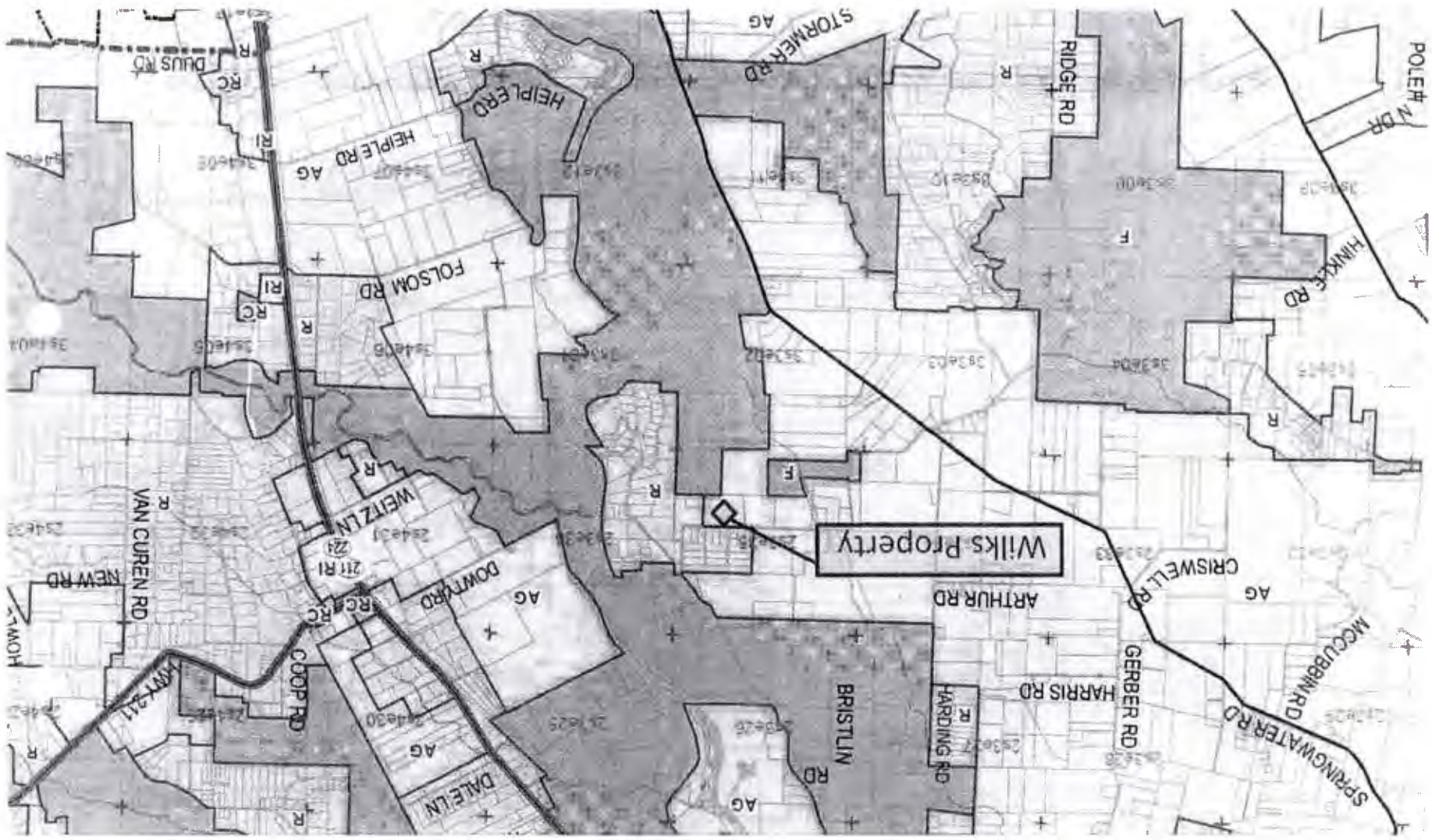
  
\_\_\_\_\_

Chair

  
\_\_\_\_\_

Recording Secretary

**Clackamas County Comprehensive Plan Map IV-7**  
**(excerpt, not to scale)**



NAME: Shawn & Tamra Wilks  
FILE NO.: Z0190-12-CP / Z0191-12-Z  
REPORT AUTHOR: Gary Hewitt – Sr. Planner  
HEARING DATE: June 25, 2012  
REPORT DATE: June 18, 2012

