

**BEFORE THE LAND USE HEARINGS OFFICER
OF CLACKAMAS COUNTY, OREGON**

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|---|---|---------------------------|
| Regarding an application by Kalli Light for the Sheriff's |) | <u>FINAL ORDER</u> |
| Office Marine Unit to use an existing residential accessory |) | Case No. Z0457-25 |
| structure as a warehouse and storage facility at 21455 S. |) | (CCSO Marine |
| Highway 99, in unincorporated Clackamas County, Oregon |) | Storage Facility) |

A. SUMMARY

1. The applicant, Kalli Light of Relevant Building Company, requests conditional use approval for the Clackamas County Sheriff's Office Marine Unit to use an existing 5,543 square foot residential accessory structure as a warehouse and storage facility. The existing structure is located at 21455 S. Highway 99; also known as tax lots 02000 and 02100 Section 23BC Township 3 South, Range 1 East, of the Willamette Meridian, Clackamas County (the "site").

a. The 0.37-acre site and all surrounding properties are zoned RRFF-5 (Rural Residential Farm Forest, 5 acre minimum lot size). The site is bounded by Highway 99 on the east and a railroad to the west. The undeveloped right-of-way of Centre Street separates the site into two separate tax lots, tax lot 02000 (Block 2 in the 1877 plat of New Era) to the south of Centre Street and tax lot 02100 (Block 1 in the 1877 plat of New Era) to the north. The Centre Street right of way east of Highway 99 has been vacated, but remains a platted road on the west side of Highway 99

b. The existing structure was approved in the current location on tax lot 02000 through building permit B0256816. The existing structure does not meet current setback requirements. However, the existing structure replaced a building constructed in the same location pursuant to a building permit approved in 1971 when the site was unzoned. No exterior changes are proposed to the existing structure.

c. The applicant proposes to provide the required parking spaces on tax lot 2100 (Block 1 in the 1877 plat of New Era), located across Centre Street from the proposed warehouse.

d. Although the property is close to the Willamette River the subject properties included in this proposal are outside the special flood hazard area. The Willamette River Greenway is the only known environmental overlay on the properties involved in this proposal. The private 680 square foot noncommercial docks on the Willamette River, approved through Z0291-25 and Z0294-25 on tax lot 2300, and Z0292-25 for tax lot 2301 were approved as accessory to existing single-family dwellings on each of the respective tax lots. Although owned by the owner of the site, the docks are not being reviewed or considered in this application. Additional land use review and approval will be needed if the Sheriff's department proposes to use the noncommercial docks in the future.

2. Hearings Officer Joe Turner (the "hearings officer") held an online public hearing about the application. County staff recommended that the hearings officer approve the application, subject to conditions. See the Staff Report and Recommendation to the Hearings Officer dated December 24, 2025 (the "Staff Report"). The applicant accepted the findings and conditions of approval as recommended by County staff, with the exception of parking area landscaping. No one else testified orally or in writing.

3. Based on the findings provided or incorporated herein, the hearings officer finds that the applicant sustained the burden of proof that the proposed use does or can comply with the relevant approval standards of the Clackamas County Zoning and Development Ordinance (the "ZDO"), provided the applicant complies with conditions of approval recommended by County staff or warranted by the facts and law to ensure the proposed use does comply in fact with those standards. Therefore the hearings officer approves the application subject to the conditions at the end of this final order based on the findings and conclusions incorporated herein.

B. HEARING AND RECORD HIGHLIGHTS

1. The hearings officer received testimony at the public hearing about this application on January 8, 2026. All exhibits and records of testimony are filed at Clackamas County Department of Transportation and Development. At the beginning of the hearing, the hearings officer made the declaration required by ORS 197.763. The hearings officer disclaimed any *ex parte* contacts, bias, or conflicts of interest. The following is a summary by the hearings officer of selected testimony at the public hearing.

2. County planner Joy Fields summarized the Staff Report and her PowerPoint presentation.

a. She noted that the 0.37-acre site consists of two tax lots separated by a platted right-of-way and located between Highway 99 to the east and the railroad to the west. The storage building is located on tax lot 02000 and required parking is proposed to be located on tax lot 02100.

b. The site is suitable for the proposed use as it is currently developed with a large accessory structure, gravel surfaced parking area, and driveway access to Highway 99.

c. ODOT reviewed the application and had no concerns about impacts to the transportation system.

d. She noted a typographical error on page 11 of the Staff Report. The references to Table 316-1 and ZDO Section 316 should actually reference 316.

e. She noted that ZDO 1009.04(E)(4) allows for approval of an alternative buffer. However, Highway 99 is a designated scenic road subject to ZDO 1009.05, which requires that developments on lands in the RRFF-5 zone that are adjacent to scenic roads “[s]hall be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer zone.” The applicant may be able to shift the parking areas to the west in order to provide the required buffer.

3. The applicant, Kalli Light, testified in support of the application.

a. The Sheriff’s Office Marine Unit intends to use the existing building on the site as a workshop and for storage. No changes are proposed to the existing building.

b. The applicant may relocate the required vehicle parking onto tax lot 02000, to the north of the building. However, there is an existing drainage ditch and stormwater outfall on the east side of the site between the parking areas and the highway, that may limit the applicant’s ability to comply with the parking area landscape requirements of the Code, as required by condition of approval 9.

c. She argued that the existing topography and landscaping is adequate to screen views of the site and parking areas. Highway 99 is located roughly 18 feet higher than the site, roughly the height of the existing building, and existing landscaping in the right-of-way abutting the site provides additional screening. There are no existing plans to modify Highway 99 that would alter the existing screening. In the alternative, the applicant may shift the parking area to the north of tax lot 02100 where it would be screened by existing on-site vegetation.

d. She waived the applicant’s right to submit a final written argument.

4. At the end of the public hearing, the hearings officer closed the record and announced his intention to approve the application subject generally to the findings and conditions in the Staff Report. The hearings officer took under advisement the parking lot screening and buffer issue.

C. DISCUSSION

The hearings officer adopts the following findings as his own.

1) ZDO SECTION 316 RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5)

Section 316 regulates the RRFF-5 District, which includes the subject property. Table 316-1 identifies Government Use as a conditional use in the underlying zoning district.

This criterion is met.

Section 316.04, Table 316-2 Dimensional Standards:

| | Standard | Proposed | Compliant |
|-------------------------|----------------|----------------------------------|--|
| Minimum Lot Size | 2 acre minimum | No change | |
| Minimum Front Setback | 30 feet | 20' existing, No change proposed | B0256816 approved as a replacement in same footprint |
| Minimum Rear Setback | 30 feet | 8' existing, No change proposed | B0256816 approved as a replacement in same footprint |
| Minimum Side Setback | 10 feet | 2' existing, No change proposed | B0256816 approved as a replacement in same footprint |
| Maximum Building Height | None | Existing Building | N/A |

Finding: The applicant is proposing to change the use of an existing building. The current accessory residential structure was approved and constructed through building permit B0256816 (see Exhibit 3).

As noted in the pre-application conference that the applicant provided as part of the land use application, the site plan for the building was approved by the Planning and Zoning program with a note that the replacement building must be placed in same footprint as the existing building. In 2016 it was common practice to approve replacement of a nonconforming structure without land use review as long as the encroachment into the required setbacks was not extended further into required setback. The applicant is not requesting to change the exterior of the building, or the building footprint in any way through Z0457-25.

These dimensional criterion are not applicable to a change of use for the existing building.

2) ZDO SECTION 1203 CONDITIONAL USES

1203.01 PURPOSE AND APPLICABILITY Section 1203 is adopted to provide standards, criteria, and procedures under which a conditional use may be approved.

Finding: The applicant submitted a conditional use application to change the use of the existing storage building from residential accessory to governmental warehouse. **This criterion is met.**

1203.02: Submittal Requirements

Finding: This application includes a site plan, application fee, and a completed land use application form addressing the criteria in ZDO Section 1203. The application, Z0457-25, was submitted on November 3, 2025, with additional clarity provided by the applicant on the extent of the application on November 11, 2025. Staff deemed the application complete on November 17, 2025, after reviewing the material against the code.

The applicant provided no preliminary statement of feasibility and noted in findings for ZDO 1006 that “we are not proposing any new utilities or services.” The 2016 building permit for the building did not include utilities and the inspections were limited to the footings, foundation, and framing. There are no utility permits for the structure. Therefore, there is no lawfully existing utility service in the building and no water or septic approval is included in this review. Therefore, although no statements of feasibility were provided, the criteria was addressed in the application. **This criterion can be met as conditioned.**

1203.03(A): The use is listed as a conditional use in the zoning district in which the subject property is located.

Finding: The hearings officer agree with the applicant’s finding included below, stating:

The property owner would like to rent out the existing warehouse building to the Clackamas County Sheriff’s Department Marine Unit. According to Clackamas County planning staff, in order to allow the sheriff’s department to use the building, we are required to apply for a Type III conditional use review. The subject site is zoned RRFF-5. Conditional uses for the RRFF-5 zone are listed in Table 316-1 in ZDO Section 316. Government uses are conditionally allowed in the RRFF-5 zone according to page 316-6 of the ZDO.

(Exhibit 2 at 30).

This criterion is met.

1203.03(B): The characteristics of the subject property are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.

Finding: As noted in the background section of the Staff Report, the site was created through an 1877 plat and the existing building was built in 2016, as a replacement of a previously existing warehouse. The parking for the building is proposed on tax lot 2100, located across Centre Street from the proposed warehouse, or on tax lot 2000, in front of the warehouse building. Therefore, the shape, size, topography, location, and existing improvements show the site is suitable for the structure and the parking is provided within approximately 80 feet of the building. Additionally, the applicant states:

The existing site improvements include the existing warehouse, secure gated driveway, parking spaces, and loading area. All of these existing elements meet the needs of the sheriff's department, which is why they wish to rent the building. The existing warehouse allows them to store and maintain their equipment. The gated driveway provides added security and peace of mind. The parking spaces give them plenty of space to park since they will need to drive to access the rural site. The loading area and garage doors on the front of the building allow the sheriff's department to easily deliver equipment to the warehouse.

(Exhibit 2 at 30).

