

BEFORE THE LAND USE HEARINGS OFFICER
CLACKAMAS COUNTY, OREGON

Regarding an Application for a Zone Change
From Timber (TBR) to Ag/Forest (AGF).

Case File No: Z0354-20-ZAP
(Trehwella)

A. SUMMARY

1. The applicant and owner is Kim Trehwella.
2. The subject property is located at 22877 S. Stormer Rd., Estacada, OR 97023. The legal description is T3S, R3E, Section 11, Tax Lot 1300. The subject property is approximately 70.5 acres and is zoned Timber (TBR).
3. On January 7, 2021, the Hearings Officer conducted a public hearing to receive testimony and evidence about the applicant's proposal to change the zoning designation for the property from TBR to Ag/Forest (AGF).
4. County staff recommended approval of the zone change application. The Hearings Officer approved the application.

B. HEARING AND RECORD HIGHLIGHTS

1. The Hearings Officer received testimony and evidence at the January 7, 2021 public hearing about this application. All exhibits and records of testimony are filed with the Planning Division, Clackamas County Department of Transportation and Development. The public hearing was conducted virtually over the Zoom platform due to the corona virus. 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 Hearings Officer stated that the only relevant criteria were those identified in the County's staff report, that participants should direct their comments to those criteria, and failure to raise all arguments may result in waiver of arguments at subsequent appeal forums.
2. At the hearing, County Senior Planner Melissa Ahrens discussed the staff report and related exhibits and recommended approval of the application.
3. Kim Trehwella testified in support of the application, providing information about her plans for agricultural use of her property.
4. No one testified in opposition to the application.
5. The Hearings Officer closed the record at the conclusion of the public hearing.

C. FACTS

1. The subject property is located in a predominantly rural area with an established rural agricultural and forestry character and pattern of development. The subject site is approximately 70.5 acres and generally rectangular in shape. The site is developed with a single family residence and accessory buildings (including a pole barn used for agriculture). Past land use approval Z0092-95-FD approved residential use on the subject property pursuant to the forest dwelling provisions applicable in the Zoning and Development Ordinance at the time. Access to the site is via Stormer Rd. (See Exhibits 1 and 2)

2. There are no mapped principal rivers, river and stream conservation areas, or floodplain present on the subject site, however, per the Department of State Lands (DSL) Statewide Wetland Inventory there are wetlands on the property. DSL reviewed the subject property and zone change proposal and provided feedback. (See Exhibit 3)
3. The subject property is zoned timber and contains forested areas; however, agricultural uses are also ongoing on the property. The mixture of agriculture and forestry uses is common in the surrounding area, which is comprised of larger farmsteads with scattered residences and agricultural buildings with no public sewer available. The dwelling on site is serviced by well water and the applicant has submitted documentation from the Department of Water Resources demonstrating agricultural water rights also available to the property. The applicant proposes to change the zoning designation of the property from Timber (TBR) to Ag/Forest (AG/F) in order to expand the potential agricultural uses on site. (See Exhibit 4)
4. The subject property is not located within a public or private sewer district. Sewage disposal will be accompanied to an on-site sewage disposal system. The property is served by a well on site, and is located within Estacada Fire District #69.
5. County senior planner Melissa Ahrens summarized the County's review of the application and presented the County's staff report, related exhibits, and findings, and the County's recommendation of approval. She noted that the property is suitable for both farming and forestry uses concurrently, that the soils on the property are suitable for agricultural use, and the applicant/owner has obtained water rights for the intended agricultural use. Ms. Ahrens noted that the zoning change is consistent with the County's Zoning and Development Ordinance Section 1202.03(A) and the County's Comprehensive Plan criteria from Chapter 4 Land Use Timber Policy 4.00.11. with criteria for the AG/F zoning district can be wholly satisfied by the proposed zoning change.
6. Applicant Kim Trehwella agrees with the County's recommendation of approval.

D. DISCUSSION

The evidence presented is reliable, probative and substantial evidence upon which to base a determination in these matters. This application is being processed as a Type III procedure, pursuant to Clackamas County Zoning and Development Ordinance (ZDO) Section 1307. The Type III procedure is quasi-judicial in nature, and involves land use actions governed by standards and approval criteria that require the use of discretion and judgment. The issues associated with the land use action may be complex and the impacts significant, and conditions of approval may be imposed to mitigate the impacts and ensure compliance with this Ordinance and the Comprehensive Plan. The Type III procedure is a quasi-judicial review process where the review authority receives testimony, reviews the application for conformance with the applicable standards and approval criteria, and issues a decision.

