

#### DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 Beavercreek Road Oregon City, OR 97045

#### **MEMORANDUM**

TO: Gary Schmidt, County Administrator

**Board of County Commissioners** 

FROM: Dan Johnson, Director

Diedre Landon, Administrative Services Manager, Snr.

DATE: May 3, 2021

RE: Transportation Maintenance, Conditional Use Application (9324 Wildcat Road)

Build a winter sand shed cover at the Marquam Transportation Maintenance facility

Attached is a land use application for your signature. This is to apply for a Conditional Use to build a 60'x100' cover over an existing sand pile at the Marquam Transportation Maintenance yard (9324 S. Wildcat Road). The property is currently used to stockpile sand, and has an existing pole building on the site. The existing pole building is not adequate for our winter sand storage needs, and the sand is currently stored out in the open, collecting water, which can then freeze during inclement weather.

The use of the site was previously approved through a Conditional Use, but the proposed sand shed will increase the existing building coverage on the lot by more than 25%, and therefore the proposal does not meet the criteria for a Type II Modification and the project is triggering a full Conditional Use review.

- The site takes direct access off of S. Wildcat Road and is located at the most southern end of Clackamas County, making the logistics of sanding roadways during winter weather safer for Transportation Maintenance staff.
- We will not be adding any new materials, equipment or employees to the site. The days and hours of operation will not change.
- The proposed location of the sand shed meets the minimum setbacks of the EFU zone and the proposed shed will be built on an existing lot of record that is 4.99 acres.
- The site does not have any active zoning overlays, and is currently approved for use as a transportation maintenance yard.

It is important that winter sand be stored in a dry place in close proximity to the roads to be sanded. If the Conditional Use is approved, a 60' by 100' cover will be constructed on the northeast center of the property. The pole barn would be designed to provide cover for enough winter sand (unsalted) to provide traction needs in the area during winter storms.



# Planning and Zoning Department of Transportation and Development

Development Services Building 150 Beavercreek Road | Oregon City, OR 97045 503-742-4500 | zoninginfo@clackamas.us www.clackamas.us/planning

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Land use application for:

# **CONDITIONAL USE**

Application Fee: \$3,945 (unless for mining, then \$10,400), plus \$3,230 if Hydrogeologic Review is required

Staff Initials:	File Number:	

APPLICANT INFORMATION					
Applicant name:	Applicant email:	Applic	ant phone:		
And the set we sittle and decree	Cit	01-1-	ZID.		
Applicant mailing address:	City:	State:	ZIP:		
Contact person name (if other than applicant):	Contact person email:	Conta	ct person phone:		
Contact person mailing address:	City:	State:	ZIP:		
	PROPOSAL				
Brief description of proposal:		Pre-application cor	nference file number:		
	SITE INFORMATION				
Site address:	Comprehensive Pla	n designation:	Zoning district:		
Map and tax lot #:	L		Land area:		
•	Section: Tax Lot:				
Township: Range:	Section: Tax Lot:				
Township: Range:	Section: Tax Lot:				
Adjacent properties under same ownership:					
Township: Range:	Section: Tax Lot:				
Township: Range:	Section: Tax Lot:				
Printed names of all property owners: Sign	atures of all property owners:	Date(s):			
I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.					
Applicant signature:		Date:			

#### A. Complete a pre-application conference:

You must attend a pre-application conference with Planning and Zoning staff before filing this application. <u>Information about the pre-application conference</u> process and a request form are available from the Planning and Zoning website.

#### B. Review applicable land use rules:

This application is subject to the provisions of <u>Section 1203</u>, <u>Conditional Uses</u> of the <u>Clackamas County Zoning and</u> <u>Development Ordinance (ZDO)</u>.

It is also subject to the ZDO's definitions, procedures, and other general provisions, as well as to the specific rules of the subject property's zoning district and applicable development standards, as outlined in the ZDO.

