

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

Regarding an application by the West Linn/Wilsonville School District for conditional use approval to construct a storage building to support district-wide operations at 19871 and 19873 SW Stafford Road in unincorporated Clackamas County, Oregon) **FINAL ORDER**
) **Case No. Z0434-20-C**
) **(WL/WV School Dist.**
) **Storage Building)**

A. SUMMARY

1. The applicant, the West Linn/Wilsonville School District (the "School District"), requests approval of a Conditional Use Permit to construct a 12,000 square-foot storage building on a 5.45 acre parcel located adjacent to the larger Stafford Primary School property along the west side of Stafford Road just south of the Tualatin River; known as 19871 and 19873 SW Stafford Road; also known as Tax Lots 2001 and 2003, Section 21C, Township 2 South, Range 1 East of the Willamette Meridian (the "site"). The site and all surrounding properties are RRF-5 (Rural Residential Farm Forest, 5-acre minimum lot size). The proposed storage building is intended for storage of equipment and supplies used to support district-wide operations for the School District. The building will be unoccupied, with no employees assigned. Associated vehicle traffic is described as light and generally during non-peak traffic hours. All non-emergency traffic will use the existing driveway/circulation for Stafford Primary School.

2. Clackamas County Hearings Officer Joe Turner (the "hearings officer") held a public hearing about this application. County staff recommended approval of the application subject to conditions of approval. See the "Land Use Recommendation" dated December 14, 2020 (the "Staff Report"). Representatives of the applicant testified in support of the application and accepted the findings and recommendations in the Staff Report without exceptions. Five persons testified orally in opposition to the application. Other persons testified in writing: Exhibits 5, through 8, and 12 through 15, 18 through 21.¹ Contested issues in the case include:

- a. Whether the proposed storage building is allowed as an accessory use to the adjacent primary school;
- b. Whether the building complies with the design standards of ZDO 1005;
- c. Whether approval of the storage building violates the Intergovernmental Agreement between the for the Stafford Urban Reserve Areas;
- d. Whether the applicant was required to present the proposed development to the Citizen Planning Organization, Hamlet, or Village;

¹ As discussed below, Exhibit 22 was submitted after the close of the record for public testimony and therefore is excluded from the record for this case.

e. Whether the proposed use will increase existing groundwater uses and contamination issues in the area; and

f. Whether the proposed parking lot design complies with applicable County standards.

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

B. HEARING AND RECORD HIGHLIGHTS

1. The Hearings Officer received testimony at a public hearing about this application, on December 22, 2020. All exhibits and records of testimony are filed at Clackamas County Department of Transportation and Development. At the beginning of the hearing, the Hearings Officer made the declaration required by ORS 197.763. The Hearings Officer disclaimed any *ex parte* contacts, bias or conflicts of interest. The following is a summary by the hearings officer of selected testimony at the public hearing.

2. County planner Clay Glasgow summarized the Staff Report, the applicable approval criteria, and his PowerPoint presentation (Exhibit 16). He noted that the applicant proposed to construct a 12,000 square-foot storage building on the site. The proposed building is roughly the same size as the barn that previously existed on the site and the applicant proposed to construct the new building in roughly the same location as the prior barn. The storage building will be unoccupied and unheated. The applicant proposed to construct the building with metal siding and a metal roof.

a. He noted that Clackamas County Water Environment Services (WES) submitted additional comments and proposed conditions of approval (Exhibit 11) that should be incorporated into the decision.

b. He requested the hearings officer delete the last sentence of Finding 6 on page 23 of the Staff Report, as it was included in error.

c. He estimated the size of the barn structure that the applicant recently removed from the site as 7,800 square feet, based on measurements of the structure visible on an aerial photo.

3. Remo Douglas, capital construction manager for the School District, testified on behalf of the applicant, West Linn/Wilsonville School District. He summarized the proposed development and responded to opposition testimony.

a. The applicant will utilize the proposed building for storage of furniture, records, and equipment used by the School District. The applicant will not perform maintenance activities within the proposed building. The applicant will continue to store and maintain grounds keeping equipment at the existing District Operations Center, located west of the site. The proposed building will replace the School District's existing storage building, a converted barn in the City of Wilsonville. The property where the existing storage building is located is planned for development as a school, which will remove the existing storage building.

b. The proposed building will have a single exterior hose bib. The applicant will connect the hose bib to the existing water system serving the Stafford Primary School, resulting in a minimal increase in water use. The applicant will not utilize the existing groundwater well on tax lot 2001 to serve this use. The proposed development will not impact or alter the existing septic leach fields serving the existing schools.

c. The proposed development will eliminate seven existing parking spaces on the Stafford Primary School site and create 15 new parking spaces, resulting in a gain of eight parking spaces at the school. In addition, the applicant will provide four parking spaces in front of the proposed building, as required by the County Traffic Engineering Department. The applicant's civil engineer reviewed the layout of the roadways and parking spaces and determined that they meet County design standards for vehicle parking and maneuvering.

d. The development proposed in this application is significantly reduced from what the applicant initially presented at a meeting of the Stafford Hamlet Community Planning Organization ("CPO"). The applicant originally proposed a 20,000 square foot building located closer to Stafford Road as well as 30,000 square feet of additional buildings. The applicant reduced the scale of development in order to maintain the rural feel of the area. The School District presented the current plan to the Stafford Hamlet CPO at a second meeting. No additional phases are proposed at this time. The School District may pursue additional development on the site in the future, but such development is not planned or funded at this time. Any future development will require additional public notice and review.

e. There are several existing metal sided buildings in the area, including a metal storage building north of the soccer fields on the site of the Athey Creek Middle School and the District Operations Center to the northeast of that school.

f. Mr. McCabe's concerns with use of an emergency access drive on the Athey Creek site are not relevant to this application.

g. The applicant is willing to discuss planning for future development in this area with the City of Tualatin. However, this application is subject to the current provisions of the Clackamas County Zoning and Development Ordinance (the “ZDO”).

h. The proposed storage building use is accessory to the existing school uses on and near the site. The School District operates the two existing schools, the District Operations Center, and other uses as a single campus. The proposed use will function as an accessory use to those existing uses, as well as other schools in the District. The applicant would accept a condition of approval requiring merger of the storage building property with the Stafford Primary School property to ensure that the storage building is accessory to the school use on the same property.

i. The applicant will install a landscape buffer and berm along much of the common boundary between the site and Mr. Gadda’s property, as show in the landscape plan. Screening provided by this buffer will mitigate the visual impacts of the proposed building.

j. The applicant accepted the findings and conditions in the Staff Report without exceptions.

