



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: V0044620

Hearing Date: April 13, 2023

Time: This item will not begin before 11:00 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: V0044620

Hearing Date: March 30, 2023

Time: This item will not begin before 11:00 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): V0044620

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' place of mailing is: PO Box 3461, Gresham, OR 97030

2.

The address or location of the violations of law alleged in this Complaint is: 14667 SE Anderson Rd., Damascus, OR 97089 also known as T2S, R3E., Section 08A, Tax Lot 00600, 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 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 the current land use approval does not allow for outdoor storage and currently there are several containers on the site along with landscape materials and vehicle storage throughout the site. This violation is a Priority 2 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. 2000446 - 1 in the amount of \$600.00 was mailed first class mail on September 12, 2022. A copy of the notice document is attached to this Complaint as Exhibit K, 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 respondents from violating these laws in the future;

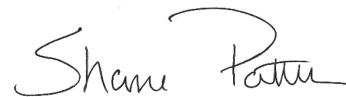
2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondent for each violation within the range established by Board of County Commissioners.

- 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 2 Zoning Code Violation being \$500.00 to \$2,500.00 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 of 2023.



Shane Potter
Code Enforcement Specialist
for Clackamas County

COUNTY OF CLACKAMAS,

Petitioner,

v.

ALJC HOLDINGS LLC.,

Respondent.

File No.: V0044620

STATEMENT OF PROOF

History of Events and Exhibits:

November 18, 2020 Exhibit A	Clackamas County received a complaint about violations of conditions of approval, multiple shipping containers and storage of landscape materials on site.
December 2, 2020	Clackamas County Code Enforcement Specialist (CES) Jennifer Kauppi contacted Nate Carter a contractor for the Respondent and informed them of the violation. CES Kauppi provided 6 weeks for them to come into compliance.
December 8, 2020 Exhibit O	Hearing Officer decision on an appeal of a design review approval by staff.
March 1, 2021 Exhibit B	CES Barnes performed a site visit and found several shipping containers and numerous vehicles on site. Photos were taken.
April 8, 2021 Exhibit C	Emails between CES Barnes and the Planning and Zoning Division about this property being subject to land use decision Z0233-20. The explanation from Planning and Zoning also explains how commercial vehicle storage is not part of the approvals under this land use decision.
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 first class mail and was not returned.
April 16, 2021 Exhibit E	Email chain with Adam Lowery representing the Respondent showing permits have begun for the containers.

May 10, 2021 Exhibit F	CES Barnes performed a site visit and found commercial activities occurring on site including storage of materials outside. Photos were taken.
September 23, 2021 Exhibit G	CES Potter performed site visit and there are commercial activities continuing to occur on site. There are also materials all over the site. A large structure is being erected on site which was part of the land use approval and building permits were obtained. Photos were taken.
April 2021	Code Enforcement received several complaints regarding parking on the road and accesses being used that were not approved. These complaints were forwarded to the Transportation Maintenance Division to take action.
May 23, 2022 Exhibit H	CES Potter performed a site visit and saw solid waste throughout the site, commercial activities occurring without a final building inspection and outside storage occurring in conflict with the land use approval. Photos were taken.
June 22, 2022 Exhibit I	Facts of the alleged violation were reviewed, the violation verified and Notice of Violation mailed containing a statement of the facts that support finding a violation exists on the property. The Notice of Violation was mailed first class mail and was not returned.
August 29, 2022 Exhibit J	CES Potter performed a site visit and identified solid waste, outdoor storage of materials, and numerous vehicles on site. Photos were taken.
September 12, 2022 Exhibit K	Citation #2000446 – 1 for solid waste and zoning code violations mailed first class mail. The first class mail was not returned. The citation has not been paid.
September 23, 2022	CES Potter spoke to Respondent representative Adam Lowery by phone. Mr. Lowery stated they would address these issues by moving the outside storage inside the building.
October 18, 2022 Exhibit L	CES Kauppi performed a site visit and obtained photos showing outside storage and solid waste onsite. Photos were taken.
November 4, 2022	CES Potter spoke with Transportation Engineering and the Planning and Zoning Division. The conversation was regarding the Transportation Engineering Division not obtaining any engineering documents for review for this site. Transportation Engineering and

Planning and Zoning Divisions requested I send a letter addressing this violation of the Conditions of Approval.

November 15, 2022
Exhibit M

Amended violation letter regarding the failure to comply with conditions of approval most notably this letter included the violations of not completing their engineering work while operating at this location.

January 18, 2023

CES Potter talked to Respondent representative Adam Lowery by phone. Mr. Lowery stated that he was not aware that the engineering work had not been completed and would talk to his engineer team to get this done.

January 23, 2023 and
January 24, 2023
Exhibit N

Series of emails between the Planning and Zoning Division, CES Potter and Respondent representative Adam Lowery and consultants of ALJC Holdings LLC. The emails are regarding the consolidation of the two tax lots into one. The outcome still requires them to perform another design review since the site would be much different than the decision that was approved.

February 27, 2023
Exhibit P

CES Potter performed a site visit and saw solid waste remains on site and there are still items that have not been completed as shown on the conditions of approval such as the engineering (use of more accesses than will be allowed).

