



NOTICE OF RESET HEARING

March 27, 2023

ALJC Holdings LLC
PO Box 3461
Gresham, OR 97030

RE:: County of Clackamas v. ALJC Holdings LLC
File: V0013021

Hearing Date: April 13, 2023

Time: This item will not begin before 11:30 am however it may begin later depending on the length of preceding items.

Location: Hearing will be held by virtual Zoom meeting. Please see attached information regarding the process for the Zoom meeting.

You **must** appear at the time set forth in this Notice of Hearing or the relief requested in the **Complaint** may be **granted against you by default**.

You can access the complete hearing packet at
<https://www.clackamas.us/codeenforcement/hearings>

You may contact Shane Potter, Code Compliance Specialist for Clackamas County at (503) 742-4465, should you have any questions about the violation(s) in the **Complaint**. Do not call the Compliance Hearings Officer.

Enclosures

CC: Carl Cox -Compliance Hearings Officer



NOTICE OF HEARING

March 1, 2023

ALJC Holdings LLC
PO Box 3461
Gresham, OR 97030

RE:: County of Clackamas v. ALJC Holdings LLC
File: V0013021

Hearing Date: March 30, 2023

Time: This item will not begin before 11:30 am however it may begin later depending on the length of preceding items.

Location: Hearing will be held by virtual Zoom meeting. Please see attached information regarding the process for the Zoom meeting.

Enclosed you will find the following:

1. Notice of Rights;
2. Copy of Exhibits which have been submitted by the County

You **must** appear at the time set forth in this Notice of Hearing or the relief requested in the **Complaint** may be **granted against you by default**.

**You can access the complete hearing packet at
<https://www.clackamas.us/codeenforcement/hearings>**

You may contact Shane Potter, Code Compliance Specialist for Clackamas County at (503) 742-4465, should you have any questions about the violation(s) in the **Complaint**. Do not call the Compliance Hearings Officer.

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

1. **Prior to the Hearing.** You have the right to make the following requests:
 - (A) You can request the opportunity to review public records and to talk to County staff about the violations or request a subpoena for that purpose if the County does not allow you to do so.
 - (B) You can request that the Hearings Officer postpone the hearing for good cause by writing the Hearings Officer at least 7 calendar days prior to the scheduled hearing date.
 - (C) You can request that the Hearings Officer decide the matter based exclusively on written materials from the parties or conduct the hearing by phone.
2. **Procedure.** The hearing will be governed by general rules of procedure designed to allow you to hear and confront the evidence against you, and for you to present evidence favorable to you. You are not required to present any evidence, the burden is on the County to establish by a preponderance of the evidence that a violation exists, or existed. Either party may, at their own expense, obtain an attorney to represent them at the hearing. If you wish to be represented by an attorney they need only notify the County and the Hearings Officer in writing of their intent to appear on your behalf. The County will present evidence first, and then you may question that evidence. You may then present your own evidence, if you wish, and the County may question your evidence. Testimony by witnesses is evidence. The Hearings Officer may inquire into any facts that are relevant to the hearing and may question the parties or witnesses about the case. Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible.
3. **Record of Proceedings.** An audio record will be made of the proceedings when a hearing is conducted. The audio record is available through the Clackamas County Code Enforcement Section and is available to you upon request.
4. **Hearings Officer.** The Hearings Officer is an independent contractor paid by the County to conduct hearings and render decisions. He/she is not a County employee. His/her function is to preside over the hearing, make a record of proceedings, consider admissible evidence, and interpret and apply the law. After the hearing is closed the Hearings Officer will enter written findings of fact, conclusions of law, and any Order deemed proper. If a violation is proven, then the Order may include civil penalties, fines, administrative fees, or may require the respondent to take certain actions, or refrain from certain actions. An Order issued by the Hearings Officer may be a Final Order or Continuing Order. The Hearings Officers Order is the final decision of the County, and may be appealed pursuant to Oregon law. The Hearings Officer for Clackamas County is:

Carl Cox
Attorney at Law
14725 NE 20th Street, #D-5
Bellevue, WA 98007
5. **Right to Recess.** If, during the course of the hearing, Respondent or the County requests a recess or postponement, or additional time to present crucial evidence, the Hearings Officer may allow a continuance of the hearing for good cause. The Respondent may also request that the proceeding be continued after the end of the hearing if the Respondent determines that additional evidence should be brought to the attention of the Hearings Officer.
6. **Right to Appeal.** The Final Order of the Hearings Officer shall set forth the right of the respondent to appeal any adverse Order. Appeal may be taken pursuant to Section 2.07.130 of the Clackamas County Hearings Officer Code, and Oregon Revised Statute 34.010-34.100. If appeal is taken, appellant is responsible for all costs of appeal including preparation of transcript.



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Clackamas County is abiding by social distancing requirements during the coronavirus pandemic, so your hearing will be conducted virtually using the Zoom platform.

You must have access to the internet or to a telephone line to use the Zoom platform. We have sent you the Zoom invite to adamlowery@icloud.com. Please contact Shane Potter if you are unable to find the email.

If you would like to present evidence at the Hearing please email or mail your evidence to SPotter@clackamas.us or 150 Beavercreek Rd, Oregon City, Oregon 97045, no later than **4 work days prior to the hearing**. Staff will number your evidence for the hearing and provide the numbered documents to the Hearings Officer and send them back to you for reference.

If you are unable to participate in a hearing through the Zoom platform please contact Shane Potter at 503-742-4465 **within 3 calendar days of receipt of the notice of hearing packet.**

If you do not know how to use Zoom, please Google “how to use Zoom” and there are many interactive guides on the internet.

If you experience difficulties connecting to the Zoom hearing before your scheduled start time, 503-348-4692 for assistance.

**Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that a \$75.00 monthly Administrative Compliance Fee will be assessed if a violation has been determined and has not been abated. When a property owner works cooperatively with the County to resolve a confirmed code violation, the County may waive all or part of that fee.*

Department of Transportation and Development

Nondiscrimination Policy:

The Department of Transportation and Development is committed to non-discrimination. For more information go to: www.clackamas.us/transportation/nondiscrimination, email JKauppi@clackamas.us or call (503) 742-4452.

¡LE DAMOS LA BIENVENIDA! Spanish

El Departamento de Transporte y Desarrollo está comprometido con la no discriminación. Para obtener más información, visite: www.clackamas.us/transportation/nondiscrimination, envíe un correo electrónico a JKauppi@clackamas.us o llame al 503-742-4452.

ДОБРО ПОЖАЛОВАТЬ! Russian

Департамент транспорта и развития инфраструктуры стремится к соблюдению политики недопущения дискриминации. Для получения дополнительной информации посетите веб-сайт: www.clackamas.us/transportation/nondiscrimination, отправьте письмо на адрес эл. почты JKauppi@clackamas.us или позвоните по телефону 503-742-4452.

欢迎! Chinese (Mandarin)

交通和发展部致力于实现非歧视。如需了解更多信息，请访问 www.clackamas.us/transportation/nondiscrimination，发送电子邮件至 JKauppi@clackamas.us 或致电 503-742-4452。

CHÀO MỪNG! Vietnamese

Bộ Vận Tải và Phát Triển cam kết thực thi chính sách không phân biệt đối xử. Để biết thêm thông tin, vui lòng truy cập trang mạng:

www.clackamas.us/transportation/nondiscrimination, gửi email đến JKauppi@clackamas.us hoặc gọi điện thoại theo số 503-742-4452.

환영합니다. Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은 홈페이지 www.clackamas.us/transportation/nondiscrimination을 참조하거나 이메일 JKauppi@clackamas.us, 또는 전화 503-742-4452번으로 연락 주십시오.

BEFORE THE COMPLIANCE HEARINGS OFFICER
for the
CLACKAMAS COUNTY BOARD OF COMMISSIONERS

COUNTY OF CLACKAMAS,

File No(s): V0013021

Petitioner,

v.

ALJC Holdings LLC.,

Respondent.

COMPLAINT AND REQUEST FOR HEARING

I, Shane Potter, Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondents' mailing address is: PO Box 3461, Gresham, OR 97030

2.

The address or location of the violations of law alleged in this Complaint is: 14577 SE Anderson Rd., Damascus, OR 97089 also known as T2S, R3E., Section 08A, Tax Lot 00700, and is located in Clackamas County, Oregon.

3.

On or about the 8th day of April, 2021, Respondent violated the following laws, in the following ways:

- a. Respondent violated Section 10.03.060 of the Clackamas County Solid Waste and Wastes Management Code on the above referenced property by maintaining solid waste including large containers of unknown chemicals on site. This violation is a Priority 4 violation pursuant to the Clackamas County Violation Priorities.

- b. Respondent violated 9.02.040(A, B, C, & D) of the Clackamas County Building Codes Ordinance on the above referenced property by operating a commercial business inside of a building not permitted for commercial activities. This violation is a Priority 3 violation pursuant to the Clackamas County Violation Priorities.
- c. Respondent violated Section 12.513.03 of the Clackamas Zoning and Development Ordinance (ZDO) on the above referenced property. Said property is zoned Rural Commercial (RC) District and, pursuant to Section 12.513.03 uses are required to meet development standards. This commercial operation has not obtained a review of development standards. This violation is a Priority 3 violation pursuant to the Clackamas County Violation Priorities.

4.

The Department initiating this procedure is the Code Enforcement Section of the Department of Transportation and Development.

5.

Notice of the violations was given to Respondent in the following manner: Administrative Citation No. 2100130 - 1 in the amount of \$800.00 was mailed regular mail on September 12, 2022. A copy of the notice document is attached to this Complaint as Exhibit M, and incorporated by this reference.

Based on these allegations, petitioner requests that a hearing be set in this matter. Petitioner seeks an Order from the Hearings Officer granting the following relief:

1. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to immediately abate the violation and bring the property at issue into compliance with all laws, and permanently enjoining respondent from violating these laws in the future;

2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondent for each violation within the range established by Board of County Commissioners.

- a. Said range for a Priority 4 Solid Waste Code violation being \$100.00 to \$1,000.00 per occurrence as provided by Appendix B to the Clackamas County Code;

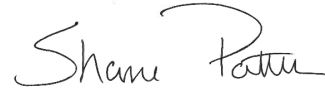
- b. Said range for a Priority 3 Building Codes violation being \$250.00 to \$1,000.00 per occurrence as provided by Appendix B to the Clackamas County Code;

- c. Said range for a Priority 3 Zoning Code violation being \$250.00 to \$1,500.00 per occurrence as provided by Appendix B to the Clackamas County Code.

3. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to pay an administrative compliance fee as provided by Appendix A to the Clackamas County Code; and

4. Ordering any other relief deemed reasonably necessary to correct the violations.

DATED this 1st day of March 2023.

A handwritten signature in black ink, appearing to read "Shane Potter". The signature is fluid and cursive, with the first name "Shane" and last name "Potter" clearly distinguishable.

Shane Potter
Code Enforcement Specialist
for Clackamas County

COUNTY OF CLACKAMAS,

Petitioner,

v.

ALJC HOLDINGS LLC,

Respondent.

File No.: V0013021

STATEMENT OF PROOF

History of Events and Exhibits:

April 7, 2021 Exhibit A	Clackamas County Code Enforcement Specialist (CES) Michael Barnes identified this violation while inspecting a neighboring property.
April 7, 2021 Exhibit B	Email between CES Barnes and the Clackamas County Planning and Zoning Division showing the requirements for land use on this site.
March 1, 2021 Exhibit C	CES Barnes had taken photos of an adjacent property that he believed to be one lot at the time of the photos. The photos show commercial activities occurring on the site. Photos were taken.
April 8, 2021 Exhibit D	Facts of the alleged violation were reviewed, the violation verified, and notice of violation mailed containing a statement of the facts that support the finding a violation exists on the property. The Notice of Violation was mailed via first class mail to the Respondent.
April 14, 2021 and April 16, 2021 Exhibit E	Emails exchanged between CES Barnes and Respondent representative Adam Lowery. The emails discussed how to address the violation of operating a commercial operation on this lot.
May 10, 2021 Exhibit F	CES Barnes performed a site visit and identified commercial activities occurring on site. There were also numerous commercial vehicles of different types being stored on site.
May 19, 2021	A Pre-Application Conference was held for use of the site as a commercial operation.

August 16, 2021 Exhibit G	Correspondence was mailed to the Respondent requesting completion of the land use process that had started in May.
September 23, 2021 Exhibit H	CES Potter performed a site visit and found commercial activities occurring on site.
November 10, 2021 Exhibit I	Email with the Clackamas County Onsite Wastewater Department discussing septic for the office on site.
May 23, 2022 Exhibit J	CES Potter performed a site visit and found the commercial activities occurring on the site including in the residential buildings. Solid waste was also identified during the site visit. Photos were taken
June 22, 2022 Exhibit K	Facts of the alleged violation were reviewed, the violation verified, and notice of violation mailed containing a statement of the facts that support the finding a violation exists on the property. The Notice of Violation was mailed via first class mail to the Respondent.
August 29, 2022 Exhibit L	CES Potter performed a site visit and commercial activities remain on site along with use of the residential buildings. Solid was also identified on site. Photos were taken.
September 12, 2022 Exhibit M	Citation #2100130 – 1 for \$800.00 for solid waste, operating a commercial business without land use approval and no building permits for a change of use. The citation was mailed first class mail to the Respondent. The citation was not returned and the citation has not been paid.
September 23, 2022	CES Potter talked with Respondent representative Adam Lowery. Mr. Lowery stated he got the citation and wanted to know how to address this. CES Potter explained the solid waste needs to be removed, land use needs to be obtained for this lot and the buildings will need to be permitted as commercial buildings.
October 18, 2022 Exhibit N	CES Potter performed a site visit and found solid waste on site, commercial activities occurring without all completed and approved land use approvals and buildings still being used for commercial purposes without building permits.
January 18, 2023	CES Potter talked to Respondent representative Adam Lowery by phone. Mr. Lowery asked what he needs to do to address the violation. CES Potter described what needs done consistent with the conversation held on September 23, 2022.

February 27, 2023 CES Potter performed a site visit and found solid waste and
Exhibit O commercial activities continue to occur without all land use
approvals. Buildings were still be used for commercial purposes.
Photos were taken

February 28, 2023 This file was referred to the Hearings Officer

If the Hearings Officer affirms the County's position that a violation of operating a commercial business without land use approval, solid waste, and buildings used for commercial purposes without proper permits exist, the County would request a Continuing order be issued requiring:

- Respondent remove all outside storage and solid waste from the site within 30 days from the date of the Hearing Officers Continuing Order.
- Cease commercial activities on site, if they choose not to obtain land use approval, and all buildings that remain on site be code compliant, or;
- Submit a land use application and obtain land use approval through the Clackamas County Planning and Zoning Division to operate the business at this location within 30 days from the date of the Hearing Officers Continuing Order.
 - If the land use application is deemed incomplete and/or the Respondent is required to go through another Pre-Application Conference the Respondent shall submit a final application and/or deem the application complete within 30 days of the incomplete notice or Pre-Application Conference.
 - The Respondent shall comply with all conditions of approval.
 - If the application is approved and after all appeal periods have ended the Respondent shall submit all necessary building permit applications, technically complete plans and pay the appropriate fees within 15 days from the date of the final land use approval.
 - Respond to any request for additional information related to the building permit applications and plans within 10 days of receiving such requests from the Building Codes Division; and
 - All permits must be picked up within 10 days of being notified; and
 - Schedule all inspections so that final inspections may be obtained not later than 45 days of the date of all permits being issued.

The County will submit a Post Hearing Status Report. The report will be sent to the Compliance Hearings Officer and to the Respondent. The report may include the following recommendations:

- Payment of Citation #2100130 – 1 for \$800.00.
- The imposition of civil penalties of up to \$1,000.00 for a Priority 4 Solid Waste Code Violation, imposition of civil penalties of up to \$1,500.00 for a Priority 2 Zoning Code Violation, and imposition of civil penalties of up to \$1,000.00 for a Priority 3 Building Codes Violation for the date cited on September 12, 2022 for a total civil penalties of up to \$3,500.00.

- The Administrative Compliance Fee to be imposed from April 8, 2021, until the violation is abated. As of the date of this report the total is \$1,200.00.
- If the violations are not abated the County may request authorization for further enforcement action including to proceed to Circuit Court.
- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.
- The County would also ask that reimbursement be ordered for any expense the County incurs in collection of these monies.