C.	Turn in all of the following:
	<b>Complete application form:</b> Respond to all the questions and requests in this application, and make sure all owners of the subject property sign the first page of this application. Applications without the signatures of <i>all</i> property owners are incomplete.
	<b>Application fee:</b> The cost of this application is \$3,945, unless it is for mining, in which case the cost is \$10,400. If Hydrogeologic Review is required, there is an additional \$3,230 fee. Payment can be made by cash, by check payable to "Clackamas County", or by credit/debit card with an additional card processing fee using the <u>Credit Card Authorization Form</u> available from the Planning and Zoning website. Payment is due when the application is submitted.
	[Payment will be made via interfund transfer from 215-7433: Transportation Maintenance.]  Vicinity map: Provide a map of the area around the property, drawn to scale, that shows the uses and location of improvements on adjacent properties and properties across any road.
	<b>Plot plan:</b> Provide a plot plan (also called a site plan). A <u>Plot Plan Sample</u> is available from the Planning and Zoning website. The plot plan must be accurate and drawn to-scale on paper measuring no larger than 11 inches x 17 inches. The plot plan must illustrate all of the following (when applicable):
	<ul> <li>Lot lines, lot/parcel numbers, and acreage/square footage of lots;</li> </ul>
	<ul> <li>Contiguous properties under the same ownership;</li> </ul>
	<ul> <li>All existing and proposed structures, fences, roads, driveways, parking areas, and easements, each with identifying labels and dimensions;</li> </ul>
	<ul> <li>Setbacks of all structures from lot lines and easements;</li> </ul>
	<ul> <li>Significant natural features (rivers, streams, wetlands, slopes of 20% or greater, geologic hazards, mature trees or forested areas, drainage areas, etc.); and</li> </ul>
	<ul> <li>Location of utilities, wells, septic drain fields, and replacement drain field areas.</li> </ul>
	<b>Preliminary statements of feasibility:</b> Request that the property's water provider, sanitary sewer provider, and surface water management authority, as applicable, each complete a copy of the <a href="Preliminary Statement of Feasibility">Preliminary Statement of Feasibility</a> . Include those completed statements with your application.
	<b>Building elevation diagrams:</b> Attach drawings of all proposed new and remodeled structures. The drawings must be to-scale and must show each side of the building and any windows, doors, or other appurtenances. Include all measurements (height, length, width, and area).

N/A L	or institutional development using exempt-use well or wells is proposed within a sensitive groundwater area outside of the Portland Metropolitan Urban Growth Boundary, Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village. The report must address applicable requirement of <a href="ZDO Subsection 1006.03(E)">ZDO Subsection 1006.03(E)</a> . Additional guidance on completing the report is available from the Planning a Zoning <a href="website">website</a> . Your report will be peer-reviewed by qualified professionals contracted by the County. Evaluation of any required hydrogeologic review report costs an additional \$3,230.				
N/A □	Any additional information or documents, such as a traffic impact study, advised of during the preapplication conference				
	Despend in a powertive.				

Hydrogoologic review report: Vou must include a hydrogoologic review report if new industrial, commercial

#### D. Respond in a narrative:

NI/A 🖂

Your application submittal must include a narrative that fully responds to the following. Due to the technical nature of these requirements, guidance on how best to respond will be provided during the required pre-application conference.

- 1. How is the use listed as a conditional use in the Zoning and Development Ordinance (ZDO) section for the zoning district in which the subject property is located?
- 2. How are the characteristics of the subject property suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features?
- **3.** How does the proposed use comply with <u>ZDO Subsection 1007.07</u>, <u>Transportation Facilities Concurrency</u>?
- **4.** How is safety of the transportation system adequate to serve the proposed use.
- 5. Explain how 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.
- **6.** How is the proposed use consistent with the applicable goals and policies of the Comprehensive Plan?
- 7. Explain how the proposed use complies with any applicable requirements of the zoning district and any overlay zoning district(s) in which the subject property is located, <u>ZDO Section 800</u>, <u>Special Use Requirements</u>, and <u>Section 1000</u>, <u>Development Standards</u>.

#### **FAQs**

#### What is a conditional use?

A conditional use is a land use that may be allowed by the Zoning Development Ordinance (ZDO) in certain zoning districts under specified conditions. Exercising a conditional use requires approval of a conditional use permit.