February 28, 2023

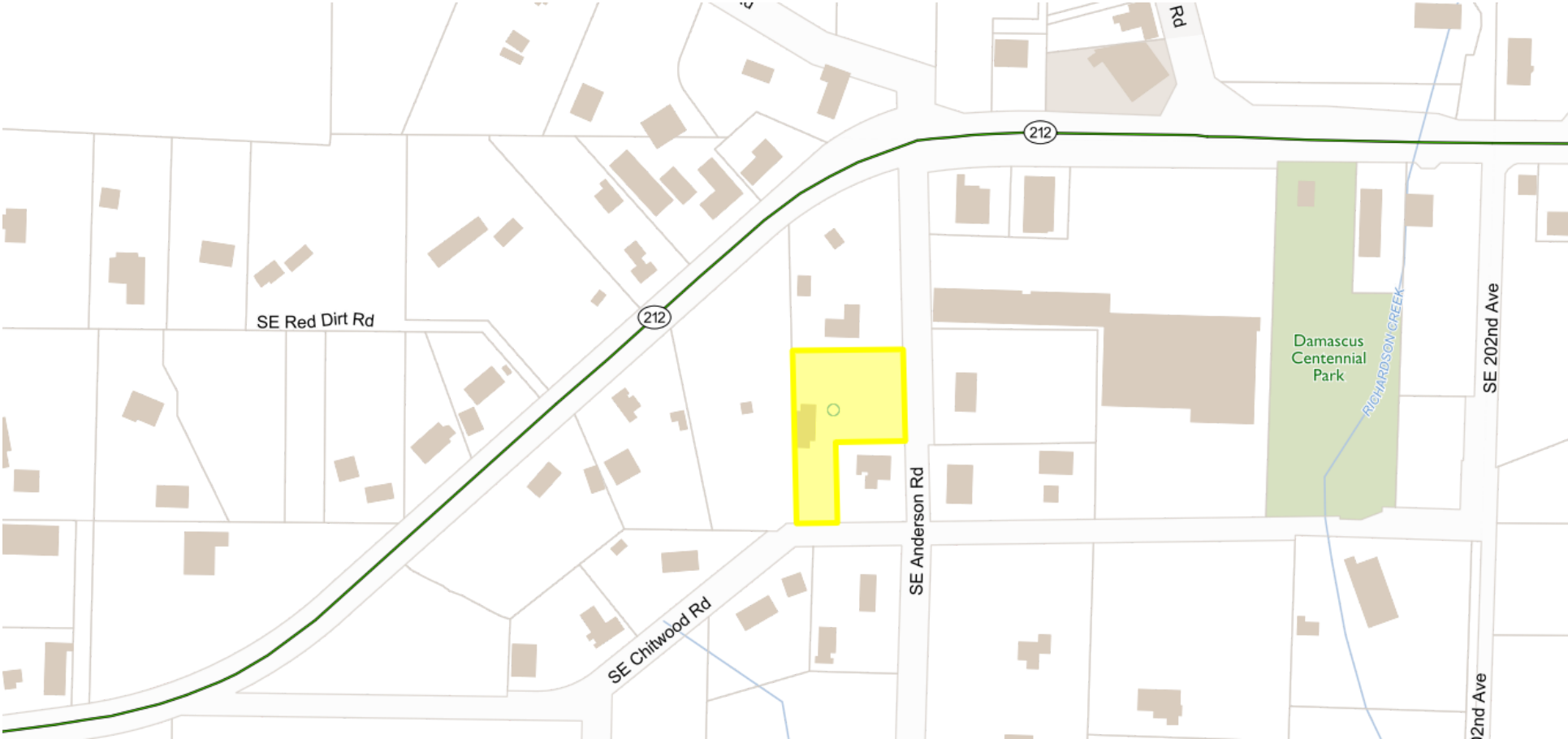
CES Potter referred this matter to the Hearings Officer.

If the Hearings Officer affirms the County's position that a violation of the solid waste code and failure to comply with the conditions of approval exists on the subject property, the County would request a Continuing Order to be issued requiring the Respondent to:

- Remove all solid waste from the site within 30 days from the date of the continuing order.
- Comply with all conditions of approval, most notably the condition of approval regarding storage of outside materials not being allowed. Place all outside storage within an approved and permitted building or remove from the site within 30 days of the continuing order.
- Provide a complete and finished set of engineering documents for review and approval to the Engineering department within 30 days of the Continuing Order.
- Since they are operating from the location meet all conditions of approval to comply with the land use decision within 30 days of the date of the Continuing Order.

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 #2000446 -1 for a total of \$600.00
- The imposition of civil penalties of up to \$1,000.00 for the Solid Waste violation and up to \$2,500.00 for the civil penalties for the Zoning Ordinance violation for the citation issued on September 12, 2022.
- The administrative compliance fee to be imposed from March 8, 2021. As of the date of this report that amount would be \$1,725.00.
- 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 the collection of these monies.