Exhibit A Page 2 of 5

01/28/2022

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RECORDING REQUESTED BY:



111 SW Columbia St., Ste 1000
Portland, OR 97201

GRANTOR'S NAME:

Bart Grabhorn

GRANTEE'S NAME:

ALJC Holdings, LLC, an Oregon limited liability company

AFTER RECORDING RETURN TO:

Order No.: 36261902668-AS
ALJC Holdings, LLC, an Oregon limited liability company
PO Box 3461
Gresham, OR 97030

SEND TAX STATEMENTS TO:

ALJC Holdings, LLC, an Oregon limited liability company
PO Box 3461
Gresham, OR 97030

14577 and 14667 SE Anderson Road, Damascus, OR 97089

Clackamas County Official Records	2019-068715
Sherry Hall, County Clerk	10/30/2019 02:40:01 PM
D-D Cnt=1 Stn=9 COUNTER1	
\$15.00 \$16.00 \$10.00 \$62.00	\$103.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Bart Grabhorn, Grantor, conveys and warrants to **ALJC Holdings, LLC, an Oregon limited liability company**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS EIGHT HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$825,000.00) paid to a facilitator pursuant to an IRC 1031 Tax Deferred Exchange). (See ORS 93.030).

Subject to:

- 1. Rights of the public to any portion of the Land lying within streets, roads and highways.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Recorded by TICOR TITLE 36261902668

STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 10-25-2019

Bart Grabhorn
Bart Grabhorn

State of Oregon
County of Columbia

This instrument was acknowledged before me on October 25, 2019 by
Bart Grabhorn

Heather Boggs
Notary Public - State of Oregon

My Commission Expires: May 15, 2022



EXHIBIT "A"
Legal Description

Parcel I: **23E08A 00700 00616275**

A part of the North half of the Northeast quarter of Section 8, Township 2 South, Range 3 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, and more particularly described as follows:

Beginning at a stone in the center of the Old Oregon City Road, said stone being 660.0 feet South and 1677.3 feet East of the quarter corner between Sections 5 and 8, said Township and Range, and being the Southeast corner of the Damascus School Property; running thence North 2° 12' West along the center of the road 312.84 feet, more or less, to the Northeast corner of that certain tract of land conveyed to Damascus School District No. 77, by deed recorded in Book 230, Page 201, Deed Records, which is the true point of beginning; thence continuing North 2° 12' West along the center of said road, 247.16 feet, more or less, to the Southerly line of the Oregon City Highway; thence Southwesterly, along the Southerly line of said highway, 246.0 feet to an iron pipe; thence South 2° 12' East 213.0 feet to the Northwest corner of the Damascus School District Tract described in Book 230, Page 201, Deed Records; thence East 208.6 feet along the North line of the Damascus School District Tract to the true place of beginning.

Parcel II: **23E08A 00600 00616266**

A tract of land situated in the Northeast-1/4 of the Northeast-1/4 of Section 8, Township 2 South, Range 3 East, of the Willamette Meridian, County of Clackamas and State of Oregon, described as follows:

Beginning at a 1-1/2 inch iron pipe at an angle point of the J.T. Chitwood Road, County Road No. 223 and from which point the Northeast corner of said Section 8 bears North 89° 02' 50" East 957.32 feet and North 0° 05' 50" East 674.26 feet; thence North 3° 05' 20" West along the Centerline of said County Road No. 223 a distance of 157.20 feet to the true point of beginning of the tract herein to be described; thence continuing North 3° 05' 70" West 155.64 feet to the Northeast corner of that certain tract of land conveyed to the Damascus Community Church by deed recorded in deed Book 561, Page 233; thence South 89° 02' 50" West along said North line 208.56 feet to the Northwest corner of said tract; thence South 3° 05' 20" East along said West line and Southerly extension thereof 312.84 feet to a point in the centerline of County Road No. 223; thence North 89° 02' 50" East along said centerline 70.00 feet; thence North 3° 05' 20" West 157.20 feet; thence North 89° 02' 50" East a distance 138.56 feet to the true point of beginning.

Except Therefrom that portion of the above-described tract lying within County Road No. 223.

MN

Potter, Shane

From: ZoningInfo
Sent: Wednesday, April 7, 2021 12:06 PM
To: Barnes, Michael
Subject: RE: CE- 14667 & 14577 SE Anderson Rd
Attachments: design-review.pdf; creditautform.pdf; ZDO1102.pdf; ZDO513.pdf

Michael, property is zoned Rural Commercial (RC). Use is potentially allowed as a commercial construction and maintenance service, but would likely require some level of Design Review through our office, and unable to tell if the current layout of the business would conform with applicable RC / Design Review standards. Thanks

Steve H.

From: Barnes, Michael
Sent: Wednesday, April 7, 2021 11:11 AM
To: ZoningInfo <ZoningInfo@clackamas.us>
Subject: CE- 14667 & 14577 SE Anderson Rd

Hello Planner,

Both of these addresses have same owner and there is clearly commercial vehicles and activities on site. Is this allowed?

I identified A large parking lot with an estimated 30 vehicles (suspected to be employees) shown in photo 13, semi truck/s, and vehicles with business logos for both Valley Scapes and Bridge City Concrete (photo 19). Also attached is google search for both Bridge City Concrete and Valley Scapes both using address 14577 for commercial business.

Thank you

Michael Barnes
Code Enforcement Specialist | Clackamas Building Codes Division
150 Beaver Creek Road | Oregon City, OR 97045
503-742-4759 | MBarnes@clackamas.us











EXHIBIT C PAGE 5 OF 5

April 08, 2021

File # V0013021

ALJC HOLDINGS LLC
PO BOX 3461
Gresham, OR 97030

Robert Smejkal
800 Willamette ST STE 800
Eugene, OR 97401

SUBJECT: Violation of Clackamas County Zoning and Development Ordinance, Title 12, Sections 513 & 1102.01.

SITE ADDRESS: 14577 SE ANDERSON RD, DAMASCUS, OR 97089

LEGAL DESCRIPTION: T2S, R3E, Section 08A, Tax Lot 00700

VIOLATIONS & HOW TO RESOLVE

Failure to Obtain Design Review for Commercial Activities on Site

A recent inspection was completed of the subject property and commercial activity was confirmed. The activity was discussed with the Planning Department who stated per section 1102.01(A) of the Zoning and Development Ordinance, any development, redevelopment, expansions, and improvements in commercial and industrial zoning districts require Design Review. Permits were checked and no Design Review has been approved for this lot. Of note, the Planning Department confirmed the Design Review approved for the neighboring lot at 14667 SE Anderson Rd, also owned by ALJC Holdings LLC, did not apply to this lot and a separate Design Review approval was needed. You are in violation of Clackamas County Zoning and Development Ordinance, Title 12, Sections 513 & 1102.01. Please complete one of the following **no later than May 08, 2021**:

- Cease the unauthorized activity, removing commercial equipment and vehicles, and return the property to its prior condition; **or**
- Contact the Clackamas County Planning Department and begin the submittal process, seeking Planning approval for this activity from this location.
 - If the activity receives land use authorization, the violation will be closed only after confirmation the property is in compliance with the allowed use in this zone.
 - A site inspection may be required to obtain compliance

CONTACT INFORMATION

Permits (Building): bldservice@clackamas.us or 503-742-4240

Planning (Zoning): zoninginfo@clackamas.us or 503-742-4500

Code Enforcement: MBarnes@clackamas.us or 503-742-4759



Michael Barnes

Code Enforcement Specialist

Clackamas County Code Enforcement

Important Notices

1. **Administrative Compliance Fees.** It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. **An administration compliance fee of \$75 will now be assessed monthly until the violations are abated.**
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Code Enforcement Compliance Hearings Officer.
3. **Request for a Hearing:** If you dispute the existence of the violations described in the enclosed letter you may request a hearing before the Hearings Officer by sending a written request for a hearing, including your name and address to: Code Enforcement Section, 150 Beaver Creek Rd., Oregon City, OR 97045, or at codeenforcement@clackamas.us.
4. **Potential Fines and Penalties:** The Clackamas County Code provides for Citation fine amounts of up to \$500 and additional civil penalties imposed by the Hearings Officer of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.
5. **Voluntary Compliance:** Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.
6. **Non-Compliance may result in a lien upon your property:** Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered, the County may file and record the order for payment in the County Clerk Lien Record.
7. **Final Order may be enforced in Circuit Court:** Also, be advised that non-compliance with a Hearings Officer's Order may result in the matter being referred to County Counsel for legal action in Circuit Court which may result in additional penalties or other sanctions.
8. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.

Potter, Shane

From: Barnes, Michael
Sent: Wednesday, April 14, 2021 3:17 PM
To: 'Adam Lowery'
Cc: Riederer, Anthony
Subject: RE: 14577 & 14667 SE Anderson Rd Damascus

Adam,
Thank you for the email.

14667 SE Anderson Rd (V0044620):

Permit B0364820 shows "waiting for info." Please email permit tech Shirley at scasscrosby@clackamas.us to check on that permit and to ask about permitting the shipping containers. You will also want to speak with Planning at zoninginfo@clackamas.us to see if the containers are allowed and what is needed for Planning approval. Nate Carter was notified back on December 02, 2020 of the shipping containers being in violation. We hoped there would be cooperation and the violations would be addressed, but to my knowledge there has been no efforts made to correct these violations. Therefore, if the containers are not permitted or removed by 5/8/2021 citations will be issued. If complete applications are submitted by this deadline, additional time will be given for the applications to be reviewed.

14577 SE Anderson Rd (V0013021):

Please contact Anthony Riederer at ARiederer@clackamas.us to discuss what is needed for Planning approval for the commercial activities at this location. This process can take a while, so as long as I can document progress, additional time may be given. I believe the first step is to schedule a pre-application Design Review meeting with Anthony. Please let me know when this is scheduled.

Thank you

Michael Barnes
Code Enforcement Specialist | Clackamas Building Codes Division
150 Beaver Creek Road | Oregon City, OR 97045
503-742-4759 | MBarnes@clackamas.us

-----Original Message-----

From: Adam Lowery <adamlowery@icloud.com>
Sent: Wednesday, April 14, 2021 11:49 AM
To: Barnes, Michael <MBarnes@clackamas.us>
Subject: 14576 SE Anderson Rd Damascus 97089

Warning: External email. Be cautious opening attachments and links.

Michael,

We received notices of violations for both 14577 SE Anderson rd and 14667 SE Anderson Rd.

One is for a land use permit and the other is for storage container permits.

We are waiting on approval for a building permit that we should receive any day.

What is the process for getting the appropriate permits to satisfy the violations?

The container permit would be very short term since once our warehouse is built we will no longer need the containers but the land use permit is critical to us operating our business. We were unaware during this process that we needed this type of permit.

Please call me at 503-789-8929 to discuss.

Thank you!

Adam Lowery

Sent from my iPhone

--

BEGIN-ANTISPAM-VOTING-LINKS

Teach CanIt if this mail (ID 044QGN7iW) is spam:

Spam Email:

<https://mhub.clackamas.us/canit/b.php?c=s&i=044QGN7iW&m=c3deae1df85b&rlm=base&t=20210414>

Phishing Email:

<https://mhub.clackamas.us/canit/b.php?c=p&i=044QGN7iW&m=c3deae1df85b&rlm=base&t=20210414>

END-ANTISPAM-VOTING-LINKS

Potter, Shane

From: Adam Lowery <adam@valleyscapes.net>
Sent: Friday, April 16, 2021 10:17 AM
To: Barnes, Michael
Subject: Update

Warning: External email. Be cautious opening attachments and links.

Michael,

We have submitted our preliminary request for plan use and made our payment in 14577 SE Anderson Rd. And I have also reached out to Sherry in regards to the permits for the containers and waiting to hear back from her as well. Just wanted to keep you in the loop regarding both violations.

Thank you!

Sent from my iPhone

--
BEGIN-ANTISPAM-VOTING-LINKS

NOTE: This message was trained as non-spam. If this is wrong, please correct the training as soon as possible.

Teach CanIt if this mail (ID 034RtgTkB) is spam:

Spam Email: <https://mhub.clackamas.us/canit/b.php?c=s&i=034RtgTkB&m=b30fb17a6469&rlm=base&t=20210416>
Phishing Email: <https://mhub.clackamas.us/canit/b.php?c=p&i=034RtgTkB&m=b30fb17a6469&rlm=base&t=20210416>

END-ANTISPAM-VOTING-LINKS







August 16, 2021

Violation NO: V0013021

ALJC HOLDINGS LLC
PO BOX 3461
Gresham, OR 97030

Robert Smejkal
800 Willamette ST STE 800
Eugene, OR 97401

**SUBJECT: ADDITIONAL REQUIREMENT BASED OFF RECENT VIOLATION LETTER
VIOLATION OF CLACKAMAS COUNTY ZONING AND DEVELOPMENT
ORDINANCE TITLE 12, SECTION 513**

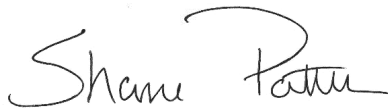
SITE ADDRESS: 14557 SE ANDERSON RD, DAMASCUS, OR 97089

LEGAL DESCRIPTION: T2S, R3E, Section 08A, Tax Lot 00700

A recent violation letter was mailed to you regarding the violations on this property. You have begun the process but there has not been a completion to this land use review. Due to this being a violation you will be required to obtain the land use approvals within 30 days from the date of this letter. If a letter has been or is provided to you regarding a "Deemed Incomplete" application from Planning you will be required to provide them the additional information within 30 days of the date of the letter.

This letter does not replace the violation letter it is additional language to that letter.

Please feel free to contact me with any questions you may have. My e-mail address is spotter@co.clackamas.or.us and my telephone number is 503-742-4465.



SHANE POTTER
Code Enforcement Specialist
Clackamas County Code Enforcement

**Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County in its discretion may waive all or part of the \$75 per month administrative fee.*

EXHIBIT G







Potter, Shane

From: SoilsConcern
Sent: Wednesday, November 10, 2021 10:30 AM
To: Potter, Shane
Subject: FW: Minor Repair - 14577 SE Anderson Rd.
Attachments: 20211109_203249.PDF

Follow Up Flag: Follow up
Flag Status: Completed

Good morning,

We received this Septic permit submittal to replace existing steel septic tank that's failing. They do indicate that it is for a commercial office. I am going to require a LUCS to be signed by the Planning/Zoning department as part of this submittal. If I get the approved LUCS, is it okay to proceed with this permit?

Take care,

Kristi Bruck | Permit Technician

she/her/hers

[Why pronouns matter](#)

Clackamas County Onsite Wastewater Systems Program

150 Beavercreek Rd | Oregon City OR 97045

KBruck@clackamas.us

Permit department lobby hours: Monday-Thursday 8-4 & Friday 8-3

From: E & A SYSTEMS INC. <info@eandasystems.org>
Sent: Wednesday, November 10, 2021 7:43 AM
To: SoilsConcern <SoilsConcern@clackamas.us>
Subject: Minor Repair - 14577 SE Anderson Rd.

Warning: External email. Be cautious opening attachments and links.

Hello and Good day

Please find the application paperwork attached.

Thank you!

--

**Regards,
Edward Varga**



ONSITE WASTEWATER PROGRAM APPLICATION

APPLICATION TYPE

- ☐ SITE EVALUATION FOR: ☐ New Development ☐ Existing System Repair / Alteration ☐ Partition into _____ Lots
- ☒ CONSTRUCTION PERMIT FOR: ☐ New Septic System ☒ Repair / Replace ☐ Alteration to Existing System
- ☐ AUTHORIZATION NOTICE: ☐ Change in Use ☐ Temporary Hardship ☐ Reconnect to Existing ☐ Increase in Flow
- ☐ EXISTING SYSTEM REVIEW ☐ REINSTATE / RENEWAL ☐ TRANSFER OF OWNERSHIP

SITE INFORMATION

Property Owner: _____

Address: 14577 SE ANDERSON RD.

Property Owner Email Address: _____

Parcel / Tax Map: 23E08A 00700

Water Source: ☐ Private Well ☐ Shared Well ☒ Public ☐ Other _____ Acres: 1.16

Type of Structure: ☐ Residential ☒ Commercial ☐ Accessory Building ☐ Manufactured Home ☐ Other _____

Septic Records Number: OFFICE Building Permit #: _____ Planning Approval: _____

INSTALLER INFORMATION

Home Owner Install: ☐ Yes ☒ No (If yes, then continue to next section)

Licensed Installer: E & A SYSTEMS INC Telephone: (971) 282 - 7325

DEQ License #: 38963 Expiration Date: 06 / 30 / 2024

Maintenance Provider: E & A SYSTEMS INC Certificate #: _____

Installer Email Address: info@eandasystems.org

PROJECT DESCRIPTION

Current Number of Bedrooms: _____ OR Gallons per day: _____ Proposed Number of Bedrooms: _____ OR Gallons per day: _____

Description of Work: REPLACE EXISTING COLLAPSED 1000g/l. STEEL TANK
W/ NEW 1500g/l. DOWNSIDE SEPTIC (PUM), PUMP TO EXISTING
2 LATERAL DISTRIBUTION BOX.