Nothing in the plain language of the Code prohibits locating required parking on a different tax lot from the use the parking is intended to serve. **This criterion can be met as conditioned.**

***1203.03(C):** The proposed use is consistent with Subsection 1007.07, and safety of the transportation system is adequate to serve the proposed use.*

1007.07 TRANSPORTATION FACILITIES CONCURRENCY

- A. Subsection 1007.07 shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.*
- B. Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner. The following shall be exempt from this requirement:*
 - 1. Development that is located:*
 - a. In the Light Industrial, General Industrial, or Business Park District; and*
 - b. North of the Clackamas River; and*
 - c. West of Highway 224 (south of Highway 212) or 152nd Drive (north of Highway 212); and*
 - d. South of Sunnyside Road (east of 82nd Avenue) or Harmony Road (west of 82nd Avenue) or Railroad Avenue (west of Harmony Road); and*
 - e. East of Interstate 205 (south of Milwaukie Expressway) or the city limits of Milwaukie (north of the Milwaukie Expressway).*
 - 2. Modification or replacement of an existing development (or a development that has a current land use approval even if such development has not yet been constructed) on the same property, provided that an increase in motor vehicle traffic does not result;*
 - 3. Unmanned utility facilities, such as wireless telecommunication facilities, where no employees are present except to perform periodic servicing and maintenance;*
 - 4. Mass transit facilities, such as light rail transit stations and park-and-ride lots;*

5. *Home occupations to host events, which are approved pursuant to Section 806; and*
6. *Development in Government Camp that is otherwise consistent with the Comprehensive Plan land use plan designations and zoning for Government Camp.*

Finding: The proposed use is a warehouse for the Clackamas County Sheriff's Department. The applicant states:

The building is a warehouse that is currently used by the property owner. The Clackamas County Sheriff's Department would like to have a few employees work at the warehouse at a time. There is little to no different in trip generation to the site, especially considering the fact that the site is accessed off of Highway 99e, which is a high-speed road that is intended to be used by a high number of vehicles each day. There are few roads in Clackamas County that have a higher capacity than Highway 99e. Therefore, the existing road is adequate for the use by the County Sheriff's Department.

(Exhibit 2 at 71).

Therefore, the applicant is proposing a modification of an existing development on the same property and indicates that an increase in motor vehicle traffic will not result from the change of use of the structure. **This criterion is met.**

1203.03 D: *The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located.*

Finding: The applicant included the following findings for this criteria. The applicant states:

Because we are not proposing any physical changes to the building and the warehouse use of the building will remain the same, the proposed use of the existing building will have no effect on the surrounding properties. This also means that the use of the existing building will not substantially limit, impair, or preclude the use of the surrounding rural residential properties. Because the subject site and the surrounding residential properties are owned by the same person, we are certain that the owner of the residential properties is not limiting or impairing the use of their own properties. Additionally, the existing warehouse will be for rent to the sheriff's department, meaning that the sheriff's department or the property owner have the option to end the rental agreement if needed.

(Exhibit 2 at 31).

The hearings officer agrees that the proposed change of use, without expansion of the structure or increase in traffic, will not limit, impair, or preclude the use of surrounding properties from rural residential or farm and forest uses that are the primary uses in the RRF-5 zone for the surrounding properties. **This criterion is met.**

1203.03 E: *The proposed use is consistent with the applicable goals and policies of the Comprehensive Plan.*

Finding: The applicant identified how the proposal is consistent with each chapter of the Clackamas County Comprehensive Plan and included the following that staff found particularly applicable to the Chapter 7 Public Facility Goals:

This project is meeting the goals of this chapter because we are proposing renting the existing warehouse building to the County sheriff's department, which means that this project will better allow them to perform their government duties. We are not proposing any changes to the building, which means that we will not be impacting other County public facilities.

(Exhibit 2 at 32).

The hearings officer agrees that the proposal supports the Public Facilities Goals. In addition, as the applicant also identified, this land use review process ensures that the land use policies in Chapter 4 are met by this application by ensuring the site is suitable for the proposed use and that conflicting uses are mitigated through feasible conditions of approval. **This criterion is met.**

1203.03 F: *The proposed use complies with any applicable requirements of the zoning district and any overlay zoning district(s) in which the subject property is located, Section 800, Special Use Requirements, and Section 1000, Development Standards.*

Finding:

Section 800 SPECIAL USE REQUIREMENTS - There are no sections in the 800s that apply to the governmental use of an existing storage facility.

Section 1000 DEVELOPMENT STANDARDS - As stated in ZDO 1001 "*Section 1000 applies to all development, as identified in Table 1001-1, Applicability of Section 1000.*"

Governmental uses of facilities, are an institutional use and are subject to the following:
Table 1001-1 Applicability of Section 1000.

| Type of Development | 1002 Protection of Natural Features | 1003 Hazards to Safety | 1004 Historic Protection | 1005 Site and Building Design | 1006 Utilities, etc | 1007 Roads & Connectivity | 1009 Land-scaping | 1010 Signs | 1011 Open Space and Parks | 1012 Lot Size and Density | 1013 Planned Unit Developments | 1015 Parking and Loading | 1017 Solar Access | 1021 Solid Waste & Recyclable Material Collection |
|-------------------------|--|---------------------------|-----------------------------|----------------------------------|------------------------|------------------------------|----------------------|---------------|------------------------------|------------------------------|-----------------------------------|-----------------------------|----------------------|--|
| Partitions | | | | | | | | | | | | | | |
| Subdivisions | ✓ | ✓ | ✓ | | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | |
| Replats | | | | | | | | | | | | | | |
| Institutional | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | ✓ | | ✓ |
| Commercial ² | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | ✓ | | ✓ |
| Industrial | | | | | | | | | | | | | | |

ZDO Section 1002, Protection Of Natural Features

Finding: The site contains no slopes greater than 20 percent and no known river or stream features regulated by the ZDO. There are no significant natural areas, groups of trees, or landforms on the site. **These criteria are not applicable.**

ZDO Section 1003, Hazards To Safety

Finding: The site contains no mapped: mass movement hazards, special flood hazard areas, or soil hazard areas. The property is outside the Urban Growth Boundary and it has unknown wildfire risk since the Oregon Wildfire Risk maps produced by ODF and Oregon State University has been repealed by the passage of 2025 Senate Bill 83. There are no steep slopes on the property. **These criteria are not applicable.**

ZDO Section 1004, Historic Protection

Finding: The site is not a Historic Landmark, and is not located in a Historic District or Historic Corridor. Therefore there are no known historic resources on the site. **These criteria are not applicable.**

ZDO Section 1005, Site and Building Design

1005.02 GENERAL SITE DESIGN STANDARDS

The following site design standards apply:

- A. *Where feasible, cluster buildings within single and adjacent developments for efficient sharing of walkways, on-site vehicular circulation, connections to adjoining sites, parking, loading, transit-related facilities, plazas, recreation areas, and similar amenities.*
- B. *Where feasible, design the site so that the longest building elevations can be oriented within 20 degrees of true south in order to maximize the south-facing dimensions.*
- C. *Minimum setbacks may be reduced by up to 50 percent as needed to allow improved solar access when solar panels or other active or passive solar use is incorporated into the building plan.*

Finding: The applicant states:

The sites all share a single driveway off of Highway 99e, which allows for efficient vehicle circulation to each designation.

There is only one building on the subject site. We are not proposing any new buildings as part of this project, so there are no buildings that can be clustered together.

The area is also zoned rural residential farm forest 5 (RRFF-5), which means that the only adjacent developments are single family homes on separate lots. There is no purpose in connecting walkways between a warehouse for “institutional” use by the sheriff’s department to single family homes because there is no interaction between the uses.

Homeowners will not be walking to the sheriff’s department’s warehouse, and sheriff’s department employees will not be walking to the homes.

There is also a railroad crossing between the homes and the warehouse.

In short, it is not feasible, practical, or safe to connect walkways between the warehouse and the adjacent residential sites.

(Exhibit 2 at 41).

Finding: No site development is proposed other than delineating two parking spaces on tax lot 2100. The one existing access, the proximity of the parking spaces to the warehouse, and the undeveloped nature of Centre Street provide for efficient on-site vehicular circulation. The site is a rural residential zoned property with no commercial, industrial, or other institutional uses in the area; thus connections to adjoining sites, parking, loading, transit-related facilities, plazas, recreation areas, and similar amenities are not needed because these amenities are not available in the area. The existing storage use is not changing and no new structures are proposed that would need passive solar exposure or orientation. **These criteria are met based on the modification discussed below.**

- D. A continuous, interconnected on-site walkway system meeting the following standards shall be provided.*
- 1. Walkways shall directly connect each building public entrance accessible to the public to the nearest sidewalk or pedestrian pathway, and to all adjacent streets, including streets that dead-end at the development or to which the development is not oriented.*
 - 2. Walkways shall connect each building to outdoor activity areas including parking lots, transit stops, children’s play areas, and plazas.*
 - 3. Walkways shall be illuminated. Separate lighting shall not be required if existing lighting adequately illuminates the walkway.*

4. *Walkways shall be constructed with a well-drained, hard-surfaced material or porous pavement and shall be at least five feet in unobstructed width.*
5. *Standards for walkways through vehicular areas:*
 - a. *Walkways crossing driveways, parking areas, and loading areas shall be constructed to be clearly identifiable to motorists through the use of different paving material, raised elevation, warning signs, or other similar methods.*
 - b. *Where walkways are adjacent to driveways, they shall be separated by a raised curb, bollards, landscaping, or other physical barrier.*
 - c. *Inside the Portland Metropolitan Urban Growth Boundary (UGB), if the distance between the building public entrance and street is 75 feet or greater and located adjacent to a driveway or in a parking lot, the walkway shall be raised, with curbs, a minimum four-foot-wide landscape strip and shade trees planted a maximum of 30 feet on center.*
 - d. *The exclusive use of a painted crossing zone to make walkways identifiable to motorists may be used only for portions of walkways which are shorter than 30 feet and located across driveways, parking lots, or loading areas.*
 - e. *Walkways bordering parking spaces shall be at least seven feet wide or a minimum of five feet wide when concrete bumpers, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles or opening doors from obstructing the walkway.*
6. *The interconnected onsite walkway system shall connect to walkways in adjacent developments, or stub to the adjacent property line if the adjacent land is vacant or is developed without walkways.*
 - a. *Walkway stubs shall be located in consideration of topography and eventual redevelopment of the adjacent property.*
 - b. *Notwithstanding the remainder of Subsection 1005.02(D)(6), walkway linkages to adjacent development shall not be required within industrial developments, to industrial developments, or to vacant industrially zoned land.*

Finding: The applicant will need a change of use permit to use the existing building for a governmental use. The ADA accessible requirements for access to the building will be addressed through compliance with the Building Code requirements. The applicant states:

A walkway system is not applicable to this site for a number of reasons. First, there are no public entrances on this site. The site is gated and will only be accessible by sheriff's department employees who are accessing the warehouse or the homeowners living at the two residential homes located across the railroad tracks (not part of the subject site). Further, there are no public sidewalks adjacent to the site, and the only public street is Highway 99e, which is dangerous for pedestrians given that it is a high-speed highway without a sidewalk. Therefore, standard 1005.02(D)1 is not applicable, nor is it recommended or safe for this site.