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

**FACTS**

**GENERAL INFORMATION**

Applicant: Shawn & Tamra Wilks, represented by Lee Leighton, Westlake  
Consultants

Owner: Shawn & Tamra Wilks, 17861 E. Edgewood Street, Oregon City, Oregon,  
97045

Legal Description: T2S, R3E, Section 35, W.M, Tax Lot 1701

Location: Approximately 1.50 miles east of Springwater Road on S. Eaden Road,  
directly across from S. Rory Court.

Total Area Involved: 24 Acres

Comprehensive Plan Designation: Agriculture

Current Zone: Exclusive Farm Use (EFU)

Proposal: To change the Agriculture Comprehensive Plan designation to Forest with  
a corresponding zone change from EFU to Timber District (TBR).

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**SECTION 1**

**BACKGROUND INFORMATION, SITE AND AREA DESCRIPTION AND SERVICES**

**Background Information:**

In 2003 or 2004 portions of the subject property were logged. Shawn and Tamra Wilks purchased the property in 2006. Shortly after their purchase it came to light through an additional logging attempt that both their harvest and the past 2003/04 harvest would require replanting. The Wilks' replanted approximately 15 acres. The Oregon Department of Forestry inspected the property and did not approve the replanting of Sitka Spruce seedling and recommended Valley Ponderosa pine or Red Alder. The owners replanted with Red Alder in 2009. These Red Alder were lost to draught conditions by the summer of 2010. In 2011 the owners replanted with Valley Ponderosa pine and other trees from a local landscaper, staging them on the land until final planting could be accomplished in 2012.

The owners experience an unusual hot summer in 2009 with losing the remainder of their replanting in 2010. The second issue is the high surface water ponding on the property with long periods of high water tables as early as October through to the Spring of the year. These conditions make it extremely difficult to use the land for farming of crops or for pasture.

**Site Description:** The site location shows a few access drives that were most likely placed during the logging operation in 2009. The logged area has since returned back to grass, some blackberries and scrub brush. In winter months there are many areas of ponding surface water.

**Surrounding Conditions:** To the east and north is rural zoned land with smaller acreages of approximately 2.5 to 5 acre parcels. To the southeast is a large 39.55 acre parcel within the TBR zoning district with similar circumstances as the subject property. There is a noticeable strip of land that is more like a drainage swale that appears to be acting as a natural water detention area from the adjacent TBR land, traveling through the subject property and then extending to the northwest as it snakes through the area. It appears what little drainage that exists is predominantly on the subject property and the property to the southeast in TBR. These properties have produced limited large timber growth over the years. Those properties to the west appear to have drained the land for hay production in the summer months. This would likely not be achievable on the subject property because of the drainage swale through it which could not be limited from the historical runoffs from adjacent land.

**Service Providers:**

1. **Sewer:** The property is not located within a public or private sewer district. Sewage disposal will need to be accommodated by an on-site sewerage disposal system.
2. **Water:** The property is not located within a public or private water district. Water will need to be accommodated by a well.
3. **Surface Water:** The property is not located within a public or private surface water management district. Surface water management is subject to Section 1008 of the



ZDO, as administered by the Engineering Division of the Clackamas County Department of Transportation and Development (DTD).

4. **Fire Protection:** The property is located within the Clackamas Rural Fire Protection District No. 1.