APPLICANT

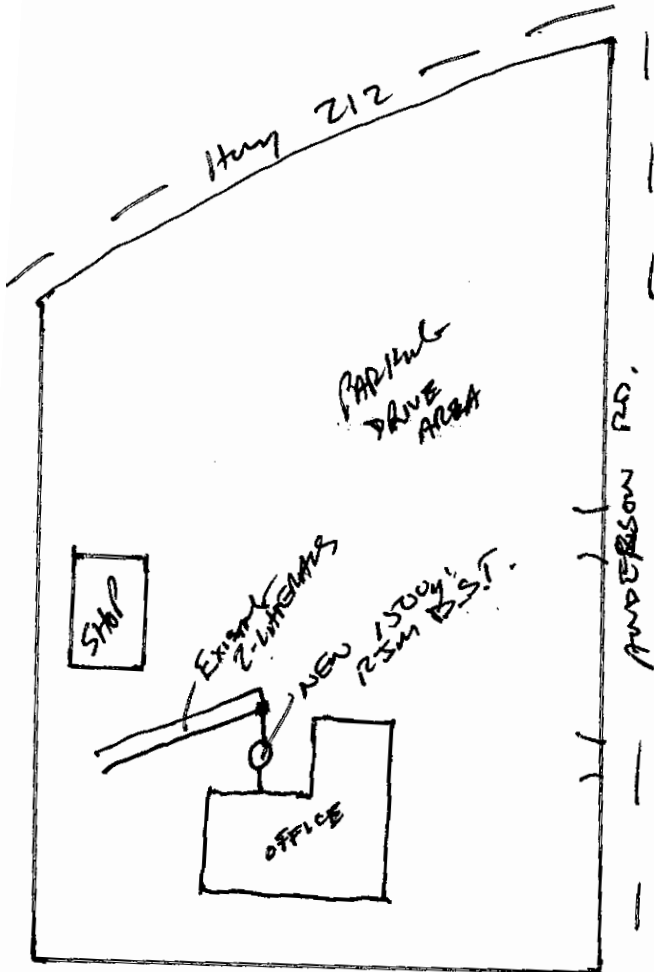
Applicant Name: Edward Varga Telephone: (971) 282 - 7325

Mailing Address: P.O. Box 334 Eagle Creek, OR, 97022

Email Address: info@eandasystems.org

By signing below I certify that: This application is complete and all information provided is accurate to the best of my knowledge (incomplete application may delay your project). Only the property owner or a Department of Environmental Quality (DEQ) licensed installer will perform work on the on-site sewage treatment system or any part thereof. I grant the DEQ or its agent's permission to enter the property and gather information or samples as required for the sole purpose of this application and the approval of, and compliance with, any permit issued by this application. See additional conditions on back.

Owner or Authorized Representative Signature: _____ Date: 11 / 08 / 21



N
1"=60'
PROBLY 1720

14577 SE ANDERSON RD.
DANABUS, OR 97089
23E08A 00700

SEA SYSTEMS INC.
971-282-7325

[Signature]
11-08-2021

ELEVATIONS

- * HAVING PLUMBER RE-HANG
LINE UNDER BUILDING
WHICH DOES NOT HAVE
PROPER SLOPE, WHICH IN
TURN SETS TANK LOWER
THAN BOX ~12".
THEREFORE WE ARE INSTALLING
A PUMP IN THE TANK.















June 22, 2022

Violation No.: V0013021

ALJC Holdings LLC
PO Box 3461
Gresham, OR 97030

CLACKAMAS COUNTY CODES VIOLATED:

1. CLACKAMAS COUNTY SOLID WASTE AND WASTES MANAGEMENT ORDINANCE TITLE 10.03.060 (A & B.9) – SOLID WASTE OR WASTES ACCUMULATION PROHIBITED
2. CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE TITLE 12.513.03 – USES PERMITTED – Operating a commercial business without land use approval
3. CLACKAMAS COUNTY BUILDING CODE TITLE 9.02.040(A, B, C, & D – Occupying buildings without obtaining a change of use from residential to commercial

SITE ADDRESS: 14577 SE Anderson Rd., Damascus, OR 97089

LEGAL DESCRIPTION: T2S, R3E, SECTION 08A TAX LOT(S) 00700

There is solid waste from the commercial business all over the lot, there is a commercial business operating without land use approval and there are buildings that have not received a change of use. There was a pre-application process held for the use of this site but no further actions have taken place.

SOLID WASTE AND WASTES MANAGEMENT – CODE ENFORCEMENT

There is commercial solid waste throughout the site. Please abate the violation of the remaining solid waste on the subject property by completing one or a combination of the following **no later than: July 22, 2022:**

1. Remove all putrescible waste (such as food scraps, sewer, and other debris that can create a health hazard), solid waste, including but not limited to, automotive parts, tires, appliances, equipment, furniture, scrap metal, and miscellaneous debris to an authorized disposal facility.

AND;

2. When the violation has been abated contact your Code Specialist to perform a site visit to confirm the violation has been abated.

OR;

3. Place the items that you wish to keep code compliant, by screening them from view or placed within a compliant structure for such use.

*It is important to note that all putrescible waste must be stored in a rodent proof container with tight-fitting lid and removed to an authorized disposal facility a minimum

of once every seven (7) days. Covering solid waste with a tarp does not remove the items from violation.

*For a definition of Solid Waste or Wastes please go to Title 10.03.030 (59).

BUSINESS OPERATING WITHOUT LAND USE APPROVAL - PLANNING & ZONING DIVISION

The subject property is zoned RC (Rural Commercial). The commercial use being conducted has not gone through a land use procedure most notably a design review. In order to abate the violation please complete one of the following **not later than: July 22, 2022**

1. Relocate the business to another location. The activity being relocated and all associated activities must be removed from the site. You will need to obtain a site visit from your Code Enforcement Specialist to confirm the use has been removed. You will need to comply with the Building Permit/Inspection(s) Required section later in this report for any construction requiring a permit that may have been done as a result of the change.

OR;

2. If you wish to continue to operate the business(es) from this location you will need to work with the Clackamas County Planning and Zoning Division to determine the process you will need to take to come into compliance.
 - a. We first recommend contacting the Planning and Zoning Division at 503-742-4500 or by email at zoninginfo@clackamas.us to discuss the business(es) and determine the correct land use action needed.
 - b. By the deadline listed above the respondent must have submitted the application process with the Planning and Zoning Division. It appears you have already attended a pre-application conference.
 - i. If, after submittal, you are notified that the application is deemed incomplete you have no more than thirty (30) days to submit the required information/documents requested.
 - ii. If you obtain approval from the Planning and Zoning Division you must comply with all conditions of approval and uses related within the approval. You will then need to address the criteria in the Building Permit(s)/Inspection(s) Required section later in this report.
 - iii. If you do not obtain approval through the land use process you will be required to either comply with #1 above or bring the property back to its originally approved status.
3. If the respondent wishes to explore other options to compliance please contact the Planning and Zoning Division at the contact information listed in this section.

BUILDING PERMIT(S)/INSPECTION(S) REQUIRED – BUILDING CODES DIVISION

The use was changed from residential to commercial. Such a change requires permits. Performing work without the benefit of required permits and/or inspections constitutes a violation. To abate these violations you must complete the following **no later than:**

Within 30 days of receiving final approval of an approved land use procedure or decision to move forward by the Planning & Zoning Division.

1. You must submit the permit application(s) and technically complete plans and pay the appropriate fee(s) as requested by the Building Code Division. If you have questions about the submittal documents and/or permit applications please

contact the Building Codes Division at 503-742-4240 or by email at bldservice@clackamas.us.

- a. If it is determined that a permit application is incomplete for review by the Building Codes Division you will be required to submit the missing materials within thirty (30) days of being notified of the incomplete application.
 - b. The permit(s) must have the fees paid in full within ten (10) days of being notified by the Building Codes Division.
 - c. Schedule all inspections so that final inspections may be obtained not later than forty-five (45) days of the date of receipt of your approved permit(s).
2. If the respondent wishes to explore other options to compliance please contact the Building Codes Division at the numbers listed above.

Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>

If you have questions concerning permit requirements, online submittal process, or land use process, please contact the department listed above at the phone number or email listed, or stop by the offices located at 150 Beavercreek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. or Friday 8:00 a.m. to 3:00 p.m.

If you choose to come to the Development Services Building please bring a copy of this correspondence in order for us to provide the highest level of customer service.

ITEMS INCLUDED IN THIS PACKET

- Violation Letter
- Required Notice of Fines and Penalties



Shane Potter
Code Enforcement Specialist
Clackamas County Code Enforcement
Phone: 503-742-4465
spotter@clackamas.us

Important Notices

1. **Administrative Compliance Fees.** It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. **An administration compliance fee of \$75 will now be assessed monthly until the violations are abated.**
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Code Enforcement Compliance Hearings Officer.
3. **Request for a Hearing:** If you dispute the existence of the violations described in the enclosed letter you may request a hearing before the Hearings Officer by sending a written request for a hearing, including your name and address to: Code Enforcement Section, 150 Beaver Creek Rd., Oregon City, OR 97045, or at codeenforcement@clackamas.us.
4. **Potential Fines and Penalties:** The Clackamas County Code provides for Citation fine amounts of up to \$500 and additional civil penalties imposed by the Hearings Officer of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.
5. **Voluntary Compliance:** Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.
6. **Non-Compliance may result in a lien upon your property:** Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered, the County may file and record the order for payment in the County Clerk Lien Record.
7. **Final Order may be enforced in Circuit Court:** Also, be advised that non-compliance with a Hearings Officer's Order may result in the matter being referred to County Counsel for legal action in Circuit Court which may result in additional penalties or other sanctions.
8. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.













Citation No.: 2100130 - 1

Case No.: V0013021

ADMINISTRATIVE CITATION

Date Issued: September 12, 2022

Name and Address of Person(s) Cited:

Name: ALJC Holdings LLC
Mailing Address: PO Box 3461
City, State, Zip: Gresham, OR 97030

Date Violation(s) Confirmed: August 29, 2022, the person(s) cited committed or allowed to be committed, the violation(s) of law described below, at the following address:

Address of Violation(s): 14577 SE Anderson Rd., Damascus, OR 97089

Legal Description: T2S, R3E SECTION 08A, Tax Lot(s) 00700

Law(s) Violated

- ☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (A, B, C, & D)
- ☒ Chapter 10.03 of CCC Solid Waste and Waste Management, Section 10.03.030 (A & B.9)
- ☒ Title 12 and 13 of CCC Zoning and Development Ordinance, Section 513.03

Description of the violation(s):

- 1) Solid waste throughout the site including chemicals and other debris consistent with the businesses operating on site.

Maximum Civil Penalty \$1,000.00 Fine \$200.00

- 2) Operating a commercial business on site without land use approval.

Maximum Civil Penalty \$1,500.00 Fine \$300.00

- 3) Change of use from residential to commercial of a building without the benefit of permits and inspections.

Maximum Civil Penalty \$1,000.00 Fine \$300.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$800.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75.00 monthly administrative fee is being assessed.

I hereby certify under penalties provided by ORS 153.990 that I have reasonable grounds to and do believe that the above person(s) committed or allowed to be committed the violation(s) described on this form.

Citation Issued by: Shane Potter
Telephone No.: 503-742-4465

Date: September 12, 2022
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

You have been cited for the violation(s) of law stated on the front of this form. You MUST exercise ONE of the following options within fifteen calendar days of the date of this citation.

If you fail to exercise one of these options within fifteen calendar days of the citation date, the County may request a hearing before the Code Enforcement Hearings Officer following which you may be ordered to pay the maximum civil penalty and abate the violation.

Options:

1. Abate the violation and pay the fine. Sign the statement of Understanding below and deliver or mail this form, together with a check or money order payable to Clackamas County in the amount of the fine to:
Clackamas County Code Enforcement Section
150 Beavercreek Rd.
Oregon City, OR 97045
2. Request a hearing in writing. You may request a hearing to contest the violation(s) alleged. A written request for a hearing must be mailed to Clackamas County at the address listed above or sent to codeenforcement@clackamas.us.

A request for hearing must contain all of the following information:

- a. Your name and address;
- b. A copy of the citation or the Citation No. and Case No.; and,
- c. The description of the relief you are requesting.

At the hearing, an administrative fee may be assessed by the Hearings Officer in addition to civil penalty(ies) if the Hearings Officer concludes you are responsible for the violation. If a civil penalty is imposed the amount will likely exceed the fine amount on this citation.

STATEMENT OF UNDERSTANDING

I, the undersigned, do hereby acknowledge that I understand the following:

1. By paying the fine I admit the existence of the violation(s) alleged on this citation and my responsibility for it.
2. Paying the fine does not relieve me of my responsibility to correct the violation and to comply with all applicable laws.
3. Additional citations may be issued to me if I fail to correct the violation or violate other applicable laws.

Signature: _____ Date: _____

Address: _____

City, State, Zip

Contact Number: _____ Email: _____



































Exhibit P Page 4











WITH ATTORNEYS LICENSED TO PRACTICE IN OR, WA & CA	ADDRESS: 510 SW FIFTH AVENUE, 4TH FLOOR PORTLAND, OREGON 97204
PHONE: (503) 221-7958 FAX: (503) 221-2182	WEBSITE: WWW.CHENOWETHLAW.COM

April 10, 2023

VIA EMAIL ONLY

carldcox1@yahoo.com


Carl Cox
Attorney at Law
14725 NE 20th Street, #D-5
Bellevue, WA 98807

Re: *County of Clackamas v. ALJC Holdings LLC*
File Nos.: V0044620 & V0013021

DEAR MR. COX:

Attached are exhibits A-G that Respondent ALJC Holdings LLC intends to rely upon for both hearings scheduled for Thursday, April 13, 2023.

SINCERELY,

A handwritten signature in blue ink, appearing to read 'S. Gustitus', is enclosed within a rectangular box.

SANDRA S. GUSTITUS
ATTORNEY
CHENOWETH LAW GROUP

CC: CLIENTS (VIA EMAIL)
SHANE POTTER (VIA EMAIL)
ENCLOSURES: AS NOTED



DESIGN REVIEW DECISION
APPROVAL, WITH CONDITIONS

This document represents the Planning and Zoning Staff findings and conditions of approval for a Design Review as cited below.

SECTION 1 – SUMMARY

DATE: September 11, 2020

CASE FILE NO.: Z0233-20-D

STAFF CONTACT(S): Melissa Ahrens, mahrens@clackamas.us, 503-742-4519

LOCATION: 14667 SE Anderson Rd., Damascus

APPLICANT(S): Eleven Engineering and Design

OWNER(S): Adam Lowery

TOTAL AREA: Approximately .89 acres

ZONING: RC, Rural Commercial

COMMUNITY PLANNING ORGANIZATION: Boring CPO, Stephen Bates, 503-663-6271, P.O. Box 339, Boring. OR 97009

PROPOSAL: A new 7,749 office and associated warehouse storage building for a landscaping company. Scope of work includes construction of a new building, improved site access, parking and circulation, landscape improvements, drainfield, and other associated site improvements.

APPLICABLE APPROVAL STANDARDS: This application is subject to the Clackamas County Zoning and Development Ordinance (ZDO). Development of the subject property is subject to the provisions of ZDO Sections 513 1002, 1004, 1005, 1006, 1007, 1009, 1010, 1015, 1021, and 1102 as adopted by the Board of County Commissioners. This application was reviewed as a Type II Design Review and is subject to ZDO Section 1307 Procedures.

BACKGROUND INFORMATION AND PROJECT DESCRIPTION:

The applicant requests Design Review approval for the construction of a 7,749 sq. ft. free standing office and accessory storage warehouse space. The subject building would be used as offices for the property owner's landscaping business. The proposed building would replace an existing residential structure on site.

The subject property lies on the west side of SE Anderson Rd. and to the south of Hwy 212. The area is developed with a mix of light industrial, commercial, and rural residential uses. The proposed predominately cement lap siding building would be located in a rural commercial zone, in between two residential properties and down the street from a rural commercial shopping center at the corner of SE Anderson Rd. and Hwy 212.

The applicant has submitted information to satisfy submittal requirements identified in Section 1102 of the ZDO. The applicant tolled the clock on the project from August 6th, 2020 to September 11th, 2020 to work out septic permitting issues with the County's septic and onsite wastewater staff.

NOTICE

Notice was sent to property owners, departments, and agencies that serve the property within 300 feet of the subject tract property lines.

PUBLIC COMMENT

One public comment letter was received from a trustee who oversees multiple adjoining properties, another letter was received from the operators of the adjacent school at 14711 SE Anderson Rd, and a third letter from the property owner of the same adjacent school building. See Exhibits 3, 4 and 5. A phone call and an email were also received from another neighbor who had questions about the project, but no written comments were submitted in opposition to the project.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS Chapter 215 requires that if you receive this notice, you must promptly forward it to the purchaser.

OPPORTUNITY TO REVIEW THE RECORD: The complete application file is available for review online by accessing the following link: <https://accela.clackamas.us/citizenaccess/> . If you are unable to access the file online, contact the staff person listed on the front page of this decision for assistance. Copies of all documents may be purchased at the rate of \$1.00 for the first page and 10-cents per page thereafter.