RECORDING REQUESTED BY:



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

Clackamas County Official Records
Sherry Hall, County Clerk

2019-068715

10/30/2019 02:40:01 PM

D-D Cnt=1 Stn=9 COUNTER1
\$15.00 \$16.00 \$10.00 \$62.00

\$103.00

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

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

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

Regarding an Appeal of a Planning Director)	Case File No.
Decision Approving an Application for Design)	Z0233-20-D Appeal
Review for an Office and Warehouse Building.)	(Eleven Engineering)

A. SUMMARY

1. The applicant is Eleven Engineering and Design. The owner is Adam Lowery.
2. The appellant is Gary Knepper.
3. The subject property is located at 14667 Southeast Anderson Road, Damascus, OR. The legal description is T2S, R3E, Section 08A, Tax Lot 500, W.M. The subject property is approximately .89 acres and is zoned RC – Rural Commercial.
4. On November 17, 2020, the Hearings Officer conducted a public hearing to receive testimony and evidence about the application. At the conclusion of the public hearing, the record was closed.

B. HEARING AND RECORD HIGHLIGHTS

1. The Hearings Officer received testimony at the public hearing on this application on November 17, 2020. The public hearing was conducted virtually on the Zoom platform due to the corona virus. All exhibits and records of testimony are filed with the Planning Division, Clackamas County Department of Transportation and Development. At the beginning of the hearings, the Hearings Officer made the declaration required by ORS 197.763. The Hearings Officer disclaimed any *ex parte* contacts, bias, or conflicts of interest. The Hearings Officer stated that the only relevant criteria were those identified in the Planning Director’s decision, that participants should direct their comments to those criteria, and failure to raise all arguments may result in waiver of arguments at subsequent appeal forums.

2. At the hearing, county planner Melissa Ahrens discussed the Planning Director's decision and recommended that the decision be affirmed.
3. Nate Carter, Brian Lee, Adam Lowry, and Dustin Webbinger testified in favor of the application.
4. Gary Knepper and John Peterson testified in opposition to the application.
5. At the conclusion of the public hearing, the Hearings Officer closed the record.

C. FACTS

This case involves the appeal of a Planning Director decision approving design review for a 7749 square-foot office and associated warehouse storage building for a landscape company. A design review application is subject to a type II procedure, whereby the decision is made by the Planning Director. The Planning Director approved the design review application.¹ This appeal followed.

The subject property is located at 14667 (on the west side of) Southeast Anderson Road (Anderson Road) to the south of Highway 212 in the Damascus area. The proposed building would be used as offices for the property owner's landscaping business. The proposed building would replace an existing residential structure on the property. The area is developed with a mix of light industrial, commercial, and rural residential uses. The proposed predominantly cement lap siding building would be located in an RC zone, in between two residential properties and down the street from a rural commercial shopping center. The Damascus School, which is nearby, is a designated Historic Landmark. Before the Planning Director there were concerns expressed about potential impacts to the Historic Landmark. Those concerns appear to have been adequately addressed by conditions of approval in the Planning Director's decision. The appellant lives next door to the subject property and has longstanding complaints about the use and upkeep of the property. There is also a boundary line dispute between the appellant and the property owner.

D. DISCUSSION

The proposed office and warehouse is a permitted use in the RC zone. The application is for design review of a permitted use. There are numerous applicable approval

¹ Under ZDO 1307.03(B), the Planning Director includes "any County staff member authorized by the Planning Director to fulfill the responsibilities assigned to the Planning Director by the [ZDO]."

criteria that the Planning Director's decision finds are satisfied. Most of those findings are not challenged by opponents. It would be a waste of the County's money and resources to review and repeat all of the unchallenged findings. I have reviewed the Planning Director's decision, and I agree with her findings. Therefore, I adopt and incorporate the Planning Director's findings and conclusions in this decision, except as discussed further.

1. Design Review Approval Criteria

Clackamas County Zoning and Development Ordinance (ZDO) Chapter 1005 provides the Design Review ordinances. ZDO 1102.03 provides the approval criteria for design review. The only applicable approval criterion is ZDO 1102.03(A), which provides: "The proposed development shall be subject to Section 1000 * * * and the standards of the applicable zoning district."

a. Surface Water Management

ZDO1006.06 provides in pertinent part:

"The following surface water management and erosion control standards apply:

- "A. Positive drainage and adequate conveyance of surface water shall be provided from roofs, footings, foundations, and other impervious or near-impervious surfaces to an appropriate discharge point.
- "B. The requirements of the surface water management regulatory authority apply. If the County is the surface water management regulatory authority, the surface water management requirements of the Clackamas County Roadway Standards apply.
- "C. Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water management, treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.
 - "1. The surface water management regulatory authority may require a preliminary surface water management plan and report, natural resource assessment, and buffer analysis prior to signing the

preliminary statement of feasibility.

“2. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve surface water treatment and conveyance system capacity for the development.

“D. Development shall be planned, designed, constructed, and maintained to:

“1. Protect and preserve existing natural drainage channels to the maximum practicable extent;

“2. Protect development from flood hazards;

“3. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;

“4. Ensure that waters drained from the development are substantially free of pollutants, including sedimentary materials, through such construction and drainage techniques as sedimentation ponds, reseeding, and phasing of grading; and

“5. Ensure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development.”

