



MIKE McCALLISTER  
PLANNING AND ZONING DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

**NOTICE OF PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION AND  
THE BOARD OF COUNTY COMMISSIONERS ON A PROPOSAL IN YOUR AREA**

**Date of Mailing of this Notice: June 5, 2017**

**Notice Sent To:** Agencies, Community Planning Organizations and property owners within 750 feet of the subject property.

**PLANNING COMMISSION HEARING DATE & TIME: Monday, July 10, 2017; 6:30PM**

**HEARING LOCATION:** Clackamas County Development Services Building Auditorium  
150 Beaver Creek Road  
Oregon City, OR 97045

**BOARD OF COUNTY COMMISSIONERS HEARING DATE & TIME: Wednesday, August 2, 2017; 9:30AM**

**HEARING LOCATION:** Clackamas County Public Services Building, BCC Hearing Room, 4<sup>th</sup> Floor  
2051 Kaen Road  
Oregon City, OR 97045

**Planning File Number:** Z0115-17-CP & Z0116-17-C

**Applicant:** Pacific Northwest Solar, LLC

**Property Owner:** Nancy Dietrich

**Proposal:** A proposed Reasons Exception to Statewide Planning Goal 3 (Agriculture) and a Conditional Use permit for the construction and operation of photovoltaic solar power generation facility on approximately 70 acres of land that is zoned Exclusive Farm Use (EFU). The facility is expected to produce as much as ten (10) megawatts of electric power. The subject parcel is comprised predominantly of high-value farmland. Pursuant to the county's Zoning and Development Ordinance (ZDO) Section 401 (EFU), photovoltaic solar power generation facilities are allowed as a Conditional Use on high-value farmland, subject to OAR 660-033-0130(38), which stipulates that if such a facility is to be sited on more than 12 acres of high-value farmland, it must obtain a Goal Exception (pursuant to ORS 197.732 and OAR 660, Division 4).

**Applicable Zoning and Development Ordinance and Comprehensive Plan Criteria:** The Comprehensive Plan Amendment and Conditional Use permit is subject to compliance with the applicable Statewide Planning Goals; Oregon Administrative Rules (including OAR 660, Divisions 4 and 33); applicable policies in the Clackamas County Comprehensive Plan (Plan); and the applicable criteria in Sections 401, 704, 1203, 1000, 1006, 1007 & 1008 of the Clackamas County Zoning and Development Ordinance (ZDO). Plan and ZDO criteria may be viewed online at <http://www.clackamas.us/planning/zdo.html> and <http://www.clackamas.us/planning/comprehensive.html>

**Site Address and/or Location:** on north side of Duus Rd, approximately ½ mile east of Hwy 224

**Assessor's Map:** T3S, R4E, Section 17, Tax Lot(s) 00105, W.M.

**Property Size:** 72.69 acres

**Zoning:** Exclusive Farm use (EFU)

EXHIBIT 3  
Z0115-17-CP, Z0116-17-C  
1 of 9

***NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.***

---

**HOW TO OBTAIN ADDITIONAL INFORMATION**

**Staff Contact:** Martha Fritzie; 503-742-4529; [mfritzie@clackamas.us](mailto:mfritzie@clackamas.us).

A copy of the entire application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost at the Planning Division offices. In addition, a staff report on the application will be available for inspection at no cost at least **seven days prior to the hearing**. Hard copies of documents will be provided at reasonable cost. You may inspect or obtain these materials by:

1. Emailing or calling the staff contact;
2. Visiting the Planning & Zoning Division at the address shown at the top of this notice during regular business hours, which are Monday through Thursday, 8 am to 4 pm; and Friday, 8 am to 3 pm; or
3. Going to the Clackamas County website page: <http://www.clackamas.us/planning/zdoproposed.html>

**Community Planning Organization for Your Area:** The following recognized Community Planning Organization (CPO) has been notified of this application and may develop a recommendation. You are welcome to contact the CPO and attend their meeting on this matter, if one is planned. If this CPO currently is inactive and you are interested in becoming involved in land use planning in your area, please contact the Citizen Involvement Office at 503-655-8552. **CPO: Eagle Creek-Barton CPO.**

