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September 17, 2026

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

**Adoption of a Previously Approved Comprehensive Plan Map Amendment and Zone Change in File
Nos. Z0437-25 and Z0438-25.**

Previous Board Action/Review: Land Use Hearing August 4, 2026

Performance Clackamas: Public trust in good government

Counsel Review: Yes

Procurement Review: N/A

Contact Person: Caleb Huegel

Contact Phone: 503-655-8364

EXECUTIVE SUMMARY: File Nos. Z0437-25 and Z0438-25 include a Comprehensive Plan map amendment from Agriculture (AG) to Rural Industrial (RI) and a corresponding zone change from Exclusive Farm Use (EFU) to Rural Industrial (RI) for approximately 7.5 acres of a 20.79-acre property located at 33532 S Kropf Rd, described as T5S, R1E, Section 21, Tax Lot 01000, W.M. The applications were submitted pursuant to ORS 197.719, which permits land that meets the statutory definition of an “abandoned or diminished mill site” to be rezoned for industrial use.

A public hearing was held before the Planning Commission on July 13, 2026, at which the Commission voted 9-0 to recommend approval of the applications subject to conditions, as recommended by staff. A public hearing was held before the Board of County Commissioners on August 4, 2026, at which the Board voted 4-0 to approve the applications subject to conditions, as recommended by staff and the Planning Commission, and directed staff to draft an order and findings consistent with its decision. An order implementing the Board’s decision is attached, and findings are attached to the order.

RECOMMENDATION: Staff recommends that the Board adopt the attached order and findings.

Respectfully submitted,

Caleb Huegel
Assistant County Counsel

For Filing Use Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of File Nos. Z0437-25 and
Z0438-25, an Application by M & S
Investments LLC and Andrew Stamp, VF
Law, for a Comprehensive Plan Map
Amendment and Zone Change for Property
Described as T5S, R1E, Section 21, Tax Lot
01000, W.M.



Board Order No.

Page 1 of 1

Whereas, M & S Investments LLC and Andrew Stamp, VF Law, submitted applications for a Comprehensive Plan map amendment from Agriculture (AG) to Rural Industrial (RI) and a corresponding zone change from Exclusive Farm Use (EFU) to Rural Industrial (RI) for approximately 7.5 acres of a 20.79-acre property located at 33532 S Kropf Rd, described as T5S, R1E, Section 21, Tax Lot 01000, W.M., and shown on Exhibit A, attached hereto and by this reference incorporated herein; and

Whereas, the applications were submitted pursuant to ORS 197.719, which permits land that meets the statutory definition of an “abandoned or diminished mill site” to be rezoned for industrial use, notwithstanding other land use regulations that protect farm or forest land; and

Whereas, after appropriate notice, a public hearing was held before the Planning Commission on July 13, 2026, at which testimony and evidence were presented and at which the Commission voted 9-0 to recommend approval of the applications subject to conditions, as recommended by staff; and

Whereas, after appropriate notice, a public hearing was held before the Board of County Commissioners on August 4, 2026, at which testimony and evidence were presented and at which the Board voted 4-0 to approve the applications subject to conditions, as recommended by staff and the Planning Commission; and

Whereas, the applications, subject to the conditions of approval recommended by staff, comply with the applicable state, regional, and county criteria;

NOW, THEREFORE, the Clackamas County Board of Commissioners does hereby order as follows:

Section 1: The requested Comprehensive Plan map amendment and zone change are approved subject to the conditions identified in Exhibit B, attached hereto and by this reference incorporated herein.

Section 2: The Board adopts the findings shown in Exhibit B.

DATED this 17th day of September 2026.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

Board Order Exhibit A

Z0437-25 & Z0438-25

Comprehensive Plan Map Amendment/Zone Change

Agriculture/Exclusive Farm Use (AG/EFU/R-10) to Rural Industrial (RI)

Approx. 7.5 acres (identified portion) of taxlot 51E21 01000

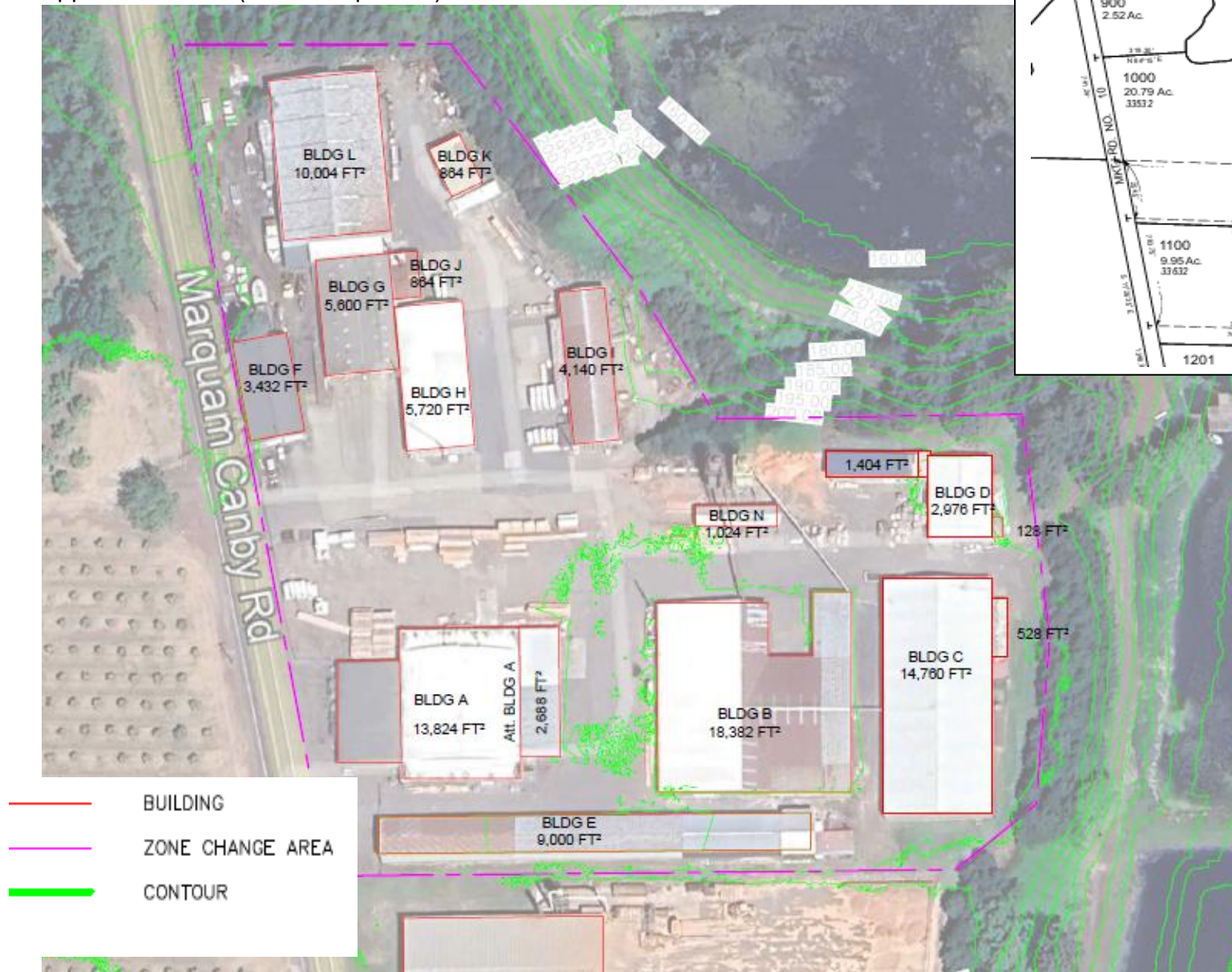
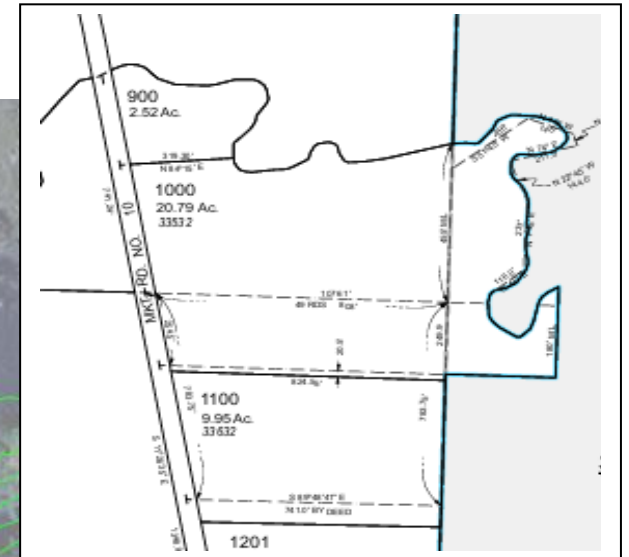


Exhibit B
Findings for File Nos. Z0437-25 and Z0438-25:
Comprehensive Plan Map Amendment and Zone Change

SECTION 1: GENERAL INFORMATION

PLANNING FILE NOS.: Z0437-25 and Z0438-25

PROPOSAL: A Comprehensive Plan map amendment to change the land use plan designation for the subject property from Agriculture (AG) to Rural Industrial (RI), with a corresponding zone change from Exclusive Farm Use (EFU) to Rural Industrial (RI), as an “abandoned or diminished mill site” pursuant to ORS 197.719. No development is proposed with these applications.