The appellant, who lives immediately to the west of the subject property, argues that the added impervious surfaces from the proposed development would increase surface water runoff on his property. According to the appellant, part of the subject property drains towards his property, and the proposed development would only increase that runoff. As ZDO 1006.06 sets forth, an applicant must provide positive drainage and adequate conveyance of surface water to an appropriate discharge point. There are also detailed requirements for the surface water management plan. In order to demonstrate compliance with ZDO 1006.06, however, the only requirement is for the applicant to provide a preliminary statement of feasibility from the applicable surface water management regulatory authority. The statement must 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.” The applicable surface water management regulatory authority in this case is the Clackamas County Department of Transportation and Development (DTD). The applicant submitted a surface water management plan, and DTD provided a statement of feasibility. There is a proposed condition of approval requiring the surface water management plan to satisfy ZDO requirements. The applicant’s engineer discussed the surface water management plan at the public hearing and explained how it will adequately convey and drain all surface water for the property. In particular, the applicant’s engineer explained that surface water plan will not result in increased runoff onto the appellant’s property. The applicant’s engineer was very persuasive, and I do not see that there is any contrary evidence to dispute the applicant’s engineer’s testimony. The applicant has provided the required statement of feasibility and has further demonstrated the feasibility of the surface water management plan.

ZDO 1006.06 is satisfied.

b. Boundary Line Dispute

There is apparently a boundary line dispute between the applicant and the appellant, who share a boundary on the western edge of the subject property. The boundary line extends north from the end of the subject property along another parcel owned by the applicant (but not part of this application) that also borders the appellant’s property. According to the applicant, the property has been surveyed and while the survey indicated that the boundary along the applicant’s northern parcel (not part of this application) should be moved to the appellant’s benefit, the boundary line on the subject property is correct. In any event, the only approval criterion that might be impacted by the boundary dispute would be the dimensional standards for the RC zone. Table 513-2 requires a minimum side yard depth – the applicable set back between the applicant and the appellant’s boundary line – of ten feet. The applicant proposes to have the minimum ten foot setback from the property line. Although the survey shows the proposed location to meet the ten foot setback, even if something occurs subsequently that shows that the property line is incorrect, there is plenty of room for the applicant to move the building to the east and still satisfy all applicable setbacks.

All of the applicable approval criteria are satisfied.

E. DECISION

Based on the findings, discussion and conclusions provided or incorporated herein and the public record in this case, the Hearings Officer hereby **APPROVES** the application for design review in Z0233-20-D, with the following conditions of approval.

F. CONDITIONS OF APPROVAL

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.

DATED this 8th day of December, 2020.


Fred Wilson
Clackamas County Hearings Officer

APPEAL RIGHTS

ZDO 1307.10(F) provides that, with the exception of an application for an Interpretation, the Land Use Hearings Officer's decision constitutes the County's final decision for purposes of any appeal to the Land Use Board of Appeals (LUBA). State law and associated administrative rules promulgated by LUBA prescribe the period within which any appeal must be filed and the manner in which such an appeal must be commenced. Presently, ORS 197.830(9) requires that any appeal to LUBA "shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final." This decision will be "final" for purposes of a LUBA appeal as of the date of the decision (which date appears above my signature).







From: [Ahrens, Melissa](#)
To: [Barnes, Michael](#)
Subject: RE: CE- 14667 & 14577 SE Anderson Rd
Date: Wednesday, April 7, 2021 1:55:49 PM

Hi Michael,

The Design Review Z0233-20 was only for the property at 14667 se Anderson rd. (tax lot 23E08A 00600). The adjacent property in common ownership was not involved in the application so any commercial development on that property would need Design Review approval. We explained multiple times to the applicant (and in the appeal hearing in front of the hearings officer) that only the development proposed in that application on that taxlot (not the adjacent one in common ownership) was subject of the design review approval. Any other development/operations on site or on the adjacent property would need to be reviewed separately, if it could be permitted. The other ZPAC file Anthony was assigned to is for the required pre-application conference that was already held. In terms of the required land use process it looks like the RC zoning district includes ""Services, Commercial—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"" as a conditional use. So we would need to have a description of the exact activities/development taking place on site to assess how to permit what they are doing- they may need multiple land use approvals for what they are doing. Hope that helps clarify, feel free to reach out with additional Q. Thank you!

Melissa

Melissa Ahrens
Senior Planner

Clackamas County Planning and Zoning Division
150 Beaver Creek Road
Oregon City, OR 97045
MAhrens@co.clackamas.or.us
Direct Ph: 503-742-4519 | Fax: 503-742-4550

To help keep the public and staff safe during the COVID-19 pandemic, we are offering comprehensive services by phone, email and online.

- [Remote permitting, submissions, approval and inspection services.](#)
- To ask general questions or find out which division can best meet your needs, call 503-742-4400 or email dtdcustomerinfo@clackamas.us.
- [Connect with staff by phone or email](#): **8 a.m. – 4:00 p.m., Monday – Thursday and 8 a.m. – 3 p.m., Friday**
- Visit with staff in person using Zoom ([schedule an appointment](#)): **9 a.m. to 3 p.m., Monday – Thursday**
- Beginning June 22, our Development Services lobby is now open limited hours: **9 a.m. to 3 p.m., Monday – Thursday**

Check our webpage for updates on service hours and related issues:

- [Updates on Development Services hours and related issues](#)
- [Information about the status of other county departments](#)

Thank you, and we appreciate your understanding during this challenging time.

The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your [feedback](#). We appreciate your comments and will use them to evaluate and improve the quality of our public service.