This application is subject to the standards and criteria of Clackamas County ZDO Section 1202, et al, and the County's Comprehensive Plan. The Hearings Officer has jurisdiction to hear and decide applications for conditional use permits pursuant to Section 1307 as shown by Table 1307-1.

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PART 1. SUBMITTAL REQUIREMENTS – ZONING CHANGE

Subsection 1202.02 of the County ZDO lists the information that must be included in a complete application for a Zone Change.

This application includes a completed land use application form, site plan, application fee and completed supplemental application addressing the criteria in Section 1202 of the ZDO. The application also includes a description of the proposed use and vicinity map. All the submittal requirements under Subsection 1202.02 are included in the application. The application was submitted on August 17, 2020. The application was deemed incomplete on September 3, 2020. The applicant responded with a signed incomplete form stating they planned to submit part of the requested information on September 18th, 2020, with the traffic memo to follow. The required traffic memo was not submitted until October 1st, as such, the application was completed on October 1st, 2020. Notice was sent out on December 2nd, 2020 for the January 7th, 2021 hearing. The 150-day deadline established by state law for processing this application is February 26, 2021.

The submittal requirements of Subsection 1202.02 are met.

PART 2. ZONING CHANGE

The zone change criteria are listed in Section 1202 of the Clackamas County Zoning and Development Ordinance (ZDO). Section 1202.01 states that the Hearings Officer shall allow a zone change, after a hearing conducted pursuant to Section 1307 if the applicants provide evidence substantiating the following criteria:

- 1. 1202.03(A)** *The proposed zone change is consistent with the applicable goals and policies of the Comprehensive Plan.*

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

This Chapter does not include any Goals or Policies applicable to a quasi-judicial land use application.

Chapter 1 is not applicable.

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

There is one policy in this Chapter applicable to this application:

Policy 1.0: *Require provisions for opportunities for citizen participation in preparing and revising local land use plans and ordinances. Insure opportunities for broad representation, not only of property owners and County wide special interests, but also of those within the neighborhood or areas in question.*

The Clackamas County Comprehensive Plan and ZDO have adopted and acknowledged procedures for citizen involvement. This application has been processed consistent with those procedures. Specifically, the County has provided notice to interested agencies, local governments and property owners within ½ mile of the subject property consistent with State law and Section 1307 of the ZDO. The notification to property owners, public notices and hearings will ensure an opportunity for citizens to participate in the land use process.

This application is consistent with Chapter 2.

Chapter 3: Natural Resources and Energy: The purpose of this Chapter is to provide for the planning, protection and appropriate use of the County's natural resources and energy.

This Chapter contains eight (8) 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.

The subject property does not contain any distinctive resource areas, natural hazards, or mineral/aggregate resources. The subject property contains wetlands, as identified by the Department of State Lands Wetland Inventory. Additionally, forest lands and agriculture are also present on site. The property is served by existing on-site wells and an existing septic system. The following policies in Chapter 3 are applicable to the subject zone change and are analyzed below:

Wetlands

Policy 25.0 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).

25.1 Develop guidelines for compatible uses on wetlands and their peripheries, and for wetland restoration. Table III-1 shall be used as a guide. Wetland restoration decisions shall be made on a site-specific basis.

Groundwater

Policy 29.0 Protect groundwater supplies in rural, agricultural, and forest areas.

29.1 Implement large-lot zoning.

29.2 Regulate all subdivisions utilizing groundwater as a potable water source to promote long-term sustainability of groundwater supplies.

29.3 Regulate all development and land divisions utilizing groundwater as a potable water source located in areas classified by the State of Oregon as a groundwater limited area, critical groundwater area or other area where new groundwater appropriations are restricted by the State of Oregon, to promote long-term sustainability of groundwater supplies.

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Agriculture

Policy 1.0 Recognize agricultural areas through appropriate zoning. All agricultural areas shall continue unencumbered by activities/land uses unrelated to agriculture in order to insure productive farm land. Specific policies relating to land use in agricultural areas are found in the Land Use Chapter of this Plan.

Forest

Policy 1.0 Protect from conflicting land uses productive forest lands and related forested areas which are environmentally sensitive or otherwise require protection (watersheds, areas subject to erosion, landslides, etc.) (see Land Use Chapter). Recognize forest producing areas through appropriate zoning.