#### What is the permit application process?

Conditional use permits are subject to a "Type III" land use application process, as provided for in <u>Section 1307</u> of the ZDO. Type III decisions include notice to owners of nearby land, the Community Planning Organization (CPO) if active, service providers (sewer, water, fire, etc.) and affected government agencies, and are reviewed at a public hearing before the County Land Use Hearings Officer. If the application is approved, the applicant must comply with any conditions of approval identified in the decision. The County's decision can be appealed to the Oregon Land Use Board of Appeals (LUBA).

#### What is needed for the County to approve a land use permit?

Conditional uses *may* be permitted after an evaluation by the Hearings Officer of applicable standards. The applicant is responsible for providing evidence that their proposal does or can meet those standards. In order to address the standards, the information requested in this application should be as thorough and complete as possible. A permit will only be approved or denied after a complete application is received and reviewed. The County approves an application only if it finds that the proposal meets the standards or can meet the standards with conditions.

#### How long will it take the County to make a decision about an application?

The County makes every effort to issue a decision on a Type III land use application within 12 weeks (84 days) of when we deem the application to be complete. State law generally requires a final County decision on a land use permit application in an urban area within 120 days of the application being deemed complete, and within 150 days for a land use permit in a rural area, although there are some exceptions.

#### Who can help answer additional questions?

For questions about the County's land use permit requirements and this application form, contact Planning and Zoning at 503-742-4500 or <a href="mailto:zoninginfo@clackamas.us">zoninginfo@clackamas.us</a>. You can also find information online at the Planning and Zoning website: <a href="https://www.clackamas.us/planning">www.clackamas.us/planning</a>.

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or drenhard@clackamas.us.

*503-742-4545:* ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод? 翻译或口译 ? | Cấn Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

Clackamas County Updated 06/01/2020

#### Marquam Sand Shed – 9324 S. Wildcat Road

#### **Proposal Summary**

A 60' by 100' pole building is proposed to be constructed on the northeast center of the property to cover enough winter sand (unsalted) to provide traction needs during winter storms. The use of the site to stockpile sand was previously approved as a conditional use, but the proposed sand shed will increase the existing building coverage on the lot by more than 25%. The property has an existing pole building on the site, but the existing pole building is not adequate for our winter sand storage needs.

The sand currently stored on site is stored out in the open, collecting water, which can then freeze during inclement weather. We need to store unsalted winter sand out of the weather to keep it dry, to provide the public with safe roads during winter weather. (We will not be adding any new materials, equipment or employees to the site. The days and hours of operation will not change.)

#### **Conditional Use - Supplemental Questions**

1. How is the use listed as a conditional use in the Zoning and Development Ordinance (ZDO) section for the zoning district in which the subject property is located?

The EFU Zoning Designation lists, "Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations, and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways," as a Type II Modification. The use of the site was previously approved as a conditional use, but the proposed sand shed will increase the existing building coverage on the lot by more than 25%, and therefore the proposal does not meet the criteria for a Type II Modification under this ZDO section.

The proposed sand shed cover falls under the EFU Zoning Designation, "Roads, highways and other transportation facilities, and improvements not otherwise allowed under Section 401," which is allowed as a Conditional Use. This conditional use would be subject to: 401.05(F)(1) - as cited below.

#### 401.05(F) Transportation Uses

1. Roads, highways and other transportation facilities, and improvements not otherwise allowed under Section 401 may be established, subject to the adoption of an exception to Goal 3 (Agricultural Lands), and to any other applicable goal with which the facility or improvement does not comply. In

addition, transportation uses and improvements may be authorized under conditions and standards as set forth in OAR 660-012-0035 and 660-012-0065.

# 2. How are the characteristics of the subject property suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features?

This site is already established as an existing maintenance yard that supports the operation and maintenance of public roads and highways.