From: Barnes, Michael

Sent: Wednesday, April 7, 2021 1:29 PM

To: Ahrens, Melissa <MAhrens@clackamas.us>

Subject: FW: CE- 14667 & 14577 SE Anderson Rd

Hello Planners Ahrens,

I emailed Planning about this and Steve responded informing me Design Review would be needed. I looked into permits after and see design review for 14667, but not 14577. Were both lots submitted under one app? I am trying to determine if there are zoning violations at these two neighboring lots both owned by ALJC HOLDINGS LLC. Regarding 14667, Design Review Z0233-20 was Approved by you. I also see ZPAC0164-19 "Pending" by Anthony Riederer, which I don't understand why there are two?

I inspected this property on 3/1/2021 and at 14667 (lot 00600), I observed 8 40' shipping containers and roughly 30 vehicles (I suspect belongs to employees); shown in attached photo #13. I know the shipping containers are building code violations, but are they a zoning violation too? If so, what zoning ordinance do I reference? 513?

The neighboring property at **14557** (lot 00700) is using this as the business address for Valley Scapes and Bridge City Concrete; google confirmation attached for both businesses. 14577 has Commercial vehicles and activities on site shown in attached photo #19 including landscaping stuff and commercial dump trucks. The vehicles had logos on them for both businesses. Is this lot in violation? If so, what zoning ordinance do I reference? 1102.01 and inform them Design Review is needed for these commercial activities?

I appreciate your help.

Michael Barnes

Code Enforcement Specialist | Clackamas Building Codes Division
150 Beaver Creek Road | Oregon City, OR 97045



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

April 08, 2021

File # V0044620

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.**

Violation of Clackamas County Building Code 9.02.040

SITE ADDRESS: 14667 SE ANDERSON RD, DAMASCUS, OR 97089

LEGAL DESCRIPTION: T2S, R3E, Section 08A, Tax Lot 00600

VIOLATIONS & HOW TO RESOLVE

Activities on Site Outside of Approved Design Review

In response to a complaint, an inspection of the subject properties was recently completed. The property appeared to be used as a parking lot with an estimated 30 vehicles and 8 40' shipping containers. The activity observed on site was discussed with the Planning Department, who stated any development, redevelopment, expansions, and improvements in commercial and industrial zoning districts require Design Review. The Planning Department stated a Design Review was approved, however the activities, specifically the placement of shipping containers, is outside of your approval. You are currently 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**:

- Remove the shipping containers and ensure activities on site are within your Design Review approval; **or**
- Contact the Clackamas County Planning Department and begin the submittal process for a Design Review Modification or new Design Review seeking Planning approval for the activities that will be taking place at 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

Shipping Containers for Commercial Use Placed without Permits

Nate Carter was contacted on December 02, 2020 and informed the shipping containers were not allowed to remain on site. Per the Clackamas County Building Official, 6 weeks was given to remove the containers. On March 01, 2021 the site was inspected and an estimated 8 40' shipping containers remained on site. You are in violation of Clackamas County Building Code 9.02.040. This is in addition to the Zoning and Development Ordinance Title 12 sections 513 * 1102.01 discussed above.

In order to abate the Building Code violations, please utilize one of the following options for each of the containers on site **not later than May 08, 2021**:

- Remove the shipping containers from the subject property and schedule an inspection to confirm; **or**
- Receive Planning approval for the containers to remain and obtain required building permits.
 - The permit must be picked up within ten days of being notified.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued.

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.

From: [Barnes, Michael](#)
To: ["Adam Lowery"](#)
Subject: RE: Update (14667 SE Anderson Rd)
Date: Friday, April 16, 2021 11:44:00 AM

Good Job Adam!

I thank you for taking fast action after our phone conversation.

Regarding the containers at 14667, if you don't hear back from Shirley in one week, please email her again (and Cc me). Remind Shirley you were waiting to hear back from her, after she spoke to Planning. I think there may be some modification needed for your Planning approval and that is what she is looking into.

Thanks again

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

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

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































DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

June 22, 2022

Violation No.: V0044620

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 business in violation of the zoning

SITE ADDRESS: 14667 SE Anderson Rd., Damascus, OR 97089

LEGAL DESCRIPTION: T2S, R3E, SECTION 08A TAX LOT(S) 00600

There is an approval for the development of buildings for a landscape company, however the code does not allow for the storage of landscape materials and containers are not to be placed on the property without land use approval.

SOLID WASTE AND WASTES MANAGEMENT – CODE ENFORCEMENT

There is commercial solid waste throughout the site most notably along the property lines to the west. 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 activities such as containers being placed on the lot and the storage of landscape materials outside is a violation of the code. In order to address the violations please complete the following **not later than: July 22, 2022**

1. Remove all outdoor landscape material storage and containers from the site by the date listed above.

OR;

2. If you believe the use is allowed please contact the Clackamas County Planning and Zoning Division to determine the process, if one is available, that would allow the storage of materials to continue along with the containers to remain on site. You may reach this department by calling 503-742-4500 or by email at zoninginfo@clackamas.us. If a land use action results you must:
 - a. By the deadline listed above the respondent must have submitted an application as required by the Planning and Zoning Division. You may be required to attend a pre-application conference prior to submitting the formal land use application.
 - 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.
 - 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.