The site does not have a parking lot, transit stop, play area, plaza, or any other outdoor activity area. This project is change in use to an existing warehouse building located on a rural residential (RRFF-5) zoned property. It is not a site that is compatible with outdoor activity areas or pedestrian walkways. Therefore, standard 1005.02(D)2 is not applicable.

The only adjacent developments to the existing warehouse are single family homes to the west, which are separated from the subject by railroad tracks. There is no purpose in connecting walkways between a warehouse for "institutional" use by the sheriff's department to single family homes because there is no interaction between the uses and we do not wish to encourage pedestrians to cross the railroad tracks. Therefore, standard 1005.02(D)6 is not applicable, nor is it recommended or safe.

Because the subject site does not include any of the elements for required walkways (e.g. public entrances, outdoor activity areas, or compatible adjacent developments), walkways are not practical or safe for this site."

(Exhibit 2 at 43).

The hearings officer agree that, based on the application materials, there is no public entrance and walkways to serve the public are not applicable. However, unless the applicant relocates the parking areas as discussed below, Sheriff's Office personnel visiting the site will park in the provided parking spaces, located across a platted road from the building. Thus there is a need for safe walkways to the existing structure. Implementation of the ADA requirements for the change of use permit will ensure adequate, safe, and necessary walkways are provided. **These criteria can be met as conditioned.**

- E. Inside the UGB, except for industrial developments, a minimum of 50 percent of the street frontage of the development site shall have buildings located at the minimum front setback line.*
- F. Inside the UGB, parking lots larger than three acres in size shall be built with major on-site vehicular circulation ways that include raised walkways with curbs, a minimum four-foot-wide landscape strip, and shade trees planted a maximum of 30 feet on center.*

- G. *New retail, office, mixed use, and institutional buildings located on major transit streets shall have at least one public entrance facing a major transit street, or street intersecting a major transit street.*
- H. *New retail, office, mixed use, multifamily, and institutional buildings located at a major transit stop shall be set back a maximum of 20 feet from at least one of the following: the major transit stop, the major transit street or an intersecting street, or a pedestrian plaza at the major transit stop or a street intersection.*
- I. *In the PMU District, there shall be no vehicular parking or circulation within the front setback area.*
- J. *In the OC District, the design and siting of structures shall control public access points into office buildings, utilizing a central lobby design, entrance courtyard, internal pedestrian walkway or mall, or similar designs that protect business/professional uses from the disturbances of direct public access.*
- K. *Where a minimum floor area ratio (FAR) is required by the standards of the applicable zoning district, it shall be calculated as follows:*
- L. *The following standards apply in the HDR, RCHDR, and SHD Districts:...*

Finding: The site is located outside the UGB, in an area without major transit and no street frontage, other than that used by private residential homes. The site is in the RRF-5 District, which has no minimum FAR. Although the government use of the storage facility is considered an institutional use, the public will not visit or enter the storage facility. **These criteria are not applicable.**

1005.03 BUILDING DESIGN

- A. *The following standards apply to building facades visible from a public or private street or accessway and to all building facades where the primary entrance is located.*
- ...

Finding: The building is largely screened from adjacent streets and accessways, other than the site access. The architectural style, concepts, colors, materials, and other features that are compatible with the rural nature of the area and the proposed institutional use of an existing storage building. **These criteria are met based on the modification discussed below.**

- B. *Requirements for building entries:*
 - 1. *Public entries shall be clearly defined, highly visible, and sheltered with an overhang or other architectural feature, with a depth of at least four feet.*
 - 2. *Commercial, mixed-use and institutional buildings sited to comply with 1005.02(E) shall have public entries that face streets and are open to the public during all business hours.*

Finding: There will be no public entries as the Sheriff's Department will use the building for storage and a workshop. No public access is proposed or allowed. **These criteria are met based on the modification discussed below.**

C. The street-facing facade of commercial, mixed-use and institutional buildings sited to comply with 1005.02(E) shall meet the following requirements:

...

Finding: ZDO 1005.02(E) only applies to developments inside the UGB. The site is located outside of the UGB. **This criterion is inapplicable.**

D. Requirements for roof design:

- 1. For buildings with pitched roofs:*
 - a. Eaves shall overhang at least 24 inches.*
 - b. Roof vents shall be placed on the roof plane opposite the primary street*

E. Requirements for exterior building materials:

- 1. Use architectural style, concepts, colors, materials, and other features that are compatible with the neighborhood's intended visual identity.*
- 2. Building materials shall be durable and consistent with the proposed use of the building, level and exposure to public view, exposure to natural elements, and ease of maintenance.*
- 3. Walls shall be surfaced with brick, tile, masonry, stucco, stone or synthetic equivalent, pre-cast masonry, gypsum reinforced fiber concrete, wood lap siding, architecturally treated concrete, glass, wood, metal, or a combination of these materials.*
- 4. The surfaces of metal exterior building materials that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and the surfaces of metal exterior building materials with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.*

Finding: The applicant is proposing to use an existing building and no changes are proposed to the exterior. Therefore, the proposed use will not change the existing visual impact of the building. **These criteria are met based on the modification discussed below.**

F. Additional building design requirements for multifamily dwellings and middle housing, except middle housing developed pursuant to Section 845, Triplexes, Quadplexes, Townhouses, and Cottage Clusters:

Finding: The proposed use is not a middle housing type. **This criterion is inapplicable.**

G. Requirements to increase safety and surveillance:

- 1. Locate buildings and windows to maximize potential for surveillance of entryways, walkways, and parking, recreation, and laundry areas.*

2. *Provide adequate lighting for entryways, walkways, and parking, recreation, and laundry areas.*
3. *Locate parking and automobile circulation areas to permit easy police patrol.*
4. *Design landscaping to allow for surveillance opportunities.*
5. *Locate mail boxes where they are easily visible and accessible.*
6. *Limit fences, walls and, except for trees, landscaping between a parking lot and a street to a maximum of 30 inches in height.*
7. *Locate play areas for clear parental monitoring.*

Finding: The building is existing. The proposed use is an institutional use for the Clackamas County Sheriff's Office. Thus law enforcement will have access and will routinely monitor the site through its use. Additionally, the applicant states:

Applicant Response: Pursuant to section 1005.06, we are requesting a modification to section 1005.03(G) because this standard is not feasible or practical for this site. This code section assumes that the site is located in an area where the neighborhood or the public can surveil the site.

However, it is in a rural residential area with no neighbors to watch the property except for the two homeowners nearby. Even then, the view between the existing warehouse and the homes is blocked by a fence as well as a railroad crossing, making it difficult for the homeowners to surveil the building or for sheriff's department employees to surveil the homes.

As required by section 1005.06, the proposed modification results in a building that achieves the purposes stated in subsection 1005.01 as well or better than the requirement listed in section 1005.03(G),

These criteria are met based on the modification discussed below.

H. Solar access requirements:

1. *Except for uses with greater cooling needs than heating needs, such as many retail uses, concentrate window areas on the south side of buildings (within 20 degrees of due south) where there is good southern exposure.*
2. *Provide overhangs, balconies, or other shading devices to prevent excessive summer heat gains.*
3. *Use architectural features, shape of buildings, fences, natural landforms, berms, and vegetation to catch and direct summer breezes for natural cooling, and minimize effects of winter winds.*

I. Requirements for compatibility with the intent of the design type or with the surrounding area

J. Requirements for screening mechanical equipment:

K. Requirements for specialized structures in industrial zoning districts

Finding: As noted above, the existing building is not being impacted or modified for the change of use. The underlying zone is not industrial. **These criteria are met based on the modification discussed below.**

1005.04 OUTDOOR LIGHTING

A. Outdoor lighting devices:

- 1. Shall be architecturally integrated with the character of the associated structures, site design, and landscape.*
- 2. Shall not direct light skyward.*
- 3. Shall direct downward and shield light; or direct light specifically toward walls, landscape elements, or other similar features, so that light is directed within the boundaries of the subject property;*
- 4. Shall be suitable for the use they serve (e.g. bollard lights along walkways, pole mounted lights for parking lots);*
- 5. Shall be compatible with the scale and intensity of uses they are serving. The height of pole-mounted fixtures shall not exceed 25 feet or the height of the tallest structure onsite, whichever is less; and*
- 6. At entrances, shall be glare-free. Entrance lighting may not exceed a height of 12 feet and must be directed downward.*

B. The following are exempt from Subsection 1005.04(A):

- 1. Temporary lights used for holiday decorations;*
- 2. Street lights regulated in Section 1006, Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control; and*
- 3. Lighting associated with outdoor recreation uses such as ball fields or tennis courts.*

Finding: The applicant states “We will be using the existing lights on the building. We will ensure that all outdoor lighting devices comply with these standards. Outdoor lighting will be suitable for the area they serve, direct light downwards so that they are glare-free, and will be directed within the property boundaries.” There is nothing in the application to indicate how far the existing lights shine. Thus there is no way to verify these criteria are met. However, it is feasible to assess the current lighting and change the lighting to compliant light fixtures if a lighting study finds they do not meet this criteria. **These criteria can be met as conditioned.**

1005.05 ADDITIONAL REQUIREMENTS

Development shall comply with a minimum of one of the following techniques per 20,000 square feet of site area. Regardless of site size, a minimum of one and a maximum of five techniques are required. Partial site area numbers shall be rounded.