APPEAL RIGHTS: Any party disagreeing with this decision or the conditions of approval, may appeal this decision to the Clackamas County Land Use Hearings Officer. An appeal must include a completed County Appeal Form and a \$250 filing fee and must be received by the Planning and Zoning Division by close of business on the last day to appeal, which is **Monday**,

September 28th. Close of business is 4:00 p.m. Monday through Thursday and 3:00 pm on Friday. **However, due to the COVID-19 pandemic, our office is open limited hours. Please consult <https://www.clackamas.us/planning> for our current hours of in-office operation. Appeals may be submitted in person during these limited office hours. Appeals may also be submitted by email or US mail.**

The County Appeal Form is available at www.clackamas.us/planning/supplemental.html. This decision will not be effective until the day after the appeal deadline provided an appeal is not filed prior. Unless an appeal is received by the appeal deadline, this decision will be final and no additional written confirmation will be sent. Any party or parties appealing this decision may withdraw their appeal at any time prior to the hearing or final decision by the Hearings Officer. A party wishing to maintain individual appeal rights may wish to file an individual appeal and pay the \$250.00 fee, even if an appeal by another party or parties has been filed.

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SECTION 2 – CONDITIONS OF APPROVAL

The Clackamas County Planning and Zoning approves this design review application subject to the following conditions:

A. General Conditions:

1. Conditioned approval of this land use permit is based on the submitted written narrative and plan(s) filed with the County on June 24th, 2020 as part of the response package to the County's incomplete letter. No work shall occur under this permit other than which is specified within these documents, unless otherwise required or specified in the conditions below. It shall be the responsibility of the property owner(s) to comply with this document(s) and the limitation of any approval resulting from the recommendation described herein.
2. The decision is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four 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 design review project. A "major development permit" is:

A building permit for a new primary structure that was part of the design review approval; **or**

A permit issued by the County for parking lot or road improvements required by the design review approval.
3. This Design Review 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.

B. Planning and Zoning Conditions:

4. **PRIOR TO ISSUANCE OF BUILDING PERMIT**, The applicant shall submit a revised site plan demonstrating compliance with the revised setback of 15 feet along the southern border of the property adjacent to 14711 Se Anderson Rd (Tax lot 23E08A 0500).
5. **PRIOR TO ISSUANCE OF BUILDING PERMIT**, The applicant shall submit a revised landscaping plan demonstrating compliance with the following:
 - a. Landscaping of the unimproved area between the west lot line and the improved portion of an adjacent road right-of-way to include a 5-foot wide landscape strip with street trees.
 - b. Screening of the ground mounted mechanical equipment
 - c. Buffering, to be fencing, landscaping, or a combination of the two, along the southern property lines bordering the adjacent Historic Landmark on 14711 Se Anderson Rd (Tax lot 23E08A 0500).

6. **PRIOR TO ISSUANCE OF BUILDING PERMIT**, the applicant shall submit plans that bring the current refuse enclosure up to the standards described in ZDO 1021.03 and 1021.04. The applicants shall work with Clackamas County's Sustainability & Solid Waste Staff, Emily Murkland, to finalize plans that comply with design standards.

C. Development Engineering Conditions of Approval:

7. **PRIOR TO ISSUANCE OF BUILDING PERMIT**, The applicant shall dedicate approximately 7 feet of additional right-of-way along the entire site frontage of SE Anderson Road site frontage and verify by a professional survey that a 27-foot wide, one-half right-of-way width exists.
8. **PRIOR TO CERTIFICATE OF OCCUPANCY**, The applicant shall construct improvements along the entire site frontage of SE Anderson Road to local roadway standards, consistent with Standard Drawing C110. These improvements shall consist of the following:
 - a) Up to a minimum 16-foot wide, one half street improvement, as measured from the right-of-way centerline to face of curb. The structural section shall comply with Standard Drawing C100 for a local roadway.
 - b) Standard curb, or curb and gutter if curblane slope is less than one percent.
 - c) A minimum 5-foot wide landscape strip with street trees shall be provided along the site frontage. Street trees shall be planted at 25-40 spacing, based on tree species.
 - d) The applicant shall provide and maintain adequate sight lines for minimum intersection sight distance of 280 feet at the driveway intersection with SE Anderson Road.
 - e) A 5-foot wide unobstructed sidewalk, per Standard Drawing S960.
 - f) Curb ramps shall be constructed at the north and west ends of the sidewalk, per applicable ODOT Standard Drawings (RD755, RD756 and RD757).
 - g) A minimum 28-foot wide concrete driveway approach, per Standard Drawing D600.
9. **PRIOR TO THE ISSUANCE OF A BUILDING PERMIT**, the applicant shall submit to Clackamas County Engineering Office:
 - a) Written approval from the Clackamas Fire District #1 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) Written approval from Sunrise Water Authority for adequate water supply source to serve the development. The approval shall be in the form of utility plans stamped and signed by the Water District representative.
 - c) A set of street and site improvement construction plans, including a striping and signing plan, 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.

- i. The permit will be for road, driveway, curb, sidewalk, drainage, parking and maneuvering area, and other site improvements.
- ii. The minimum fee deposit is required upon submission of plans for the Development Permit. The fee will be calculated based on 8.83% of the public improvements and 5% of the onsite transportation improvements, according to the current fee schedule.
- iii. The applicant shall have an Engineer, registered in the state of Oregon, design and stamp the construction plans for all required improvements.

10. **PRIOR TO CERTIFICATE OF OCCUPANCY**, Substantial Completion shall be met, per Roadway Standards Section 190.2. For any other unfinished improvements required by conditions of approval, a performance surety shall be provided per Roadway Standards Section 190.3, based on an Engineer's cost estimate. The estimate shall be submitted for review and approval of quantities of asphalt concrete, aggregates, curbs, sidewalks and any other required improvements and associated construction costs.

SECTION 3- ADVISORY CONDITIONS

1. A Fire Access and water supply plan shall be provided for subdivisions, commercial buildings over 1000 square feet in size or when required by Clackamas Fire District #1. The plan shall show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, fdc location if applicable, building square footage and type of construction. The applicant shall provide fire flow tests per NFPA 291 and shall be no older than 12 months. Work to be completed by experienced and responsible persons and coordinated with the local water authority.
2. Following completion of site construction activities of subdivisions, buildings over 1000 square feet or when required by Clackamas Fire District #1, the applicant shall provide as-built Fire Access and Water Supply pdf plans to the local Fire District and the County. The pdf plans shall show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, fdc location if applicable, building square footage and type of construction. The plans shall include any supporting details of the access, circulation, water vaults, fire lines, valves, fdc, backflow devices, etc.
3. Drainage facilities for the site and street improvements shall be constructed in conformance with Clackamas County Roadway Standards Chapter 4.
4. All frontage improvements in, or adjacent to Clackamas County right-of-way, or on site, shall be in compliance with *Clackamas County Roadway Standards*.
5. The applicant shall design and construct on-site parking and maneuvering areas as follows:
 - 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 paved and constructed per Standard Drawing R100.
 - 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.

- 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.
- The applicant shall show the paths traced by the extremities of anticipated large vehicles (delivery trucks, fire apparatus, garbage and recycling trucks), including off-tracking, on the site plan to insure adequate turning radii are provided.
- 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.

SECTION 4 – FINDINGS

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 513, 1002, 1004, 1005, 1006, 1007, 1009, 1010, 1015, 1021, and 1102. The Clackamas County Planning Staff has reviewed these Sections of the ZDO in conjunction with this proposal and makes the following findings and conclusions:

A. Section 513, Rural Commercial District

604.03 Uses Permitted

Uses permitted in the RC (Rural Commercial) District are listed in Table 513-1, Permitted Uses in the RC District. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, Authorizations of Similar Uses.

513.04 Dimensional Standards

Table 513-2 in this subsection requires a minimum front yard depth of 30 feet and minimum side and rear yard depths of 10 feet, except when abutting a residential zone where the rear/side setback would be 20 feet.

Finding: The proposed development is a commercial office and accessory storage warehouse building, which are both permitted primary uses in the Rural Commercial district. The submitted plan set prepared by Eleven Engineering and Design Dated 5/28/20 demonstrates compliance with the applicable setback standards. The applicable standards of Section 604 are met.

B. Section 1002, Protection of Natural Features

Sections 1002.01, 1002.02, 1002.03, and 1002.04-1002.07 pertain to features/elements not present on the site and therefore do not apply to the proposed development.

Subsection 1002.08 Significant Landforms and Vegetation

Institutional, commercial, and industrial development; multifamily dwellings; and developments of more than one two- or three-family dwelling shall cluster and modulate building masses to minimize disturbance of existing significant landforms and vegetation. Pursuant to the review

procedure required by Section 1102, Design Review, minimum front setbacks may be reduced or waived to minimize disturbance of natural landforms or vegetation. If a setback reduction is granted, a program for protection of those landforms and vegetation during construction, and for long-term maintenance, shall be provided.

Finding: The property contains scattered vegetation and landscaped areas, however, no natural habitat, significant groves of trees, or naturalized plant species remain on site that would be impacted as part of the proposal. The subject site has a generally flat topography and contains no wetlands or natural drainages, as such, no significant grading or landform alteration is required. This standard is met.

C. Section 1004 Historic Protection

1004.02- Standards

A. Refer to Section 707 for standards and provisions related to historic/cultural resource designation and County review of any proposed alteration.

B. All developments shall be planned, designed, constructed, and maintained to assure protection of any designated historic or cultural resource on or near the site. Restrictions on development may include:

- 1. Clustering of buildings and incorporation of historic-cultural resources into site design in a manner compatible with the character of such resources.*
- 2. Limitations on site preparation and grading to avoid disturbances of areas within any historic or archaeological sites, monuments or objects of antiquity.*
- 3. Provision of adequate setbacks and buffers between the proposed development and the designated resources.*

C. The County may attach additional conditions with respect to the following design factors in protecting the unique character of historic/cultural resources:

- 1. Architectural compatibility;*
- 2. Proposed intensity of development;*
- 3. Relationship to designated open space;*
- 4. Vehicular and pedestrian access;*
- 5. Proposed building or structural mass in relation to the designated resource.*

Finding: The adjacent property at 14711 SE Anderson Rd. (Tax lot: 23E08A 0500) is a County designated Historic Landmark and is also included in the National register of Historic Places (Damascus School, #80003304). Three comment letters have been received by staff,

one from an adjacent property owner, and one from the operators of the Damascus Fiber Arts school, which operates in the historic structure. All of the comment letters expressed concern regarding potential impacts to the Historic Landmark as a result of the proposed development. To summarize, the concerns centered on potential impacts from noise, traffic, and dust resulting from on site activities, as well as general impacts to the historic character of the site. The subject property, as well as the adjacent Historic land mark property at 14711 SE Anderson Rd. are both zoned Rural Commercial (RC), which allows for the operation of commercial offices and accessory storage buildings. The RC zoning district does not allow for Commercial storage on site without prior approval of a conditional use permit. This would prohibit storage of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; and recreational vehicles. Additionally, manufacturing would not be allowed within the RC zone. Also prohibited would be construction and maintenance contractors, including contractors engaged in construction and maintenance of buildings and their component parts (e.g., roofing, siding, windows), fencing, decking, building systems (e.g., plumbing, electrical, mechanical), landscaping, and infrastructure (e.g., roads, utilities). As such, the primary use of the property as proposed, and allowed by the RC zone, would be commercial offices for a landscaping company with an accessory warehouse building. As such, the types of activities that the submitted comment letters are concerned about that would produce large amounts of dust and noise would not be allowed within the RC zone. However, due to the increased amount of potential traffic to the site and potential for visual impacts to the historic character of the adjacent Historic Landmark from the proposed new building, an increased the setback along the south property line from 10 feet to 15 feet is being required per ZDO Section 1004.02(B)(3) in order to create a greater buffer between the proposed development and adjacent resource. **Condition No. 4 would require a revised site plan demonstrating compliance with this revised setback.** Additionally, staff is requiring the applicant to include buffering along both southern property lines that border the adjacent property in order to ensure consistency with Section 1002.04 above. **As stipulated in Condition No. 5 buffering can include fencing, landscaping, or a combination of both.** Therefore, as conditioned, the proposed development is consistent with Section 1004.

D. Section 1005 Site and Building Design

Subsection 1005.03(A) – Cluster Development

Where feasible, cluster buildings within single and adjacent developments for efficient sharing of walkways, on-site vehicular circulation, connections to adjoining sites, parking, loading, transit-related facilities, plazas, recreation areas, and similar amenities.

Finding: The proposed development is on a private commercial zoned property that is not open to the public. The proposed commercial office and accessory warehouse building will

be for related to an existing business conducted by the existing property owner and will be the only structure on site. As such, the applicable criteria of 1005.03(A) can be met.

Subsection 1005.03(B) – Orientation of Elevations

Where feasible, design the site so that so that the longest building elevations can be oriented within 20 degrees of true south in order to maximize the south-facing dimensions.

Finding: The proposed building is oriented with the longest building elevation within one degree of true south. To the degree feasible given the site alignment, the applicant has demonstrated compliance with this standard.

Subsection 1003.03(D)(1-5) – Walkways

A continuous, interconnected on-site walkway system meeting the following standards shall be provided.

- 1. Walkways shall directly connect each building public entrance accessible to the public to the nearest sidewalk or pedestrian pathway, and to all adjacent streets, including streets that dead-end at the development or to which the development is not oriented.*
- 2. Walkways shall connect each building to outdoor activity areas including parking lots, transit stops, children's play areas and plazas.*
- 3. Walkways shall be illuminated. Separate lighting shall not be required if existing lighting adequately illuminates the walkway.*
- 4. Walkways shall be constructed with a well drained, hard-surfaced material or porous pavement and shall be at least five feet in unobstructed width.*
- 5. Standards for walkways through vehicular areas:*
 - a. Walkways crossing driveways, parking areas and loading areas shall be constructed to be clearly identifiable to motorists through the use of different paving material, raised elevation, warning signs or other similar methods.*
 - b. Where walkways are adjacent to driveways, they shall be separated by a raised curb, bollards, landscaping or other physical barrier.*
 - c. Inside the Portland Metropolitan Urban Growth Boundary (UGB), if the distance between the building public entrance and street is 75 feet or greater and located adjacent to a driveway or in a parking lot, the walkway shall be raised, with curbs, a minimum four-foot-wide landscape strip and shade trees planted a maximum of 30 feet on center.*
 - d. The exclusive use of a painted crossing zone to make walkways identifiable to motorists may be used only for portions of walkways which are shorter than 30 feet and located across driveways, parking lots, or loading areas.*
 - e. Walkways bordering parking spaces shall be at least seven feet wide or a minimum of five feet wide when concrete bumpers, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles or opening doors from obstructing the walkway*
- 6. The interconnected onsite walkway system shall connect to walkways in adjacent developments, or stub to the adjacent property line if the adjacent land is vacant or is developed without walkways.*

- a. *Walkway stubs shall be located in consideration of topography and eventual redevelopment of the adjacent property.*
- b. *Notwithstanding the remainder of Subsection 1005.03(D)(6), walkway linkages to adjacent development shall not be required within industrial developments, to industrial developments, or to vacant industrially zoned land.*

Finding: A proposed walkway connects the main public entrance of the office directly to the public sidewalk that is proposed to be installed along SE Anderson Road. The proposed walkway runs along the front of the required parking stalls connecting the office entrance and public sidewalk. The building mounted lighting will illuminate the walkway as required. The proposed walkway is seven feet in width, will be constructed of concrete, and will contain the proper cross slope to maintain drainage. The proposed walkway does not cross driveways, parking areas, or other vehicular circulation. The walkway will be constructed with concrete to contrast the asphalt parking lot and separated by a six inch raised curb with the appropriate warning elements at any curb ramps. The walkway width is seven feet to prevent parked vehicles from obstructing the walkway. Adjacent developments do not have walkways. As such, the development, as proposed, is found consistent with the applicable standards of Subsection 1003.03(D)(1-5).

Subsection 1005.04(A)(1) – Architectural Relief

Building facades shall be developed with architectural relief, variety and visual interest and shall avoid the effect of a single, long or massive wall with no relation to human size. Examples of elements that subdivide the wall: change in plane, texture, masonry pattern or color, or windows.

Subsection 1005.04(A)(2) – Architectural Emphasis

Building facades shall have particular architectural emphasis at entrances and along sidewalks and walkways.

Subsection 1005.04(A)(3) – Architectural Articulation

Provide visual interest through use of articulation, placement and design of windows and entrances, building trim, detailing, ornamentation, planters or modulating building masses.

Subsection 1005.04(A)(4) – Human Scale

Utilize human scale, proportion, and rhythm in the design and placement of architectural features.

Subsection 1005.04(A)(5) – Architectural Features

Use architectural features which are consistent with the proposed use of the building, level and exposure to public view, exposure to natural elements, and ease of maintenance.