LOCATION: 33532 S Kropf Road, Molalla, OR

On the east side of S Kropf Road, approximately one-half mile north of the intersection of S Kropf Road and S Gibson Road.

T5S, R1E, Section 21, Taxlot 01000, W.M.

APPLICANT(S): M & S Investments LLC and Andrew Stamp, VF Law

OWNER(S): M & S Investments LLC and Mitchell and Sara Magenheimer

SUBJECT PROPERTY AREA: 20.79 acres; approximately 7.5 acres proposed for redesignation

CURRENT ZONING: Exclusive Farm Use (EFU)

COMPREHENSIVE PLAN DESIGNATION: Agriculture (AG)

COMMUNITY PLANNING ORGANIZATION: South Canby CPO (inactive)

APPLICABLE APPROVAL CRITERIA: Statewide Planning Goals; Oregon Revised Statutes; Oregon Administrative Rules; Clackamas County Comprehensive Plan; and Clackamas County Zoning and Development Ordinance (ZDO).

SECTION II: CONCLUSION AND CONDITIONS OF APPROVAL

The Board of County Commissioners (the Board) finds that these applications satisfy all applicable state and county criteria to amend the Comprehensive Plan designation for the subject property from AG to RI and to rezone the subject property from EFU to RI. The Board **APPROVES** these applications subject to the following conditions:

1. Clackamas County Comprehensive Plan Map 4-7a, *Non-Urban Area Land Use Plan*, and all other maps of the Comprehensive Plan that include the subject property (taxlot 51E21 01000, with situs address 33532 S Kropf Road, Molalla) shall be amended to show the identified approximately 7.5-acre portion the subject property as having a Comprehensive Plan land use designation of RI.

2. The Clackamas County *Non-Urban Area Zoning Map* shall be amended to show the identified approximately 7.5-acre portion of the subject property as being in the RI zoning district.
3. The subject site shall not be rezoned for retail, commercial, or other nonresource use, except as provided under the statewide planning goals or ORS 197.732.
4. Permitted uses shall be limited to industrial uses authorized in the RI zoning district and accessory uses customarily provided with the permitted industrial uses.
5. The total amount of building square footage that may be occupied shall not exceed 100,000 square feet.

SECTION III: OVERVIEW AND BACKGROUND

The subject property is located at 33532 S Kropf Road, on the east side of S Kropf Road, approximately one-half mile north of the intersection of S Kropf Road and S Gibson Road. The site consists of a single taxlot (taxlot 51E21 01000) which contains a total of 20.79 acres. Approximately 7.5 acres of that total are proposed for redesignation. The site has approximately 700 feet of frontage on S Kropf Rd, a minor arterial, and appears to have two direct access points from S Kropf Rd to the central and southern portions of the site.

The subject site is currently zoned EFU, with a corresponding Comprehensive Plan designation of AG. While the developed portion of the site is relatively flat; steep slopes are present adjacent to the large pond (formerly a log pond) that encompasses the eastern and northeastern portions of the property. The property is bound on the east and northeast by Rock Creek, a regulated stream in the County's Goal 5 inventory. The Department of State Lands (DSL) Statewide Wetland Inventory identifies a riverine wetland (Rock Creek) and a freshwater "log pond" on site. The pond and stream will remain zoned EFU under this proposal; only the developed portions (roughly 7.5 acres) of the property will be redesignated.

The entire site is outside of a mapped flood hazard area and has no County-regulated mass-movement areas or historic landmarks. However, the site is within a sensitive groundwater area, identified as a Groundwater Limited Area by the State. Per the State's webpage, this classified area allows "exempt" uses only. Such uses include domestic wells for household use, stock watering, irrigation of lawns of one-half acre or less, and industrial or commercial uses (not exceeding 5,000 gallons per day).

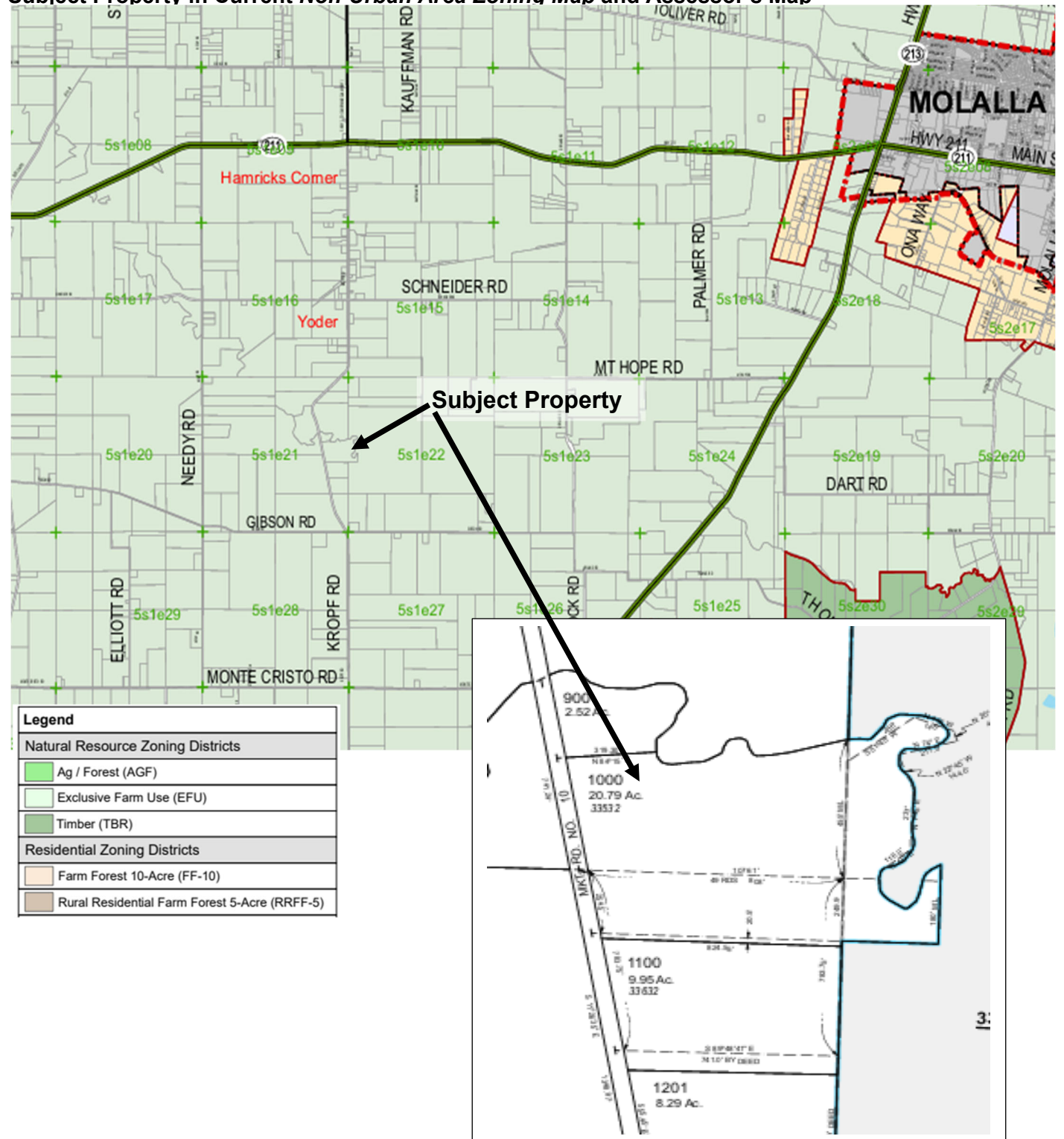
The *Natural Resources Conservation Service (NRCS) Web Soil Survey for Clackamas County* identifies two soil types mapped on the portion of the subject site proposed for redesignation: Aloha silt loam, 3 to 6 percent slopes (1B), and Woodburn silt loam, 3 to 8 percent slopes (91C). Both are considered prime, Class 2 agricultural soils; however, there has been a substantial amount of development, including numerous buildings and surface lots for parking, outdoor log/lumber storage, and other mill-related uses, on this portion of the site for over 80 years. It is unlikely that much, if any, of the prime agricultural soils remain intact on this portion of the property.