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 Beaver Creek 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

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

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 Beavercreek 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.: 2000446 - 1

Case No.: V0044620

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): 14667 SE Anderson Rd., Damascus, OR 97089

Legal Description: T2S, R3E SECTION 08A, Tax Lot(s) 00600

Law(s) Violated

- ☒ 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 exists throughout the site including landscape and building materials along with chemicals and other debris.

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

- 2) The current land use approval does not allow for outdoor storage and currently there are several containers on the site along with landscape materials and vehicle storage throughout the site.

Maximum Civil Penalty \$2,500.00 Fine \$400.00

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: _____











ADDITIONAL VIOLATION

October 14, 2022

Violation No.:V0044620

ALJC Holdings LLC.
PO Box 3461
Gresham, OR 97030

RE: VIOLATIONS OF CLACKAMAS COUNTY CODES: No.: V0044620

1. CLACKAMAS COUNTY ZONING AND DEVELOPMENT NATURAL RESOURCE DISTRICTS ORDINANCE 12.513.03. – USES PERMITTED – **Violations of Conditions of Approval**
2. CLACKAMS COUNTY PLANNING AND ZONING DIVISION LAND APPROVAL FILE Z0233-20-D

SITE ADDRESS: 14667 SE Anderson Rd., Damascus, OR 97089
LEGAL DESCRIPTION T2S, R3E, SECTION 08A, TAX LOT(S) 00600

Dear ALJC Holdings,

This violation notice is in addition to the violation notice mailed on June 22, 2022 and the citation issued on September 12, 2022. This violation addresses conditions of approval that have not been met including site plans approved as part of the land use file mentioned above. If you have questions regarding the conditions of approval please call the Planning and Zoning Division at 503-742-4500 or by email at zoninginfo@clackamas.us or Clackamas County Transportation Engineering at 503-742-4691 or email at engineering@clackamas.us. While permits have been obtained within the four year period, commercial activities occurring on site requires the conditions of approval to be met. You must address the following conditions of approval

NO LATER THAN: December 15, 2022

1. Comply with all conditions of approval.
2. Comply with the site plan as shown in the staff decision. Most notably the access points. Currently there is an access onto Chitwood Road that will need to be removed as it is not shown on the plans as an access point.
3. Submit the required revised site plan demonstrating compliance with the revised setback of 15 feet along the southern border of the property adjacent to 14711 SE Anderson Road tax lot (23E08A 00500).
4. Submit a revised landscaping plan demonstrating compliance with:
 - 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 Road tax lot (23E08A 00500).
5. Submit the required engineered drawings and obtain approval from engineering for those drawings.
6. Provide the following to Planning:
- a. A fire access and water supply plan shall be provided, if required by planning. 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.
 - b. If required by planning, 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. The plans shall include any supporting details of the access, circulation, water vaults, fire lines, valves, fdc, backflow devices, etc.
 - c. Drainage facilities for the site and street improvements shall be constructed in conformance with Clackamas County Roadway Standards Chapter 4.
 - d. All frontage improvements in, or adjacent to Clackamas County right-of-way, or on site, shall be in compliance with Clackamas County Roadway Standards.
 - e. 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 1015m 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" 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.

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 Beaver Creek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. The offices are closed on Fridays

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.

Nate Carter

From: Yaden, Andrew <AYaden@clackamas.us>
Sent: Wednesday, February 16, 2022 1:38 PM
To: Riederer, Anthony; Nate Carter
Subject: RE: Valleyscapes North

Hi Nate,

This would be a Property Line Adjustment (PLA) under our rules. Pretty straight forward for the most part. It can run concurrently or prior to Design Review, as I don't think it will have a major effect on that process. The Design review should probably look at the whole property as if it were one. But the PLA process and timing can be done at any time. I linked the PLA application below. Let me know if you have any questions. Thanks,

Andrew

PLA Application form:

<https://dochub.clackamas.us/documents/drupal/6bcb6172-06a0-4173-8645-fc444bd48911>

From: Riederer, Anthony <ARiederer@clackamas.us>
Sent: Wednesday, February 16, 2022 1:19 PM
To: Nate Carter <nate@solarc-a.com>
Cc: Yaden, Andrew <AYaden@clackamas.us>
Subject: RE: Valleyscapes North

Hello Nate,

The consolidation of those lots can be discussed through the Design Review process, but that will required a separate land use review (I think replay, but Andrew Yaden copied here, may correct me on that). I believe the processes can run concurrently.

Best,

-AR

Anthony Riederer AICP, LEED-ND
Senior Planner - Design Review and Historic Preservation

Pronouns: he, him, his
Hours of Availability: 7:00 am-5:30 pm, Mon-Thurs

Clackamas County Planning and Zoning Division
150 Beaver Creek Road
Oregon City, OR 97045
Direct Ph: 503-742-4528
Fax: 503-742-4550

We're excited to launch Development Direct -- our new one-stop digital services hub for Building Codes and Development Engineering. [Click here to learn more.](#)



The Planning and Zoning Division public service/permits lobby is open Monday through Thursday from 9:00 a.m. to 3:00 p.m. The public service telephone line at 503-742-4500 and email account at zoninginfo@clackamas.us are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Friday from 8:00 a.m. to 3:00 p.m.