4. Tualatin City Councilor Valerie Pratt appeared on behalf of herself, Tualatin City Councilor Robert Kellogg, and City of Tualatin Mayor Frank Bubernik, and summarized her written testimony (Exhibit 18). She also submitted a copy of the Inter-Governmental Agreement for the Stafford Urban Reserve Areas dated June 28, 2017, (the “IGA”) (Exhibit 17).

a. She argued that the proposed storage building does not fall within the definitions for any of the conditional uses allowed in the RRFF-5 zone. The generic categories for “schools” or “government use” do not include a storage warehouse.

b. The site and surrounding properties are designated as Urban Reserve. The proposed development conflicts with Section 2.d.ii of the IGA, which provides, “The purpose of the [Urban Reserve] designation is to preserve lands for potential future urban development, not to facilitate or expedite their development under County zoning.”

c. The cities of Tualatin, Lake Oswego, and West Linn have begun developing a cohesive approach to how land in this area will develop. This area is likely to develop with parks, residential housing, and employment uses. The proposed 12, 000 square foot warehouse is inconsistent with those plans and not be the highest and best use for the site.

5. Marc Gadda testified that he owns the property east of the site, between the site and SW Stafford Road. He grows blueberries on his property. The proposed development will impact his property by generating increased traffic and parking demand in the area.

a. He questioned the number of parking spaces the applicant will provide on the site.

b. He argued that the proposed storage building is not listed as a conditional use in the RRF-5 zone. A storage building is not a “school.” The storage building cannot be approved as an accessory use, as there is no existing or proposed primary use on the parcel where the storage building is proposed. The storage building cannot be approved as a use accessory to the existing school, as it is located on a separate property. In addition, the storage building is intended to serve the entire School District, not just the existing school on the site.

c. He questioned whether the applicant will install a fence between the site and his property.

d. He argued that the applicant should be prohibited from storing trucks or other heavy equipment in the building without additional County approval.

6. Robert Fallow, president of the Borland Neighborhood Association, summarized his written testimony (Exhibit 20).

a. He argued that the applicant failed to conduct adequate public outreach regarding the proposed development. The Borland Neighborhood Association, not the Stafford Hamlet, represents the residents of this area. The applicant failed to contact the Borland Neighborhood Association regarding the proposed development.

b. The proposed building conflicts with the rural character of the area. It looks like a warehouse, not a barn.

c. The proposed development conflicts with the concept vision for development in the area. In 2019 the residents requested annexation of this area to the City of Tualatin and the Tualatin City Council is reviewing that request. Plans for this area designate the site and surrounding properties as a Town Center. The County should consider this designation and planning in its review of this application. Approval of the proposed storage building will limit development planned for this area.

d. The existing groundwater wells serving the school uses on the site and adjacent properties currently require treatment due to the presence of fecal material. In addition, the wells frequently run dry, requiring the School District to truck water to the site. Groundwater use by the schools has impacted other wells in the area. Additional water use on this site will exacerbate those issues.

e. The County cannot approve the proposed storage building as an accessory use for the existing school on the site. The proposed building is intended to serve the storage needs of the entire district, not just the two schools in this area.

7. Beth Dittman, chair of the Tualatin Parks and Recreation District agreed with Ms. Pratt's testimony.

8. John McCabe submitted video recordings of the applicant's presentations to the Stafford Hamlet CPO (Exhibit 19).

a. He argued that the applicant significantly modified the development proposed on the site. At the first meeting with the Stafford Hamlet the applicant proposed two other buildings in addition to a 20,000 square foot storage building. At the second meeting the applicant proposed a single 10,000 square foot or smaller building. Now the applicant is proposing a 12,000 square foot storage building.

b. He asserted that the School District's existing storage building in Wilsonville has already been torn down and the residence on the site remains, contrary to the statements in the Staff Report.

c. He argued that a wood sided building would be more consistent with the character of the area and more environmentally friendly than the proposed metal building. The only other metal buildings in the area are located on the school properties. All of the occupied buildings on the school properties are constructed with wood and/or masonry. The proposed storage building will appear significantly different from, and out of character with, existing development in the area.

d. The Conditional Use Permit approval for the Athey Creek Middle School west of the site limited use of the eastern driveway to emergency vehicles only. However, maintenance vehicles frequently park on this driveway, blocking emergency vehicle access. Parents frequently park on the grass adjacent to this roadway during events at the school. This driveway should be gated to preclude use by non-emergency vehicles.

e. He argued that the proposed storage building could be located elsewhere on the Athey Creek or Stafford Primary School properties.

f. Proposed and future development on this site could impact the property north of the site, which is owned by Metro.

g. The new parking spaces proposed near the south end of the Stafford Primary School property may create a hazard, due to their location on a curving access road, near a median.

C. RECORD ISSUES

1. No one requested that the hearings officer hold the record open. Therefore, the hearings officer closed the record to public testimony at the end of the public hearing. The

hearings officer held the record open for one week solely to allow the applicant an opportunity to submit a final written argument, without any new evidence, as required by ORS 197.763(5)(e).

2. Mr. McCabe submitted an email comment at 5:42 p.m. on December 22, 2020, which the County identifies as “Exhibit 22.” This document was submitted after the record was closed to public testimony and therefore must be excluded from the record in this case.

3. The applicant submitted a written final argument on December 29, 2020 (Exhibit 23). That submittal is included in the record, as it was received within the deadline imposed at the conclusion of the hearing and consistent with the open record restrictions announced by the hearings officer.

C. FINDINGS

PART 1. SUBMITTAL REQUIREMENTS – CONDITIONAL USE PERMIT

A. Subsection 1203.02 of the Zoning and Development Ordinance lists the information that must be included in a complete application for a conditional use permit. The application includes all of the submittal requirements under Subsection 1203.04, including a completed land use application form, site plan, application fee and completed supplemental application addressing the criteria in Section 1203 of the ZDO. The application also includes a description of the proposed use and vicinity map. The application was submitted on October 27, 2020, and deemed complete on November 10, 2020 (Exhibit 1).

The submittal requirements of Subsection 1203.02 are met.

B. The Code does not require that the applicant meet with and present a proposed development to the community planning organization, hamlet, or village prior to submitting an application. The applicant chose to do so in this case. The applicant presented a conceptual development for the site at a meeting of the Stafford Hamlet on July 14, 2020. The applicant revised the project in response to comments received at that meeting, reducing the number and size of the buildings and shifting the development to the north, away from SW Stafford Road. The applicant presented the revised design at a meeting of the Stafford Hamlet on October 13, 2020 (Exhibit 19). Assertions that the applicant further modified the proposed development after the meeting on October 13, 2020, are irrelevant. The Code does not require such a meeting nor does it prohibit the applicant from modifying an application in response to such meetings. The applicant modified the design in an attempt to address concerns that were raised at the meetings.