This site is approximately four miles southwest of the city of Molalla and located within a large block of agricultural land in the southwestern portion of the county, all of which is zoned EFU.

The applicants summarize the subject site and surrounding area in the application:

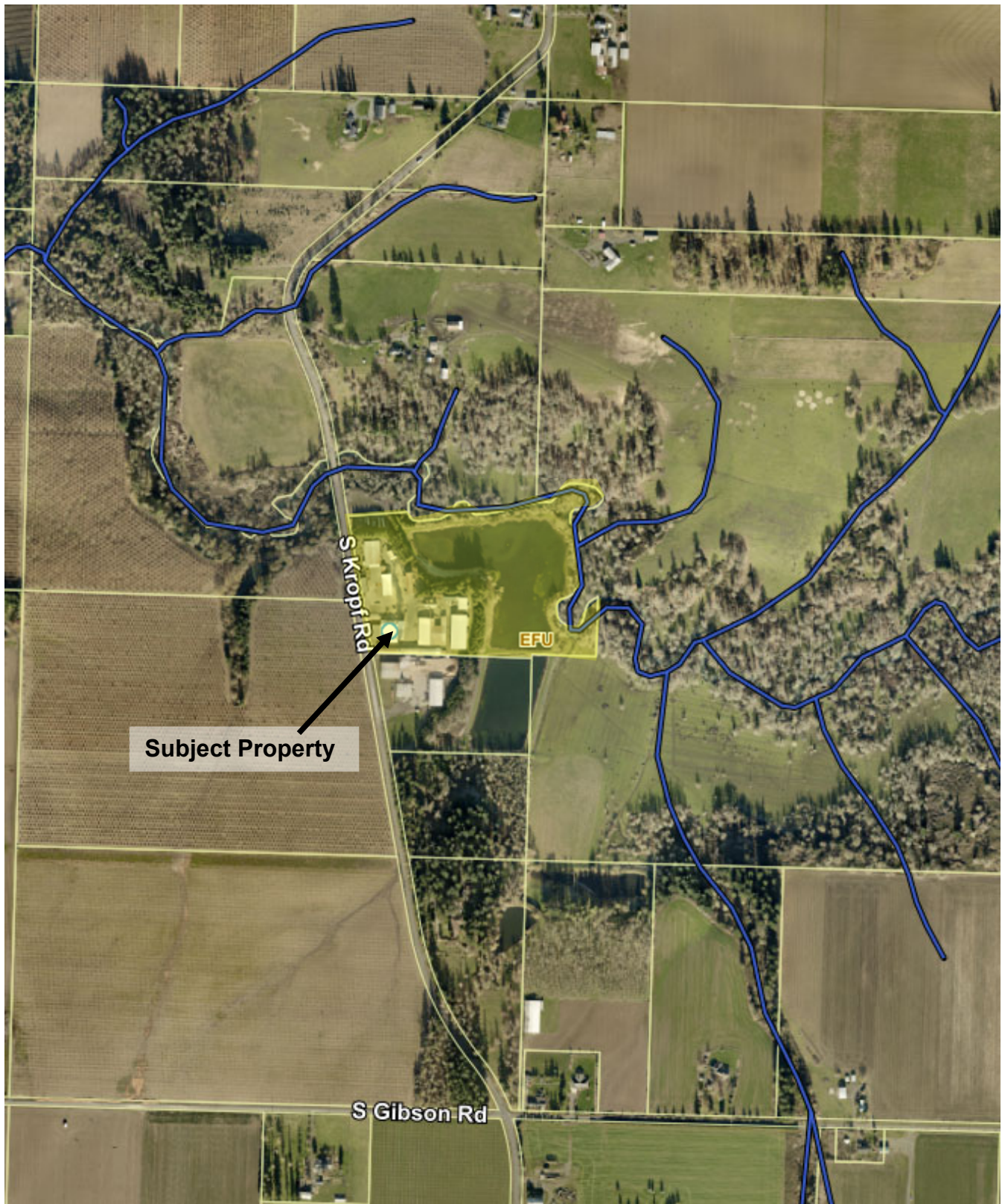
“The area around the subject property is characterized by large acreage farming uses, and some rural residential uses that are also sited on larger parcels. Larger acreage parcels provide buffers for the impacts that result from the subject property. Operations of a rural industrial nature have been occurring at this site for around 80 years. These uses have not caused significant impacts on the surrounding lands. Minor and expected environmental impacts occurring at the subject site include air quality impacts from truck and vehicle movements; and manufacturing noise. Each of these impacts would be equal to the impacts of other industrial, manufacturing, and processing sites located in similar Exclusive Farm Use (EFU) zoned areas.”

Subject Property in Current Non-Urban Area Zoning Map and Assessor's Map



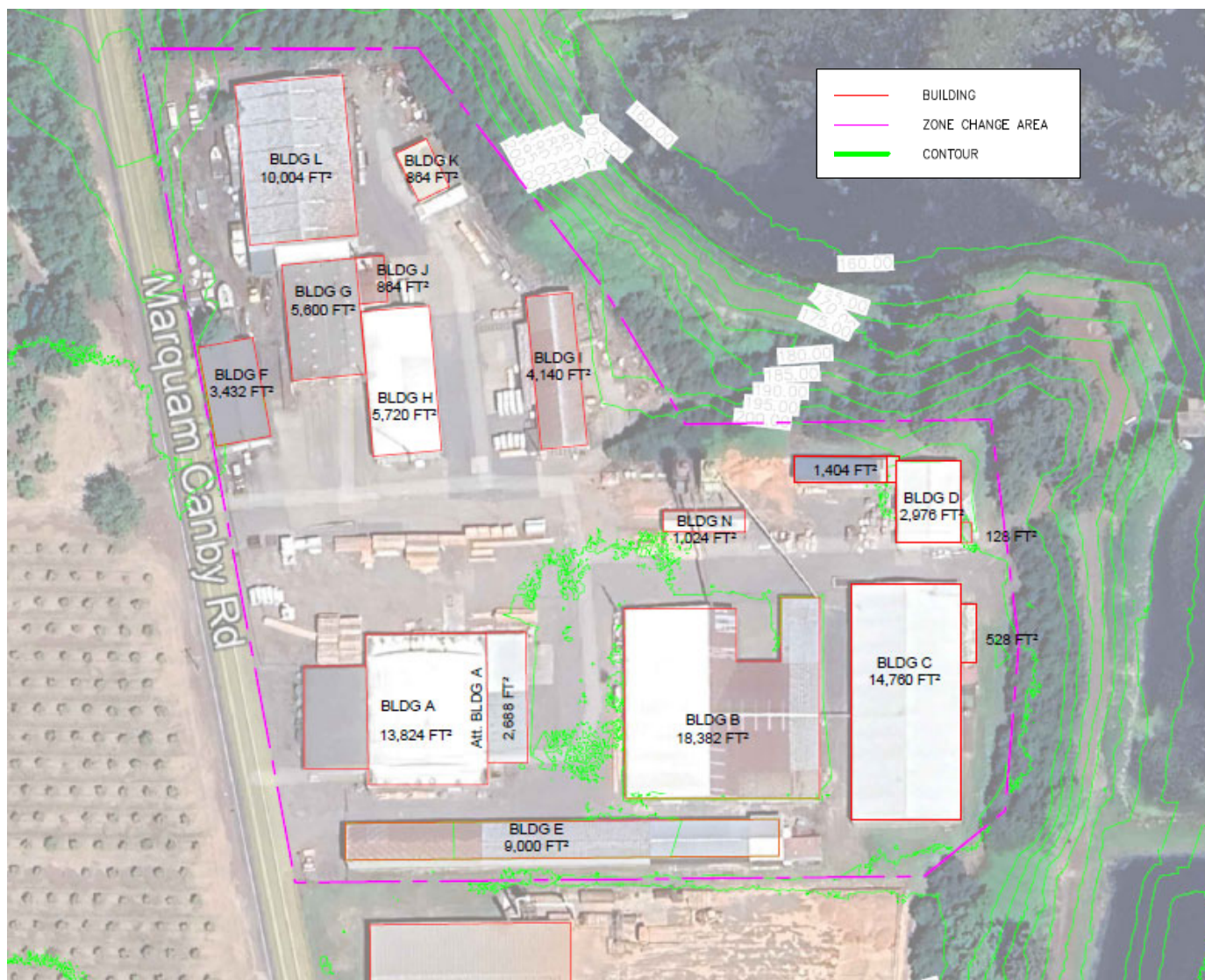
Source: Clackamas County maps

Subject Property and Surrounding Area



Source: Clackamas County PlanMap, 2025 aerial photo

Subject Property and Proposed Zone Change Area



Source: Application

The developed area is shown above, with the pink line around Buildings “A” through “L” and “N” representing the area historically developed and used as the mill site and the area proposed for the RI designation. According to the applicants, this development is served by one exempt-use well and two septic systems.