---

**HOW TO SUBMIT TESTIMONY ON THIS APPLICATION**

- All interested citizens are invited to attend the hearings and will be provided with an opportunity to testify orally, if they so choose.
- Written testimony received by **June 26, 2017** will be considered by staff prior to the issuance of the staff report and recommendation on this application. However, written testimony will continue to be accepted until the record closes, which may occur as soon as the conclusion of the Board of County Commissioners' hearing.
- Written testimony may be submitted by email, fax, regular mail, or hand delivery. Please include the case file number on all correspondence and address written testimony to the staff contact who is handling this matter.
- Testimony, arguments, and evidence must be directed toward the criteria identified above, or other criteria in the Zoning and Development Ordinance or Comprehensive Plan that you believe apply to the decision. Failure to raise an issue in person at the hearing or by letter prior to the close of the record, or failure to provide statements or evidence sufficient to afford the Board of County Commissioners and the parties involved an opportunity to respond to the issue, precludes an appeal to the Oregon Land Use Board of Appeals based on that issue.
- Written notice of the Board of County Commissioners' decision will be mailed to you if you submit a written request **and provide a valid mailing address.**

---

**PROCEDURE FOR THE CONDUCT OF THE HEARING**

The following procedural rules have been established to allow an orderly hearing:

1. The length of time given to individuals speaking for or against an item will be determined by the Chair presiding over the hearing prior to the item being considered.
2. A spokesperson representing each side of an issue is encouraged.
3. Prior to the conclusion of the evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. The Planning Commission or the Board of County Commissioners may either continue the hearing or leave the record open for additional written evidence, arguments, or testimony.
4. The Planning Commission will make a recommendation to the Board of County Commissioners on the application. The Board of County Commissioners is the final decision maker for Clackamas County on this matter.



# NOTICE OF A PROPOSED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.:

Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation **at least 35 days before the first evidentiary hearing.** (See OAR 660-018-0020 for a post-acknowledgment plan amendment and OAR 660-025-0080 for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: **Clackamas County**

Local file no.: **Z0115-17-CP & Z0116-17-C**

Please check the type of change that best describes the proposal:

- Urban growth boundary (UGB) amendment** including more than 50 acres, by a city with a population greater than 2,500 within the UGB
- UGB amendment** over 100 acres by a metropolitan service district
- Urban reserve designation**, or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
- Periodic review task** – Task no.:
- Any other change** to a comp plan or land use regulation (*e.g.*, a post-acknowledgement plan amendment)

Local contact person (name and title): Martha Fritzie

Phone: 503-742-4529 E-mail: mfritzie@clackamas.us

Street address: 150 Beaver Creek Rd City: Oregon City Zip: 97045

**Briefly summarize the proposal** in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

**A proposed Reasons Exception to Statewide Planning Goal 3 and a Conditional Use permit for a 10-megawatt photovoltaic solar power generation facility planned for approximately 70 acres of land, which is zoned Exclusive Farm Use (EFU). The subject parcel is comprised predominantly of high-value farmland. Pursuant to OAR 660-033-0130(38), if such a facility is to be sited on more than 12 acres of high-value farmland, it must obtain a Goal Exception (per ORS 197 & ORS 660-004).**

Date of first evidentiary hearing: 07/10/2017

Date of final hearing: 08/02/2017

This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

- Comprehensive Plan text amendment(s)
- Comprehensive Plan map amendment(s) – Change from \_\_\_\_\_ to \_\_\_\_\_  
Change from \_\_\_\_\_ to \_\_\_\_\_
- New or amended land use regulation
- Zoning map amendment(s) – Change from \_\_\_\_\_ to \_\_\_\_\_  
Change from \_\_\_\_\_ to \_\_\_\_\_

An exception to a statewide planning goal is proposed – goal(s) subject to exception: 73

Acres affected by map amendment:

Location of property, if applicable (site address and T, R, Sec., TL): T3S, R4E, Section 17, Tax Lot(s) 00150, W.M.

# NOTICE OF A PROPOSED CHANGE – SUBMITTAL INSTRUCTIONS

1. Except under certain circumstances,<sup>1</sup> proposed amendments must be submitted to DLCD's Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark if mailed, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in its Salem office. **DLCD will not confirm receipt of a Notice of a Proposed Change unless requested.**

2. A Notice of a Proposed Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of a Proposed Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of a Proposed Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 1 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist  
Dept. of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

This form is available here:

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

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us) with the subject line "Notice of Proposed Amendment."

Submittals may also be uploaded to DLCD's FTP site at [http://www.oregon.gov/LCD/Pages/papa\\_submittal.aspx](http://www.oregon.gov/LCD/Pages/papa_submittal.aspx).