**Responses Requested:**

1. Clackamas Rural Fire Protection District
2. Department of Land Conservation and Development
3. Property Owners Within 750 Feet of The Subject Property
4. Redland-Viola-Fischer's Mill CPO, Chair Daniel Dunn

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

**RECOMMENDATION**

Staff recommends, based on the finding herein, that a Change of the Comprehensive Plan from Agriculture to Forest and a corresponding Zone Change be recommended by the Planning Commission to the Board of County Commissioners.

**CONCLUSIONS AND FINDINGS**

The evaluation of this application involves three steps. In order to approve this application the applicant must; 1.) Demonstrate compliance with the applicable goals and policies of the Comprehensive Plan (CP) and; 2.) Demonstrate compliance with the criteria for a zone change in Section 1202 of the Clackamas County Zoning and Development Ordinance (ZDO) and; 3.) Demonstrate compliance with Statewide Goal 12, Transportation.

**SECTION 2**

**COMPREHENSIVE PLAN REVIEW**

1. **Comprehensive Plan Policies:** *The Comprehensive Plan Map change is subject to an evaluation of the Agriculture and Forest elements of the Comprehensive Plan. These Sections of the Comprehensive Plan must be evaluated to determine which policies are most appropriate and applicable to the subject property. Staff has reviewed the Comprehensive Plan with respect to this application and makes the following findings:*

- A. **Applicable Agricultural Policies:** *Policy 1.0 of the Agricultural element of the Comprehensive Plan identifies what areas shall be designated Agriculture. All the policies do not have to be met in order to designate the property Agriculture.*

1. Policy 1.0(a): ***Areas with predominately Class I through IV agricultural soils as defined by the U. S. Soil Conservation Service or identified as agricultural soil by more detailed data.***

Based on review of the SCS Soils Atlas for Clackamas County, the predominant soil type on the property is Dayton silt loam, Class IV soil. This soil is considered High Value Farmland.

**This policy is met.**

2. Policy 1.0(b): ***Areas generally in parcels of 20 acres or larger.***

The Planning Commission has defined the area as being the subject property. The subject property is 24 acres.

**This policy is met.**

3. Policy 1.0(c): ***Areas primarily in Agricultural use.***

Utilizing the subject property as previously noted as the "area" of consideration, the area is not primarily in an agricultural use. The property is currently and historically has been in timber production.

**This policy is not met.**

4. Policy 1.0(d): ***Areas necessary to permit agriculture practices on adjacent lands or necessary to prevent conflicts with the continuation of agricultural uses.***

This is one of the more difficult criteria to evaluate. The applicant has requested to change the zoning to TBR, which allows agriculture uses on the property. An evaluation of the impacts of taking this land out of a forest resource designation can be completed if there is some actual analysis of the farming and forest practices occurring on the adjacent lands. The applicant has provided information and analysis addressing this issue. The Planning Staff finds this policy is not met. The subject property is not necessary from a standpoint of needing to be agricultural to permit farm practices on adjacent land or to prevent conflicts with agricultural uses. Both agricultural and forest uses are allowed on EFU and TBR zoned lands.

**This policy is not met.**

5. Policy 1.0(e): ***Other areas in soils classes different from SCS I through IV, when the land is suitable for farm uses as defined in***

***ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farm practices.***

The subject property consists predominantly of Class IV agricultural soils. Other adjacent property soils are the same as the subject property but do not have the permanent and predominant drainage swale as does the subject property. The existing land use pattern to the north and east is for rural residential homes. To the west and southwest is limit low grade farming. To the southeast is limited timber production based on high water tables.

**This policy is not met.**

**B. Applicable Forest Policies: *Policy 1.0 of the Forest element of the Comprehensive Plan identifies what areas shall be designated Forest. As with the Agricultural designation, not all factors need to be met in order to apply the Forest designation.***

**1. Policy 1.0(a): *Lands suitable for forest uses.***

As discussed previously, the entire subject property contains soils somewhat suitable to support forest uses. Approximately 23.50 acres of the property is currently supporting forest uses. There are also forest uses occurring on adjacent resource lands to the east and south of the subject property which have substantially similar soils, slope and locational characteristics as does the subject property.