Based on information provided in the applications, there exists a total of 94,682 square feet of building area on the subject property, including two “lean-to” storage areas. The buildings are currently being utilized as described in the table below. Other historic uses of the site are discussed in detail in the applications and summarized in the “land use history” section below.

BLDG	SQ FT	Current Use
A	13,824	Vacant
B	18,382	Vacant
C	15,288	Storage: Wilco – farm store products
D (part)	3,104	Processing: Woodburn Pocket Door (from 2023) – uses pre-processed lumber and hardware to assemble finished framing components for installation
D (part)	1404	Vacant
E	9,000	Storage: Wilco – farm store products
F	3,432	Storage/office: Precision Drying
G	5,600	Kiln: Precision Drying
H	5,720	Storage/office: Precision Drying
I	4,140	Unknown: Precision Drying
J	864	Unknown: Precision Drying
K	964	Vacant
L	10,004	Storage/office: Precision Drying
N	1,024	Vacant

In addition to this development on the subject property (taxlot 1000), the adjacent taxlot to the south (taxlot 1100) contains several buildings that were developed in association with uses on the subject property. The development on the adjacent taxlot 1100 is not subject to these applications, however, and was not a part of the original mill site. This development includes three buildings—referred to as Buildings “O,” “P,” and “M” in the applications—that were most recently being utilized for wood pellet production and storage. Those uses were approved as an expansion of the “nonconforming uses” on the subject taxlot shown above. The applicants note that the pellet production business left this location in 2025, and those three buildings are presumably vacant.

Land Use History: The first restrictive zoning was the EFU designation, applied to the subject site on September 1, 1976. The EFU regulations have changed somewhat since 1976, and the County has adopted a number of amendments to the EFU zoning district regulations over the years, but the types of industrial uses historically present on the subject property have never been listed as permitted uses in the EFU zoning district.

As discussed in the applications and below, the first “industrial” use established on the subject site was the lumber mill. Because it has been demonstrated that the mill was established prior to the first restrictive zoning, both the use and the structures on the site were considered lawfully established nonconforming uses.

Nonconforming uses are structures and/or uses of property that were legally established—either because they received land use approval or were allowed by right at the time of establishment—but that are now prohibited due to a change in the zoning regulations that apply to the property. Such uses are allowed to continue to operate and may be altered/changed as long as the nonconforming use has not been discontinued for a period of time, as determined by the ZDO.

The nonconforming uses and structures on the subject site have been altered over time. Pages 1 through 8 of the application narrative provide a detailed description and photos of the history of the usage of the site. The nonconforming use determinations and alterations for the subject property over the last several decades are summarized below.¹

Z0092-93-E, Verification and Alteration of a Nonconforming Use, found that the sawmill and wood products manufacturing and processing facility was a lawful nonconforming use, established in 1941. The applications note that the existing sawmill was still in operation in an enclosed building and that a wood pellet mill was needed in order to keep the mill use economically feasible due to a shortage of raw logs for milling.

Z0721-97-E, Alteration of Nonconforming Use, permitted an addition to one of the buildings to provide additional covered storage space.

Z0254-05-E, Alteration of Nonconforming Use, allowed the inclusion of the adjacent taxlot 1100 in the nonconforming use and authorized the use of a manufactured home on that taxlot as a residence for a watchman/caretaker for the mill facility. This approval included conditions of approval requiring that:

- Taxlot 1100 be held in same ownership as taxlots 1000 and 1101 (currently combined into taxlot 1000);
- The home on taxlot 1100 be removed from the site if the nonconforming use, the wood processing operation, is discontinued; and
- The home may be occupied only by a person or persons directly involved in the operation or management of the wood processing facility and immediate family members.

Z0408-06-E, Alteration of a Nonconforming Use, permitted the construction and operation of three new structures—a 600-square-foot infeed hopper building, a 5,000-square-foot raw materials storage building, and a 1,200-square-foot building housing a new pellet mill. The proposal was to expand pellet production because “the pellet mill is running at full capacity and cannot keep up with demand.” Building “D” is identified as the “pellet building,” but new buildings would locate on the adjacent taxlot 1100.

Z0716-06-E, Alteration of a Nonconforming Use, included a major modification to Z0408-06-E. It authorized enlarging the approved, but not yet constructed, raw materials storage building to 12,320 square feet of enclosed area with 4,312 square feet of lean-to covered storage area on each side and enlarging the pellet mill building to 4,312 square feet of enclosed space with 924 square feet of lean-to covered storage area on each side.

The application in Z0716-06-E noted that these facilities would increase production capacity by approximately 60% and require one additional employee and one-to-two additional truck trips per day. The new structures would be located on the adjacent taxlot 1100.

¹ The Board is making no formal determination with these applications about whether the property has retained its nonconforming use status since the last approved alteration.

The application in Z0716-06-E also noted that the *“mill was established in 1941 and has been in continuous operation since that time... In the early 1960s the sawmill burned down. Since that time the dry kiln, wood fabrication, planning, and molding have continued. In the early 1990s a pellet mill was added to make more productive use of the wood waste. There are 13 industrial buildings ranging from 500 to 12,000 square feet. Days and hours of use and number of employees does fluctuate with the seasons, but over the years has been somewhat consistent.”* The following uses were listed in the buildings:

- A. Front Fabricating Shop and Office
- B. Planer Building
- C. Molding Building
- D. Pellet Building
- E. South Lumber Storage
- F. Machine Shop
- G. Dry Kiln
- H. Middle Lumber Shed
- I. Sticker Building
- J. Boiler Room
- K. Small Kiln
- L. North Lumber Storage
- M. Caretaker's Mobile Home
- N. Sawdust Bunker
- O. Purposed Raw Material Storage Building
- P. Purposed Pellet Mill Building

Z0472-13-E, Alteration of Nonconforming Use, authorized the construction of an approximately 10,080-square-foot building for storage and shipping use in conjunction with the existing pellet mill production in three other buildings on the adjacent taxlot 1100. The application also noted that the sites *“are developed with 13 existing buildings currently used for the wood processing/lumber milling facility. Existing operations employ 30 persons. The hours of operation are from 5AM to 9 PM six days per week.”*

Notice: These applications were processed consistent with the noticing requirements in ZDO Section 1307, *Procedures*, and with state noticing requirements. Specifically, the County provided notice to interested agencies, local governments, and property owners within 2,650 feet of the subject property. The notice to property owners, public notices, and public hearings ensure an opportunity for citizens to participate in the land use process.

Responses: No comments have been received from the public. The local Community Planning Organization, the South Canby CPO, is currently inactive.

Public Hearings: Two public hearings were held to consider these applications:

- July 13, 2026: A public hearing was held before the Planning Commission. The applicants' team was the only party who provided testimony. No significant issues were identified, and the Commission voted 9-0 to recommend approval of these applications subject to conditions, as recommended by staff.
- August 4, 2026: A public hearing was held before the Board. Again, the applicants' team was the only party who provided testimony. The Board voted 4-0 to approve these applications subject to conditions, as recommended by staff and the Planning Commission.

SECTION IV: FINDINGS

These applications are subject to the following provisions:

- A. Statewide Planning Goals
- B. Oregon Revised Statutes
- C. Clackamas County Comprehensive Plan
- D. Clackamas County Zoning and Development Ordinance

These provisions, and the applicants' preliminary findings, have been reviewed. Compliance with the applicable regulations is discussed below. ZDO Sections 202 and 1307 provide only definitions and procedural requirements which do not warrant separate written findings.