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 1 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of a Proposed Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

6. **Text:** Submittal of a Notice of a Proposed Change for a comprehensive plan or land use regulation text amendment must include the text of the amendment and any other information necessary to advise DLCD of the effect of the proposal. "Text" means the specific language proposed to be amended, added to, or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. The notice may be deemed incomplete without this documentation.

7. **Staff report:** Attach any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

8. **Local hearing notice:** Attach the notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable.

9. **Maps:** Submittal of a proposed map amendment must include a map of the affected area showing existing and proposed plan and zone designations. A paper map must be legible if printed on 8½" x 11" paper. Include text regarding background, justification for the change, and the application if there was one accepted by the local government. A map by itself is not a complete notice.

10. **Goal exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.

<sup>1</sup> 660-018-0022 provides:

(1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change is not required [a notice of adoption is still required, however]; and

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review such that the local government cannot submit the proposed change consistent with the 35-day deadline, the local government may submit the proposed change to the department as soon as practicable. The submittal must include a description of the emergency circumstances.

<http://www.oregon.gov/LCD/Pages/forms.aspx>

Fritzie, Martha

---

**From:** plan.amendments@state.or.us  
**Sent:** Monday, June 05, 2017 4:30 PM  
**To:** Fritzie, Martha  
**Subject:** Confirmation of PAPA Online submittal to DLCD

**Clackamas County**

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.

Local File #: Z0115-17-CP & Z0116-17-C

DLCD File #: 006-17

Proposal Received: 6/5/2017

First Evidentiary Hearing: 7/10/2017

Final Hearing Date: 8/2/2017

Submitted by: mfritzie

If you have any questions about this notice, please reply or send an email to [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

---

Spam

Not spam

Forget previous vote

**NOTICE OF PUBLIC HEARINGS  
SCHEDULED ON PROPOSED  
CONDITIONAL USE PERMIT  
AND GOAL 3 EXCEPTION**



The Clackamas County Planning Commission and Board of Commissioners will hold public hearings to consider a proposed Reasons Exception to Statewide Planning Goal 3 and a Conditional Use permit for a photovoltaic solar power generation facility planned for approximately 70 acres of land, which is zoned Exclusive Farm Use (EFU). The subject parcel is comprised predominantly of high-value farmland. Under state law, if this type of facility is to be sited on more than 12 acres of high-value farmland, it must obtain a Goal Exception. The subject parcel is located on the north side of SE Duus Rd., approximately ½ mile east of Hwy 224.

The proposed amendments, File Z0115-17-CP & Z0116-17-C are available at <http://www.clackamas.us/planning/zdoproposed.html>. The public may review and comment on the proposed amendments before and/or at the public hearings.

**Planning Commission Public Hearing**

6:30 p.m., Monday, July 10, 2017  
Development Services Bldg Auditorium, Rm. 115,  
150 Beaver Creek Rd., Oregon City

**Board of Commissioners Public Hearing**

9:30 a.m., Wednesday, August 2, 2017  
Board Hearing Room, Public Services Bldg, 2051 Kaen Rd., Oregon City

For more information: Martha Fritzie,  
503-742-4529 or [mfritzie@co.clackamas.or.us](mailto:mfritzie@co.clackamas.or.us)

**EN0617-07  
6/22/2017**

2 x 4  
#EN0617-07

# Estacada Newspaper

1190 NE Division St.  
Gresham, Oregon 97030  
503-665-2181

JUN 26 2017

## AFFIDAVIT OF PUBLICATION

State of Oregon, County of **Clackamas**, SS

I, Don Atwell, being the first duly sworn depose and say that I am the Customer Service Representative of **Estacada** newspaper of general circulation, published at **Estacada**, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

EN 0617-07

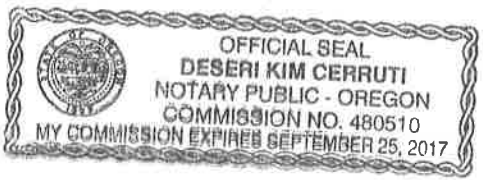
A copy of which is hereto attached, was published in the entire issue of said newspaper for 1 successive and consecutive weeks in the following issues:

6/22/2017

Don Atwell  
**Don Atwell**

Subscribed and sworn to before me this 22<sup>nd</sup> Day of June, 2017

Deseri Kim Cerruti  
**Deseri Kim Cerruti - Notary Public for Oregon**  
MY COMMISSION EXPIRES SEPTEMBER 25, 2017