**This policy is met.**

**2. Policy 1.0(b): *Land predominately capable of generating at least 85 cubic feet of timber per acre per year.***

The property consists predominately of Dayton silt loam soil, which is capable of producing 40 cubic feet per acre per year of timber. A letter from the Molalla Forest Service, Mike Haasken, Stewardship Forester finds that if specific tree species were planted, that of Valley Ponderosa Pine, Oregon Ash, Oregon White Oak, Red Alder and Black Cottonwood, the subject property would be capable of producing 85 cubic feet per acre per year of timber.

**This policy is met.**

**3. Policy 1.0(c): *Areas generally in forest use.***

Approximately 24 acres of the subject property was in timber production. The property has been replanted to the level of production required by the Molalla Forest Service Office.

**This policy is met.**

4. **Policy 1.0(d): *Areas which are environmentally sensitive or otherwise require protection (watersheds, areas subject to erosion, landslides, etc.) shall be designated Forest.***

Although there is no environmental study or wetland review officially done on the property, it can be derived by the evidence there very well may be wetlands on various portions of the subject property. Standing winter water creates a good climate for an eventual wetland. The property is also a drainage swale and more likely a natural retention area for adjacent runoff. It could be deduced that since these issues more than likely are on the subject property that the land would require at least the lowest level of protection.

**This policy is met.**

5. **Policy 1.0(e): *Forest areas which buffer more intense land uses from area of less intense use may be designated Forest.***

The subject property is a substantially forest area. The area to the north and east of the property is primarily zoned rural and developed with sparse settlement home sites. The area to the south of the property is primarily zoned TBR and undeveloped for the most part. The area to the west of the property is primarily zoned EFU and sparsely developed with home site and some limited farming. Clearly, the subject property provides a buffer between the more intense rural uses located to the east and north and the less intense farm uses located to the west.

**This policy is met.**

**Conclusion:** Based on the above findings, the characteristics of the subject property clearly meet a majority of the applicable Forest Plan policies. The existing Forest Comprehensive Plan designation is most appropriate for the subject property.

2. **Comprehensive Plan Policy Conclusions:** Based on the above findings, a Comprehensive Plan designation of Forest is the most appropriate for the subject property.

### SECTION 3

#### ZONE CHANGE CRITERIA

1. **Zone Change Criteria: Section 1202.01 of the ZDO outlines three (5) criteria for a zone change:**

- A. **1202.01(A): *Approval of the request is consistent with the Comprehensive Plan.***

Based on the evaluation of the criteria in Section 2 of this report, staff finds approval of the request is consistent with the Comprehensive Plan.

**This criterion is met.**

- B. **1202.01(B): *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.***

Sewer: The subject property is not located within a public sanitary sewer district. No public sewer is present in the area, nor will sewer be extended to serve new development on the subject property. Sewage disposal will need to be accommodated by individual on-site sewage disposal systems.

Surface Water: The subject property is not located within a public surface water management district.

Water: The subject property is not located within a local water district. Domestic water will be provided by on-site wells.

The subject property is not located within a public sanitary, surface water management or water district.

**This criterion is not applicable.**

- C. **1202.01(C): *The zone change will not impact the transportation system such that a roadway as planned in the 20-Year Capital Improvement Plan: 1.) Must be redesigned or increased to a higher functional classification in order to maintain the minimum acceptable performance evaluation Level-of-Service standard identified by the Comprehensive Plan. 2.) Will operate at a performance evaluation Level-of-Service standard below the minimum acceptable level identified in the Comprehensive Plan. 3.) For***

***the purposes of these criteria, the cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered. The analysis shall consider a five-year period that begins with the date of the transportation impact study provided the study is dated no more than 90 days prior to the date a complete land use application is submitted, the five-year period shall begin with the date a complete land use application is submitted. or; 4.) State transportation facilities shall be evaluated pursuant to the Oregon Highway Plan rather than the Comprehensive Plan.***

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

Access to the vacant property will not change. There will be no impact to the transportation system or the 20-year capital improvement plan.