The subject property is located outside of the Metropolitan Service District Boundary and the Portland Metropolitan Urban Growth Boundary so the Habitat Conservation Area and Water Quality Resource Area policies of Chapter 3 do not apply. Additionally, there are no River and Stream Conservation Areas or floodplains present on the subject site so the Stream Conservation Areas and River and Stream Corridors policies and the Natural Hazard policies do not apply. However, the Department of State Lands (DSL) Statewide Wetland Inventory identified wetlands on site and the proposed zone change was noticed to the Department of State Lands for their review and comment. Policy 25 above would apply to the subject site, so staff required the applicant to submit information regarding the onsite wetlands as part of the filing process for the application. DSL staff responded with an advisory document (exhibit 3) on behalf of the applicant indicating that no wetlands impacts were anticipated as part of the proposed zone change. Furthermore, the applicant has indicated that even though the proposed zone change would allow a wider range of agricultural activities to occur on the property, no development or farming activities are proposed directly in the existing wetlands. Comprehensive Plan Table III-1, which identifies compatibility criteria for wildlife sensitive areas, identifies Forest/Agr. as a compatible use for 'drainage ways' (which the wetland onsite would most closely be classified as). Any future on site building permit would be noticed to DSL and any proposed removal or fill of the wetlands exceeding 50 cubic yards would require a permit from the state. The agricultural activities that the applicant has indicated they would like to seek approval for subsequent to the proposed zone change would require Type II or Type III approvals and consideration of the wetlands on site would be required as part of the decision. As such, staff find that the proposed zone change would not result in the disturbance of natural wetlands (marshes, swamps, bogs) associated with river and stream corridors and that adjacent agricultural or forestry development would not substantially alter normal levels or rates of runoff into and from wetlands. **As such, the proposed zone change can be found consistent with the Wetlands policies of the Comprehensive Plan.**

To ensure compliance with the groundwater policies of Ch. 3 of the Comprehensive Plan the applicant was required to submit documentation from the Department of Water resources confirming domestic water availability and demonstrating the availability of water rights on site beyond just domestic use that can accommodate agricultural uses from the on-site well. The applicant submitted evidence of a water rights permit for agricultural production purposes issued by the Department of Water Resources in 2017. The water rights permit No. G-18324 authorizes up to .057 cu. ft./second of year round water use for 'nursery' agricultural category water rights

(see Exhibit 4). As such, adequate water rights exist on site to support agricultural uses of the property while still ensuring protection of groundwater supplies in the area. **As such, the proposed zone change can be found consistent with the Groundwater policies of the Comprehensive Plan.**

The proposed zone change would allow for agricultural and forest uses to occur on site through the proposed AG/F zoning and would be compatible with the ongoing agricultural or forestry activities on any adjacent parcels or in the general area. The property is comprised of 8b soils, Bornsteadt Silt Loam, which is prime agricultural land suitable for both agricultural and timber production per ORS 215 and OAR 660, Division 33 and the Oregon Department of Forestry. **As such, the proposed zone change can be found consistent with applicable Forest and Agriculture policies of the Comprehensive Plan.**

This application is consistent with Chapter 3.

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

This Chapter contains three Sections addressing; 1) Urbanization; 2) Urban Growth Concepts; and 3) Land Use Policies for the each Land Use Plan designation. Each Section is addressed below.

1. Urbanization Section. This Section of the Plan outlines polices guiding land use in Immediate Urban Areas, Future Urban Areas, Future Urban Study Areas, Urban Reserve Areas, Rural Reserve Areas and Population Coordination.

The subject property is not within an urban growth boundary, immediate urban area, future urban area, future urban study area, (approved) urban reserve area, or (approved) rural reserve area.

The Urbanization policies are not applicable.

2. Urban Growth Concept Policies. The Urban Growth Concept policies in this Section of the Plan are intended to implement the Region 2040 Growth Concept Plan. The subject property is not located within the boundaries of the Region 2040 Concept Plan identified on Map IV-8 of the Comprehensive Plan.

The Urban Growth Concept policies are not applicable.

3. Land Use Plan Designations. The subject property is designated Forest on the Comprehensive Plan Map. The proposed change is to another zoning designation that implements this Forest designation and, therefore, there is no change proposed to the existing Forest designation on the Comprehensive Plan Map. Each of the applicable Policies in the Forest Section of Ch. 4 (Land Use) Chapter of the Comprehensive Plan are addressed as follows:

Policy 4.OO.11 *The Timber (TBR) and Ag/Forest (AG/F) zoning districts implement the goals and policies of the Forest plan designation. The TBR zoning district shall be applied to areas predominantly in forest use. The AG/F zoning district shall be applied to areas having such a mixture of agricultural and forest uses that neither Statewide Planning Goal 3 nor Goal 4 applies alone.*