C. Mr. Fallow argued that the applicant should have presented the project to the Borland Neighborhood Association rather than the Stafford Hamlet. However, as noted above,

the applicant was not required to present the proposed development prior to the application and hearing. In any case, the Borland Neighborhood Association is not an active community planning organization, hamlet, or village that is recognized by the County, based on the list of such organizations listed on the County website. The Stafford Hamlet is the County recognized community involvement organization for this area.

PART 2. CONDITIONAL USE PERMIT

Subsection 1203.03 of the Zoning and Development Ordinance lists six criteria that must be satisfied in order to approve this Conditional Use.

- A. **Subsection 1203.03(A)**: *The use is listed as a conditional use in the zoning district in which the subject property is located.*
1. **Section 316, RRF-5**: The subject property is zoned RRF-5, Rural Residential Farm Forest. Section 316 of the ZDO controls land uses in the underlying RRF-5 zoning district. Table 316-1 lists uses allowed in the zone. Schools are permitted as conditional uses, subject to the setback requirements of ZDO 805. This proposal involves storage building accessory to a school, in this case accessory to the adjacent Stafford Primary School as well as other schools within the West Linn/Wilsonville School District.
 2. ZDO 202 defines “Accessory Building Or Use” as “A subordinate building or use, the function of which is clearly incidental to that of the main building or use on the same lot.”
 3. The hearings officer finds that the proposed storage building and associated parking and stormwater facility can be approved as accessory to the existing Stafford Primary School, provided Tax Lots 2001, 2003, and 1800 are combined into a single lot so that the accessory uses and structures (storage building and stormwater facility) are on the same lot as the primary use (Stafford Primary School). The fact that the proposed storage building will serve the entire School District is irrelevant. The Code requires that the function of the accessory use or structure be subordinate and incidental to the primary use on the same lot. It does not require that the accessory use or structure exclusively serve the primary use on the same lot. The hearings officer finds that an unheated and unoccupied 12,000 square foot storage building is subordinate to the much larger and more active Stafford Primary School use.
 4. Footnote 22 of ZDO Table 316-1 prohibits schools within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the

Metropolitan Service District's 2040 Growth Concept Map. The site is not located in one of these areas.

This criterion is met.

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

1. **Size**: The site itself is approximately 5.4-acres in size, adjacent to the larger Stafford Primary School property (Athey Creek Middle.) The proposal involves a building of approximately 12,000 square feet along with associated parking/circulation. The applicant will provide access to the proposed building through the existing school property. The submitted site plans and narrative demonstrate the property is of sufficient size to accommodate the proposed use.
2. **Shape**: The property consists of Tax Lots 2003 and 2001 and is generally rectangular. Combined with size, the shape does not present any significant limitation to the proposed use of the site.
3. **Topography**: The subject property can be described as generally level at the development site, eventually, and abruptly, dropping down to the river near the north property line. The site topography not an impediment to the proposed use.
4. **Location**: The site is located along the west side of SW Stafford Road and on the south side of the Tualatin River. It is adjacent to the Stafford Primary School, Athey Creek Middle School, and the District Operations Center, as well as within the larger school district. The site has direct driveway access to Stafford Road, a rural major arterial roadway that allows connection with other schools in the School District. There are no locational issues that would adversely affect the use.
5. **Improvements**: The subject property is currently vacant, with the exception of a small well building.
6. **Natural Features**: the property has been used for non-intensive farm and rural residential use in the past. There are no "natural features" on the portion of the site where development is proposed. The Tualatin River forms the northern property boundary for the site. Natural features associated with the River are outside the area proposed for development. Conditions of approval can ensure protection of those resources.

7. Summary: The location, size, shape, topographic, natural and developed characteristics of the property are suitable to accommodate the proposed use.

This criterion is met.

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

1. Subsection 1007.07: Transportation Facilities Concurrency
 - a. Subsection 1007.07(A): *“Shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.”*
 - b. Subsection 1007.07(B): *“Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner”*
2. Safety:
 - a. Subsection 1007.02(D): *“Developments shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards. In addition:*
 - i. *No planting, signing, or fencing shall be permitted which restricts motorists’ vision; and*
 - ii. *Curbside parking may be restricted along streets with visibility problems for motorists, pedestrians, and/or bicyclists as deemed appropriate by the Department of Transportation and Development.”*
3. Traffic Engineering staff determined that there is adequate capacity on the roadways serving the project site, consistent with the County’s concurrency requirements (Exhibit 4). There is no substantial evidence to the contrary. The proposed storage building will generate minimal traffic impacts. The proposed storage building will replace a similar facility currently located in Wilsonville. Existing vehicle trips will transfer to this site from Wilsonville and existing trips from the Wilsonville to the site will be eliminated.
4. SW Stafford Road is classified as a rural major arterial roadway. Clackamas County has adopted roadway standards that pertain to the structural section, construction characteristics, minimum required right-of-way widths, and access standards for arterial roads. Right-of-way and frontage improvements along the project site frontage were provided with development of the adjacent school and district operations center and are adequate to meet current County standards.

5. On arterial roadways, the number and location of driveways is generally restricted for new development. The existing site has two existing driveways along the SW Stafford Road frontage. The applicant is proposing primary access to the warehouse building using the existing Stafford School driveway and drive aisles. The internal access drives for the Stafford School and Athey Creek Middle School are connected, allowing for access from the driveways of SW Borland Road as well. The County determined that adequate sight distance was available when these driveways were approved and sight distance conditions have not changed.
 - a. Mr. McCabe's assertion that the conditions of approval for the Athey Creek Middle School prohibit access between Athey Creek Middle School and Stafford Primary School is not relevant to this application. If Mr. McCabe is correct and the School District is in violation of the conditions of approval then the County can address that issue through its code enforcement process. However, there is no evidence in the record of such restrictions. The applicant reviewed the prior land use approvals for the schools and operations center and did not find such a restriction (Exhibit 23). Regardless, the hearings officer's jurisdiction is limited to review of the current application, which is not dependent on access the driveway connection to Athey Creek Middle School. Direct access between the site and Athey Creek Middle School is not necessary to allow approval of this application.
6. The applicant is proposing to retain an existing gravel driveway that currently serves the site, located approximately 200 feet north of the Stafford School driveway. The applicant has noted that the driveway is intended to only be used for emergency vehicle access and other limited purposes. With the current proposed development on the site, a gated emergency access is acceptable. If the site is further developed this driveway may require modification.

As conditioned, the proposal meets this criterion.