Subsection 1005.04(D) – Roof Design

1. For buildings with pitched roofs:

- a. *Eaves shall overhang at least 24 inches.*
- b. *Roof vents shall be placed on the roof plane opposite the primary street.*

2. For buildings, other than industrial buildings, with flat roofs or without visible roof surfaces, a cornice or other architectural treatment shall be used to provide visual interest at the top of the building.

Subsection 1005.04(E)(1) – Color and Materials

Use architectural style, concepts, colors, materials and other features that are compatible with the neighborhood's intended visual identity

Subsection 1005.04(E)(3) – Surface Materials

Walls shall be surfaced with brick, tile, masonry, stucco, stone or synthetic equivalent, pre-cast masonry, gypsum reinforced fiber concrete, wood lap siding, architecturally treated concrete, glass, wood, or a combination of these or other high-image materials.

Subsection 1005.04(I)(1) – Compatibility; Shapes, Colors, and other Architectural Features

Use shapes, colors, materials, textures, lines, and other architectural design features that enhance the design type area and complement the surrounding area and development.

Finding:

The proposed building contains architectural relief through the use of change in building mass and opening placement, the main entrance to the office is emphasized by an accent gable, the building is articulated through the use of façade elements, human size is incorporated through the change in building massing, the architectural style of this development is appropriate for the proposed use, and the building is a single -story development. The building entrance is defined by an entry gable that is four feet in depth and is situated to be viewed immediately upon entry to the site. There are five transparent windows along the street-facing façade that total 25'-4", which is slightly more than 60% of the 42'-0" long façade. The proposed development is under 50,000 square feet and, as such, the requirements of 1005.04(C)(3) do not apply. The proposed development contains pitched gable roofs with 24-inch overhangs on all sides. The roof vents are proposed to be low profile ridge vents to minimize their visual impact. The proposed development is clad with fiber cement lap siding. Adequate solar exposure will be provided to minimize heating and cooling needs of the building. The proposed development does not contain rooftop equipment. The ground mounted mechanical equipment is located away from street view and will be blocked by the building. As such, the project, as proposed, is found consistent with Subsection 1005.04(A)(1-5), Subsection 1005.04(D), Subsection 1005.04(E)(1), and Subsection 1005.04(I)(1).

Subsection 1005.04(G)(1) – Safety and Surveillance; Windows

Locate buildings and windows to maximize potential for surveillance of entryways, walkways, parking, recreation and laundry areas.

Subsection 1005.04(G)(2) – Safety and Surveillance; Lighting

Provide adequate lighting for entryways, walkways, parking, recreation and laundry areas.

Subsection 1005.04(G)(3) – Safety and Surveillance; Parking

Locate parking and automobile circulation areas to permit easy police patrol.

Subsection 1005.04(G)(4) – Safety and Surveillance; Landscaping

Design landscaping to allow for surveillance opportunities.

Finding: The building has been located to maximize the potential for surveillance of entryways, walkways, and parking. No recreation or laundry areas are proposed or existing in the development. Parking and automobile circulation is available from a main accessway from SE Anderson Rd. and police access is easily available on site. Existing and proposed landscaping, except for a few tree plantings, is low-growing and will not obstruct surveillance of site. All windows are placed to provide maximum surveillance of entryways, walkways, parking, and site circulation. Adequate lighting will be provided by way of building mounted lightings to cover the site immediately surrounding the building. Site circulation is designed to allow for easy police patrol and surveillance from the street. As such, the project, as proposed, is found consistent with Section 1005.04(G)(1) through (4).

Subsection 1005.04(H)(1) – Solar Access; Window Placement

Except for uses with greater cooling needs than heating needs, such as many retail uses, concentrate window areas on the south side of buildings (within 20 degrees of due south) where there is good southern exposure.

Subsection 1005.04(H)(2) – Solar Access; Shading

Provide overhangs, balconies, or other shading devices to prevent excessive summer heat gains.

Subsection 1005.04(H)(3) – Solar Access; Aerodynamics

Use architectural features, shape of buildings, fences, natural landforms, berms, and vegetation to catch and direct summer breezes for natural cooling, and minimize effects of winter winds.

Finding: The building site is restricted by and aligned to the function and shape of the site. Given these constraints the, proposed design makes reasonable use of building shape, and orientation to support solar access and energy efficiency. The application also states that Adequate solar exposure will be provided to minimize heating and cooling needs of the building. The project, as proposed, is found consistent with Section 1005.04(H) (1) through (3).

Subsection 1005.04(I)(2) – Compatibility; Connection to Public Spaces

Use colors, materials and scale, as appropriate, to visually connect building exteriors to adjoining civic/public spaces such as gateways, parks, plazas and transit stations.

Subsection 1005.04(I)(3) – Compatibility; Building Orientation and Design

Use building orientation and physical design, including setbacks and modulations, to ensure a development is compatible with other activities onsite, nearby properties, intended uses and the intent of the design type.

Subsection 1005.04(I)(4) – Compatibility; Loading Areas

Orient loading and delivery areas and other major service activity areas of the proposed project away from existing dwellings.

Finding: The proposed project site is located in a rural commercial area with no public spaces adjacent to or nearby the property. The proposed buildings and site features are oriented to ensure compatibility with nearby rural commercial developments and adjacent residential uses and in support on onsite activities. The site has been laid out to orientate all loading and delivery service areas away from any existing dwellings. As such, the project, as proposed, is found consistent with Section 1005.04(I)(2) through (4).

Subsection 1005.04(J) – Requirements for Screening of Mechanical Equipment

- 1. Rooftop mechanical equipment, except for solar energy systems, shall be screened from view by the use of parapet walls or a sight-obscuring enclosure around the equipment. The screen shall be constructed of one of the primary materials used on the primary facades, and shall be an integral part of the building's architectural design.*
- 2. Ground mounted mechanical equipment shall be located away from the intersection of two public streets, to the extent practicable, and shall be screened by ornamental fences, screening enclosures, or landscaping that*
- 3. Wall mounted mechanical equipment shall not be placed on the front of a building or on a façade that faces a street. Wall mounted mechanical equipment that extends six inches or more from the outer building wall shall be screened from view from the streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through one of the screening techniques used in 1005.04(J)(1) or (2).*

Finding: The proposed development does not contain rooftop equipment. The ground mounted mechanical equipment is located away from street view and will be blocked by the building. **Condition No. 5 will ensure that the proposed mechanical equipment is also blocked from public views available from the adjacent historic property currently used as a private school located at 14711 SE Anderson Rd. Therefore, as conditioned, the proposed project is consistent with standard 1005.04(J).**

Subsection 1005.05 – Outdoor Lighting

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*

Findings: The applicant has submitted information regarding the lighting fixtures selected for the site. They are architecturally integrated with the character of the associated structures, site design and landscape as well as downwardly focused to prevent the projection of light vertically or laterally. They do not exceed 25 feet in height on the site or 12 feet at the entrance and are architecturally integrated with the proposed development. Therefore, the criteria of Section 1005.05(A) are met.

Subsection 1005.06 – Additional Requirements

*In addition to the requirements listed in Subsections 1005.03 through 1005.05, development shall comply with a minimum of one of the techniques listed in 1005.06 per 20,000 square feet of site area. Regardless of site size, a minimum of one and a maximum of five techniques are required.
[...]*

G. Provide additional landscaping area at least 10 percent above the requirements for the site pursuant to Table 1009-1. For example, if the minimum area requirement is 20 percent, then 22 percent shall be provided. Credit shall be given for green roofs or other areas of vegetation that exceed the minimum area requirements.

Finding: The site has been designed to satisfy the above criteria. Specifically, the applicant proposes to provide a 10% increase to the required landscape area, consistent with 1005.06(G) above. As proposed the project meets the requirements above of Section 1005.06.

E. Subsection 1006 Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control.

Section 1006.05- Subsurface Sewage Disposal

A. All development proposing subsurface sewage disposal shall receive approval for the system from the County prior to submittal of a land use application for development. Said systems shall be installed pursuant to Oregon Revised Statutes 454.605 through 454.745 and Chapters 171, 523, and 828; Oregon Administrative Rules Chapter 340, Divisions 71 and 73; and the policies of the County.

Finding: While an existing septic system is located on site and was permitted pursuant to a county on site wastewater permit in 2019, it was only permitted for a single family home and not the proposed development. The applicant has been coordinating with County Septic and Onsite wastewater staff and have received preliminary septic approval for an onsite holding tank (Reference permit #ST045220). As such, as proposed the project meets the requirements of Section 1006.05.

Section 1006.6 Surface Water Management and Erosion Control

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.

Finding: The proposed development is inside Sunrise Water Authority. The current Rules and Regulations of the district apply. A preliminary statement of feasibility confirming that water service is available in levels appropriate for the development was signed by the Sunrise Water Authority for the proposed project on 6/21/20. Clackamas County DTD is the surface water management authority for the area including the subject site. Positive drainage must be provided to an existing storm drainage system capable of accommodating the estimated contribution. Since the existing site is paved, the applicant will be required to provide a stormwater management plan showing contours, existing and new conveyance, and treatment and discharge points to an approved system. **As such, Condition No. 9 is required to ensure that the subject site meets County Engineering standards.**

F. Section 1007 Roads and Connectivity

Subsection 1007.1 through 1007.06

Finding:

The proposed development is subject to the provisions of Clackamas County Zoning and Development Ordinance (ZDO) section 1007, pertaining to roads, circulation and parking improvements. The subject property is located adjacent to the west side of SE Anderson Rd. within a portion of the County that is zoned Rural Commercial. The project site has one driveway approach on SE Anderson Rd, which is classified as a local roadway. The applicant is proposing to use the existing driveway to SE Anderson Rd.

Consistent with ZDO Section 1007.02(F), the applicant is required to improve the roadway frontage of the project site to current urban roadway standards. The minimum local road improvement, includes, but is not necessarily limited to, up to a 16-foot wide one-half street improvement, curb, 5-foot wide landscape strip with street trees, and a 5-foot wide sidewalk. While the applicant is proposing a right-of-way dedication and half-street improvements, to ensure consistency with Section 1007.06, 1007.04, Staff is requiring Condition No. 9 to ensure that the improvements are constructed prior to building occupancy:

- a) Up to a minimum 16-foot wide, one half street improvement, as measured from the right-of-way centerline to face of curb. The structural section shall comply with Standard Drawing C100 for a local roadway.
- b) Standard curb, or curb and gutter if curbline slope is less than one percent.
- c) A minimum 5-foot wide landscape strip with street trees shall be provided along the site frontage. Street trees shall be planted at 25-40 spacing, based on tree species.
- d) The applicant shall provide and maintain adequate sight lines for minimum intersection sight distance of 280 feet at the driveway intersection with SE Anderson Road.
- e) A 5-foot wide unobstructed sidewalk, per Standard Drawing S960.

- f) Curb ramps shall be constructed at the north and west ends of the sidewalk, per applicable ODOT Standard Drawings (RD755, RD756 and RD757).
- g) A minimum 28-foot wide concrete driveway approach, per Standard Drawing D600.

SE Anderson Road is classified as a local roadway (Comprehensive Plan map 5-4a). Clackamas County has adopted roadway standards that pertain to the structural section, construction characteristics, minimum required right-of-way widths and access standards for local roads. The standard right-of-way width for an urban local roadway is 54 feet. The existing right-of-way width of SE Anderson Road is 40 feet. Per ZDO Section 1007.02(E), the applicant will be required to dedicate approximately 7 feet of right-of-way along the entire site frontage of SE Anderson Road to provide a minimum one-half right-of-way width of 27 feet, measured from the right-of-way centerline. **As such, Conditions No. 7-10 are required to ensure that the proposed project meets Section 1007.**

G. Section 1009 – Landscaping

Subsection 1009.01(A-H) – General Provisions: Selection of Plants, Use of Landscaped Area, Design of Landscape

E. Landscaping of the unimproved area between a lot line and the improved portion of an adjacent road right-of-way shall be required when there are no immediate plans to develop or otherwise disturb the unimproved area, and one or more of the following apply:

- 1. The subject property is located inside the Portland Metropolitan Urban Growth Boundary;*

Finding: The plant selection takes into consideration being hardy and low-maintenance and compatible with local soil type and in coordination with Section 1009.01(B). The planting selection is an intermix of evergreen and deciduous; trees, shrubs, and ground cover; with a variety of textures; varying heights; and seasonal colors. The plants selected are native, not invasive, and non-noxious. The main landscaping element highlights the site entry and the pedestrian walkway connecting the public sidewalk to the building entrance. The proposed walkways and pedestrian areas have landscaping adjacent to them. The site does not currently contain existing significant plants, terrain, or other natural features, so 1009.02(H) does not apply. The submitted application narrative states that the landscape areas proposed are dedicated to providing the required landscaping and that the required street improvements will have the required landscaping between the lot line and the right-of-way improvements. However, despite the description in the narrative, the submitted landscaping plan does not include the required landscaping and street trees along the road frontage, as described in section E. above. **As such, in order to ensure compliance with Section 1009.01(E) Condition of Approval No. 5 will require submittal of a final landscaping plan to include such landscaping elements along the road frontage to ensure compliance with this criterion.**

Subsection 1009.02 – Minimum Area Standards

Per table 1009-1, a minimum of 15% landscaping is required for sites in the RC district.

Findings: The proposed development currently utilizes approximately 60% of the site (excluding right-of-way) for landscaping exceeding the 15% requirement. The majority (exceeding 75%) of planting selected is native and drought tolerant. As such, the proposed development meets the minimum landscape area standards.

Subsection 1009.03 – Surface Parking and Loading Area Landscaping

Per 1009.03(B) Perimeter landscaping requirements for surface parking and loading areas adjacent to abutting lots or rights-of-way are as follows:

- 1. A landscaping strip with a minimum width of five feet shall be provided adjacent to the perimeter of the surface parking or loading area
[...]*
- 2. The required landscaping strips shall comply with the following standards:*
 - a. Sufficient low shrubs shall be planted to form a continuous screen three feet high and 95 percent opaque, year-round; or a three-foot-high masonry wall or berm may be substituted for the shrubs. When applied along front lot lines, the screen or wall is to be placed along the interior side of the landscaping strip and shall be 30 inches high instead of three feet high.*
 - b. In addition, one tree is required for every 30 linear feet of landscaping strip, or as otherwise required to provide a tree canopy over the landscaping strip.*
 - c. Ground cover plants must fully cover the remainder of the landscaped area.*

Finding: A 5'-0" perimeter landscaping strip is being provided around the parking area. The strip will utilize low shrubs that maintain 95% opacity year-round with trees planted every 30'-0" linear, and ground cover to infill the remainder of the strip.

Subsection 1009.04(A) – Screening for Visual Impacts

Screening shall be used to eliminate or reduce the visual impacts of the following:

- 1. Service areas and facilities, such as loading areas and receptacles for solid waste or recyclable materials;*
- 2. Storage areas;*
- 3. Ground-mounted rainwater collection facilities with a storage capacity of more than 100 gallons;*
- 4. Parking lots within or adjacent to an Urban Low Density Residential, VR-5/7, VR-4/5, RA-1, RA-2, RR, RRFF-5, FF-10, FU-10, or HR District; and*
- 5. Any other area or use, as required by this Ordinance.*

Subsection 1009.04(C) – Screening of Material/Equipment

Screening shall be required to substantially block any view of material or equipment from any point located on a street or accessway adjacent to the subject property. Screening from walkways is required only for receptacles for solid waste or recyclable materials. A sight-obscuring fence at least six feet in height and up to a maximum of 10 feet shall be required around the material or equipment.

Finding: Screening is provided along the western property line to obstruct the view from the RA-1 zoned lot of the parking and loading areas of the proposed development. The proposed screening of the parking and loading is a 6'-0" tall sight-obscuring fence. The

proposed development stores all of their material within the building. Buffering is proposed to be installed along the perimeter parking and loading areas to mitigate visual impacts, noise, dust, and pollution. The proposed development is utilizing a 5'-0" landscape strip along the western property line to separate between dissimilar uses. The strip contains a sight-obscuring fences, evergreens, and low growing shrubs. As such, these criteria are met.

Subsection 1009.09 – Erosion Control

A. Graded areas shall be re-vegetated with suitable plants to ensure erosion control.

B. Netting shall be provided, where necessary, on sloped areas while ground cover is being established.

Subsection 1009.10(A) – Weed Barriers

Impervious weed barriers (e.g., plastic sheeting) are prohibited.

Subsection 1009.10(B) – Plant Created Hazards

Plants shall not cause a hazard. Plants over walkways, sidewalks, pedestrian pathways, and seating areas shall be pruned to maintain a minimum of eight feet below the lowest hanging branches. Plants over streets and other vehicular use areas shall be pruned to maintain a minimum of 15 feet below the lowest hanging branches.

