



Clackamas County Planning and Zoning Division
Department of Transportation and Development

Development Services Building
150 Beavercreek Road | Oregon City, OR 97045

503-742-4500 | zoninginfo@clackamas.us
www.clackamas.us/planning

NOTICE OF PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION AND THE BOARD OF COUNTY COMMISSIONERS ON A PROPOSAL IN YOUR AREA

Date of Mailing of this Notice: February 3, 2020

Notice Sent To: Agencies, Community Planning Organizations and Property owners within 750 feet of subject property

PLANNING COMMISSION HEARING:

Hearing Date & Time:

Monday, March 9, 2020, at 7:30pm*

Hearing Location:

Clackamas County Development Services Building Auditorium (Room 115)
150 Beavercreek Rd, Oregon City, OR 97045

*Please note that the hearing for this item will not begin before 7:30pm but may begin later depending on the length of the preceding item

BOARD OF COUNTY COMMISSIONERS HEARING:

Hearing Date & Time:

Wednesday, April 1st, 2020, at 9:30am

Hearing Location:

Clackamas County Public Services Building BCC Hearing Room (4th Floor)
2051 Kaen Rd, Oregon City, OR 97045

Planning File Number: Z0322-19-CP; Z0323-19-ZAP

Applicant: Frank Walker and Associates

Proposal: Comprehensive Plan Map Amendment for an exception to Statewide Planning Goal 14 to authorize a Zone Change from Farm Forest 10 Acre (FF-10) to Rural Residential Farm Forest 5-acre (RRFF-5) for a 10.09 acre parcel located at 15028 S Mitchell Lane, Oregon City. The applicant seeks to subsequently develop an additional residential homesite on the subject property, following completion of the partition. The proposal requires a "Reasons" exception to Statewide Planning Goal 14, under ORS 197.732 and OAR 660, Division 4.

Subject Tax Lot: T3S, R2E, Section 22 Tax Lot 700

Property Owners: Patrick and Heidi Patterson

Area of Subject Tax Lot: Approximately 10.09 acres

Current Zoning: Farm Forest 10 Acre (FF-10)

Approval Criteria: The Comprehensive Plan Map Amendment is subject to compliance with the applicable Statewide Planning Goals, Oregon Administrative Rules (including OAR 660, Division 4 and 14) and applicable policies in the Clackamas County Comprehensive Plan, including the Residential Policies in Chapter 4. The zone change application is subject to the criteria in Section 1202 of the Clackamas County Zoning and Development Ordinance. These criteria may be viewed online at <http://www.clackamas.us/planning/zdo.html> and <http://www.clackamas.us/planning/comprehensive.html>

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:

ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

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

503-742-4696: ¿Traducción e interpretación? |Требуется ли вам устный или письменный перевод? |翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

HOW TO OBTAIN ADDITIONAL INFORMATION

Staff Contact: Melissa Ahrens, Senior Planner (Tel: 503-742-4519, Email: mahrens@clackamas.us)

A copy of the entire application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost at the Planning Division office. In addition, a staff report on the application will be available for inspection at no cost at least **seven days prior to the Planning Commission hearing**. Hard copies of documents will be provided at reasonable cost. You may inspect or obtain these materials by:

1. Emailing or calling the staff contact (see above);
2. Visiting the Planning & Zoning Division (at the address shown at the top of the first this notice) during regular business hours, which are Monday through Thursday, 8AM to 4PM and Friday, 8AM to 3PM; or
3. Going to the Clackamas County website page: <http://www.clackamas.us/planning/zdoproposed.html>

Community Planning Organization for Your Area:

The following recognized Community Planning Organization (CPO) has been notified of this application and may develop a recommendation. You are welcome to contact the CPO and attend their meeting on this matter, if one is planned. If this CPO currently is inactive and you are interested in becoming involved in land use planning in your area, please contact the Citizen Involvement Office at 503-655-8552. **CPO: Carus CPO (inactive).**

HOW TO SUBMIT TESTIMONY ON THIS APPLICATION

- All interested parties are invited to attend the hearings and will be provided with an opportunity to testify orally, if they so choose.
- Written testimony received by February 28, 2020, will be considered by staff prior to the issuance of the staff report and recommendation on this application. However, written testimony will continue to be accepted until the record closes, which may occur as soon as the conclusion of the Board of County Commissioners' hearing.
- Written testimony may be submitted by email, fax, regular mail, or hand delivery. Please include the case file number (Z0322-19-CP; Z0323-19-ZAP) on all correspondence and address written testimony to the staff contact who is handling this matter (Melissa Ahrens).
- Testimony, arguments, and evidence must be directed toward the approval criteria identified on the first page of this notice. Failure to raise an issue in person at the hearing or by letter prior to the close of the record, or failure to provide statements or evidence sufficient to afford the Board of County Commissioners and the parties involved an opportunity to respond to the issue, precludes an appeal to the Oregon Land Use Board of Appeals based on that issue.
- Written notice of the Board of County Commissioners' decision will be mailed to you **if you submit a written request and provide a valid mailing address.**

PROCEDURE FOR THE CONDUCT OF THE HEARINGS

The following procedural rules have been established to allow orderly public hearings:

1. The length of time given to individuals speaking for or against an item will be determined by the Chair presiding over the hearing prior to the item being considered.
2. A spokesperson representing each side of an issue is encouraged.
3. Prior to the conclusion of the evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. The Planning Commission or the Board of County Commissioners may either continue the hearing or leave the record open for additional written evidence, arguments, or testimony.
4. The Planning Commission will make a recommendation to the Board of County Commissioners on the application. The Board of County Commissioners is the final decision-maker for Clackamas County on this matter.



MIKE MCCALLISTER
PLANNING AND ZONING DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

NOTICE OF INCOMPLETE APPLICATION

ORIGINAL DATE SUBMITTED: July 16, 2019
FILE NUMBER: Z0322-19-CP & Z0323-19-ZAP
APPLICATION TYPE: Comprehensive Plan Map Amendment and Zone Change
STAFF CONTACT: Martha Fritzie; mfritzie@clackamas.us; (503) 742-4529
DATE OF THIS NOTICE: August 8, 2019

Via Email to:

Frank Walker
Frank Walker & Associates
4674 Commercial St SE, Suite 100
Salem, OR 97302
Frankwalkerllc@gmail.com

Staff has received your land use application for the property located at 15028 S Mitchell LN (32E22 00700) and want to first clarify that this application will be reviewed only for the Goal Exception and Zone Change from FF10 to RRFF-5. The partition portion of the proposal will need a separate pre-application conference (it was not part of the original pre-application conference) and a separate application, with the associated fee, if the application for the Zone Change is approved.

To that end, Staff has reviewed your Goal Exception and Zone Change application and has determined that the application cannot be deemed complete due to the following missing information:

1. Preliminary Statement of Feasibility from the surface water management authority (form attached). Please contact Johnny Gish (503) 742-4707 (JGish@clackamas.us) in the County's Engineering Division to discuss the completion of this form.
2. Findings related to all applicable Comprehensive Plan policies. Several required policies in Chapter 4 (Land Use) of the County's Comprehensive Plan have not been addressed including relevant policies in *4.NN. Rural Policies* (also attached).

Staff has noted that the applicant appears to not agree with the way in which some of these policies have been interpreted by the Board in the past, as per Board Order

2000-57, which is cited in the application. It is Staff's understanding also that the Land Use Board of Appeals (LUBA) has consistently deferred to a County Board's interpretations of its own ordinances and Staff will continue to use this interpretation absent any different direction from the Board. The applicant may present their own evidence and ask the Board for a different interpretation of these policies.

Regardless, the *Rural* policies in Chapter 4 of the Comprehensive Plan must be addressed to comply with the zone change criteria found in ZDO Section 1202.03.

3. Findings related to all applicable criteria for the Goal Exception. As you are aware, the proposed change from FF-10 to RRFF-5 requires a Goal Exception. This Exception must follow the procedures and criteria for a "Reasons" Exception, listed in OAR 660-004-0020, as well as applicable criteria elsewhere in OAR 660, Divisions 14 and 4. OAR 660-004-0020(2), specifically requires that

The four standards in Goal 2 PartII(c) required to be addressed when taking an exception to a goal are described in subsections (a) through (d) of this section, including general requirements applicable to each of the factors:

- (a) "Reasons justify why the state policy embodied in the applicable goals should not apply"....*
- (b) "Areas that do not require a new exception cannot reasonably accommodate the use"...*
- (c) "The long-term environmental economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site"...*
- (d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts"...*

The application submitted does not address (a) the "Reasons" or "need" portion of the Exception criteria. Please provide evidence and analysis that demonstrates this proposal meets all the requirements of OAR 660-004-0020 for the Goal Exception.

Your application will be deemed complete if the Planning Division receives one of the following:

- 1. All of the missing information; or**
- 2. Some of the missing information and written notice from you (the applicant) that no other information will be provided; or**
- 3. Written notice from you (the applicant) that none of the missing information will be provided.**

Applicant or authorized representative, please check one of the following and return this notice to: Clackamas County Planning Division; 150 Beaver Creek Road, Oregon City, Oregon, 97045

- ☐ I am submitting the required information (attached); or.
- ☐ I am submitting some of the information requested (attached) and no other information will be submitted; or
- ☐ I will not be submitting the requested information. Please accept the application as submitted for review and decision.

Signed

Date

Print Name



PRELIMINARY STATEMENT OF FEASIBILITY

(January 2018)

Instructions to Applicant

- This form is to be completed by the applicable sanitary sewer service provider, surface water management authority and water service provider.
- It is the applicant's responsibility to provide a copy of this form to **each** service provider. Attach the completed forms as part of the land use application submittal for a development. Where there is no surface water management service district, this form is to be provided to the Clackamas County Department of Transportation and Development, Engineering Division.
- A service provider may require the submission of detailed plans and/or engineering data prior to determining whether a Preliminary Statement of Feasibility will be issued. Contact the service providers for details.
- Completed forms are required for design review, subdivisions, partitions and conditional uses, and these applications will not be deemed complete until the completed forms are received by the Planning Division.
- The forms must be dated no more than one year prior to submittal of a complete land use application.
- Forms are not required for on-site sewage disposal systems or water service by private well.

Instructions to Service Provider

- A development is proposed within your service area. Please complete the attached Preliminary Statement of Feasibility to indicate whether adequate service can be provided to this development.
- If adequate service can be provided only with the implementation of certain conditions of approval, you may attach such conditions to this statement. Completion of this preliminary statement of feasibility does **not** imply that additional requirements (e.g. plan submittals) may not be imposed by your agency once a land use application is filed.
- The Planning Division will continue to provide notice to you of land use applications for property within your service area. This will allow you to determine whether the submitted development proposal differs from the plans reviewed by your agency in conjunction with the completion of this statement. This will also allow you to provide additional comments as necessary.



PRELIMINARY STATEMENT OF FEASIBILITY

To be completed by the applicant:

Applicant's Name: _____

Property Legal Description: T ____ S, R ____, Section ____, Tax Lot(s) _____

Site Address: _____ Project Engineer: _____

Project Title/Description of Proposed Development: _____

To be completed by the service provider or surface water management authority:

Check all that apply:

- ☐ Sanitary sewer capacity in the wastewater treatment system and the sanitary sewage collection system is available to serve the development or can be made available through improvements completed by the developer or the system owner.
- ☐ Adequate surface water treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.
- ☐ Water service is available in levels appropriate for the development, and adequate water system capacity is available in source, supply, treatment, transmission, storage and distribution or such levels and capacity can be made available through improvements completed by the developer or the system owner. This statement ☐ applies ☐ does not apply to fire flows.*

**If water service is adequate with the exception of fire flows, the applicant shall submit a statement from the fire district serving the subject property that states that an alternate method of fire protection, such as an on-site water source or a sprinkler system, is acceptable.*

- ☐ This statement is issued subject to conditions of approval set forth in the attached.
- ☐ Adequate ☐ sanitary sewer service, ☐ surface water management, ☐ water service cannot be provided.

Signature of Authorized Representative

Date

Title

Name of Service Provider or Surface
Water Management Authority

Completion of this statement does not reserve capacity for the development and does not alter an applicant's obligation to comply with the service provider's or surface water management authority's regulations. Completion of this statement does not obligate the service provider or surface water management authority to finance or construct improvements necessary to provide adequate service for the proposed development. Completion of this statement does not guarantee that land use approval for the proposed development will be granted.

RURAL

Rural lands are exception lands, as defined in Oregon Administrative Rules 660-004-0005(1), that are outside urban growth boundaries and Unincorporated Communities and are suitable for sparse settlement, such as small farms, woodlots, or acreage home sites. They lack public facilities or have limited facilities and are not suitable, necessary, or intended for urban, agricultural, or forest use.

GOALS

- To provide a buffer between urban and agricultural or forest uses.
- To perpetuate the rural atmosphere while maintaining and improving the quality of air, water, and land resources.
- To conserve open space and protect wildlife habitat.

4.NN. Rural Policies

- 4.NN.1. Areas may be designated Rural if they are presently developed, built upon, or otherwise committed to sparse settlement or small farms with limited, if any, public services available.
- 4.NN.2. Designation of additional Rural lands shall be based on findings that shall include, but not be limited to:
 - 4.NN.2.1. Reasons why additional Rural land is needed or should be provided;
 - 4.NN.2.2. An evaluation of alternative areas in the County that should be designated Rural and a statement of why the chosen alternative is more suitable;
 - 4.NN.2.3. An evaluation of the long-term environmental, economic, social, and energy consequences to the locality, region, or state of designating the area Rural; and
 - 4.NN.2.4. Reasons why designating the area Rural will be compatible with other adjacent uses;
- 4.NN.3. Areas impacted by major transportation corridors, adjacent to urban growth boundaries or areas designated Rural, and for which public services are committed or planned shall be given priority in designating additional Rural areas.
- 4.NN.4. Residential lot sizes shall be based upon:
 - 4.NN.4.1. Parcelization;
 - 4.NN.4.2. Level of existing development;
 - 4.NN.4.3. Topography;
 - 4.NN.4.4. Soil conditions;
 - 4.NN.4.5. Compatibility with the types and levels of available public facilities;

Clackamas County Comprehensive Plan

- 4.NN.4.6. Proximity to Unincorporated Communities or an incorporated city; and
- 4.NN.4.7. Capacity and level of service of the road network
- 4.NN.5. Existing large lots should be reduced to meet future rural housing needs prior to expanding the areas designated as Rural.
- 4.NN.6. Areas with marginal or unsuitable soils for agricultural or forest use shall be given a higher priority for conversion to rural development than areas with more suitable soils.
- 4.NN.7. Public facilities should be expanded or developed only when consistent with maintaining the rural character of the area.
- 4.NN.8. Increased water service to an area shall not be used in and of itself to justify reduced lot sizes.
- 4.NN.9. The County shall encourage grouping of dwelling units with lot sizes less than the minimum allowed by the zoning district when such development is compatible with the policies in this Plan and the overall density of the zoning district.
- 4.NN.10. Lawfully established nonconforming structures and uses that are destroyed by fire, other casualty, or natural disaster shall be allowed to reconstruct, as provided by the Zoning and Development Ordinance.
- 4.NN.11. The Rural Area Residential 2-Acre (RA-2), Rural Residential Farm/Forest 5-Acre (RRFF-5), and Farm/Forest 10-Acre (FF-10) zoning districts implement the goals and policies of the Rural plan designation. These zoning districts shall be applied in Rural areas as follows:
 - 4.NN.11.1. The RA-2 zoning district shall be applied when all the following criteria are met:
 - a. Parcels are generally two acres or smaller.
 - b. The area is significantly affected by development.
 - c. There are no natural hazards, and the topography and soil conditions are well suited for the location of homes.
 - d. A public or private community water system is available.
 - e. Areas are in proximity or adjacent to an Unincorporated Community or incorporated city.
 - f. In areas adjacent to urban growth boundaries, RA-2 zoning shall be limited to those areas in which virtually all existing lots are two acres or less.
 - 4.NN.11.2. The RRFF-5 zoning district shall be applied when all the following criteria are met:
 - a. Parcels are generally five acres.
 - b. The area is affected by development.

Clackamas County Comprehensive Plan

- c. There are no serious natural hazards, and the topography and soils are suitable for development.
 - d. Areas are easily accessible to an Unincorporated Community or incorporated city.
- 4.NN.11.3. The FF-10 zoning district shall be applied when one or more of the following criteria are met:
- a. Parcels are generally ten acres.
 - b. The area is developed with a mixture of uses not consistent with extensive commercial agriculture or forestry uses.
 - c. Access to an Unincorporated Community or an incorporated city is generally poor.
- 4.NN.12 Implement dimensional and development standards to address compatibility, function, and aesthetics.

Fritzie, Martha

From: Fritzie, Martha
Sent: Tuesday, October 22, 2019 2:28 PM
To: 'Frank Walker'
Subject: RE: Mikel Patterson Goal 14 Exception/Zone Change Case
Attachments: Z0322-19-CP, Z0323-19-ZAP Incomplete Notice.8.8.19.pdf

Hi Frank. You had previously returned the attached incomplete notice with the second option chosen, indicating that you would be submitting some of the information requested. Since no additional information will be provided, please indicate this with the third option and sign and return this notice to me.

Once I have received this, I will sit down with my Planning Director and we will get hearing dates scheduled for these applications.

Let me know if you have any questions,
Martha

Martha Fritzie, Senior Planner
Clackamas County DTD | Planning & Zoning Division
150 Beavercreek Road | Oregon City, OR 97045
(503) 742-4529
Office hours 8:00am to 6:00pm | Monday - Thursday

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: Frank Walker [mailto:frankwalkerllc@gmail.com]
Sent: Tuesday, October 15, 2019 11:35 AM
To: Fritzie, Martha <MFritzie@clackamas.us>
Subject: Mikel Patterson Goal 14 Exception/Zone Change Case

Please proceed with processing the above-referenced case. I have no record of a Case File number.

Spam Email
Phishing Email

Fritzie, Martha

From: Frank Walker <frankwalkerllc@gmail.com>
Sent: Tuesday, September 10, 2019 11:20 AM
To: Fritzie, Martha
Subject: Re: Z0322-19-CP & Z0323-19-Z

Yes, I will. It will be forthcoming the week of September 23, 2019. Thank you.

On Tue, Sep 10, 2019 at 10:13 AM Fritzie, Martha <MFritzie@clackamas.us> wrote:

Frank. I have received the signature page from the incomplete notice for files Z0322-19-CP and Z0323-19-Z, which indicates you will be submitting some addition information but no additional material was included. Will you be submitting additional information?

Martha

Martha Fritzie, Senior Planner

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MIKEL PATTERSON

Your application will be deemed complete if the Planning Division receives one of the following:

1. All of the missing information; or
2. Some of the missing information and written notice from you (the applicant) that no other information will be provided; or
3. Written notice from you (the applicant) that none of the missing information will be provided.

Applicant or authorized representative, please check one of the following and return this notice to: Clackamas County Planning Division; 150 Beavercreek Road, Oregon City, Oregon, 97045

☐ I am submitting the required information (attached); or.

☒ I am submitting some of the information requested (attached) and no other information will be submitted; or

☐ I will not be submitting the requested information. Please accept the application as submitted for review and decision.


Signed

9-5-2019
Date

FRANK D. WALKER
Print Name

RECEIVED

SEP - 9 2019

Clackamas County
Planning & Zoning Division



CLACKAMAS COUNTY PLANNING AND ZONING DIVISION
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045
503-742-4500 | ZONINGINFO@CLACKAMAS.US

JUL 16 2019

Land Use Application

Clackamas County

Planning & Zoning Division

For Staff Use Only	
Date received: 7/16/19	Staff initials: NC 7/16/19
Application type: Comp Plan / Zone Change	File number: 20322-19-CP / 20323-19-ZAP
Zone: FF-10	Fee: \$6,510
Violation #:	CPO/Hamlet: Carus CPO

Applicant Information:

What is proposed? Zone Change w/ Comp Plan & Comprehensive Plan map amendment.

Name of applicant: Frank Walker dba Frank Walker & Associates

Mailing address: 4674 COMMERCIAL ST. S.E., SUITE 100

City SALEM State OR Zip 97302

Applicant is (select one): ☐ Property owner ☐ Contract purchaser ☐ Agent of the property owner or contract purchaser

Name of contact person (if other than applicant):

Mailing address of contact person:

Applicant #s: Wk: 503 949-5545 Cell: Email: FrankWalker11@gmail.com
Contact person #s: Wk: Cell: Email:
Other persons (if any) to be mailed notices regarding this application:

Name	Address	Zip	Relationship
Name	Address	Zip	Relationship
SITE ADDRESS:	15028 S Mitchell Ln, OR City, OR	97045	
TAX LOT #:	T 3 R 2E Section 22	Tax Lot(s) 00700	
Adjacent properties under same ownership:	Total land area: 10.09		
T	R	Section	Tax lot(s)
T	R	Section	Tax lot(s)
T	R	Section	Tax lot(s)

I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.

See Authorization Notice

Property owner or contract purchaser's name (print) Date Owner or contract purchaser's signature
Applicant's name (print) Date Applicant's signature



SUPPLEMENTAL APPLICATION
ZONE CHANGE
(May 2017)

APPLICANT INFORMATION

Name: Michael & Heidi Patterson Date: July 8, 2019

WHAT IS A ZONE CHANGE?

The County Zoning & Development Ordinance (ZDO) allows for a variety of zoning districts within individual Comprehensive Plan land use designations. A zone change is a proposal to change from one zoning district to another zoning district as allowed by the Comprehensive Plan.

WHAT IS NEEDED FOR APPROVAL?

All zone change permits are discretionary and MAY be permitted after evaluation according to criteria in the ZDO. The County must make written findings to support the decision. The applicant is responsible for providing evidence to support the zone change request consistent with the criteria listed in Section 1202 of the ZDO and relevant chapters of the Comprehensive Plan.

WHAT ARE THE CHANCES FOR APPROVAL?

Staff cannot predetermine the decision on this or any application. A decision of approval or denial will only be made after the complete application is processed. This includes review of citizen and agency comments. The decision is based on criteria appropriate to this application as listed in the ordinance. In order to address the necessary criteria, the information requested in this supplemental application should be as thorough and complete as possible.

APPLICATION PROCESS

Zone change permits are subject to the Type III application process and public notice. Public comments received from the Community Planning Organization (CPO), nearby property owners, agencies and other interested parties may affect the decision on the application. Special conditions may be attached to any approvals. Zone Change applications are reviewed at a public hearing before the County Land Use Hearings Officer, unless a Comprehensive Plan Map Amendment is filed concurrently, in which case both applications are reviewed at public hearings before the Planning Commission and Board of County Commissioners. The County's decision may be appealed to the Oregon Land Use Board of Appeals.

NOTE: A PRE-APPLICATION CONFERENCE is required prior to filing this application. For a copy of the Pre-Application Form, go to <http://www.clackamas.us/planning/supplemental.html>.

STAFF WILL ATTACH THE FOLLOWING PERTINENT INFORMATION:

_____ Land Use Application _____ Sample Plot Plan
_____ ZDO Section 1202 _____ Plan Criteria for Zone

HOW LONG WILL IT TAKE TO GET A FINAL DECISION ON AN APPLICATION?

Approximately 10 to 12 weeks for applications scheduled before the Land Use Hearings Officer.

COMPLETE APPLICATIONS REQUIRE THE FOLLOWING:

- X 1. Pre-Application Conference must be completed. See Appendix 1
- X 2. Land Use Application – Information on applicant and land involved in application.
- X 3. Supplemental Application – Information requested on this form. Please be as complete and thorough as possible. Use additional sheets as necessary.
- X 4. Preliminary Statement of Feasibility signed by the water provider, sanitary sewer provider, and surface water management authority (if applicable). Attached as Appendix 2
- 5. Application Fee: \$6,510.00 (Fee is nonrefundable upon decision or staff report; partial refund if withdrawn after notice; full refund if withdrawn prior to notice.)
- 6. Plot Plan: Drawn to scale on 8.5" x 14" or 11" x 17" paper, showing the property and your proposal. ATTACHED
- 7. Transportation Impact Study: Request waiver since site is "Very Low Volume" and will generate less than 20 ADT during peak hours. This is a driveway perm.
- 8. Alternative Zoning Designations: An application for a zone change may include a request for the approval of an alternate zoning district designation if it is found that the applicant's preferred designation does not comply with the approval criteria but the alternate designation does. An alternate designation may be substituted only if the public notice required pursuant to Section 1307 includes all requested designations in its description of the applicant's proposal; therefore, any alternative zoning designations must be specifically identified by the applicant in the submitted application.

JUSTIFICATION CRITERIA: See ZDO Section 1202 and other relevant ZDO sections for specific requirements. Then answer the following questions:

- A. How is approval of the proposed zone change consistent with the applicable goals and policies of the Comprehensive Plan?

_____ Please refer to the 37 page Narrative Report to Review Criteria.

- B. If development under the proposed zone has a need for public services (sanitary sewer, surface water management, and water), how can the need be accommodated with the implementation of the applicable service provider's existing capital improvement plan? Consider the cumulative impact of the proposed zone change and development of other properties under existing zoning designations.

This proposal requires none of the above-referenced public services
(Septic, Well and private driveway).

- C. Explain why the transportation system is adequate and will remain adequate with approval of the proposed zone change. For the purpose of this criterion:
1. Adequate means a maximum volume-to-capacity ratio (v/c), or a minimum level of service (LOS), as established by Comprehensive Plan Tables 5-2a, *Motor Vehicle Capacity Evaluation Standards for the Urban Area*, and 5-2b, *Motor Vehicle Capacity Evaluation Standards for the Rural Area*.
 2. The evaluation of transportation system adequacy shall be conducted pursuant to the Transportation Planning Rule (Oregon Administrative Rules 660-012-0060).
 3. It shall be assumed that the subject property will be developed with the primary use, allowed in the proposed zoning district, with the highest motor vehicle trip generation rate.
 4. The methods of calculating v/c and LOS are established by the *Clackamas County Roadway Standards*.
 5. The adequacy standards shall apply to all roadways and intersections within the impact area of the proposed zone change. The impact area shall be identified pursuant to the *Clackamas County Roadway Standards*.
 6. A determination regarding whether submittal of a transportation impact study is required shall be made based upon the *Clackamas County Roadway Standards*, which also establish the minimum standards to which a transportation impact study shall adhere.
 7. Notwithstanding (4) through (6), motor vehicle capacity calculation methodology, impact area identification, and transportation impact study requirements are established by the ODOT Transportation Analysis Procedures Manual for roadways and intersections under the jurisdiction of the State of Oregon.

Transportation will waive these requirements since no peak

hour traffic will have an increase of 20 trips. Characterized
as low volume impact.

- D. Explain how the safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.

The road on which this proposal is located is a 25' gravel county road. The right-of-way is actually 25 feet. The trip increase from this single dwelling will be 9.53 ADT according to ITE trip generation data.


Questions: Contact Planning & Zoning at 503-742-4500 or zoninginfo@clackamas.us


AUTHORIZATION TO ACT AS AGENT

The undersigned party(s) hereby authorize Frank Walker doing business as Frank Walker and Associates to act as an agent with respect to the specified Land Use Permits enumerated below. Frank Walker and Associates, his assigns and employees, may deliver documents for processing in the jurisdiction of .

Type of Permit(s) PROPOSED ZONE CHANGE/ PARTITION

Dated this 21st day of August 2018


Signature of Client


Signature of Client

10
10
2211
20NS



After recording return to:
Mikel Patrick Patterson and Heidi Ann
Patterson
15028 S Mitchell Lane
Oregon City, OR 97045-9123

Until a change is requested all tax statements
shall be sent to the following address:
Mikel Patrick Patterson and Heidi Ann
Patterson
15028 S Mitchell Lane
Oregon City, OR 97045-9123
File No.: 7071-362050 (DEW)
Date: April 05, 2004

Clackamas County Official Records
Sherry Hall, County Clerk

2004-029135



\$51.00

00661196200400291350020027

04/07/2004 10:19:25 AM

D-D Cnt=1 Stn=7 AMIEE
\$10.00 \$11.00 \$10.00 \$20.00

OC

362050

FATCO. NO.

STATUTORY WARRANTY DEED

Robert C. Bishop, III and Carolyn K. Bishop, as tenants by the entirety, Grantor, conveys and warrants to **Mikel Patrick Patterson and Heidi Ann Patterson, husband and wife**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

Part of the Southwest one-quarter of Section 22, Township 3 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point on the North and South centerline of said Section, which point is 30.78-1/2 chains North of the quarter section corner between Section 22 and 27, in said township and range (said beginning point being indicated by a notch on the West side of a fir tree about 30 inches in diameter); said point being the Northeast corner of a tract conveyed to Robert J. Ogden, by Deed recorded August 25, 1906 in Book 96, page 429, Deed Records, also being the Southeast corner of that tract of land conveyed to Robert J. Klink, et ux, recorded August 29, 1967 in Book 696, page 133, Deed Records; thence West along the South line of said Klink Tract, 970.00 feet, more or less, to the Northeast corner of that parcel of land conveyed to Clackamas County, recorded July 14, 1953 in Book 471, page 321, Deed Records; thence West along the North line of said County tract, 60.00 feet to the true point of beginning of the tract of land herein to be described; thence North 50.00 feet; thence East 60.00 feet; thence South 25.00 feet; thence East 191.00 feet; thence North 245.50 feet, more or less, to the North line of said Klink Tract; thence Westerly along the North line of said Klink Tract 1588.00 feet, more or less, to the Easterly line of that tract of land conveyed to Clackamas County for road purposes, by Deed recorded April 21, 1906 in Book 95, page 375, Deed Records; thence South 17°30' West along the said road line 284.46 feet, more or less, to the South line of said Klink Tract; thence Easterly along the South line of said Klink Tract, 1440.00 feet, more or less, to the true point of beginning.

APN: 00891020

Statutory Warranty Deed
- continued

File No.: 7071-362050 (DEW)
Date: 04/05/2004

This property is free from liens and encumbrances, EXCEPT: Any additional taxes which could become due from change in Farm or Forest Use Classification; PGE Easement as recorded

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

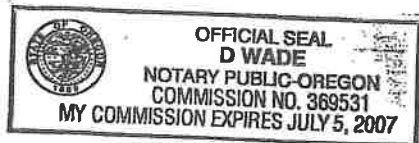
The true consideration for this conveyance is **\$345,000.00**. (Here comply with requirements of ORS 93.030)

Robert C. Bishop III
Robert C. Bishop III

Carolyn K. Bishop
Carolyn K. Bishop,

STATE OF Oregon)
County of Clackamas)ss.
)

This instrument was acknowledged before me on this 6th day of May, 2009
by **Robert C. Bishop, III and Carolyn K. Bishop,**



D. Wade
D. Wade
Notary Public for Oregon
My commission expires: 07-05-2005



This map/plot is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

PROPOSED ZONE CHANGE

**From
RRFF-10 to RRFF-5**

**Property Location;
Township 3 South, Range 2 East,
Section 22, Tax Lot 700**

**Owners:
Mikel and Heidi Patterson
15028 Mitchell Lane
Oregon City, Oregon 97045**

**Applicant:
Frank Walker and Associates LLC
4674 Commercial Street, S.E., Suite 100
Salem, Oregon 97302**

**Date:
JULY 8, 2019**

Introduction

The following are the approval criteria for a Goal 14 Exception as enumerated in the Oregon Statutes and Administrative Rules. The approval criteria are in Divisions 4, 11, 12 and 14, as well as in Oregon Revised Statutes 197.015. Each major division contains approval criteria and those criteria are listed and a response is provided for each. In addition, this report will address Comprehensive Plan Criteria, Zone Change criteria and the applicable statewide Planning Goals and Guidelines. The application of Goal 14 to RR zoned areas is subject to criteria as follows:

OAR Chapter 660 Division 4/660-0005 Interpretation of Goal 2 Exception Process

(1) An "Exception" is a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan that:

(a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;

Response: This proposed action is to a specific property and is governed by existing adopted and acknowledged zoning procedures. This application follows a specific set of State and Local regulatory requirements.

(b) Does not comply with some or all goal requirements applicable to subject properties or situations.

Response: This proposal does appear to comply with all goal requirements that are applicable to this property, especially since the creation of the property pre-dates 1980 and is not subject to the Curry County Land Use Ruling.

(c) Complies with ORS 197.732(2) and provisions of this division and, if applicable, the provisions of OAR 660-011-0060, 660-012-0070, 660-014-0030 or 660-014-0040.

Response: Each of the above identified statutes and administrative rules will subsequently be addressed individually in the body of this report.

(2) "Resource Land" is land subject to one or more of the statewide goals listed in OAR 660-004-0010(1)

(a) through (g) except subsections "c" and "d".

Response: The subject property in this case is clearly "not" resource land and is not subject to these Criteria. See Figure 1 for location of subject property.

(3) "Non-resource Land" is land not subject to any of the statewide goals listed in OAR 660-004-0010 (1)

(a) through (g) except subsection "(c)" and (d). Nothing in these definitions is meant to imply that other Goals, particularly Goal 5, do not apply to non-resource land.

Response: The subject property demonstrates compliance with "c" and "d" above, which are Public Facilities and Urbanization. Public facilities consistent with rural lands that are non-resource lands do exist at the site including: public road access, electrical power, phone/communication equipment, school bus service and mail delivery. The subject property has been approved for a standard serial distribution septic system similar to approvals on all adjacent properties.

FIGURE 1 LOCATION MAP



3 2 E 22

SECTION 22 T.3S. R.2E. W.M.
CLACKAMAS COUNTY
1" = 400'

Canceled Taxlots

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- Waterlines
- Land Use Zoning
- Pits
- Water
- Center
- Section Corner
- 1/16th Line
- Gravel Line
- DLC Line
- Master Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY



3 2 E 22

The issue of Urbanization is actually a non-issue since the threshold for urban land is 2 acres not 5.

OAR Chapter 660-004-0010 Application of the Goal 2 Exception Process to Certain Goals

(1) Statewide Goal 1 Citizen Participation:

Response: The exceptions process is not applicable to Statewide Goal 1 "Citizen Involvement" since the exception has already taken place since before 1980.

(1a) Agricultural Lands:

Response: An exception is not required for this application since the exception has already been taken when the land was designated "non-resource land" and zoned RRFF-10. An exception from Goal 14 is required when the minimum lot size is changed, and in this case the request is from RRFF-10 to RRFF-5.

(1b) Forest Lands:

Response: An exception is not required for this application since the exception has already been taken when the land was designated "non-resource" land.

(1c) Goal 11 Public Facilities and Services

Response: The fact that the subject property has access to public facilities and services demonstrates, in part, why it was designated Rural Lands and zoned RRFF-10. The establishment of a dwelling will not result in any greater public services and facilities being established. All public services appropriate for rural residential improvements already exist and not a single utility or service needs to be added or extended as a result of this action.

(d) Goal 14 "Urbanization" as provided in the applicable paragraph (1) c, (A) through (D) of this rule:

(A) An exception is not required for the establishment of an urban growth boundary around or including portions of an incorporated city;

Response: The subject property is more than a mile from the Urban Growth Boundary of Oregon City, Oregon, therefore an Exception is not required. This criterion is met.

(B) When a local government changes an established urban growth boundary applying Goal 14 as it existed prior to the amendments adopted April 28, 2005, it shall follow the procedures and requirement set forth in Goal 2 "Land Use Planning."

Response: The subject property is more than one mile from the Oregon City UGB which was acknowledged under ORS 197.251. No UGB amendment is necessary for the proposed land use action since the property is outside both the UGB and Rural Reserve. This particular criterion does not apply because there is no proposed change to the UGB.

(i) Reasons justify why the state policy embodied in the applicable goal should not apply (This factor can be satisfied by compliance with the seven factors of Goal 14).

Response: The property has already been the subject of an exception prior to 1980.

(ii) Areas that do not require a new exception cannot reasonably accommodate the use.

This is a very subjective criterion because the term "Areas" is not defined in court rulings, statutes, administrative rules, the Clackamas County Comprehensive Plan or the Clackamas County Zoning Ordinance. The dictionary definition of an "area" is a region or a part of a defined area such as a metropolitan area or a district or zone. This criterion makes no reference to any sub-area of Clackamas County such as a rural district even though the county has such areas (rural community centers). Without a definition of areas, how can one make an affirmative conclusion about any area or areas? The fact that the word "Areas" is used connotes an inclusion of all exception areas with RRFF-5 zoning.

In order to effectively respond to this criterion, the property owner requested a list of all vacant 5-acre parcels in residential zones for all of Clackamas County except those within city limits and Urban Growth Boundaries. Industrial, Commercial and High-Density residential Zones were omitted, as well as any parcels within any of the incorporated towns and cities of Clackamas County and Rural Community Centers such as Beaver Creek.

According to the current assessment data for RRFF-zoned lands throughout Clackamas County, there are 226 vacant parcels. The number of vacant RRFF-5 zoned parcels in the Oregon City sub-area study area map is 31. The number of parcels that have power, access, septic approval, telephone/communications and that are cleared and "shovel ready" is apparently no greater than three for the Oregon City area. A check of the Zillow Website contained listings of the properties in the Oregon City area and some had sales pending but no fixed number was established. The best estimate is that 25 vacant and available parcels are present in the greater Oregon City area.

A mitigating factor in this case is proximity to Carus, Beaver Creek and Oregon City. Though the property is vacant, it is on a county road, has ready access to telephone, high speed communication, power, is approved for on-site sewage disposal, has a readily available well immediately to the north on the parent parcel, has access to a school bus route, is cleared and mowed and is relatively level. The property is also fenced on the west and north and is absent of excessive slopes. Excavations on the property will not be excessive because of relatively level topography where the driveway, drain field and dwelling foundation are located. The point is that all other properties around Oregon City are not as close to the city limits except for one on Henrici Road.