A. Statewide Planning Goals

GOAL 1 – CITIZEN INVOLVEMENT

Goal 1 calls for “*the opportunity for citizens to be involved in all phases of the planning process*” and requires the County to have a citizen involvement program with certain features.

These applications propose only to amend the Comprehensive Plan map and zoning map. They will not change the County's existing, acknowledged citizen involvement program. ZDO Section 1307, *Procedures*, contains acknowledged procedures for citizen involvement and public notice of quasi-judicial applications. These applications were processed consistent with those requirements. Specifically, the County provided notice to property owners within 2,650 feet of the subject property, the Department of Land Conservation and Development, 1000 Friends of Oregon, and other interested agencies. Notice of the applications and public hearings was also published in the newspaper and on County webpages. There have been two public hearings with opportunity for interested parties to testify. The public has also been given the opportunity to provide written comments, and all comments provided to date have been included in the record.

The relevant requirements of Goal 1 are satisfied.

GOAL 2 – LAND USE PLANNING

Goal 2 requires the County to have and to follow a comprehensive land use plan and implementing regulations. Comprehensive plan provisions and regulations must be consistent with the statewide planning goals. These applications will not change the County's land use planning process. Even with these amendments, the County will continue to have a comprehensive plan and consistent implementing regulations. These findings outline how these amendments are consistent with applicable policies of the County's acknowledged comprehensive plan.

Goal 2 also provides a process by which exceptions can be made to certain statewide planning goals. However, these applications were submitted pursuant to ORS 197.719, which permits land that meets the statutory definition of an “abandoned or diminished mill site” to be rezoned for industrial use without a goal exception.

The relevant requirements of Goal 2 are satisfied.

GOAL 3 – AGRICULTURAL LANDS

Goal 3 requires the County to identify farmland, designate it as such on its comprehensive plan map, and zone it EFU.

The County has already satisfied these requirements. These applications will change the designation of the subject property from AG to RI. As noted in this report, the portion of the subject property proposed for rezoning contains mapped Class 2 agricultural soils that have been significantly impacted by development for over 80 years. Further, ORS 197.719 allows land that meets the statutory definition of an “abandoned or diminished mill site” to be rezoned for industrial use notwithstanding other land use regulations that protect farm or forest land. The development on the subject site has been found to meet the statutory definition of an “abandoned or diminished mill site” and can therefore be rezoned to RI without regard for soil type and without taking an exception to Goal 3.

The relevant requirements of Goal 3 are satisfied.

GOAL 4 – FOREST LANDS

Goal 4 requires the County to identify forest lands, designate it as such on its comprehensive plan map, and zone it consistent with state rules.

The County has already satisfied these requirements. These applications do not propose to change the Comprehensive Plan or zoning designation of any forest land, nor do they propose to change the uses allowed in the County’s forest zones (*i.e.*, Ag/Forest and Timber). The subject property is currently designated as agricultural land, not forest land.

Goal 4 is not applicable.

GOAL 5 – NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

Goal 5 requires the County to adopt programs that will protect an area’s natural resources and conserve scenic, historic, and open space resources for present and future generations. It requires an inventory of natural features, groundwater resources, energy sources, and cultural areas, and encourages the maintenance of inventories of historic resources.

These applications will not change the County’s acknowledged inventories or programs for the protection of such resources, nor will they modify the mapping of any protected resource. The subject site does contain Goal 5 resources—a pond and a regulated stream—but those resource areas will retain their existing EFU designation. Only the developed, western portion of the site (approximately 7.5 acres) will be redesignated as RI.

The relevant requirements of Goal 5 are satisfied.

GOAL 6 – AIR, WATER, AND LAND RESOURCES QUALITY

Goal 6 instructs the County to consider the protection of air, water, and land resources from pollution and pollutants when developing its comprehensive plan.

These applications will not change the County’s acknowledged comprehensive plan policies or implementing regulations regarding Goal 6 resources, nor will they modify the mapping of any protected resource.

Goal 6 is not applicable.

GOAL 7 – AREAS SUBJECT TO NATURAL HAZARDS

Goal 7 requires the County to address Oregon's natural hazards.

These applications will not change the County's acknowledged comprehensive plan policies or implementing regulations regarding natural disasters and hazards, nor will they modify the mapping of any hazards. The subject site does not contain any mapped flood hazards or mass movement areas, but it does contain some steep slopes. These steep slopes, however, are adjacent to and associated with the large pond, which will retain its existing EFU designation. Only the flatter, already-developed portion of the site (approximately 7.5 acres) will be redesignated as RI.

The relevant requirements of Goal 7 are satisfied.

GOAL 8 – RECREATIONAL NEEDS

Goal 8 requires the County to plan for the recreational needs of its residents and visitors.

These applications will not change the County's acknowledged comprehensive plan policies or implementing regulations regarding recreational needs, nor will they modify the mapping of any recreational resources. The subject site does not contain any areas with identified Goal 8 resources.

Goal 8 is not applicable.

GOAL 9 – ECONOMIC DEVELOPMENT

The purpose of Goal 9 is to provide adequate opportunities throughout Oregon for a variety of economic activities vital to the health, welfare, and prosperity of Oregonians. Goal 9 is implemented by OAR chapter 660, division 9. Pursuant to OAR 660-009-0010(1), the requirements of division 9 apply only within urban growth boundaries (UGBs).

The subject property is not within a UGB. Therefore, Goal 9 is not applicable to these amendments. Nonetheless, these amendments will further Goal 9 generally by providing economic support and employment opportunities for the rural area of the county because they will allow for more diverse types of industrial businesses to locate on the subject site than could do so through a continuation of the nonconforming use status.

These applications are consistent with Goal 9.

GOAL 10 – HOUSING

The purpose of Goal 10 is to meet housing needs. Goal 10 provides that the County's comprehensive plan (including its land use designation maps) "*should be developed in a manner that insures the provision of appropriate types and amounts of land*" within UGBs for housing. It also advises that areas planned for residential development "*be necessary and suitable for housing needs of households of all income levels.*"

The requirements of Goal 10 do not apply outside of a UGB, where the subject site is located.

Goal 10 is not applicable.

GOAL 11 – PUBLIC FACILITIES AND SERVICES

The purpose of Goal 11 is to ensure that local governments plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Goal 11 is implemented by OAR chapter 660, division 11.

These applications will not change any adopted facilities plans or implementing regulations. The subject site is currently not served by public water or public sewer and, because it is outside of a UGB, it will not be served by these public facilities. Any future development on the site will continue to be served by the on-site sewage disposal and water facilities.

The relevant requirements of Goal 11 are satisfied.

GOAL 12 – TRANSPORTATION

The purpose of Goal 12 is to provide and encourage a safe, convenient, and economic transportation system. Goal 12 requires the County to create a transportation system plan that takes into account all relevant modes of transportation. Goal 12 is implemented by OAR chapter 660, division 12, commonly referred to as the Transportation Planning Rule (TPR). When an amendment to the Comprehensive Plan map or zoning map is proposed, OAR 660-012-0060 requires an analysis of whether the proposed amendment would “significantly affect” an existing or planned transportation facility, and whether it is necessary to update transportation facility plans to accommodate such effects. The TPR defines what it means to “significantly affect” a transportation facility.

The applicants provided a traffic study, prepared by a licensed engineering firm, Mackenzie, and dated October 15, 2025, and an addendum, prepared by a licensed engineering firm, AKS, and dated July 24, 2026. The traffic analyses address TPR requirements and include a comparison of the reasonable worst-case traffic impacts caused by potential development of the subject property under the property’s current zoning. The addendum was provided because there was a discrepancy in the total building square footage that was analyzed in the original traffic study. The analysis presented in the original traffic study identified a total of 87,100 square feet of building space on the site, whereas the applicants’ narrative and maps identified 92,000 to 95,000 square feet. The applicants’ stated intent is to retain the existing square footage. Because the redesignation will be limited by what is analyzed in the traffic study, the total square footage on the property needed to be verified and reflected accurately in the traffic study to avoid a situation where the zone change would have to be conditioned on allowing the use of less square footage of building space than actually exists on the property. To remedy this discrepancy, the addendum analyzed up to 100,000 square feet of gross building floor area. The addendum found that the applicable criteria related to the adequacy and safety of the transportation system are still met with the increased square footage.