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

1. The site is in the RRFF-5 zoning district and surrounded by other properties in the same zone. Rural residential use on acreage properties is predominant, along with scattered commercial activities as well as the Stafford Primary and Athey Creek Middle Schools. Uses allowed outright in the RRFF-5 Zone are

listed in Table 316-1, and include rural residential, and farm and forest activities.

- a. Opponents assertion that the property is designated for farm use is incorrect. The RRFF-5 zone allows for farm and forest activities, but it is not an exclusive farm or forest zone. As discussed in Subsection 1203.03(E) below, the RRFF-5 zone applies to exception lands that are outside urban growth boundaries and “[a]re not suitable, necessary or intended for urban, farm or forest uses.” (page 4-3 of the Comprehensive Plan). Residential uses and a variety of government owned recreational facilities are also permitted. The RRFF-5 zone also allows for a variety of conditional uses, including schools, government buildings, private recreational facilities, places of worship, surface mines, and landfills, among others.
2. This criterion does not prohibit any impacts from the proposed use, rather, the impacts must not substantially limit, impair or preclude the use of surrounding properties for the allowed primary uses. The hearings officer finds that the proposed use complies with this standard.
 - a. The proposed building is roughly similar in size and location to the long-standing barn which the applicant recently removed from the subject property.² The applicant proposed to locate the building in the western corner of the site, as close as possible to the Stafford Primary School and away from Mr. Gadda’s property and SW Stafford Road. Existing and proposed vegetation and landscaping will screen views of the building from Mr. Gadda’s property and SW Stafford Road. The applicant proposed to use dark earth toned siding to allow the building to blend in with the landscape.
 - b. There is no basis for concluding that the proposed storage building will increase the potential for trespass on abutting properties. The site will be used for storage, with no public access allowed. The access will be gated to limit unauthorized access. In addition, the proposed landscaping will clearly demarcate the boundaries of the site. The owners of abutting properties have adequate legal (civil) recourse to address any trespass problems that may arise.
 - c. The building will be unoccupied, used for storage of furniture, records, and equipment used by the School District, with no assigned employees. Traffic associated with the building will share the existing circulation and driveway with adjacent schools.

² The proposed 12,000 square foot building is roughly 35-percent larger than the prior 7,800 square foot barn.

- d. The proposed building will be part of the existing school development in this area, which includes Stafford Primary School (established in 1967), Athey Creek Middle School (established in 1990), and the School District Operations Center (established in 1999). Existing School District development includes over 100,000 square feet of building space, large parking and circulation areas, along with ball fields and play areas. There is no evidence in the record that these existing uses and structures caused any adverse impacts on surrounding properties, let alone substantially limiting, impairing, or precluding the use of surrounding properties for uses allowed in the RRFF-5 zone. The current proposal represents a relatively minor addition to that pre-existing development and activity (in a location where, up till recently there had been a building of roughly similar size). Combined with the previously discussed use of existing access through the school development, increased landscaping and other buffer techniques – the hearings officer finds that the proposal will not substantially limit, impair or preclude the use of surrounding properties for the allowed primary uses.
- e. Assertions that the proposed use is inconsistent with future urban development planned for this area are irrelevant. The site is currently zoned RRFF-5 and the proposed development complies with the applicable approval criteria for that zone. This is consistent with Section 4.E.1.5 of the comprehensive plan, which provides, “Lands within a designated Urban Reserve area shall continue to be planned and zoned for rural uses...”.

This criterion is satisfied.

E. **Section 1203.03(E):** *“The proposal satisfies the goals and policies of the Comprehensive Plan that apply to the proposed use.”*

- 1. The applicant has briefly addressed the Comprehensive Plan (Goal 4 only) and contends the proposal will comply. The subject property is designated Rural on the Comprehensive Plan map. The Rural Land Use Section in Chapter 4 of the Comprehensive Plan implements the Rural Plan Designation. The Applicant addressed several Rural Plan policies, including the following:
 - a. Chapter 4, Land Use:
 - Rural – 4.00
 - i. Rural lands are exception lands that are outside urban growth boundaries and are suitable for sparse settlement such as acreage home-sites. These are lands with limited public facilities, not suitable, necessary or intended for urban, farm or forest uses. Goals and policies

from the Plan provide that rural lands are meant to provide a buffer between urban, and agricultural or forest use; to perpetuate the rural atmosphere while maintaining and improving the quality of air, water, and land resources; and to conserve open space and protect wildlife habitat. Policies further include to designate as Rural areas impacted by major transportation corridors, adjacent to larger areas zoned Rural and for which public services are committed or planned.

- ii. The applicant responds to Goal 4 of the Plan by stating this proposal is not expected to alter the rural character of the site. The Stafford Primary School has been in place since 1967, and along with subsequent development of Athey Creek Middle and the operations center, has co-existed and been compatible with surrounding development.
 - iii. The hearings officer concurs. School related development has existed in and served this area for many years. This proposal is for new building to be used for storage only, accessory to school use. No staff will be assigned to the proposed building and the use will generate limited additional traffic, which will use the existing school driveway/circulation/parking lot.
- b. The site and surrounding properties are designated “urban reserve” and therefore are subject to the Urban Reserve Policies of Section 4.E. Sections 4.E.1 through 4 address considerations for designation of lands as urban reserve and how such lands shall be identified. As discussed above, Section 4.E.1.5 provides that, “Lands within a designated Urban Reserve area shall continue to be planned and zoned for rural uses...”
- i. The proposed development is also consistent with Section 2.d.ii of the IGA, cited by Ms. Pratt. This section prohibits the County from amending the Comprehensive Plan, Zoning and Development Ordinance, Comprehensive Plan Map, or zoning designations to allow new uses that were not allowed when the Urban Reserve designation was applied or to allow the creation of lots and parcels smaller than the current zoning allowed when the Urban Reserve designation was applied.
 - ii. The applicant is not proposing a change to the comprehensive plan or zoning. The applicant requests approval of a Conditional Use Permit for a 12,000 square foot storage building as an accessory use to the existing Stafford Primary School, a use permitted by the comprehensive plan and zoning designation for the site that applied to the site when the Urban Reserve designation was applied to this area.

- c. Chapter 5, Transportation: The hearings officer finds that the proposed development is consistent with Transportation goals and policies, based on the expert testimony from Traffic Engineering staff (Exhibit 4).
- d. Chapter 7, Public Facilities and Services: The hearings officer finds that the proposed development is consistent with the applicable policies of this Chapter.

This criterion is met with conditions.

- F. **Section 1203.03(F)**: *The proposed use complies with any applicable requirements of the zoning district and overlay zoning district(s) in which the subject property is located, Section 800 (further below, under Part 3 of this report), and Section 1000.*

Sections: 1005, 1006, 1007, 1010, 1015, and 1021 were reviewed.