A. Install a solar energy system in the development.

B. Use passive solar heating or cooling techniques to reduce energy consumption.

Examples of techniques:

- 1. Modulate building masses to maximize solar access.*
 - 2. For developments with more than one structure, locate taller structures to minimize negative impacts on solar access for the development site and adjacent sites.*
 - 3. Locate buildings to maximize windbreaks.*
 - 4. Locate structures and landscaping to avoid winter shading on the south side and optimize summer shading on the west and southwest sides of buildings.*
 - 5. Utilize deciduous trees to provide summer shade and allow winter sun.*
 - 6. Utilize deciduous vines on fences, trellises, and arbors to provide summer shade.*
 - 7. Locate and form berms to protect buildings and exterior use spaces against winter winds or utilize dense evergreens or conifers to screen winter wind and protect against hostile winter elements.*
 - 8. Provide skylights or clerestory windows to provide natural lighting, and/or solar heating of interior spaces.*
- C. Use highly reflective (high albedo) materials on roof surfaces.*
- D. Place major outdoor use areas such as plazas, playgrounds, gardens, etc. on the south side of buildings.*
- E. Construct a minimum of 75 percent of walkway area of porous pavement.*
- F. Construct a minimum of 75 percent of all parking spaces with porous pavement.*
- G. Provide additional landscaping area at least 10 percent above the requirement for the site pursuant to Table 1009-1, Minimum Landscaped Area. For example, if the minimum area requirement is 20 percent, then 22 percent shall be provided. Credit shall be given for green roofs or other areas of vegetation that exceed the minimum area requirements.*
- H. Include additional swales in development landscaping, pursuant to Section 1009, Landscaping. Credit shall be given for additional swale(s) that exceed the requirements of Subsection 1009.04(A)(2) by at least 10 percent of area. For example, if 1009.04(A)(2) requires 200 square feet of swale area, then an additional 20 square feet of swale area would be required.*
- I. Collect rainwater from roofs and/or other impervious surfaces and use it for irrigation.*
- J. Apply other techniques for onsite storm water treatment identified by the surface water management regulatory authority.*
- K. Lay out sites and locate buildings and on-site vehicular circulation to create functional open areas such as plazas, courtyards, outdoor recreation areas, miniparks, and accessways that are open to the general public.*

Finding: The application materials show that no development is proposed beyond the delineation of the required parking spaces in an area that is currently graveled according to the 2025 aerial. **These criteria are not applicable.**

1005.06 MODIFICATIONS

Modification of any standard identified in Subsections 1005.02 and 1005.03 may be approved as part of design review if the proposed modification will result in a development that achieves the purposes stated in Subsection 1005.01 as well or better than the requirement listed.

The applicant requested a modification to the above criteria and provided the following narrative in support of the modification:

As required by section 1005.06, the proposed modification results in a building that achieves the purposes stated in subsection 1005.01 as well or better than the requirement listed in section 1005.03(A). Section 1005.01 states that the purpose of the design standards are to "B. Create lively, safe, attractive and walkable centers, corridors, station communities, employment areas and neighborhoods." Despite the fact that the building is not accessible or visible by the public, it is still visually interesting and well-maintained, which creates an attractive building for the few employees and two homeowners that will see the building. The existing building is freshly painted two attractive colors, red and brown, to give architectural variation. The door and garage doors are painted red while the exterior walls are brown, which provide visual interest of the building entrances. The building materials are a durable wood lap siding and a pitched metal roof, which gives the building texture that matches the style of the surrounding rural residential neighborhood.

Section 1005.01 also states that buildings should be designed to, "I. Accommodate the needs of the users to be located in developments." The proposed modification better meets the needs of the sheriff's department because there is no practical purpose in making the building facade changes required by section 1005.03(A) to an existing warehouse building that is not visible from the street. The warehouse is already an attractive building that complements the colors of the two nearby houses, which means it blends in well with the surrounding neighborhood.

Although the building does not meet the specific building facade standards of section 1005.03(A), the existing building achieves the intent behind Section 1005.01 in a manner that better fits the reality of the site.

(Exhibit 2 at 45-46).

Finding: The hearings officer finds that the proposed development achieves the purposes stated in Subsection 1005.01 as well or better than the requirement listed, as the existing building is largely screened from offsite views, will have no public access, and is an existing structure with no exterior changes proposed or required to accommodate the use.

In addition, the existing building design accommodates the needs of the user, the Sheriff's Department, as discussed in the language quoted above.

ZDO Section 1006, Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control

1006.01 GENERAL STANDARDS

- A. The location, design, installation, and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbance of soil and site consistent with the rules and regulations of the surface water management regulatory authority.*
- B. All development that has a need for electricity, natural gas, and communications services shall install them pursuant to the requirements of the utility district or company serving the development. Except where otherwise prohibited by the utility district or company, utility service lines shall be installed underground.*
- C. Coordinated installation of necessary water, sanitary sewer, and surface water management and conveyance facilities is required.*
- D. Easements shall be provided along lot lines as deemed necessary by the County, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency.*

Finding: As conditioned these criteria are met.

1006.02 STREET LIGHTS

Street lights are required for all development inside the Portland Metropolitan Urban Growth Boundary. The following standards apply:

Finding: The site is located outside the Portland Metropolitan Urban Growth Boundary and outside the Clackamas County Lighting District. Therefore, no street lights are required. **These criteria are inapplicable.**

1006.03 WATER SUPPLY

- A. Development which has a need for, or will be provided with, public or community water service shall install water service facilities and grant necessary easements pursuant to the requirements of the district or company serving the development.*
- B. Approval of a development that requires public or community water service shall be granted only if the applicant provides a preliminary statement of feasibility from the water system service provider.*
 - 1. The statement shall verify that water service, including fire flows, is available in levels appropriate for the development and that adequate water system capacity is available in source, supply, treatment, transmission, storage and*

distribution. Alternatively, the statement shall verify that such levels and capacity can be made available through improvements completed by the developer or the system owner.

- 2. If the statement indicates that water service is adequate with the exception of fire flows, the applicant shall provide a statement from the fire district serving the subject property that states that an alternate method of fire protection, such as an on-site water source or a sprinkler system, is acceptable.*
- 3. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve water system capacity for the development.*
- C. Prior to final approval of a partition or subdivision, the applicant shall provide evidence that any wells in the tract subject to temporary or permanent abandonment under Oregon Revised Statutes (ORS) 537.665 have been properly abandoned.*
- D. The following standards apply inside the Portland Metropolitan Urban Growth Boundary, Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village:*
 - 1. Land divisions or other development requiring water service shall not be approved, except as provided in Subsection 1006.03(D)(4), unless they can be served by a public water system in compliance with drinking water standards as determined by the Oregon Health Authority.*
 - 2. Development requiring water service within the boundaries of a water service system, created pursuant to ORS chapters 264, 450, or 451, shall receive service from this system.*
 - 3. New public water systems shall not be created unless formed pursuant to ORS chapters 264, 450, or 451.*
 - 4. A lot of record not located within the approved boundaries of a public water system may be served by an alternative water source.*

Finding: The applicant is proposing to change the use of an existing residential accessory storage structure to a governmental storage structure. No new water system is being created and building permits indicate that there is no water plumbed in the existing building. However, the applicant indicated that the existing utility facilities inside the existing building would be used. **These criteria are met as conditioned.**

1006.04 SANITARY SEWER SERVICE

Finding: The site is outside of all sanitary sewer districts and is not able to be served by a sanitary sewer service. **These criteria are not applicable.**

1006.05 ONSITE WASTEWATER TREATMENT

- A. All development that requires onsite wastewater treatment shall receive approval for the system from the County prior to submittal of a land use application for*

development. Onsite wastewater treatment systems shall be installed pursuant to: Oregon Revised Statutes 454.605 through 454.745; Oregon Administrative Rules chapter 340, divisions 71 and 73; and the policies of the County.

All development that requires onsite wastewater treatment shall receive approval for the system from the County prior to submittal of a land use application for development. Onsite wastewater treatment systems shall be installed pursuant to: Oregon Revised Statutes 454.605 through 454.745; Oregon Administrative Rules chapter 340, divisions 71 and 73; and the policies of the County.

The site already has an existing storage building on site. Building permits indicate there are no plumbing fixtures in the building. Thus there is no indication that the existing building is served by a septic system. The Clackamas County Septic and Onsite Wastewater Program does not provide preliminary statements of feasibility. The Program does provide authorization notices for situations where the use or intensity of the use is changing to ensure the existing system is adequate for the new use. In the application, the applicant indicated that there would be no new utility facilities in the building. The building permit from 2016 did not indicate any utility fixtures. Additionally, although SE034614 indicates that it is for tax lot 2000, the site plan, septic plan, and easements all indicate that the septic system designed for 4 bedrooms. As reviewed by Larry Olander on pages 22-24, the system was to be used for the 2 bedroom homes located on tax lots 2300 and 2301 and that the system was limited to those 4 bedrooms only. There is no indication that a restroom in the building on tax lot 2000 was included in the design, easements, or approval of the septic permit (Exhibit 4). Therefore, staff find that there is no existing septic use permitted in the existing building and no future septic use proposed with this change of use. **As conditioned these criteria can be met.**

B. Inside the Portland Metropolitan Urban Growth Boundary (UGB), Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village, all land divisions or other development that requires onsite wastewater treatment shall be prohibited except for:

Finding: The site is located outside of the UGB and the listed villages. **This criterion is inapplicable.**

C. Notwithstanding Subsection 1006.05(B), development of triplexes, quadplexes, townhouses, or cottage clusters in the VR-4/5, VR-5/7, R-5, R-7, R-8.5, R-10, R15, R- 20, or R-30 Districts and development of affordable housing subject to Section 846, Affordable Housing, is prohibited if the development requires onsite wastewater treatment.