(iii.) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site;

Response: The proposed property has characteristics that have a composite index of less environmental impact than most any comparable location in the county, and particularly in the immediate area. Areas of comparative lower environmental impact include the following:

1. Location on an existing public road.
2. Location where a shared well may be employed because an existing well yields 18 gallons per minute.
3. No public water district water line extension is necessary.
4. No public sewer line is required.
5. The proposed home site is cleared and will not require any significant vegetation removal such as trees or native plants and shrubs.
6. The soils on the subject property have been examined by a soils expert and the proposed septic system has received a standard serial distribution approval from Clackamas County Water Environment.
7. The property has a full complement of communication/power services including telephone, internet and 7,200 single phase electrical power poles and overhead lines.
8. The subject property has no wetlands, creeks or steep topography, nor does it have any significant wildlife habitat since it is an unimproved meadow with scattered trees.
9. The subject property is highly accessible for fire protection from Beaver Creek and other nearby fire stations.
10. The subject property is free of low fire fuel materials because it is mowed and totally free of herbaceous vegetation. There is no understory vegetation that could ignite "crown fires" in the 24 scattered mature trees on the site.
11. The subject property has mature timber trees that are limbed to a height so that any future potential fire originating from the ground would not ignite any limbs.
12. The trees on the property are predominantly large mature Douglas fir that contain nests and nesting cavities that have been and will continue to be preserved. None of the standing trees on the property will have to be removed to accommodate the ditches for utilities, septic drain field, driveway, parking areas, emergency vehicle turnarounds and other dwelling compound improvements.
13. The subject property is on a dead-end street with only three other dwellings that depend on Twin Cedars Lane for access, thereby increasing trip generation by 9.53 trips according to the ITE Trip Generation manual. The number of trips will increase from 27.9 to 37.2 according to ITE trip generation data.
14. The latest traffic volume count north of Leland Road from ODOT is 8,685 (eight thousand six hundred eighty five) trips. The percentage increase in traffic from the proposed new dwelling will be .00109729% or one-one thousandth of a percent, which is not enough of a modification to warrant improvements of the Mitchell Lane intersection with Highway 213.
15. The subject property is naturally well drained to the east and possesses no actual stream channels, therefore, runoff into nearby Beaver Creek is prevented. It should be noted for the record, that the east end of the property is flat to concave, and though not a mapped wetland, is a recipient drainage area that has no direct

drainage to Beaver Creek.

16. Page outflow to Beaver Creek (perennial stream). The activities on the property will not impact Beaver Creek (also see Finding 17).
17. The subject property has no improvements on it at the present time, and the proposed building envelope including the septic drain field will occupy no more than 20% of the site, thus leaving 4 acres in a natural state with respect to runoff interdiction.
18. The proposed building site is on the most well drained portion of the site and the setback is only as large as it is to avoid dust impact from the gravel road during the dry season.
19. The easternmost portion of the site is the most poorly drained portion and it will not be disturbed by any improvements. A large buffer of level to slightly depressional grass meadow is located between the proposed building site and Beaver Creek, which is approximately 1,400 feet away to the east. The proposed property improvements will have no impact with respect to hydrology or pollution on Beaver Creek due to distance and absence of direct drainage.
20. The utilities serving the dwelling will be underground to prevent unwanted interruption of service, to reduce visual blight and to maintain views of Mt. Hood to the northeast. Utilities will have buried tracer wires for ease of future locates and to minimize soil disturbance should repairs be needed.
21. The Site Plan shows an existing well that can be shared, but that well is on the parent parcel, the proposed well shown in blue on the site plan represents a backup location in the event the existing well is inadequate for both dwellings.
22. The prospect of eliminating dust from Clackamas County Road 471-32, Twin Cedars Lane, could be abated through a prescribed dust (lignosulfonates from organic plant sources) control program. This road which borders the entire southern boundary of the property is an all-weather county road that is in a 24' right-of-way, but it is very dusty in the summer. The lignosulfonates bind with dust particles but contains no oil-based material since it is a plant derivative. The Clackamas County Transportation Department would have to approve any dust reduction program.
23. Twin Cedars Lane is a county-maintained road that currently serves three residences.
24. No utility easements will be required because they are contained within the right-of-way of Twin Cedars Lane.
25. The proposed dwelling site lies between the 470' and 480' contour interval which will result in minimizing cutting and filling for the foundations and footings of any prospective dwelling and future outbuildings.
26. The right-of-way for Twin Cedars Lane has a south protruding point in the right-of-way that serves as a turnaround for emergency vehicle access. This turnaround is south and east of the proposed driveway entrance to the proposed lot.

27. According to the contour interval map provided, there are no rock outcroppings or any other prominent features on the property that would pose a hazard to improvements.
28. The proposed dwelling has access to State Highway 213 via Twin Cedars Lane to Mitchell Lane, a distance of approximately two-fifths of a mile, thus precluding the need for a long private driveway.
29. The proposed dwelling is less than a mile from Beavercreek and slightly more than a mile from Oregon City, thus minimizing driving distances to schools, medical and other services, resulting in a comparative advantage to sites elsewhere in the county that are farther removed from those above-referenced types of destinations.
30. The only outlet for the homes on Mitchell and Twin Cedar Lanes is Highway 213 north of the Leland Road traffic signal. According to the ITE Trip Generation tables, the addition of one home will generate an average of 9.53 trips daily. The main directional split is towards Oregon City rather than to the south.
31. The following traffic safety factors in this case would likely be superior at this location than other similarly situated properties in the Oregon City sub-area due to: low traffic generation from existing homes, excellent sight distance on Twin Cedars Lane and the absence of farm and logging machinery since the homes on Mitchell Land/Twin Cedars Lane are "rural residential" in nature (forestry and farming are absent).
32. The energy consequences would likely be of lesser impact due to the proximity of this location to Oregon City and to local community centers, as well as to schools, health services, shopping and employment centers.
33. This proposal would reduce impacts, would have less of an overall impact than sites farther out in Clackamas County, even though this criterion only addresses "adjacent uses." The following is a list of factors intended to comply with this standard.
 1. The house location was selected to represent an optimum distance from the house on the parent parcel and the 3 dwellings on Twin Cedars Lane. The location selected is sufficiently segregated from the two closest off-site dwellings on Twin Cedars Lane as to minimize impact from dust, drain fields and domestic wells. This was painstakingly measured in the field to maximize spacing while enhancing compatibility and values. The proposed use will be compatible with other adjacent uses with respect to visual enhancement. For example, the dwelling on the proposed parcel will not be visible from the dwelling on the parent parcel (visual subordination). This same principle was not applicable to the existing homes on Twin Cedars Lane because of different topography.
 2. The view of Mt. Hood to the northeast will not be obscured with the addition of the second dwelling on the parent tract of land.

C Not applicable

D Not applicable

660-004-0040 Application of Goal 14 to Rural Residential Areas

(1) The purpose of this rule is to specify how Goal 14 "Urbanization" applies to rural lands in acknowledged exception areas planned for residential uses.

Response: It is important to acknowledge that the subject property is "rural land" and not resource land. The definitions of ORS 197.015, the Statewide Planning Goals and OAR 660—004-0005 shall apply. This land applies to lands that are not within an urban growth boundary, that are planned and zoned primarily for residential uses, and for which an exception to Goal 3 "Agricultural Lands", "Forest Lands", or both has been taken. Such lands are referred to in this rule as "rural residential areas."

Response: The subject property was amongst those for which exceptions were taken prior to 1980. The zoning of RRFF-10 implemented the Rural Residential Area designation. This criterion is met.

(b) Sections (1) to (8) of this rule do not apply to the creation of a lot or parcel, or to the development or use of one single-family home on such a lot or parcel where the application for partition or subdivision was filed with the local government and deemed to be complete in accordance with ORS 215.427 (3) before October 4, 2000, the effective date of sections (1) to (8) of this rule. The deed chronology is provided in Appendix 1.

Response: The subject 10-acre property pre-existed the establishment of modern zoning laws requiring Partitions in order to create legal lots of record. The property was surveyed with PS 577 in 1977.

(c) This rule does not apply to types of land listed in (A) through (H) of this subsection.

(3)(a) This rule took effect on October 4, 2000.

Response: The subject property was already in an established exception area on October 4, 2000.

(b) Some rural residential areas have been reviewed for compliance with Goal 14 and acknowledged to comply with that goal by the department or commission in a periodic review acknowledgement, or post-acknowledgement plan amendment preceding that occurred after the Supreme Courts 1986 ruling in 1000 Friends of Oregon v LCDR , 301 OR 447 (Curry County) , and before October 4, 2000.

Response: This particular area was designated Rural prior to 1980 and was unaffected by the rulings listed above. In addition, the Oten Court (Appendix 2) Ruling specifically reaffirmed that those lands designated Rural prior to 1980 maintained that designation.

(4) The rural residential areas described in subsection (2)(a) of this rule are "rural lands" and are subject to Goal 14, which prohibits urban use of rural lands.

Response: The subject property is currently designated "Rural Lands" as RRFF-10. The proposal to change the zoning to RRFF-5, is also classified as "Rural Lands". The fact that both parcels are already designated "Rural Lands" precluded an exception which prohibits urban use of rural lands. However, criterion 7(a) following does require an exception when the minimum lot size "for any individual parcel" is reduced. The language is clear that a Goal 14 Exception is required because there is not an automatic presumption that that lots of two acres or larger always comply with 14.

Rural Lands are exception lands as defined in OAR 660-04-0005(1).

- Pursuant to the adopted Comprehensive Plan (CP) the property is outside of a UGB.
- Pursuant to the (CP), the property is not in an Unincorporated Community.
- Pursuant to the (CP), the subject property is suitable for "sparse settlement."
- Pursuant to the (CP), the subject property is suitable for a small woodlot or farm and also for an acreage home site.
- Pursuant to the (CP), the properties lack public facilities consistent with urbanized areas such as paved roads, curbs, sidewalks, storm drainage facilities (detention basins), forced main sewers, street lights, three phase electric power lines, posted speed limits, domestic water, law enforcement patrols, city parks, high speed internet services and natural gas.
- A positive finding can be made that the limited public services available are not suitable or necessary, or intended for urban use.

(5) (a) A rural residential zone in effect on October 4, 2000 shall be deemed to comply with Goal 14 if that zone requires any new lot or parcel to have an area of at least two acres, except as required by section (7) of this rule.

Response: Rule 7 of this section states "The creation of any new lot or parcel smaller than two acres shall be considered an urban use." This is clearly not the case here, since the proposal calls for the creation of two parcels of five acres each. In addition, this rural residential zone was already in effect on October 4, 2000, which means that it is deemed to comply with Goal 14. This single criterion is the reason this application is being made.

(5) (b). A rural residential zone does not comply with Goal 14 if that zone allows the creation of any new lots or parcels smaller than two acres. For such a zone, a local government must either amend the zone's minimum lot size or parcel size provisions to require a minimum of at least two acres or take an exception to Goal 14. Until a local government amends its land use regulations to comply with this subsection, any new lot or parcel created in such a zone must have an area of at least two acres.

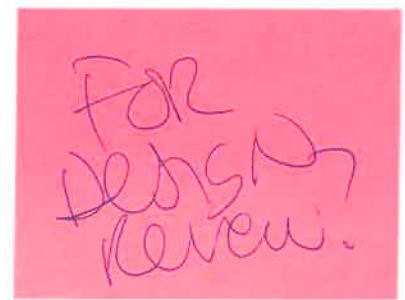
Response: The pre-1980 approval of the RRFF-5/10 Zones, set the minimum lot size standard for the zone at well above the two-acre minimum lot size. This proposal conforms to this criterion.

(5) (c) For the purposes of this section, "rural residential zone currently in effect" means a zone applied to rural residential area that was in effect on October 4, 2000, and acknowledged to comply with the statewide planning goals.

Response: The subject property clearly conforms with this standard having been created pre-1980 by partition and deed. The subject property was in the Rural Residential Comprehensive Plan Designation prior to 1980.

(6) After October 4, 2000, a local government's requirements for lot or parcel sizes in the rural residential areas shall not be amended to allow a smaller minimum for any individual lot or parcel without taking an exception to Goal 14 pursuant to OAR Chapter, Division 14, and applicable requirements of this division.

Response: The fact that two individual lots or parcels, each of which would represent an amendment to the minimum lot size, prompts the following responses to applicable criteria of OAR 660-014-0000. Each applicable criterion ONLY will be addressed individually as follows:



Zone Change Criteria

Section 1202.1 is adopted to provide standards, criteria, and procedures under which a change to the zoning maps (hereinafter referred to as a zone change) may be approved.

Response: The proponents of this case will address all applicable approval criteria for a Zone Change as has been done for the Comprehensive Plan and Goal Exception Criteria

1202.2 Submittal Requirements

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a zone change shall include a site plan of the subject property (Figure 2) showing existing improvements, and a vicinity map showing the relationship of the subject property to the surrounding area. An application for a zone-change to RRFF-5 District also shall include:

Response: All of the requirements for sections 1102.02 and 1307.07 (C) will be addressed as follows:

A. The requirements listed in Subsection 1102.02;

1102.02 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for design review shall include:

A. A narrative describing the proposed use;

Response: The proposed use of the property will be for a single- family dwelling as represented in Figure 2 (Site Plan). The proposed dwelling will be located on Proposed Parcel 2, approximately equidistant from the north and south property boundaries. The proposed dwelling location is in a well-maintained meadow that has 24 scattered large trees close to both boundaries.

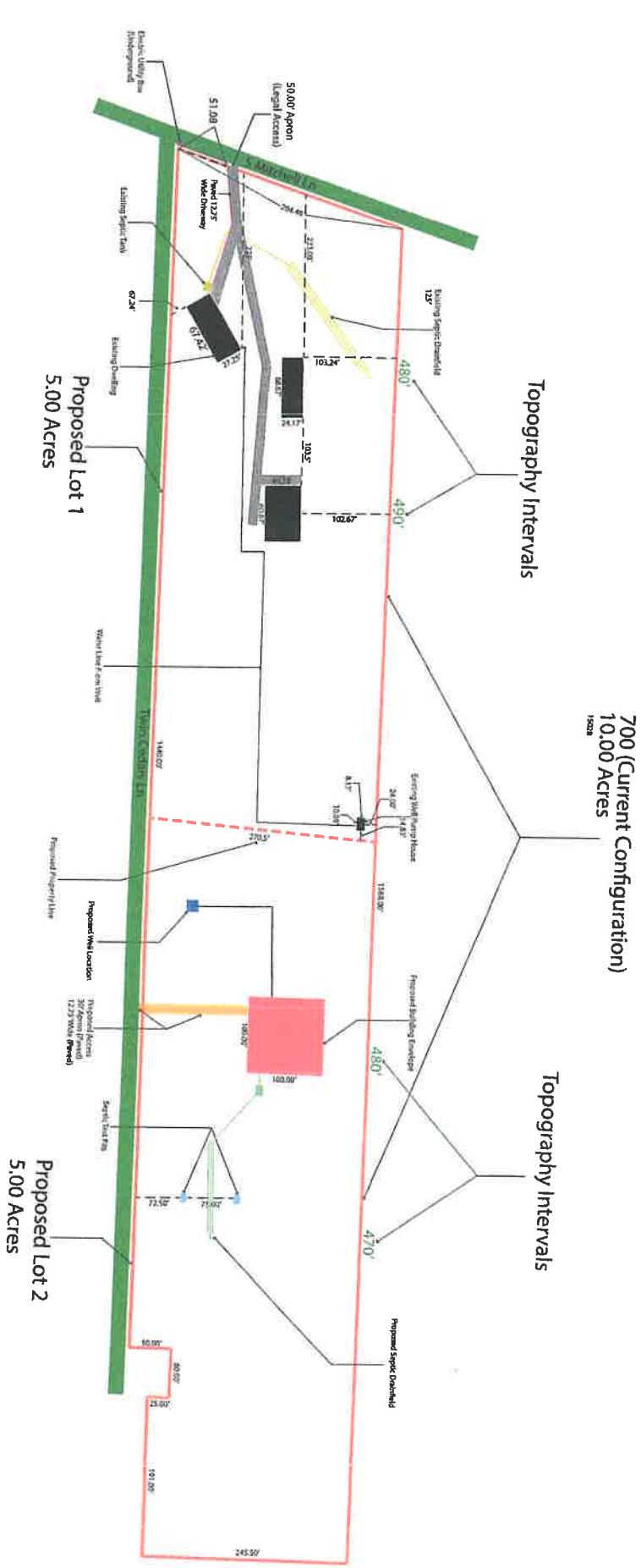
The application for On-Site Sewage Disposal has been approved by the Water Environment Services for a standard serial distribution system (See Appendix 3). The location for the approved septic drain field has been identified in Figure 2 near the east/southeast corner of the Twin Cedars Lane right-of-way. There is a high likelihood for a standard serial distribution system at the site selected to function without challenges as is the case with all other approved septic systems on adjacent properties. The area selected for soil testing has a minimum 30-inch absorption depth. The site is located amongst five other standard serial distribution systems approvals that have the same mapped soils series, the Jory silty clay loam (45B).

B. An engineering geologic study, if required pursuant to Section 1002, Protection of Natural Features, or 1003, Hazards to Safety;

Response: According to the Oregon Department of Geology and Mineral Industries, this property is not in a Geologic Hazard Zone, nor is it located in a designated flood plain according to FEMA Maps. Goal 5 factors related to significant wildlife habitats, historic and archaeological resources were not identified as being located on the site.

FIGURE 2
SITE PLAN MAP

Patterson Site Plan



Color Legend:

- County Rd: —
- Existing Driveway: —
- Existing Septic System: —
- Existing Buildings: —
- Water Utilities: —
- Electricity Utilities: —
- Proposed Driveway: —
- Proposed Dwelling Envelope: —
- Proposed Septic: —
- Septic Test Pits: —

C. Preliminary statements of feasibility, if required pursuant to Section 1006,

Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control are all feasible at this site because all of these issues have been thoroughly researched.

Response: The utility provider is Portland General Electric. A power pole is located at the extreme southwest corner of the property near the intersection of Mitchell and Twin Cedars Lane. Each road has a 7,200 KV overhead power line. The capacity of each power line is sufficient to supply the existing dwelling and any potential shop as well as the proposed dwelling location.

The utility to the proposed new dwelling location will be from a power pole which is already located in the Twin Cedars Lane right-of-way. The area is currently absent of street lights, since this is a rural location. The property owners may elect to establish pole-mounted lighting. Water for the proposed new dwelling will be provided by an existing domestic well. According to the Oregon Department of Water Resources, the area is not within a Groundwater Limited Area. An existing well on the parent parcel is located within 30 feet of proposed Parcel 2 northern boundary and could supply the domestic water. The well is shown in Figure 2, Site Plan.

D. A transportation impact study, if required pursuant to Section 1007, Roads and Connectivity;

Response: The subject property has frontage on two unpaved lanes. Mitchell Lane provides the only access for Parcel 1, the developed parcel. Twin Cedars Lane forms the southern boundary of proposed Parcel 2 but currently provides no access. Proposed Parcel 2 will only have frontage only on Twin Cedars Lane, which is an unmaintained county road. Twin Cedars Lane is suitable for the amount of traffic generated by three houses. The addition of one more dwelling will increase the average daily traffic from 27.9 trips per day to 37.2 per day.

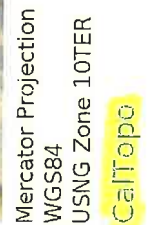
Mitchell Lane has an intersection with Twin Cedars Lane on the east and with Cascade Highway (Oregon State Highway 213) on the west. The proposed dwelling on Parcel 2 would generate 9.53 trips per day according to ITE trip generation tables. The incremental increase in trips will not adversely affect the traffic service level of Highway 213. The Mitchell Lane intersection is 1.5 miles south of the Henrici Road intersection and approximately 1263 feet north of the signalized Leland Road intersection. No accident information was available for the Mitchell Lane/Highway 213 intersection.

E. Calculations demonstrating compliance with Section 1012, Lot Size and Density, if applicable;

The proposed Zone Change, if approved, will allow the subject property to be partitioned and surveyed into two lots of 5 acres each. The subject property is slightly over 10 acres and when partitioned will be two resultant parcels of 5 acres each. That is the density standard for the RRFF-5 Zone.

F. A vicinity map showing the location of the subject property in relation to adjacent properties, roads, bikeways, pedestrian access, utility access, and manmade or natural site features that cross the boundaries of the subject property. The Vicinity Location Map herein contained as Figure 1 represents the area surrounding the subject property. There are no designated bikeways or pedestrian access points according to field observation and map research.

FIGURE 3



6. Wooded areas, significant clumps or groves of trees, and specimens of conifers, oaks, and other large deciduous trees. Where the site is heavily wooded aerial photograph, at a scale of not more than 1 inch equals 400 feet, may be submitted and only those trees that will be affected by the proposed development need be sited accurately;

Response: There is a distinct area of trees along the northern boundary of the western half of the property, but the trees are "limbed up" and of advancing age. These trees are likely wildlife trees because they likely have nesting cavities (especially the Quercus Alba Oak). However, the denuded nature of all the ground surrounding the property due to overgrazing by domesticated animals and constant mowing, have rendered these trees to a low potential for wildlife. During the field investigation, it was noted the conspicuous absence of bird populations. The lack of water and forage are contributing factor to this observed absence of wildlife. This area simply lacks the qualities to have a substantial forest environment that sustains wildlife and healthy trees.

7. Overlay zoning districts regulated by Section 700, Special Districts;

8. Noise sources:

Response: The subject property will be used exclusively for single family residential use. Proposed Parcel 2 is intended for a blood relative of the applicants. Noise generation is not an issue.

9. Sun and wind exposure:

Response: Proposed parcel 2 does occupy a windy ridge line and there are large open areas that receive solar insolation for significant portions of any given day. This parcel would likely be suitable for wind and solar energy consideration. The site also needs to be maintained as it is now by keeping trees limbed to a height of 15 and by reducing low fire fuels that could ignite wildfires. Properties to the south and east, in particular, are heavily wooded with significant amounts of low fire fuel. Any dwelling located on the property should maintain the current practice of minimizing low fire fuel to reduce potential for fires spreading to the adjacent wooded areas across Twin Cedars Lane (South).

10. Significant views:

Response: Proposed Parcel 2, and the proposed dwelling site in particular, are just below the high point of a ridge that would provide a broad territorial view to the west.

The proposed location of the dwelling east of this ridge line results in a visual subordination to the west. The owner of the property specifically wants the dwelling to be located on Parcel 2 to be "out of sight" from his dwelling compound. Another reason he wants any prospective dwelling to be farther to the east is to prevent any contamination of the well which is located 14.83 feet from what will be the proposed boundary line. The owners dwelling on Mitchell Lane is not visible from Highway 213 but the dwelling on proposed Parcel 2 could be if located close to the ridgeline boundary.

The owner is committed to having the new parcel improvements out of sight from his dwelling compound with the added benefit of not having another house visible from Highway 213. A restrictive setback is being discussed as a serious matter from both the perspective of view protection and visual

subordination, but also from contamination that could affect the well.

11. Structures, impervious surfaces, utilities, onsite wastewater treatment systems, landscaping, driveways and easements (e.g., access, utility, storm drainage).

Note whether these will remain or be removed and provide dimensions of driveways and easements; and

Response: This criterion has some relationship to the previous criterion. The property owner has a vested interest in assuring that all of the aforementioned improvements are implemented in a manner that no impacts will occur to the home place on proposed Parcel 1, but also to other properties. Each of these items will be addressed separately as follows:

Structures: The owner will require a minimum setback of any property improvements to the well, probably 250 feet at a minimum. The property owner and the staff at Frank Walker and Associates selected the county approved septic location to assure proper segregation of the drain field to all producing domestic wells in the area. The only other restrictions on the structures will be that they are not visible from the existing Patterson dwelling compound.

Impervious surfaces: The prospective end user of the property will not be restricted with respect to paved driveways and other impervious structures but will be required to have a storm drainage program that discharges water to the east end of the property that is already observably wetter. The amount of water after property improvements cannot discharge a greater rate than prior to development. The property will likely have to have a specific area to receive runoff from anticipated impervious surfaces. These recipient areas could be a bio-swale, pond or even a possible underground storage system. This will be regulated through the Building Permit process.

Utilities: Phone/internet and electrical power are all available in the Twin Cedars Lane right-of-way and are in proximity to the designated dwelling compound area. The utility lines will be located prior to construction to avoid excavating mishaps. Locators Inc provides a free locating service. The electric power is overhead on 7,200 KV lines. The phone/internet are buried in or on the right-of-way of Twin Cedars Lane.

On-Site wastewater treatment systems: The proposed five-acre parcel has an approved sewage disposal system (See Appendix 2).

Landscaping: According to the RRFF-5 Zone, there are no specific landscaping requirements but this is not to say that the owner may require some landscaping through a deed restriction or covenant.

Driveways: The driveway, including safe access for emergency vehicles will be provided for. Clackamas County does require approach permits to county roads. The driveway must have appropriate sight distance for safe ingress and egress. The turning radius of the driveway must be sufficient to allow full length fire apparatus to make turns without backing up. The driveway also has to have an all- weather driving surface capable of sustaining an 80,000 -pound live load and there must be an emergency vehicle turnaround at the dwelling compound. No specific plans have been prepared since it is not known where a dwelling may be located. These conditions will be met in the building permit phase.

Easements (e. g., access, utility, storm drainage): The proposed dwelling site has a connection to Twin Cedars Lane (Figure 2). No access easement is required for this driveway. The utility providers may require a utility easement to the proposed dwelling and to other future structures. No easement will be required for storm drainage.

Existing Roads: South Twin Cedars Lane will provide access via a large frontage that borders Parcel 2 on the south.

Roads, railroad rights-of way, bikeways, curbs, sidewalks, pedestrian pathways, accessways, and trails:

The only one of the above-listed improvements are relevant to this project is the public road (Twin Cedars Lane).

H. A proposed Site Plan, drawn to scale of not less than one-inch equals 50 feet,

Showing:

1. The subject property, including contiguous property under the same ownership as the subject property, and adjacent properties;
2. Property line dimensions for the subject property. Indicate any proposed changes to these;

Response: All of these are shown in the Landscape Plan herein referenced as Exhibit 1.

3. Natural features to be retained;

Response: The subject property is lacking in prominent natural features such as water bodies, streams, cliffs, prominent topography, caves and other features. The trees along the northern boundary of proposed Parcel 2 are not planned for removal based on where the dwelling compound and septic system are planned.

4. Location, dimensions, and names of all existing or platted roads or other public ways, easements, and railroad rights-of-ways. The proposed new parcel only has frontage on Twin Cedars Lane.
5. The location of at least one temporary benchmark and spot elevations;

Response: Refer to Landscape Plan

6. Locations and dimension of structures, impervious surfaces, and utilities, whether proposed or existing and intended to be retained. For phased developments, include future buildings;

Response: The site plan contains all of this information.

7. Approximate location and size of storm drainage facilities;

Response: There are no storm drainage facilities anywhere on the site.

8. Relation to transit; parking and loading areas, including dimensions and number of individual parking and loading spaces and drive aisles; bicycle racks; walkways; and pedestrian crossings;

Response: Not Applicable.

9. Orientation of structures showing windows and doors;

Response: At the present time there is a dwelling and a shop building on proposed Parcel 1 and no buildings on proposed Parcel 2. The dwelling has windows on all sides and the shop has no windows. The other outbuilding has windows on the west, north and south.

10. Location and type of lighting;

Response: Light is currently affixed to the large shop, office shop and principal dwelling on Parcel 1. It is yet to be determined if overhead sodium vapor lights will be installed on the right-of-way of proposed Parcel 2 or if the lighting will be within or near the proposed dwelling compound.

11. Service areas for waste disposal, recycling, loading, and delivery;

Response: Not applicable.

12. Location of mailboxes

Response: Undetermined at the time of application.

13. Freestanding signs;

Response: There are street signs for both Mitchell Lane and Twin Cedars Lane on the right-of-way. The signs are well placed and highly visible from the rights-of-ways of both streets.

14. Pedestrian amenities;

Response: There are no pedestrian amenities since this is a rural location. The rights-of-way of both Mitchell Lane and Twin Cedars Lane have no pedestrian accommodation.

- I. A grading plan, drawn to a scale of not less than one inch equals 50 feet, shows stabilization proposals, and natural resources protection consistent with Sections 1002 and 1003;

Response: The enclosed map, Exhibit 1, represents the property improvements including where grading and landscaping improvements will be made. Areas 5,6, 7 and 9 will be modified through cutting and filling, , but the septic drain field and replacement area will remain undisturbed.

J. Architectural drawings, including:

1. Building elevations, including any building signs. Identify the dimensions, area, color, materials, and means of illumination of such signs. Identify and show dimensions of any electronic message center or other changeable copy sign areas;

Response: No Architectural drawings are available at this time.

2. Building sections;

Response: Not available

3. Floor plans;

Response: Not available.

4. Color and type of building materials; and

Response: Unavailable at this time.

5. Elevation of freestanding sign(s). Identify the dimensions—including total height and height between bottom of sign and ground, area, color, materials, and means of illumination. Identify and show dimensions of any electronic message center or other changeable copy sign areas; and

Response: Not applicable.

6. Gross floor area, in square feet, of each structure; floor area ratio if a minimum floor area ratio standard applies; and number of dwelling units;

Response: Information regarding the gross floor area is not fully known at this time.

K. A general landscaping plan, drawn to a scale of not less than one inch equals 50

feet, showing the elements required on the proposed site plan and:

Response: Exhibit 1 shows an approximation of a general landscaping plan around the proposed building envelope. The Patterson family owns a plumbing business and as such will likely have irrigation around the perimeter foundation for live plant material. Live plant material adjacent to the building footprint will only be established if there is adequate well water. The area beyond the narrow landscaped strip will be maintained in a planted lawn, and beyond that the natural grass land will remain.

1. Existing plants and groups of plants proposed;

Response: No existing plants. Native Oregon plants such as Azalieas, Rhododendrons and other non-irrigated plants rather than excessive dependency on irrigated plant material. Barkdust will be utilized as a ground cover

2. Description of soil conditions; plans for soil treatment such as stockpiling of top soil or addition of soil amendments; and plant selection requirements relating to soil conditions;

Response: The native soils on the property have remained in their natural state because the property has no history of plow layer agriculture, nor have there been any excavations other than the septic test pits. When property improvements are made such as the dwelling, drainfield, driveway and domestic well, the top soil will be stored in a stable manner for re-distribution on the site.

Erosion controls, including plant materials and soil stabilization, if any;

2. Response: The topsoil for the building envelope will be stored in stable fashion for redistribution around the yard area. The overburden for the driveways and drainfield will also be stored in stable fashion for use elsewhere for fill or landscaping.

4. Irrigation system;

Response: Limited irrigation around immediate area adjacent to dwelling

5. Landscape-related structures such as fences, terraces, decks, patios, shelters and play areas; and

Response: Not known at this time.

6. Open space and recreational areas and facilities, if applicable.

Response: The majority of the property will be left intact. It is the owners' intention to have a blood relative occupy this site. Other than the driveway, drainfield and dwelling compound, the property will be left intact. The larger open areas will be mowed grass fields rather than in lawn.

L. A transportation improvement plan that includes proposed cross-sections for roads to be constructed or improved, including widths of travel lanes, bikeways, sidewalks, curbs, pedestrian pathways, and landscape strips. Identify proposed landscape plan for landscape strips, including street tree type, size and location. Identify proposed dedication of right-of-way.

Response: No requirement for right-of-way improvements exist for SouthTwin Cedars Lane.

21.

B. A vicinity map, drawn to scale, showing the uses and location of improvements on adjacent properties and properties across any road; and

Response: The record herein contains a Vicinity Map of Surrounding Property Improvements as Figure 4.

C. A site plan, drawn to scale, showing the following:

1. Property dimensions and area of property;

Response: All property dimensions are shown on the Site Plan Figure 1.

2. Access to property;

Response: Proposed Parcel 2 has frontage on Twin Cedars Lane (Figures 1. and 4.).

3. Location and size of existing and proposed improvements showing distance from property lines and distance between improvements;

Response: All of the above are indicated on Exhibit 1.

4. Location of existing and proposed parking; and

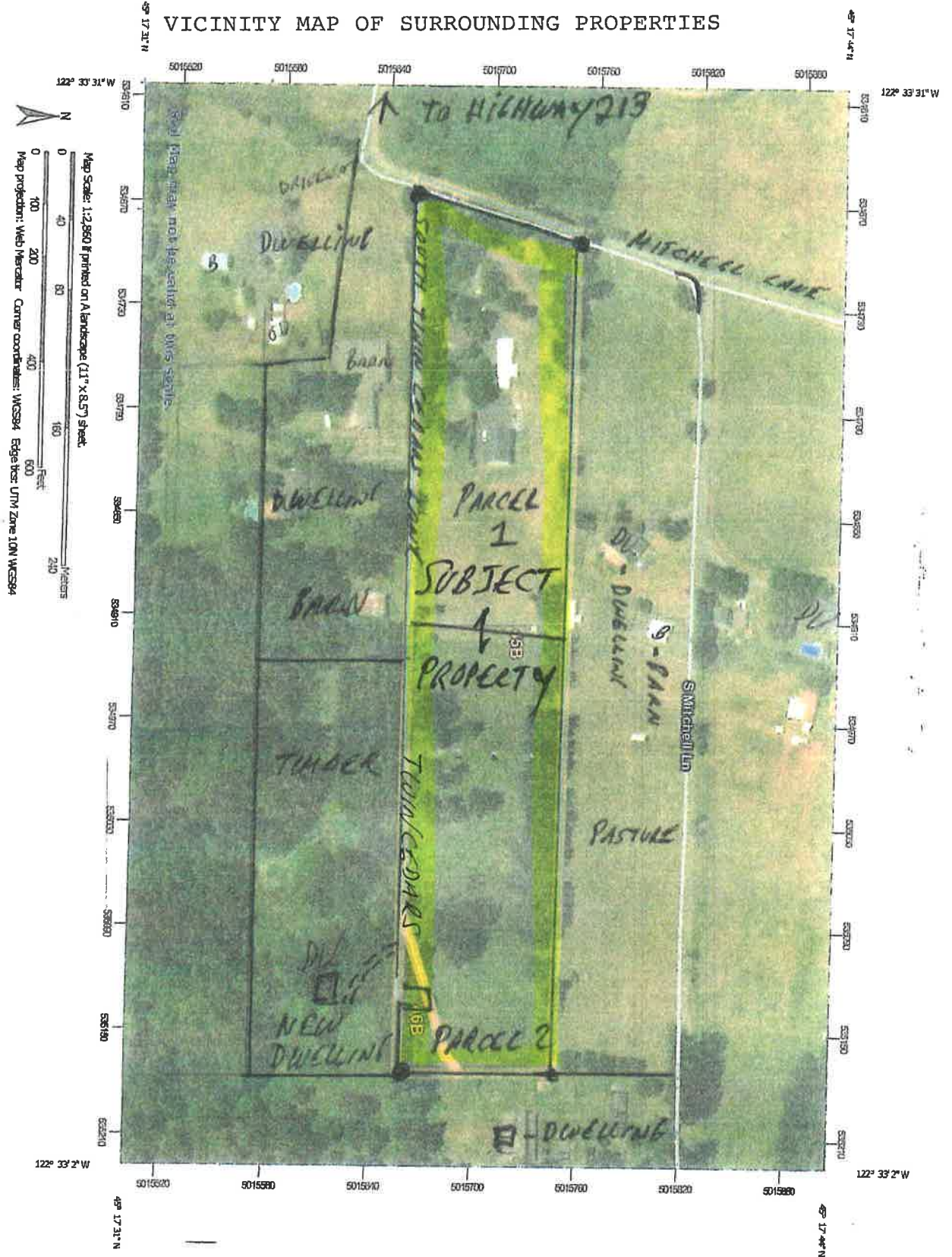
Response: The only required parking is at the dwelling and Exhibit 1 shows the location of the home and an expanded driveway width for parking.

5. Location of existing and proposed pedestrian and bicycle facilities, including pedestrian rest and gathering areas.

Response: Not applicable.