- 1. Section 1005, Sustainable Site and Building Design:

Section 1005 of the ZDO sets forth the standards, requirements and considerations that pertain to additional techniques to meet sustainability goals. The hearings officer has reviewed Section 1005 and finds the following criteria apply:

- a. Subsection 1005.02 Applicability, provides:

Section 1005 applies to institutional, commercial, and industrial development; multifamily dwellings; and developments of more than one two- or three-family dwelling.

Schools are an “institutional use” as defined by ZDO 202. As discussed above, the proposed use is part of an institutional development, an accessory use to the existing Stafford Primary School. Therefore, the proposed development is subject to Section 1005.

- b. Subsection 1005.03, General Site Design Standards:

- i. Subsection 1005.03, General Site Design Standards (A-D) discusses site design standards such as clustering buildings to the extent possible, providing efficient on-site circulation for vehicles and pedestrians, considering the potential for use of both passive and active solar when laying out buildings, etc.
- ii. The applicant proposes a 12,000 square foot storage building with associated parking, circulation and landscaping. The building will be

clustered and integrated with the existing school and operations center on the adjacent properties to the extent feasible, though by necessity the building needs to be located some distance from the school so as not to interfere with those uses or the existing septic drain field located to the north of the Stafford Primary School.

- iii. On-site circulation for the primary school has previously been approved by the County. Access to the proposed new building is shown as utilizing the existing school driveway/circulation. Other than modifying some parking spaces in the north portion of the school parking lot, the proposed access to the new storage building will not affect pedestrian or vehicular facilities that presently serve the school. The proposed development will eliminate seven existing parking spaces on the Stafford Primary School site. However, the applicant will create 15 new parking spaces, resulting in a gain of eight parking spaces at the school and four additional parking spaces in front of the proposed storage building.
 - iv. The applicant oriented the proposed building to accommodate possible roof-mounted solar power applications in the future.
 - v. The site is not located inside the UGB, on a major transit street, at a major transit stop, in the PMU, OC, HDR, RCHDR, or SHD Districts. Therefore, Subsections 1005.03.E through J and L are inapplicable.
 - vi. The RRFF-5 zone does not impose a minimum floor area requirement. Therefore, Subsection 1005.03.K is inapplicable.
 - vii. Based on information submitted by the applicant, the hearings officer finds that the applicable portions of Subsection 1005.03 are met with this proposal.
- c. Subsection 1005.04, Building Design:
- i. Subsection 1005.04.A applies to, “[b]uilding facades visible from a public or private street or accessway and to all building façades where the primary entrance is located.”
 - (A) The north and west façades of the proposed building will not be visible from public or private streets or accessways. These facades are screened from view by significant distance, topography, and existing vegetation. These facades do not include building entrances, primary or otherwise. Therefore, these facades are exempt from the requirements of Subsection 1005.04.A.
 - (B) The only building entrances are located on the east façade of the building (See Plan Sheet A302). Therefore, the hearings officer

finds that the east façade of the building is subject to the requirements of Subsection 1005.04.A, because the primary entrance is located on this façade.

(C) Existing and proposed landscaping, including a berm on much of the east boundary of the site and a hedge and trees on the south boundary, will limit views of the south façade of the building from public or private streets or accessways (See Plan Sheet L501). However, there is no evidence that this vegetation will be sufficient screen all views of this façade from public or private streets or accessways, specifically the driveways and accessways serving the adjacent school. Therefore, the hearings officer finds that the south façade of the building is also subject to the requirements of Subsection 1005.04.A.

ii. The applicant and staff appear to conclude that this subsection is inapplicable to this application, as neither addressed all of the criteria in this subsection of the Code. The County previously approved similar metal sided buildings on adjacent School District properties, even though ZDO 1005.04.E.3 prohibits the use of metal siding on building facades that are visible from streets and accessways. However, the written decisions approving those structures did not include findings addressing this subsection or findings that this subsection did not apply. The hearings officer can find no exemption from this requirement based on the plain language of the Code.

iii. Subsection 1005.04.B, Building Design:

(A) Subsection 1005.04.B(1) applies to “public entries.” No public access is planned or proposed. Therefore, the hearings officer finds that the building entry requirements of Subsection 1005.04.B(1) are inapplicable.

(B) Subsection 1005.04.B(1) applies to “Commercial, mixed-use and institutional buildings sited to comply with 1005.03(E)...” Subsection 1005.03(E) applies within the UGB. The site is located outside the UGB. Therefore, this subsection is inapplicable.

iv. Subsection 1005.04.C also applies to “[b]uildings sited to comply with 1005.03(E)...” Therefore, this subsection is inapplicable to this development in the rural area.

v. Subsection 1005.04.D, Requirements for roof design: The applicant proposed a pitched roof building. A condition of approval is warranted requiring compliance with the eave overhang and roof vent location requirements of Subsection 1005.04.D.

- vi. Subsection 1005.04.E, Requirements for exterior building materials:
- (A) The proposed building design and materials are compatible with the neighborhood's intended visual identity, are durable, and are consistent with other existing storage buildings on adjacent School District properties as well as the rural character of the area, as well as allowing easy maintenance. Given the buildings limited exposure to public view, the hearings officer finds that the exterior building materials are consistent with Subsections 1005.04.E.1 and 2.
 - (B) The hearings officer finds that Subsection 1005.04.E.3 prohibits the use of metal siding on the east façade, where the primary entrance is located and the south façade, which may be visible from adjacent roads and accessways. Subsection 1005.04.E.4 allows the use of metal as an exterior building material for certain architectural features, but not for an entire façade. A condition of approval is warranted requiring that the south and east façades of the proposed building utilize one or more of the siding materials listed Subsection 1005.04.E.3.
 - (C) The Code does not prohibit the use of metal roofs. Therefore, the proposed roofing material is allowed.
- vii. Subsection 1005.04.F applies to dwelling units. Therefore, the proposed institutional storage building is exempt from this subsection.
- viii. Subsection 1005.04.G, Requirements to increase safety and surveillance: The applicant designed the building to maximize security for the unoccupied storage building, with all building entrances located on the east façade, facing the onsite parking and maneuvering areas. The site access drive will be gated to prevent public access. Landscaping is limited to the perimeter of the site; no landscaping is proposed between the onsite parking and maneuvering areas and the building. The applicant will provide security lighting on the exterior of the building. The hearings officer finds that the building design complies with Subsection 1005.04.G.
- ix. Subsection 1005.04.H, Solar access requirements: The proposed building will be unheated and unoccupied, eliminating the need for solar access for heating and/or cooling. This criterion is met.
- x. The site is not located in any of the design type areas listed in Subsection 1005.04.I. Therefore, this subsection is inapplicable.