**This criterion is not applicable.**

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

The current level of service for Eaden Road is "C" or better. The level of service for capital construction shall be designed to achieve Level-of-Service "D". Eaden Road is above the minimum acceptable performance evaluation for level of service at a level of service of "C".

**This criterion is met.**

- 3.) ***1202.01(C)(3): For the purposes of these criteria, the cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered. The analysis shall consider a five-year period that begins with the date of the transportation impact study provided the study is dated no more than 90 days prior to the date a complete land use application is submitted. If a transportation impact study is not required or is dated more than 90 days prior to the date a complete land use application is submitted, the five-year period shall begin with the date a complete land use application is submitted.***

No traffic impact study was required for this application.

**This criterion is not applicable.**

- 4.) 1202.01(C)(4): ***State transportation facilities shall be evaluated pursuant to the Oregon Highway Plan rather than the Comprehensive Plan.***

There is no state transportation facility serving the subject property.

**This criterion is not applicable.**

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

A discussion with Robert Hixson, Traffic Engineer finds level of service is adequate to serve the subject property. Any future development of the property will require a sight distance inspection by Engineering. Staff concludes there are no safety concerns in conjunction with future development of the property which will require access from Eaden Road.

#### SECTION 4

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

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

***Pursuant to OAR 660-012-0060(1) - Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure 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. A plan or land use regulation amendment significantly affects a transportation facility if it would:***

- a) ***Changes the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);***

There is no evidence the proposed change to the acknowledged comprehensive plan will change the functional classification of the existing transportation facility. There is no planned transportation facility adjacent to the subject property. This criterion is not applicable.

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

There would be no change in standards that implement the functional classification of Eaden Road that serves the subject property. This criterion is not applicable.

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

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

The levels of land use and development would not result in types of levels for travel or access that would be inconsistent with the adjacent functional classification of Eaden Road. This criterion is not applicable.

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

This proposal would not reduce the existing transportation facility below the minimum acceptable performance within the TSP or comprehensive plan. There is no planned transportation facility for Eaden Road. This criterion is not applicable.

**C) 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.**

There is no evidence the proposed comprehensive plan amendment would worsen the performance of Eaden Road. There is not planned transportation facility for Eaden Road. This criterion is not applicable.

**Goal 12 OAR 660-012-0060(1) Conclusion:** There is no evidence that this proposed change to the acknowledged comprehensive plan would be a significant effect to the transportation facility.

**2. Pursuant to OAR 660-012-0060(2) - Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:**

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



No evaluation is necessary because the proposal is not considered a significant effect to 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.**

No evaluation is necessary because the proposal is not considered a significant effect to the transportation facility.

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

No evaluation is necessary because the proposal is not considered a significant effect to the transportation facility.

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

No evaluation is necessary because the proposal is not considered a significant effect to 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.**

No evaluation is necessary because the proposal is not considered a significant effect to the transportation facility.

**Goal 12 OAR 660-012-0060(2) Conclusion:** No evaluation is necessary because the proposal is not considered a significant effect to the transportation facility.

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

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

**Conclusions:** Staff finds this application satisfies all necessary criteria in Section 1202 for a zone change.

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**CLACKAMAS**  
COUNTY  
PUBLIC SERVICES BUILDING  
OFFICE OF COUNTY COUNSEL  
2051 KAEN ROAD | OREGON CITY, OR 97045

Attn: Plan Amendment Specialist  
 Dept. of Land Conservation & Dev.  
 635 Capitol Street NE, Ste. 150  
 Salem, OR 97301-2540