- The property has an existing pole building on the site, but the existing pole building is not adequate for our winter sand storage needs.
- Sand is already stored on the site; however, we would like to build a cover for unsalted winter sand, so that dry sanding materials are centrally located, making sanding operations more efficient by reducing the length of trips along roads covered with snow/ice.
- It is important that winter sand be stored in a dry place in close proximity to the roads to be sanded. A 60' by 100' pole building is proposed to be constructed on the northeast center of the property to cover enough unsalted winter sand to provide traction needs during winter storms.
- The site takes direct access off of S. Wildcat Road and is located at the most southern end of Clackamas County, making the logistics of sanding roadways during winter weather safer for Transportation Maintenance staff during winter weather.
- The improved efficiency due to the centralized location also improves safety for the travelling public, because more roads in the area can be sanded quickly during a storm event.

# 3. How does the proposed use comply with ZDO Subsection 1007.07, *Transportation Facilities Concurrency*?

Please see the attached preliminary statement of feasibility, regarding compliance with ZDO Subsection 1001.07 – Transportation Facilities Concurrency.

#### 4. How is safety of the transportation system adequate to serve the proposed use?

This is a rural roadway, not in the UGB. The entrance to S. Wildcat Mountain Road is almost 2,200 feet from the curve in the road to the west, and 2,900 feet from the curve to the east, so the frontage is straight. Trucks pulling out from this location would not negatively influence traffic along this road section.

We will not be adding any new materials, equipment or employees to the site. The days and hours of operation will not change.

5. Explain how 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.

The site is surrounded by large parcel EFU land. The placement of a 60' by 100' pole building on northeast center of the property to cover the existing sand pile would not influence the ability of surrounding property owners to operate the allowable uses in this zone (farm, forest, residential, commercial, natural resource, etc.).

The existing facility does not have a history of receiving complaints from surrounding property owners.

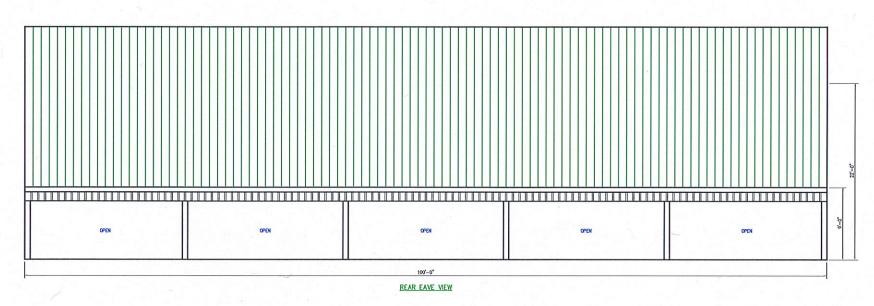
6. How is the proposed use consistent with the applicable goals and policies of the Comprehensive Plan?

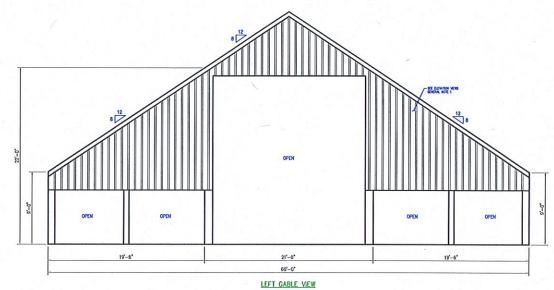
The proposed use is consistent with the goals and policies of the Comprehensive Plan, Chapter 5 - Transportation System Plan. It aligns with TSP Vison Statement, Goals and Safety policies of making the roadway safe for the traveling public.

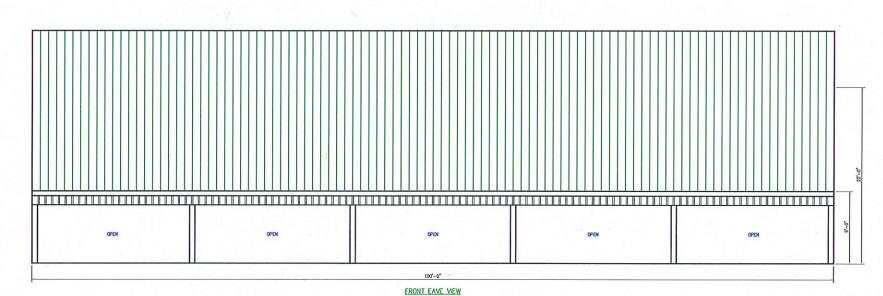
7. Explain how the proposed use complies with any applicable requirements of the zoning district and any overlay zoning district(s) in which the subject property is located, ZDOSection 800, Special Use Requirements, and Section 1000, Development Standards.