- xi. No exterior mechanical equipment is proposed. Therefore, Subsection 1005.04.J is inapplicable.
- xii. The site is not located in an industrial or OA zoning district. Therefore, Subsections 1005.04.K and L are inapplicable.
- d. Subsection 1005.05, Outdoor Lighting:
 - i. Subsection 1005.05(A), Outdoor lighting devices, provides:
 - A. *Outdoor lighting devices:*
 - 1. *“Shall be architecturally integrated with the character of the associated structures, site design and landscape.*
 - 2. *Shall not direct light skyward.*
 - 3. *Shall direct downward and shield light; or direct light specifically toward walls, landscape elements or other similar features, so that light is directed within the boundaries of the subject property;*
 - 4. *Shall be suitable for the use they serve, e.g. bollard lights along walkways, pole mounted lights for parking lots;*
 - 5. *Shall be compatible with the scale and intensity of uses they are serving. Height of pole mounted fixtures shall not exceed 25 feet or the height of the tallest structure onsite, whichever is less; and*
 - 6. *At entrances, shall be glare-free. Entrance lighting may not exceed a height of 12 feet and must be directed downward.”*
 - ii. Proposed lighting is limited to that needed for security, and will be directed downward. If additional lighting is to be installed, the applicant shall submit an outdoor lighting design plan prior to installation for review and approval by the Planning and Zoning Division.
- e. Subsection 1005.06, Additional Requirements: Neither the applicant or staff addressed the standards of this subsection. However, based on the plain language of the Code, the proposed development is subject to these criteria, which apply to all “development” subject to ZDO 1005. The applicant can comply with these criteria by providing one or more of the

listed techniques in the design of the development. A condition of approval is warranted to that effect.

- f. The applicant has not requested any modifications to the standards identified in Subsections 1005.03 and 1005.04. Therefore, Subsection 1005.07 is inapplicable.
- g. The site is not located in any of the areas listed in Subsections 1005.08 through 1005.13. Therefore, these subsections are inapplicable.

As conditioned, the standards of Section 1005 are met.

2. Section 1006, Water Supply, Sanitary Sewer, Surface Water; and Utilities Concurrency:

Section 1006 of the ZDO sets forth the standards, requirements and considerations that pertain to utility lines and facilities.

- a. Subsection 1006.03.F – Water Supply Standards Outside The Portland Metropolitan Urban Growth Boundary And Mount Hood Urban Area.
 - i. The provisions of this subsection apply outside the Portland Metropolitan Urban Growth Boundary and the Mount Hood urban area. Applicants for any development permit shall specify a lawful water source for the proposed development, such as a public or community water system, certificated water right, or exempt-use well. Under state law, the applicant may use an exempt well to provide up to 5000 gallons per day.
 - ii. The applicant proposed to utilize the existing water system serving the School District development on adjacent properties to serve the site. Water use on the site is limited to a single exterior hose bib. The hearings officer finds that that water use will not exceed the maximum permitted capacity of the existing water system or increase impacts on other groundwater wells in the area. The proposed development will replace an existing residence on the site, thereby reducing the total water use on the site. Concerns were expressed about groundwater contamination. However, the proposed development will not discharge any sewage and will not impact the existing septic drainfields on adjacent properties. Therefore, this development will not cause or exacerbate existing groundwater contamination issues. This criterion is met.
- b. Subsection 1006.05 - Subsurface Sewage Disposal Standards:

- i. All development proposing subsurface sewage disposal shall receive approval for the system from the Clackamas County Septic & Onsite Wastewater System Programs prior to submittal of a land use application to the County for development.
 - ii. The proposal does not involve the use of septic facilities. This criterion is not applicable.
- c. Subsection 1006.06 - Surface Water Management Standards:
- i. This section provides, in relevant part:
 - 1. *The following surface water management and erosion control standards apply:*
 - A. *Positive drainage and adequate conveyance of surface water shall be provided from roofs, footings, foundations, and other impervious or near-impervious surfaces to an appropriate discharge point.*
 - B. *The requirements of the surface water management regulatory authority apply. If the County is the surface water management regulatory authority, the surface water management requirements of the Clackamas County Roadway Standards apply.*
 - C. *Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water management, treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.*
 - ii. Clackamas County Development Engineering/WES is the surface water management authority for the area including the subject site. Drainage facilities shall be designed and constructed in conformance with *Clackamas County Roadway Standards* Chapter 4 along with WES BMPs, providing water quality treatment and conveyance to a suitable outfall.

The standards of Section 1006 can be met as conditioned.

3. Section 1007, Roads and Connectivity:

a. Subsection 1007.01 – General Provisions:

i. This section provides, in relevant part:

A. *The location, alignment, design, grade, width, and capacity of all roads shall be planned, coordinated, and controlled by the Department of Transportation and Development and shall conform to Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards. Where conflicts occur between Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards, the Comprehensive Plan shall control.*

B. *Right-of-way dedications and improvements shall be required of all new developments, including partitions, subdivisions, multifamily dwellings, two- and three-family dwellings, condominiums, single-family dwellings, and commercial, industrial, and institutional uses, as deemed necessary by the Department of Transportation and Development and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.*

- b. The applicant has proposed development of a 12,000 square foot storage facility for the West Linn-Wilsonville School District, located on the northerly side of SW Stafford Road. The proposed development is subject to the provisions of *Clackamas County Zoning and Development Ordinance (ZDO)* Section 1007 pertaining to roads and connectivity, Section 1015 pertaining to parking and loading, and Clackamas County Roadway Standards, Chapter 4 pertaining to storm water management.
- c. SW Stafford Road is classified as a rural major arterial roadway. Clackamas County has adopted roadway standards that pertain to the structural section, construction characteristics, minimum required right-of-way widths and access standards for arterial roads. The applicant provided right-of-way and frontage improvements along the project site frontage with development of the adjacent school and district operations center. These existing improvements are sufficient to meet current County standards.
- d. On arterial roadways, the number and location of driveways is generally restricted for new development. The existing site has two existing driveways along the SW Stafford Road frontage. The applicant is proposing primary access to the warehouse building using the existing Stafford School driveway and drive aisles. The internal access drives for the Stafford School and Athey Creek Middle School are connected,

allowing for access from the driveways of SW Borland Road as well. The applicant is proposing to retain an existing gravel driveway, which currently serves the proposed warehouse property, located approximately 200 feet north of the Stafford School driveway. The applicant has noted that the driveway is intended to only be used for emergency vehicle access and other limited purposes. With the current proposed development on the site, a gated emergency access is acceptable. With future development on the site, this driveway may require modification.