FIGURE 4

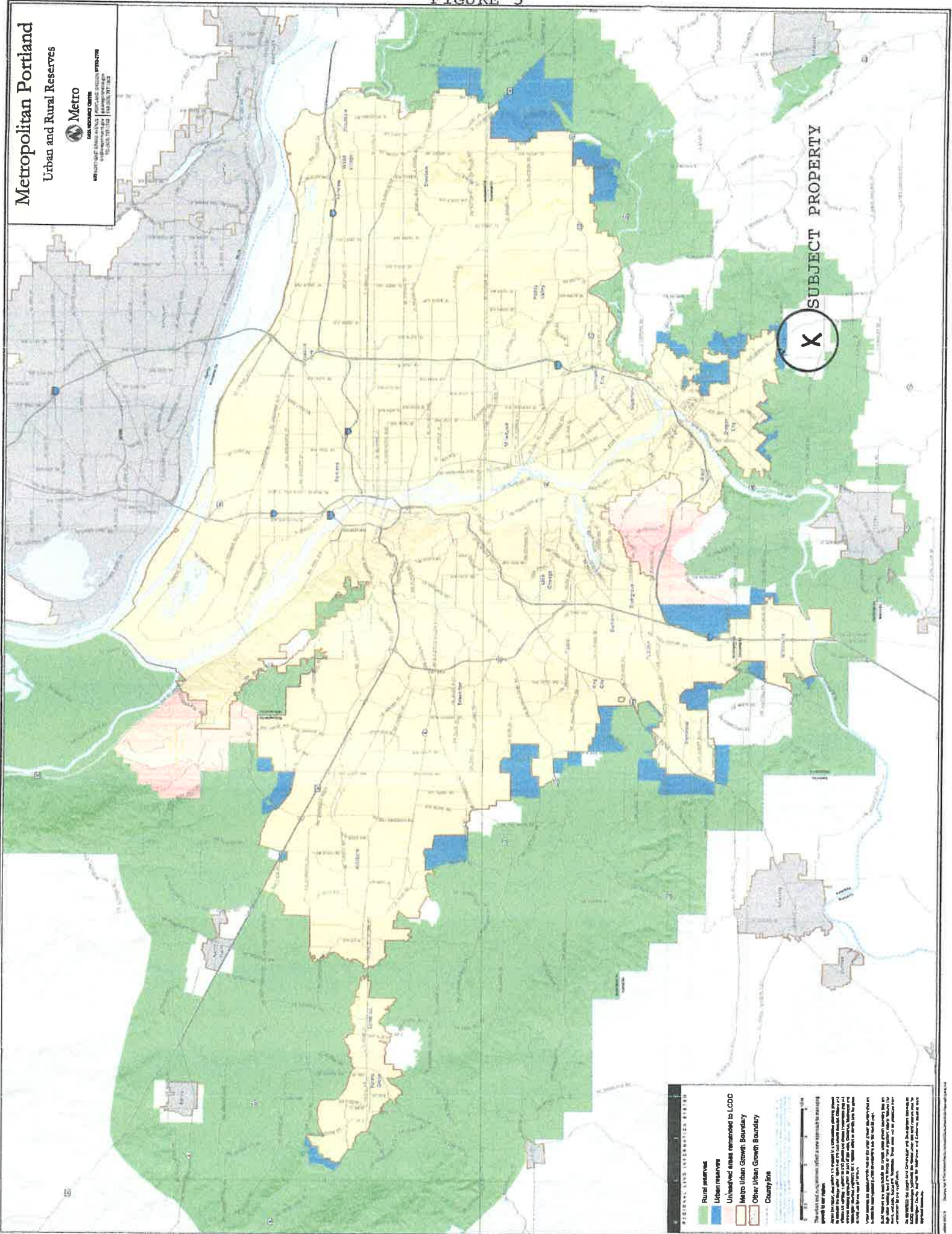
VICINITY MAP OF SURROUNDING PROPERTIES



Urban and Rural Reserves



DATA RECOVERY CENTER
2500 NORTH GATE AVENUE
SUITE 400
DALLAS, TEXAS 75245
TEL: (214) 797-1742
FAX: (214) 797-1863
8703-7798



X (SUBJECT PROPERTY)

X

11

1

Wanted: Publishers

Urban Planning

Unreacted ATBA remained to LCDC

Western Illinois Community College

Investment Opportunity

Other Urban Growth Boundary

Country/line

100

Redstone is available only to those who have a valid business purpose.

WORLD OF WOOD

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As a company, "We're not just an engineering firm; we're a business partner," says CEO John J. ...

உருவம், பின்புறம் இரு கைகள் மீது

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1991-1992 **1993-1994** **1995-1996** **1997-1998** **1999-2000** **2001-2002** **2003-2004** **2005-2006** **2007-2008** **2009-2010** **2011-2012** **2013-2014** **2015-2016** **2017-2018** **2019-2020** **2021-2022** **2023-2024** **2025-2026** **2027-2028** **2029-2030** **2031-2032** **2033-2034** **2035-2036** **2037-2038** **2039-2040** **2041-2042** **2043-2044** **2045-2046** **2047-2048** **2049-2050** **2051-2052** **2053-2054** **2055-2056** **2057-2058** **2059-2060** **2061-2062** **2063-2064** **2065-2066** **2067-2068** **2069-2070** **2071-2072** **2073-2074** **2075-2076** **2077-2078** **2079-2080** **2081-2082** **2083-2084** **2085-2086** **2087-2088** **2089-2090** **2091-2092** **2093-2094** **2095-2096** **2097-2098** **2099-2100** **2101-2102** **2103-2104** **2105-2106** **2107-2108** **2109-2110** **2111-2112** **2113-2114** **2115-2116** **2117-2118** **2119-2120** **2121-2122** **2123-2124** **2125-2126** **2127-2128** **2129-2130** **2131-2132** **2133-2134** **2135-2136** **2137-2138** **2139-2140** **2141-2142** **2143-2144** **2145-2146** **2147-2148** **2149-2150** **2151-2152** **2153-2154** **2155-2156** **2157-2158** **2159-2160** **2161-2162** **2163-2164** **2165-2166** **2167-2168** **2169-2170** **2171-2172** **2173-2174** **2175-2176** **2177-2178** **2179-2180** **2181-2182** **2183-2184** **2185-2186** **2187-2188** **2189-2190** **2191-2192** **2193-2194** **2195-2196** **2197-2198** **2199-2200** **2201-2202** **2203-2204** **2205-2206** **2207-2208** **2209-2210** **2211-2212** **2213-2214** **2215-2216** **2217-2218** **2219-2220** **2221-2222** **2223-2224** **2225-2226** **2227-2228** **2229-2230** **2231-2232** **2233-2234** **2235-2236** **2237-2238** **2239-2240** **2241-2242** **2243-2244** **2245-2246** **2247-2248** **2249-2250** **2251-2252** **2253-2254** **2255-2256** **2257-2258** **2259-2260** **2261-2262** **2263-2264** **2265-2266** **2267-2268** **2269-2270** **2271-2272** **2273-2274** **2275-2276** **2277-2278** **2279-2280** **2281-2282** **2283-2284** **2285-2286** **2287-2288** **2289-2290** **2291-2292** **2293-2294** **2295-2296** **2297-2298** **2299-2300** **2301-2302** **2303-2304** **2305-2306** **2307-2308** **2309-2310** **2311-2312** **2313-2314** **2315-2316** **2317-2318** **2319-2320** **2321-2322** **2323-2324** **2325-2326** **2327-2328** **2329-2330** **2331-2332** **2333-2334** **2335-2336** **2337-2338** **2339-2340** **2341-2342** **2343-2344** **2345-2346** **2347-2348** **2349-2350** **2351-2352** **2353-2354** **2355-2356** **2357-2358** **2359-2360** **2361-2362** **2363-2364** **2365-2366** **2367-2368** **2369-2370** **2371-2372** **2373-2374** **2375-2376** **2377-2378** **2379-2380** **2381-2382** **2383-2384** **2385-2386** **2387-2388** **2389-2390** **2391-2392** **2393-2394** **2395-2396** **2397-2398** **2399-2400** **2401-2402** **2403-2404** **2405-2406** **2407-2408** **2409-2410** **2411-2412** **2413-2414** **2415-2416** **2417-2418** **2419-2420** **2421-2422** **2423-2424** **2425-2426** **2427-2428** **2429-2430** **2431-2432** **2433-2434** **2435-2436** **2437-2438** **2439-2440** **2441-2442** **2443-2444** **2445-2446** **2447-2448** **2449-2450** **2451-2452** **2453-2454** **2455-2456** **2457-2458** **2459-2460** **2461-2462** **2463-2464** **2465-2466** **2467-2468** **2469-2470** **2471-2472** **2473-2474** **2475-2476** **2477-2478** **2479-2480** **2481-2482** **2483-2484** **2485-2486** **2487-2488** **2489-2490** **2491-2492** **2493-2494** **2495-2496** **2497-2498** **2499-2500** **2501-2502** **2503-2504** **2505-2506** **2507-2508** **2509-2510** **2511-2512** **2513-2514** **2515-2516** **2517-2518** **2519-2520** **2521-2522** **2523-2524** **2525-2526** **2527-2528** **2529-2530** **2531-2532** **2533-2534** **2535-2536**

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Mark, we hope, has not forgotten that even if we succeed in
removing the right from

As indicated the cases and comments are the authors' comments.

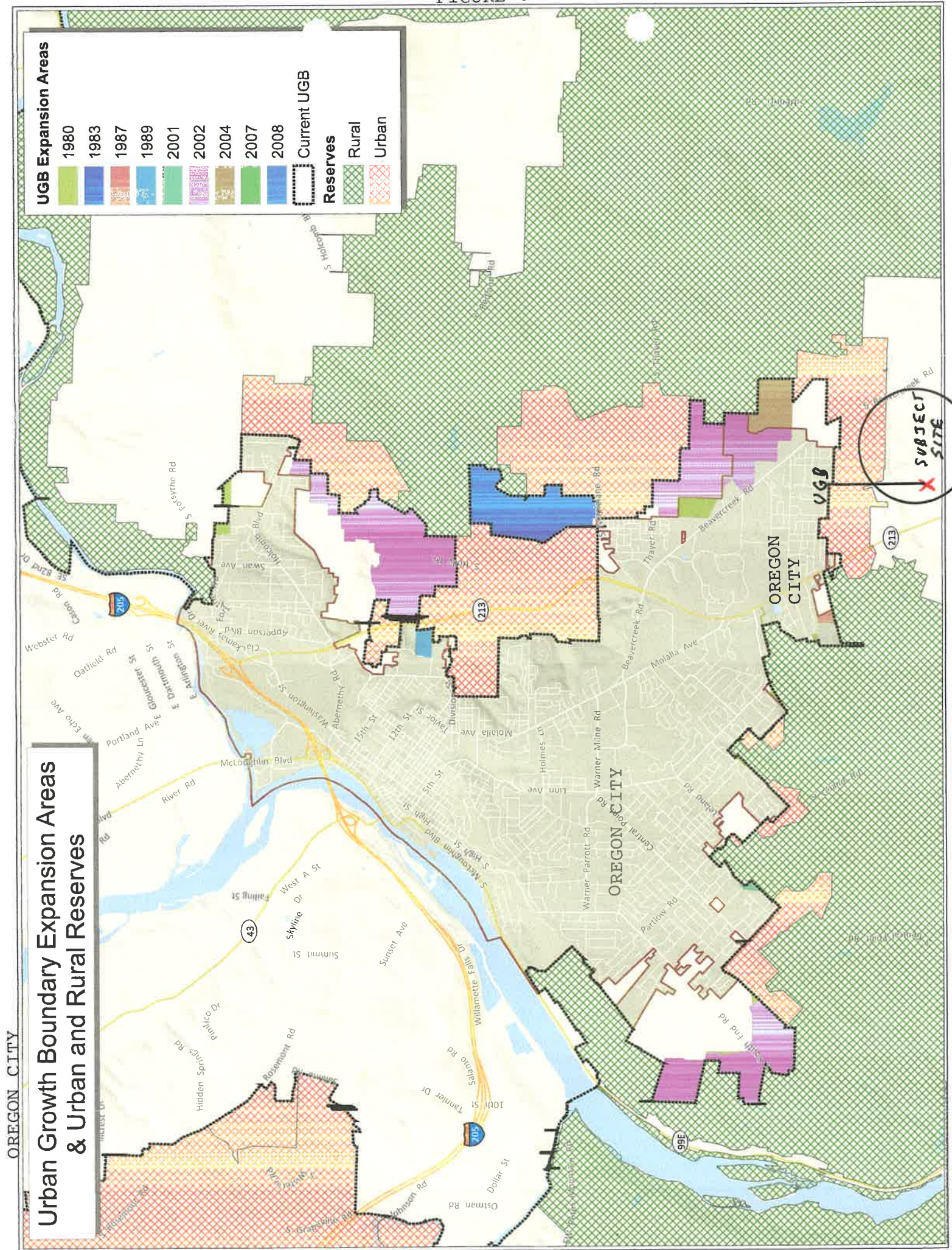
With a strong background in research and writing, Dr. Wang's research interests include the role of the family in the development of the child, the role of the child in the family, and the role of the family in the community.

Learning profile

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FIGURE 6



202.03 GENERAL APPROVAL CRITERIA

A zone change requires review as a Type III or IV application pursuant to Section 1307, Procedures, and shall be subject to the following standards and criteria:

A. The proposed zone change is consistent with the applicable goals and policies of the Comprehensive Plan.

Response: The subject property must meet certain threshold requirements. Each of these requirements are addressed as follows:

The subject property must be located outside of the Metropolitan Portland Urban and Rural Reserves. Figure 5 attached is a map of Metropolitan Portland. The subject property is shown within the black circle, as an "X". It is evident that the subject property is clearly beyond Portland Metro.

The subject property must be located more than one mile from the Oregon City Urban Growth Boundary (UGB). Figure 6 attached is a map of Oregon City that was provided to Frank Walker and Associates by the Oregon City Planning Department. The staff there affirmed that the municipal UGB is located at Henrici Road. A Clackamas County Assessor's Map was carefully examined, and exacting measurements were made from Henrici Road to the northern boundary of the subject property. It was determined that the property was located more than one linear mile from the UGB of Oregon City.

The subject property must be located outside of any urban reserve including that of Oregon City. Figure 6 also shows the location of the subject property in greater detail than the Metro Map. It is evident from examining this map that the subject property is not located in either a Rural or Urban Reserve.

A subject property would be eligible for a zone change if it had been excepted from Goals 3 and 4 from before 1980. The subject property was indeed included in the 1980 exception and therefore does not require a new exception (Cite: Ooten V Golden) except for the change in minimum lot size from 10 acres down to 5 acres.

B. If development under the proposed zoning district designation has a need for any of the following public services, the need can be accommodated with the implementation of the applicable service provider's existing capital improvement plan: sanitary sewer, surface water management, and water. The cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered.

Response: This planning action involves a simple partition of a rural parcel which will not require urban level of services for sanitary sewer, storm drainage and water. Instead the property will rely on an approved on-site capture and release or a recipient basin or bio-swale for stormwater management, an approved Site Evaluation for sanitation and an existing well for water.

C. The transportation system is adequate and will remain adequate with approval of the proposed zone change. For the purpose of this criterion:

Response: According to the ITE Trip generation Manual, the new dwelling would be expected to generate 9.53 trips daily. This is not enough of an incremental increase in traffic to warrant any major capital improvements to Twin Cedars Lane.

1. Adequate means a maximum volume-to-capacity ratio (v/c), or a minimum level of service (LOS), as established by Comprehensive Plan Tables 5-2a, Motor Vehicle Capacity Evaluation Standards for the Urban Area, and 5-2b, Motor Vehicle Capacity Evaluation Standards for the Rural Area.

Response: The above-referenced trip generation rate is consistent with the Capacity Evaluation Standards for a Rural Area.

2. The evaluation of transportation system adequacy shall be conducted pursuant to the Transportation Planning Rule (Oregon Administrative Rules 660-012-0060).

Response: The trip generation factor was previously addressed with respect to impact to Oregon State Route 213. The incremental increase is less than .1% based on ITE Trip Generation Data.

3. It shall be assumed that the subject property is developed with the primary use, allowed in the proposed zoning district, with the highest motor vehicle trip generation rate.

Response: The Institute of Traffic Engineers "Trip Generation Tables" clearly establish that a single rural homesite generates approximately 9.5 trips daily with no appreciable change since traffic loadings have been studied.

4. The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards.

Response: The Clackamas County Roadway Standards are consistent with that of the ITE data.

5. The adequacy standards shall apply to all roadways and intersections within the impact area of the proposed zone change. The impact area shall be identified pursuant to the Clackamas County Roadway Standards.

Response: There is only one intersection between Twin Cedars Lane and Highway 213 and that is Mitchell Lane. The ITE trip generation data clearly indicates fewer than 20 trips during peak hour traffic thus exempting this proposal from a formal traffic impact analysis.

6. A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.

Response: This was addressed in criterion 5 above.

7. Notwithstanding Subsections 1202.03(C)(4) through (6), motor vehicle capacity calculation methodology, impact area identification, and transportation impact study requirements are established by the ODOT Transportation Analysis Procedures Manual for roadways and intersections under the jurisdiction of the State of Oregon.

Response: A TIA is not required because trip generation is fewer than 20 during peak hours and is therefore exempt.

D. Safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.

Response: Only one dwelling generating 9.53 trips daily will be added to the local transportation system, which is not enough to warrant mitigation.

1202.04 NC DISTRICT APPROVAL CRITERIA

If the application requests a zone change to NC District, approval of the zone change shall include approval of a specific use for the subject property, including a specific site development plan.

A. In addition to the standards and criteria in Subsection 1202.03, a zone change to NC District shall be subject to the following standards and criteria:

1. The characteristics of the subject property are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features.

Response: The subject property has no extreme features whatsoever with regard to any of the above factors. The property is relatively level, well drained, unimproved land with open areas available for the dwelling, driveway, drainfield and other improvements. No major vegetation removal is required and no wetlands or streams are impacted by this proposal. Exhibit 1, Enlarged Site Plan.

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

Response: This proposal will unquestionably not alter the character of the surrounding area to a degree that will adversely impact other property owners improvements.

3. The proposed use complies with any applicable requirements at any point prior to decision.

Response: The property owners are not requesting a Legislative proposal.

C. Application Submittal: Type I, II, and III land use permit applications are subject to the following submittal requirements:

1. The following shall be submitted for an application to be complete:

a. A completed application form, such form to be prescribed by the Planning Director, and containing, at a minimum, the following information:

Response: The above-referenced application form is being provided as part of this application package

i. The names, mailing addresses, and telephone numbers of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;

Response: The application form contains all of the above-referenced information.

ii. The address of the subject property, if any, and its assessor's map and tax lot number;

Response: This application contains a Clackamas County Assessor's Map as part of the documentation packet preceding the narrative report.

The proposed new parcel has no assigned address.

iii. The size of the subject property;

Response: The subject property is slightly over 10 acres but a Final Survey Plat will contain the exact acreage figure for both parcels. Both parcels will be at least 5.0 acres each.

iv. The Comprehensive Plan designation and zoning district of the subject Property;

Response: The property is zoned RRFF-10 and is designated Rural Land in the Comprehensive Plan.

v. The type of application being submitted;

Response: Partition (Minor since no. street is required)

vi. A brief description of the proposal; and

Response: This is an application by Mikel and Heide Patterson to partition a lawfully created 10-acre parcel into two parcels of 5.0 acres each in a RRFF-10 Zone. At such time the Zone Change is approved,

the owners will request that the Clackamas County Board of Commissioners draft an Ordinance to establish an RRFF-5 zoning designation for the site. The personal reason for requesting the zone change is to allow the Pattersons son to live next door so he can first assist with running the family owned plumbing business, and eventually taking over the operation. The Pattersons own a commercial location for their plumbing business in Clackamas but can use their home base as a point of servicing customers off site, mostly as a point of disembarking for jobs without having to drive all the way into Clackamas on 82nd Avenue. The Pattersons have not, and will not operate their business in the RRFF-Zone but can park their service vehicles in their large outbuildings and disembark to locations that are to the south of the Portland Metropolitan Area.

Another motivation is for this application is to have family members nearby for health related reasons. It should be noted for the record that this is not a development application or a profit motivated land use action. Most lending institutions will not issue loans on bare land, especially if they are over 10 acres. The proposed five-acre property could be used in the capacity of a down payment for the home the son hopes to construct.

vii. Signature(s) of the applicant(s) and all owners or all contract purchasers of the subject property, or the duly authorized representative(s) thereof, authorizing the filing of the application.

Response: The current owners of the property have duly signed an Authorization for Frank Walker and Associates to file this application.

b. A completed supplemental application form, such form to be prescribed by the Planning Director, or a written statement addressing each applicable approval criterion and standard and each item on the Supplemental application form.

Response: The completed application form provided by the Planning Director containing answers to all applicable criteria is hereby included in the documentation packet preceding the narrative report.

Response: The application form is affixed to the front of this application packet.

c. Any additional information required under this Ordinance for the specific land use permit sought; and

Response: The property owners representative will provide any additional information disclosed at the Pre-Application Conference.

d. Payment of the applicable fee, pursuant to Subsection 1307.15.

Response: The property owners have disbursed funds for both the Pre-Application Conference and the Final Submission of the Zone Change Application.

2. The Planning Director, at his or her sole discretion, may waive a submittal requirement of Subsection 1307.07(C)(1)(b) or (c), if the Planning Director determines that the requirement is not material to the review of the Application.

Response: This issue was resolved at the Pre-Application Conference.

3. Each application, when received by the Planning Director, shall be date stamped with the date the application was received.

Response: The property owners representative will assure that all documents are date stamped with the date the applications are submitted.

Partition Approval Criteria:

1105.01 PURPOSE AND APPLICABILITY

Section 1105 is adopted to provide standards, criteria, and procedures under which a subdivision, partition, replat, condominium plat, or vacation of a recorded plat may be approved, except:

A. In the EFU, TBR, and AG/F Districts, land divisions that are approved pursuant to Subsections 401.09, 406.09, or 407.08, respectively, are exempt from review pursuant to Section 1105. However, all subdivisions, as well as all partitions containing any parcel of 80 acres or smaller (based on the best available records), require completion of a final plat pursuant to Subsection 1105.07; and

Response: It is understood that the property division will require a final recorded Partition Plat, especially since Oregon Survey law also requires a Survey Plat for parcels fewer than 10 acres.

B. Subdivisions for cemetery purposes pursuant to Oregon Revised Statutes Chapter Not applicable 97 are exempt from Section 1105.

Response: Not applicable

1105.02 SUBMITTAL REQUIREMENTS FOR SUBDIVISIONS, PARTITIONS, AND

REPLATS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a subdivision, partition, or replat shall include:

A. Five copies of a preliminary plat. The preliminary plat shall be drawn to a scale

of not less than one-inch equals 20 feet and not more than one inch equals 200 feet. If the preliminary plat is larger than 11 inches by 17 inches, five reduced sized, legible copies of the preliminary plat shall be submitted on eight-and-one half-inch by 14-inch or 11-inch by 17-inch paper. The following information shall be included on the preliminary plat or by separate attachment:

Response: A licensed Oregon Surveyor, hired by the property owner, will provide a preliminary plat to Clackamas County Planning and Surveying upon approval of the Partition Application and contingent upon approval of the Comprehensive Plan Amendment and Zone Change. The Exhibit herein contained is a Preliminary Plat only prepared by Frank Walker and Associates.

1. Source of domestic water and location of any existing and proposed wells;

Response: Both the existing well on Parcel 1 to be retained by the Patterson family and the location of the well shown on the Site Plan map will be identified on the Preliminary Plat. It is highly likely that the existing well on the parent parcel could be used to serve both the parent and proposed parcels due to the proximity of the well to proposed parcel 2.

2. Method of wastewater disposal and location of any existing and proposed onsite wastewater treatment systems;

Response: Proposed Parcel 2 was approved for a standard serial distribution system and will treat waste water through on-site (septic tank/drainfield) system approved by approved by Clackamas County Water Environment Services.

3. Existing and proposed utility lines and facilities;

Response: These improvements that are shown on the Site Plans will also be shown on the survey plat.

4. Calculations demonstrating that the proposed density complies with the minimum and maximum density standards of Section 1012, Lot Size and Density, or for zoning districts not subject to Section 1012, demonstrating compliance with the minimum lot size in the applicable zoning district;

Response: This information will be affixed to the Final Plat; however, the preliminary calculations support a finding that proposed parcels 1 and 2 comply with the minimum lot size of the proposed new RRF-5 Zone.

5. Locations, dimensions, and area of each lot, parcel, and tract;

Response: All of the above are affixed to the Preliminary Partition Plat.

6. The date the preliminary plat was prepared

Response: July 8, 2019

7. North Arrow:

Response: The north arrow is shown on the plat.

8. Identification of each lot or parcel by number;

Response: The westernmost parcel is the parent parcel (Parcel 1). The proposed new parcel is Parcel 2.

9. Locations and widths of all roads abutting the subject property, including road names, direction of drainage, approximate grades, and whether public or Private;

Response: Twin Cedars Lane is a public road that is within a 25-foot right-of-way.

10. Locations and widths of all proposed roads, including proposed names, approximate grades, radii of curves, and whether public or private;
Response: No new roads are proposed.

11. Location and width of legal access to the subdivision or partition, other than public or County roads, if applicable;
Response: Not applicable.

12. Contour lines at two-foot intervals if 10 percent slope or less or five-foot intervals if exceeding 10 percent slope within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information;

13. Locations of all seasonal and perennial drainage channels, including their names, if known, and direction of flow;

14. Locations and widths of all existing and proposed easements, to whom they are conveyed and for what purpose;

15. Locations and dimensions of all existing and proposed driveways and Walkways;

16. Locations and dimensions of existing structures and their setbacks from existing and proposed lot lines;

17. Locations and dimensions of all areas to be offered for public dedication and the intended use of such areas;

18. Boundaries and type of restricted areas identified in Subsection 1012.05, as Applicable;

19. Locations of all significant vegetative areas, including, but not limited to, major wooded areas, specimen trees, and bearing trees; and

20. For a proposed subdivision, a plat name approved by the County Surveyor pursuant to Oregon Revised Statutes 92.090;

B. Preliminary statements of feasibility required pursuant to Section 1006, Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control;

C. If the subject property includes land designated Open Space by the Comprehensive Plan, a vicinity map showing the location of the subject property in relation to adjacent properties, roads, bikeways, pedestrian access, utility access, and manmade or natural site features that cross the boundaries of the subject property;

D. If the subject property includes land designated Open Space by the Comprehensive Plan, an existing conditions map of the subject property showing:

1. Contour lines at two-foot intervals for slopes of 20 percent or less within an urban growth boundary; contour lines at five-foot intervals for slopes exceeding 20 percent within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information.

2. Slope analysis designating portions of the site according to the following slope ranges and identifying the total land area in each category: zero to 20 percent, greater than 20 percent to 35 percent, greater than 35 percent to 50 percent, and greater than 50 percent;

3. Drainage;

4. Potential hazards to safety, including areas identified as mass movement, flood, soil, or fire hazards pursuant to Section 1003, Hazards to Safety;

5. Marsh or wetland areas, underground springs, wildlife habitat areas, and surface features such as earth mounds and large rock outcroppings;

6. Location of wooded areas, significant clumps or groves of trees, and specimen conifers, oaks, and other large deciduous trees. Where the subject property is heavily wooded, an aerial photograph, at a scale of not more than one inch equals 400 feet, may be submitted and only those trees that will be affected by the proposed development need be sited accurately;

7. Location of any overlay zoning districts regulated by Section 700, Special Districts;

Response: None

8. Noise sources;

Response: None

9. Sun and wind exposure;

Response: The dwelling lies on the leeward side of a small ridge resulting in some reduced wind velocity for winds originating in the southwest. The property has 24 mature trees but they are located primarily to the north of the proposed dwelling compound.

10. Significant views; and

Response: The property has view in all directions but the views to the east and south are limited by thick stands of mature timber. The view to the west is obscured by higher elevation ground and the view to the north is somewhat obstructed by approximately 24 mature fir trees with some admixture of oak.

11. Existing structures, impervious surfaces, utilities, landscaping, and easements; and

Response: None.

E. For a proposed subdivision, a phasing plan and schedule, if the applicant proposes to have final plat review, pursuant to Subsection 1105.07, occur in two or more phases pursuant to Subsection 1105.03(C).

Response: This proposal is a partition, not a subdivision, therefore, no phasing is needed.

F. A master plan if required pursuant to Section 1012.

Response: None

1105.03 APPROVAL CRITERIA FOR SUBDIVISIONS, PARTITIONS, AND REPLATS

A major subdivision requires review as a Type III application pursuant to Section 1307, Procedures. A minor subdivision or a partition requires review as a Type II application pursuant to Section 1307. A replat that proposes to increase the number of lots or parcels in the recorded subdivision or partition plat requires review as a Type II application pursuant to Section 1307. Otherwise, a replat requires review as a Type I application pursuant to Section 1307. A subdivision, partition, or replat shall be subject to the following standards and criteria:

A. The proposed subdivision, partition, or replat shall comply with the applicable provisions of the section of this Ordinance that regulates the subject zoning district and Section 1000, Development Standards.

Response:

B. In an Urban Low Density Residential District, the applicant may designate the proposed subdivision, partition, or replat as a zero-lot-line development. In a zero-lot-line development, there are no minimum rear and side setbacks for single-family dwellings, manufactured homes, and structures accessory to single family dwellings and manufactured homes, except from rear and side lot lines on the perimeter of the final plat.

Response: Not Applicable.

C. As part of preliminary plat approval for a subdivision, approval of a phasing plan and schedule to allow final plat review to occur in two or more phases, each of which includes a portion of the subject property, may be granted in consideration of such factors as the size of the proposed subdivision, complexity of development issues, required improvements, and other factors deemed relevant. If a phasing plan and schedule is approved, such approval shall be subject to the Following: Not applicable.

1. The total number of lots in all recorded phases of the subdivision shall not exceed the maximum density allowed pursuant to Section 1012, Lot Size and Density, for the gross site area included in all such phases.

Response: The total number of lots allowed in the RRFF-5 Zone is 2 for a 10 acre parcel. This criterion is met.

2. If one or more open space tracts are required as a condition of subdivision approval, the first phase shall include all required open space tracts for the tire subdivision.

Response: Not applicable.

3. The initial and subsequent final plats as a
"Tract Reserved for Future Development."

4. As deemed necessary by the County or special districts, dedication of rights of-way or easements into or through future phases may be required with the initial or subsequent phases, prior to plating of the final phase.

D. A nonprofit, incorporated homeowners association, or an acceptable alternative, shall be required for ownership of, improving, operating, and maintaining common areas and facilities, including, but not limited to, open space, private roads, access drives, parking areas, and recreational uses, and for snow removal and storage in Government Camp.

Response: No homeowners association is anticipated for this simple partition

1. The homeowners association shall continue in perpetuity unless the requirement is modified pursuant to either Section 1309, Modification, or the approval of a new land use permit application provided for by this Ordinance.

Response: There is no plan to establish a homeowners association.

2. Membership in the homeowners association shall be mandatory for each lot or parcel owner.

Response: No homeowner association is anticipated for this simple partition.

3. The homeowners association shall be incorporated prior to recording of the final plat.

Response: Not applicable

4. Acceptable alternatives to a homeowners association may include, but are not limited to, ownership of common areas or facilities by the government or a nonprofit conservation organization.

Response: Since this only involves the creation of a single parcel of record, no homeowners association is needed.

E. If the subject property is in a future urban area, as defined by Chapter 4 of the Comprehensive Plan, the location of proposed easements, road dedications, structures, wells, and on-site wastewater treatment systems shall be consistent with the orderly future development of the subject property at urban densities.

Response: The subject property is not in the Urban Reserve and likely won't be for a considerable period of time.

APPENDIX 1
PRE-APPLICATION NOTES



Pre-Application Conference Request Form

The following information is required for a pre-application conference.

PLEASE PRINT

DATE RECEIVED: _____

(Check appropriate land use application type.)

☒ **Zone Change**

☐ **Partition/Subdivision**

☐ **Design Review**

☐ **Conditional Use**

☐ **Home Occupation Exception**

Contact Information: ☐ **Owner** ☐ **Architect** ☐ **Engineer** ☐ **Other**

Contact/Applicant's Name:

Frank Walker dba Frank Walker and Associates

Mailing Address: 1480 Jamestown St. S.E. **City/State/Zip:** Salem, Oregon 97302

E-Mail: frankwalkerllc@gmail.com **Phone** (503) 949-5545/364-2103

Contact Information: ☐ **Owner** ☐ **Architect** ☐ **Engineer** ☒ **Other**

Contact's/Applicant's Name:

Mikel and Heidi Patterson

Mailing Address: 15028 Mitchell Lane **City/State/Zip:** Oregon City, OR 97045

E-Mail: mp@mikepattersonplumbing.com **Phone:** +503) 849-8106

Property Information

Property Address:

15028 S. Mitchell Lane Oregon City, OR 97045

Legal Description: T 3S S, R 2E EW/Q, Section 22 Tax Lot 700

(For property legal description, contact Planning & Zoning at 503-742-4500)

Project Description:

To partition a 10-acre parcel into two five-acre parcels.

Current Zoning: FF-10

Existing Bldg. Square Footage: 1857 sq. ft.

Building Valuation: \$196,720.00

Proposed New Square Footage: 2,000 sq. ft.

Partitions/Subdivisions

☐ **Number of Lots:** 2

☐ **Measure 49:** No

Multifamily Development:

☐ **Studio** (# Units): _____ Square Feet

☐ **One Bedroom** (# Units): _____ Square Feet

☐ **Two Bedroom** (# Units): _____ Square Feet

☐ **Three Bedroom** (# Units): _____ Square Feet

Commercial/Industrial/Institutional Development:

(If a mixed use development is proposed, check all uses that apply and list corresponding square footage for each use.)

☐ General Office☐ Residential☐ Commercial☐ Industrial☐ Institutional☐ Zone ChangeNumber of employees/students/occupants: -0- ☐ Days of operation: _____

Estimated hours of daily operation: _____ am - _____ pm

Is the property under enforcement action for a violation of the ZDO? ☐ No ☐ Yes☐ **Home Occupation Exception (Section 822.06)**

List the home occupation standard(s) to be exceeded: _____

Describe proposed business: _____

☐ **Home Occupation to Host Events (Section. 806) ONLY:**☐ # of days per week: _____ ☐ # of annual events: _____ ☐ # of people per event: _____☐ Additional information (seasonal events, weather restrictions, etc): _____**SITE PLAN Requirements:**

At a minimum, the site plan should provide information on the following items (all items on a site plan must be legible and drawn to scale, no smaller than 1 inch = 50'. The plan should be on paper no smaller than 8 1/2" x 11" and no larger than 11" x 17". If warranted by the size of the development, large plan sets may be submitted.):

1. ☒ Existing and proposed lot lines, lot or parcel numbers, and acreage/square footage of lots.
2. ☒ Dimensions of all illustrated features (i.e. all structures, septic systems, driveways, roads, etc.)
3. ☒ Significant natural features (slopes greater than 20%, geologic hazards, wetlands, drainage ways, rivers, streams, and the general location of existing trees, etc.).
4. ☒ Existing easements (access, storm drainage, utility, etc.).
5. ☒ Existing and proposed (structures, outbuildings, septic, etc.) on site and on adjoining properties.
6. ☒ Existing and proposed road locations including widths, curbs, and sidewalks.
7. ☒ Existing and proposed driveway approach locations on site, existing driveway approaches on adjoining properties on the same side of the street, and existing driveway approaches across the street from the site.
8. ☒ Contiguous properties under the same ownership.
9. ☒ General predevelopment topographical information (minimum 10' contour intervals).
10. ☒ Location of utilities.
11. ☒ If redevelopment is viable in the future, a redevelopment plan should be included. **4 " NOT INCLUDED**
12. ☒ Preliminary site utility plan.

Additional Items Required for DESIGN REVIEW Pre-Application Conferences ONLY

Design Review applications for commercial, industrial, or multi-family projects must also include the following:

NOT APPLICABLE

- 13. ☐ Preliminary landscape plan.
- 14. ☒ Building elevations and/or profiles, if available.
- 15. ☐ Parking and vehicle circulation plans. (*Number, sizes, widths*)
- 16. ☐ Pedestrian improvements. (*Sidewalks, pathways*)
- 17. ☐ Location and size of garbage and recycling enclosures. (*Show circulation*)
(www.clackamas.us/transportation/recycling/enclosure.jsp)
- 18. ☐ Location and size of loading spaces.

List any specific questions you wish to have discussed at the pre-application conference:

Statewide Planning Goal 14 and applicable Administrative Rule evalua-
tive criteria.

Some Key Things to Remember:

- ✓ Staff is able to provide more explicit information at your pre-application meeting when you submit detailed information in your application.
- ✓ You are required to submit the pre-application conference report as part of your formal land use application.
- ✓ The property you are investigating may have private obligations, such as codes, covenants, and restrictions (CC&Rs) to which the County is not a party and does not consider in its review.

I understand that the comments provided by staff at the pre-application conference are preliminary, additional concerns may be raised during the land use review process. More comprehensive information may be required for a formal land use application. All parties, including the owner, are encouraged to participate.


Applicant Signature

Date

9-27-2018

FRANK D. WALKER
Applicant Name, Printed

AUTHORIZATION TO ACT AS AGENT

The undersigned party(s) hereby authorize Frank Walker doing business as Frank Walker and Associates to act as an agent with respect to the specified Land Use Permits enumerated below. Frank Walker and Associates, his assigns and employees, may deliver documents for processing in the jurisdiction of .