Finding: The development is not for triplexes, quadplexes, townhouses, or cottage clusters in a residential zone. **This criterion is inapplicable.**

1006.06 SURFACE WATER MANAGEMENT AND EROSION CONTROL

The following surface water management and erosion control standards apply:

- A. Positive drainage and adequate conveyance of surface water shall be provided from roofs, footings, foundations, and other impervious or near- impervious surfaces to an appropriate discharge point.*
- B. The requirements of the surface water management regulatory authority apply. If the County is the surface water management regulatory authority, the surface water management requirements of the Clackamas County Roadway Standards apply.*
- C. Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water management, treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.*
 - 1. The surface water management regulatory authority may require a preliminary surface water management plan and report, natural resource assessment, and buffer analysis prior to signing the preliminary statement of feasibility.*
 - 2. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve surface water treatment and conveyance system capacity for the development.*
- D. Development shall be planned, designed, constructed, and maintained to:*
 - 1. Protect and preserve existing natural drainage channels to the maximum practicable extent;*
 - 2. Protect development from flood hazards;*
 - 3. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;*
 - 4. Ensure that waters drained from the development are substantially free of pollutants, including sedimentary materials, through such construction and drainage techniques as sedimentation ponds, reseedling, and phasing of grading; and*
 - 5. Ensure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development.*
- E. Where culverts cannot provide sufficient capacity without significant environmental degradation, the County may require the watercourse to be bridged or spanned.*
- F. If a development, or any part thereof, is traversed by any watercourse, channel, stream, creek, gulch, or other natural drainage channel, adequate easements for surface water management purposes shall be provided to the surface water management regulatory authority.*

- G. *Channel obstructions are not allowed, except as approved for the creation of detention, retention, or hydropower facilities approved under this Ordinance. Fences with swing gates may be utilized.*
- H. *The natural drainage pattern shall not be substantially altered at the periphery of the subject property. Greatly accelerated release of stored water is prohibited. Flow shall not be diverted to lands that have not previously encountered overland flow from the same upland source unless adjacent downstream owners agree.*
- I. *A surface water management and erosion control plan is required for significant residential, commercial, industrial, and institutional development. The plan shall include:*
 - 1. *The methods to be used to minimize the amount of runoff siltation and pollution created from the development both during and after construction; and*
 - 2. *Other elements required by the surface water management authority.*

Finding: The site is located outside surface water management districts and thus the Clackamas County Transportation and Engineering Program is the surface water management agency. The applicant did not provide or try to provide the preliminary statements of feasibility signed by the Clackamas County Transportation and Engineering Program. However, the applicant indicated that no additional impervious surface would be installed as part of this change of use. Therefore, the applicant concluded that the onsite surface water treatment requirements are inapplicable for the proposed use. No comments from the Transportation and Engineering program were received prior to the hearing. **As conditioned these criteria are met.**

1007 ROADS AND CONNECTIVITY

1007.01 GENERAL PROVISIONS

- A. *The location, alignment, design, grade, width, and capacity of all roads shall conform to Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards. Where conflicts occur between Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards, the Comprehensive Plan shall control.*
- B. *Right-of-way dedications and improvements shall be required of all new developments, including partitions, subdivisions, multifamily dwellings, duplexes, triplexes, quadplexes, townhouses, cottage clusters, detached single-family dwellings, and commercial, industrial, and institutional uses, consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.*

Finding: No new roads are proposed. The existing access will need to meet the requirements of the Clackamas County Roadway Standards and be adequate for fire and emergency access. **These criteria are met as conditioned.**

C. New developments shall have access points connecting with existing roads.

- 1. Intersection spacing and access control shall be based on Subsection 3.08.110(E) of the Metro Code (Regional Transportation Functional Plan); Chapters 5 and 10 of the Comprehensive Plan; and the Clackamas County Roadway Standards.*
- 2. For development on any portion of a contiguous site identified on Comprehensive Plan Map 5-6, Potentially Buildable Residential Sites > 5 Acres in UGB, the applicant shall provide a conceptual map of new streets for the entire site. The map shall identify street connections to adjacent areas to promote a logical, direct, and connected system of streets; demonstrate opportunities to extend and connect new streets to existing streets, and provide direct public right-of-way routes. Closed-end street designs shall be limited to circumstances in which barriers prevent full street extensions. Closed-end streets shall not exceed 200 feet in length and shall serve no more than 25 dwelling units. Subsequent development on the site shall conform to the conceptual street map, unless a new map is approved pursuant to Subsection 1007.01(C)(2).*
- 3. Access control shall be implemented pursuant to Chapter 5 of the Comprehensive Plan and the Clackamas County Roadway Standards considering best spacing for pedestrian access, traffic safety, and similar factors.*
- 4. Approaches to public and county roads shall be designed to accommodate safe and efficient flow of traffic and turn control where necessary to minimize hazards for other vehicles, pedestrians, and bicyclists.*
- 5. Joint access and circulation drives utilizing reciprocal easements shall be utilized as deemed necessary by the Department of Transportation and Development. In the NC District, joint street access for adjacent commercial developments shall be required.*
- 6. In the SCMU District, driveways shall be spaced no closer to one another than 35 feet, measured from the outer edge of the curb cut, unless compliance with this standard would preclude adequate access to the subject property as a result of existing off-site development or compliance with the Clackamas County Roadway Standards.*
- 7. In the VA District, no direct motor vehicle access is permitted on Sunnyside Road.*

Finding: The site is not in the NC, VA, or SCMU District and is not located in a station community. Joint access is not proposed. The driveway serving the site currently exists

and the application materials do not propose to alter the location of the driveway. Transportation and Engineering Program staff did not submit any comments about this application. ODOT reviewed the existing driveway access from Highway 99 by during the pre-application conference, ZPAC0003-25. The pre-app notes indicate that no changes to access were anticipated. However, any upgrades to the driveway onto Highway 99 or change to the existing private railroad crossing will require, a right of way permit, or miscellaneous permit from ODOT and coordination with the ODOT Rail Crossing Unit. **As conditioned these criteria are met.**

8. Inside the Portland Metropolitan Urban Growth Boundary:

The site is located outside of the UGB and the listed villages. **This criterion is inapplicable.**

- D. Street alignments, intersections, and centerline deflection angles shall be designed according to the standards set forth in Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards.*
- E. All roads shall be designed and constructed to adequately and safely accommodate vehicles, pedestrians, and bicycles according to Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards. Development-related roadway adequacy and safety impacts to roadways shall be evaluated pursuant to the Clackamas County Roadway Standards and also to Oregon Department of Transportation standards for state highways.*
- F. Roadways shall be designed to accommodate transit services where transit service is existing or planned and to provide for the separation of motor vehicles, bicycle, and pedestrian traffic, and other modes as appropriate*

Finding: No new roads are proposed with this development. The public road (Centre Street) adjacent to the site is unimproved and does not serve as a transit service route. The site is outside the UGB and served by an existing driveway that will be reviewed for adequacy, safety, and compliance with the Comprehensive Plan and Roadway Standards through a review from Clackamas County Department of Transportation and Development. **As conditioned these criteria are met.**

1007.02 PUBLIC AND PRIVATE ROADWAYS

- A. All roadways shall be developed according to the classifications, guidelines, tables, figures, and maps in Chapters 5 and 10 of the Comprehensive Plan and the provisions of the Clackamas County Roadway Standards.*
- B. The layout of new public and county roads...*
- C. New county and public roads terminating in cul-de-sacs or other dead-end turnarounds are prohibited....*

Finding: The property is not on a road included in Comprehensive Plan Map 5-1 as a scenic road; and is not on Map IV-8. However, Highway 99 E to the east of the property is identified as a Scenic Road on Comprehensive Plan Map 5-1. The site is not located in a center, corridor or station community; and is outside of the area included on Map 5-5. No new public or county roads are proposed. The site is not located in: Government Camp; the Sunnyside Corridor; the Sunnyside Village; the Regional Center, or Mount Hood Resource Protection Area. Therefore, there are no specific design standards for the road that is adjacent to the site beyond the provisions in the Roadway Standards for access. The site located on a future bikeway as indicated on Comprehensive Plan map 5-2a. However, the road is a state-owned road that has a Major Arterial classification in Chapter 5 of the Comprehensive Plan.

These criteria are met as conditioned.

- D. Developments shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards. In addition:*
 - 1. No planting, signing, or fencing shall be permitted which restricts motorists' vision; and*
 - 2. Curbside parking may be restricted along streets with visibility problems for motorists, pedestrians, and/or bicyclists as deemed appropriate by the Department of Transportation and Development.*
- E. New developments, subdivisions, and partitions may be required to dedicate land for right-of-way purposes and/or make road frontage improvements to existing rights-of-way, consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.*

Finding: The proposal includes the use of an existing building, existing access, and existing gravel area. Access onto US Highway 99 is controlled and managed by the Oregon Department of Transportation (ODOT). No new developments, subdivisions, or partitions are proposed through this application. **This criterion can be met as conditioned.**

- F. Road frontage improvements within the UGB and in Government Camp, Rhododendron, and Wemme/Welches shall include:*

Finding: The site is not located within the UGB nor in Government Camp, Rhododendron, or Wemme/Welches. **This criterion is not applicable.**

1007.03 PRIVATE ROADS AND ACCESS DRIVES

- A. Private roads and access drives shall be developed according to classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, Typical Roadway Cross Sections, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards, except:*

1. *When easements or “flag-pole” strips are used to provide vehicular access;*
2. *Where the number of lots served exceeds three,;*
3. *Access easements or “flag-pole” strips may be used for utility purposes in addition to vehicular access;*
4. *The standards listed above may be deviated from when deemed appropriate by the Department of Transportation and Development to accommodate one-half streets or private common access drives and roads within developed urban areas providing access to not more than seven lots; and*
5. *The intersection of private roads or access drives with a public or county road and intersections of two private roads or access drives shall comply with the sight distance and clear zone standards pursuant to Subsection 1007.02(D).*

Finding: The driveway serving the existing structure is considered a private drive. The property is not a flag lot with a flag pole and the road is existing. Although the private road serves more than three legal lots of record, to have enough space for septic, homes, and floodplain setbacks, the lots of record have been combined into three tax lots plus the two tax lots subject to this application. Therefore, the access drives/road shall be developed according to classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, Typical Roadway Cross Sections, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards. Comments from ODOT and the Transportation and Engineering Program indicate that the intersection of the access drive with Highway 99 was adequate for the change of use and that topography would limit the driveway reconstruction. Additional access improvements will be evaluated through the Transportation and Engineering review. **As conditioned these criteria can be met.**

1007.04 PEDESTRIAN AND BICYCLE FACILITIES

- A. *General Standards: Pedestrian and bicycle facilities shall be developed according to the classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5- 1 through 5-3, Typical Roadway Cross Sections, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.*
- B. *Pedestrian and Bicycle Facility Design: Pedestrian and bicycle facilities shall be designed to:*
 4. *Be consistent with Chapters 5 and 10 of the Comprehensive Plan; Comprehensive Plan Maps 5-2a, Planned Bikeway Network, Urban, 5-2b, Planned Bikeway Network, Rural, and 5-3, Essential Pedestrian Network; North Clackamas Parks and Recreation District’s (NCPRD) Park and Recreation Master Plan; and Metro’s Regional Trails and Greenways Map.*

- C. Requirements for Pedestrian and Bicycle Facility Construction: Within the Portland Metropolitan Urban Growth Boundary (UGB).*
- D. Requirement for Sidewalk Construction: Within the UGB,....*
- E. Sidewalks or Pedestrian Pathways in Unincorporated Communities: In an unincorporated community,....*
- F. Sidewalk Location: Sidewalks required by Subsection 1007.04(C) or (D)....*
- G. Pedestrian Pathways: Within the UGB....*
- H. Sidewalk and Pedestrian Pathway Width....*
- I. Accessways: Accessways shall comply with the following standards:*
- J. Accessways in Sunnyside Village:*