The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your [feedback](#). We appreciate your comments and will use them to evaluate and improve the quality of our public service.

From: Nate Carter <nate@solarc-a.com>
Sent: Wednesday, February 16, 2022 1:05 PM
To: Riederer, Anthony <ARiederer@clackamas.us>
Subject: Re: Valleyscapes North

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

Anthony,
Hope your day is going well. I have a question. The owner is considering doing a lot consolidation with their property to the south. Can these be incorporated into the design review process? If not, which would be first to do first? Also, I was able to find the lot consolidation process on the county's website, is it called Replat?

Thank you,

Nate Carter AIA, LEED-AP, DBIA
Principal Architect
SOLARC Architecture, Inc
Ph: 971.344.1919

On Wed, Feb 2, 2022 at 3:27 PM Riederer, Anthony <ARiederer@clackamas.us> wrote:

Hello Nate,

This site, like the one adjacent, will need a Design Review approval. There may be some site improvements needed to meet our development standards. For example: Parking, loading, and circulation areas will need to be hard surfaced, because the site is within the Urban Growth Boundary.

I see that Melissa shared the pre-application conference notes for this site. The Design Review application materials and submittal requirements are available at this link: <https://dochub.clackamas.us/documents/drupal/f2e7ecbb-2a39-4474-886b-14db731158ee>

Best regards,

-AR

Anthony Riederer AICP, LEED-ND

Senior Planner - Design Review and Historic Preservation

Pronouns: he, him, his

Hours of Availability: 7:00 am-5:30 pm, Mon-Thurs

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From: Ahrens, Melissa <MAhrens@clackamas.us>
Sent: Wednesday, February 2, 2022 3:15 PM
To: 'Nate Carter' <Nate.Carter@11-ed.com>
Cc: Nate Carter <nate@solarc-a.com>; Riederer, Anthony <ARiederer@clackamas.us>
Subject: RE: Valleyscapes North

Hi Nate,

Attached please see the meeting notes for the pre-app at the site on SE Anderson RD. The Design review would be the same process that they went through for the adjacent property that I worked on with you. I am cc-ing Anthony who would likely be the design review lead for the new application. He also was part of the pre-app and prepared the attached comments. Thanks!

Melissa

Melissa Ahrens

Senior Planner

Clackamas County Planning and Zoning Division

150 Beaver Creek Road

Oregon City, OR 97045

MAhrens@co.clackamas.or.us

Direct Ph: 503-742-4519 | Fax: 503-742-4550

The Planning and Zoning Division public service/permits lobby is open Monday through Thursday from 8:00 a.m. to 4:00 p.m. The public service telephone line at 503-742-4500 and email account at zoninginfo@clackamas.us are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Friday from 8:00 a.m. to 3:00 p.m.

The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your [feedback](#). We appreciate your comments and will use them to evaluate and improve the quality of our public service.

From: Nate Carter <Nate.Carter@11-ed.com>
Sent: Wednesday, February 2, 2022 11:21 AM
To: Ahrens, Melissa <MAhrens@clackamas.us>
Cc: Nate Carter <nate@solarc-a.com>
Subject: Valleyscapes North

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

Melissa,

I am working with Valleyscapes on their property at 14577 SE Anderson Road. This is the property to the north of the one we just did and is under construction. Adam with Valleyscapes stated that he spoke with Clackamas County and that they need to go through the Land Use process.

So, I'm asking if this is just a general land use process? Since we are not proposing any changes to the building or new structures.

Feel free to call if you have any questions.

Also, I'm at Solarc Architecture now and will be using a different email (CC'd), but phone is the same. But I wanted to use a recognizable email to start the conversation.

Thanks,

Nate Carter, AIA, NCARB, LEED-AP

Architect

Eleven Engineering & Design, LLC
(971) 344-1919

Nate.Carter@11-ED.com

www.11-ED.com

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

From: [Potter, Shane](#)
To: "Adam Lowery"
Subject: RE: Lower parcel
Date: Tuesday, January 24, 2023 3:15:00 PM
Attachments: [image002.jpg](#)

Hi Nate,

I was able to review the emails and I concur with them. The issue is there still has to be a design review done which has not been started. The design review will be required even if the lots are consolidated. Right now there is a violation as the lot without design review is still being used for the business.

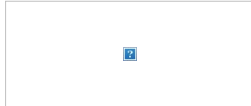
I think at this point it is necessary for us to move forward with the hearing. If you can make progress in getting the applications submitted by the time of the hearing we will be able to report that to the Hearings Officer.

Sincerely,

Shane Potter
Code Enforcement Specialist

spotter@clackamas.us
503-742-4465

Office Hours: 7:30 a.m. to 4:00 p.m



From: Adam Lowery <adam@valleyscapes.net>
Sent: Monday, January 23, 2023 9:20 AM
To: Potter, Shane <SPotter@clackamas.us>
Subject: FW: Lower parcel

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

Shane,

Sorry for the delayed response. I had a hard time locating your email address.

Enclosed is correspondence with the county regarding the lot consolidation.

Let me know if you have any other questions.

Thank you!