**NOTICE OF PUBLIC HEARINGS SCHEDULED ON PROPOSED CONDITIONAL USE PERMIT AND GOAL 3 EXCEPTION**

**CLACKAMAS COUNTY**

The Clackamas County Planning Commission and Board of Commissioners will hold public hearings to consider a proposed Reasons Exception to Statewide Planning Goal 3 and a Conditional Use permit for a photovoltaic solar power generation facility planned for approximately 70 acres of land, which is zoned Exclusive Farm Use (EFU). The subject parcel is comprised predominantly of high-value farmland. Under state law, if this type of facility is to be sited on more than 12 acres of high-value farmland, it must obtain a Goal Exception. The subject parcel is located on the north side of SE Duus Rd., approximately 1/2 mile east of Hwy 224.

The proposed amendments, File Z0115-17-CP & Z0116-17-C are available at <http://www.clackamas.us/planning/zdoproposed.html>. The public may review and comment on the proposed amendments before and/or at the public hearings.

**Planning Commission Public Hearing**  
6:30 p.m., Monday, July 10, 2017  
Development Services Bldg Auditorium, Rm. 115,  
150 Beavercreek Rd., Oregon City

**Board of Commissioners Public Hearing**  
9:30 a.m., Wednesday, August 2, 2017  
Board Hearing Room, Public Services Bldg, 2051 Kaen Rd., Oregon City

For more information: Martha Fritzie,  
503-742-4529 or [mfritzie@co.clackamas.or.us](mailto:mfritzie@co.clackamas.or.us)

**EN0617-07**  
**6/22/2017**



**CLACKAMAS**  
COUNTY

**DEVELOPMENT SERVICES BUILDING**  
**DTD - PLANNING AND ZONING**  
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

PACIFIC NORTHWEST SOLAR  
RYAN MEYER  
STEVE SCHMITT  
9450 SW GEMINI DRIVE #33304  
BEAVERTON OR 97008

EXHIBIT 3  
Z0115-17-CP, Z0116-17-C  
8 of 9



ANSELL JOHN CLAYTON TRUSTEE  
PO BOX 303  
EAGLE CREEK , OR 97022

FETTIG MISTY A  
27605 SE WALLACE RD  
ESTACADA , OR 97023

VAUTHIER LEE A & NORMA A  
27547 SE WALLACE RD  
ESTACADA , OR 97023

BAGLEY DANIEL V & CAROLYN H  
32621 SE DUUS RD  
ESTACADA , OR 97023

GAMBLE JAMES A  
PO BOX 3805  
SUNRIVER , OR 97707

BIGEAGLE MARK L & ESTELLE S  
PO BOX 1301  
ESTACADA , OR 97023

GISI BRUCE  
PO BOX 2603  
ESTACADA , OR 97023

BLAKELY JESSICA R  
27691 SE WALLACE RD  
ESTACADA , OR 97023

HEIPLE TERRACE WATER ASSN  
32621 SE DUUS RD  
ESTACADA , OR 97023

CASCADE DEVELOPMENT PROP FOUR  
LLC  
PO BOX 61426  
VANCOUVER , WA 98666

LITTLE SUSAN M  
27741 SE WALLACE RD  
ESTACADA , OR 97023

CASCADE MOUNTAIN PROP LP  
22555 SE STARK ST  
GRESHAM , OR 97030

NATION GLEN A & DENISE L  
PO BOX 1227  
ESTACADA , OR 97023

DAVIDSON DOUGLAS ALAN SR  
TRUSTEE  
28688 SE BARGER BLVD  
ESTACADA , OR 97023

PIERSALL FAMILY TRUST  
PO BOX 423  
EAGLE CREEK , OR 97022

DEGAN TIMOTHY D & CYNTHIA L  
32791 SE DUUS RD  
ESTACADA , OR 97023

PIERSALL GRADY C TRSTE  
32591 SE DUUS RD  
ESTACADA , OR 97023

DIETRICH NANCY BISHOP  
01200 SW PALATINE HILL  
PORTLAND , OR 97219

RICHER JAMES R  
10701 SE HWY 212 SPACE OL1  
CLACKAMAS , OR 97015

ESTEP FREDDY D  
32681 SE DUUS RD  
ESTACADA , OR 97023

ROCKROCK SCOTT W & BECKY  
PO BOX 1126  
ESTACADA , OR 97023