Type of Permit(s) PROPOSED ZONE CHANGE / PARTITION

Dated this 21st day of August 2018


Signature of Client

Heidi Patterson
Signature of Client

FIRST AMERICAN TITLE

Property Research Report

SUBJECT PROPERTY

15028 S Mitchell Ln
00891020
Clackamas

OWNER

Patterson, Mikel Patrick

DATE PREPARED

08/21/2018

PREPARED BY

cmurray@firstam.com



First American Title

Customer Service 503.219.8746
cs.oregon@firstam.com

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*First American Title*TM

Customer Service Department

Phone: 503.219.TRIO (8746)

Fax: 503.790.7872

Email: cs.oregon@firstam.com

Date: 8/21/2018

OWNERSHIP INFORMATION

Owner: Patterson, Mikel Patrick
CoOwner: Patterson, Heidi Ann
Site: 15028 S Mitchell Ln Oregon City OR 97045
Mail: 15028 S Mitchell Ln Oregon City OR 97045

Parcel #: 00891020
Ref Parcel #: 32E22 00700
TRS: 03S / 02E / 22 / SW
County: Clackamas

PROPERTY DESCRIPTION

Map Grid: 747-H2
Census Tract: 023001 Block: 1032
Neighborhood: CARUS
School Dist: 86 CANBY
Impr Type: RS0 - Single Family
Subdiv/Plat:
Land Use: AMSC - AGRICULTURAL MISC
Zoning: Clackamas Co.-FF10 - Farm/Forest 10-Acre District
Watershed: Abernethy Creek-Willamette River
Legal: Section 22 Township 3S Range 2E TAX LOT 00700|Y|180958

ASSESSMENT AND TAXATION

Market Land: \$441,298.00
Market Impr: \$196,720.00
Market Total: \$638,018.00 (2017)
% Improved: 31.00%
Assessed Total: \$419,855.00 (2017)
Levy Code: 086-024
Tax: \$6,014.05 (2017)
Millage Rate: 14.3241

PROPERTY CHARACTERISTICS

Bedrooms: 4	Building Area: 1,857 SqFt	Year Built: 1967
Baths, Total: 1.50	First Floor: 1,263 SqFt	Eff Year Built:
Baths, Full: 1	Second Floor: 0 SqFt	Lot Size Ac: 10.00 Acres
Baths, Half: 1	Basement Fin: 594 SqFt	Lot Size SF: 435,600 SqFt
Total Units: 1	Basement Unfin:	Lot Width: 0
# Stories: 1	Basement Total: 594 SqFt	Lot Depth: 0
# Fireplaces: 1	Attic Fin: 0 SqFt	Roof Material:
Cooling:	Attic Unfin: 0 SqFt	Roof Shape:
Heating: Heat Pump	Attic Total: 0 SqFt 0 SqFt	Ext Walls: 7
Building Style: 14 - Single family res, class 4	Garage: 540 SqFt	Const Type: 6.0

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
PATTERSON,MIKEL P & HEIDI A	3/23/2016	0000018967		Trust	\$417,000.00	
PATTERSON,MIKEL & HEIDI A	8/12/2014	0000040301		Trust	\$335,100.00	
PATTERSON,MIKEL P & HEIDI A	5/6/2009	0000031365		Trust	\$367,500.00	Conv/Unk
PATTERSON,MIKEL P & HEIDI A	5/6/2009	0000031366		Trust	\$103,500.00	Conv/Unk
PATTERSON,MIKEL P & HEIDI A	4/30/2007	0000036556		Trust	\$450,000.00	Conv/Unk
PATTERSON,MIKEL P	8/13/2004	0000074472		Trust	\$50,000.00	Conv/Unk
PATTERSON,MIKEL P & HEIDI A	4/7/2004	0000029135	\$345,000.00	Grant	\$345,000.00	Conv/Unk

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



First American Title™

Parcel ID: 00891020

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

10
10
2211
2005



After recording return to:
Mikel Patrick Patterson and Heidi Ann
Patterson
15028 S Mitchell Lane
Oregon City, OR 97045-9123

Until a change is requested all tax statements
shall be sent to the following address:
Mikel Patrick Patterson and Heidi Ann
Patterson
15028 S Mitchell Lane
Oregon City, OR 97045-9123

File No.: 7071-362050 (DEW)
Date: April 05, 2004

Clackamas County Official Records
Sherry Hall, County Clerk

2004-029135



\$51.00

00661196200400291350020027

04/07/2004 10:19:25 AM

D-D Cnt=1 Stn=7 AMIEE
\$10.00 \$11.00 \$10.00 \$20.00

OC

362050

FATCO NO.

STATUTORY WARRANTY DEED

Robert C. Bishop, III and Carolyn K. Bishop, as tenants by the entirety, Grantor, conveys and warrants to **Mikel Patrick Patterson and Heidi Ann Patterson, husband and wife**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

Part of the Southwest one-quarter of Section 22, Township 3 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point on the North and South centerline of said Section, which point is 30.78-1/2 chains North of the quarter section corner between Section 22 and 27, in said township and range (said beginning point being indicated by a notch on the West side of a fir tree about 30 inches in diameter); said point being the Northeast corner of a tract conveyed to Robert J. Ogden, by Deed recorded August 25, 1906 in Book 96, page 429, Deed Records, also being the Southeast corner of that tract of land conveyed to Robert J. Klink, et ux, recorded August 29, 1967 in Book 696, page 133, Deed Records; thence West along the South line of said Klink Tract, 970.00 feet, more or less, to the Northeast corner of that parcel of land conveyed to Clackamas County, recorded July 14, 1953 in Book 471, page 321, Deed Records; thence West along the North line of said County tract, 60.00 feet to the true point of beginning of the tract of land herein to be described; thence North 50.00 feet; thence East 60.00 feet; thence South 25.00 feet; thence East 191.00 feet; thence North 245.50 feet, more or less, to the North line of said Klink Tract; thence Westerly along the North line of said Klink Tract 1588.00 feet, more or less, to the Easterly line of that tract of land conveyed to Clackamas County for road purposes, by Deed recorded April 21, 1906 in Book 95, page 375, Deed Records; thence South 17°30' West along the said road line 284.46 feet, more or less, to the South line of said Klink Tract; thence Easterly along the South line of said Klink Tract, 1440.00 feet, more or less, to the true point of beginning.

File No.: **7071-362050 (DEW)**
Date: **04/05/2004**

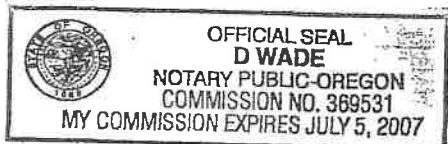
The true consideration for this conveyance is **\$345,000.00**. (Here comply with requirements of ORS 93.030)


Robert C. Bishop III

Carolyn K. Bishop
Carolyn K. Bishop,

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 10 day of May, 2009
by **Robert C. Bishop, III** and **Carolyn K. Bishop**.



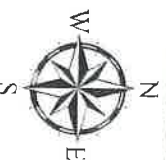
Bishop, 
D. Wade
Notary Public for Oregon
My commission expires: 07-05-2005

2

APPENDIX 1

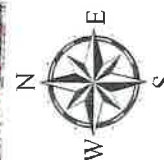
SURROUNDING STUDY AREA ANALYSIS

EXHIBIT A - STUDY AREA MAP



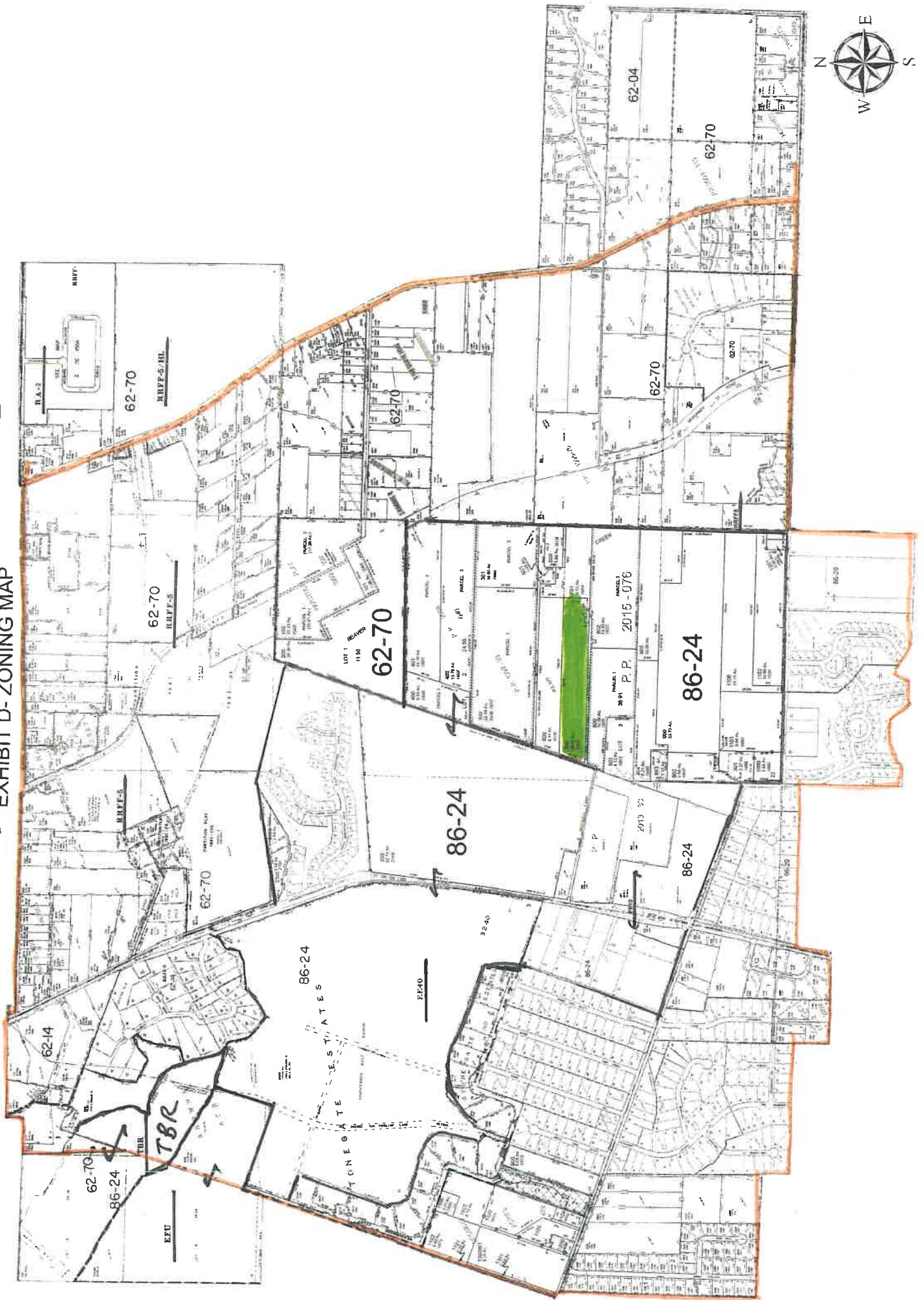
This is an aerial map of Clark County, Nevada, overlaid with a cadastral map showing property boundaries and lot numbers. A thick black line outlines a specific region, and a red rectangle highlights a small area within this region. The map includes labels for 'Clark County', 'Clark', and 'Nevada'. Numerous lot numbers and street names are visible.

EXHIBIT C - PROPERTIES WITH DWELLINGS



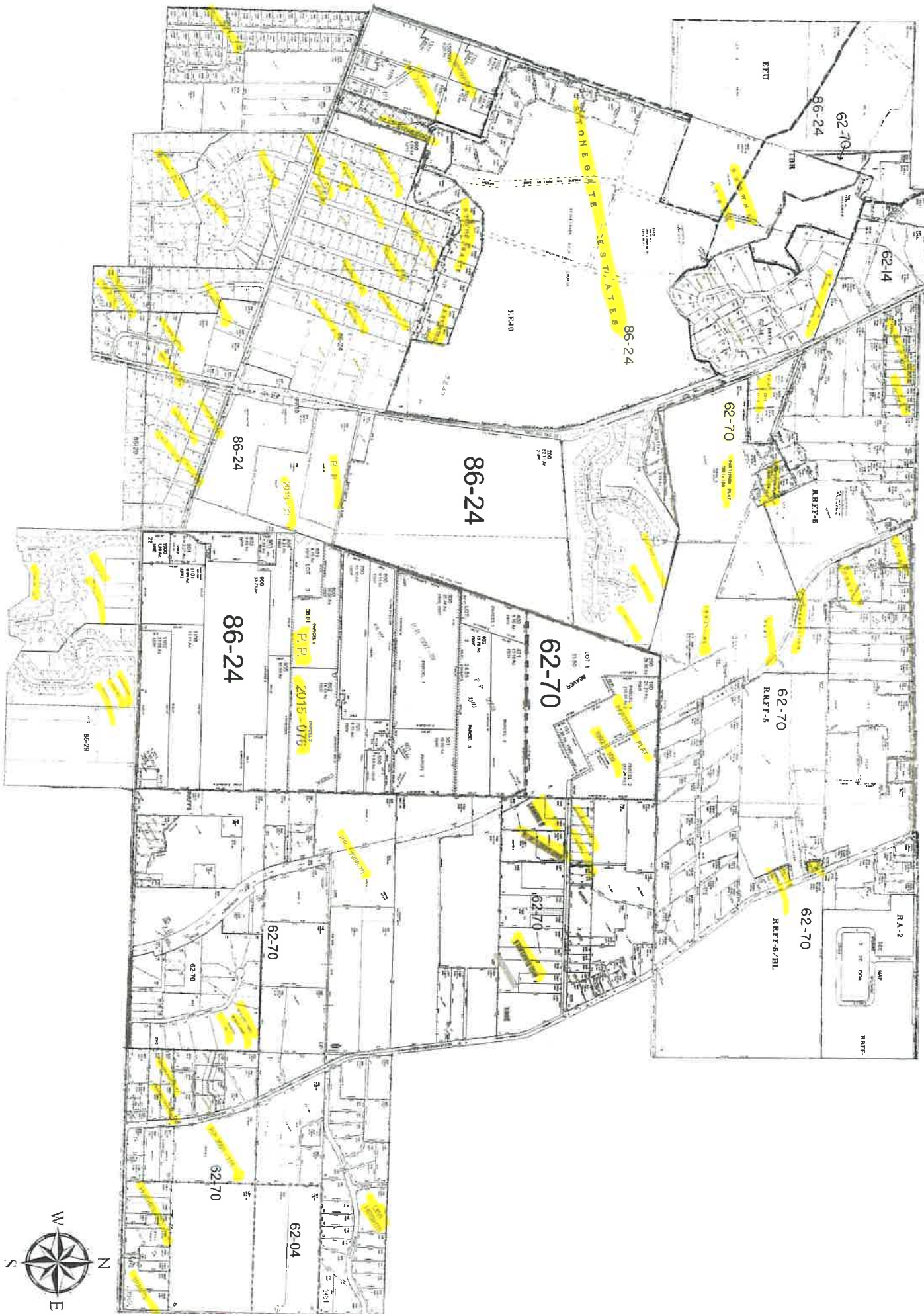
Study Area Assessors Map

EXHIBIT D- ZONING MAP



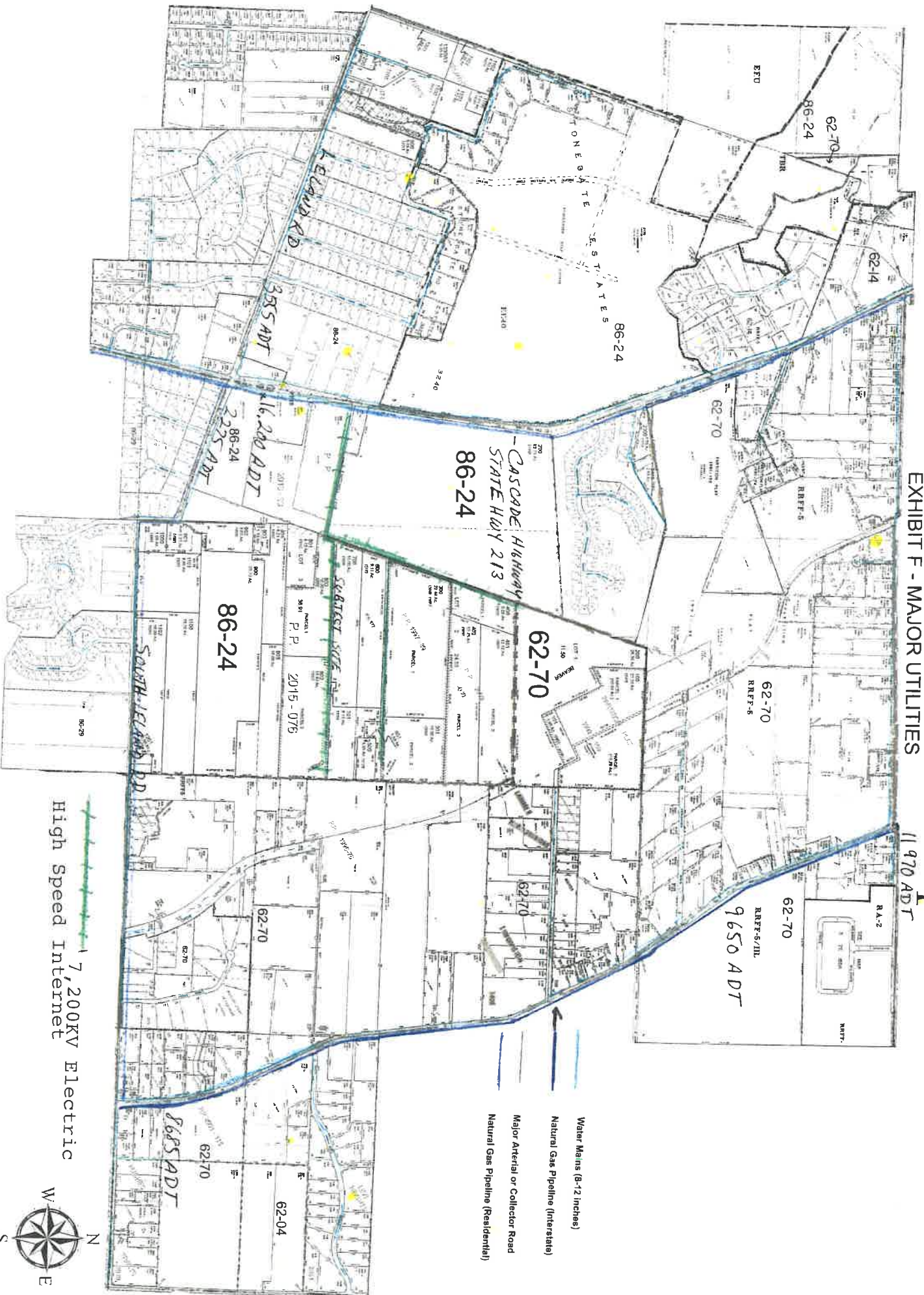
Study Area Assessors Map

EXHIBIT E - PARCELIZATION



Study Area Assessors Map

EXHIBIT F - MAJOR UTILITIES



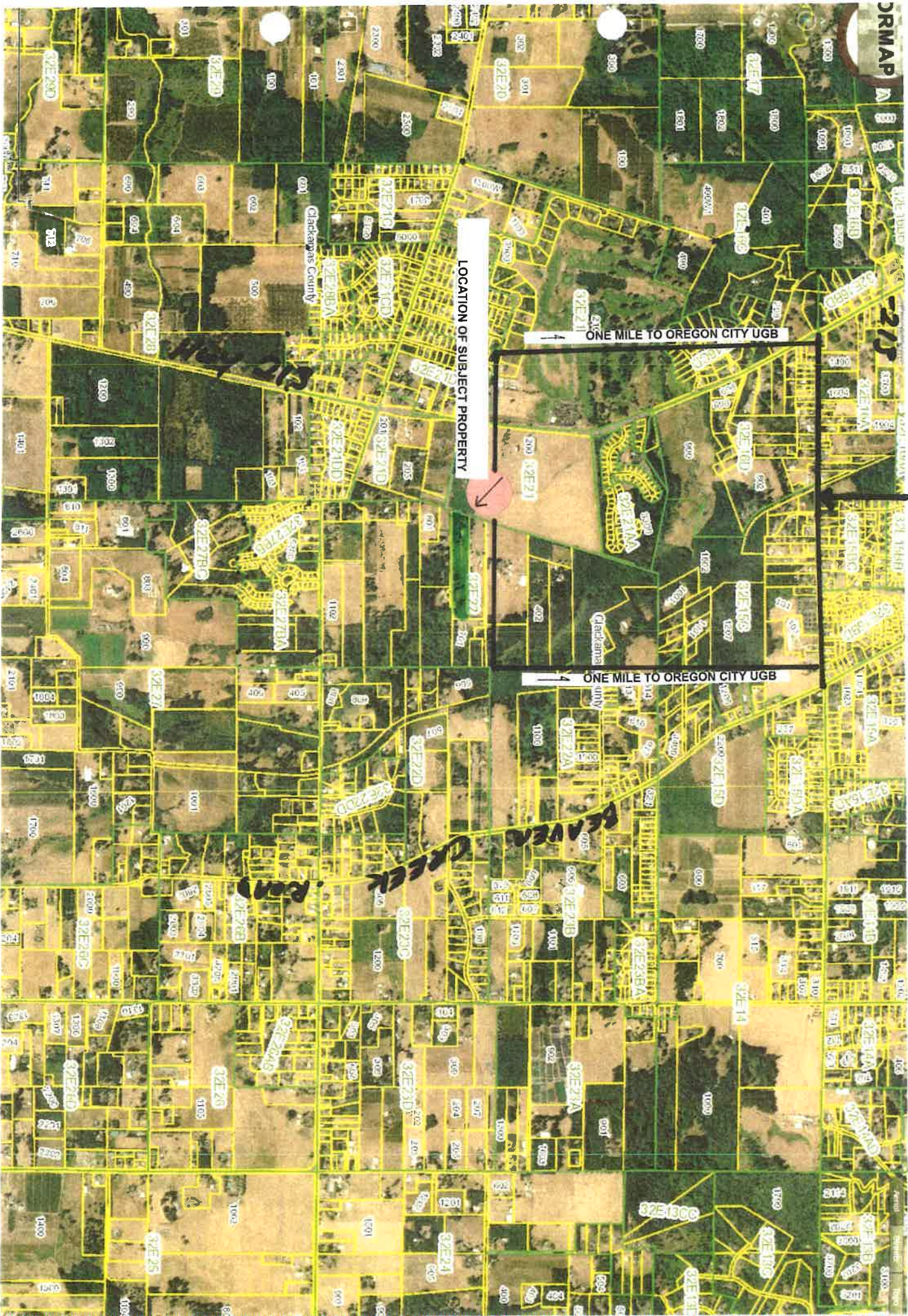
Within Study Area	Section(s)	Subdivision(s)
	32E13a	Beaver Lake Estates
	32E13b	Seal Estates
	32E13c	Beaver Lake Estates
	32E13cc	Harmons Crest
	32E13d	Beaver Lake Estates
	32E13dd	Beaver Lake Estates
	32E14	
	32E14a	Clairmonts Bluff, Kylie Estates
	32E14ad	Olympic Heights, Seal Estates
	32E14b	Solar Array
	32E15a	Golf View Acres, Saddle Hill Estates at Beaver Creek, Heather Brae Estates
	32E15ad	Old Acres
	32E15bb	Gus Meadows, Fairway Downs
	32E15bc	Henrici Terrace
	32E15bd	Three Mountains Randall, Henrici Mountain View Addn.
Yes	32E15c	Lana Estates
Yes	32E15d	
	32E15da	Wilshire Meadows
	32E16a	
	32E16aa	Pioneer Place
	32E16b	Caufield Acres
	32E16bb	Canyon Ridge, Brendon Estates, Gentry Estates, Kinslie Heights

	32E16bd	
Yes	32E16c	Browns Acres
Yes	32E16cd	Kelmsley Estates
Yes	32E16d	McElroy Acres
	32E17	
	32E17a	Sharon, Gunther Farms
	32E20	Milligan Acres
Yes	32E21	Brown Acres
Yes	32E21aa	Forest Creek Park
Yes	32E21ab	Forest Creek Park
Yes	32E21b	Stonegate Estate
Yes	32E21c	Kruger Farm
Yes	32E21ca	Brown Acres, Cascade Country, Leland Acres, Clear View
Yes	32E21cd	Young Farms
Yes	32E21d	West Beaver Creek Sub.
Yes	32E21db	Cascade Country, Brown Acres
Yes	32E21dc	Somerset
Yes	32E21dd	Colette
Yes	32E22	
Yes	32E22a	Watkins Addn., Lammer Sub.
Yes	32E22ab	Watkins Addn.
Yes	32E22d	
Yes	32E22dd	Boulder Creek Mobile Home Estates
	32E23a	
	32E23b	Bridal Acres, Nephi Heights
	32E23ba	Clairmont Meadows, Calvin Addition

Yes	32E23c	Levi Heights, Hughs Tracts, Samson Estates
	32E23d	Holly Fir Estates
	32E24	
	32E25	Evergreen Estates, Big Cedar, Nixon Meadows
	32E26	
	32E26ab	Holly Knoll
	32E26b	Kamrath Acres
	32E26c	Sand Roll, Beaver Creek Estates
	32E26d	Beaver Creek Park
	32E27	
Yes	32E27ba	Charlotte's Country Estates
Yes	32E27bb	Charlotte's Country Estates
	32E27bc	Charlotte's Country Estates
	32E28	
Yes	32E28ba	Young Farms
	32E29	
	32E29d	

APPENDIX 2

SITE SPECIFIC DATA



UGB Expansion Areas

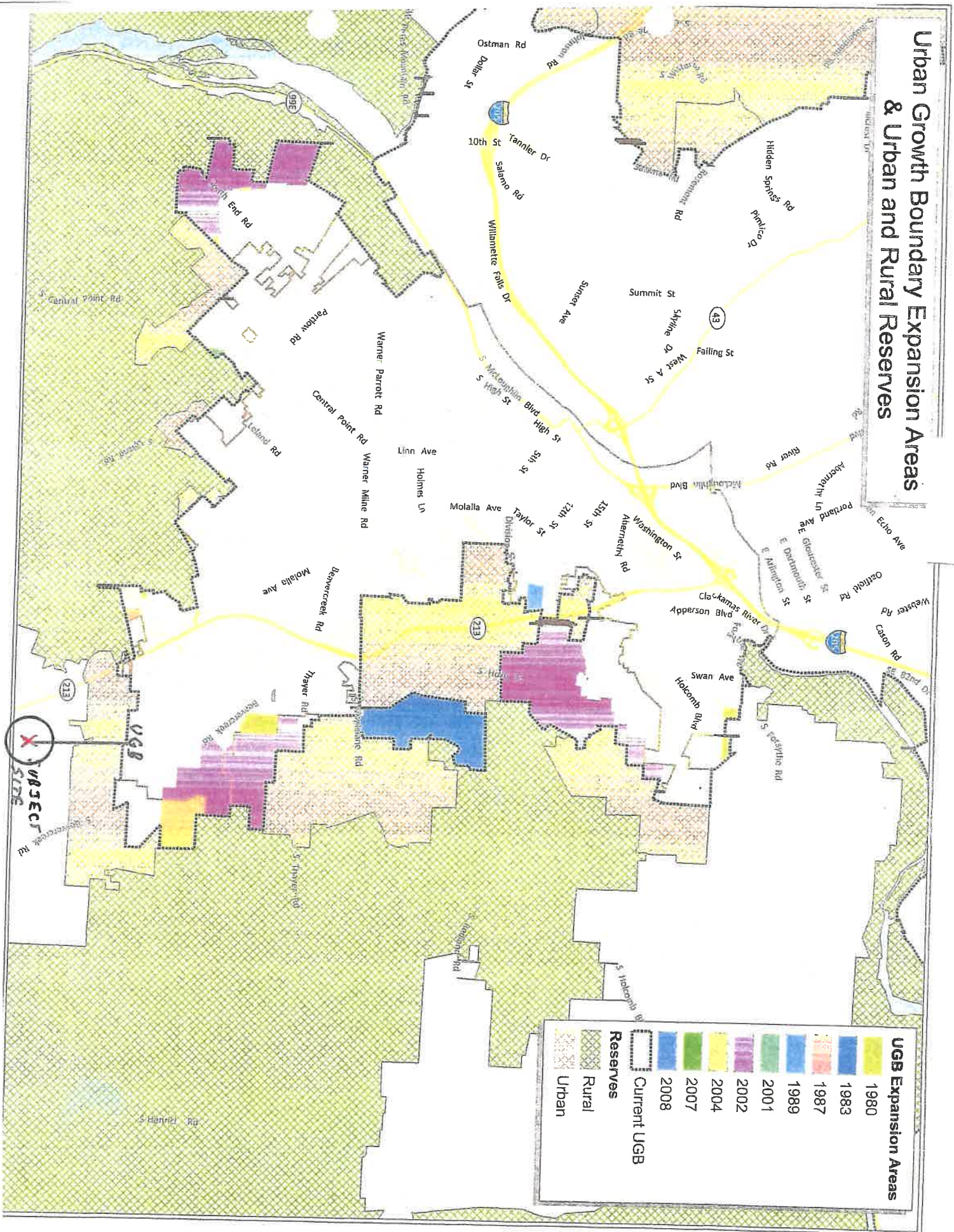
1980
1983
1987
1989
2001
2002
2004
2007
2008

Current UGB

Reserves

Rural

Urban

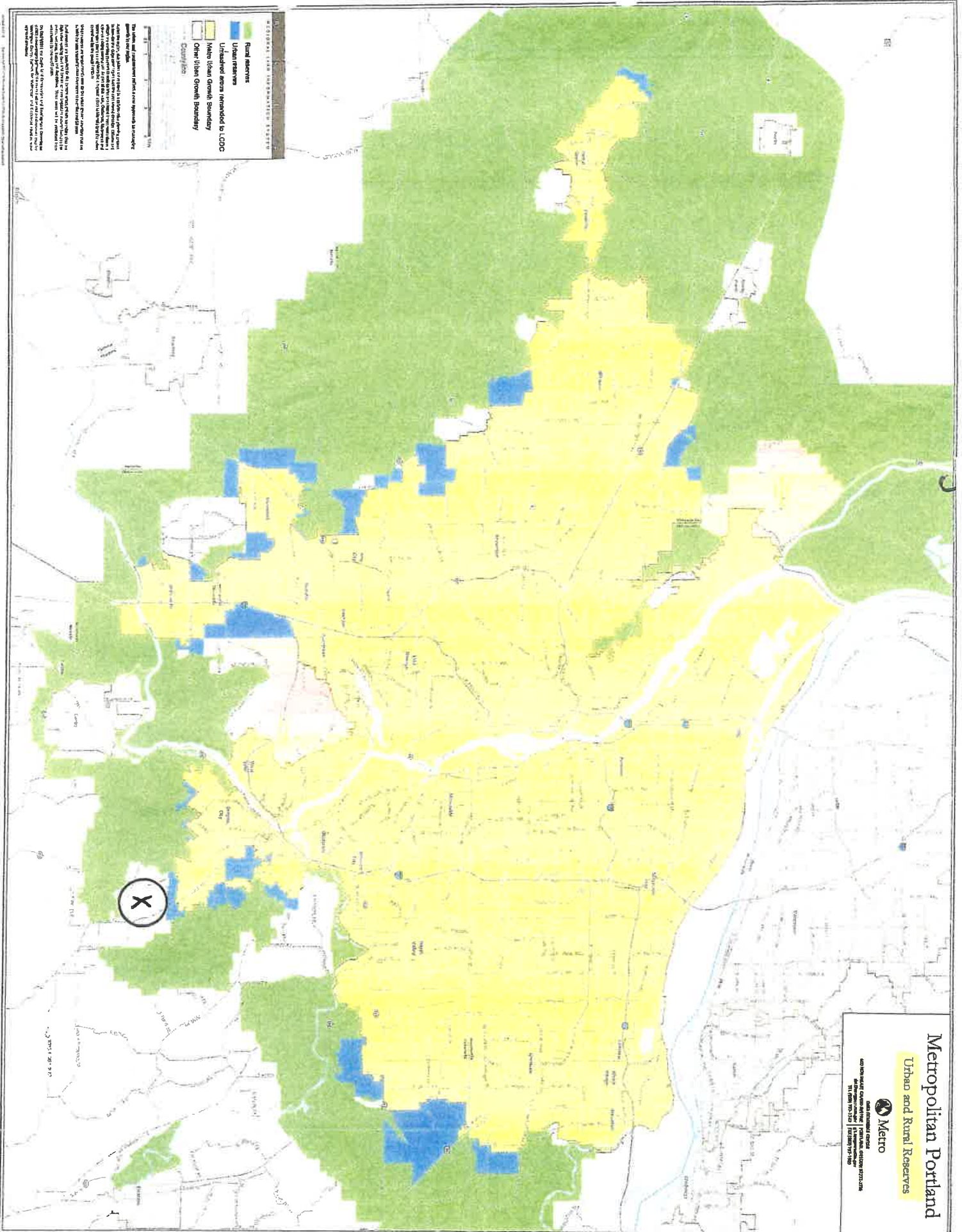


Metropolitan Portland

Urban and Rural Reserves



4200 NE WAUKELE CIRCLE, SUITE 200
PORTLAND, OREGON 97217-2000
TEL: (503) 725-1200 FAX: (503) 725-1400

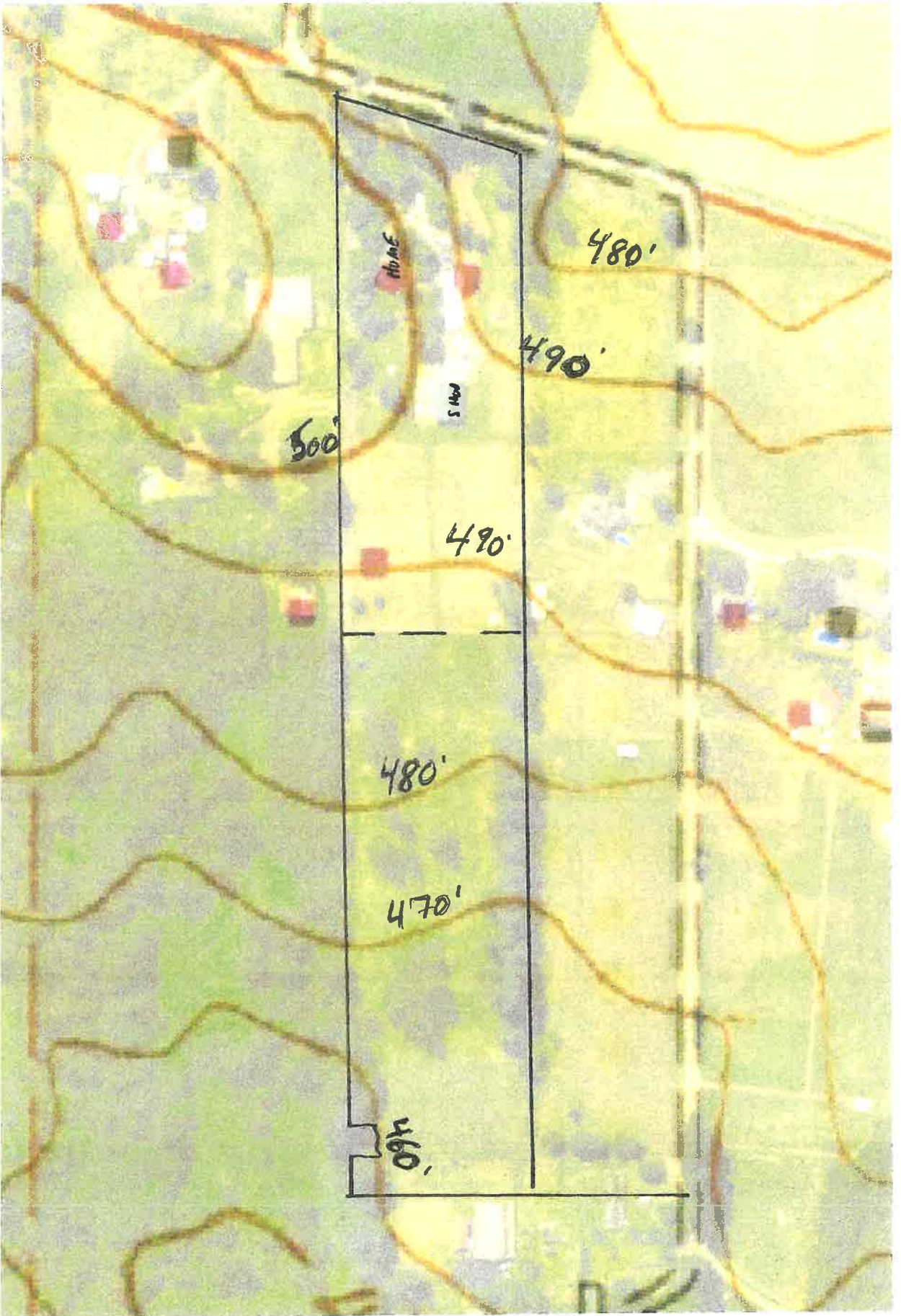


Rural Reserves
Urban Reserves
Other Urban Growth Boundary
Metropolitan Growth Boundary
Other Urban Growth Boundary
Scale
North Arrow

The Urban and Rural Reserves are designated by the Metro Council. The Urban Reserves are designated by the Metro Council. The Rural Reserves are designated by the Metro Council. The Other Urban Growth Boundary is designated by the Metro Council. The Metropolitan Growth Boundary is designated by the Metro Council. The Other Urban Growth Boundary is designated by the Metro Council.

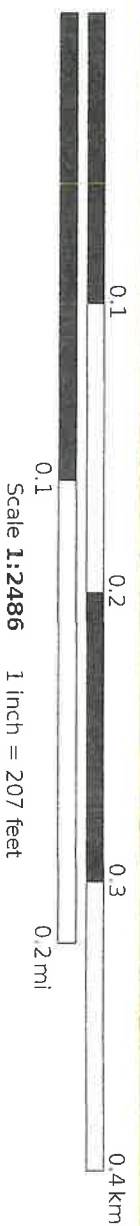
VIEW S.W. TO N.E.