-----Original Message-----
From: Nate Carter <nate@solarc-a.com>
Sent: Friday, January 20, 2023 7:52 AM
To: Adam Lowery <adam@valleyscapes.net>
Subject: RE: Lower parcel

Sorry, I was out of the office all day yesterday. Attached are the two email chains with Clackamas County about the design review process and lot consolidation.

Nate Carter, AIA, DBIA, LEED-AP | Principal Architect
P: 971.344.1919

[https://linkprotect.eudasvc.com?url?
a=https%3a%2f%2fwww.SOLARCarchitecture.com&c=E.L.vGFTuzR5pY5nBsMTs_GcoSiL6_K8zL4fl.S3DX3lIdF2JuhorltnS5SS356iZXNgenadZW-wnP2B094Ds5p2fuZwVYYWFntwj_8yrczgIX6qOOD_06b4gid_Sj10g8A.&typo=1](https://linkprotect.eudasvc.com?url?a=https%3a%2f%2fwww.SOLARCarchitecture.com&c=E.L.vGFTuzR5pY5nBsMTs_GcoSiL6_K8zL4fl.S3DX3lIdF2JuhorltnS5SS356iZXNgenadZW-wnP2B094Ds5p2fuZwVYYWFntwj_8yrczgIX6qOOD_06b4gid_Sj10g8A.&typo=1)

-----Original Message-----
From: Adam Lowery <adam@valleyscapes.net>
Sent: Thursday, January 19, 2023 8:12 AM
To: Nate Carter <nate@solarc-a.com>
Subject: Lower parcel

Nate,
I spoke with Shane Potter.
Everything that is in violation has to do with the development permit.

Something that could help me get him content would be noted or an email from the county showing that we are working on converting these 2 parcels to 1 and utilizing the land use permit already in place.

Do you have any notes or emails from the county corroborating this game plan. I need to get him something today.

Thank you!

Sent from my iPhone





































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

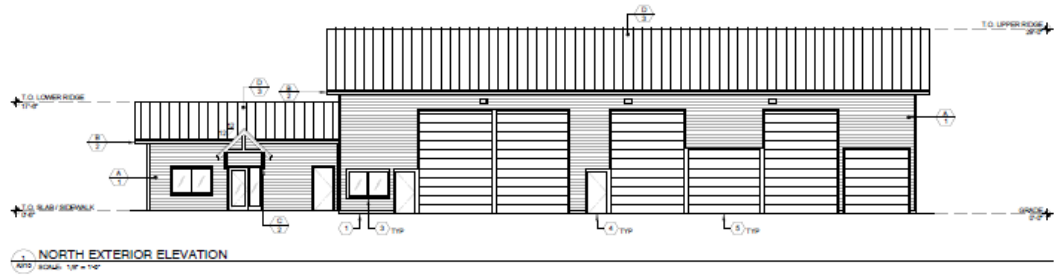
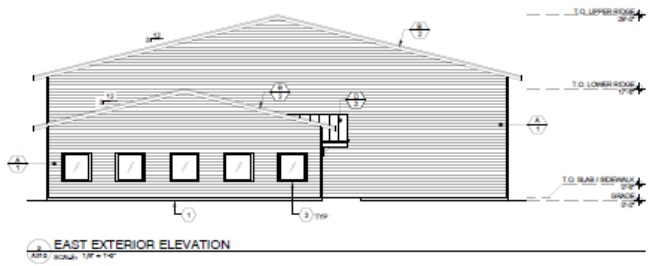
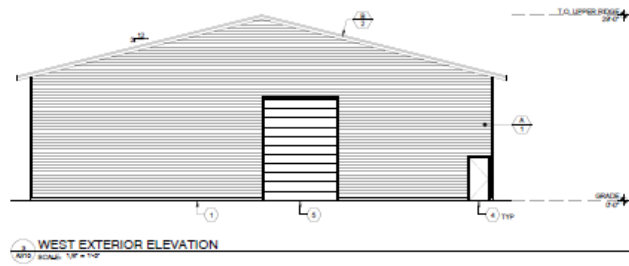
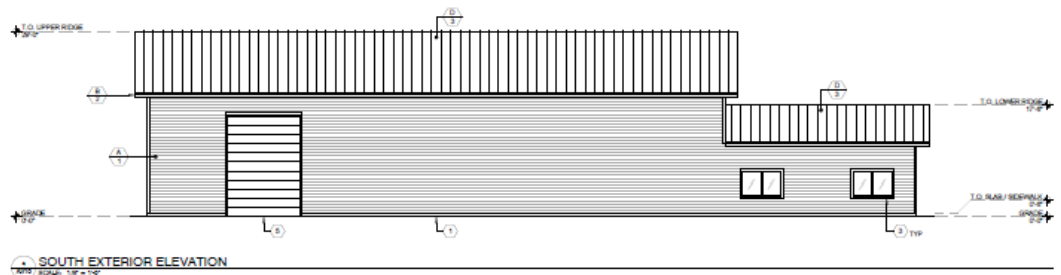


EXHIBIT 1
Elevation View
20233-20-D

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/FMfcgxwJXBzLTNnpKMVbbMgfgHifk7lg>

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 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Cell 503-784-7776 bbrown@clackamas.us | | |
| ii. Patrick Doherty | Work days Tuesday– Friday | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Cell 971-990-6324 pdoherty@clackamas.us | | |
- 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.