As stated by the applicant in the submittal materials, demonstrated by aerial photos, and evidenced by Department of Water Resources agricultural water rights for 26.5 acres of the property, the property is currently being use for both agriculture and forestry uses. Additionally, the soils on site are suitable for both agriculture and forestry production. Specifically, the

property is comprised of 8b soils, Bornsteadt Silt Loam, which is a prime agricultural soil suitable for both agricultural and timber production per ORS 215 and OAR 660, Division 33 and the Oregon Department of Forestry. The surrounding area is a mixture of forest and agriculture uses, such as the adjacent Smith's pick your own blueberry farm, multiple Christmas tree farms, and active timber operations. The subject property was historically primarily timber, however, since at least 2018 portions of the timber on the property were harvested, with the areas subsequently cleared for agricultural operations. Since at least 2018 the subject property has been used for both farming and timber production and supports a Community Supported Agriculture farming operation and other agricultural farming activities, per the application submittal. Since there is evidence of both farming and forest activities on the subject property, planning staff find that there is such a mixture of agricultural and forest uses that neither Statewide Planning Goal 3 nor Goal 4 applies alone.

The proposed zone change is consistent with Chapter 4

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

This Chapter 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. The policies found in this chapter that are relevant to this application are found in the Roadways section.

The subject property has frontage on Springwater Rd. and Stormer Rd., both paved county roads. However, the property takes direct access from Stormer Rd. and existing on site development is not visible from Springwater Rd. The subject zone change, proposed to facilitate additional agricultural uses of the subject property, would not result in any significant traffic impacts due to the rural nature of the property and surrounding area. A traffic study was prepared by Kittleson and Associates, dated September 30, 2020, which concluded that the majority of allowed/primary land uses in the TBR and AG/F zones are very similar and where there are additional land use types that could be permitted in the AG/F zone, the trip generation potential of these uses is not likely to be measurable nor expected to generate peak period or daily trips on an average weekday basis, as compared to the TBR zoning. The traffic study also concluded that the transportation system is capable of supporting the proposed change of zoning from TBR to AG/F and all applicable the rezone approval criteria under Clackamas County ZDO section 1202.03(C), 1202.03(D), and Oregon Administrative Rule 660-012-0060 are met. County transportation engineering staff have reviewed the submitted traffic study and concur with the analysis and conclusions contained in the traffic study. As such, staff finds that the proposed zone change would have a negligible impact to the transportation system and no significant impact on the performance of any nearby intersections or transportation networks.

The proposed zone change is consistent with Chapter 5.

Chapter 6; Housing: *The purpose of the Housing element of the Plan is to, "Provide opportunities for a variety of housing choices, including low and moderate income housing, to*

meet the needs, desires, and financial capabilities of all Clackamas County residents to the year 2010.”

This Chapter includes a variety of policies regarding housing choices, affordable housing, neighborhood quality, urban infill, multifamily residential housing, common wall units, mobile homes and density bonuses for low cost housing and park dedication.

There are no policies applicable to this application.

Chapter 6 is not applicable.

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

The Public Facilities Section of this Chapter includes policies regarding Sanitary Sewage Treatment, Water, Storm Drainage, Solid Waste and Street Lighting. The policies regarding Sanitary Sewage Treatment and Street Lighting are not applicable because the property is not located within a public sewer or street lighting district.

There are no policies applicable to this application.

Chapter 7 is not applicable.

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

This Chapter contains four (4) Sections related to; 1) Existing Industry and Business; 2) New Industry and Business; 3) Coordination; and 4) Target Industries.

There are no policies applicable to this application.

Chapter 8 is not applicable.

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

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

Chapter 9 is not applicable.

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

The subject property is not located within the boundary of any Community Plan or Design Plan area.

Chapter 10 is not applicable.

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

In the City, Special District and Agency Coordination Section of this Chapter, Policy 1.0, is applicable. In the Amendments and Implementation Section of this Chapter, Policy 3.0 is applicable.

1. City, Special District and Agency Coordination Section

Policy 1.0 *Participate in interagency coordination efforts with federal, state, Metro, special purpose districts and cities. The County will maintain an updated list of federal, state and regional agencies, cities and special districts and will invite their participation in plan revisions, ordinance adoptions, and land use actions which affect their jurisdiction or policies.*

Notice of this application has been provided to all appropriate agencies and parties and advertised public hearings before the Planning Commission and Board of County Commissioners provide an adequate opportunity for interagency coordination of this plan amendment and demonstrates compliance with this policy.

This policy is met.