Finding: The project is located outside the Urban Growth Boundary, is zoned RRFF-5, and is not located inside an unincorporated community. Therefore, there is no requirement for pedestrian and bicycle facilities, or sidewalks, to be designed and constructed. No accessway is proposed or required by the project and the proposed change of use is outside of the Sunnyside Village. **These criteria are not applicable.**

- K. Bikeways: Bikeways shall be required as follows:*
 - 1. Shoulder bikeways, bike lanes, bike paths, or cycle tracks shall be included in the reconstruction or new construction of any street if a bikeway is indicated in Chapters 5 and 10 of the Comprehensive Plan and on Comprehensive Plan Map 5-2a or 5-2b; NCPRD's Park and Recreation Master Plan; or Metro's Regional Trails and Greenways Map.*
 - 2. Shoulder bikeways, bike lanes, bike paths, or cycle tracks shall be considered in the reconstruction or new construction of any other arterial or collector.*
 - 3. Within urban growth boundaries, shoulder bikeways, bike lanes, bike paths, or cycle tracks shall be constructed from new public or private elementary, middle school, and high school facilities to off-site bikeways to provide continuous bicycle route connections within and between surrounding developments, unless precluded by existing development.*

Finding: The project is located on Highway 99, which is identified as a future bikeway on Comprehensive Plan map 5-2a. However, the proposal does not include the reconstruction or new construction of the highway and thus bikeways are not required to be built by the applicant. **This criterion is not applicable.**

1007.07 TRANSPORTATION FACILITIES CONCURRENCY

- A. Subsection 1007.07 shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.*
- B. Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner. The following shall be exempt from this requirement:*

2. *Modification or replacement of an existing development (or a development that has a current land use approval even if such development has not yet been constructed) on the same property, provided that an increase in motor vehicle traffic does not result;*

Finding: The proposed use is not a design review, subdivision, or partition. Although the change of use to a government storage facility is being reviewed as a conditional use, the number of trips to the storage facility will remain the same as it currently is with 2-3 trips a day based on the material provided by the applicant.

Specifically the applicant states;

We are not proposing a new development, but rather a change of use to an existing building. The building is a warehouse that is currently used by the property owner. The Clackamas County Sheriff's Department would like to have a few employees work at the warehouse at a time. There is little to no different in trip generation to the site, especially considering the fact that the site is accessed off of Highway 99e, which is a high-speed road that is intended to be used by a high number of vehicles each day. There are few roads in Clackamas County that have a higher capacity than Highway 99e. Therefore, the existing road is adequate for the use by the County Sheriff's Department."

See additional information provided in comments from the Transportation and Engineering Program. **These criteria are met.**

1009 LANDSCAPING

1009.01 GENERAL PROVISIONS

- A. *Landscaping materials shall be selected and sited to produce a hardy and low-maintenance landscaped area with an emphasis on fast-growing plants. Selection shall include consideration of soil type and depth, spacing, exposure to sun and wind, slope and contours of the subject property, building walls and overhangs, and compatibility with existing vegetation to be preserved. Notwithstanding the requirement for hardiness, annuals are permitted as provided in Subsection 1009.01(B).*
- B. *A variety of plants, intermixed throughout landscaped areas, shall be provided, as follows:*
 1. *Evergreen and deciduous;*
 2. *Trees, shrubs, and groundcover;*
 3. *Plants of varying textures;*
 4. *Plants of varying widths and heights at maturity; and*

5. *Plants with seasonal color interest (e.g., foliage, flowering perennials, annuals).*
- C. *The planting of invasive non-native or noxious vegetation shall be prohibited, and existing invasive non-native or noxious vegetation shall be removed.*
- D. *Landscaped areas shall not be used for other purposes, such as storage or display of automobiles, equipment, merchandise, or materials.*
- E. *Landscaping of the unimproved area between a lot line and the improved portion of an adjacent road right-of-way shall be required when there are no immediate plans to develop or otherwise disturb the unimproved area, and one or more of the following apply:*
 1. *The subject property is located inside the Portland Metropolitan Urban Growth Boundary;*
 2. *Landscaping is necessary to present an appearance consistent with the proposed development as viewed from the road;*
 3. *Landscaping is necessary to reduce dust, noise, erosion, or fire hazard; or*
 4. *The road is designated as a scenic road on Comprehensive Plan Map 5-1, Scenic Roads*
- F. *Landscaping shall be used to highlight public entrances to buildings. If—due to the depth of a front setback, a required walkway, or both—there is insufficient area to permit a typical, in-ground landscaping bed between a public entrance and a front lot line, this requirement may be met with trellises, hanging baskets, or planters, any of which shall include plants.*
- G. *Where feasible, landscaping shall be required adjacent to walkways and other areas intended for pedestrian use.*
- H. *Existing significant plants, terrain, and other natural features shall be incorporated into the landscaping design and development if such features are required to be retained by other provisions of this Ordinance or if otherwise feasible.*

Finding: The site is outside the Portland Metropolitan Urban Growth Boundary. No public entrance to the building is proposed and there are no significant plants or natural features on the site. Highway 99 is designated a scenic road and landscaping along the scenic road is addressed below. According to the site plan, the applicant is proposing to keep the existing landscaping between Highway 99 and the site. **These criteria are information only or are met as conditioned.**

1009.02 MINIMUM AREA STANDARDS

- A. *Table 1009-1, Minimum Landscaped Area, establishes the minimum percentage of the area of the subject property that shall be landscaped.*
- B. *Exceptions: Notwithstanding Table 1009-1: 1. If a commercial, industrial, or institutional development is lawfully nonconforming with regard to compliance with the minimum landscaped area standard, less than 5,000 square feet of*

building floor space may be added without bringing the subject property into full compliance with the standard, as follows: a. Additions of less than 1,000 square feet of building floor space do not require increased compliance with the minimum landscaped area standard.

Finding: The proposed use is a conditional use in the RRFF-5 District so Table 1009-1 requires a 25% minimum landscaped area requirement for the proposal. However, 1009.02(B) identifies exceptions to that landscaping requirement and the applicant states:

We are proposing a change of use so that the existing warehouse can be rented by the County sheriff's department, which would make the warehouse an institutional use according to County planning staff. We are not proposing any additions or increases in the building floor space. Therefore, this project meets exception 1009.02(B)1a: "Additions of less than 1,000 sq.ft. or building floor space do not require increased compliance with the minimum landscaped area standard." This project is not required to get closer to the minimum landscaped area standard, so we are not proposing any additional landscaping.

Although there is no land use decision that verifies the nonconforming use, the approved 2016 building permit (Exhibit 3) and aerial images show the structure was lawfully established in the current location and has been there uninterrupted for the last several years. As the applicant states, there is no expansion of the existing building proposed with the change of use. **These criteria are met.**

1009.03 SURFACE PARKING AND LOADING AREA LANDSCAPING

Surface parking and loading areas shall be landscaped as follows:

- A. Surface parking areas that include more than 15 parking spaces shall comply with the following landscaping requirements:*
- B. Perimeter landscaping requirements for surface parking and loading areas adjacent to abutting lots or rights-of-way are as follows:*
 - 1. A landscaping strip with a minimum width of five feet shall be provided adjacent to the perimeter of the surface parking or loading area, except:*
 - a. In the OA, VA, VCS, and VO Districts, the minimum width shall be 10 feet;*
 - b. In the BP and LI Districts, the minimum width shall be 15 feet abutting a front lot line; and*
 - c. In the GI District, the minimum width shall be 10 feet abutting a front lot line.*
 - 2. The required landscaping strips shall comply with the following standards:*
 - a. Sufficient low shrubs shall be planted to form a continuous screen three feet high and 95 percent opaque, year-round; or a three-foot-high masonry wall or berm may be substituted for the shrubs. When applied along front lot lines, the screen or wall is to be placed along the interior*

side of the landscaping strip and shall be 30 inches high instead of three feet high.

- b. In addition, one tree is required for every 30 linear feet of landscaping strip, or as otherwise required to provide a tree canopy over the landscaping strip.*
 - c. Ground cover plants must fully cover the remainder of the landscaped area.*
- 3. A perimeter*

Finding: The proposed use includes two (2) parking spaces located on tax lot 02100, across Center Street from the northern side of the existing building. At the hearing the applicant proposed to potentially relocate the required vehicle parking onto tax lot 02000, to the north of the building. All proposed surface parking areas are currently a gravel surfaced, adjacent to Centre Street to the south or north, Highway 99 to the east, and the Railroad rights-of-way to the west. Access to the site and the properties to the south use an existing private drive that crosses through Tax lot 2100. Although the properties are surrounded by railroad, highway, and platted streets it is an area zoned for rural residential use and there is no guarantee that the current property owner for the rural residential homes will remain the same as the storage facility. Therefore, landscaping are warranted around the parking lot and along the property lines as a screen and buffer.

Landscaping between the two parking spaces and Centre Street would limit access to the storage building. The applicant is proposing to keep the existing vegetation between the existing/proposed parking area and Highway 99 E, but the width of the buffer on the land owned and controlled by the owner of the site appears to be less than the 5 feet required by this criteria. Therefore, additional landscaping is needed around the surface parking areas and the parking areas shall not allow parking in the required 5' landscaped buffer located on the subject properties.

The applicant states:

That said, the driveway leading to the site is beautifully landscaped, creating a nice visual appeal upon entering the site. Existing landscaping between the ROW and the site is roughly 10-15ft wide and includes shrubs, trees roughly every 30ft, attractive mulch, hardscape rocks, and groundcover plants. The driveway is landscaped to the maximum extent possible because the remainder of the site is paved or otherwise developed. Therefore, the site meets the intent of the standard.

(Exhibit 2 at 79).