This criterion is satisfied as conditioned.

4. Section 1010 Standards, Signs:

- a. Aside from address numbering this building will have no signage.

The standards of Section 1010 are met.

5. Section 1015, Parking and Loading:

- a. The applicant will be required to provide adequate on-site circulation for all vehicles anticipated to use the site. The proposed preliminary plans indicate modification of existing parking spaces on the Stafford School site to accommodate the access drive to the warehouse site. Replacement parking spaces are proposed on the Stafford School site, as well as four parking spaces provided on the warehouse site. The proposed parking and maneuvering areas generally appear to provide adequate access. The County will review the specific designs of the parking, access, and maneuvering areas and ensure compliance with applicable design standards through the final engineering review.
- b. Vehicle parking and loading space will be required to meet minimum ZDO Section 1015 and Roadway Standards Drawings P100/P200 dimensional requirements. The minimum surface for the parking areas may be screened gravel or better, per Roadway Standards Drawing R100, with ADA accessible parking spaces requiring a paved surface.

As conditioned these standards can be met.

6. Section 1021 Standards, Refuse and Recycling Standards for Commercial, Industrial, and Multifamily Developments: This Section outlines the standards for refuse and recycling for commercial developments. The following requirements and standards of Section 1021 are applicable to this proposal.

The building as proposed will be unoccupied. The larger site includes County (Sustainability) approved recycling/trash facilities.

This criterion is satisfied.

PART 3. OTHER DEVELOPMENT STANDARDS

1. **Other Applicable Sections of the ZDO:** Other applicable standards and Sections of the ZDO applicable to this application are addressed below.

A. **Section 316– RRFF-5 Zone.** Table 316-1 lists “*Schools, subject to Section 805*” as a conditional use in the RRFF-5 Zone. The applicant is proposing school accessory use here.

i. The minimum yard depths in the RRFF-5 zone are a minimum of:

30 feet from the front property line which runs along S.W. Stafford Road:

10 feet from the side property lines; and

30 feet from the rear property line (10 feet for accessory structures).

These dimensional standards are met as shown.

B. **Section 805, Schools**

This Section of the Zoning Ordinance contains the single requirement that schools maintain minimum side yard setback of 20 feet. The proposed building complies with this setback requirement.

C. **Section 704, River and Stream Conservation Area**

i. The subject property fronts on the Tualatin River, a “Principal River.” Subsection 704.04 requires a minimum 100-foot (up to 150 foot) setback from principal rivers for structure. The proposed storage building will be setback more than 400 feet from the Tualatin River. Subsection 704.06, any building visible from a Principal River is limited to 35 feet in height. The proposed building is 28.5 feet high at the peak of the roof (See Plan Sheet A301). These criteria are met with this proposal.

ii. Subsection 704.07, Vegetative Preservation Requirements, states a minimum of 75-percent of the setback area (distance) shall be preserved with native vegetation. The property has long been disturbed by residential and farming practices. The proposed replanting plan will increase compliance with this standard.

Applicable portions of Section 704 are met.

- D. Section 706, Habitat Conservation Area (HCA): There is a mapped HCA on the property, generally along the Tualatin River. Though the location proposed for development is well outside that mapped area, a condition of approval is warranted to require approval of Construction Management Plan prior to development.

As conditioned, applicable portions of Section 706 are met.

2. **Additional Issues**: Neighbors argued that the proposed storage building could and should be located elsewhere. However, the applicant is not required to consider alternative locations for the proposed use. The only issue is whether the proposed development complies with the applicable approval criteria. Whether alternative sites are available that are subjectively “better” is not relevant to the applicable approval criteria.

D. CONCLUSION

Based on the findings and discussion provided or incorporated herein, the hearings officer concludes that Case No. Z0434-20-C (WL/WV SD Storage Building) should be approved, because the application does or can comply with applicable standards of the Clackamas County ZDO, provided it is subject to conditions that ensure timely compliance in fact with the ZDO and relevant Comprehensive Plan Policies addressed herein or incorporated by reference in the Staff Report.

E. DECISION

1. Based on the findings, discussion and conclusions provided or incorporated herein and the public record in this case, the hearings officer hereby approves Z0434-20-C (WL/WV SD Storage Building) subject to the following conditions:

I. General Conditions:

- 1) Approval of this land use permit is based on the submitted written narrative and plan(s) dated October 27, 2020. The application was deemed complete on November 10, 2020. No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with this document(s) and the limitations of approval described herein.
- 2) The applicant is advised to take part in a Post Land Use Transition meeting. County staff would like to offer you an opportunity to meet and discuss this decision and the conditions of approval necessary to finalize the project. The

purpose of the meeting is to ensure you understand all the conditions and to identify other permits necessary to complete the project. If you would like to take advantage of this meeting please contact Wendi Coryell, at (503) 742-4657 or at wendicor@co.clackamas.or.us.

- 3) **Prior to the issuance of building permits**, the applicant shall submit a statement of use to Wendi Coryell in the Clackamas County Engineering Division. Wendi may be contacted at 503-742-4657, or wendicor@co.clackamas.or.us The statement of use is used to calculate the Transportation System Development charge. A Transportation System Development Charge (TSDC) is included in the final calculation of the building permit fees for new instructional projects; this includes additions and tenant improvements that increase the number of daily trips to the site.
- 4) The conditional use approval is valid for 10-years from the date of the final written decision. During this ten-year period, the approval shall be implemented, or the approval will become void. “Implemented” means all major development permits shall be obtained and maintained for the approved conditional use, or if no major development permits are required to complete the development contemplated by the approved conditional use, “implemented” means all other necessary County development permits (e.g. grading permit, building permit for an accessory structure) shall be obtained and maintained. A “major development permit” is:
 - a) A building permit for a new primary structure that was part of the conditional use approval; or
 - b) A permit issued by the County Engineering Division for parking lot or road improvements required by the conditional use approval.
- 5) This Conditional Use approval is granted subject to the above and below stated conditions. Failure to comply with any of the conditions of approval constitutes a violation of this permit and may be cause for revocation of this approval.

II. Planning and Zoning Conditions: Clay Glasgow, (503) 742-4520, clayg@clackamas.co

- 1) Development of the subject property is subject to the provisions of ZDO Sec.1203 and those other relevant codes and ordinances adopted by the Board of County Commissioners pursuant to Subsection 1001.03 of the ZDO, including, but not limited to, the County Roadway Standards, County Excavation and Grading Ordinance, and Oregon Structural Specialty Code, etc.