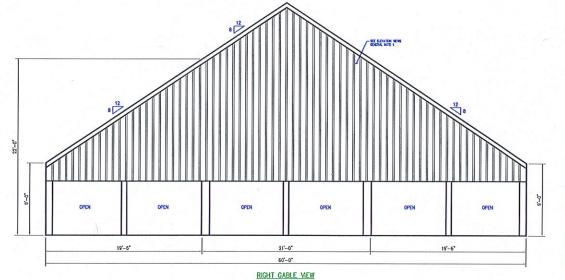
The proposed location of the sand shed meets the minimum setbacks of the EFU zone, the primary use of the site is already approved through an existing conditional use approval, and the proposed shed will be built on an existing lot of record that is 4.99 acres.

- The site does not have any active zoning overlays, and has an existing conditional use approval for use as a transportation maintenance yard.
- It does not appear the proposed use is listed under ZDO Section 800 Special Use Requirements.
- The proposed sand shed will meet ZDO Section 1000 Development Standards.









3/16" = 1'-0"



ELEVATIONS VIEWS ALLIANCE ENGINEERING aeOregon.com

Specialists in Post Frame Engineering CLIENT CLACKAMAS COUNTY FACILITIES CLACKAMAS COUNTY FACILITIES 9324 S WILDCAT RD

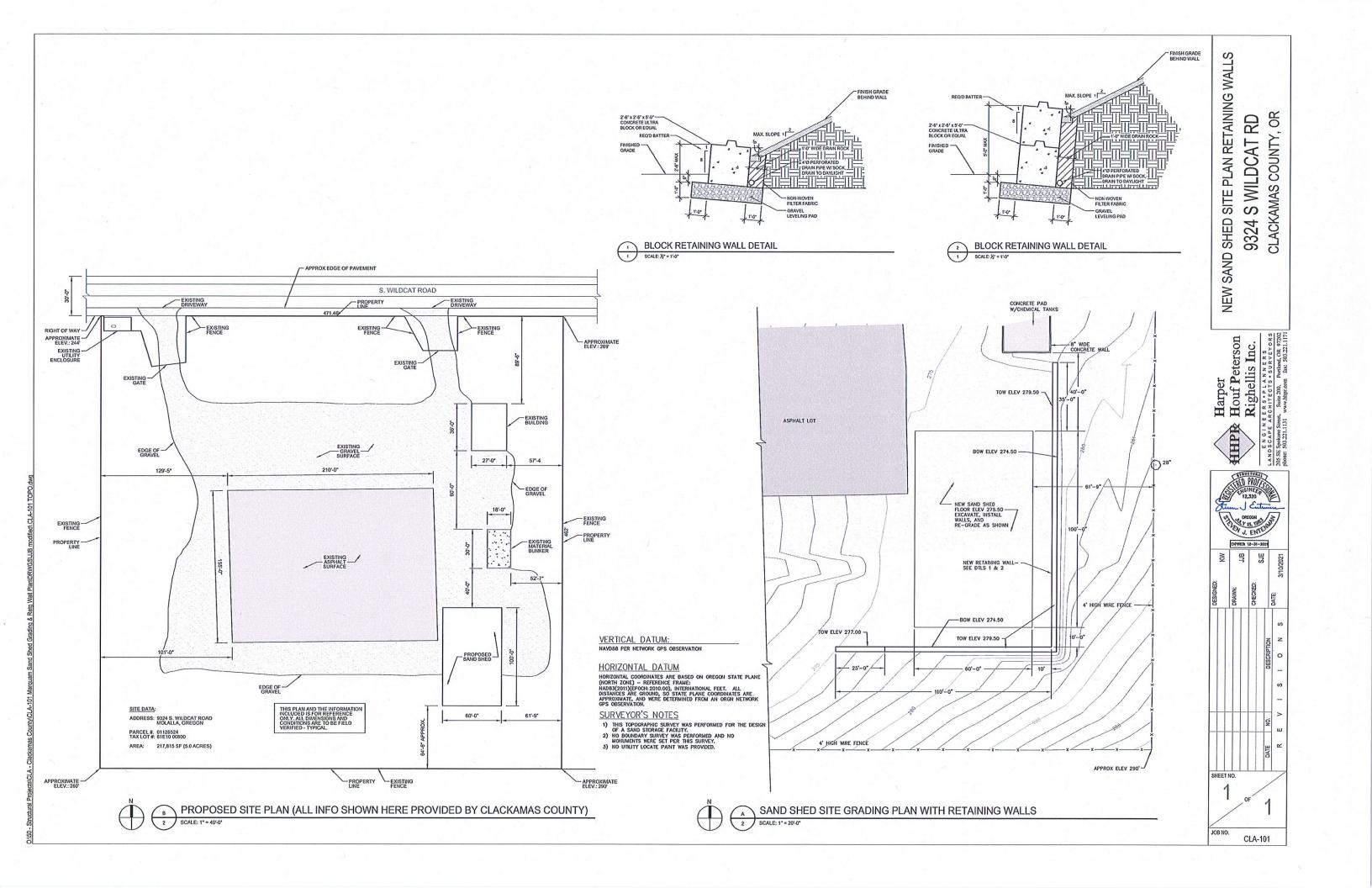
OWNER / BUILDING LOCATION 9324 S WILDCAT RD MOLALLA, OR 97038