The 2025 aerial images in the record show that the driveway has no landscaping as it passes through tax lot 2100 and does not become landscaped until it crosses over the railroad. Because tax lot 2100 serves as the access and parking for the project, adding landscaping between the access and the parking spaces does not make logical sense for

vehicle maneuvering and is not possible. Because the existing building on tax lot 2000 is closer than one foot from the western property boundary there is no room to safely provide a screen or buffer between the existing building and the property boundary. However, there is room to ensure the 5' landscaped buffer and screen for the parking area and existing building are met on the eastern edge on the property owned and managed by the site owner. In addition, it is feasible to locate the parking spaces, and if needed modify the existing gravel areas, to screen the parking spaces from S. Highway 99. **These criteria are met as conditioned.**

1009.04 SCREENING AND BUFFERING

- A. Screening shall be used to eliminate or reduce the visual impacts of the following:*
 - 1. Service areas and facilities, such as loading areas and receptacles for solid waste or recyclable materials;*
 - 2. Storage areas;*
 - 3. Ground-mounted rainwater collection facilities with a storage capacity of more than 100 gallons;*
 - 4. Parking lots within or adjacent to an Urban Low Density Residential, VR-5/7, VR-4/5, RA- 1, RA-2, RR, RRFF-5, FF-10, FU-10, or HR District; and*
 - 5. Any other area or use, as required by this Ordinance.*
- B. Screening shall be accomplished by the use of sight-obscuring evergreen plantings, vegetated earth berms, masonry walls, sight-obscuring fences, proper siting of disruptive elements, building placement, or other design techniques.*
- C. Screening shall be required to substantially block any view of material or equipment from any point located on a street or accessway adjacent to the subject property. Screening from walkways is required only for receptacles for solid waste or recyclable materials. A sight-obscuring fence at least six feet in height and up to a maximum of 10 feet in height shall be required around the material or equipment.*
- D. Buffering shall be used to mitigate adverse visual impacts, dust, noise, or pollution, and to provide for compatibility between dissimilar adjoining uses. Special consideration shall be given to buffering between residential uses and commercial or industrial uses, and in visually sensitive areas.*
- E. Buffering shall be accomplished by one of the following:*
 - ...*
 - 3. A landscaping strip with a minimum width of five feet and including:*
 - a. A masonry wall or sight-obscuring fence a minimum of six feet in height. The wall or fence is to be placed along the interior side of the landscaping strip;*
 - b. Evergreen vines, evergreen trees, or evergreen shrubs, any of which shall be spaced not more than five feet apart; and*

- c. *Low-growing evergreen shrubs and evergreen ground cover covering the balance of the area; or*
4. *Another method that provides an adequate buffer considering the nature of the impacts to be mitigated.*

Finding: The proposed development includes changing the use of an existing storage building. There are existing residential uses on the properties to the southwest including the one that is the primary home associated with the accessory storage building. The applicant states:

The site also does not have a parking lot, storage area, service area, or ground-mounted rainwater collection facility. Therefore, there is nothing on the site that requires screening.

Section 1009.04(D) above states that buffering is required for dissimilar uses. However, this is an existing building, and the sheriff's department will be using the building in substantially the same manner as the current use. Given that the building is existing and does not cause issues with the current adjacent residential uses, buffering is not necessary for this site.

(Exhibit 2 at 80).

Although ownership of nearby lots may change, the applicant is correct in pointing out that the existing building was constructed to be a residential accessory structure. No other structural development is currently proposed. Therefore, beyond the two parking spaces (small parking lot) there are no adverse impacts to be mitigated. **These criteria are met as conditioned.**

1009.05 SCENIC ROADS

In the RA-1, RA-2, RRFF-5, FF-10, FU-10, MRR, and HR Districts, buildings in developments adjacent to roads designated as scenic roads on Comprehensive Plan Map 5-1, Scenic Roads, shall be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer zone.

As noted above, there is sufficient room on the site to ensure that there is a 5 foot landscaped buffer zone between the scenic road and proposed parking area, and existing building. The hearings officer understands that the existing stormwater outfall and drainage ditch on the east side of the site may limit the applicant's ability to provide landscaping in some areas of the site, it is feasible to relocate the parking and, if necessary, modify the existing gravel surfaced areas of the site to accommodate required landscaping. **This criterion is met as conditioned.**

1009.06 LANDSCAPING STRIPS

Finding: The properties are not located in the BP District, LI District, GI District, or SCMU District. **These criteria are not applicable.**

1009.07 FENCES AND WALLS

- A. Fences and walls shall be of a material, color, and design complementary to the development.*

Finding: The applicant is not proposing any fences or walls with this proposal. **These criteria are met.**

1009.08 RECREATIONAL AREAS AND FACILITIES

Finding: The applicant is not proposing the development of duplexes, triplexes, quadplexes, or multifamily dwellings in the MR-1, MR-2, or HDR Districts. **These criteria are not applicable.**

1009.09 EROSION CONTROL

- A. Graded areas shall be re-vegetated with suitable plants to ensure erosion control.*
B. Netting shall be provided, where necessary, on sloped areas while ground cover is being established.

Finding: As noted above, the Clackamas County Transportation and Engineering Program is the Surface Water Management authority for the site. **These criteria are met as conditioned.**

1009.10 PLANTING AND MAINTENANCE

- A. Impervious weed barriers (e.g, plastic sheeting) are prohibited.*
B. Plants shall not cause a hazard. Plants over walkways, sidewalks, pedestrian pathways, and seating areas shall be pruned to maintain a minimum of eight feet below the lowest hanging branches. Plants over streets, bikeways, accessways, and other vehicular use areas shall be pruned to maintain a minimum of 15 feet below the lowest hanging branches.
C. Plants shall be of a type that, at maturity, typically does not interfere with above or below-ground utilities or paved surfaces.
D. Plants shall be installed to current nursery industry standards.
E. Plants shall be properly guyed and staked to current nursery industry standards as necessary. Stakes and guys shall not interfere with vehicular or pedestrian traffic, shall be loosened as needed to prevent girdling of trunks, and shall be removed as soon as sufficient trunk strength develops, typically one year after planting.

- F. *Landscaping materials shall be guaranteed for a period of one year from the date of installation. The developer shall either submit a signed maintenance contract for the one-year period or provide a performance surety pursuant to Section 1311, Completion of Improvements, Sureties, and Maintenance, covering the landscape maintenance costs for the one-year period.*
- G. *Plants shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas that will not be irrigated shall be sufficiently hardy to thrive under these conditions. Plants shall have vigorous root systems, and be sound, healthy, and free from defects and diseases.*
- H. *When planted, deciduous trees shall be fully branched, have a minimum caliper of two inches, and have a minimum height of eight feet.*
- I. *When planted, evergreen trees shall be fully branched, have a minimum height of eight feet, and have only one leader.*
- J. *Shrubs shall be supplied in minimum one-gallon containers or eight-inch burlap balls with a minimum spread of 12 inches.*
- K. *Ground cover shall be planted a maximum of 30 inches on center with a maximum of 30 inches between rows. Rows of plants shall be staggered. Ground cover shall be supplied in minimum four-inch containers, except that the minimum shall be reduced to two and one-quarter inches or equivalent if the ground cover is planted a minimum of 18 inches on center.*
- L. *Plants shall be spaced so that ground coverage three years after planting is expected to be 90 percent, except where pedestrian amenities, rainwater collection systems, or outdoor recreational areas count as landscaping pursuant to Subsection 1009.02. Areas under tree drip lines count as ground coverage.*

Finding: Because existing vegetation is proposed to meet much of the landscaping needs, irrigation, and maintenance of new landscaping material is not needed outside of the new plantings to ensure the 5' landscaped buffer along the eastern property boundary. **These criteria are met as conditioned.**

1010 SIGNS

Finding: The applicant included no sign designs or specifications. In the narrative they state, "There aren't any existing signs on the site, nor are we proposing any signs as part of this project." **These criteria are not applicable.**

1011 OPEN SPACE AND PARKS

1011.01 AREA OF APPLICATION

- A. *Section 1011 applies to areas generally indicated as Open Space on Comprehensive Plan Map IV-6, North Urban Area Land Use Plan Map, or on the Mt. Hood Community Plan Map when one or more of the following open space resources is present:*
 - 1. *Willamette River Greenway;*

2. *Distinctive urban forests;*
 3. *Hillsides of more than 20 percent slope;*
 4. *Areas of confirmed land movement hazard;*
 5. *Areas of severe erosion or unstable soil;*
 6. *Areas of high visual sensitivity;*
 7. *Significant natural areas; and*
 8. *Other distinctive or unique natural areas, or areas of serious natural hazard.*
- C. *Open space regulated pursuant to Subsection 1011.01(A) or (B) shall be categorized as follows:*
1. *High-priority open space is:*
 - a. *Land or water necessary to assure a continuous network of open space (e.g., stream corridor, forested hillside);*
 - b. *Land over 35 percent slope;*
 - c. *Confirmed land movement hazard areas;*
 - d. *Areas judged to have severe erosion potential due to soil type, geologic structure, and vegetation;*
 - e. *Bodies of water such as rivers, lakes, or lagoons;*
 - f. *Wetlands; and*
 - g. *Significant natural areas.*
 2. *Second-priority open space is:*
 - a. *Land greater than 20 percent slope and less than 35 percent slope;*
 - b. *Distinctive urban forests;*
 - c. *Land within a special flood hazard area, as defined in Section 703, or within 25-year flood limits where special flood hazard areas have not been designated;*
 - d. *Land used as a recharge area for wetlands; and*
 - e. *Areas of high visual sensitivity*

Finding: As the applicant noted, the site is located inside the Willamette River Greenway that is identified as Open Space in ZDO 1011.01(A). However, the Willamette River Greenway is not identified as either High Priority or Secondary Priority. The applicant states:

According to ZDO Section 705.03, section 705 (Willamette River Greenway) is not applicable to a change of use of a building that will not substantially alter or affect the land upon which it is situated. This project matches that description because we are not proposing any changes to the building. We are simply requesting a change of use of the building to allow the sheriff's department to rent the building. Given that this project will not affect the Willamette River Greenway, and no other open spaces are near the site, this code section does not apply.

(Exhibit 2 at 84).

The applicants are correct. ZDO 705.02 includes the following definitions.

- B. Develop: To bring about growth or availability; to construct or alter a structure; to conduct a mining operation; to make a physical change in the use or appearance of land; to divide land into parcels; to create or terminate rights of access.*
- C. Development: The act, process, or result of developing.*
- D. Intensification: Any addition or action which increases or expands the area or amount of an existing use, or the level of activity, including remodeling the exterior of a structure if the remodeling substantially alters the appearance of the structure.*

Based on those definitions, the proposal is not considered to be development or an intensification of a use because the building footprint is not expanding and there are no alterations to the exterior of the building. Although two parking spaces will be delineated, the location of the parking spaces are currently graveled and because the property is outside of the UGB they can remain gravel and meet the surface standards outlined in 1015.

Additionally, ZDO 705.03 include the following exceptions:

- A. A change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated;*
- B. Landscaping, driveway construction, modifications of existing structures, and the construction or placement of subsidiary structures or facilities which are usual and necessary to the use and enjoyment of existing improvements; Therefore, staff agree with the applicant, that although listed in 1011, pursuant to ZDO 705 where the regulations for development within the Willamette River Greenway are located, the proposed use is allowed without further land use review related to the greenway.*

These criteria are not applicable.