- 2) Any outdoor lighting [ZDO 1005.05(A) and (B)] and 806.02(I) shall be located and designed so that it does not shine onto adjacent properties, upwards or rights-of-way. If additional lighting will be installed, the applicant will submit an outdoor lighting system design plan prior to installation of the outdoor lighting system for review and approval by Planning and Zoning Division.
- 3) Development to receive approval of Construction Management Plan (Section 706 (incl 704)) prior to site disturbance.
- 4) The applicant shall submit revised building designs showing:
 - a) Compliance with the eave overhang and roof vent location requirements of Subsection 1005.04.D; and
 - b) Use of one or more of the siding materials listed Subsection 1005.04.E.3 in place of the metal siding proposed on the south and east façades of the building.
- 5) The applicant shall submit a revised site plan demonstrating compliance with the “Additional Requirements” of ZDO 1005.06.
- 6) Prior to issuance of building permits, Tax Lots 2001, 2003, and 1800 shall be combined into a single lot so that all accessory uses and structures (storage building and stormwater facility) are on the same lot as the primary use (Stafford Primary School).

III. Building Code Division Conditions: Richard Carlson, (503) 742-4769,
richardcar@co.clackamas.or.us

- 1) All construction activities, and all changes of use (occupancy type), shall comply with applicable Oregon Specialty Codes and local ordinances. All such codes and ordinances apply to all such activities, even when permits and inspections are not required.
- 2) Compliance with the following conditions is required prior to the commencement of any new use or occupancy:
 - a) All necessary development permits (septic, building, electrical, grading, driveways, etc.) for the property, facility, and associated buildings shall be obtained.
 - b) The plans must meet the minimum structural integrity and life safety requirements of the applicable Oregon Specialty Codes.

- c) Any additional information required by the Building Codes Division, such as engineering, details, and specifications, must be provided to the Plans Examiner reviewing the project.
- d) All necessary permits and approved plans must be issued and maintained onsite as required.
- e) All required inspections, corrections, and final approval must be obtained.

IV. Engineering Division Conditions: Ken Kent, (503) 742-4673,
kenken@clackamas.or.us

- 1) All on-site improvements shall be in compliance with *Clackamas County Roadway Standards*. Frontage improvements in, or adjacent to State of Oregon right-of-way, shall be in compliance with Oregon Department of Transportation standards.
- 2) The applicant shall obtain a Development Permit from Clackamas County Department of Transportation and Development prior to the initiation of any construction activities associated with the project.
- 3) The existing driveway on SW Stafford Road shall be limited to emergency vehicle and storm drainage maintenance access only. The access shall be gated, with the gate located a minimum of 30 feet from the existing curb on SW Stafford Road. The access road and gate shall be approved by the fire marshal.
- 4) The applicant shall design and construct on-site parking and maneuvering areas as follows:
 - a. Adequate on site circulation shall be provided for the parking and maneuvering of all vehicles anticipated to use the site. All parking and maneuvering areas shall be screened gravel of better, constructed per Standard Drawing R100.
 - b. Parking spaces shall meet minimum dimensional requirements of ZDO Section 1015, and Roadway Standards Drawing P100 or P200 as applicable. The plans shall list the number of parking spaces required and the number of parking spaces provided.
 - c. The paths traced by the extremities of anticipated trucks and other large vehicles (delivery trucks, fire apparatus, garbage and recycling trucks), including off-tracking, shall be shown on the site plan to insure adequate turning radii are provided for the anticipated large vehicles maneuvering on the site.
 - d. All curbs shall typically be type "C", or curb and gutter if curb line slope is less than one percent, if they carry, direct or channel surface water. Alternative curbs will be considered when it is determined by the

Clackamas County Department of Transportation and Development that type “C” curbs or curb and gutter are not appropriate. Extruded curbs for carrying, directing or channeling surface water, or used as a vehicle wheel stop, shall not be allowed.

- e. All traffic control devices on private property, located where private driveways intersect County facilities shall be installed and maintained by the applicant, and shall meet standards set forth in the Manual on Uniform Traffic Control Devices and relevant Oregon supplements.
- 5) Prior to the issuance of a Building Permit, the applicant shall submit to Clackamas County Engineering Office:
- a) Written approval from the Tualatin Valley Fire and Rescue for the planned access, circulation, fire lanes and water source supply. The approval shall be in the form of site and utility plans stamped and signed by the Fire Marshal.
 - b) A set of detailed street and site improvement construction plans, for review, in conformance with Clackamas County Roadway Standards Section 140, to Clackamas County's Engineering Office and obtain written approval, in the form of a Development Permit

V. Water Environment Services: Erik Carr-Bertram; (503) 742-4571, ecarr@clackamas.us

- 1) The proposed development is located within the service area of Water Environment Services (WES) and shall be subject to WES Rules and Regulations, and Standards (“WES RR&S”), in accordance with the following adopted ordinances:
 - a) Water Environment Services Rules and Regulations, July 2018, Ordinance No. 03-2018.
 - b) Surface Water Management Agency of Clackamas County, Rules and Regulations, December 2002.
- 2) Upon land use approval, the applicant shall procure the necessary plan approvals and permits in accordance with WES RR&S for surface water management, including erosion control requirements. WES shall determine if the applicant’s stormwater submittals conform to WES RR&S and satisfy the Conditions of Approval during WES’ final plan review and permit approval process.
- 3) All plans and reports submitted to WES for review and approval shall be stamped and signed by a civil engineer licensed by the State of Oregon. The project construction, specifications, and testing must be completed under the direction of the project engineer.

- 4) The applicant shall include the following materials with their plan review submittal to WES:
 - a) Two (2) sets of complete civil construction plans for stormwater improvements;
 - b) Two (2) copies of the final storm report, including infiltration testing and downstream analysis. c. One (1) Natural Resource Assessment
 - d. \$400 minimum plan review fees; and
 - c) Erosion control permit application (available on WES website) and \$460 permit fee.
- 5) The storm systems shall be complete in all respects prior to Certificate of Occupancy. WES shall inspect and approve the construction of the storm systems in accordance with the approved plans.
- 6) Any requests to modify current WES Design Standards shall be made in accordance with Stormwater Standards, Section 1.6.
- 7) The proposed development shall be subject to applicable fees and charges, in accordance with WES RR&S. All fees and charges shall be paid prior to issuance of building permits, and are subject to change without notice to the applicant.

DATED this 12th day of January 2021.



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

APPEAL RIGHTS

ZDO 1307.10.F provides that the Land Use Hearings Officer's decision is the County's final decision for purposes of any appeal to the Land Use Board of Appeals (LUBA). State law and associated administrative rules adopted by LUBA describe when and how any appeal must be filed. Presently, ORS 197.830(9) requires that any appeal to LUBA "[s]hall be filed not later than 21 days after the date the decision sought to be reviewed becomes final."