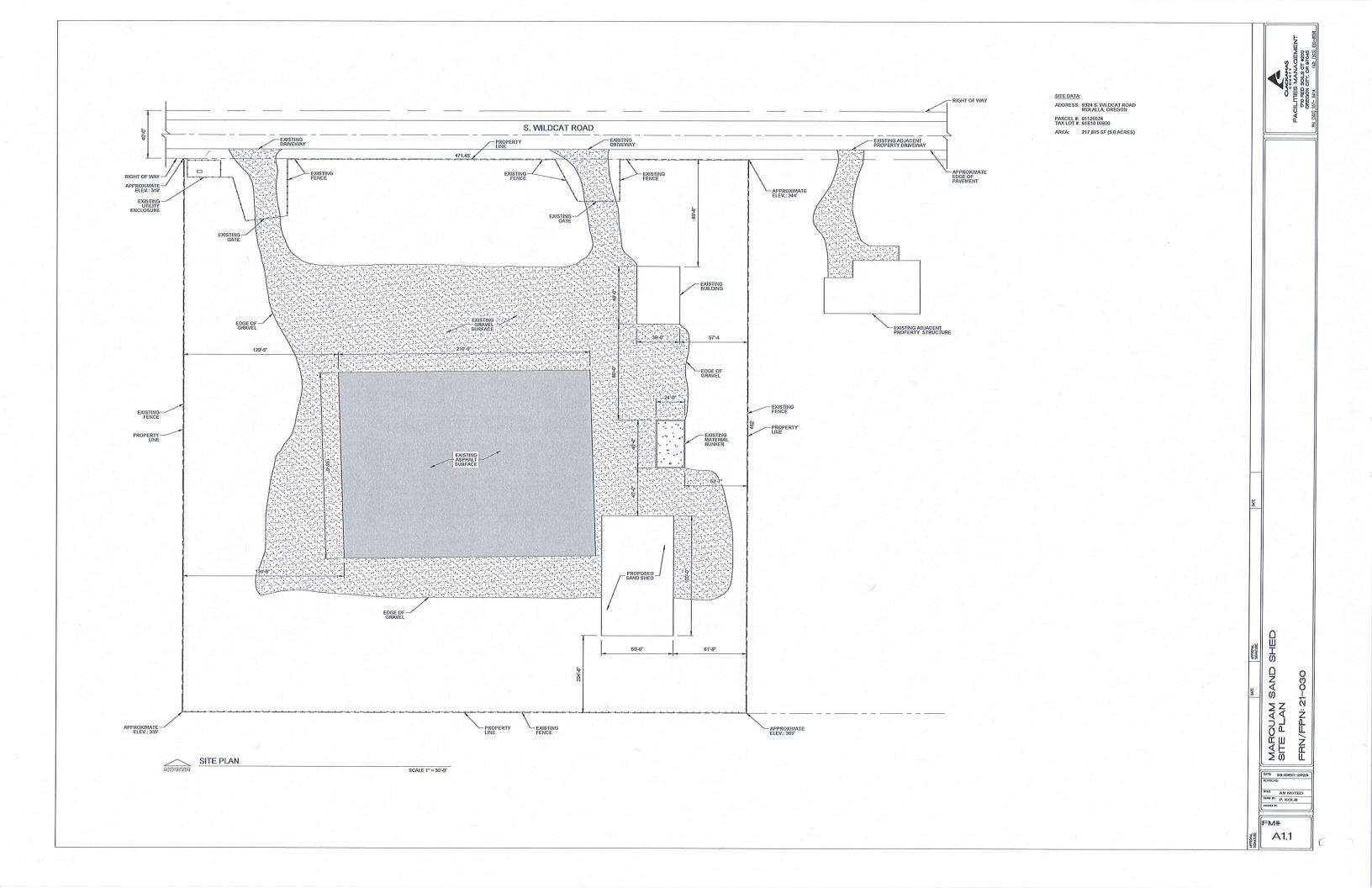
MOLALLA, OR 97038 DATE: 20 NOV 20

DATE: 20 NOV 20 DWG. NO.: JOB NO.: REV. DRAWN BY: JP PLOT @: 64 PFB-02 of 03 2100820

ELEVATION VIEWS GENERAL NOTES

NULLINCE CHEREDING OF DESCON, INC. = 2700 Market St. NE = Sdam, Groyon \$73.01 = 190342: 503 569-1727 = FACE 503 569-1728 = IT IS UNLAWAL AND POTENTIALLY DAMERSOUS FOR THIS DEVANCY TO BE USED FOR ANY OTHER BURGING LOCATION THAN SHOW







## Planning and Zoning Department of Transportation and Development

Development Services Building 150 Beavercreek Road | Oregon City, OR 97045 503-742-4500 | zoninginfo@clackamas.us www.clackamas.us/planning

# Instructions for PRELIMINARY STATEMENTS OF FEASIBILITY

#### **Instructions to Applicant:**

The attached *Preliminary Statement of Feasibility* form is to be completed by the applicable sanitary sewer service provider, surface water management authority, and water service provider. Where there is no surface water management service district for the subject property, this form is to be provided to the Clackamas County Department of Transportation and Development, Transportation Engineering Division. *Preliminary Statements of Feasibility* are not required for onsite wastewater treatment facilities (e.g., septic tanks) or water service by private well.

Completed *Preliminary Statement of Feasibility* forms must be submitted with a land use application for design review, a partition, a subdivision, conditional use permit, or zone change.

It is the responsibility of the applicant for a land use application to provide a copy of this form to each service provider for the subject property. A service provider may require the submission of detailed plans and/or engineering data prior to determining whether a *Preliminary Statement of Feasibility* will be issued. Contact the service providers for details.

The forms must be dated no more than one year prior to submittal of a complete land use application.

#### Instructions to Reviewing Service Provider or Surface Water Management Authority:

A development is proposed within your service area. Please complete the attached *Preliminary Statement of Feasibility* to indicate whether adequate service can be provided to this development.

If adequate service can be provided only with the implementation of certain conditions of approval, you may attach such conditions to the completed form. Completion of the *Preliminary Statement of Feasibility* does not imply that additional requirements (e.g., plan submittals) may not be imposed by your agency once a land use application for the prospective development is filed.