Mercator Projection
WGS84
USNG Zone 10TER

CalTopo



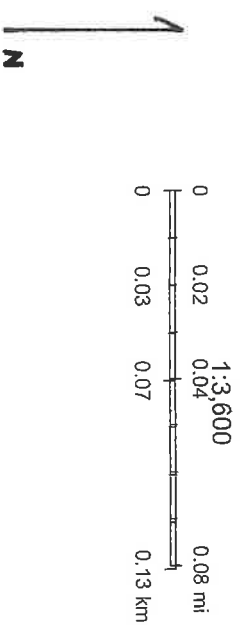
Hand-drawn floor plan of a rectangular room. The room is labeled "ROOM" and "C. 3000" at the bottom right. On the left wall, there is a door labeled "D" and "WALL" with a dashed line indicating its position. On the right wall, there is a window labeled "W" and "WALL" with a dashed line indicating its position. The drawing is on a piece of paper with a red border and yellowed corners.

Landslide Hazard

Green: Band 2

Blue: Band_3

Red: Band_1





U.S. Fish and Wildlife Service

National Wetlands Inventory

Wetlands Mapper



August 21, 2018

Wetlands

- | | | | | | |
|--|--------------------------------|--|-----------------------------------|--|----------|
| | Estuarine and Marine Deepwater | | Freshwater Emergent Wetland | | Lake |
| | Estuarine and Marine Wetland | | Freshwater Forested/Shrub Wetland | | Other |
| | | | Freshwater Pond | | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Soil Map—Clackamas County Area, Oregon



USDA
Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

MAP LEGEND

Area of Interest (AOI)	Area of Interest (AOI)	Spot Area
Soils	Soil Map Unit Polygons	Stony Spot
Soil Map Unit Lines	Soil Map Unit Points	Very Stony Spot
Special Point Features	Blowout	Wet Spot
Borrow Pit	Clay Spot	Other
Closed Depression	Gravel Pit	Special Line Features
Gravelly Spot	Landfill	Streams and Canals
Lava Flow	Marsh or swamp	Transportation
Mine or Quarry	Miscellaneous Water	Rails
Perennial Water	Rock Outcrop	Interstate Highways
Saline Spot	Sandy Spot	US Routes
Severely Eroded Spot	Sinkhole	Major Roads
Slide or Slip	Sodic Spot	Local Roads
		Background
		Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Clackamas County Area, Oregon
Survey Area Data: Version 12, Sep 19, 2017

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 19, 2015—Sep 13, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
45B	Jory silty clay loam, 2 to 8 percent slopes	10.9	96.6%
46B	Jory stony silt loam, 3 to 8 percent slopes	0.4	3.4%
Totals for Area of Interest		11.3	100.0%



APPENDIX 2
WATER ENVIRONMENT SERVICE
ON-SITE APPROVAL FOR SEWAGE DISPOSAL



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

June 20, 2019

Mikel & Heidi Patterson
15028 S Mitchell Ln.
Oregon City, OR 97045

IMPORTANT DOCUMENT – PLEASE READ CAREFULLY
This is not a septic construction permit.

Site: Township 3S Range 2E Section 22 Tax Lot 00700
15028 S Mitchell Ln. | Oregon City, OR 97045

Application Number: SE024819

Results: Approved

To whom It may concern:

Onsite Wastewater Systems program staff have completed an evaluation at the property referenced above. The site that was prepared for this evaluation was found suitable for an Onsite Wastewater treatment system. A detailed report of this investigation is enclosed. Current minimum design standards for a FOUR bedroom single family residence are also included. This office can provide updated standards (fees may apply) for alternative developments or updated minimum standards as required by rule.

If you have any questions, feel free to contact me at tfuhrman@clackamas.us

Sincerely,

Tyler Fuhrman
Soil Scientist

Enclosures:
General Site Evaluation Information
Field Sheet
Construction Detail Sheet
Minimum Setback Requirements
CC:

phone: 503-742-4740

fax: 503-742-4550

www.clackamas.us/septic

Minimum design requirements for an onsite wastewater treatment system

Work in the vicinity of the absorption area shall begin when unsaturated soils conditions are found to a depth of at least six inches below the bottom of the absorption facility

Tank:

- The septic tank will have a minimum liquid capacity of 1,000 gallons, and shall be equipped with ONE watertight riser(s) to the surface. (SEE NOTE 2)
 - a. An effluent lift pump may be required as part of this system.

Drainfield:

A standard absorption trench is one option for this site. Please reference enclosed site map and OAR 340-071-0220 for comprehensive construction details. (SEE NOTE 1)

Conditions:

- Keep traffic, such as vehicles, heavy equipment, or livestock off the drainfield and replacement area.
- No part of the system can be installed within any utilities, right of way, or access easement.
- Maximum number of bedrooms shall be FOUR.
- A replacement system layout meeting the minimum standards contained herein is required See attached field site map for approval area locations

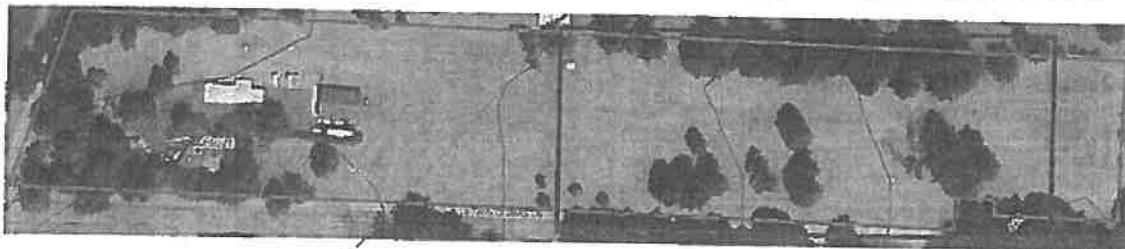
NOTE 1: SOME SYSTEMS MAY REQUIRE A DIFFERENT TANK SIZE THAN INDICATED CONSULT INSTALLERS GUIDE OR THIS OFFICE WITH QUESTIONS

NOTE 2: SOME ALTERNATIVE DRAIN MEDIA PRODUCTS ALLOW FOR DIFFERENT CONSTRUCTION STANDARDS. CONSULT INSTALLERS GUIDE OR THIS OFFICE WITH QUESTIONS

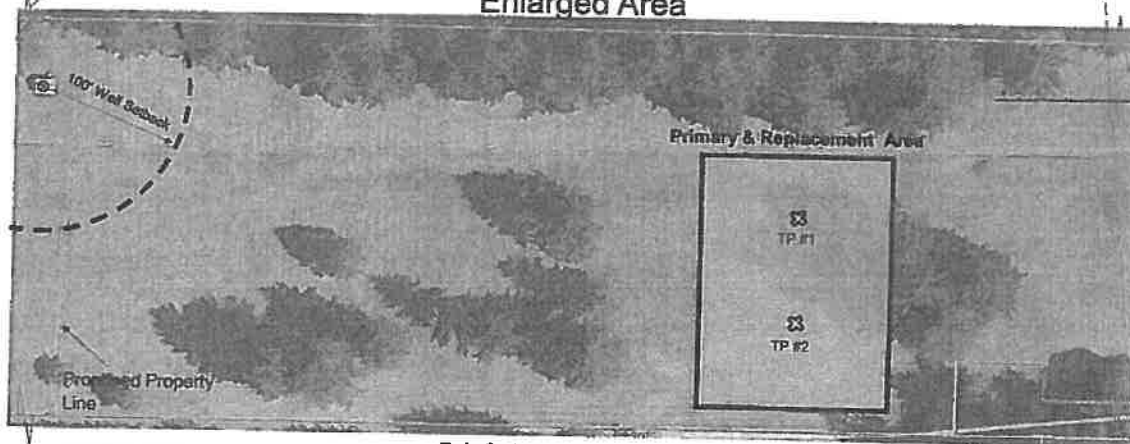
FIELD SHEET
SEPTIC AND ONSITE WASTEWATER SYSTEMS

SEO 24819

Township 3S Range 2E Section 22 Tax Lot 00700 Acreage 10
Soil Scientist T. FUHRMAN, WWS Weather CLOUDY 61° F Date 20 JUN 2019



Enlarged Area



1" 100'
MEASUREMENTS ARE APPROXIMATE

Approved for STANDARD Denied due to N/A
Proposed Facility THREE BEDROOM SFR Septic/Dosing/Holding Tank Capacity 1000 gallons
Leach lines per 150gpd 150 lineal feet Total required 450' Drain field Distribution SERIAL
Burial Depth 30 Max 24 Min Groundwater Interceptor N/A Depth Gravel Water Supply WELL
Comments:

APPENDIX 3
RESPONSE TO BOARD ORDER 2000-57

SPECIAL APPENDIX 3

ADDRESSING USE OF CLACKAMAS COUNTY BOARD ORDER 2000—57 AS AN EXCLUSIVE MEANS FOR DETERMINING USE OF RURAL LANDS OUTSIDE OF URBAN GROWTH BOUNDARIES, ESPECIALLY PREDOMINANT USE IN SPECIFIED LOCATIONS

The property owner and his representative conferred with retiring State Legislator and former Clackamas County Commissioner Bill Kennemer. Mr. Kennemer was Chair of the Clackamas County Board of Commissioners and he signed the Order. The intent of the above Order was to give some definition to a particular zoning case. The order was in the spirit of helping the party involved to gain traction with a zoning permit. Mr. Kennemer stated that it was not the intent of the Board to supersede the Ordinance in effect at that time but to apply some general guidelines.

The use of Order 57 to the degree of specificity to which it was written should have been an Ordinance if it were to apply to zoning approval criteria because it specifically referenced the Comprehensive plan. Clackamas County has no authority to create a land use order and give it the full force and effect of law because land use is regulated by the State of Oregon in statute, administrative rule and court rulings. Mr. Kennemer confirmed that there was no “draft ordinance, nor was there first, second or third readings, nor did the Oregon Department of Land Conservation and Development review the Order.

Land Use regulations are a matter of statewide concern, including this Zone Change because it is a legislative act. The Comprehensive Plan and the implementing ordinances of Clackamas County were “Acknowledged” by the State of Oregon Department of Land Conservation and Development. The Board Order from 2000 never went through any type of review by DLCD.

The Association of Oregon Counties provided information regarding home rule counties as opposed to those counties who defer to the State of Oregon.

The proponents of this case will defend against any action that elevates Board Order 2000-57 as having the full force and effect of the law, and especially the ¼ mile radius rule. Though the Order contains language from the Comprehensive Plan, it does not contain any statutory authority to enforce it. The proponents have provided evidence in the record that the proposed establishment of the dwelling is appropriate for the surrounding area based on a broad range of adopted code requirements.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of an
Interpretation Request by
Patrick Anderson

ORDER NO. 2000-57
(Page 1 of 2)

File No. Z0373-99-I

Download

This matter coming regularly before the Board of County Commissioners and it appearing that Patrick Anderson made application for an interpretation of certain language in Comprehensive Plan Rural Policy 13; and

It further appearing that Planning Staff rendered an interpretation of Rural Policy 13 in its August 10, 1999 "Notice of Determination"; and

It further appearing that the Planning Commission, on appeal from the Planning Staff decision, interpreted various aspects of Rural Policy 13 in its December 6, 1999 Final Order; and

It further appearing that Mr. Anderson appealed the Planning Commission decision to this Board, and that after appropriate notice a public hearing was held before the Board of County Commissioners in the County Courthouse Annex, 906 Main Street, Oregon City, OR 97045, on February 16, 2000, at which time a preliminary decision was made by the Board;

The Board interprets Comprehensive Plan, Chapter 4 (Land Use), Rural Policy 13 as follows:

When a comprehensive plan amendment/zone change for property designated other than Rural is proposed, the board will follow a two-step process. A determination shall first be made whether a comprehensive plan amendment, including exceptions to the Statewide Goals, is justified. If so, the Board will then proceed to apply the appropriate Rural zone. If the property does not meet the criteria for either the RA-2 or RRFF-5 zone, the FF-10 zone will be applied.

The term "generally" means a simple majority of the parcels within the area under consideration.

BEFORE THE BOARD OF COUNTY CO. MISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of an
Interpretation Request by
Patrick Anderson

ORDER NO. 2000-57
(Page 2 of 2)

File No. Z0373-99-I

For purposes of Policies 13.1(b), 13.2(b) and 13.3(b), "area" means those parcels which lie wholly or partially within $\frac{1}{4}$ miles of the border of the property proposed for rezoning, which are currently designated Rural, plus the property itself. The same area shall be considered when evaluating parcel size under Policies 13.1(a), 13.2(a) and 13.3(a).

The term "generally five acres" in Policy 13.2(a) means any parcel less than six acres. The term "generally two acres or smaller" in Policy 13.1(a) means parcels no more than 2.0 acres.

ADOPTED this 6th day of April, 2000.

BOARD OF COUNTY COMMISSIONERS


Bill Kennemer, Chair


Millicent Morrison, Recording Secretary

RURAL

Rural lands are those which are outside the Urban Growth Boundaries and are suitable for sparse settlement, small farms or acreage homesite with no or hardly any public services and which are not suitable, necessary or intended for urban, agriculture or forest use.

GOALS

- To provide a buffer between urban and agricultural or forest uses.
- To perpetuate the rural atmosphere while maintaining and improving the quality of air, water and land resources.
- To conserve open space and protect wildlife habitat.

POLICIES

- 1.0 The following areas may be designated Rural:
 - a. Areas which are presently developed, built upon or otherwise committed to sparse settlement or small farms with no or hardly any public services available.
- 2.0 Designation of additional rural lands shall be based on findings which shall include, but not be limited to:
 - a. Reasons why additional Rural land is needed or should be provided.
 - b. An evaluation of alternative areas in the County which should be designated Rural; and a statement of why the chosen alternative is more suitable.
 - c. An evaluation of the long term environmental, economic, social and energy consequences to the locality, region or state by designating this area Rural.
 - d. Reasons why designating the area Rural will be compatible with other adjacent uses.
 - e. For lands outside urban growth boundaries, require exceptions to LCDC Goals 3 and 4 for any Plan amendment or zone change to uses other than agriculture or forestry.
- 3.0 Areas impacted by major transportation corridors, adjacent to areas designated Urban or Rural and for which public services are committed or planned shall be given priority in designating additional rural areas.
- 4.0 Residential lot sizes shall be based upon:
 - a. Parcelization
 - b. Level of existing development

- c. Topography
 - d. Soil conditions
 - e. Compatibility with the types and levels of available public facilities
 - f. Proximity to existing Rural Centers or an incorporated city
 - g. Capacity and existing level of service of the road network
- 5.0 Existing large lots should be reduced to meet future rural housing needs prior to expanding the areas designated as Rural.
 - 6.0 Areas with marginal or unsuitable soils for agricultural or forest use shall be given a higher priority for conversion to rural development than areas with more suitable soils.
 - 7.0 Public facilities should be expanded or developed only when consistent with maintaining the rural character of the area.
 - 8.0 Increased water service to an areas will not be used in and of itself to justify reduced lot sizes.
 - 9.0 Sewerage systems shall be allowed only to alleviate a health hazard or water pollution problem which has been identified by the State of Oregon or Clackamas County.
 - 10.0 All sewerage systems shall be maintained by a County service district or an incorporated city.
 - 11.0 The County shall encourage grouping of dwelling units with lot sizes less than the minimum allowed by the zoning district, when such cluster development is compatible with the policies in this Plan and the overall density of the zoning district.
 - 12.0 Preexisting nonconforming structures and uses which are destroyed by fire, other casualty or natural disaster shall be allowed to reconstruct, as provided by the Zoning Ordinance.
 - 13.0 The Rural (Agricultural) two-acre (RA-2), Rural Residential Farm/Forest five-acres (RRFF-5) and the Farm Forest ten-acres (FF-10) zoning districts maintain the character of Rural areas and implement the goals and policies of this Plan for residential uses in Rural areas; these zoning districts and any other zoning district developed in the future, which implements these goals and policies, should be applied in Rural areas. These zones shall be applied as follows:
 - 13.1 A two-acre zone shall be applied when all the following criteria are met:
 - a. Parcels are generally two acres or smaller.
 - b. The area is significantly affected by development.

- c. There are no natural hazards and the topography and soil conditions are well suited for the location of homes.
- d. A public or private community water system is available
- e. Areas are in proximity or adjacent to a Rural Center or incorporated city.
- f. In areas adjacent to urban growth boundaries, 2 acre zoning shall be limited to those areas in which virtually all existing lots are already two acres or less.

* 13.2 A five-acre zone shall be applied when all the following criteria are met:

- a. Parcels are generally five acres.
- b. The area is affected by development.
- c. There are no serious natural hazards and the topography and soils are suitable for development.
- d. Areas are easily accessible to a Rural Center or incorporated city.

13.3 A ten-acre zone shall be applied when one or more of the following criteria are met:

- a. Parcels are generally ten acres.
- b. The area is developed with a mixture of uses not consistent with extensive commercial agriculture or forestry uses.
- c. Access to a Rural Center or an incorporated city is generally poor.

EXERCISE OF LEGISLATIVE POWERS UNDER COUNTY HOME RULE

SUMMARY

Both charter counties and general law counties are authorized to enact legislation (i.e., ordinances) on “matters of county concern.” County legislative powers include the police power (the power to regulate private conduct in order to preserve and promote the public order, safety, health, morals, and general welfare) and the power to raise revenue for county purposes.

Some county ordinances address purely local concerns unrelated to state law, but the bulk of county legislation supplements, amplifies, and otherwise assists in performing duties that state law imposes on counties. In some cases state statutes impose certain regulations but expressly authorize counties using their home rule powers to enact ordinances that alter or even conflict with the state requirements.

This paper illustrates the scope of county police power legislation under home rule by summarizing the ordinances of four selected counties.¹ Subjects addressed in these county ordinances include alarm systems, second hand businesses, noise, nuisances, discrimination, animals, solid waste, social gatherings, ambulance services, farm practices, abandoned and impounded vehicles, and tobacco sales and smoking. Brief references are made to the subjects of ordinances of other Oregon counties that responded to a questionnaire.

Oregon counties have only rarely used their home rule authority to raise revenue. The non-property tax ordinances of a few counties are identified in this paper.

¹ This paper has not been revised to reflect any changes in the ordinances of the four selected counties that may have been made since 2000, when the first version of the County Home Rule Papers was written. The ordinances as they stood in 2000 still provide an adequate illustration of the types of county legislation enacted by counties exercising their constitutional and/or statutory legislative powers.

mandating that the board “regularly” do a performance review of department heads and supervisors during budget committee meetings and whenever there are changes in the membership of the board of county commissioners.

Departmentalization

The Model and all nine county charters authorize the board of county commissioners to establish and reorganize county departments. Lane’s charter sets forth an initial departmental arrangement but gives the board authority to change it. Four county charters (Benton, Hood River, Umatilla and Washington) establish one or two but not all departments. The Lane and Benton charters give the sheriff and the assessor veto power over reorganization of their respective departments, subject to a countervailing vote of the people, and Umatilla does the same for its Department of Law Enforcement.

E. Legislative Authority

Board Legislative Procedures

The Model Charter provides for the board to make rules governing its procedures, requires 48 hours notice of regular meetings and eight hours for special meetings (with provision for waiver by unanimous vote), requires that board meetings be public, provides for a journal of proceedings that includes recording ayes and nays for all ordinances plus other actions at the request of any member, and a quorum consisting of a majority of the “incumbent” members. (For example, if there were two vacancies on a five-member board, the quorum would be two).

All nine charters have provisions generally similar to most of those in the Model, but there is considerable variation with respect to notice times for regular and special meetings ranging from six to 96 hours for special meetings. Josephine provides for notice “appropriate to the circumstances” and has detailed definitions and requirements for emergency meetings (as contrasted with special meetings). Eight charters (all but

Multnomah) also specify a minimum number of meetings: five counties (Benton, Clatsop, Lane, Umatilla and Washington) require two meetings a month, two (Jackson and Josephine) require one per week, and one (Hood River) requires one per month. For quorums, Benton and Umatilla require a majority of commissioners “in office” (thus similar to the Model’s “incumbent” requirement), while the other quorums require a majority of the number of positions on the board. Two counties (Multnomah and Washington) require that action taken at special meetings be ratified at regularly scheduled meetings.

Ordinances

The Model sets forth procedures for adopting ordinances, requiring that ordinances embrace a single subject, prescribing the ordaining clauses, providing that ordinances be introduced only at meetings where they are listed on the agenda, requiring two readings at least seven days apart before adoption unless by unanimous vote an emergency is declared, providing for reading by title only under certain circumstances (either no request made for reading in full or copies provided seven days before introduction and notice of availability of the proposed ordinance is posted or published), and providing for an effective date 30 days after adoption except for emergency ordinances and ordinances prescribing a different effective date.

Of the nine charters, only Jackson and Josephine have single subject requirements for ordinances.¹ All except Hood River require at least two readings (Washington requires three) but the days of separation between readings range from six to 14 days. Hood River provides that an ordinance is set for a public hearing at least one week after it is introduced and published, when it may be adopted. Most of the counties also require two readings or reading in full for substantial amendments.

¹ Note, however, that ORS 203.725 requires that charter amendments “ must “embrace but one subject and matters properly connected therewith.”

- Counties could enact local “legislation” only for expressly or clearly implied authorized functions — i.e., they could adopt orders and resolutions implementing an authorized function, but they could not enact “ordinances” unless expressly permitted or required to do so by state law.

After World War II, this situation became very cumbersome and difficult for many counties, especially those with urbanizing areas faced with problems of providing the kinds of services and regulations required to cope with urban development. Mike Gleason, then chair of the Multnomah County Board of Commissioners, testified to the Joint Legislative Interim Committee on Local Government in 1956:

Laws controlling county government in Oregon are too antiquated to respond adequately to the needs and demands of our rapidly growing populations. The necessity of waiting for the next legislative session to solve a county problem is and will become an increasingly dangerous political practice. . . . Thus county government needs a framework of laws that will give it the authority to plan and provide for future needs of its people, with sufficient flexibility so it can take care of the emergency problems. These need not necessarily parallel the authority given cities but should certainly be more than county government now possesses. This might be summed up as a judicious amount of ‘Home Rule’ for counties, providing a framework for the counties to work under to provide adequate service to their communities.

COUNTY DISCRETIONARY AUTHORITY BEFORE HOME RULE⁵

The fact that county powers were narrowly restricted by legal interpretations did not prevent the legislature from allowing counties considerable discretion in carrying out their statutorily mandated or authorized functions. In fact, from territorial days, counties enjoyed local discretion of several kinds: county officers were elected by the people of the counties, rather than appointed by the governor or the legislature, as had been the

⁵ The material in this and the next section draws heavily on Orval Etter, “County Home Rule in Oregon Reaches Majority” 61 *Oregon Law Review* 3. Etter drafted many of Oregon’s county charters, and is the draftsman of the *Model County Charter* published by the Bureau of Governmental Research and Service in 1977. He has done extensive research on both municipal and county home rule in Oregon, and his research has been cited frequently in appellate court and Attorney General opinions regarding home rule.

practice in many other states; counties enjoyed considerable local discretion regarding *how* and *to what extent* they carried out such mandated or authorized functions as roads, care of indigents, construction of public buildings and location of county seats; and they determined the amount of taxes to be levied for county government purposes.

One area in which the legislature held on to its legal authority for many decades was in fixing salaries for both elective and some appointive county offices. The salaries were fixed by state statute until almost the turn of the century, when the legislature began to let counties fix salaries for assistants to certain county offices. Authority over county officers' salaries was relinquished to the counties gradually until 1953, when the legislature finally turned all salary setting over to the county governing bodies.⁶

PRECURSORS TO COUNTY HOME RULE

County home rule did not suddenly emerge when the constitutional amendment was adopted in 1958. Several efforts were made to extend home rule to counties as early as 1906, when the municipal home rule amendments were adopted. Municipal home rule was achieved by adoption of two constitutional amendments: Article XI, section 2 which grants the voters of cities the power to enact and amend their own municipal charters, and Article IV section 1(5) which reserves to the voters "of each municipality and district" initiative and referendum powers "as to all local, special and municipal legislation of every character in or for their municipality or district."

There is historical evidence that by including the phrase, "each municipality and district" in the latter amendment, W.S. U'Ren and other sponsors of the municipal home rule amendments intended to extend home rule to counties as well as to cities. Indeed, in Schubel v. Olcott (1912), the state Supreme Court affirmed that counties were included in that phrase. In 1918, however, the Court ruled in Carriker v. Lake County that any rights reserved to county voters under the amendment were limited to legislative

⁶ Oregon Laws 1953 Chapter 306.

authority already possessed by counties — i.e., the initiative and referendum exercised by county voters could apply only to county functions already mandated or authorized for county governments. Thus, under Carriker, county voters could not, for example, enact a jackrabbit bounty by an initiative petition because the legislature had never delegated the authority to counties to provide for such bounties. That line of interpretation was generally followed by the courts thereafter, and was affirmed as recently as 1954 in the case of Kosydar v. Collins.

The first half of the 20th century saw several additional efforts to establish county home rule in one form or another, but it's important to note that neither the 1906 amendment nor most of its successor efforts proposed to vest general legislative authority in county governing bodies. Rather, the effort was to empower the voters of counties to enact county legislation through the initiative and referendum process. There were some proposals in the 1920s for constitutional amendments similar in scope to the one actually adopted in 1958, including one that used provisions and language included in the 1958 amendment.⁷ During the 1930s there were several proposals to authorize adoption of the county manager plan, a limited type of home rule. A county manager constitutional amendment was adopted in 1944, but it was repealed when the county home rule amendment was adopted in 1958.

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⁷ James Barnett, "A County Home Rule Constitutional Amendment," 8 *Oregon Law Review* 343 (1929)

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PURPOSES AND PROVISIONS OF CONSTITUTIONAL AND STATUTORY COUNTY HOME RULE IN OREGON

SUMMARY

Oregon counties may achieve “home rule” in two ways. They may adopt county charters in accordance with the 1958 county home rule constitutional amendment. Even without adopting a charter, counties enjoy broad home rule powers under a 1973 statute delegating general legislative powers to all counties.

The 1958 constitutional amendment was developed by a legislative interim committee established to study and make recommendations regarding local government problems, especially problems of providing services to urbanizing areas outside cities. The framers of the 1958 amendment had two objectives:

- to authorize counties to address local problems by adopting their own local legislation without seeking prior permission from the state legislature, and
- to enable counties to revise the organization structure imposed upon them by state law.

The 1958 constitutional amendment had the following key features:

- it mandated the legislature to provide a method for adopting, amending, revising, and repealing a county charter;
- it stated that “a county charter may provide for the exercise by the county of authority over matters of county concern”;
- it required that county charters prescribe the organization structure of the county government, except that no charter could affect judges or district attorneys;
- it stipulated that counties that adopt charters remain agents of the state and must carry out duties imposed upon counties by state laws; and
- it reserved the voters’ right of initiative and referendum as to the adoption, amendment, revision or repeal of county charters.

Enabling legislation adopted in 1959 provided for development of county charters by county charter committees appointed by county governing bodies and by members of a county’s legislative delegation. In addition to charters developed by charter committees, county charters may be developed and proposed by voters

themselves, exercising the right of initiative guaranteed by the county home rule constitutional amendment.

Statutory county home rule was established by 1973 legislation requested and supported by the Association of Oregon Counties (AOC). AOC sought to extend to all counties the local legislative powers then enjoyed only by counties that had adopted charters. The 1973 legislation granted all counties “authority over matters of county concern” in a manner quite as broad and comprehensive as the authority vested by county charters under the constitutional home rule amendment. The courts have subsequently affirmed the intended broad scope of legislative authority extended by the 1973 legislation, now codified at ORS 203.035.

Statutory home rule, however, comes with certain restrictions. General law (non-charter) counties have no protection against preemptive state legislation, whereas charter counties have a limited amount of exclusive local control even under the current narrow interpretations of the Oregon Supreme Court. General law counties have only limited power to reorganize, since the offices of county sheriff, clerk, and treasurer are made elective by the constitution, and ORS 203.035 itself exempts the office of county assessor from reorganization in general law counties. Another restriction is implicit in the form of the delegation: since it is only a statute, the legislature may further qualify or restrict it or may indeed repeal it at any legislative session.

Both constitutional and statutory county home rule operate within the scope of “matters of county concern.” There is no precise definition or listing of specific matters that come within the meaning of that phrase. Some guidance is available in the form of contemporaneous construction, including many statutes that were repealed in 1981 and 1983 because ORS 203.035 had made them obsolete. Additional guidance is provided by court interpretations of both city and county home rule, including the 1978 case of LaGrande/Astoria v. PERB, which narrowed previous appellate court rulings regarding the scope of home rule.

DISCUSSION

I. CONSTITUTIONAL COUNTY HOME RULE

Rationale and Intent of the Framers

Although beginning as early as 1906 there were several efforts to achieve home rule for counties in Oregon (see County Home Rule Paper #1), those efforts did not succeed until 1958, when the state's voters approved the constitutional county home rule amendment (Article VI, section 10, Constitution of Oregon).

The Legislative Interim Committee on Local Government had developed the 1958 proposal. Five legislators and four lay members, including a city commissioner and a county judge, served on the Interim Committee. SJR 31 of the 1955 legislative session directed the Committee to:

ascertain, study and analyze all facts relating to governmental relations between cities, counties and districts as these relationships have been affected and made more difficult and complex by reason of the great growth in population of Oregon and particularly the growth in population and development in the unincorporated urban areas of the counties.

The Committee conducted and sponsored extensive research on the state's urbanization problems, including detailed studies of local government organization and operations in eight areas of the state and special studies of county government and statelocal relations conducted by Willamette University's Institute of State Affairs. It conducted 14 public hearings around the state, during which 200 individuals, including 35 county officials, made presentations.

Based on its studies and information presented at the hearings, the Committee found that one problem was the "failure or inability of counties to take initiative in the solution of urban problems." Although by 1956 counties had sought and obtained legislative authority for planning and zoning, local improvement districts for streets and

sidewalks, and construction and operation of sewage disposal systems, they lacked the power to enact local legislation to deal with either urban or rural problems. Asking the legislature for enabling legislation to deal with each problem as it arose was a cumbersome, uncertain, and inefficient way to respond to changing county government needs.

The Committee therefore concluded that there was a need to provide “a means whereby counties can achieve freedom from their present subordination to the state legislature.”¹ The Committee saw the need for both local legislative authority and the ability to reorganize for more efficient county operations:

Urban counties should not be made to rely on specific statutory authority for each act, but should be permitted to exercise legislative power locally. Equally important is the power to provide locally for the form of county organization. Counties which attempt to play a larger role in urban affairs will be handicapped if they are not permitted to modify the cumbersome organization structure currently imbedded in the Oregon constitution and statutes.²

In asking the Legislative Counsel to prepare a draft of a county home rule amendment, the Interim Committee transmitted a copy of the “Plan for County Home Rule” it had used as a basis for its county home rule discussion. In view of questions that arose later over the meaning and effect of the county home rule amendment, it is significant that the Committee’s “Plan” stated that “county home rule would permit county action without specific state authorization *in matters of local concern* and also would provide a means of changing the form of county organization so that central direction and coordination could be achieved.” (emphasis added). The italicized phrase, “matters of local concern,” reflected the Committee’s understanding (as supported by previous state Supreme Court holdings regarding city home rule) that local legislation would prevail over conflicting state law to the extent that it addressed purely local concerns. When the Legislative Counsel returned the requested draft amendment to the

¹ Oregon Legislative Committee on Local Government, *Findings and Recommendations*, p. 131

² ibid.

Committee, his transmittal letter affirmed that the draft's reference to "matters of county concern" "would make county legislation supreme over state legislation in areas of county concern if the county has adopted a charter."

Legislative and Voter Approval of the County Home Rule Amendment

The Committee's county home rule proposal took the form of HJR 22 in the 1957 legislative session. In hearings before the House Local Government Committee, a Farm Bureau representative expressed the fear that county home rule might result in making rural areas pay part of the cost of urban services for the unincorporated urbanizing areas. Accordingly, the bill was amended to add a sentence to the proposed constitutional amendment: "Local improvements or bonds therefore authorized under a county charter shall be financed only by taxes, assessments or charges imposed on benefited property."

The bill then passed the House by a vote of 47 to 13, and the Senate passed the bill with no further amendments by a vote of 21 to 9. Opponents tried to get the Senate to reconsider, but the motion to reconsider failed by a vote of 15 to 15.

The legislative action was followed by a low-key campaign for voter approval. The League of Women Voters provided some support for the measure, but there was little or no organized opposition. The 1958 Voters' Pamphlet explanation stated, "A county charter could not supersede any provision of the constitution or general state law *as to matters of state concern* . . . However, the voters of any county could settle questions of county organization, functions, powers and procedures which are of concern only within a county by adopting, amending or repealing a local charter, instead of by seeking state legislation." This expressed the intent of the amendment to distinguish between matters of state concern and matters of county concern, and to give charter counties some degree of exclusive authority over the latter.

In November 1958, the proposed amendment was approved by a statewide vote of 311,516 yes to 157,023 no.

Shortly afterwards, the Multnomah County District Attorney produced an opinion regarding the sentence added to the amendment by the House Committee. His view was that almost any kind of public improvement could be a “local improvement” and that the sentence therefore would preclude the county from using general county taxation to finance most kinds of public improvements. A subsequent Attorney General opinion partially confirmed the Multnomah County opinion. Accordingly, SJR 48 was introduced at the 1959 session, further amending the sentence to read as it does today: “Local improvements shall be financed only by taxes, assessments or charges imposed on benefited property, *unless otherwise provided by law or charter.*” The italicized language in effect clarifies that a charter county’s governing body may make its own determination whether a given improvement is or is not “local” and therefore may choose to finance it by either special assessments or general revenues, or both. The amendment was approved by the legislature and subsequently by a vote of the people, 399,210 yes to 222,736 no.

Provisions of the County Home Rule Amendment

The county home rule amendment as approved in 1958 and amended in 1960 contained eight sentences:

- Section 9a, Article VI of the Constitution of the State of Oregon is repealed; and the Constitution of the State of Oregon is amended by creating a new section to be added to and made a part of Article VI of the Constitution and to read as follows:

This sentence repealed the constitutional provision that allowed counties to adopt the county manager form of government. Under that provision, added to the constitution in 1944, no county had adopted the county manager form, although Clackamas and Lane Counties had both voted twice on county manager proposals. Under county home rule, a county could still adopt the county manager form, but it had many other options as well, so there was no longer any need for Section 9a, Article VI.

- The Legislative Assembly shall provide by law a method whereby the legal voters of any county, by majority vote of such voters voting thereon at any legally called election, may adopt, amend, revise or repeal a county charter.

The mandate to the legislature to provide “a method” for charter adoption was carried out at the 1959 legislative session (see discussion of the enabling legislation below).

- A county charter may provide for the exercise by the county of authority over matters of county concern.

This is the shortest but arguably the most important sentence in the county home rule amendment. The Legislative Counsel, in explaining this provision at the 1959 Association of Oregon Counties convention, commented that “This sentence defines the boundaries of authority exercisable by the county through its charter,” but he warned that “‘Matters of county concern’ is a broad phrase without clearly defined limitations and subject to many interpretations.” As indicated above, both the report of the 1955-56 Legislative Interim Committee on Local Government and the 1958 Voters’ Pamphlet expressed the view that the county home rule amendment was intended to carve out and insulate from legislative interference a sphere of exclusive authority regarding “matters of county concern.”

- Local improvements shall be financed only by taxes, assessments or charges imposed on benefited property, unless otherwise provided by law or charter

This sentence was discussed in the preceding section.

- A county charter shall prescribe the organization of the county government and shall provide directly, or by its authority, for the number, election or appointment, qualifications, tenure, compensation, powers and duties of such officers as the county deems necessary.

This sentence placed the whole question of the form of county government within the scope of “matters of county concern.” Although it is mandatory for a charter to

“prescribe the organization of the county government,” no particular form is prescribed, and the requirement of this section may be satisfied by merely adopting the same form of organization provided for general law counties. Nevertheless, eight of the nine county charters adopted since 1958 have in fact made some changes in the form prescribed by state statutes.

- Such officers shall among them exercise all the powers and perform all the duties, as distributed by the county charter or by its authority, now or hereafter, by the Constitution or laws of this state, granted to or imposed upon any county officer.

This sentence makes it clear that even if a county adopts a charter, it is still in legal purview an agent of the state government, and it must perform all functions and duties mandated by state law. The allocation of such functions and duties among county officers is, however, a matter for local determination. What if the state legislature mandates that counties perform a function or duty that falls within the scope of “matters of county concern?” That question is discussed in County Home Rule Paper No. 6.

- Except as expressly provided by general law, a county charter shall not affect the selection, tenure, compensation, powers or duties prescribed by law for judges in their judicial capacity, for justices of the peace or for district attorneys.

This sentence provides that unless otherwise provided by statute, a county charter may not include provisions affecting judges or district attorneys. In 1961, however, the legislature in fact “expressly provided” for a county charter to transfer the judicial duties of the county judge to the circuit courts. That provision is now codified as ORS 3.130.

- The initiative and referendum powers reserved to the people by this Constitution hereby are further reserved to the legal voters of every county relative to the adoption, amendment, revision or repeal of a county charter and to legislation passed by counties which have adopted such a charter.

This sentence guarantees the right of initiative and referendum as to county charters and as to legislation enacted by charter counties. The sentence may not have been necessary, in view of the 1906 reservation of initiative and referendum powers to

“municipalities and districts,” a phrase the courts have determined includes counties (see County Home Rule Paper No. 1). The expansion of county legislative powers under the county home rule amendment effected a corresponding expansion of the voters’ right of initiative and referendum, since the courts had previously held that the initiative and referendum could apply only to matters upon which counties had authority to legislate.