1015 PARKING AND LOADING

1015.01 GENERAL STANDARDS

- A. Inside the Portland Metropolitan Urban Growth Boundary (UGB),....*
- B. Outside the UGB, areas used for parking, loading, and maneuvering of vehicles shall be surfaced with screened gravel or better, and shall provide for suitable drainage.*

- C. *Parking and loading requirements for uses and structures not specifically listed in Tables 1015-1, Automobile Parking Space Requirements; 1015-2, Minimum Automobile Parking Space Requirements for Dwellings; 1015-3, Minimum Required Bicycle Parking Spaces; and 1015-4, Minimum Required Off-Street Loading Berths shall be subject to the requirements for the most similar use.*
- D. *Motor vehicle parking, bicycle parking, and loading areas shall be separated from one another.*
- E. *Required parking spaces and loading berths shall not be:*
 - a. *Rented, leased, or assigned to any other person or organization, except as provided for under Subsection 1015.02(D)(3)(a) for shared parking or Subsection 1015.04(C) for shared loading berths.*
 - b. *Used for storing or accumulating goods or storing a commercial or recreational vehicle, camper, or boat, rendering the space(s) useless for parking or loading operations.*
 - c. *Occupied by the conducting of any business activity, except for permitted temporary uses (e.g., farmers' markets).*

Finding: The site is outside the Portland Metropolitan Urban Growth Boundary (UGB) and the parking, loading, and maneuvering areas will be surfaced with screened gravel. The site plan submitted in the application shows that the parking spaces are far enough from the existing driveway to enable adequate vehicle circulation. The applicant states “According to Tables 1015-1, 1015-3, and Table 1015- 4, the most similar use would be “Warehouse.” The hearings officer agree that warehouse is the most similar use to what is being proposed.

These criteria are met as conditioned.

1015.02 MOTOR VEHICLE PARKING AREA STANDARDS

- A. *Off-street parking areas shall be designed to meet the following requirements:....*

Finding: The submitted site plan shows the parking space dimensions, surface material and number requirements are met and compliance will be verified by the Clackamas County Transportation and Engineering Program. The site plan showed no tire stops to prevent the cars from blocking the landscaping. The applicant showed that with the parking spaces located in the existing gravel area, there was adequate maneuvering areas for vehicles. **As conditioned these criteria are met.**

- B. *Parking Minimums: The minimum number of parking spaces listed in Tables 1015-1, Automobile Parking Space Requirements, and 1015-2, Minimum Automobile Parking Space Requirements for Dwellings, applies unless modified in Subsection 1015.02(D). Table 1015-1-Automobile Parking Space Requirements1 excerpt below:*

| Land Use Category | Minimum Parking Spaces |
|--|------------------------|
| Warehouse and Storage Distribution, and Terminals (air, rail, truck, water, etc.) **Maximum parking requirements apply only to warehouses 150,000 gross square feet or greater. | |
| Zero to 49,999 square feet | 0.3 |
| 50,000 square feet and over | 0.2 |

1 Parking requirements are expressed as number of spaces per 1,000 square feet of gross leasable area, unless otherwise stated.

Finding: The land use types in Table 1015-2 do not identify the Government Storage Facility as a use. The existing storage structure is 5,543 square feet. Therefore as the applicant identified, the closest use is Warehouse and Storage Distribution that requires 0.3 spaces for every 1,000 square feet of leasable area. Thus the minimum parking needed for the proposed use is 1.6 spaces, or rounded up as 2 parking spaces. **These criteria are met.**

1015.03 BICYCLE PARKING STANDARDS

A. Bicycle parking areas shall meet the following on-site locational requirements:

B. Bicycle parking shall be designed to meet the following requirements:

Finding: Warehouses and Industrial buildings are identified in Table 1015-3 as needing one bicycle parking space for each 10,000 square feet of building area. The applicant states:

Applicant Response: The closest land use category for the existing building and proposed use is warehouse. Because the subject site is not within the UGB, that means that the minimum bicycle parking spaces are 20 percent of the requirement listed in Table 1015-3. 20 percent of 1 parking space comes to 0.20. In the case of decimals, the ZDO says to round down. Therefore, the minimum required bicycle parking spaces for the proposed project is 0.

Further, this is a warehouse building that is located off of S Highway 99e, which is a highspeed, curvy road that is dangerous for bicyclists. We certainly don't want to encourage bicyclists due to bike on the highspeed road. The subject site is also quite rural, meaning that anyone who would bike to the site would be traveling quite a ways. It is highly unlikely, impractical, and hazardous for anyone to bike to the subject site

The hearings officer agree with the applicant's findings. **These criteria are met.**

1015.04 OFF-STREET LOADING STANDARDS

Finding: Table 1015-4, Minimum Required Off-Street Loading Berths, does not identify a minimum number required for an institutional storage facility, but does identify a minimum of one loading berth needed for a warehouse of 5,000-16,000 square feet. The applicant identifies that the loading site is at the existing building that will have no exterior changes. The needs of the Clackamas County Sheriff's Marine Unit are unique, and if the current building meets those loading needs, then the intent of the off-street loading standards are met. **These criteria are met.**

1021 SOLID WASTE AND RECYCLABLE MATERIAL COLLECTION

Finding: As discussed above, Clackamas County Sheriff's staff will visit the site, but will not have offices on site. The applicant states:

If the sheriff's department requires a compactor, container, or drop box for their operation, they will place those facilities on a concrete pad as required by this code section.

These criteria are met as conditioned.

1203.05 APPROVAL PERIOD AND TIME EXTENSION

- A. *Approval of a conditional use is valid for four years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void.*
 - 1. *Implemented means all major development permits shall be obtained and maintained for the approved conditional use, or if no major development permits are required to complete the development contemplated by the approved conditional use, implemented means all other necessary County development permits (e.g., grading permit, building permit for an accessory structure) shall be obtained and maintained. A major development permit is:*
 - a. *A building permit for a new primary structure that was part of the conditional use approval; or*

- b. A permit issued by the County for parking lot or road improvements required by the conditional use approval.*
- B. If the approval of a conditional use is not implemented within the initial approval period established by Subsection 1203.05(A), a two-year time extension may be approved pursuant to Section 1310, Time Extension.*

Finding: This is informational only.

1203.06 DISCONTINUATION

If a conditional use is implemented pursuant to Subsection 1203.05 and later discontinued for a period of more than five consecutive years, the conditional use shall become void. **Finding: This is informational only.**

D. CONCLUSION

Based on the findings and discussion provided or incorporated herein, the hearings officer concludes that Case No.Z0457-25 (CCSO Marine Storage Facility) should be approved, because the application does or can comply with applicable standards of the Clackamas County ZDO, provided it is subject to conditions that ensure timely compliance in fact with the ZDO and relevant Comprehensive Plan Policies.

E. DECISION

Based on the findings, discussion and conclusions provided or incorporated herein and the public record in this case, the hearings officer hereby approves Z0457-25 (CCSO Marine Storage Facility) subject to the following conditions:

Conditions of Approval:

1. Approval of this land use permit is based on the submitted written narrative and plans filed with the County on November 3, 2025 and additional communication with the applicant on November 13, 2025. No work shall occur under this permit other than which is specified within these documents, unless otherwise required or specified in the conditions below. It shall be the responsibility of the property owner(s) to comply with this document(s) and the limitation of any approval resulting from the decision described herein.
2. The conditional use approval is valid for four (4) years from the date of the final written decision (ZDO 1203.05). During this four year period, the approval shall be implemented, or the approval will become void. "Implemented" means all major development permits shall be obtained and maintained for the approved conditional use, or if no major development permits are required to complete the development contemplated by the approved conditional use, "implemented" means all other necessary County development permits (e.g. grading permit,

building permit for an accessory structure) shall be obtained and maintained. A “major development permit” is:

- a. A building permit for a new primary structure that was part of the conditional use approval; or
- b. A permit issued by the County Engineering Division for work in the right of way or road improvements required by the conditional use approval.

If the approval of a conditional use is not implemented within the initial approval period established by Subsection 1203.05(A), a two-year time extension may be approved pursuant to Section 1310, Time Extension. [ZDO 1203.05]

3. If a conditional use is implemented pursuant to Subsection 1203.05 and later discontinued for a period of more than five consecutive years, the conditional use shall become void. [ZDO 1203.06]
4. ADA accessible parking, access, and walkways will be evaluated and installed during the building permit review for the Change of Use permit. [ZDO 1005.02]
5. The applicant shall provide a lighting study, lighting plan, or other evidence that the lighting meets the requirements of ZDO 1005.04.
6. Any future installation of necessary water, septic, and surface water management facilities will require additional land use review. No utility use was reviewed or approved through this conditional use review. [ZDO 1006.01]
7. Any driveway entrance improvements at the intersection with Hwy 99 will require coordination with ODOT and may require a right of way an ODOT Miscellaneous Permit from ODOT. Contact the ODOT District Office (R1@odot.oregon.gov) prior to any work in the Hwy 99 right of way. The applicant will provide evidence of the coordination for the file if driveway or roadway improvements are needed in the right of way. [ZDO 1007.01(E)]
8. The applicant shall submit verification from the Transportation and Engineering program that the proposal meets the surface water management requirements, road requirements, and the parking and loading requirements. [ZDO 1006, 1007, 1015]
9. The applicant shall submit and abide by a landscaping plan that meets the requirements of ZDO 1009.03(B) and 1009.04. The irrigation and maintenance of new plantings shall be included in the landscaping plan. [ZDO 1009.10]
10. If the Sheriff’s Department generates solid waste or recycling, the required receptacles will need to meet the requirements of ZDO 1021.

11. Prior to the issuance of a building permit, the applicant shall submit written approval from the Canby Fire District #62 for the planned access, circulation, fire lanes. The approval shall be in the form of site and utility plans stamped and signed by the Fire Marshal.

DATED this 12th day of January 2026.



Joe Turner, Esq., AICP
Clackamas County Land Use Hearings Officer

APPEAL RIGHTS

ZDO 1307.14(D)(6) provides that, with the exception of an application for an Interpretation, the Land Use Hearings Officer's decision constitutes the County's final decision for purposes of any appeal to the Land Use Board of Appeals (LUBA). State law and associated administrative rules promulgated by LUBA prescribe the period within which any appeal must be filed and the manner in which such an appeal must be commenced. Presently, ORS 197.830(9) requires that any appeal to LUBA "shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final." This decision will be "final" for purposes of a LUBA appeal as of the date of mailing (which date appears on the last page herein).