Clackamas County Planning & Zoning will continue to provide notice to you of land use applications for property within your service area. This will allow you to determine whether the submitted development proposal differs from the plans reviewed by your agency in conjunction with the completion of this statement. This will also allow you to provide additional comments as necessary.

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**503-742-4545:** ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод? 翻译或口译 ? | Cấn Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

Clackamas County Updated 01/01/2021



#### Planning and Zoning Department of Transportation and Development

Development Services Building 150 Beavercreek Road | Oregon City, OR 97045 503-742-4500 | zoninginfo@clackamas.us www.clackamas.us/planning

### PRELIMINARY STATEMENT OF FEASIBILITY

TO BE COMPLETED BY APPLICANT							
Applicant	name:		Applicant	email:		Applicant phone:	
Project engineer:			Project engineer email:			Project engineer phone:	
Site addre	ess:						
Map and	tax lot #:						
	Township:	Range:	Section	on:	Tax Lot:		
	Township:	Range:	Section	n:	Tax Lot:		
	Township:	Range:	Section	n:	Tax Lot:		
	TO BE COMPLETED BY SI	ERVICE PRO	OVIDER /	SURFACE V	WATER MANAGEN	IENT AUTHORITY	
Name of service provider / surface water management author			authority:	Name and title of authorized representative:			
Representative email:				Representat	Representative phone:		
Check all	that apply:						
Wate	er Service						
	Water service, including fire flow capacity is available in source, so made available through impro	upply, treatme	ent, transmi	ssion, storage	e, and distribution, or s		
☐ Water service is adequate with the exception of fire flows. The applicant shall provide a statement from the fire district serving the subject property that states that an alternate method of fire protection, such as an on-site water source or sprinkler system, is acceptable.							
	Adequate water service <i>cannot</i> be provided.						
Sani	tary Sewer Service						
☐ Sanitary sewer capacity in the wastewater treatment system and the sanitary sewage collection system is available to serve the development or can be made available through improvements completed by the developer or the system owner.							
Surfa	ace Water Management, Treati	ment, and Co	nvevance				
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.							
☐ Adequate surface water management, treatment, and conveyance <i>cannot</i> be provided.							
Is this statement issued subject to any conditions of approval?							
<ul> <li>☐ YES, <del>and those conditions are attached.</del> See Below</li> <li>☐ NO</li> </ul>							
Signature of authorized representative:  Date of signature:  05/03/2021							

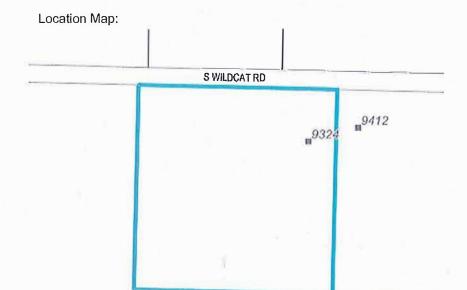
Clackamas County Updated 01/01/2021



Geographic Information Systems 168 Warner-Milne Rd Oregon City, OR 97045

# **Property Report**

**CLACKAMAS COUNTY** 902 ABERNETHY RD OREGON CITY, OR 97045



9324 S WILDCAT RD Site Address:

Taxlot

124620

150400

61E10 00800

Land Value:

**Building Value:** 25780

Total Value:

Est. Acres:

4.99

Year Built: Sale Date:

07/01/1989 21000

Sale Amount:

Sale Type:

Land Class:

401

**Building Class:** 

OUT

Zone

Zoning Designation(s):

Overlays: Acreage:

Not Available EFU

UGB: Flood Zone:

N/A

4.99

Neighborhood:

Molalla rural south all

Taxcode Districts: 067003

Fire Park Silverton Fire Dist #2

School Sewer

Silver Falls N/A

N/A

Water Cable

N/A

CPO Garb/Recyc City/County

South Clackamas County Republic Services

Clackamas Co.

This map and all other information have been compiled for preliminary and/or general purposes only. This information is not intended to be complete for purposes of determining land use restrictions, zoning, title, parcel size, or suitability of any property for a specific use. Users are cautioned to field verify all information before making decisions.

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