The eighth sentence was amended in 1978 to stipulate that voters must have at least 90 days after adoption of county legislation to submit a referendum petition. Most of the county charters had provided for effective dates on nonemergency ordinances of only 30 days.³ The 1978 amendment also stipulated the percentage requirements for initiative petitions (eight percent for charter amendments, six percent for ordinances) and for referendum petitions (four percent), with all percentages based on the number of votes within the county for the office of governor at the last election a governor was elected for a full four year term. The 1978 amendment was silent as to the signature requirement for an initiative or referendum petition for a measure to repeal or revise a county charter.

Provisions of the Enabling Legislation

The enabling legislation adopted in 1959 deals mainly with the procedures for initial adoption of a county charter, leaving to charter counties a choice between following procedures in general state statutes (ORS 250.155 to 250.235) for amending, revising, or repealing a charter or providing their own local procedures for such purposes. One section of the enabling legislation that deals only with charter amendments requires such amendments to consist of only a single subject.

The enabling legislation (ORS 203.710 to 203.810) as amended from time to time since 1959 contains the following provisions:

³ Most county charters still provide for effective dates 30 days after adoption of county ordinances. This apparently means that an ordinance might conceivably go into effect and then be suspended if a referendum petition is filed before the 90th day.

- A county charter committee may be established either by a county governing body resolution or by a citizens' petition signed by four percent of the number of votes cast within the county for governor at the most recent election for a full four-year term.
- The county governing body appoints four members of the charter committee, the county's state legislative delegation appoints another four, and those eight appoint a ninth member. Members of the appointing bodies may not serve on the committee, nor may anyone engaged in business with the county "which is inconsistent with the conscientious performance" of his or her committee duties.
- The charter committee serves until the election at which a charter is submitted to the voters, or two years from the date the governing body's resolution or the citizens' petition was filed. The county must provide the committee with free office space and make available for committee expenses at least one cent per capita or \$500, whichever is greater. The committee is authorized to "conduct interviews and make investigations" and it may submit a charter to the voters after it has held at least one public hearing on its proposed draft charter.
- The enabling legislation provides that a charter (or any amendment, revision, or repeal) may be submitted at a biennial primary or general election. However, a 1977 Court of Appeals decision (Brummel v. Clark, 31 Or App 405) held that a county charter amendment could be submitted at a special election if the county's charter and ordinances so provided.

As an alternative to preparing and submitting a county charter using a charter committee under the enabling legislation, a county charter may be prepared and submitted directly to the voters by exercise of the initiative. The eighth sentence of the county home rule amendment (quoted above) reserves the right of initiative with respect to county charter adoption, and the method for submitting an initiated charter has been provided by ORS 250.155 to 250.235. The same ORS sections apply to charter amendments unless a charter county has provided a different procedure under its charter authority.

II. STATUTORY COUNTY HOME RULE

The 1973 Legislation

By 1972, five Oregon counties had adopted charters and many more had voted on and rejected proposed charters. In counties where charter proposals had proven controversial, the controversy mostly revolved around proposed changes in the county's organization structure. There seemed to be general support for expanding the scope of the county's legislative authority, as had been done by charters adopted in the five counties. Accordingly, the Association of Oregon Counties sponsored legislation in the 1973 session to provide a general delegation of legislative powers to all counties, whether or not they had adopted charters.

The AOC contracted with Eugene attorney Orval Etter to draft the proposed legislation. Etter had drafted several of the county charters, the central feature of which was the "general grant of powers." Unlike older city charters in Oregon and other states which enumerated specific powers to be exercised (e.g., power to regulate businesses, power to levy taxes, etc.), the newer city charters and all five county charters had brief sections under which the voters in broad and general terms granted their local governments all the powers that the legislature *could* grant them consistently with the Oregon and U.S. constitutions.

Etter took the same approach in drafting the AOC's proposed legislation. As drafted, as adopted in 1973, and as they currently read in ORS 203.035, the two key subsections of the AOC legislation provided:

- (1) The governing body or the electors of a county may by ordinance exercise authority within the county over matters of county concern, to the fullest extent allowed by the Constitutions and laws of the United States and of this state, as fully as if each particular power comprised in that general authority were specifically listed.

- (2) The power granted by this section is in addition to other grants of power to counties, shall not be construed to limit or qualify any such grant and shall be liberally construed, to the end that counties have all powers over matters of county concern that it is possible for them to have under the Constitutions and law of the United States and of this state.

The 1973 legislation included provisions setting forth a procedure for adopting county ordinances, stipulating that county ordinances do not apply inside incorporated cities, establishing signature requirements for county initiative and referendum measures, requiring a referendum vote on any county ordinance imposing or providing an exemption from taxation, providing for judicial review of county ordinances, and establishing penalties for violation of county ordinances. Most of those provisions remain in the statutes today, now codified at ORS 203.030 to 203.065.

In 1975, the Court of Appeals affirmed that ORS 203.035 had indeed conveyed broad legislative authority to general law counties. Citing the phrase “matters of county concern” that appears in both the county home rule amendment and in ORS 203.035, the Court concluded, “in the absence of state preemption or a limiting charter provision, home rule and general law counties have the same legislative authority.”⁴

Legislative Intent and Subsequent Amendments

Testifying on the 1973 legislation (HB 3009), Jerry Orrick, then AOC Executive Director, told the legislative committees that “the ability to reorganize the county, e.g., combine offices, eliminate office heads, change the number of the members of the governing body, is not addressed in this bill.”⁵ It was the AOC’s intent to vest counties with the power to legislate locally on “matters of county concern,” but not to allow

⁴ *Allison v. Washington County*, 24 Or App 571 at 581.

⁵ Senate Committee on Local Government and Urban Affairs, minutes, May 10, 1973.

general law counties to convert elective offices to appointive offices or otherwise change the form of county government.

Nevertheless, in view of the broad language of the legislative delegation, a few general law counties concluded that it might be possible to make some kinds of organization changes, since such changes would logically be “matters of county concern.” In 1977, state senator Richard Groener asked the Attorney General for an opinion as to whether the voters of Clackamas County could by initiative increase the membership of the Board of County Commissioners from three to five. The Attorney General, in a letter opinion dated April 18, 1977, concluded “that they probably have such power,” basing his conclusion on the 1973 legislation, ORS 203.035.

The AOC response was to seek clarification by additional legislation. In 1981 the legislature enacted Chapter 140, which expressly prohibited county ordinances under ORS 203.035 that “change the number or mode of selection of elective county officers that are prescribed by statute.”

However, the 1985 legislature adopted legislation repealing 1981’s Chapter 140 prohibition and substituting the present ORS 203.035(3). This section states that a county ordinance “that changes the number or mode of selection of elective county officers” must be submitted for a referendum vote of the people at a biennial primary or general election. The 1985 legislation as introduced was amended during the session to provide that no such ordinance could change the mode of selection of a county assessor.

To summarize the effect of statutory county home rule, ORS 203.035 delegates in the most comprehensive terms local legislative authority over “matters of county concern.” The delegation has some restrictions, however. County ordinances enacted under the delegation that make changes in the form of county organization or that impose taxes or exemptions from taxation must be submitted for a referendum vote of the people. Also, such ordinances may have no effect inside incorporated cities without the consent of the city governing body or city voters.

Three other major qualifications to the legislative delegation must be noted:

- General law counties enjoy no insulation against preemptive state legislation, whereas charter counties have some limited insulation even under the narrow interpretation of home rule embraced by the Oregon Supreme Court in 1978 (see County Home Rule Paper No. 6).
- ORS 203.035 provides only limited power to change the form of county government organization prescribed by the state constitution and statutes. The statute itself expressly exempts the county assessor, and the state constitution requires that the county sheriff, clerk and treasurer be elective offices. The only changes in offices made elective by the state constitution and statutes that could come within the scope of ORS 203.035, therefore, are the size and manner of selecting the county governing body and the question of whether to elect or appoint the county surveyor.

However, some types of reorganization could probably be achieved without affecting the offices made elective by the constitution and statutes. For example, general law counties can establish additional elective or appointive offices, such as a county administrator or performance auditor. It would probably be possible, also, to establish a type of "elected executive" form of government by centralizing the administrative authority of the board of county commissioners in the hands of one commissioner (as has been done by the Multnomah County charter).

- The third major qualification is implicit: the entire delegation of power under ORS 203.035 exists at the sufferance of the state legislature. At any legislative session, the legislature can further qualify, limit, or even repeal the entire delegation of legislative authority.



"MATTERS OF COUNTY CONCERN"

A major question confronting counties operating under either constitutional or statutory home rule is what, exactly, is meant by "matters of county concern." As indicated in the above discussion, the framers of the county home rule amendment meant

to establish that matters of “county” concern are in some sense different from matters of “state” concern, and to provide charter counties some degree of insulation against state interference with respect to matters of county concern.

Orval Etter, in transmitting his draft of the 1973 statutory home rule legislation to AOC, commented:

Someone is bound to ask, ‘Just what are matters of county concern?’ To this question neither I nor anyone else can give a definitive answer. ‘Matters of county concern’ is a broad, flexible concept that appears in the county-home-rule amendment to the state constitution. The list of matters of county concern may be one list in 1970, a somewhat different list in 1980, and a still somewhat different list in 1990. We can get some idea of what the list includes at any given time by noting what particular state laws provide with reference to counties, what functions counties are generally engaging in or being called on to engage in, and what are matters of municipal concern under municipal home rule.

One indication of matters considered to be of “county concern” is legislation passed in 1981 and 1983 repealing several state statutes considered to be superfluous since enactment of ORS 203.035. In 1981, 18 bills were introduced at the request of the County Law Subcommittee of the Interim Committee on Intergovernmental Affairs. Each bill repealed or amended one or more state statutes considered to be unnecessary in view of the powers then enjoyed by all counties under ORS 203.035. Each of the 18 bills was prefaced by the following preamble:

Whereas the fifty-seventh Legislative Assembly enacted ORS 203.035 in 1973 in order to grant to the governing body of each county power to exercise legislative authority within the county over matters of county concern, to the fullest extent allowed by Constitutions and laws of the United States and of this state; and

Whereas many statutes relating to matters of county concern had previously been enacted by the Legislative Assembly; and

Whereas such statutes are unnecessary since the governing body and voters in each county can now enact ordinances which

2-3 5

treat the subject matter of the statutes in the manner deemed necessary or desirable in each county; and

Whereas repeal of statutes relating to matters of county concern, therefore, does not indicate a lack of power in the county governing bodies to act on the subject matter of such statutes nor express any judgment by the Legislative Assembly as to the policies established therein; and

Whereas the sixty-first Legislative Assembly supports the principle that matters of county concern should be left to the governing body and voters of each county to be regulated by county ordinance in the manner deemed necessary or desirable in the county; now, therefore . . .

One of the statutes repealed in 1981 was ORS 203.120, which for many decades had provided a partial enumeration of county powers, including power to erect and repair public buildings, provide accommodations for county officers, establish, vacate or alter county roads and bridges, license and fix rates for ferries, license and regulate dance halls and grocery stores, levy property taxes, provide for maintenance and employment of “paupers,” have the general care and management of county property, funds and business “where the law does not otherwise expressly provide,” compound or release debt or damages arising out of county contracts, provide and maintain fairs, public parks and other recreation facilities, refund fines or fees erroneously or illegally charged, sell or lease county materials or equipment and perform work with county forces for private parties, grant vacations and sick leave to county employees, and provide sewage disposal systems. Repeal of this section was recognition that ORS 203.035 covers all of these powers as “matters of county concern.”

The 1981 and 1983 legislative sessions amended or repealed many additional statutory sections dealing with specific matters not included in ORS 203.120. The subjects of these additional legislative actions included:

Compensation of county officers and employees (1981 Chapter 48)

Meeting times for county governing bodies (1981 Chapter 140) Bonded
debt procedures (1981 Chapter 41)

Multnomah County retirement plan, county lands, sheltered workshops, museums and monuments, ferries, and county appraiser salaries (1981 Chapter 126)

County surveyor duties and compensation (1981 Chapter 111)

County health departments (1981 Chapter 127)

County nuisance abatement (1981 Chapter 81)

Regulation of outdoor mass gatherings (1981 Chapter 82)

County hospitals and nursing homes (1981 Chapter 45)

Regulation of businesses (1981 Chapter 76)

Bounties (1981 Chapter 95)

County museums (1983 chapter 260)

Boarding of prisoners, correctional facilities, procedure for adopting housing ordinances, agricultural fairs and exhibits, and agricultural demonstrations (1983 Chapter 327)

Still another 1981 legislative action taken partly in response to the expansion of county legislative authority under ORS 203.035 was a comprehensive revision of the county road statutes (Chapter 153, Oregon Laws 1981). Section 3 of that act stipulated that with certain exceptions, “a county may supersede any provision in this chapter by enacting an ordinance pursuant to the charter of the county or under powers granted the county in ORS 203.030 to 203.065.” Section 4 provided, again with certain exceptions that “the exercise of governmental powers relating to a road within a county is a matter of county concern.”

In summary, it is not possible to produce a definitive list of specific “matters of county concern.” Whether counties operate under charters or merely under the general delegation of powers under ORS 203.035, they can only rely on such indications of contemporaneous construction as the 1981 and 1983 actions listed above, plus their own common sense judgment of whether a particular county action would have strictly local impact or whether it could affect statewide interests, or even the interests of other local

governments within the county. Those indications and judgments must in turn be guided by appellate court decisions interpreting city and county home rule, including the 1978 case of LaGrande/Astoria v. PERB, which narrowed previous judicial rulings regarding the scope of city and county home rule. County Home Rule Paper No. 6 addresses these issues in greater detail.

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Oregon Legislative Assembly, Senate Committee on Local Government and Urban Affairs, *Minutes for May 10, 1973: Testimony of Jerry Orrick, Executive Director, Association of Oregon Counties* (Salem, OR, 1973)

COUNTY HOME RULE IN OREGON

Prepared by Tollenaar and Associates

for the

Association of Oregon Counties

June, 2005

DISCUSSION

INTRODUCTION

Home rule for Oregon counties has two objectives: the ability to enact local legislation without prior statutory authorization, and the ability to reorganize county government (see County Home Rule Paper #2). This paper describes the ways and the extent to which counties exercise their authority under home rule.

The law counties for both charter counties and general constitution concern" is provided by both the Constitution section 10, of legislative authority (ORS 203.035). The scope of legislative authority

SINCE CLACKAMAS
COUNTY IS NOT
"HOME RULE" THE
ORDER BEING TREATED
AS LAW IS BASELESS

The counties are classified by their major purpose as follows: (1) power to employ persons; (2) power to enter into contracts; (3) power to raise revenue.² Both the police power and the revenue power operate directly upon individuals, while the first three powers in this five-way classification are incidental to the performance of governmental functions. The last two powers are unique to government, and they are the kinds of governmental power addressed in this paper. The police power is far more than law enforcement: it embraces the entire range of governmental actions to preserve and promote the public order, safety, health, morals, and general welfare. The revenue power includes authority to raise money for governmental purposes from taxes, charges, and fees.

² Bureau of Governmental Research and Service, *Guide to Local Government in Oregon: County Version* (Eugene, OR, University of Oregon, 1980). Sections 3C.105 et seq.

Exclusions

A great deal of county legislation addresses land use planning, zoning, and development regulation (including building regulation). County legislation in these areas is controlled to a very great extent by state law, and is not addressed in this paper. Also excluded from the paper are county ordinances dealing with the internal processes of government such as contracting, personnel, management of county property, elections, and methods of enforcing county law.

Relation to State Law

Some county ordinances address purely local concerns, but many are designed to assist the county in performing functions and duties imposed upon them by state law. These county ordinances often supplement state law by providing administrative details or in some cases amplifying provisions of state law for a particular county. Some state statutes set minimum standards for counties to enact local ordinances that meet the requirements of the state laws regarding ambulance services, solid waste management, public gatherings. Other state laws establish regulatory requirements for counties, for example, the state dog control law applies "whether by charter or ordinance." Similarly, the ORS chapter 203, which deals with the exercise of police powers, ORS 368.011 that, with specified exceptions, "no county may exercise the powers of this chapter by enacting an ordinance pursuant to the powers granted the county in ORS 203.030 to 203.035."

DOES THIS PAGE
LEAVE ANY
DOUBT. THE
ORDER WAS NOT
AN ORDINANCE.

EXERCISE OF POLICE POWERS

When the county home rule constitutional amendment was up for consideration in the 1957 legislative session, opposition centered around a fear that if counties were

THE SCOPE OF COUNTY HOME RULE

SUMMARY

Home rule has two dimensions: empowerment and immunity. In its empowerment aspect, home rule enables local governments to take action on their local affairs without first obtaining specific legislative authorization to so act. In its immunity aspect, home rule protects local governments from legislative interference on matters within their home rule jurisdiction.

Courts have readily but the "immunity" deciding cases under vacillated between two cases have taken the local enactment. Other which legislative acts counties and cities.

Using these alternatives sometimes (but not "purely" or "predominantly" immunity against con

Since the advent of county home rule in 1973, appellate courts have generally analogized county home rule to city home rule, and have applied the city precedents (conflicts and all) to county cases. They have not yet thoroughly examined any differences between county and city home rule that may arise from differences between the wording and/or historical contexts of the two home rule provisions.

The current leading case, LaGrande/Astoria v. PERB has usually been followed in county home rule cases, even though it was decided under the municipal home rule amendments. LaGrande/Astoria is generally regarded as having narrowed previous expansive interpretations of home rule so that under the current interpretation, any "substantive" state law trumps a conflicting local enactment if it was intended to do so, and unless it violates a local government's home rule right to choose its own "political form." LaGrande/Astoria was decided by a 4-3 vote of the state Supreme Court in 1978.

CLACKAMAS COUNTY
HAD TO FIRST
OBTAIN SPECIFIC
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"ORDER."

empowerment" aspect, controversial. In Oregon courts have some of these over a conflicting the extent to powers of charter

courts have municipal action are to some degree of

statutory county

DISCUSSION

INTRODUCTION

Home rule has been defined generally as “local or regional self-determination.” More specifically, home rule defines and structures the relationship between the state government and its home rule jurisdictions — in Oregon, cities, counties, and the Portland Metropolitan Service District.

Home rule has two aspects: empowerment and immunity (sometimes referred to as the “sword” and the “shield” of home rule).

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CLACK AMAS COUNTY
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COUNTY, CONTROLS
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any conflict or inconsistency with

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with each other. The ultimate forum for resolving such conflicts is in the courts.

The central question when such conflicts arise is whether, to what extent, and under what circumstances does a state law, rule, or other action prevail over a conflicting local government charter, ordinance, regulation, or policy — and vice versa. One answer to that question has been that any general¹ state law prevails over a conflicting local

¹ A “general” law is one that applies to all subject entities (all cities, all counties, etc.) or to all within a classification (cities over 50,000 population, e.g.). General laws are distinguished from “special” laws, which apply only to a specific geographic area or named entity (Polk County, e.g.).

city legislation . . .” Because the county home rule amendment is more recent, there is substantial documentation of its intent to also free counties from legislative domination in “matters of county concern” (see County Home Rule Paper No. 2, pp. 4-5).

Appellate court cases interpreting the county home rule amendment have come along more slowly than did city home rule cases during the early decades of municipal home rule. Nevertheless, at least 15 appellate court cases have interpreted the county home rule amendment since it was adopted in 1958. In general, these cases have relied extensively on analogies to the city home rule interpretations.

The 15 county home rule cases as well as several city home rule cases with implications for county home rule are briefly summarized in the appendix to these papers. Five of the more significant county cases are discussed in the following paragraphs.

* Schmidt v. Masters 7 Or App 421 (1972): This was the first county home rule case to come before an appellate court. It resulted from a challenge to a Washington County ordinance allocating waste collection permits to certain providers in specified areas of the county. The court upheld the ordinance as an exercise of the county’s charter authority over “matters of county concern” and the general grant of powers in its charter, even though there was no particular state statute authorizing the county to adopt such an ordinance when it was enacted. This case stands mainly as an affirmation of the “empowerment” aspect of county home rule. Petitioners in the appeal also alleged that state statutes preempted the county’s intent to exercise its home rule powers. The court found no state intent to preempt any alleged home rule power.

Multnomah County v. City of Portland 35 Or 279 (1983): The court found that the city’s charter’s general grant of powers to the city for a business of general public interest preempted the county’s authority to levy income taxes. Similarly, the city’s charter preempted the county’s authority to levy income taxes on tracks failed to pay for business in the city. The county’s revenue, not the city’s, was the primary source of revenue for the city.

AGAIN, CLACKAMAS COUNTY DOES NOT HAVE “HOME RULE.”

40 AG Ops 316 (7865) 3/13/80. A county whose charter contains a general grant of powers may levy a business income tax. LaGrande/Astoria v. PERB requires that state law can preempt a local enactment only where "legislative intent to do so is clear and unambiguous."

40 AG Ops 446 (7894) 4/28/80. Counties have authority under ORS 203.035 to regulate forest practices on land zoned for other than commercial forestry. (The state Forest Practices Act preempts county authority as to commercial forest land)

40 AG Ops 464 (7900) 5/14/80. A must meet state minimum qualification the state law that requires that minimum certificate of election is issued.

HOW MUCH CLEARER
CAN THIS BE MADE?

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40 AG Ops 486 (7906) This opinion petition signatures to be verified by home rule county charter or ordinance

rendum
that a

41 AG Ops 21 (7924) 7/11/80. State authority under home rule (not a "modification assume that this modification [i.e., L conflicts of state law with county ordinance 10."

latory
'We
sec.

41AG Ops 103 (7948) 9/11/80. This property tax limitation reiterates previous opinions that state legislation may apportion taxing authority among taxing jurisdictions including home rule jurisdictions.

41 AG Ops 461 (8027) 5/14/81. A charter county may not charge a fee to cities and special districts for the services of the county treasurer, citing the fifth sentence of the county home rule amendment (charter counties must perform state mandated duties). Also cites City of Banks v. Washington County (1977) reaching the same conclusion regarding tax assessment and collection but based on Oregon Constitution Article IX sec. 1 (uniformity of taxation).

42 AG Ops 403 (8125) 6/22/82. Under ORS 203.035, a general law county may adopt an ordinance providing for payment of a county clerk's attorney fees for a successful defense against charges of abuse of public office.

43 AG Ops 16 (8130) 9/1/82. Reiterates previous opinions that state law may apportion taxing authority among taxing jurisdictions under a proposed 1.5 percent property tax limitation constitutional amendment.

46 AG Ops 362 (8215) 4/20/90. This opinion finds that some but not all aspects of a charter county's firearms control ordinance are preempted by state or federal law, but those aspects not preempted are authorized under constitutional and statutory county

OREGON COUNTY GOVERNMENT PRIOR TO HOME RULE¹

- Historically, counties were administrative districts of the sovereign. In England, the colonial governors initiated governments.
- In addition to their role as a second role as units of government to the needs and preferences of the people.
- Both as agents of the state and as units of government, counties operated under the authority of the state. They were unable to act in response to local needs until they received express authority from the state legislature to so act.
- Efforts to relieve counties of these constraints were made in Oregon as early as 1906, but they were largely unsuccessful until the county home rule constitutional amendment was adopted in 1958.

CLACKAMAS HAS
NEVER RECEIVED
"EXPRESS AUTHORITY"
FROM THE STATE
LEGISLATURE TO
ENACT "STATE" LAWS
USE LAWS.

¹ In these papers, the term "home rule" generally refers to both (1) the 1958 constitutional county home rule amendment (Article VI, section 10, Constitution of Oregon) that reserved to the people the power to adopt county charters providing for the organization, procedures and powers of their county governments and (2) the 1973 legislative delegation of powers to all counties now codified at ORS 203.035. As noted later in this paper, Oregon counties enjoyed some types of local discretionary authority long before enactment of Article VI section 10 or ORS 203.035, and in that sense may be said to have always had a degree of "home rule."

DISCUSSION

Counties are often said to perform a dual role as both agents of the state government and as units of local government. This paper describes how both roles have developed, beginning with the county's role as an agent of the state.

THE BRITISH TRADITION

County government has a long history. It dates back at least as far as the Norman Conquest (1066), which consolidated the civil governance of England under the Crown. Counties (then called "shires") emerged at that time as geographic areas within which certain agents of the Crown — particularly the sheriff — looked after collection of the king's taxes and the enforcement of his military service requirements. The county also became the area within which the local magistracy carried out the administration of justice.

Most American colonies imported this same basic pattern of county government, with counties serving as agents of the colonial governors, and operated by officials (sheriffs and local magistrates) appointed by the governors. After independence, the early state constitutions continued this system, with individual county officers appointed by the governor or by the legislature administering various state laws more or less independently of each other. There was a gradual conversion from appointment to popular election of county officials, but the basic role of the county was still to serve as an agent of state government.

COUNTIES IN OREGON HISTORY

One of the first actions of Oregon's 1843 provisional government was to divide the area into four "districts" — Tuality, Yamhill, Clackamas and Champooick — the first counties. The counties were made responsible for recording deeds and other property documents, probating estates, administering the minor courts, enforcing state laws,

7

operating jails and conducting elections — all basically state functions. The county officers were the sheriff, clerk, and treasurer, and a court of three judges provided general oversight of county affairs. A few years later provision was made for a county assessor.

Under the territorial government (1849 - 1859), county government expanded to include additional functions such as the care of indigents, public health, and agricultural services. There was also some development of local functions, such as roads, regulation of certain businesses, and county fairs. By the time of statehood (1859), the dual role of counties as both agencies of the state and units of local government was well established.

THE LEGAL STATUS OF COUNTIES

In law, counties historically were agents of the state and their role as local units was given little if any recognition, especially as compared with the role of cities. As stated by an Ohio judge in 1857:

A municipal corporation proper is created mainly for the interest, advantage, and convenience of the locality and its people; a county organization is created almost exclusively with a view to the policy of the state at large, for purposes of political organization and civil administration, in matters of finance, of education, of provision for the poor, of military organization, of the means of travel and transport, and especially for the general administration of justice. With scarcely an exception, all the powers and functions of the county organization have a direct and exclusive reference to the general policy of the state and are, in fact, but a branch of the general administration of that policy.²

As a corollary of this narrow view of the county, the courts looked primarily to state statutes as the measure of what counties could or could not do, and how they are organized to perform their functions. Dillon's rule, the prevalent legal interpretation of the powers of local government, stated:

² Commissioners of Hamilton County v. Mighels, 7 Ohio St. 110, 118-119.

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COURT RULING
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This rule applies

Court stated:

EXHIBIT 3
OREGON SUPREME COURT
RULING

Counties are created for purposes of government and authorized to exercise to a limited extent a portion of the power of the state government. They have always been held to act strictly within the powers granted by the legislative acts establishing and controlling them. The statute is to them their fundamental law and their power is only co-extensive with the power thereby expressly granted, or necessarily or reasonably implied from their granted powers . . . When a power is given by statute everything necessary to make it effectual is given by implication.⁴

These narrow interpretations constrained county government during the 19th century and most of the 20th with the following consequences:

- Counties could perform only those functions expressly mandated or authorized to them by state laws. In addition to a growing number of mandated functions, over time, the

SINCE CLACKAMAS
IS NOT A "HOME
RULE" COUNTY
THEY MUST PASS
LAWS BY ORDINANCE
THAT THEN MUST
BE APPROVED BY
THE STATE.

missive statutes under which counties
ies) could carry on particular functions (e.g.,
eries, fire protection, etc.).

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ould not on their own act locally in response to

48-450 (5th edition, 1911). ⁴

SPECIAL APPENDIX 4

ANALYSIS OF "AREAS THAT DO NOT REQUIRE A NEW EXCEPTION CANNOT REASONABLY ACCOMMODATE THE USE "

JULY 8, 2019

AREAS NOT REQUIRING AN EXCEPTION FOR RURAL RESIDENTIAL USE

The entire county was examined to determine the extent and availability of using existing properly zoned sites for Rural Residential Use. Though there appears to be a large number of suitable parcels that are 5 acres or over in size, the vagueness of the language in the criteria could be punitive or permissive towards further development of that category of land size zoned RRFF-5.

The analysis included as "Special Appendix" included all RRFF-5 Zoned properties in Clackamas County that are vacant, but upon closer analysis, some parcels were actually being built upon and others were in the process of being sold through real estate advertisements in areas with other 5-acre parcels.

The property owners and consultant felt that there was some validity to look more intensely at the Oregon City Zip Code area to determine where the vacant RRFF-5 zoned parcels are located. There are approximately 25 vacant parcels but not all are for sale and hardly any of them are as easily improved as that of the subject property. On a composite basis, no other property in the Oregon City Area has better potential for driveway length, an existing proven shared well, power on the site, approved septic and on a low traffic volume status. However, only one of all those examined is as close to the Oregon City UGB. Some of the parcels do border resource land too. All in all, proposed parcel 2 can be improved on a very low composite index for public facilities and environmental impact. Some of the properties have very high impact cut and fill driveway alignments on steep hillsides, while others are on long easements to the nearest public road. The information included in the special appendix shows where these parcels in the Oregon City zip code area are located. The depth of the examination is sufficient to conclude that the Patterson property has an ease of improvement uncharacteristic of most other vacant and available parcels and it is very close to the one-mile limit of the Oregon City UGB.

All of the data gathered for the analysis is herein attached as Appendix 4



Parcel ID:	00149574	Tax Acct:	14E26 05302	✓
Site Address:	OR 97009	Acreage:	5.00 Acres	
Owner:	Stronk, Arthur A Jr Stronk, Dickilee	Lot Sq Ft:	217,800 SqFt	
Mail Addr:	17114 SE Salmon Portland OR 97233	Bldg Sq Ft:		
Real Market Value:	\$100,709.00	Year Built:		
Sale Dt:		Beds:		
Sale Price:		Baths:		
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$562.01	
Legal:	Section 26 Township 1S Range 4E TAX LOT 05302 Y 182580			
Parcel ID:	00153390	Tax Acct:	14E30 01900	✓
Site Address:	OR 97009	Acreage:	5.00 Acres	
Owner:	Crawford, Donna L Crawford, James W	Lot Sq Ft:	217,800 SqFt	
Mail Addr:	9765 SE 302nd Ln Boring OR 97009	Bldg Sq Ft:		
Real Market Value:	\$210,090.00	Year Built:		
Sale Dt:	8/23/2013	Beds:		
Sale Price:		Baths:		
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$168.52	
Legal:	Section 30 Township 1S Range 4E TAX LOT 01900 Y 182580			
Parcel ID:	00153443	Tax Acct:	14E30 01905	✓
Site Address:	9763 SE 302nd Ln Boring OR 97009	Acreage:	5.00 Acres	
Owner:	Kirkpatrick, Fred	Lot Sq Ft:	217,800 SqFt	
Mail Addr:	2306 SE 190th Ave Portland OR 97233	Bldg Sq Ft:		
Real Market Value:	\$213,564.00	Year Built:		
Sale Dt:	10/24/2014	Beds:		
Sale Price:	\$275,000.00	Baths:		
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$41.99	
Legal:	Section 30 Township 1S Range 4E TAX LOT 01905 Y 182580			
Parcel ID:	00153470	Tax Acct:	14E30 01908	✓
Site Address:	9769 SE 302nd Boring OR 97009	Acreage:	5.00 Acres	
Owner:	Reifenrath, Richard S Reifenrath, Stephanie G	Lot Sq Ft:	217,800 SqFt	
Mail Addr:	PO Box 878 Boring OR 97009	Bldg Sq Ft:		
Real Market Value:	\$213,546.00	Year Built:		
Sale Dt:	1/20/2017	Beds:		
Sale Price:	\$259,960.00	Baths:		
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$41.99	
Legal:	Section 30 Township 1S Range 4E TAX LOT 01908 Y 182580			

Parcel ID: 00159214 Tax Acct: 14E34B 01101 ✓
Site Address: 11153 SE 352nd Ave Boring OR 97009 Acreage: 5.00 Acres
Owner: Daniels, Kenneth B Lot Sq Ft: 217,800 SqFt
Mail Addr: 12556 SE 162nd Ave Happy Valley OR 97086 Bldg Sq Ft:
Real Market Value: \$104,702.00 Year Built:
Sale Dt: 5/1/1991 Beds:
Sale Price: \$44,325.00 Baths:
Zoning: Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 2018 Taxes: \$105.30
Acre Min
Legal: Section 34 Township 1S Range 4E Quarter B TAX LOT 01101|Y|182580

Parcel ID: 00395986 Tax Acct: 21E30A 02004 ✓
Site Address: OR 97062 Acreage: 5.00 Acres
Owner: Burthey, Gretchen Lot Sq Ft: 217,800 SqFt
Jean, Pierre Francois
Mail Addr: 5185 SW Prosperity Park Rd Tualatin OR 97062 Bldg Sq Ft:
Real Market Value: \$53,735.00 Year Built:
Sale Dt: 6/7/2018 Beds:
Sale Price: \$700,000.00 Baths:
Zoning: Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 2018 Taxes: \$726.66
Acre Min
Legal: Section 30 Township 2S Range 1E Quarter A TAX LOT 02004|Y|182580

Parcel ID: 00398046 Tax Acct: 21E31C 00600
Site Address: OR 97062 Acreage: 5.00 Acres
Owner: Albright, Karen L Lot Sq Ft: 217,800 SqFt
Mail Addr: 195 SW 6th Ave Canby OR 97013 Bldg Sq Ft:
Real Market Value: \$653,665.00 Year Built:
Sale Dt: 1/28/2016 Beds:
Sale Price: Baths:
Zoning: Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 2018 Taxes: \$11.41
Acre Min
Legal: 1992-130 PARTITION PLAT PARCEL 2|Y|182580

Parcel ID: 00549703 Tax Acct: 22E24AA00200 ✓
Site Address: 15145 S Hattan Rd Oregon City OR 97045 Acreage: 5.00 Acres
Owner: Porterfield, Douglas D Lot Sq Ft: 217,800 SqFt
Porterfield, Lora A
Mail Addr: 16631 SE Hwy 224 Damascus OR 97089 Bldg Sq Ft:
Real Market Value: \$285,693.00 Year Built:
Sale Dt: 10/1/1989 Beds:
Sale Price: \$26,500.00 Baths:
Zoning: Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 2018 Taxes: \$1,534.30
Acre Min
Legal: Section 24 Township 2S Range 2E Quarter AA TAX LOT 00200|Y|182580

Parcel ID: 00552743 Tax Acct: 22E25C 00701 (✓)
Site Address: OR 97045 Acreage: 5.00 Acres
Owner: Madsen, Arner A Lot Sq Ft: 217,800 SqFt
Madsen, Linda J
Mail Addr: 16728 S Bradley Rd Oregon City OR 97045 Bldg Sq Ft:
Real Market Value: \$134,560.00 Year Built: BUILT
Sale Dt: Beds:
Sale Price: Baths:
Zoning: Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 2018 Taxes: \$744.68
Acre Min
Legal: Section 25 Township 2S Range 2E Quarter C TAX LOT 00701|Y|182580

Double Road Frontage

Parcel ID:	00609283	Tax Acct:	23E05C 00700	✓
Site Address:	OR 97089	Acreage:	5.00 Acres	
Owner:	Vandenakker, Scott	Lot Sq Ft:	217,800 SqFt	
Mail Addr:	18345 SE Youngs Ln Damascus OR 97089	Bldg Sq Ft:		
Real Market Value:	\$206,620.00	Year Built:		
Sale Dt:	1/8/1993	Beds:		
Sale Price:	\$88,500.00	Baths:		
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5	2018 Taxes:	\$55.37	
	Acre Min			
Legal:	Section 05 Township 2S Range 3E Quarter C TAX LOT 00700 Y 182580			
Parcel ID:	00630758	Tax Acct:	23E19 00307	
Site Address:	OR 97045	Acreage:	5.00 Acres	
Owner:	Stucke, Dennis E	Lot Sq Ft:	217,800 SqFt	
Mail Addr:	3521 SE 8th Portland OR 97202	Bldg Sq Ft:		
Real Market Value:	\$285,693.00	Year Built:		
Sale Dt:	10/1/1984	Beds:		
Sale Price:	\$41,000.00	Baths:		
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5	2018 Taxes:	\$1,534.30	
	Acre Min			
Legal:	Section 19 Township 2S Range 3E TAX LOT 00307 Y 182580			
Parcel ID:	00634969	Tax Acct:	23E24 00601	
Site Address:	OR 97022	Acreage:	5.00 Acres	
Owner:	Harrell, Ernestine J	Lot Sq Ft:	217,800 SqFt	
Mail Addr:	19144 SE Moore Ln Eagle Creek OR 97022	Bldg Sq Ft:		
Real Market Value:	\$204,389.00	Year Built:		
Sale Dt:	9/2/2009	Beds:		
Sale Price:		Baths:		
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5	2018 Taxes:	\$58.22	
	Acre Min			
Legal:	Section 24 Township 2S Range 3E TAX LOT 00601 Y 182580			
Parcel ID:	00647651	Tax Acct:	24E05 03900	
Site Address:	13620 SE 312th Dr Boring OR 97009	Acreage:	5.00 Acres	
Owner:	Coxen, Steve	Lot Sq Ft:	217,800 SqFt	
	Coxen, Kimberley			
Mail Addr:	PO Box 215 Boring OR 97009	Bldg Sq Ft:		
Real Market Value:	\$209,811.00	Year Built:		
Sale Dt:	12/5/2017	Beds:		
Sale Price:	\$340,100.00	Baths:		
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5	2018 Taxes:	\$1,900.38	
	Acre Min			
Legal:	PARTITION PLAT 2016-110 PARCEL 1 Y 182580			
Parcel ID:	00648295	Tax Acct:	24E05DC01700	
Site Address:	OR 97009	Acreage:	5.00 Acres	
Owner:	Horne, Marvin Jr	Lot Sq Ft:	217,800 SqFt	
	Horne, Cheryl L			
Mail Addr:	21930 NE Chinook Way Fairview OR 97024	Bldg Sq Ft:		
Real Market Value:	\$209,326.00	Year Built:		
Sale Dt:	5/1/1987	Beds:		
Sale Price:		Baths:		
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5	2018 Taxes:	\$41.66	
	Acre Min			
Legal:	Section 05 Township 2S Range 4E Quarter DC TAX LOT 01700 Y 182580			