2. Amendments and Implementation Section

Policy 6. *Interagency coordination is necessary to assure that the activities of the agencies reinforce each other and this Plan.*

Relevant state agencies were noticed of this application consistent with the requirements of Section 1307 of the ZDO. Comments were received from the Department of State Lands regarding wetlands on site, however, they raised no issues with the proposed zone change. No other comments were received from state agencies or other interested parties regarding the application.

This policy is met.

This application has been processed consistent with Chapter 11.

1202.03(A) Consistency Conclusion: **Applicable Comprehensive Plan criteria from Ch. 4 Land Use Rural Policy for the AG/F zoning district, including Policy 4.00.11, are wholly satisfied by the proposed zone change. Additionally, the proposed zone change complies with all other relevant Comprehensive Plan policies. As such, the subject zone change can be found consistent with the Comprehensive Plan and complies with Zoning and Development Ordinance approval criteria 1202.03(A).**

2. **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.*

The subject property is not located in a public sanitary sewer, or surface water district, nor will there be a need to extend these services to support the proposed AG/F zoning district. Sewage disposal would be accommodated by an on-site sewage disposal system. No changes to surface water management would occur from the proposed zone change.

1202.03(B) Consistency Conclusion: The proposed zone change can be found compliant with 1202.03(B).

3. **1202.03(C)** *The transportation system is adequate and will remain adequate with approval of the proposed zone change [...].*

The subject property has frontage on Springwater Rd. and Stormer Rd., both paved county roads. However, the property takes direct access from Stormer Rd. and existing on site development is not visible from Springwater Rd. The subject zone change, proposed to facilitate additional agricultural uses of the subject property, would not result in any significant traffic impacts due to the rural nature of the property and surrounding area. A traffic study was prepared by Kittleson and Associates, dated September 30, 2020, which concluded that the majority of allowed/primary land uses between the two zones are very similar and where there are additional land use types that could be permitted in the AG/F zone, the trip generation potential of these uses is not likely to be measurable nor to generate peak period or daily trips on an average weekday basis that is materially different than the TBR zoning. The traffic study also concluded that per the analysis outlined in this report, the transportation system is capable of supporting the proposed change of zoning from TBR to AG/F and all applicable the rezone approval criteria under Clackamas County ZDO section 1202.03(C), 1202.03(D), and Oregon Administrative Rule 660-012-0060 are met. County transportation engineering staff have reviewed the submitted traffic study and concur with the analysis and conclusions contained in the traffic study. **As such, staff finds that the proposed zone change would have a negligible impact to the transportation system and no significant impact on the performance of any nearby intersections or transportation networks.**

1202.03(C) Consistency Conclusion: The proposed zone change can be found compliant with 1202.03(C).

4. **1202.03(D)** *Safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.*

In order to address Clackamas County ZDO 1202.93(D), the traffic study prepared by Kittleson and Associates, dated September 30, 2020, includes Table 1, which summarizes the crash histories at the S Stormer Road/S Springwater Road and the property access driveways along S Stormer Road. Clackamas County staff had requested these specific intersections be analyzed. This historical crash data was collected by ODOT for the five-year period from January 1, 2014 through December 31, 2018. Appendix A provides the ODOT crash reports. As shown, there has

been only two reported crashes at the S Stormer Road/S Springwater Road intersection and no crashes at either of the S Stormer Road property driveways. Of the crashes at the S Stormer Road/S Springwater Road intersection, a detailed review did not reveal any predominate patterns or other factors that potentially contributed to the crashes. Since the subject zone change would not result in any significant traffic impacts and there is not a history of unsafe traffic conditions and crashes at the subject intersection or roadway frontages along the property, the traffic study concluded that the proposed zone change is not expected to impact the safety of the transportation system. County transportation engineering staff have reviewed the submitted traffic study and concur with the analysis and conclusions contained in the traffic study. As such, staff finds that Clackamas County ZDO1202.93(D) zone change approval criterion is met.

1202.03(D) Consistency Conclusion: The proposed zone change can be found compliant with 1202.03(D).

E. DECISION

Based on the findings, discussion, conclusions, and record in this matter, the Hearings Officer finds that the application satisfies all the criteria in Section 1202 of the ZDO and is consistent with the Comprehensive Plan criteria for the Ag/Forest (AG/F) zoning designation, as well as all other applicable Comprehensive Plan policies, and APPROVES Zone Change Application Z0354-20-ZAP.

Dated: January 13, 2021



Carl D. Cox

Clackamas County Hearings Officer

APPEAL RIGHTS

ZDO 1307.10(F) 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 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 is "final" for purposes of a LUBA appeal as of the date of the decision appearing by my signature.