County Engineering staff reviewed the traffic analyses and concur with the assumptions and findings, provided the approval includes a condition limiting the intensity of uses on the site consistent with those assumptions. County Engineering staff noted that,

[b]ased on the updated trip generation, operational analysis, and crash review, the transportation system is adequate and will remain adequate with approval of the proposed zone change. The study intersections are projected to continue operating within applicable County and ODOT mobility standards, and the updated safety analysis does not identify a need for transportation mitigation.

With conditions, the relevant requirements of Goal 12 are satisfied.

GOAL 13 – ENERGY CONSERVATION

Goal 13 encourages land use plans to consider lot size, siting controls, building height, density, and other measures in order to help conserve energy.

These applications will not change the County's acknowledged comprehensive plan policies or implementing regulations regarding energy conservation.

Goal 13 is not applicable.

GOAL 14 – URBANIZATION

The purpose of Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside UGBs, to ensure efficient use of land, and to provide for livable communities.

These applications do not propose to expand or modify a UGB or to permit rural land uses inside a UGB.

Goal 14 is not applicable.

GOAL 15 – WILLAMETTE RIVER GREENWAY

The purpose of Goal 15 is to *"protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway."*

The subject property is more than 11 miles from the Willamette River and is therefore well outside the Willamette River Greenway. These applications will not change the County's acknowledged comprehensive plan policies or implementing regulations regarding the Willamette River Greenway.

Goal 15 is not applicable.

GOAL 16 – ESTUARINE RESOURCES; GOAL 17 – COASTAL SHORELANDS; GOAL 18 – BEACHES AND DUNES; GOAL 19 – OCEAN RESOURCES

Goals 16 through 19 are not applicable to Clackamas County.

B. Oregon Revised Statutes

The subject property is designated as natural resource land (AG) on the Comprehensive Plan map. Generally, to change the Comprehensive Plan map designation to any plan designation other than AG or Forest, it is necessary to take an exception to Statewide Planning Goal 3 under the procedure described in OAR chapter 660, division 4. However, ORS 197.719 allows for a zone change without a goal exception specifically for an "abandoned or diminished mill site." These applications were submitted pursuant to that statute.

ORS 197.719(1)

“[A]bandoned or diminished mill site” means a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:

- (a) Is located outside of urban growth boundaries;*
- (b) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and*
- (c) Contains or contained permanent buildings used in the production or manufacturing of wood products.*

Similarly, ZDO Section 202, *Definitions*, includes the following definition:

MILL SITE, ABANDONED OR DIMINISHED: A mill, plant, or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp, and paper, that is located outside of urban growth boundaries; was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and contains or contained permanent buildings used in the production or manufacturing of wood products.

The first step in understanding if the site qualifies for redesignation under ORS 197.719 is to determine whether it meets the statutory definition of an “abandoned or diminished mill site.” In this case, despite the somewhat complicated history of uses on the site, this determination is fairly straightforward due to the current usage of the buildings on the site, including a number of vacant buildings, buildings utilized for storage, and two businesses that utilize wood products processed elsewhere to produce different products. Regarding this determination, the Board finds as follows:

1. The subject property is not located within a UGB.
2. The site contains 13 permanent buildings that were historically used in the production or manufacturing of “wood products,” as that phrase is used in ORS 197.719(1).
3. Evidence in the record indicates that the sawmill portion of the mill site had ceased operations by 2000. In an email dated 10/11/2000, the emailer states:

I am considering the purchase of a “non-conforming” use property in rural Clackamas County. The address is 33532 Kropf Road, Molalla, 97038... MAP: 51E21 01000... It is on 20.4 acres. There is an unused, old 12 acre log pond and the remaining 8 acres are black topped around 12 buildings (total of 75,000 sq. ft.). Current zoning for the property is EFU, but the property was established as a saw and lumber mill in 1948 and has been in continuous operation since that time. The sawing of logs has not been done for many years, but lumber drying, planing and shaping has continued. The current tenant, Mullen Lumber, Inc., is in the business of manufacturing different millwork, tongue and groove ceiling

boards, closet rods, etc. His manufacturing operation occupies only a portion of the buildings and his lease would continue if I were to buy the property.

Additional evidence indicates that the sawmill operations were “abandoned” or discontinued after January 1, 1980. As noted in the 1993 land use file (Z0092-93-E), the sawmill was still in operation in an enclosed building.

4. The history of facilities on the site engaged in “wood processing” is more complicated by the fact that the statute narrows the definition of a “mill site” by the using the language *“including... facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper.”* While the applicants assert that the use of the term “including” means only facilities producing the six listed items, the Board disagrees. Based on the case law identified by the applicants, the definition is not limited to only those six things (plywood, veneer, hardboard, panel products, pulp, and paper). Instead, it is limited to wood products of the same type as those six things. A court would try to figure out whether whatever this facility produces and the six things listed in ORS 197.719(1) share any characteristic traits. In *Liberty v. ODOT*, the court stated:

When the legislature uses “nonspecific or general phrases” as well as a list of items, this court, under the principle of ejusdem generis, construes the statute “as referring only to other items of the same kind.” Vannatta v. Keisling, 324 Or 514, 533, 931 P2d 770 (1997) (stating and applying principle). See also Lewis v. CIGNA Ins. Co., 339 Or 342, 350-51, 121 P3d 1128 (2005) (under ejusdem generis rule, court examines “basic characteristics” of enumerated items when construing more general words).

5. The applicants further complicate the analysis by referring to the site as either “abandoned” or “diminished” in various locations in the application materials. They provided testimony that the mill closed (or was “abandoned”) in 1999, but that testimony is in direct contradiction to the evidence provided in the cited land use approvals for alterations to the nonconforming uses. The applicants also assert that, because the mill site no longer operates as a sawmill or as a facility producing the specific wood products identified in ORS 197.719(1), and instead has been occupied only by downstream specialty wood products companies and other storage uses, the site qualifies as a “diminished mill site” under ORS 197.719(1). Again, the Board disagrees. For a mill site to be “diminished,” evidence must demonstrate that the mill has been operating at less than 25 percent of capacity since January 1, 2003. No such evidence has been provided. However, to demonstrate that a mill has been “abandoned,” one need only demonstrate that the “mill site” was in operation before and then closed after January 1, 1980.
6. At issue here, since evidence clearly points to the mill being in operation well past January 1, 1980, is whether the operations at the mill site currently meet the definition in ORS 197.719 and, if not, whether they ceased at some point after January 1, 1980. Based on the application materials, the distribution of current uses by square footage can be summarized as follows:
 - 38% vacant;
 - 26% farm store storage;
 - 21% storage and offices for lumber “redrying” business;
 - 11% kilns or unknown uses for lumber “redrying” business; and
 - 3% pocket door fabrication and assembly.

Clearly, the vacant buildings and those used for storage for a farm store do not meet the definition of “mill site,” as they are either not used or are used to store materials not related to wood processing.

Additionally, the Board finds that the “drying” business, including some kiln uses on the property, does not meet the definition under ORS 197.719. These uses are not similar in “character” to the sawmill or identified production facilities because they are not using raw materials or even materials milled or processed on the subject site but are bringing in already-processed lumber to store and “redry.” As noted in an email from April 2017 regarding an authorization to replace a kiln in the same location as was verified/approved in 1993, the stated purpose of the kiln was “[r]e-drying *lumber that has been pressure-treated at another location... There are two other kilns on the site in operation with the same purpose.*”

The pocket door fabrication business is described as using “*pre-processed lumber and hardware to assemble finished framing components for installation.*” Again, this use is simply assembling a product utilizing already-processed lumber and other materials.

For the foregoing reasons, the Board finds that the site can be found to meet the statutory definition of an “abandoned” mill site.

The Board notes the perceived contradiction between its conclusion that the mill site is “abandoned” and the history of alterations of nonconforming uses on the site. However, the Board finds that the fact that the site has continued to be used does not necessarily mean that it has been used in ways that meet the definition of an “abandoned or diminished mill site” in ORS 197.719. Evidence in the record demonstrates that the nonconforming uses have actually changed in character over the years, becoming more removed from raw material, or primary, processing to include secondary wood-related uses such as wood pellet, or biofuel, production and even just storage. Even the kiln use has changed over the years, from supporting or being accessory to the sawmill and wood processing facilities to being a facility for “redrying” lumber that is processed on a different site.

In summary, while the Board does not concur with the entire analysis and findings provided by the applicants, the Board does concur with the conclusion that the site meets the statutory definition of an “abandoned or diminished mill site.” None of the current uses on the property fall under the “mill site” definition, and evidence clearly demonstrates the mill site was in operation before but was “abandoned” sometime after January 1, 1980. These applications can therefore proceed for consideration of an industrial designation under ORS 197.719.