Parcel ID:	00688740	Tax Acct:	25E08 01000
Site Address:	OR 97055	Acreage:	5.00 Acres
Owner:	Shaw Living Trust	Lot Sq Ft:	217,800 SqFt
Mail Addr:	1324 3rd Ave Apt 193 Longview WA 98632	Bldg Sq Ft:	
Real Market Value:	\$165,258.00	Year Built:	
Sale Dt:	12/1/1999	Beds:	
Sale Price:	\$60,000.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$50.98
Legal:	Section 08 Township 2S Range 5E TAX LOT 01000 Y 182580		

Parcel ID:	00696633	Tax Acct:	25E25C 00100
Site Address:	21875 SE Mill Pond Ln Sandy OR 97055	Acreage:	5.00 Acres
Owner:	Freeman David M RV L-Trst	Lot Sq Ft:	217,800 SqFt
Mail Addr:	PO Box 1503 Sandy OR 97055	Bldg Sq Ft:	
Real Market Value:	\$161,772.00	Year Built:	
Sale Dt:	10/12/2000	Beds:	
Sale Price:		Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$50.98
Legal:	Partition Plat 2003-057 PARCEL 1 Y 182580		

Parcel ID:	00700655	Tax Acct:	25E31A 02300
Site Address:	23003 SE Firwood Rd Sandy OR 97055	Acreage:	5.00 Acres
Owner:	C N & J T Co	Lot Sq Ft:	217,800 SqFt
Mail Addr:	23343 SE Firwood Rd Sandy OR 97055	Bldg Sq Ft:	
Real Market Value:	\$190,739.00	Year Built:	
Sale Dt:	1/4/2012	Beds:	
Sale Price:	\$98,000.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$1,182.22
Legal:	Section 31 Township 2S Range 5E Quarter A TAX LOT 02300 Y 182580		

Parcel ID:	00701119	Tax Acct:	25E31D 00102
Site Address:	OR 97055	Acreage:	5.00 Acres
Owner:	Bridge Sharon D Trustee	Lot Sq Ft:	217,800 SqFt
Mail Addr:	PO Box 1456 Sandy OR 97055	Bldg Sq Ft:	
Real Market Value:	\$37,222.00	Year Built:	
Sale Dt:	2/20/2019	Beds:	
Sale Price:		Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$50.98
Legal:	Section 31 Township 2S Range 5E Quarter D TAX LOT 00102 Y 182580		

Parcel ID:	00708078	Tax Acct:	26E20DC02609
Site Address:	OR 97055	Acreage:	5.00 Acres
Owner:	Koga, Lincoln K	Lot Sq Ft:	217,800 SqFt
Mail Addr:	401 SE 13th Ct Gresham OR 97080	Bldg Sq Ft:	
Real Market Value:	\$165,258.00	Year Built:	
Sale Dt:	12/11/1997	Beds:	
Sale Price:	\$31,000.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$50.98
Legal:	Section 20 Township 2S Range 6E Quarter DC TAX LOT 02609 Y 182580		

Parcel ID:	05024395	Tax Acct:	24E30 01204
Site Address:	28320 SE Hwy 224 Eagle Creek OR 97022	Acreage:	5.00 Acres
Owner:	Astanin, Victor	Lot Sq Ft:	217,800 SqFt
Mail Addr:	28310 SE Hwy 224 Eagle Creek OR 97022	Bldg Sq Ft:	
Real Market Value:	\$212,798.00	Year Built:	
Sale Dt:		Beds:	
Sale Price:		Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$982.07
Legal:	Partition Plat 2012-052 Parcel 2 Y 182580		

Parcel ID:	05025994	Tax Acct:	33E16 02003
Site Address:	20858 S Ridge Pl Oregon City OR 97045	Acreage:	5.00 Acres
Owner:	Bolt, Tom	Lot Sq Ft:	217,800 SqFt
Mail Addr:	13080 SE Geneva Way Happy Valley OR 97086	Bldg Sq Ft:	
Real Market Value:	\$197,602.00	Year Built:	
Sale Dt:	3/1/2016	Beds:	
Sale Price:	\$250,000.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$237.11
Legal:	Partition Plat 2014-025 Parcel 3 Y 182580		

Parcel ID:	05030804	Tax Acct:	32E26D 02201
Site Address:	16915 S Wyatt Estates Ln Beavercreek OR 97004	Acreage:	5.00 Acres
Owner:	Crystal Ridge Development Inc	Lot Sq Ft:	217,800 SqFt
Mail Addr:	20868 S Vista Del Lago Ct Oregon City OR 97045	Bldg Sq Ft:	
Real Market Value:	\$332,262.00	Year Built:	
Sale Dt:	1/26/2017	Beds:	
Sale Price:	\$299,000.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$44.46
Legal:	Partition Plat 2016-067 Parcel 2 Y 182580		

Parcel ID:	05030805	Tax Acct:	32E26D 02202
Site Address:	16975 S Wyatt Estates Ln Beavercreek OR 97004	Acreage:	5.00 Acres
Owner:	Suppressed, Name	Lot Sq Ft:	217,800 SqFt
Mail Addr:	777 Rachel Ln Molalla OR 97038	Bldg Sq Ft:	
Real Market Value:	\$332,262.00	Year Built:	
Sale Dt:	1/27/2017	Beds:	
Sale Price:	\$290,000.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$44.46
Legal:	Partition Plat 2016-067 Parcel 3 Y 182580		

Parcel ID:	05031355	Tax Acct:	42E27BC01101
Site Address:	28394 S Dalmatian Rd Mulino OR 97042	Acreage:	5.00 Acres
Owner:	Sprague, Doug Sprague, Lori	Lot Sq Ft:	217,800 SqFt
Mail Addr:	641 NE 22nd Ave Canby OR 97013	Bldg Sq Ft:	
Real Market Value:	\$214,826.00	Year Built:	
Sale Dt:	7/24/2017	Beds:	
Sale Price:	\$165,000.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$1,404.89
Legal:	Partition Plat 2016-119 Parcel 2 Y 182580		

VACANT - ODD CONFIGURATION

Parcel ID:	05007343	Tax Acct:	25E25C 00101 ✓
Site Address:	21651 SE Mill Pond Ln Sandy OR 97055	Acreage:	5.00 Acres
Owner:	Freeman David M RV L-Trst	Lot Sq Ft:	217,800 SqFt
Mail Addr:	PO Box 1503 Sandy OR 97055	Bldg Sq Ft:	
Real Market Value:	\$161,772.00	Year Built:	
Sale Dt:		Beds:	
Sale Price:		Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$50.98
Legal:	Partition Plat 2003-057 PARCEL 2 Y 182580		

Parcel ID:	05020375	Tax Acct:	14E28 00702 ✓
Site Address:	33490 SE Bluff Rd Boring OR 97009	Acreage:	5.00 Acres
Owner:	Ron Johnston Inc	Lot Sq Ft:	217,800 SqFt
Mail Addr:	1918 SE 302nd Ave Troutdale OR 97060	Bldg Sq Ft:	
Real Market Value:	\$200,078.00	Year Built:	
Sale Dt:	9/7/2016	Beds:	
Sale Price:	\$700,000.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$109.38
Legal:	Partition Plat 2008-001 PT PARCEL 2 Y 182580		

Parcel ID:	05020632	Tax Acct:	43E25 00401 ✓
Site Address:	23320 S Hwy 211 Colton OR 97017	Acreage:	5.00 Acres
Owner:	Murphy, Sharon	Lot Sq Ft:	217,800 SqFt
Mail Addr:	1741 Willamette Falls Dr West Linn OR 97068	Bldg Sq Ft:	
Real Market Value:	\$211,283.00	Year Built:	
Sale Dt:	10/16/2014	Beds:	
Sale Price:	\$150,000.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$43.03
Legal:	Partition Plat 2008-030 PARCEL 1 Y 182580		

Parcel ID:	05020633	Tax Acct:	43E25 00402 ✓
Site Address:	23344 S Hwy 211 Colton OR 97017	Acreage:	5.00 Acres
Owner:	Murphy, Sharon	Lot Sq Ft:	217,800 SqFt
Mail Addr:	1741 Willamette Falls Dr West Linn OR 97068	Bldg Sq Ft:	
Real Market Value:	\$211,283.00	Year Built:	
Sale Dt:	10/16/2014	Beds:	
Sale Price:	\$150,000.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$43.03
Legal:	Partition Plat 2008-030 PARCEL 2 Y 182580		

Parcel ID:	05023116	Tax Acct:	21E31C 00202 ✓
Site Address:	6020 SW Meridian Way Tualatin OR 97062	Acreage:	5.00 Acres
Owner:	Mitchell, Robert D	Lot Sq Ft:	217,800 SqFt
	Mitchell, Diana L	Bldg Sq Ft:	
Mail Addr:	5875 SW Blackberry Ln Tualatin OR 97062	Year Built:	
Real Market Value:	\$652,615.00	Beds:	
Sale Dt:	8/4/2010	Baths:	
Sale Price:	\$334,000.00	2018 Taxes:	\$7,202.55
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min		
Legal:	Partition Plat 2010-034 PARCEL 3 Y 182580		



Parcel ID:	01837445	Tax Acct:	42E02 01003
Site Address:	24530 S Fritz Way Oregon City OR 97045	Acreage:	5.00 Acres
Owner:	Park, Darin	Lot Sq Ft:	217,800 SqFt
	Park, Kristi		
Mail Addr:	24526 S Fritz Way Oregon City OR 97045	Bldg Sq Ft:	
Real Market Value:	\$214,616.00	Year Built:	
Sale Dt:	4/26/1999	Beds:	
Sale Price:	\$42,750.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5	2018 Taxes:	\$38.60
	Acre Min		
Legal:	1998-93 PARTITION PLAT PARCEL 3 Y 182580		

(Blue cross) VERY STEE W THIN APPY

Parcel ID:	05001047	Tax Acct:	32E14B 01402
Site Address:	OR 97045	Acreage:	5.00 Acres
Owner:	Hansen, Tracy	Lot Sq Ft:	217,800 SqFt
	Hansen, Jayne M		
Mail Addr:	PO Box 2380 Oregon City OR 97045	Bldg Sq Ft:	
Real Market Value:	\$330,296.00	Year Built:	
Sale Dt:	4/25/2018	Beds:	
Sale Price:	\$385,000.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5	2018 Taxes:	\$1,308.22
	Acre Min		
Legal:	1999-103 PARTITION PLAT PT PARCEL 2 Y 182580		

Parcel ID:	05002301	Tax Acct:	34E23 03003
Site Address:	32321 SE Divers Rd Estacada OR 97023	Acreage:	5.00 Acres
Owner:	Winchester, Leslie	Lot Sq Ft:	217,800 SqFt
Mail Addr:	29319 SE Davis Rd Estacada OR 97023	Bldg Sq Ft:	
Real Market Value:	\$245,079.00	Year Built:	
Sale Dt:	11/10/1999	Beds:	
Sale Price:	\$128,000.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5	2018 Taxes:	\$769.08
	Acre Min		
Legal:	Partition Plat 1999-110 PARCEL 5 Y 182580		

Parcel ID:	05004465	Tax Acct:	21E31C 00301
Site Address:	OR 97062	Acreage:	5.00 Acres
Owner:	Peia, Daniela	Lot Sq Ft:	217,800 SqFt
Mail Addr:	12115 SE Flavel St Portland OR 97266	Bldg Sq Ft:	
Real Market Value:	\$434,783.00	Year Built:	
Sale Dt:	7/10/2018	Beds:	
Sale Price:	\$575,000.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5	2018 Taxes:	\$98.75
	Acre Min		
Legal:	Partition Plat 2001-084 PARCEL 2 Y 182580		

Parcel ID:	05004466	Tax Acct:	21E31C 00302
Site Address:	23380 SW 65th Ave Tualatin OR 97062	Acreage:	5.00 Acres
Owner:	Hallin, Jeffrey J	Lot Sq Ft:	217,800 SqFt
Mail Addr:	31501 SW Orchard Dr Wilsonville OR 97070	Bldg Sq Ft:	
Real Market Value:	\$434,783.00	Year Built:	
Sale Dt:	9/15/2017	Beds:	
Sale Price:	\$590,000.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5	2018 Taxes:	\$98.75
	Acre Min		
Legal:	Partition Plat 2001-084 PARCEL 3 Y 182580		

Parcel ID:	01589025	Tax Acct:	34E15B 01601 ✓
Site Address:	OR 97023	Acreage:	5.00 Acres
Owner:	Stevens, Maureen E	Lot Sq Ft:	217,800 SqFt
Mail Addr:	PO Box 195 Estacada OR 97023	Bldg Sq Ft:	
Real Market Value:	\$212,484.00	Year Built:	
Sale Dt:	12/1/1997	Beds:	
Sale Price:		Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$48.22
Legal:	1993-149 PARTITION PLAT PARCEL 2 Y 182580		

Parcel ID:	01589034	Tax Acct:	34E15B 01602 ✓
Site Address:	OR 97023	Acreage:	5.00 Acres
Owner:	Stevens, Maureen E	Lot Sq Ft:	217,800 SqFt
Mail Addr:	PO Box 195 Estacada OR 97023	Bldg Sq Ft:	
Real Market Value:	\$212,484.00	Year Built:	
Sale Dt:	12/1/1997	Beds:	
Sale Price:		Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$48.22
Legal:	1993-149 PARTITION PLAT PARCEL 3 Y 182580		

Parcel ID:	01600510	Tax Acct:	21E31C 00603 ✓
Site Address:	OR 97062	Acreage:	5.00 Acres
Owner:	Laird, Darlene	Lot Sq Ft:	217,800 SqFt
Mail Addr:	23510 SW 65th Ave Tualatin OR 97062	Bldg Sq Ft:	
Real Market Value:	\$653,665.00	Year Built:	
Sale Dt:	1/4/2016	Beds:	
Sale Price:		Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$61.50
Legal:	1994-19 PARTITION PLAT PARCEL 5 Y 182580		

Parcel ID:	01654230	Tax Acct:	26E23 00707 ✓
Site Address:	60414 Hwy 26 Sandy OR 97055	Acreage:	5.00 Acres
Owner:	Budd Donald L Trustee	Lot Sq Ft:	217,800 SqFt
Mail Addr:	PO Box 1208 Sandy OR 97055	Bldg Sq Ft:	
Real Market Value:	\$101,505.00	Year Built:	
Sale Dt:	7/1/1995	Beds:	
Sale Price:	\$75,000.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$672.20
Legal:	1995-104 PARTITION PLAT PARCEL 2 Y 182580		

Parcel ID:	01813639	Tax Acct:	22E34A 00401 ✓
Site Address:	OR 97045	Acreage:	5.00 Acres
Owner:	Bernert, Anthony	Lot Sq Ft:	217,800 SqFt
Mail Addr:	3361 Fir Ridge Rd Lake Oswego OR 97035	Bldg Sq Ft:	
Real Market Value:	\$332,815.00	Year Built:	
Sale Dt:	8/30/2016	Beds:	
Sale Price:		Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$37.60
Legal:	1998-99 PARTITION PLAT PARCEL 2 Y 182580		

Parcel ID:	00946007	Tax Acct:	34E27 03200
Site Address:	OR 97023	Acreage:	5.00 Acres
Owner:	Walper, John R	Lot Sq Ft:	217,800 SqFt
	Walper, Marilyn V		
Mail Addr:	35952 SE Tumala Mountain Rd Estacada OR 97023	Bldg Sq Ft:	
Real Market Value:	\$126,538.00	Year Built:	
Sale Dt:	7/1/1989	Beds:	
Sale Price:	\$15,000.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5	2018 Taxes:	\$631.42
	Acre Min		
Legal:	Section 27 Township 3S Range 4E TAX LOT 03200 Y 182580		

Parcel ID:	00947863	Tax Acct:	34E28C 01403
Site Address:	22886 S Cadonau Rd Estacada OR 97023	Acreage:	5.00 Acres
Owner:	Wyant, Jerald P	Lot Sq Ft:	217,800 SqFt
Mail Addr:	22836 S Cadonau Rd Estacada OR 97023	Bldg Sq Ft:	
Real Market Value:	\$111,165.00	Year Built:	
Sale Dt:	2/28/2005	Beds:	
Sale Price:	\$156,000.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5	2018 Taxes:	\$999.30
	Acre Min		
Legal:	Section 28 Township 3S Range 4E Quarter C TAX LOT 01403 Y 182580		

Parcel ID:	01447535	Tax Acct:	21E32 00708
Site Address:	OR 97068	Acreage:	5.00 Acres
Owner:	Sebastian, Randal S	Lot Sq Ft:	217,800 SqFt
Mail Addr:	16771 Boones Ferry Rd Lake Oswego OR 97035	Bldg Sq Ft:	
Real Market Value:	\$680,047.00	Year Built:	
Sale Dt:	3/10/2017	Beds:	
Sale Price:		Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5	2018 Taxes:	\$6,973.09
	Acre Min		
Legal:	PARTITION PLAT 2017-095 PARCEL 4 Y 182580		

Parcel ID:	01472542	Tax Acct:	25E18BC02603
Site Address:	OR 97055	Acreage:	5.00 Acres
Owner:	Jensen Lorinda B Trustee	Lot Sq Ft:	217,800 SqFt
Mail Addr:	PO Box 1357 Sandy OR 97055	Bldg Sq Ft:	
Real Market Value:	\$165,258.00	Year Built:	
Sale Dt:	4/21/2015	Beds:	
Sale Price:		Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5	2018 Taxes:	\$50.98
	Acre Min		
Legal:	1991-31 PARTITION PLAT PARCEL 2 Y 182580		

Parcel ID:	01586313	Tax Acct:	31E11 00801
Site Address:	19577 S Turquoise Way Oregon City OR 97045	Acreage:	5.00 Acres
Owner:	Cochell Marcella M Trustee	Lot Sq Ft:	217,800 SqFt
Mail Addr:	16535 S Henrici Rd Oregon City OR 97045	Bldg Sq Ft:	
Real Market Value:	\$332,183.00	Year Built:	
Sale Dt:	9/1/1993	Beds:	
Sale Price:	\$62,000.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5	2018 Taxes:	\$2,156.53
	Acre Min		
Legal:	1993-90 PARTITION PLAT PARCEL 2 Y 182580		

ACCESS VIA PRIVATE
GRAVEL ROAD



Parcel ID:	00918207	Tax Acct:	33E18D 01200
Site Address:	OR 97045	Acreage:	5.00 Acres
Owner:	Kurkoski, David L Kurkoski, Mary F	Lot Sq Ft:	217,800 SqFt
Mail Addr:	20656 S Sprague Rd Oregon City OR 97045	Bldg Sq Ft:	
Real Market Value:	\$199,833.00	Year Built:	
Sale Dt:		Beds:	
Sale Price:		Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$720.40
Legal:	Section 18 Township 3S Range 3E Quarter D TAX LOT 01200 Y 182580		

VACANT FLAGSTR

Parcel ID:	00927206	Tax Acct:	34E05 04902
Site Address:	26700 SE Currin Rd Estacada OR 97023	Acreage:	5.00 Acres
Owner:	Weston, Jay Bradley Weston, Helen Yun	Lot Sq Ft:	217,800 SqFt
Mail Addr:	PO Box 362 Eagle Creek OR 97022	Bldg Sq Ft:	
Real Market Value:	\$245,076.00	Year Built:	
Sale Dt:	4/6/2001	Beds:	
Sale Price:	\$115,000.00	Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$1,614.52
Legal:	Section 05 Township 3S Range 4E TAX LOT 04902 Y 182580		

Parcel ID:	00930238	Tax Acct:	34E15 03504
Site Address:	35885 SE Tracy Rd Estacada OR 97023	Acreage:	5.00 Acres
Owner:	Carter, Doyle W Carter, Luzviminda I	Lot Sq Ft:	217,800 SqFt
Mail Addr:	PO Box 1842 Estacada OR 97023	Bldg Sq Ft:	
Real Market Value:	\$212,464.00	Year Built:	
Sale Dt:	6/18/2003	Beds:	
Sale Price:		Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$48.22
Legal:	Section 15 Township 3S Range 4E TAX LOT 03504 Y 182580		

Parcel ID:	00931549	Tax Acct:	34E16 00602
Site Address:	OR 97023	Acreage:	5.00 Acres
Owner:	Harbin, Samuel W	Lot Sq Ft:	217,800 SqFt
Mail Addr:	PO Box 15 Eagle Creek OR 97022	Bldg Sq Ft:	
Real Market Value:	\$210,896.00	Year Built:	
Sale Dt:		Beds:	
Sale Price:		Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$1,040.38
Legal:	Section 16 Township 3S Range 4E TAX LOT 00602 Y 182580		

Parcel ID:	00945099	Tax Acct:	34E26 01900
Site Address:	OR 97023	Acreage:	5.00 Acres
Owner:	Deets Juanita M Trustee	Lot Sq Ft:	217,800 SqFt
Mail Addr:	38954 Proctor Blvd #215 Sandy OR 97055	Bldg Sq Ft:	
Real Market Value:	\$164,499.00	Year Built:	
Sale Dt:	6/14/2011	Beds:	
Sale Price:		Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$962.28
Legal:	Section 26 Township 3S Range 4E TAX LOT 01900 Y 182580		

Parcel ID:	00719903	Tax Acct:	27E26AA01000
Site Address:	20603 E Lolo Pass Rd Rhododendron OR 97049	Acreage:	5.00 Acres
Owner:	Berkson, Steven Charles	Lot Sq Ft:	217,800 SqFt
Mail Addr:	2455 Drysdale Ct NE Keizer OR 97303	Bldg Sq Ft:	
Real Market Value:	\$78,454.00	Year Built:	
Sale Dt:	1/1/1997	Beds:	
Sale Price:		Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$34.00
Legal:	Section 26 Township 2S Range 7E Quarter AA TAX LOT 01000 Y 182580		

Parcel ID:	00802929	Tax Acct:	31W05C 02400
Site Address:	25319 SW Ladd Hill Rd Sherwood OR 97140	Acreage:	5.00 Acres
Owner:	Egli Janet J Trustee	Lot Sq Ft:	217,800 SqFt
Mail Addr:	PO Box 673 Sherwood OR 97140	Bldg Sq Ft:	
Real Market Value:	\$435,785.00	Year Built:	
Sale Dt:	1/7/2010	Beds:	
Sale Price:		Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$2,339.92
Legal:	1992-169 PARTITION PLAT PARCEL 2 Y 182580		

Parcel ID:	00871088	Tax Acct:	32E10D 01302
Site Address:	19615 S Thimble Creek Dr Oregon City OR 97045	Acreage:	5.00 Acres
Owner:	Rosenberry, Wade D Rosenberry, Jodie A	Lot Sq Ft:	217,800 SqFt
Mail Addr:	19601 S Thimble Creek Dr Oregon City OR 97045	Bldg Sq Ft:	
Real Market Value:	\$371,870.00	Year Built:	
Sale Dt:	3/12/1993	Beds:	
Sale Price:		Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$633.44
Legal:	Section 10 Township 3S Range 2E Quarter D TAX LOT 01302 Y 182580		

NOW BUILT

Parcel ID:	00916432	Tax Acct:	33E17 01006
Site Address:	OR 97045	Acreage:	5.00 Acres
Owner:	Hazel, Larry A Hazel, Donna L	Lot Sq Ft:	217,800 SqFt
Mail Addr:	20400 S Indigo Dr Oregon City OR 97045	Bldg Sq Ft:	
Real Market Value:	\$135,675.00	Year Built:	
Sale Dt:	3/27/2013	Beds:	
Sale Price:		Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$1,243.35
Legal:	Section 17 Township 3S Range 3E TAX LOT 01006 Y 182580		

VACANT - PAVED ROAD

Parcel ID:	00918172	Tax Acct:	33E18D 00900
Site Address:	OR 97045	Acreage:	5.00 Acres
Owner:	Read, Lois	Lot Sq Ft:	217,800 SqFt
Mail Addr:	20600 S Sprague Rd Oregon City OR 97045	Bldg Sq Ft:	
Real Market Value:	\$153,907.00	Year Built:	
Sale Dt:		Beds:	
Sale Price:		Baths:	
Zoning:	Clackamas Co.-RRFF5 - Rural Residential Farm Forest 5 Acre Min	2018 Taxes:	\$49.57
Legal:	Section 18 Township 3S Range 3E Quarter D TAX LOT 00900 Y 182580		

NOW BUILT

SiteAddr	SiteCity	SiteState	SiteZIP	LegalDsc	SA_DATE_TRANSFER	SA_VAL_TRANSFER	SA_DOC_NBR_FMT	BedCt
		OR	97009	Section 25 Township 1S Range 3E Quarter D TAX LOT 01600 Y 181535	12/22/2006	\$0.00	0000117573	0
		OR	97089	Section 29 Township 1S Range 3E Quarter D TAX LOT 00600 Y 181535	03/11/2010	\$105,000.00	0000015140	0
		OR	97009	Section 26 Township 1S Range 4E TAX LOT 04305 Y 181535	03/19/2014	\$92,000.00	0000012210	0
		OR	97009	Section 26 Township 1S Range 4E TAX LOT 05302 Y 181535		\$0.00		0
		OR	97009	Section 30 Township 1S Range 4E TAX LOT 01900 Y 181535		\$0.00		0
9761 SE 302nd Ln	Boring	OR	97009	Section 30 Township 1S Range 4E TAX LOT 01903 Y 181535	03/17/2003	\$0.00	0000032579	0
9763 SE 302nd Ln	Boring	OR	97009	Section 30 Township 1S Range 4E TAX LOT 01905 Y 181535	10/24/2014	\$275,000.00	0000055011	0
9769 SE 302nd	Boring	OR	97009	Section 30 Township 1S Range 4E TAX LOT 01908 Y 181535	01/20/2017	\$259,960.00	0000004271	0
11153 SE 352nd Ave	Boring	OR	97009	Section 32 Township 1S Range 4E Quarter C TAX LOT 00400 Y 181535	06/29/2012	\$70,000.00	0000041007	0
		OR	97009	Section 34 Township 1S Range 4E Quarter B TAX LOT 01101 Y 181535	05/01/1991	\$44,325.00	0000024218	0
		OR	97009	Section 35 Township 1S Range 4E TAX LOT 00204 Y 181535		\$48,000.00	0000007672	0
12277 SE Lusted Rd	Sandy	OR	97055	1997-70 PARTITION PLAT PARCEL 1 Y 181535	12/21/2017	\$120,000.00	0000085605	0
		OR	97062	Section 20 Township 2S Range 1E Quarter C TAX LOT 00206 Y 181535		\$0.00		0
		OR	97034	Section 21 Township 2S Range 1E Quarter B TAX LOT 00205 Y 181535		\$0.00		0
		OR	97068	Section 23 Township 2S Range 1E Quarter BC TAX LOT 04400 Y 181535		\$160,000.00	0000003324	0
		OR	97068	Section 26 Township 2S Range 1E TAX LOT 00103 Y 181535	05/13/2005	\$1,375,000.00	0000043610	0
		OR	97068	568 ROSEMONT ACRES LT 49 Y 181535	10/16/2017	\$325,000.00	0000070375	0
22035 S Wisteria Rd	West Linn	OR	97068	568 ROSEMONT ACRES PT LT 37 Y 181535	04/09/2007	\$0.00	0000030287	0
20061 SW Stafford Rd	Tualatin	OR	97062	Section 29 Township 2S Range 1E Quarter A TAX LOT 00100 Y 181535		\$0.00		0
		OR	97068	286 MAPLE HGTS PT LT 5 & PT SEC Y 181535		\$0.00		0
		OR	97068	286 MAPLE HGTS PT LT 1 Y 181535		\$91,000.00	0000077564	0
		OR	97062	Section 30 Township 2S Range 1E Quarter A TAX LOT 02004 Y 181535	06/07/2018	\$700,000.00	0000035069	0
		OR	97062	1992-130 PARTITION PLAT PARCEL 2 Y 181535	01/04/2016	\$0.00	0000000111	0
		OR	97068	Section 32 Township 2S Range 1E Quarter D TAX LOT 01106 Y 181535		\$0.00		0
14807 S Brunner Rd	Oregon City	OR	97068	145 SAFFARANS PENINSULA PT LT B Y 181535		\$0.00		0
15145 S Hattan Rd	Oregon City	OR	97045	Section 16 Township 2S Range 2E Quarter D TAX LOT 02802 Y 181535		\$0.00		0
		OR	97045	Section 24 Township 2S Range 2E Quarter AA TAX LOT 00200 Y 181535	10/01/1989	\$26,500.00	0000048748	0
		OR	97045	320 1ST ADD TO OUTLOOK PT LT 3 Y 181535				0
		OR	97045	Section 25 Township 2S Range 2E Quarter C TAX LOT 00701 Y 181535		\$0.00		0
		OR	97045	Section 33 Township 2S Range 2E Quarter C TAX LOT 01100 Y 181535	04/01/1990	\$20,000.00	0000019521	0
		OR	97009	Section 01 Township 2S Range 3E Quarter C TAX LOT 00500 Y 181535		\$0.00		0
17976 S Holly Ln	Oregon City	OR	97089	Section 02 Township 2S Range 3E Quarter A TAX LOT 01410 Y 181535		\$0.00		0
		OR	97089	Section 03 Township 2S Range 3E Quarter CD TAX LOT 00600 Y 181535		\$0.00		0
		OR	97089	Section 05 Township 2S Range 3E Quarter C TAX LOT 00700 Y 181535	12/01/1992	\$88,500.00	0000001436	0
		OR	97089	Section 05 Township 2S Range 3E Quarter D TAX LOT 00101 Y 181535	09/18/2008	\$250,000.00	0000065408	0
		OR	97045	Section 19 Township 2S Range 3E TAX LOT 00307 Y 181535		\$41,000.00	0000036108	0
15040 S Hattan Rd	Oregon City	OR	97045	Partition Plat 2009-089 PARCEL 9 Y 181535		\$300,000.00	0000018702	0
13620 SE 312th Dr	Boring	OR	97022	Section 24 Township 2S Range 3E TAX LOT 00601 Y 181535		\$272,000.00	0000000000	0
		OR	97009	PARTITION PLAT 2016-110 PARCEL 1 Y 181535	12/05/2017	\$340,100.00	0000082040	0
		OR	97009	Section 05 Township 2S Range 4E Quarter DC TAX LOT 01700 Y 181535		\$0.00	0000019893	0
		OR	97009	Section 10 Township 2S Range 4E TAX LOT 05300 Y 181535	06/27/2017	\$78,000.00	0000042896	0
		OR	97022	Section 28 Township 2S Range 4E TAX LOT 01401 Y 181535	03/14/1996	\$179,000.00	0000017717	0
27969 SE Hwy 224	Eagle Creek	OR	97022	Section 30 Township 2S Range 4E TAX LOT 00404 Y 181535		\$0.00		0
21875 SE Mill Pond Ln	Sandy	OR	97055	Section 08 Township 2S Range 5E TAX LOT 01000 Y 181535	12/12/1994	\$10,000.00	0000094543	0
		OR	97055	Section 18 Township 2S Range 5E TAX LOT 01000 Y 181535		\$0.00		0
		OR	97055	Partition Plat 2003-057 PARCEL 1 Y 181535		\$0.00		0

21500 SE Mill Pond Ln	Sandy	OR	97055	1996-131 PARTITION PLAT PARCEL 1 Y 181535		\$0.00	0
23003 SE Firwood Rd	Sandy	OR	97055	Section 31 Township 2S Range 5E Quarter A TAX LOT 02300 Y 181535	09/15/2011	\$0.00 0000052559	0
		OR	97055	Section 31 Township 2S Range 5E Quarter D TAX LOT 00102 Y 181535		\$0.00	0
		OR	97055	Section 20 Township 2S Range 6E Quarter DC TAX LOT 02609 Y 181535	12/11/1997	\$31,000.00 0000097074	0
61461 E Yellow Brick Rd	Brightwood	OR	97011	Section 26 Township 2S Range 6E Quarter AC TAX LOT 00500 Y 181535	05/01/1990	\$21,950.00 0000025627	0
		OR	97011	Section 26 Township 2S Range 6E Quarter AD TAX LOT 01400 Y 181535	02/03/2004	\$109,000.00 0000008296	0
20603 E Lolo Pass Rd	Rhododendron	OR	97049	Section 26 Township 2S Range 7E Quarter AA TAX LOT 01000 Y 181535	07/01/1993	\$42,000.00 0000053107	0
		OR	97068	Section 05 Township 3S Range 1E Quarter D TAX LOT 00106 Y 181535		\$0.00	0
		OR	97068	Section 16 Township 3S Range 1E TAX LOT 02900 Y 181535		\$0.00	0
2785 SE Territorial Rd	Canby	OR	97013	Subdivision Subdivision EAST CANBY GARDENS 436 LT 2 & PT LT 1 Y 181535	08/17/2017	\$310,000.00 0000056389	0
25319 SW Ladd Hill Rd	Sherwood	OR	97140	1992-169 PARTITION PLAT PARCEL 2 Y 181535	04/20/2006	\$0.00 0000035400	0
		OR	97070	Section 12 Township 3S Range 1W Quarter D TAX LOT 00402 Y 181535	07/18/2018	\$415,394.00 0000044491	0
19615 S Thimble Creek Dr	Oregon City	OR	97045	Section 10 Township 3S Range 2E Quarter D TAX LOT 01302 Y 181535		\$0.00	0
		OR	97045	613 ABERNETHY CRK TR PT LT 13 1369 THE KINGS HILLS LTS 1-3 Y 181535		\$10,000.00 0000041389	0
		OR	97045	Section 22 Township 3S Range 2E Quarter A TAX LOT 00617 Y 181535	07/24/2012	\$425,000.00 0000046169	0
		OR	97004	Section 25 Township 3S Range 2E TAX LOT 00101 Y 181535		\$0.00	0
		OR	97004	Section 26 Township 3S Range 2E Quarter D TAX LOT 01304 Y 181535	05/08/2017	\$0.00 0000030426	0
		OR	97045	1991-179 PARTITION PLAT PARCEL 1 Y 181535	09/01/1992	\$30,000.00 0000056719	0
18125 S Lorraine Dr	Oregon City	OR	97045	1681 LAURA DELL AC #2 LT 32 Y 181535	07/22/2016	\$60,000.00 0000048651	0
		OR	97045	Section 08 Township 3S Range 3E Quarter C TAX LOT 00800 Y 181535	08/01/2013	\$15,000.00 0000054704	0
		OR	97023	SEE SPLIT CODE ACCT 02290 Y 181535		\$0.00	0
		OR	97045	Section 17 Township 3S Range 3E TAX LOT 01006 Y 181535		\$0.00	0
		OR	97045	Section 17 Township 3S Range 3E Quarter C TAX LOT 00600 Y 181535		\$0.00	0
		OR	97045	Section 18 Township 3S Range 3E Quarter A TAX LOT 03600 Y 181535		\$0.00	0
		OR	97045	Section 18 Township 3S Range 3E Quarter D TAX LOT 00900 Y 181535		\$0.00	0
		OR	97045	Section 18 Township 3S Range 3E Quarter D TAX LOT 01200 Y 181535		\$0.00	0
		OR	97045	Section 18 Township 3S Range 3E Quarter D TAX LOT 01500 Y 181535	03/01/1988	\$137,500.00 0000016740	0
21740 S Springwater Rd	Estacada	OR	97023	Section 24 Township 3S Range 3E TAX LOT 00503 Y 181535	05/26/2006	\$0.00 0000048197	0
26700 SE Currin Rd	Estacada	OR	97023	Section 05 Township 3S Range 4E TAX LOT 04902 Y 181535	03/01/1992	\$51,500.00 0000014012	0
35885 SE Tracy Rd	Estacada	OR	97023	Section 15 Township 3S Range 4E TAX LOT 03504 Y 181535	06/15/2001	\$219,000.00 0000045195	0
		OR	97023	Section 16 Township 3S Range 4E TAX LOT 00602 Y 181535		\$0.00	0
29650 SE Eagle Creek Rd	Estacada	OR	97023	1993-138 PARTITION PLAT PARCEL 1 Y 181535	03/20/2012	\$200,000.00 0000016514	0
		OR	97023	Section 26 Township 3S Range 4E TAX LOT 01900 Y 181535		\$0.00	0
		OR	97023	Section 27 Township 3S Range 4E TAX LOT 03200 Y 181535	07/01/1989	\$15,000.00 0000031966	0
22886 S Cadonau Rd	Estacada	OR	97023	Section 28 Township 3S Range 4E Quarter C TAX LOT 01403 Y 181535	02/28/2005	\$156,000.00 0000017090	0
		OR	97023	Section 30 Township 3S Range 4E TAX LOT 00300 Y 181535	12/29/1997	\$0.00 0000101143	0
		OR	97042	SEE SPLIT CODE ACCT 00190 Y 181535		\$245,000.00 0000061038	0
		OR	97042	381 SAVON GARDENS PT LT 21 PT VAC ST Y 181535	07/25/1994	\$100,000.00 0000059542	0
		OR	97042	Section 28 Township 4S Range 2E Quarter A TAX LOT 01700 Y 181535		\$0.00	0
		OR	97004	1910 REDFIR AC LT 13 BLK 2 Y 181535		\$0.00	0
		OR	97017	Section 25 Township 4S Range 3E TAX LOT 00501 Y 181535		\$0.00	0
		OR	97023	Section 17 Township 4S Range 4E TAX LOT 00102 Y 181535	08/24/2007	\$100,000.00 0000073317	0
		OR	97017	Section 19 Township 4S Range 4E TAX LOT 03502 Y 181535	05/28/2014	\$17,500.00 0000025168	0
16829 S Spring Lake Dr	Molalla	OR	97038	Section 02 Township 5S Range 2E Quarter D TAX LOT 00801 Y 181535	10/01/1991	\$23,500.00 0000051773	0
21265 S Green Mountain Rd	Colton	OR	97017	Partition Plat 2010-005 PARCEL 1 Y 181535	09/16/2011	\$104,000.00 0000052748	0
23737 SE Marsha Ln	Damascus	OR	97089	2756 HOGAN ROAD HEIGHTS PHASE 1 LT 2 Y 181535		\$92,000.00 0000033472	0
		OR	97089	Section 27 Township 1S Range 3E Quarter A TAX LOT 00213 Y 181535		\$0.00	0