Subsection 1009.10(C) – Plant Interference with Utilities

Plants shall be of a type that, at maturity, typically does not interfere with above or below-ground utilities

Subsection 1009.10(D) – Nursery Installation Standards

Plants shall be installed to current nursery industry standards.

Subsection 1009.10(E) – Staking and Guying of Plants

Plants shall be properly guyed and staked to current nursery industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.

Subsection 1009.10(F) – Guarantee of Landscape Materials

Landscaping materials shall be guaranteed in writing by the developer for a period of one year from the date of installation. A copy of the guarantee shall be furnished to the County by the developer. The developer also shall submit a signed maintenance contract, or provide a financial guarantee pursuant to Section 1311, Completion of Improvements, Sureties, and Maintenance, covering the landscape maintenance costs during the guarantee period.

Subsection 1009.10(G) – Suitability to Conditions

Plants shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas that will not be irrigated shall be sufficiently hardy to thrive under these conditions. Plants shall have vigorous root systems, and be sound, healthy, and free from defects and diseases.

Subsection 1009.10(H) – Branching and Caliper of Deciduous Trees

When planted, deciduous trees shall be fully branched, have a minimum caliper of two inches, and have a minimum height of eight feet.

Subsection 1009.10(I) – Branching and Height of Evergreen Trees

When planted, evergreen trees shall be fully branched and have a minimum height of eight feet.

Subsection 1009.10(J) – Size and Spread of Shrubs

Shrubs shall be supplied in minimum one-gallon containers or eight-inch burlap balls with a minimum spread of 12 inches.

Subsection 1009.10(K) – Size and Spacing of Ground Cover

Ground cover shall be planted a maximum of 30 inches on center with a maximum of 30 inches between rows. Rows of plants shall be staggered. Ground cover shall be supplied in minimum four-inch containers, except that the minimum shall be reduced to two and one-quarter inches or equivalent if the ground cover is planted a minimum of 18 inches on center.

Subsection 1009.10(L) – Ground Cover at Maturity

Plants shall be spaced so that ground coverage three years after planting is expected to be 90 percent, except where pedestrian amenities, rainwater collection systems, or outdoor recreational areas count as landscaping pursuant to Subsection 1009.03. Areas under the drip line of trees count as ground coverage.

Subsection 1009.10(M) – Irrigation of Plants

Irrigation of plants shall be required, except in wooded areas, wetlands, and in river and stream buffers. The irrigation system shall be automatic, except that hose bibs and manually operated methods of irrigation may be permitted in small landscaped areas close to buildings. Automatic irrigation systems are subject to the following standards:

Subsection 1009.10(N) – Care and Maintenance of Landscaping

Appropriate methods of plant care and landscaping maintenance shall be provided by the property owner

Subsection 1009.10(O) – Protection of Landscaping

Plants shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers, or other suitable methods.

Finding: The proposed development does not contain the use of impervious weed barriers. The vegetation along walkways will be pruned to a height of at least 8'-0" and along the vehicular paths to a height of at least 15'-0". The existing overhead utilities are located along Anderson Road and all proposed trees are located at a distance so that they will not interfere with the overhead utility lines. The underground utilities for the proposed office are planned to run from their locations directly east into Anderson Road, thus missing the impacts from deep rooted trees. The proposed vegetation will be installed to current nursery standards. The proposed trees will be properly staked per current nursery standards. The property owners of the proposed development are professional landscapers and will guarantee the landscape installation and maintenance for as long as they occupy the site. The

selected plants have been selected for the conditions and locations in which they are being planted. Any deciduous trees planted will meet the minimum caliper of 2" and height of 8'-0". Any evergreen trees planted will meet the minimum height of 8'-0" and have at least one leader. Any shrub planted will meet the minimum container size of one-gallon with minimum spread of 12". Any ground cover will meet the minimum planting spacing of 30" on center with staggered rows and from a minimum container size of 4". Any ground cover will be planted to allow for a 90% coverage at three years from planting. The proposed development will have an automatic, in-ground, and schedule irrigation system installed to maintain healthy vegetation. The system will be place to prevent overspray, runoff, and watering of non-targeted areas. The property and business owner of the proposed development are professional landscapers and will properly maintain their site to current nursery standards at a minimum. The proposed planting will be protected from damage due to foot and vehicular traffic. As such, the standards of Section 1009 above are met.

H. Section 1010 Signs

1010.09 Commercial Signs in Commercial and Industrial Districts

A. Commercial Freestanding Signs

- 1. Number: Only one sign shall be allowed for a development or complex, even when more than one tax lot or ownership is included in the development, unless through design review pursuant to Section 1102, the following is determined:*

[...]

- b. When two single-faced signs oriented in two different directions are proposed in lieu of a two-sided identification sign.*

- 2. Maximum top-of-sign height:*

[...]

- b. Monument signs: In all commercial zoning districts, six feet. In all industrial zoning districts, five feet.*

B. Building Commercial Signs:

- 1. Number: The maximum sign area may be distributed among any number of signs.*

- 2. Maximum size:*

[...]

- b. If there is a freestanding sign on the same site frontage, then one square foot of sign area per linear footage of the occupant's primary building wall.*

Finding: No signs are proposed as part of the subject Design Review application.

I. Section 1015 Parking and Loading

1015.01 General Standards

- A. Inside the Portland Metropolitan Urban Growth Boundary (UGB), parking, loading, and maneuvering*

areas shall be hard-surfaced, unless a permeable surface is required for surface water management

*pursuant to the regulations of the surface water management authority or in order to comply with
Subsection 1006.06. [...]*

E. Required parking spaces and loading berths shall not be:

- a. Rented, leased, or assigned to any other person or organization, except as provided for under
Subsection 1015.02(D)(2)(a) for shared parking or Subsection 1015.04(C) for shared loading berths.*
- b. Used for storing or accumulating goods or storing a commercial or recreational vehicle, camper, or boat, rendering the space(s) useless for parking or loading operations.*
- c. Occupied by the conducting of any business activity, except for permitted temporary uses (e.g., farmers' markets).*

1015.02 Motor Vehicle Parking Area Standards

A. Off-street parking areas shall be designed to meet the following requirements:

- 1. Off-street motor vehicle parking areas shall be provided in defined areas of the subject property. No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose and has required maneuvering area for vehicles. Required backing and maneuvering areas shall be located entirely onsite.*
- 2. Automobile parking spaces shall be a minimum of 8.5 feet wide and 16 feet long, except that parallel spaces shall be a minimum of 8.5 feet wide and 22 feet long.*
- 3. A minimum of 25 percent of required parking spaces shall be no larger than 8.5 feet wide and 16 feet long.*
- 4. Parking areas shall comply with minimum dimensions for curb length, stall depth, and aisle width established by the Clackamas County Roadway Standards; these dimensions are based on the orientation (e.g., 45-degree, 90-degree), length, and width of the spaces.*
- 5. Double-loaded, ninety-degree angle parking bays shall be utilized where possible.*
- 6. A minimum of one parking space or five percent of the required spaces, whichever is greater, shall be marked and signed for use as carpool/vanpool spaces. These spaces shall be the closest employee automobile parking spaces to the building entrances normally used by employees, but shall not take priority over any spaces required for individuals with disabilities.*
- 7. [...]*
- 8. Where feasible, shared driveway entrances, shared parking and maneuvering areas, and interior driveways between adjacent parking lots shall be required.
[...]*

B. Parking Minimums: *The minimum number of parking spaces listed in Table 1015-1, Automobile Parking Space Requirements, applies unless modified in Subsection 1015.02(D).*

Finding: The applicant proposes to construct 5 parking spaces, consistent with the requirements of Section 1015.02. The parking, loading, and maneuvering areas are construction utilizing either asphalt or concrete paving with the appropriate catch basins to

manage stormwater. In accordance with Table 1501-1, the proposed development is providing five parking spaces as follows:

Office: 1,200 SF @ 2.7 / 1,000 SF = 3 spaces;

Warehouse: 6,480 SF @ 0.3 / 1,000 SF = 2 spaces; total spaces = 5

Two bicycle parking spaces will also be provided:

Office: 1,200 SF @ 1 / 2,500 SF = 1 space;

Warehouse: 6,480 SF @ 1 / 10,000 SF = 1 space; total spaces = 2

The vehicle parking is located along the northside of the office, the bicycle parking is located with the building, and loading area is located along the northside of the warehouse. All three of these areas are separated from each other. The required, provided parking spaces are dedicated to this business' operations and their employees and clients. All parking spaces meet the minimum size of 9'-0" x 20'-0" per the Clackamas County Roadway Standards for a single loaded drive isle with 90-degree parking stalls. One parking stall is dedicate to ADA compliant. No parallel parking is being proposed at this time. The proposed parking stalls are separated from the landscaping by a 5'-0" wide raised concrete sidewalk. Five parking stalls (with one being ADA compliant) are located adjacent to the office entry. As such, the proposed development meet the standards of 1015.02

1015.03 Bicycle Parking Standards

A. Bicycle parking areas shall meet the following on-site locational requirements:

1. Bicycle parking racks shall be located in proximity to an entrance but shall not conflict with pedestrian needs.

2. At least 75 percent of the bicycle parking spaces shall be located within 50 feet of a public entrance to the building

[...]

B. Bicycle parking shall be designed to meet the following requirements:

4. Required bicycle parking spaces shall be illuminated.

5. Required bicycle parking areas shall be clearly marked and reserved for bicycle parking only.

6. Bicycle parking space dimensions and standards:

a. Bicycle parking spaces must be at least six feet long and two feet wide, and in covered situations the overhead clearance must be at least seven feet.

b. An aisle a minimum of five feet wide must be provided for bicycle maneuvering.

c. Bicycle racks must hold bicycles securely by the frame and be securely anchored.

d. Hanging bicycle racks and/or enclosed, stackable bike lockers may be substituted for surface racks if comparable dimensions, maneuvering, and clearance are provided to the user.

e. Bicycle racks must accommodate both:

i. Locking the frame and one wheel to the rack with a high-security Ushaped shackle lock; and

ii. Locking the frame and both wheels without removal of wheels to the rack with a chain or cable not longer than six feet.

[...]

7. The minimum number of bicycle parking spaces listed in Table 1015-2, Minimum Required Bicycle Parking Spaces, are required. If a listed use is located with the Portland Metropolitan Urban Growth Boundary (UGB), it shall have a minimum of two bicycle parking spaces or the number required by Table 1015-2, whichever is greater.

Finding: The applicant's site plan demonstrates that the site has been designed to satisfy the above criteria. A condition of approval has been adopted requiring the site be developed consistent with plans submitted with this land use application. As conditioned, this criterion is met.

1015.04 Off-Street Loading Standards

A. No area shall be considered a loading berth unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for vehicles.

[...]

D. The minimum off-street loading berths listed in Table 1015-3 are required.

Finding: The site has been designed to satisfy the loading standard requirements as stated in Table 1015-3. Specifically, Table 1015-3 requires 1 loading berth for the proposed development and the submitted plan complies with this requirement. As such, the proposed project complies with these standards.

J. Section 1021 Solid Waste and Recyclable Material Collection

Section 1021 – General Standards

- A. Pads: Compactors, containers, and drop boxes shall be located on a level Portland Cement concrete pad, a minimum four inches thick, at ground level or other location compatible with the local collection service franchisee's equipment at the time of construction. The pad shall be designed to discharge surface water runoff to avoid ponding
- B. Recycling and Solid Waste Service Areas
- [...]
- C. Special Wastes or Recyclable Materials

Section 1021.04 Enclosure and Gate Standards

- A. Gate Access: Gates shall be designed to permit sufficient service access for the local collection service franchisee's equipment and personnel.
- B. Gate Swing: The gate swing shall be free of obstructions and have restrainers in the open and closed positions.
- C. Bumper Curb: Enclosures constructed of wood or chain link fencing material shall contain a two- to four-inch high bumper curb at ground level located 12 inches inside the perimeter walls of the enclosure or fencing to prevent damage from container impacts.
- D. Bumper Rail: Enclosures constructed of concrete, brick, and masonry block or similar materials shall contain a bumper curb described in Subsection 1021.04(C) or a bumper rail to prevent damage from container impacts. The rail shall be secured by anchor bolts recessed in the rail within the perimeter walls of the enclosure at a height compatible with the receptacle. E.
- E. Obstructions and Accumulations: All areas around the receptacles shall be kept free of obstructions and accumulations of waste matter, grease, oil, water, and standing water.

Section 1021.05 Receptacle Standards

A. Containers: Enclosures shall be designed consistent with the following standards:

1. Length and width of the service container.

2. A minimum of two feet, including pad area, shall be provided around the sides and rear of each container.

3. A minimum three feet, including pad area, shall be provided in front of each container for maneuverability in depositing solid waste or recyclable materials. In cases where the containers face each other, a minimum four feet shall be provided.

4. Containers two cubic yards or less in size shall be provided with a minimum nine feet of unobstructed overhead or vertical clearance for servicing. 5. Containers greater than two cubic yards in size shall be provided with a minimum 20 feet of unobstructed overhead or vertical clearance for servicing.

[...]

Section 1021.06 Vehicle Access

Section 1021.07 Signs

Finding: Prior to issuance of building permits, the applicant shall submit plans that bring the current enclosure up to the standards described in ZDO 1021.03 and 1021.04. The applicants shall work Clackamas County's Sustainability & Solid Waste Staff, Emily Murkland, to finalize plans that comply with design standards. **As such, Condition No. 6 is required to ensure that if the applicant includes a recycling area the recycling area will meet the dimensional standards that Sustainability staff has stated are necessary to serve the collection requirements. As such, the proposed project, as conditioned, is consistent with all applicable standards of Section 1021.**

K. Section 1102 – Design Review

Findings: The submittal materials and incomplete notice response package demonstrate compliance with the application submittal requirements and approval criteria listed in Sections 1102.02 and 1102.03. Conditions of approval have been adopted to reflect the approval period listed in Section 1102.05. Staff finds that the pre-application conference requirements of Section 1102.05 have been met by the applicant. Due to the minor nature of the proposed project and the minimal site disturbance proposed, a Design review Committee meeting was not required. The applicant has submitted site plan and building information to satisfy the submittal requirements detailed in Subsection(s) 1102.06-08.

SUMMARY: The proposed project was determined as an appropriate use for the site pursuant to the allowable uses in the RC zoning district. In conclusion, the Planning and Zoning Staff find that it is feasible, with conditions of approval, for the proposed project to meet the standards and criteria of all applicable ZDO Sections. Specifically, Planning and Zoning Staff have reviewed the applicable Sections of the ZDO (513, 1001, 1002, 1004, 1005, 1006, 1007, 1009, 1010, 1015, 1021, and 1102) and based on the above analysis of the ordinance and criteria in Section 3 of this decision, approve the rural commercial development, as proposed and conditioned pursuant to the Conditions of Approval in Section 2 of this decision.

EXHIBITS

MATERIAL SCHEDULE	
	MATERIAL / FEATURES
	FIBER CEMENT LAP SIDING & BOARD
	FIBER CEMENT FASCIA BOARD
	EXPOSED WOOD FRAMING
	METAL ROOF

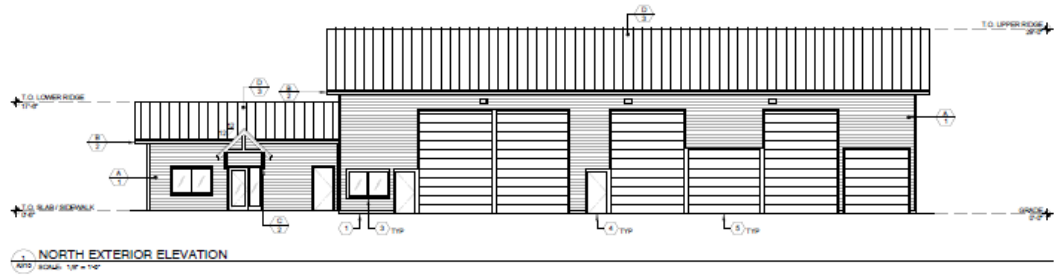
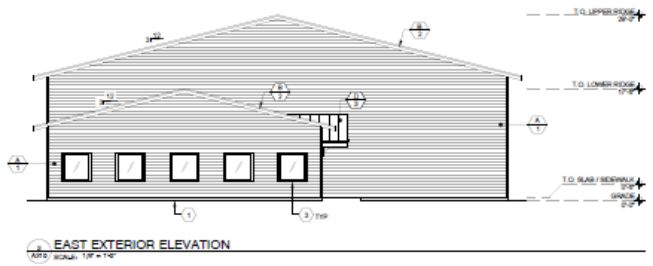
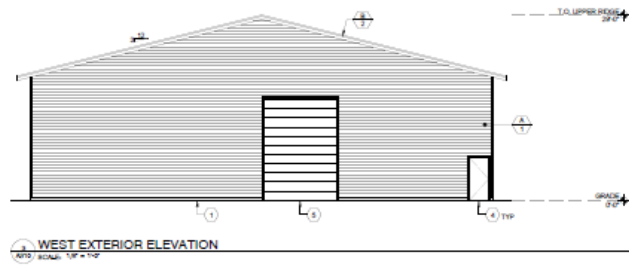
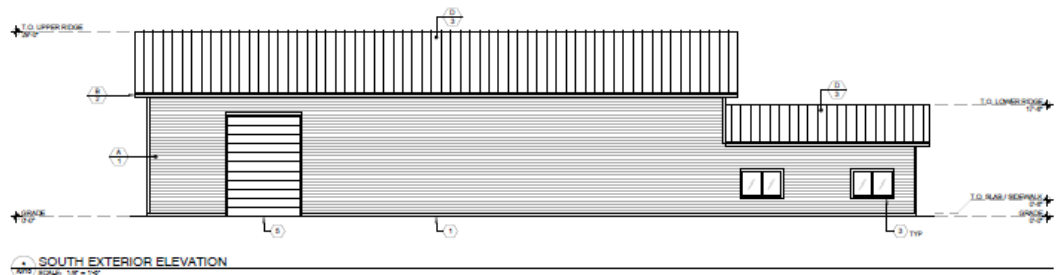


EXHIBIT 1
Elevation View
20233-20-D

7-16-2020

Clackamas County Planning and Zoning Division
Department of Transportation and Development
Development Services Building
150 Beavercreek Road
Oregon City, Oregon 97045

RECEIVED
JUL 21 2020
Clackamas County
Planning & Zoning Division

Dear Sir/Madam:

Re: Permit Number Z0233-20
Property Address: 14667 SE Anderson Road
Damascus, Oregon 97089

I am writing this letter in response to the Notice of Land Use Application, dated 07/06/2020.