This criterion is met.

ORS 197.719(2)

“Notwithstanding statewide land use planning goals protecting agricultural lands or forestlands or administrative rules implementing those goals, the governing body of a county may amend the county’s comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for industrial use.”

This provision authorizes the County to rezone an abandoned or diminished mill site to an industrial designation without the need for a Goal 3 exception. Because the Board finds that the site does meet the statutory definition of an “abandoned or diminished mill site,” the Comprehensive Plan and zoning designations may be changed to industrial designations without a goal exception or further consideration of rules implementing Goal 3.

This criterion is met.

ORS 197.719(3)

“Notwithstanding a statewide land use planning goal relating to urbanization or administrative rules implementing that goal, the governing body of a county may amend the county’s comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for any level of industrial use.”

The applicants have proposed the RI zoning district, which allows for industrial and other similar uses that are compatible with the rural area and do not have a need for urban services like public sewer or water.

This criterion is met.

ORS 197.719(4)

Notwithstanding a statewide land use planning goal relating to public facilities and services or administrative rules implementing that goal, the governing body of a county or its designee may approve:

- (a) The extension of sewer facilities to lands that on June 10, 2003, are zoned for industrial use and that contain an abandoned or diminished mill site. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.*
- (b) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for industrial use under this section only as necessary to serve industrial uses authorized for the mill site.*
- (c) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, is zoned for industrial use and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for industrial use under this section. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.*

Sewer service is not proposed for the subject site.

This criterion is not applicable.

ORS 197.719(5)

- (a) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under a statewide land use planning goal relating to public facilities and services or under ORS 197.732.*
- (b) Sewer facilities approved under subsection (4) of this section shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under a statewide land use planning goal relating to public facilities and services or under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to statewide land use planning goals protecting agricultural lands or forestlands or relating to urbanization.*

Sewer service is not proposed for the subject site.

This criterion is not applicable.

ORS 197.719(6)(a)

The governing body of a county or its designee shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is rezoned for industrial use under this section, land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.

The area proposed for redesignation to RI is narrowly drawn around the existing development on the site, including the 13 buildings and surface parking and storage areas. The existing pond and creek found on the eastern and northeastern portions of the site are not included in this area. The area proposed for redesignation totals approximately 7.5 acres and, based on historic aerial photos and land use approvals, includes the area of the mill that was originally established in 1941 and continued to operate as a "mill site" well past 1980.

This criterion is met.

ORS 197.719(6)(b)

For an abandoned or diminished mill site subject to subsection (2), (3) or (4) of this section, the governing body of a city or county or its designee may approve a permit, as defined in ORS 215.402 or 227.160, only for industrial development and accessory uses subordinate to such development on the mill site. The governing body or its designee may not approve a permit for retail, commercial or residential development on the mill site.

The current usage of structures is industrial and includes processing, manufacturing, and warehousing. A condition of approval is being imposed limiting the subject site to industrial uses.

With conditions, this criterion is met.

ORS 197.719(7)

For land that on June 10, 2003, is zoned under statewide land use planning goals protecting agricultural lands or forestlands and that is rezoned for industrial use under subsections (2) and (3) of this section, the governing body of the county or its designee may not later rezone the land for retail, commercial or other nonresource use, except as provided under the statewide land use planning goals or under ORS 197.732.

A condition of approval is being imposed prohibiting the rezoning of the subject property except as provided under the statewide planning goals or ORS 197.732.

With conditions, this criterion is met.

Based on the above findings, the proposal meets all applicable criteria in ORS 197.719 for the redesignation of an “abandoned or diminished mill site” from EFU to an industrial designation.

C. Clackamas County Comprehensive Plan

The Comprehensive Plan includes goals and policies that must be considered when evaluating proposed amendments. This section outlines whether these applications are consistent with the applicable goals and policies.

Chapter 2: Citizen Involvement

The purpose of Chapter 2 is to promote citizen involvement in the governmental process and in all phases of the planning process. Only one policy in Chapter 2 applies to these applications.

Policy 2.A.1

“Require provisions for opportunities for citizen participation in preparing and revising local land use plans and ordinances. Insure opportunities for broad representation, not only of property owners and County wide special interests, but also of those within the neighborhood or areas in question.”

The Comprehensive Plan and ZDO include acknowledged procedures for citizen involvement. These applications have been processed consistent with those procedures. Specifically, the County has provided notice to interested agencies, local governments, and nearby property owners, consistent with state law and ZDO Section 1307, *Procedures*, which implements the public notice policies of Chapter 2. Notice to property owners, public notices, and public hearings ensure an opportunity for citizens to participate in the land use process.

This policy is met.

These applications are consistent with Chapter 2.

Chapter 3: Natural Resources and Energy

The purpose of Chapter 3 is to provide for the planning, protection, and appropriate use of the county's natural resources and energy. Chapter 3 contains eight sections addressing (1) Water Resources, (2) Agriculture, (3) Forests, (4) Mineral and Aggregate Resources, (5) Wildlife Habitats and Distinctive Resource Areas, (6) Natural Hazards, (7) Energy Sources and Conservation, and (8) Noise and Air Quality.

As noted previously, the subject site is within a sensitive groundwater area, identified as a Groundwater Limited Area by the State. Chapter 3 contains policies related to Groundwater Limited Areas, but they are all directive to County actions and are not applicable to zone changes. The subject property also contains a pond and is bound on the east and northeast by Rock Creek. Both of these areas are identified as wetlands in the DSL Statewide Wetland Inventory. Accordingly, two wetland-related policies in Chapter 3 apply to these applications.

Policy 3.F.1

For areas that are outside both the Metropolitan Service District Boundary and the Portland Metropolitan Urban Growth Boundary, prevent disturbance of natural wetlands (marshes, swamps, bogs) associated with river and stream corridors. Adjacent development shall not substantially alter normal levels or rates of runoff into and from wetlands. Site analysis and review procedures specified in the Open Space and Floodplains section of the Land Use chapter shall apply. (See Wildlife Habitats and Distinctive Resource Areas of this chapter).

This policy was included in the Comprehensive Plan in order to comply with Statewide Planning Goal 5. Outside of the Portland Metropolitan UGB (except in parts of the Mt. Hood area), the federal wetland inventory is so general (just based on aerial flyovers) that it has not been possible to determine the exact location, quality, or quantity of wetlands. The County has not had the resources to develop more in depth or county-specific wetland mapping. This policy was adopted so that the County would review significant developments—including zone changes—to ensure consistency with Goal 5 for wetland resources.

As noted, the DSL Statewide Wetland Inventory identified a riverine wetland (Rock Creek) and a freshwater “log pond” on site. However, the portion of the site proposed for redesignation is located outside of these mapped wetland areas and is already impacted by development, including numerous buildings and surface parking and storage areas. None of the area to be redesignated as “industrial” contains wetlands, and any redevelopment or new development for industrial uses on the site will be confined to the area that has been developed for more than 80 years.

DSL was notified of these applications but has not provided any comment. DSL will also be notified of any future application for a building permit on the site, and any proposed removal or fill of the wetlands exceeding 50 cubic yards will require a permit from the State.

For the foregoing reasons, the Board finds that the proposed zone change will not result in the disturbance of natural wetlands (marshes, swamps, bogs).

This policy is met.

Policy 3.K.5

“Minimize adverse wildlife impacts in sensitive habitat areas, including deer and elk winter range below 3,000 feet elevation, riparian areas, and wetlands.”

Approval of the proposed zone change is expected to have a minimal impact on the surrounding area, including any habitat, for three main reasons: (1) the area proposed for redesignation has been developed with industrial uses for over 80 years; (2) any new rural industrial development will be confined to the area already developed on the site; and (3) as conditioned, only a negligible net increase in square footage of building area could be developed on the site.

This policy is met.

These applications are consistent with Chapter 3.

Chapter 4: Land Use

Chapter 4 includes definitions for urban and rural land use categories, and outlines policies for determining the appropriate Comprehensive Plan land use designation for all lands within the county. Chapter 4 contains sections addressing (1) Urbanization, (2) Urban Growth Concepts, and (3) land use policies for each designation. The land use policies for the existing and proposed designations are addressed below.

Policy 4.NN.10

“Except on lands within urban growth boundaries or as provided by the Oregon Revised Statutes for abandoned or diminished mill sites, exceptions to Statewide Planning Goals 3 and 4 shall be required for a plan amendment from the Agriculture designation to any designation other than Forest.”