0	0	0	0	0	\$167,161.00	\$0.00	\$167,161.00	Timber	5.13	223463	\$51.82	25E25D 00700	Clackamas Co.-RRFF5	Mill Pond Ln	SE
0	0	0	0	0	\$190,739.00	\$0.00	\$190,739.00	Agricultural Misc	5	217800	\$1,182.22	25E31A 02300	Clackamas Co.-RRFF5	Firwood Rd	SE
0	0	0	0	0	\$37,222.00	\$0.00	\$37,222.00	Timber	5	217800	\$50.98	25E31D 00102	Clackamas Co.-RRFF5		
0	0	0	0	0	\$165,258.00	\$0.00	\$165,258.00	Timber	5	217800	\$50.98	26E20DC02609	Clackamas Co.-RRFF5		
0	0	0	0	0	\$102,021.00	\$0.00	\$102,021.00	Timber	5.04	219542	\$51.24	26E26AC00500	Clackamas Co.-RRFF5	Yellow Brick Rd	E
0	0	0	0	0	\$104,753.00	\$0.00	\$104,753.00	Timber	5.16	224770	\$52.02	26E26AD01400	Clackamas Co.-RRFF5		
0	0	0	0	0	\$78,454.00	\$0.00	\$78,454.00	Timber	5	217800	\$34.00	27E26AA01000	Clackamas Co.-RRFF5	Lolo Pass Rd	E
0	0	0	0	0	\$247,543.00	\$0.00	\$247,543.00	Agricultural Misc	5.09	221720	\$2,267.42	31E05D 00106	Clackamas Co.-RRFF5		
0	0	0	0	0	\$525,790.00	\$0.00	\$525,790.00	Timber	5.08	221285	\$21.78	31E16 02900	Clackamas Co.-RRFF5		
0	0	0	0	0	\$323,711.00	\$0.00	\$323,711.00	Vacant Misc	5.0021	217891	\$1,846.54	31E26 02000	Clackamas Co.-RRFF5	Territorial Rd	SE
0	0	0	0	0	\$435,785.00	\$0.00	\$435,785.00	Timber	5	217800	\$2,339.92	31W05C 02400	Clackamas Co.-RRFF5	Ladd Hill Rd	SW
0	0	0	0	0	\$439,740.00	\$0.00	\$439,740.00	Vacant Agriculture/Rural	5.17	225205	\$56.18	31W12D 00402	Clackamas Co.-RRFF5		
0	0	0	0	0	\$371,870.00	\$0.00	\$371,870.00	Timber	5	217800	\$633.44	32E10D 01302	Clackamas Co.-RRFF5	Thimble Creek Dr	S
0	0	0	0	0	\$64,800.00	\$0.00	\$64,800.00	Vacant Agriculture/Rural	5.4464	237245	\$6.58	32E12C 01500	Clackamas Co.-RRFF5		
0	0	0	0	0	\$338,166.00	\$0.00	\$338,166.00	Vacant Agriculture/Rural	5.09	221720	\$50.46	32E22A 00617	Clackamas Co.-RRFF5		
0	0	0	0	0	\$302,492.00	\$0.00	\$302,492.00	Vacant Agriculture/Rural	5.06	220414	\$33.54	32E25 00101	Clackamas Co.-RRFF5		
0	0	0	0	0	\$334,843.00	\$0.00	\$334,843.00	Vacant Misc	5.12	223027	\$1,854.33	32E26D 01304	Clackamas Co.-RRFF5		
0	0	0	0	0	\$319,825.00	\$0.00	\$319,825.00	Vacant Agriculture/Rural	5.26	229126	\$54.92	32E27 01800	Clackamas Co.-RRFF5		
0	0	0	0	0	\$62,780.00	\$0.00	\$62,780.00	Agricultural Misc	5.0559	220235	\$373.80	33E01B 03600	Clackamas Co.-RRFF5	Lorraine Dr	S
0	0	0	0	0	\$204,349.00	\$0.00	\$204,349.00	Vacant Misc	5.26	229126	\$1,218.28	33E08C 00800	Clackamas Co.-RRFF5		
0	0	0	0	0	\$37,805.00	\$0.00	\$37,805.00	Timber	5.48	238709	\$40.94	33E10 02200	Clackamas Co.-RRFF5		
0	0	0	0	0	\$135,675.00	\$0.00	\$135,675.00	Timber	5	217800	\$1,243.35	33E17 01006	Clackamas Co.-RRFF5		
0	0	0	0	0	\$246,046.00	\$0.00	\$246,046.00	Timber	5.3	230868	\$33.41	33E17C 00600	Clackamas Co.-RRFF5		
0	0	0	0	0	\$202,019.00	\$0.00	\$202,019.00	Vacant Misc	5.2	226512	\$1,204.51	33E18A 03600	Clackamas Co.-RRFF5		
0	0	0	0	0	\$153,907.00	\$0.00	\$153,907.00	Vacant Agriculture/Rural	5	217800	\$49.57	33E18D 00900	Clackamas Co.-RRFF5		
0	0	0	0	0	\$199,833.00	\$0.00	\$199,833.00	Timber	5	217800	\$720.40	33E18D 01200	Clackamas Co.-RRFF5		
0	0	0	0	0	\$201,637.00	\$0.00	\$201,637.00	Vacant Agriculture/Rural	5.2	226512	\$8.67	33E18D 01500	Clackamas Co.-RRFF5		
0	0	0	0	0	\$311,834.00	\$0.00	\$311,834.00	Vacant Misc	5.17	225205	\$2,531.06	33E24 00503	Clackamas Co.-RRFF5	Springwater Rd	S
0	0	0	0	0	\$245,076.00	\$0.00	\$245,076.00	Agricultural Misc	5	217800	\$1,614.52	34E05 04902	Clackamas Co.-RRFF5	Curriu Rd	SE
0	0	0	0	0	\$212,464.00	\$0.00	\$212,464.00	Vacant Agriculture/Rural	5	217800	\$48.22	34E15 03504	Clackamas Co.-RRFF5	Tracy Rd	SE
0	0	0	0	0	\$210,896.00	\$0.00	\$210,896.00	Vacant Misc	5	217800	\$1,040.38	34E16 00602	Clackamas Co.-RRFF5		
0	0	0	0	0	\$216,582.00	\$0.00	\$216,582.00	Vacant Agriculture/Rural	5.31	231304	\$61.69	34E17D 00300	Clackamas Co.-RRFF5	Eagle Creek Rd	SE
0	0	0	0	0	\$164,499.00	\$0.00	\$164,499.00	Vacant Misc	5	217800	\$962.28	34E26 01900	Clackamas Co.-RRFF5		
0	0	0	0	0	\$126,538.00	\$0.00	\$126,538.00	Vacant Misc	5	217800	\$631.42	34E27 03200	Clackamas Co.-RRFF5		
0	0	0	0	0	\$111,165.00	\$0.00	\$111,165.00	Vacant Misc	5	217800	\$999.30	34E28C 01403	Clackamas Co.-RRFF5	Cadonau Rd	S
0	0	0	0	0	\$463,183.00	\$0.00	\$463,183.00	Vacant Agriculture/Rural	5.07	220849	\$48.89	34E30 00300	Clackamas Co.-RRFF5		
0	0	0	0	0	\$140,385.00	\$0.00	\$140,385.00	Agricultural Misc	5.27	229561	\$666.36	42E20DD00100	Clackamas Co.-RRFF5		
0	0	0	0	0	\$51,684.00	\$0.00	\$51,684.00	Agricultural Misc	5.0915	221786	\$451.21	42E27 00200	Clackamas Co.-RRFF5		
0	0	0	0	0	\$218,347.00	\$0.00	\$218,347.00	Vacant Agriculture/Rural	5.35	233046	\$55.16	42E28A 01700	Clackamas Co.-RRFF5		
0	0	0	0	0	\$164,195.00	\$0.00	\$164,195.00	Vacant Misc	5.3495	233024	\$958.67	43E06B 01900	Clackamas Co.-RRFF5		
0	0	0	0	0	\$212,252.00	\$0.00	\$212,252.00	Timber	5.08	221285	\$48.18	43E25 00501	Clackamas Co.-RRFF5		
0	0	0	0	0	\$166,802.00	\$0.00	\$166,802.00	Vacant Misc	5.07	220849	\$816.21	44E17 00102	Clackamas Co.-RRFF5		
0	0	0	0	0	\$213,710.00	\$0.00	\$213,710.00	Timber	5.22	227383	\$48.99	44E19 03502	Clackamas Co.-RRFF5		
0	0	0	0	0	\$158,752.00	\$0.00	\$158,752.00	Vacant Agriculture/Rural	5.03	219107	\$292.52	52E02D 00801	Clackamas Co.-RRFF5	Spring Lake Dr	S
0	0	0	0	0	\$217,114.00	\$0.00	\$217,114.00	Timber	5.19	226076	\$43.96	53E03 03300	Clackamas Co.-RRFF5	Green Mountain Rd	S
0	0	0	0	0	\$318,226.00	\$0.00	\$318,226.00	Vacant Agriculture/Rural	5.0282	219028	\$21.77	13E27A 00211	Clackamas Co.-RRFF5	Marsha Ln	SE
0	0	0	0	0	\$240,988.00	\$0.00	\$240,988.00	Vacant Agriculture/Rural	5.16	224770	\$8.52	13E27A 00213	Clackamas Co.-RRFF5		

0	0	0	0	0	\$443,593.00	\$0.00	\$443,593.00	Vacant Misc	5.26	229126	\$3,950.87	31W04 00120	Clackamas Co.-RRFF5		
0	0	0	0	0	\$722,880.00	\$0.00	\$722,880.00	Timber	5.2	226512	\$1,184.97	21E32 00707	Clackamas Co.-RRFF5	Turner Rd	SW
0	0	0	0	0	\$223,149.00	\$0.00	\$223,149.00	Timber	5.03	219107	\$32.26	13E32B 01201	Clackamas Co.-RRFF5	190th Ct	SE
0	0	0	0	0	\$680,047.00	\$0.00	\$680,047.00	Vacant Misc	5	217800	\$6,973.09	21E32 00708	Clackamas Co.-RRFF5		
0	0	0	0	0	\$165,258.00	\$0.00	\$165,258.00	Timber	5	217800	\$50.98	25E18BC02603	Clackamas Co.-RRFF5		
0	0	0	0	0	\$144,943.00	\$0.00	\$144,943.00	Agricultural Misc	5.2891	230393	\$1,463.40	24E12AD00300	Clackamas Co.-RRFF5		
0	0	0	0	0	\$110,934.00	\$0.00	\$110,934.00	Vacant Misc	5.094	221895	\$905.83	24E12AD00400	Clackamas Co.-RRFF5		
0	0	0	0	0	\$131,192.00	\$0.00	\$131,192.00	Vacant Misc	5.0288	219055	\$937.04	52E18 01512	Clackamas Co.-RRFF5	Goodtime Rd	S
0	0	0	0	0	\$332,183.00	\$0.00	\$332,183.00	Vacant Misc	5	217800	\$2,156.53	31E11 00801	Clackamas Co.-RRFF5	Turquoise Way	S
0	0	0	0	0	\$212,484.00	\$0.00	\$212,484.00	Vacant Agriculture/Rural	5	217800	\$48.22	34E15B 01601	Clackamas Co.-RRFF5		
0	0	0	0	0	\$212,484.00	\$0.00	\$212,484.00	Vacant Agriculture/Rural	5	217800	\$48.22	34E15B 01602	Clackamas Co.-RRFF5		
0	0	0	0	0	\$653,665.00	\$0.00	\$653,665.00	Vacant Agriculture/Rural	5	217800	\$61.50	21E31C 00603	Clackamas Co.-RRFF5		
0	0	0	0	0	\$101,505.00	\$0.00	\$101,505.00	Vacant Recreation	5	217800	\$672.20	26E23 00707	Clackamas Co.-RRFF5	Hwy 26	E
0	0	0	0	0	\$206,939.00	\$0.00	\$206,939.00	Vacant Agriculture/Rural	5.14	223898	\$25.63	34E30 01901	Clackamas Co.-RRFF5	Jessica Ln	S
0	0	0	0	0	\$167,161.00	\$0.00	\$167,161.00	Timber	5.13	223463	\$51.82	25E25D 00702	Clackamas Co.-RRFF5	Mill Pond Ln	SE
0	0	0	0	0	\$332,815.00	\$0.00	\$332,815.00	Timber	5	217800	\$37.60	22E34A 00401	Clackamas Co.-RRFF5		
0	0	0	0	0	\$0.00	\$0.00	\$0.00	Vacant Misc	5.1013	222213	\$0.00	22E23DA02000	Clackamas Co.-RRFF5		
0	0	0	0	0	\$214,616.00	\$0.00	\$214,616.00	Timber	5	217800	\$38.60	42E02 01003	Clackamas Co.-RRFF5	Fritz Way	S
0	0	0	0	0	\$0.00	\$0.00	\$0.00	Vacant Misc	5.4872	239022	\$0.00	32E13A 09700	Clackamas Co.-RRFF5	Driftwood Dr	S
0	0	0	0	0	\$330,296.00	\$0.00	\$330,296.00	Timber	5	217800	\$1,308.22	32E14B 01402	Clackamas Co.-RRFF5		
0	0	0	0	0	\$245,079.00	\$0.00	\$245,079.00	Farms And Crops	5	217800	\$769.08	34E23 03003	Clackamas Co.-RRFF5	Divers Rd	SE
0	0	0	0	0	\$373,627.00	\$0.00	\$373,627.00	Vacant Misc	5.03	219107	\$2,875.06	23E19 01302	Clackamas Co.-RRFF5	Hattan Rd	S
0	0	0	0	0	\$434,783.00	\$0.00	\$434,783.00	Vacant Agriculture/Rural	5	217800	\$98.75	21E31C 00301	Clackamas Co.-RRFF5		
0	0	0	0	0	\$434,783.00	\$0.00	\$434,783.00	Vacant Agriculture/Rural	5	217800	\$98.75	21E31C 00302	Clackamas Co.-RRFF5	65th Ave	SW
0	0	0	0	0	\$250,071.00	\$0.00	\$250,071.00	Vacant Misc	5.3683	233843	\$2,155.87	24E32A 02100	Clackamas Co.-RRFF5	Oakview Ln	SE
0	0	0	0	0	\$161,772.00	\$0.00	\$161,772.00	Timber	5	217800	\$50.98	25E25C 00101	Clackamas Co.-RRFF5	Mill Pond Ln	SE
0	0	0	0	0	\$731,499.00	\$0.00	\$731,499.00	Vacant Misc	5.2037	226673	\$8,105.80	31E06 02700	Clackamas Co.-RRFF5	Quarryview Dr	SW
0	0	0	0	0	\$0.00	\$0.00	\$0.00	Vacant Misc	5.0346	219307	\$0.00	22E34B 03200	Clackamas Co.-RRFF5		
0	0	0	0	0	\$200,078.00	\$0.00	\$200,078.00	Vacant Agriculture/Rural	5	217800	\$109.38	14E28 00702	Clackamas Co.-RRFF5	Bluff Rd	SE
0	0	0	0	0	\$211,283.00	\$0.00	\$211,283.00	Timber	5	217800	\$43.03	43E25 00401	Clackamas Co.-RRFF5	Hwy 211	S
0	0	0	0	0	\$211,283.00	\$0.00	\$211,283.00	Timber	5	217800	\$43.03	43E25 00402	Clackamas Co.-RRFF5	Hwy 211	S
0	0	0	0	0	\$56,809.00	\$0.00	\$56,809.00	Vacant Misc	5.1441	224077	\$649.14	15E32 02800	Clackamas Co.-RRFF5	Misti Way	SE
0	0	0	0	0	\$56,274.00	\$0.00	\$56,274.00	Vacant Misc	5.016	218497	\$643.20	15E32 02900	Clackamas Co.-RRFF5	Misti Way	SE
0	0	0	0	0	\$214,241.00	\$0.00	\$214,241.00	Vacant Misc	5.07	220849	\$1,392.68	53E03 03301	Clackamas Co.-RRFF5	Green Mountain Rd	S
0	0	0	0	0	\$652,615.00	\$0.00	\$652,615.00	Vacant Misc	5	217800	\$7,202.55	21E31C 00202	Clackamas Co.-RRFF5	Meridian Way	SW
0	0	0	0	0	\$204,123.00	\$0.00	\$204,123.00	Timber	5.1195	223005	\$37.48	33E05 00201	Clackamas Co.-RRFF5	Fischers Mill Rd	S
0	0	0	0	0	\$212,798.00	\$0.00	\$212,798.00	Timber	5	217800	\$982.07	24E30 01204	Clackamas Co.-RRFF5	Hwy 224	SE
0	0	0	0	0	\$197,602.00	\$0.00	\$197,602.00	Timber	5	217800	\$237.11	33E16 02003	Clackamas Co.-RRFF5	Ridge Pl	S
0	0	0	0	0	\$332,262.00	\$0.00	\$332,262.00	Timber	5	217800	\$44.46	32E26D 02201	Clackamas Co.-RRFF5	Wyatt Estates Ln	S
0	0	0	0	0	\$332,262.00	\$0.00	\$332,262.00	Timber	5	217800	\$44.46	32E26D 02202	Clackamas Co.-RRFF5	Wyatt Estates Ln	S
0	0	0	0	0	\$214,826.00	\$0.00	\$214,826.00	Vacant Misc	5	217800	\$1,404.89	42E27BC01101	Clackamas Co.-RRFF5	Dalmatian Rd	S
0	0	0	0	0	\$121,279.00	\$0.00	\$121,279.00	Vacant Misc	5.0794	221259	\$1,137.58	26E22A 01200	Clackamas Co.-RRFF5	Buckboard Ln	E
0	0	0	0	0	\$119,847.00	\$0.00	\$119,847.00	Vacant Misc	5.0147	218440	\$1,124.14	26E22A 01400	Clackamas Co.-RRFF5	Buckboard Ln	E

EXHIBIT 1
SITE PLAN AND GRADING PLAN

LANDSCAPING PLAN

GRADING PLAN

AREAS 3,5, 6 AND 7 WILL BE SUBJECT TO CUTTING, FILLING AND GRADING

AREA 3: THE REAR YARD TO THE DWELLING WILL BE GRADED AND CONTOURED TO DIVERT DRAINAGE AROUND THE DWELLING FOOTPRINT, WHICH IS AREA 5 ON THE LANDSCAPING PLAN.

AREA 4: TO BE LEFT UNDISTURBED

AREA 5: THE DWELLING FOOTPRINT WILL HAVE TO BE EXCAVATED TO A DEPTH OF 18-24 INCHES FOR THE FOOTING AND FOUNDATION. THE REMOVAL MATERIAL WILL BE STORED IN STABLE FASHION AND RE-DISTRIBUTED INTO AREAS 6 AND 9 (FRONT YARD).

AREAS 6 AND 7 COMPRISING THE FRONT YARD AND DRIVEWAY WILL BE CONTOURED AND GRADED. THE DRIVEWAY WILL HAVE A MODEST CUT TO ALLOW FOR ROCK AND PAVING MATERIALS TO BE ACCOMMODATED. THE SOILS WILL BE REDISTRIBUTED AND SPREAD OUT TO FACILITATE DRAINAGE TO THE EAST. THE SEPTIC DRAINFIELD AREA WILL NOT BE DISTURBED IN ANY MANNER.

LEGEND

- 1. Existing Domestic Well
- 2. Water Line to Dwelling
- 3. Rear Lawn
- 4. Cleared/Maintained Area
- 5. Proposed Dwelling
- 6. Front Lawn
- 7. Driveway
- 8. Septic Tank
- 9. Tightline to Drainfield
- 10. Primary Drainfield
- 11. Replacement Drainfield
- 12. Wooded Buffer
- 13. Bio-swale
- 14. Emergency Vehicle Turnaround

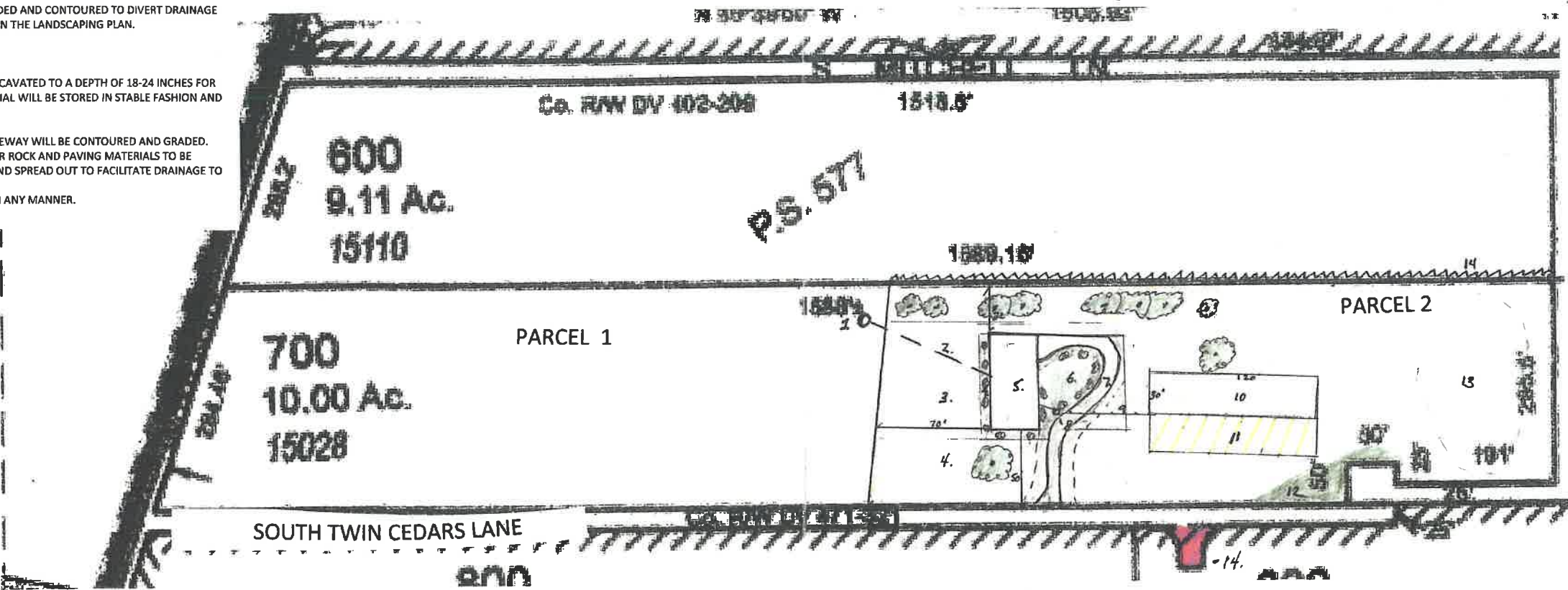


EXHIBIT A - STUDY AREA MAP



OREGON CITY UGB/HENRICI ROAD

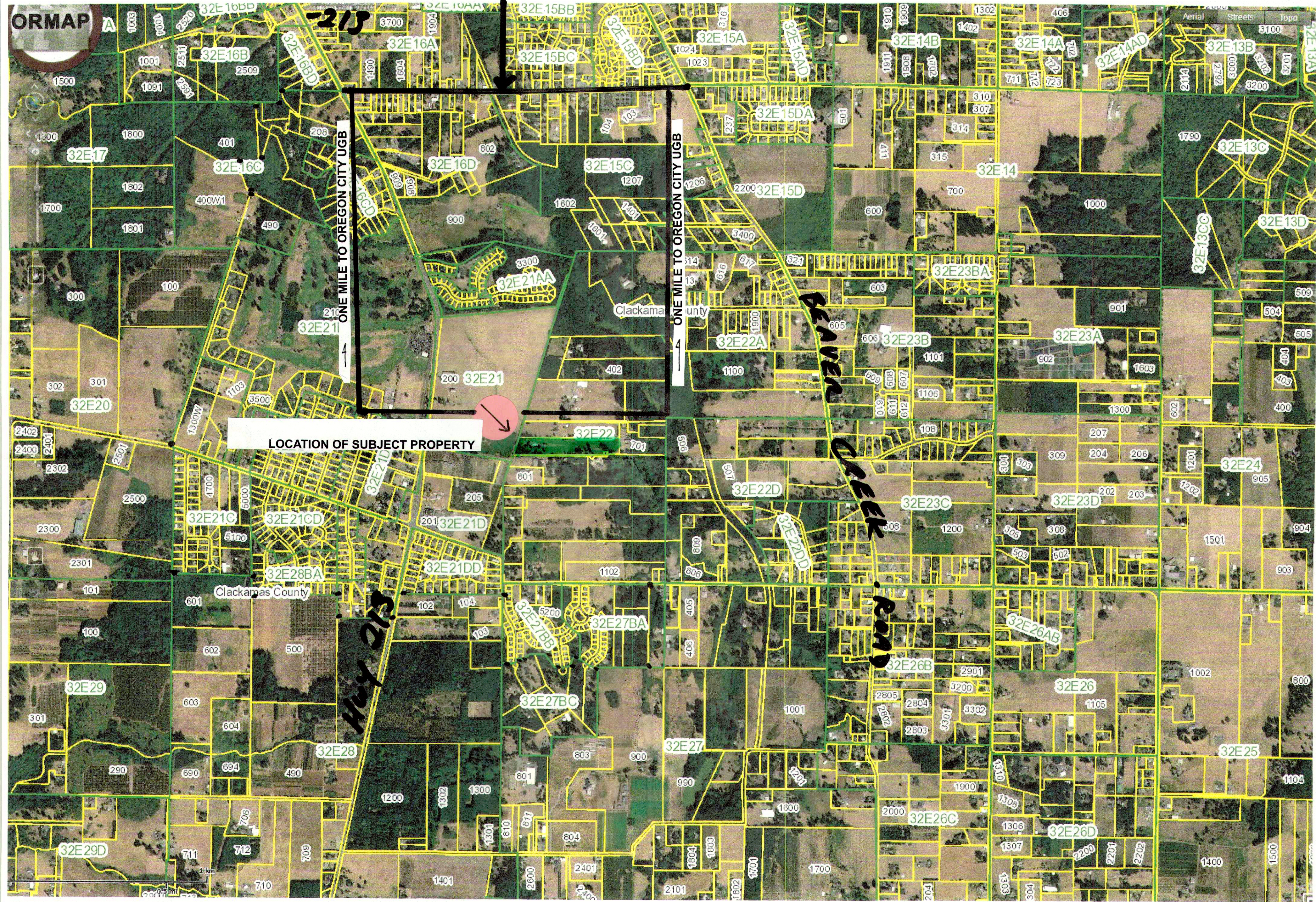


EXHIBIT B - AERIAL MAP

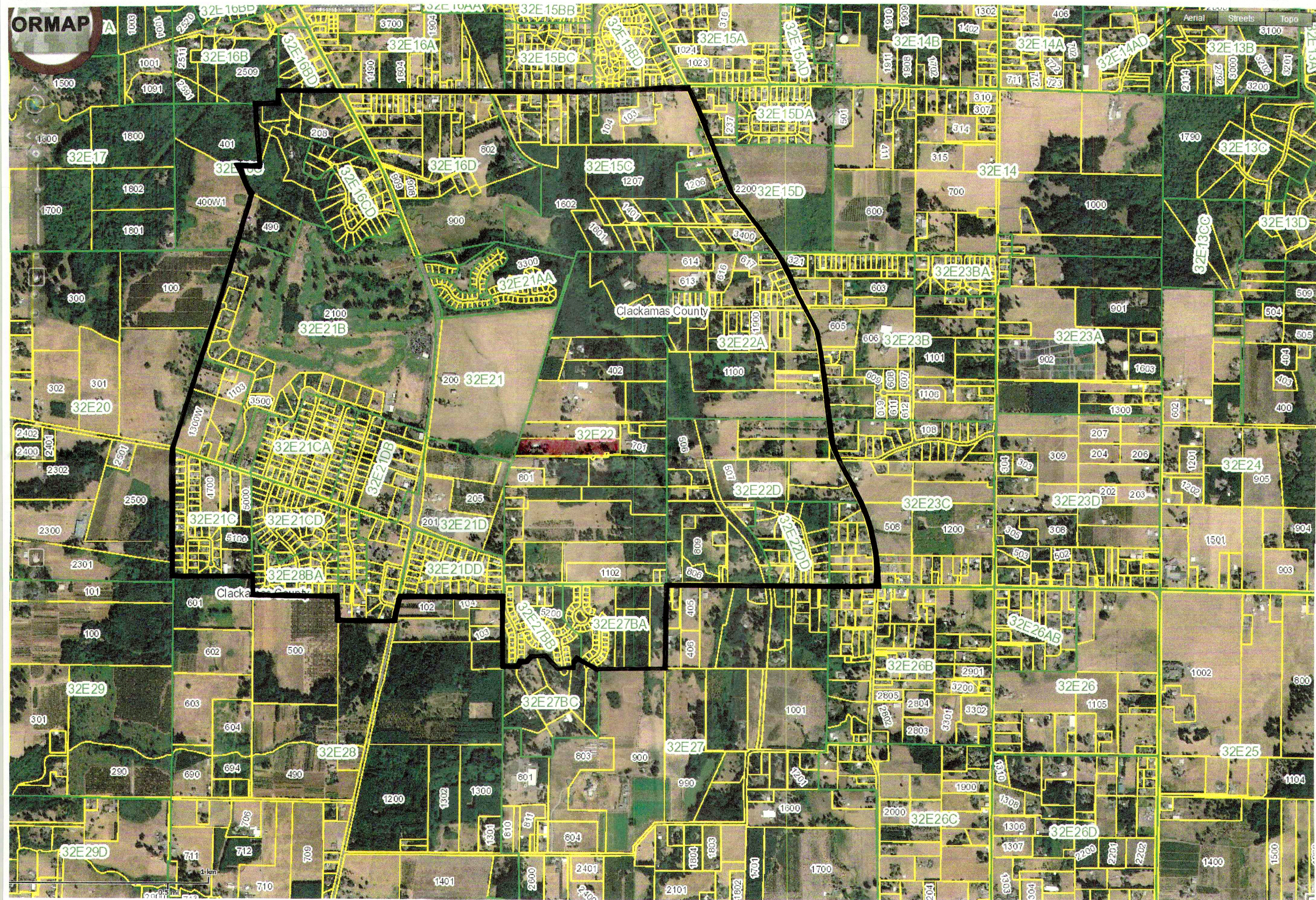


EXHIBIT C - PROPERTIES WITH DWELLINGS



EXHIBIT D- ZONING MAP

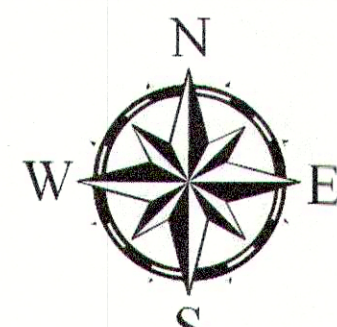
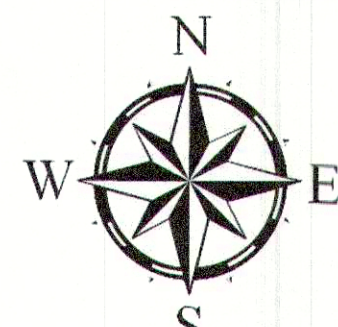


EXHIBIT E - PARCELIZATION



EXHIBIT F - MAJOR UTILITIES

11 970 ADT



LANDSCAPING PLAN

GRADING PLAN

AREAS 3, 5, 6 AND 7 WILL BE SUBJECT TO CUTTING, FILLING AND GRADING

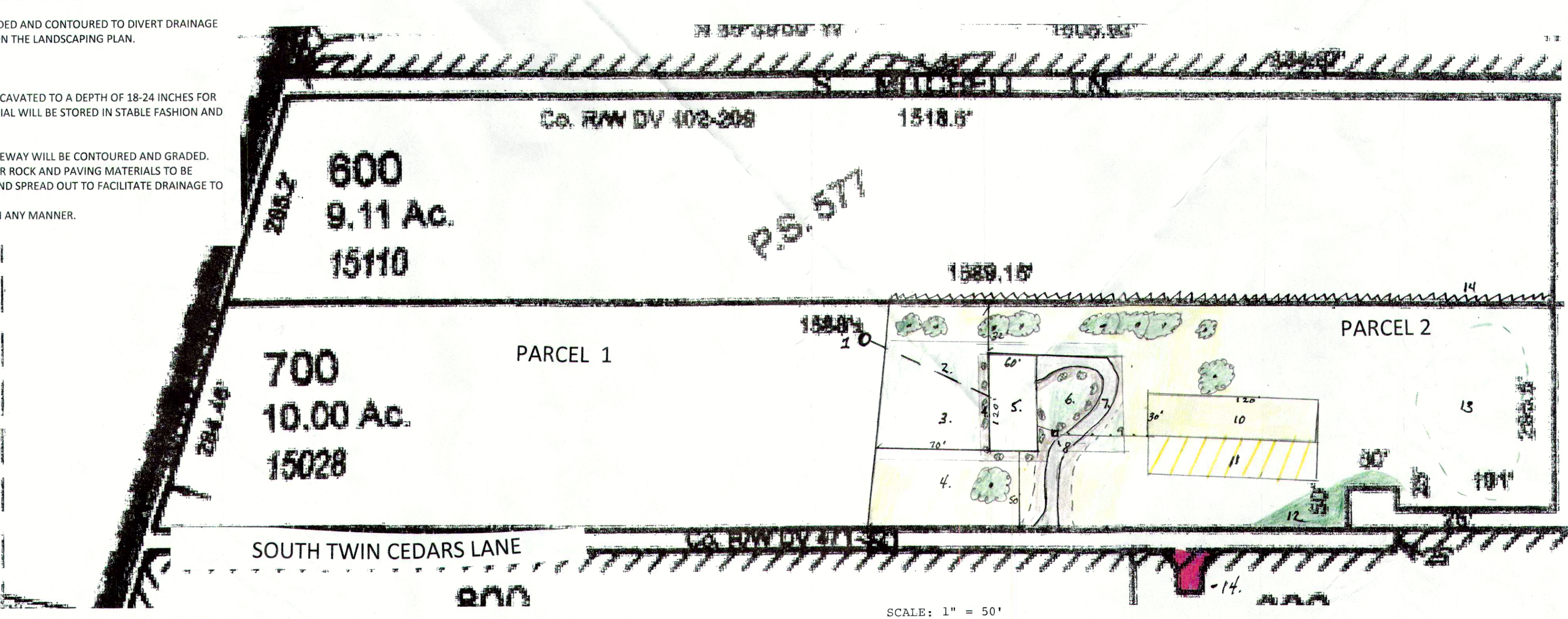
AREA 3: THE REAR YARD TO THE DWELLING WILL BE GRADED AND CONTOURED TO DIVERT DRAINAGE AROUND THE DWELLING FOOTPRINT, WHICH IS AREA 5 ON THE LANDSCAPING PLAN.

AREA 4: TO BE LEFT UNDISTURBED

AREA 5: THE DWELLING FOOTPRINT WILL HAVE TO BE EXCAVATED TO A DEPTH OF 18-24 INCHES FOR THE FOOTING AND FOUNDATION. THE REMOVAL MATERIAL WILL BE STORED IN STABLE FASHION AND RE-DISTRIBUTED INTO AREAS 6 AND 9 (FRONT YARD).

AREAS 6 AND 7 COMPRISING THE FRONT YARD AND DRIVEWAY WILL BE CONTOURED AND GRADED. THE DRIVEWAY WILL HAVE A MODEST CUT TO ALLOW FOR ROCK AND PAVING MATERIALS TO BE ACCOMMODATED. THE SOILS WILL BE REDISTRIBUTED AND SPREAD OUT TO FACILITATE DRAINAGE TO THE EAST.
THE SEPTIC DRAINFIELD AREA WILL NOT BE DISTURBED IN ANY MANNER.

BUILDING ENVELOPE IS 60' X 120'



LEGEND

1. Existing Domestic Well
2. Water Line to Dwelling
3. Rear Lawn
4. Cleared/Maintained Area
5. Proposed Dwelling
6. Front Lawn
7. Driveway
8. Septic Tank
9. Tightline to Drainfield
10. Primary Drainfield
11. Replacement Drainfield
12. Wooded Buffer
13. Bio-swale
14. Emergency Vehicle Turnaround