My response is in reference to the neighboring real properties listed below:

- (1) 14650 SE Anderson Road, Damascus,
- (2) 14810 SE Anderson Road, Damascus,
- (3) 20020 SE Chitwood Road, Damascus
- (4) 19982 SE Chitwood Road, Damascus.

These real properties are owned by a Trust and are titled in the name of the Trust. I am the trustee for this Trust and provide this response to the building permit application in that capacity.

I oppose the application for the following reasons:

- (1) The proposed metal building would be constructed next to a historic building -an old school house that houses craft shows and other events a couple of times a week. The metal building would detract from the historic nature and appearance of this old school house,
- (2) The generation of more vehicular traffic from the businesses operating on the premises; the existing road is not suitable for this additional traffic,
- (3) I have been informed by the tenants at 14650 SE Anderson Road that it is projected that three businesses would be operated from the premises, a concrete business of some sort, a landscaping business and some other type of business; these businesses will generate noise and dust impairing neighbors' use and enjoyment of their properties. I am further informed by these tenants that dump trucks and excavators have already been on the premises dumping concrete left overs at all hours of the day and night, sometimes as late as midnight thereby interfering with their sleep and the enjoyment of their home,
- (4) The construction of the proposed building and the businesses that will be operated from the premises will be a "drag" on the values of neighboring real properties and any increase in those values.

Sincerely,



Bradley Tomlinson, Trustee
1238 Betmar Blvd.
North Fort Myers, Florida 33903
216-798-6435
Sabantrust@yahoo.com

EXHIBIT 3
Comment Letter
Z0233-20-D

Date: July 24, 2020

To: MAherns@clackamas.us
Clackamas County Planning and Zoning Division
Department of Transportation and Development
From: Janet Dorow
Subject: Comments on Application Permit Z0233-20
RE: Permit Number Z0233-20 Legal Description 23E08A 00600
Property Owner: L JC HOLDINGS LL

COMMENTS ON THE LAND USE APPLICATION by
Janet Dorow, Student and Instructor Damascus Fiber Arts School

The Damascus Fiber Arts School has been a large part of my retired life over the last twelve years. The quiet ambiance and fellowship of like-minded weavers in a residential setting in Damascus, Oregon is not only conducive to learning, it is infinitely enjoyable.

The school abuts the applicant property to the south and sits at the corner of Anderson and Chitwood Roads. It was founded in 1876 as a local school house for children. In 1968 It began functioning as a floor loom weaving school and continues as a tapestry weaving and Navajo style weaving school to this day. The building houses the old school bell, an old fashioned kitchen and two large rooms of looms and tables for students. The neighborhood is quiet due to the fact that large trucks are not allowed on the narrow Chitwood road. Anderson Road feels like a country road as I walk my dog for a noon break during classes at the school.

I am very much opposed to the 7749 sq ft office building and warehouse structures now being proposed to be built at the site north of the school. The noise, heavy traffic, and dust will interfere with the ambiance of the school and neighborhood. The dust will surely damage the tapestries and other weavings now hanging at the school as well as those in the process of being created. Increased traffic noise and the very existence of trucks and heavy equipment impairs the prospect of students even continuing at the school since old-school-ambiance is one of the centerpieces of Damascus Fiber Arts School. As a landscaping company, I believe these concerns will continue well after the structures are built.

The considerable disruption caused by excessively large structures, noise, heavy traffic and a business that does not fit into a quiet neighborhood would do much to damage the artistic atmosphere in a quiet, unobtrusive weaving school: Damascus Fiber Arts School.

Thank you for your consideration,

Janet Dorow

EXHIBIT 4 Comment Letter 2 Z0233-20-D
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Clackamas County Planning and Zoning Division
Department of Transportation and Development

June 23, 2020

RE: Permit Number Z0233-20 Legal Description 23E08A 00600

Property Owner: ALJC HOLDINGS LLC

Comments on the Land Use Application from:

Patricia M. Turley (building owner/weaver)
Damascus School/Damascus Fiber Arts School (DFAS)
14711 SE Anderson Rd
Damascus, OR 97089

The Damascus School is on the National Registry for Historic Places. It is located immediately south and abuts the applicant property of 14667 SE Anderson Rd. Our building has functioned as a school virtually without interruption since its inception in 1876. Since 1968 it has housed the nationally and internationally acclaimed Damascus Fiber Arts School (DFAS), formerly the Damascus Pioneer Craft School. It is the school/studio/art gallery to many award-winning weavers.

The school is located on the corner of Anderson Rd. and Chitwood Rd.- 0.2 miles east of the historic Damascus Pioneer Cemetery. Chitwood is a small, narrow road where trucks are prohibited.

I am opposed to any business on the applicant property which would increase traffic, noise, and dust and/or would decrease the ambience of our peaceful neighborhood. Historically, this has been a very quiet residential area.

The traffic can be horrendous on Hwy 212 (especially after 3pm), making it very difficult to enter or exit Anderson Rd including turning onto, or crossing, the Hwy.

Chitwood Rd. can be used for a few cars to enter/exit the area, but would not be able to support a large number of vehicles. And trucks and heavy equipment are banned.

Anderson Rd is bit wider than Chitwood, but has always been a quiet country road and not used to the Dump trucks and heavy equipment that are already seen on site at the applicant property.

A building of over 7500sq ft sounds excessive for this quiet residential area. I can't imagine that it would complement our historic building.

Noise from increased traffic and heavy equipment on the street and the property would be very disruptive to our creative environment. The constant or intermittent drone of motors and the noise of loading and unloading gravel, bark dust, rock etc. would be distracting, to say the least
Increased Dirt or Dust could actually damage the textiles we create.

<https://mail.google.com/mail/u/0/?tab=rm&ogbl#sent/FMfcgxwJXBzLTNnpKlMVbbMgfgHifk7lg>

1/2

EXHIBIT 5
Comment Letter 3
20233-20-D

7/30/2020

Revised Letter - patnlibby@gmail.com - Gmail

For these reasons, I strongly disapprove of the construction of such a large building and a business that would negatively impact the character and historic elements of our school, as well as the infrastructure and tranquility of our long-established neighborhood.

Thank you for taking my concerns into consideration.

Sincerely,

Pat Turley



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

DEVELOPMENT PERMIT

Permit Number: SC005920 **Permit Issued:** 03/15/2023
Record Name: VALLEYSCAPE - ONE YEAR EXTENSION **Permit Expires:** 03/13/2025
Description: VALLEYSCAPE - IMPROVE SITE ACCESS, PARKING AND CIRCULATION, LANDSCAPE IMPROVEMENTS, DRAIN FIELD AND OTHER SITE ELEMENTS.
Permit Status: Issued
Z#: Z0233-20
Type: Design Review
Site Address: 14667 SE ANDERSON RD DAMASCUS, OR 97089
Location:
Parcel: 23E08A 00600

Applicant: NATE CARTER
ELEVEN ENGINEERING & DESIGN
2432 NE 59TH AVE
PORTLAND, OR 97213

Applicant Phone: 971-344-1919
Contractor: BRIDGE CITY CONCRETE & ASPHALT INC - 20 NE HOGAN DR GRESHAM OR 97030
Contractor Phone: 5038602856
Primary Inspector: Bruce Brown, Jr. please email BBrown@clackamas.us (preferred) or call 503-784-7776
If the primary inspector is not available please email engineering@clackamas.us (preferred) or call 503-742-4691

Total Fees:	\$6,276.50
Total Payments:	\$6,276.50
Balance Due:	\$0.00

Conditions of this permit:

FINANCIAL SURETY REQUIRED - Per the County's Roadway Standards section 190.1.a), a financial surety is required for work in existing County roadways. A financial surety and Developer Agreement is required for work permitted in existing roadways prior to issuance of the Development Permit. The guarantee shall be in the amount of 125% of the required improvements.

TEMPORARY TRAFFIC CONTROL - No Work is allowed that alters or affects the normal flow of traffic on County roads unless the contractor provides a temporary Traffic Control Plan (TCP) to be reviewed and approved. TCP to be submitted to County Inspector to be reviewed and approved by County Traffic Engineer. TCP may not be implemented until approved by the County.

Traffic Control - County Code Chapter 7.03.140

1. Provide a traffic control plan for the temporary protection and direction of traffic during the construction. Traffic Control must comply with the "Manual on Uniform Traffic Control Devices" (MUTCD).
2. Check all signs frequently for proper positioning & condition.

INITIATING CONSTRUCTION - Call one of our inspectors prior to initiating construction to discuss existing and proposed improvements and when inspections need to be requested. Inspections are required and should be requested at least one (1) working day before an inspection is needed. The Inspectors direct contacts are:

Bruce Brown: phone: 503-784-7776 Email: BBrown@clackamas.us (works M-Th) PRIMARY

Patrick Doherty: Phone 971-990-6324 Email: PDoherty@clackamas.us (works Tu-F) BACKUP

EROSION CONTROL - Erosion and sedimentation control measures are required for construction areas where the ground surface will be disturbed with clearing, grading, fills, excavations and other construction activities. Erosion and sediment controls shall conform to Water Environment Services (WES) standards. Design guidelines with respect to plans and implementation of soil loss protection measures can be found in the Erosion Prevention Planning and Design Manual on WES's website.

SURFACE WATER MANAGEMENT - All visible surface water shall flow in the natural direction along the driveway and site frontage. No additional rate of surface water runoff shall flow to the neighboring properties and all visible ponding, erosion or other adverse surface water conditions on the frontage or driveway shall be mitigated by the developer/contractor at no expense to the County.

CONSTRUCTION - Construct the improvements per the approved plans, land use conditions of approval and conditions set on this permit. If the contractor encounters any issues that require alteration from the plans the contractor shall contact the project engineer and Clackamas county engineering inspector to review the issues and determine the best acceptable resolution.

PRIVATE ONSITE UTILITIES - Private on-site utilities require separate permitting and inspections through the County's Building Code Division. Coordinate directly with County Building Codes Division for permit requirements including application, fees, and inspections.

REQUIRED INSPECTIONS - Contractor to Notify the Primary Inspector/County Inspector for the following construction inspections at a minimum:

- Structural Fill
- Retaining wall or structure subbase
- Pipe installation
- Trench backfill and compaction
- Catch basin and manhole subbase inspection prior to setting basin/inlet
- Catch Basin and Manhole Installation
- Detention/Infiltration facilities including grading, drainage course, choker course, growing media, liner, inlet and outlet structures, including plumbing.
- Curb / Curb & Gutter proof roll
- Curb / Curb and Gutter forms or stringline
- ADA Facilities forms and base rock
- Sidewalk and driveway approach forms and base rock
- Subgrade proof roll, probing, or density testing as applicable
- Base rock proof roll including onsite drive aisles.
- Sawcut limits for final road restoration
- Base lift paving
- Top lift paving
- Final Onsite inspection to include, but not limited to: Final grading; Final sidewalk condition; Pedestrian connections to the public right of way; Bike rack locations; Final paving; Signing and striping; Vehicle access; Number of parking spaces and widths and lengths; drive aisle widths and backing space requirements; Fire lanes; Lighting; Stormwater management facilities; Site landscaping as it relates to permanent erosion control; And verification of landscape warranty.
- Final Storm Inspection to include, but limited to: Structure sumps, grout, connections, appliances, channeling; Detention/Infiltration inlet/outlet structures, riprap, growing media, landscape; Final paving; Review of video and photographs submitted;
- Final Frontage inspection to include, but not limited to: Concrete cracking and displacement; ADA facilities including ramps, turning spaces and landings; Pavement restoration including limits and ride-ability; crack sealing and sanding of pavement joints; Sight Distance; Landscaping including street trees and ground cover. (Leave tags on trees until after final inspection.); Structures and retaining walls; Final grading; Permanent erosion control; And surface water management facilities.

REQUIRED SUBMITTALS - The following Submittals are required:

- Temporary traffic control plans and temporary pedestrian access route plans for review and approval prior to performing any work that impact vehicular, bicycle, or pedestrian routes in the public right of way.
- Video or photographic evidence of existing pavement conditions along the project frontage and/or along heavy haul routes proposed for the project prior to beginning any work. This is set existing roadway conditions and to record any existing conditions the contractor is not responsible for repairing. Any damage done during construction will be the contractor's responsibility to repair.
- Any substitutions proposed from the approved plans and specifications, including the Roadway Standards. The contractor shall first submit to the engineer of record and the engineer shall review prior to submitting to the County. If there is not an engineer on the project, the contractor shall submit any proposed substitutions to the County Inspector. Submittal shall demonstrate equivalency to the project specifications.
- Proposed pipe material
- Photos of utility installation as applicable
- Asphalt mix design
- TVI of County stormwater system
- Written acceptance of public utilities (water)
- Concrete Mix Design
- Cylinder Tests for Concrete Strength
- Density Test Results for trench backfill
- Density Test Results for Asphalt Paving
- Deferred submittals for retaining walls and other structures as noted on the construction plans
- Primary Inspection Reports
- Certificate of Compliance and Completion completed by the Primary Inspector / Engineer of Record.
- Geotech inspection reports
- Geotech or structural engineer sign off for retaining walls or other structures as required
- Infiltration Test Results and verification of correct stormwater facility sizing
- Operation and Maintenance Manual for vegetated stormwater facilities, both public and private
- Maintenance agreement for property owner to maintain vegetated stormwater facilities, both public and private
- As-built plans

ENG142 - GRANULAR BACKFILL - Granular backfill (1 1/2"-0", 1"-0" or 3/4"-0"), approved by Clackamas County, must be a minimum of 95% compaction. Compaction test results are to be returned to Clackamas County Engineering Division within ten (10) days of completion of the project.

2. Shoulders must be replaced to "as good" or "better" condition with County approved materials.
3. Bike paths and pedestrian walkways are to be repaired to the same standards as the roadway.
4. Return right-of-way to "as good" or "better" condition.

ENG145 - TRENCH PAVING - A.C REPLACEMENT - Asphalt Replacement -

1. Surface repairs to asphalt pavements shall conform to the current ODOT/APWA (Asphalt Concrete Pavement) Specifications.
2. Saw cut the pavement to a full depth at trench limits. Double saw cut to provide a twelve (12) inch 'T-cut' with a four (4) inch minimum asphalt replacement for trench repair. (See Standard Drawing U250/U260)
3. The outside saw cut must be at least three (3) feet from the edge of pavement. If less than three (3) feet, the existing outside asphalt to the edge of pavement must be removed and replaced as part of the trench pavement.
4. Minimum asphaltic concrete replacement is three (3) foot width at edge of pavement. The repair shall maintain existing road width and alignment.
5. Subsequent to asphalt removal, trench repair paving must be applied in two (2) separate lifts of two (2) inch compacted thickness for a minimum four (4) inch thickness, or the thickness that was removed; whichever is greater.
6. All undermined pavements caused by trench excavation and cave in shall be removed immediately during the construction.
7. For temperatures under 50 degrees the asphaltic concrete shall be placed in three (3) inch lifts.
8. All asphalt joints must be sealed with hot liquid asphalt, and choked with sand.
9. Any disruption in road striping must be replaced to Clackamas County Traffic Standards. Temporary reflective striping tape or reflective markers (such as stick and stomps) must be used until permanent strip can be applied.
10. Shoulders must be replaced to "as good" or "better" condition with County approved materials.
11. Bike paths and pedestrian walkways are to be repaired to the same standards as the roadway.
12. Return right-of-way to "as good" or "better" condition.