This policy explains under what circumstances an exception to Statewide Planning Goal 3 is and is not required. These applications include a request for an RI plan designation pursuant to ORS 197.719 for an abandoned or diminished mill site. Accordingly, an exception is not required.

This policy is met.

Rural Industrial Policies

Rural lands are defined in the Comprehensive Plan as

exception lands, as defined in Oregon Administrative Rules 660-004-0005(1), that are outside urban growth boundaries and Unincorporated Communities and are suitable for sparse settlement such as small farms, wood lots or acreage home sites. They lack public facilities or have limited facilities and are not suitable, necessary, or intended for urban, agricultural, or forest use.

Policy 4.LL.1

"The Rural Industrial plan designation may be applied in non-urban areas to provide for industrial uses that are not labor-intensive and are consistent with rural character, rural development, and rural facilities and services."

The subject property is located in a non-urban area (outside of a UGB). The industrial uses that are allowed within an RI area, per ZDO Section 604, are those that have been determined as appropriate for rural areas and commensurate with rural development. Development on the subject site will be further limited by a condition of approval allowing only industrial uses.

This policy is met.

Policy 4.LL.2

"The Rural Industrial (RI) zoning district implements the Rural Industrial plan designation."

These applications propose to change both the Comprehensive Plan designation and the zoning designation to RI.

This policy is met.

Policy 4.LL.3

Areas may be designated Rural Industrial when the first, the second, or both of the other criteria are met:

- 4.LL.3.1 Areas shall have an historical commitment to industrial uses; or*
- 4.LL.3.2 The site shall be an abandoned or diminished mill site, as defined in the Zoning and Development Ordinance, provided that only the portion of the site that was improved for the processing or manufacturing of wood products may be designated Rural Industrial; or*
- 4.LL.3.3 Areas shall be located within an Unincorporated Community; and*
- 4.LL.3.4 The site shall have direct access to a road of at least an arterial classification.*

While it is clear that the subject property does have an historical commitment to industrial uses, only the first or second criteria need to be met to allow an RI designation. In this case, it has been determined that the subject site meets the statutory definition of an "abandoned or diminished mill site," and only the portion of the site that was improved for the mill facilities will be designated as industrial. No further findings of historical commitment are necessary.

This policy is met.

These applications are consistent with Chapter 4.

Chapter 5: Transportation

Chapter 5 outlines policies addressing all modes of transportation and contains eight sections including (1) Foundation and Framework; (2) Land Use and Transportation; (3) Active Transportation; (4) Roadways; (5) Transit; (6) Freight, Rail, Air, Pipelines and Water Transportation; (7) Finance and Funding; and (8) Transportation Projects and Plans. Only one policy in Chapter 5 applies to these applications.

Policy 5.F.6

“Require changes in land use plan designation and zoning designation to comply with the Transportation Planning Rule [OAR 660-012-0060].”

The applicants' traffic analyses, which were completed by licensed engineers, find that these applications satisfy the TPR criteria outlined in OAR 660-012-0060 and this policy. The existing transportation infrastructure is considered sufficient to accommodate the proposed zone change.

County Engineering staff reviewed the traffic analyses and concur with the assumptions and findings, provided the approval includes a condition limiting the intensity of uses on the site consistent with those assumptions. County Engineering staff noted that,

[b]ased on the updated trip generation, operational analysis, and crash review, the transportation system is adequate and will remain adequate with approval of the proposed zone change. The study intersections are projected to continue operating within applicable County and ODOT mobility standards, and the updated safety analysis does not identify a need for transportation mitigation.

With conditions, these applications are consistent with Chapter 5.

Chapter 11: The Planning Process

The purpose of Chapter 11 is to establish a framework for land use decisions that will meet the needs of Clackamas County residents, recognize the County's interrelationships with its cities, surrounding counties, the region, and the state, and ensure that changing priorities and circumstances can be met. Only one policy in Chapter 11 applies to these applications.

Policy 11.A.1

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

Notice of these applications was provided to all appropriate agencies and parties, and advertised public hearings before the Planning Commission and the Board provided an adequate opportunity for interagency coordination.

This policy is met.

These applications are consistent with Chapter 11.

D. Clackamas County Zoning and Development Ordinance

Section 1202, *Zone Changes*, provides standards, criteria, and procedures under which a change to the County's zoning map may be approved.

Section 1202.02, Submittal Requirements

Section 1202.02 lists the information that must be included in a complete application for a zone change.

The applications were initially submitted on October 21, 2025, and deemed incomplete. The applicants submitted additional materials on March 9, 2026, and the applications were deemed complete that same day.

Section 1202.03, General Approval Criteria

Section 1202.01 states that a zone change may be allowed, after a hearing conducted pursuant to Section 1307, if the applicants provide evidence that the following criteria in Subsection 1202.03 are met.

Subsection 1202.03(A)

"The proposed zone change is consistent with the applicable goals and policies of the Comprehensive Plan."

Findings regarding the relevant Comprehensive Plan policies are provided above. Based on those findings and the findings provided by the applicants, the Board finds that the proposed zone change is consistent with all relevant goals and policies of the Comprehensive Plan.

These applications are consistent with Subsection 1202.03(A).

Subsection 1202.03(B)

If development under the proposed zoning district designation has a need for any of the following public services, the need can be accommodated with the implementation of the applicable service provider's existing capital improvement plan: sanitary sewer, surface water management, and water. The cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered.

Development that could occur on the subject site under these amendments will not have access to or need public sewer or water service. The applicants submitted a Preliminary Statement of Feasibility, signed by County Engineering staff on November 12, 2025, indicating that adequate surface water treatment is available or can be made available for future development that could occur under these amendments.

These applications are consistent with Subsection 1202.03(B).

Subsection 1202.03(C)

The transportation system is adequate and will remain adequate with approval of the proposed zone change. For purposes of this criterion:

- 1. Adequate means a maximum volume-to-capacity ratio (v/c), or a minimum level of service (LOS), as established by Comprehensive Plan Tables 5-2a, Motor Vehicle Capacity Evaluation Standards for the Urban Area, and 5-2b, Motor Vehicle Capacity Evaluation Standards for the Rural Area.*
- 2. The evaluation of transportation system adequacy shall be conducted pursuant to the Transportation Planning Rule (Oregon Administrative Rules 660-012-0060).*
- 3. It shall be assumed that the subject property is developed with the primary use, allowed in the proposed zoning district, with the highest motor vehicle trip generation rate.*
- 4. The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards.*
- 5. The adequacy standards shall apply to all roadways and intersections within the impact area of the proposed zone change. The impact area shall be identified pursuant to the Clackamas County Roadway Standards.*
- 6. A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.*
- 7. Notwithstanding Subsections 1202.03(C)(4) through (6), motor vehicle capacity calculation methodology, impact area identification, and transportation impact study requirements are established by the ODOT Transportation Analysis Procedures Manual for roadways and intersections under the jurisdiction of the State of Oregon.*

Subsection 1202.03(C) defines what is meant by an “adequate” transportation system.

The applicants’ traffic analyses, which were completed by licensed engineers, find that these applications satisfy the TPR criteria outlined in OAR 660-012-0060. The existing transportation infrastructure is sufficient to accommodate the proposed zone change.

County Engineering staff reviewed the traffic analyses and concur with the assumptions and findings, provided the approval includes a condition limiting the intensity of the use consistent with those assumptions.

With conditions, these applications are consistent with Subsection 1202.03(C).

Subsection 1202.03(D)

“Safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.”

The applicants’ traffic study also included an evaluation of crash rates in the identified study area, noting specifically the following:

Intersection crash rates were calculated as a measure of the number of crashes occurring per one million entering vehicles (MEV) per year. The intersection crash rate is calculated by dividing the average number of crashes per year by the MEV per year. An average daily traffic (ADT) volume was estimated by multiplying the PM peak hour volume at each intersection by a peak-to-daily factor, or k-factor, of 12 obtained from ODOT ATR 03-013.

All intersections have crash rates below 1.0 MEV; therefore, no further analysis is recommended based on crash rate.

...

With the small potential increase in traffic volumes associated with the zone change, safety of the transportation system is adequate.

County Engineering staff reviewed the traffic study and concur with the analysis and findings regarding the safety of the system, noting that the *“crash history and safety discussion are also sufficient to support a finding that the transportation system is adequate to safely serve the level of development anticipated by the proposed zone change.”*

These applications are consistent with Subsection 1202.03(D).