ACCESSIBILITY - All accessible routes and facilities being constructed or reconstructed under this permit are required to be constructed within the allowable slopes and cross slopes and dimensions required by PROWAG and all pedestrian crossings shall be in compliance with the State ORS and PROWAG. (Onsite ADA facilities to be reviewed and approved through the County's Building Codes Division.

VEGETATED STORMWATER FACILITIES - Infiltration testing required prior to closeout to confirm infiltration rates meet design standards. A copy of the Operation and Maintenance manual should be provided with the owner's maintenance agreement, agreeing to maintain the facilities per the manual, to County Engineering. These will be required prior to project closeout. Coordinate with County Engineering on agreement.

SUBSTANTIAL COMPLETION - Engineering will only sign off on certificate of occupancy if the project is substantially complete, a final inspection has been requested and performed, a punch list of items has been identified from the final inspection, and a financial surety has been received covering any outstanding items at 125% of the engineer's estimate for outstanding items.

AS-BUILTS - As-built construction plans are required prior to project closeout. Contractor to track field changes during construction and engineer to prepare final as-builts for the project.

LANDSCAPE GUARANTEE - At the completion of the landscape installation and acceptance by the County, the owner needs to provide a guarantee of the plants either through the contract for the plants and their installation or through a separate maintenance contract to guarantee the plants survival for one year. The other option would be to provide a financial cash surety in the amount of 125% of the cost of the plants and their installation.

WARRANTY SURETY - At the conclusion of the project and prior to the release of the performance surety, the developer shall provide a warranty surety equal to 25% of the engineer's estimate for the improvements covered under the permit to ensure the workmanship of the improvements for a minimum of two years from the date of acceptance by the County.

GENERAL

- The applicant is hereby authorized to work in the right of way and roadway at the location designated provided all work is performed in accordance with the Clackamas County Code, Roadway Standards, this permit, and conditions of land use approval.
- Each applicant should obtain a copy of the Clackamas County Code and Roadway Standards.
- Any fixed objects installed within County right of way must comply with Clackamas County Code and Roadway Standards.

DOCUMENTATION

Maintain a complete set of the permit, approved plans and any conditions or special provisions at the job site.

MODIFICATION OF THE PERMIT

Engineer of record should request approval for changes to the permit, plans, conditions or provisions if the scope of work changes.

NOTIFICATION

Please contact inspector listed on your permit via email or phone to request inspection type. If inspector is not available, please contact engineering at 503-742-4691 or engineering@clackamas.us.

Contact the County at least one (1) business day's notice for the following:

- a) Start of construction
- b) A break in construction greater than three (3) days (excluding holidays and weekends)
- c) Completion of construction

Be prepared to have your permit number available for entry into this automated system.

UTILITY NOTIFICATION

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952. (Oregon Utility Notification Center 800-332-2344 or 811 or www.digsafelyoregon.com)

Contact the affected utility companies and request line location services. Resolve any utility conflicts before initiation of construction.

SAFETY REQUIREMENTS

- The person performing the work is responsible for providing adequate safeguards in the form of barricades, pedestrian walks, night lighting, and/or other measures as the Inspector directs. The roadway or walk area shall not be unnecessarily obstructed. All material and debris shall be removed from the public right of way within a reasonable amount of time.
- Keep mud and debris off the traveled portion of the roadway.
- The person performing the work is responsible for personal or property damage resulting from the work and shall hold the County harmless from any and all legal action arising out of said work.
- The County Inspector may order the change or removal of any construction authorized by this permit at any time when the public safety, public convenience, and the general welfare of the public requires such action.

CONSTRUCTION AND MAINTENANCE RESPONSIBILITY

Failure to fulfill the construction requirements, maintain the structures as permitted to the extent that it results in damage to the county or public road, causes a hazard to the public, or where they find violations of the Clackamas County Code, Clackamas County Roadway Standards, 2008 Oregon Standard Specifications, and any special conditions or provisions established for this permit is reason for the Inspector to revoke the permit.

CONSTRUCTION

- Limit work and activity zones (construction, restoration, erosion control, etc.) to no more than 2,500 lineal feet at any one time, unless previously approved by the County.

- Limit open trenches in the right of way of an existing road to no more than 250 lineal feet at any one time, unless previously approved by the County. No trenches are to be left open overnight.

ACCESS CONTROL/MANAGEMENT OF THE RIGHT OF WAY

- Clackamas County retains its right to full supervision and control within the road right of way, and this permit is not exclusive.
- Other utilities or persons may be permitted to occupy the same portion of the road right of way simultaneously.
- The person performing or contracting the work shall not cause interference with any County road work.
- Preserve and protect all public and private infrastructure (i.e. survey monuments, drainage systems, traffic control devices, roadside barriers, utilities, etc.) ensuring that these facilities continue to properly function during the course of the work.

TRAFFIC CONTROL

- Establish and maintain work zone traffic control in compliance with the Oregon Temporary Traffic Control Handbook (OTTCH) For Operations of Three Days or Less (December 2011).
- For traffic control set up for a continuous duration of longer than three (3) days, comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD) and the Oregon Supplements to the MUTCD.
- Roadway closures are prohibited unless approved by Clackamas County under separate permit and in compliance with the Roadway Standards.

SURVEY MONUMENTS

ORS 209.140 and 209.150 as well as the County Code 7.03.210 require the protection of all existing survey monuments. These Statutes also require notice to the County Surveyor prior to disturbing or removing any survey monument. This may require the employment of a registered Professional Land Surveyor. The applicant shall employ all necessary means in order to preserve these monuments. Failure to comply with these terms may be prosecuted as stated in ORS 209.990. The Clackamas County Surveyor's Office can be reached at 503-742-4475.

INTERIM RIGHT OF WAY RESTORATION

Restore and maintain road surfaces to their pre-existing grade with like materials or steel plating at the end of each work day unless otherwise approved. For bituminous road surfaces (asphaltic concrete or chip seals), interim restoration shall be with either hot mix or cold mix asphaltic concrete.

PERMANENT RIGHT OF WAY RESTORATION

Restore all existing infrastructure affected by the work to original or better condition including but not limited to the road surface, base and subgrade, pavement markings, drainage facilities, signs, safety appurtenances, bicycle and pedestrian facilities, vegetation or landscaping, and any other feature affected by the work.

ENVIRONMENTAL

Approval by Clackamas County does not imply or guarantee approval by Oregon Department of State Lands (DSL), Department of Environmental Quality (DEQ) or US Army Corps of Engineers (COE).

The applicant is responsible for all applications, fees, and coordination of Federal, State and Local regulatory offices with regard to fills and excavations within regulated waterways, riparian zones, and wetlands associated with the Clean Water Act and the Urban Stormwater National Pollutant Discharge Elimination System (NPDES), if required.

EROSION CONTROL

Install and maintain appropriate erosion and sediment control devices, in accordance with approved Erosion and Sediment Control Plan (ESCP) to ensure that all catch basins, drainage inlets, manholes, wetlands, waterways, and resource waters are sufficiently protected from erosion and sediment. Erosion and sediment control devices must be modified as changing conditions warrant. In the absence of a formal ESCP, comply with Water Environment Services standards (Erosion Prevention Planning and Design Manual), DEQ standards (DEQ Erosion and Sediment Control Manual, April 2005), and/or 1200c Permit, if

applicable.

DRAINAGE

If the work performed under this permit involves or in any way interferes with the drainage of the roadway, the owner shall wholly and at their own expense make such corrections as necessary to the County's satisfaction.

BEST MANAGEMENT PRACTICES

Ensure all equipment is leak free with sufficient and appropriate spill prevention and clean up materials on site and that the personnel involved with the work are familiar with and proficient in their use. Remove construction equipment from the right of way when not in use. Do not park, re-fuel, or service equipment or store hazardous materials directly over or uphill from catch basins, drainage inlets, or manholes or within 150 feet of any wetland, waterway, or resource water. Re-fuel over a pervious surface and use absorbent pads to collect spilled fuel.

CUSTOMER SERVICE

Communicate and mutually coordinate, as needed, with adjacent residents and business that may be impacted by the work. Interaction with the public shall be in a professional, courteous, and timely manner.

This permit does not permit trespass on the lands of others.

Our goal is to provide you with excellent service. If you would like to discuss your experience with us, contact one of our Customer Service Specialists at 503-742-4400, dtdcustomerinfo@clackamas.us or simply fill out our online survey at <https://www.surveymonkey.com/s/cccustomersurvey>

Clackamas County DTD Engineering
Pre-Construction Conference Agenda

Date: 3/15/2023

Project: Valleyscape

Permit number SC005920– please use it on all correspondence

Agenda Items for discussion:

1 **Contacts**

- a. Submit a list of any contacts not at the Pre-con as they are selected

	Name	Phone	Email
Owner/Representative	Adam Lowery	503-789-8929	adam@valleyscapes.net
Architect	Nate Carter	971-344-1919	nate@solar-a.com
Engineer/consultant	Brian Lee	503-805-1950	BrianL@paceengrs.com
Primary Inspector	TBD		
Contractor	Bridge City Concrete	503-789-8814	Jon@bridgecityconcrete.net
Work notification	Al Rich	971-347-6717	Dispatch@bridgecityconcrete.net
24/7 Contact	Dave Newland	503-860-2856	Dave@bridgecityconcrete.net

- i. County Plan Reviewer: Jonny Gish Mon–Thur Cell 503-804-8271 jgish@clackamas.us
- b. County Development Inspectors are:
- | | Primary | Backup |
|---|-------------------------------------|-------------------------------------|
| i. Bruce Brown Work days Monday - Thursday
Cell 503-784-7776 bbrown@clackamas.us | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii. Patrick Doherty Work days Tuesday– Friday
Cell 971-990-6324 pdoherty@clackamas.us | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- Email the primary inspector, and copy the backup inspectors and the Plans Reviewer so all are aware of any issues and can cover if needed quickly.

2 **Inspection requirements**

- a. **Water Authority -**
- i. Sunrise Water Authority – Tim Jannsen – 503-849-4124 – tjannsen@sunrisewater.com
- b. **County Engineering Inspectors**
- i. Proof roll subgrade and base rock
- ii. Proof roll curb line
- iii. Forms inspection of curb, sidewalks, driveways
- c. **Storm Water Inspections**
- i. Pipe installation
- ii. Trench backfill and compaction
- iii. Catch basin, and manhole subbase inspection prior to setting basin/inlet
- iv. Catch Basin and manhole Installation
- v. Inlet and outlet structures, including plumbing
- vi. Saw cut limits for final road restoration
- vii. Final Paving
- viii. Final Inspection to include, but limited to: Structure sumps, grout, connections, appliances, channeling; Final paving; Review of video and photographs submitted
- d. **Public Street Improvements Inspections**
- i. Curb / Curb & Gutter proof roll
- ii. Curb / Curb and Gutter forms or string line
- iii. ADA Facilities forms and base rock
- iv. Sidewalk forms and base rock
- v. Subgrade proof roll, probing, or density testing as applicable
- vi. Base rock proof roll
- vii. Base lift paving

- viii. Top lift paving
- ix. Sign location layout is applicable
- x. Final inspection to include, but not limited to: Concrete cracking and displacement; ADA facilities including ramps, turning spaces and landings, truncated domes, and push buttons; Pavement restoration including limits and ride-ability; crack sealing and sanding of pavement joints; Final striping and signage; Sight Distance; Landscaping including street trees and ground cover. (Leave tags on trees until after final inspection.); Structures and retaining walls; Final grading; and Permanent erosion control.
- xi. Surface water management facilities will be inspected by the WES.
- e. **Onsite Development Inspections**
 - i. Sidewalk forms to verify width and depth
 - ii. Parking lot base rock proof roll of drive aisles
 - iii. Final inspection to include, but not limited to: Final grading; Final sidewalk condition; Pedestrian connections to the public right of way; Bike rack locations; Final paving; Signing and striping; Vehicle access; Number of parking spaces and widths and lengths; drive aisle widths and backing space requirements; Fire lanes; Lighting; Site landscaping as it relates to permanent erosion control; And verification of landscape warranty.
- 3 **Fire District requirements**
 - a. Signs/curb markings
 - b. Turn outs/turn arounds
 - c. Other
- 4 **Substantial Completion**
 - a. Prior to Certificate of Occupancy the project shall meet the County Roadway Standards substantial completion in Section 190. Additional bonding may be required to include all improvements related to the development permit to record the plat.
 - b. If Temporary C of O is approved, all fire, life, safety along with substantial completion shall be achieved.
- 5 **Utility Placement Permit Application**
 - i. Only utilities shown on the plans are permitted with the development permit. Other utility installations require a separate Utility Placement Permit. Online submittal is available at: <https://accela.clackamas.us/citizenaccess/>
 - ii. Submit all compaction test results, electronically to the engineer and county inspector.
- 6 **Any substitutions proposed from the approved plans and specifications, including the Roadway Standards. The contractor shall first submit to the engineer of record and the engineer shall review prior to submitting to the County. Submittal shall demonstrate equivalency to the project specifications.**
 - a. Proposed storm pipe material
 - b. Photos of storm installation as applicable
 - c. Asphalt mix design
 - d. TVI of County stormwater system
 - e. Written acceptance of public utilities from the applicable jurisdiction (water, SS, STM)
 - f. Concrete Mix Design
 - g. Density Test Results for trench backfill
 - h. Density Test Results for Asphalt Paving
 - i. Third Party Inspection Reports
 - j. Geotech inspection reports
 - k. As-built plans
- 7 **Record Drawings:** Any discrepancies or discoveries found during the construction shall require notice to the engineer and they shall be documented in the contractor's record drawings.
 - a. At the end of the project and before the development permit is final, submit record drawings to the engineer to include in the as-built plans. Track all encountered underground utilities (note Station, elevation and horizontal locations) and changes from the approved plans.
- 8 **ADA**

- a. ADA ramps forms inspection is verified by the Contractor. The DTD Inspector should view all forms prior to pouring and will notify the contractor if any issues are seen.
- b. Call for ADA inspection after pour has cured to verify compliance.

9 **Misc**

- a. Dedications:
 - i. Right-of-way
 - ii. Easements
- b. The results of Potholing the existing water main where the storm sewer will cross shall be communicated with the County inspector
- c. Any signage that are removed for any reason must be immediately replaced with a temporary stop sign. The temporary stop sign must stay in place until the permanent sign is installed.
- d. LIDA infiltration testing post construction
- e. Provide O&M for LIDA
- f. Please address access and vehicular tracking onto SE Chitwood Ave. Existing access is not currently approved and will need to be permitted.

10 **Approved Plans**

- a. Stamped approved plans and the Permit will be sent via email with a link for downloading.
- b. That email will include this Agenda with notes from the Pre-con meeting.

ODOT Specifications:

00280.05 Erosion and Sediment Control Plan on Non-Agency Controlled Lands- For work on non-Agency controlled lands, in addition to the requirements of 00280.04, submit the following for review 10 days before the preconstruction conference:

- A Contractor-developed ESCP for each unique site covered under a Non-Agency NPDES1200 Permit.
- A description of how the ESCP will be implemented and monitored on these sites.
- A complete list of other applicable permits controlling work on these lands, whether the Agency is one of the permittees or not, and copies of the applicable permits or proof that permits are not required from all pertinent federal, State, county, city, and local agencies.
- Signed letter from the property owner that allows the Contractor access to the property. Include a statement in the letter that holds the Agency harmless for all consequences related to the Contractor's use of the property.
- Signed agreement with the property owner detailing the Contractor's operation, use of the property, and stating that Contractor will abide by permits, if any.

If the Contractor's operations require work on non-Agency controlled lands not presented 10 days before the preconstruction conference, or if changes to the Contractor's submitted ESCP are necessary, obtain approval of a new or revised ESCP from the Engineer before beginning work.

00290.20.c.3.(f). Off-Site Disposal - Dispose of waste at an energy recovery facility with a DEQ or LRAPA Stationary Source Permit, at a permitted landfill, or at other waste disposal facilities as required depending on that type of waste.

Subject to local zoning codes and the requirements of 00280.05, materials that meet the definition of clean fill may be placed on other properties in a manner consistent with environmental requirements, and with written permission of the property owner. Furnish the Engineer a copy of the signed agreement with the owner before placement of the clean fill material. Do not place the clean fill material at locations that are visible from a public highway, road, or street unless the site is zoned and licensed for landfill.

00330.41.a.5. Waste Materials - Unless otherwise specifically allowed and subject to the requirements of 00280.04, dispose of materials, classed as waste materials in 00330.41(a)(3), outside and beyond the limits of the Project and Agency controlled property according to 00290.20. Do not dispose of materials on wetlands, either public or private, or within 300 feet of rivers or streams.









