



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

**STAFF USE ONLY**

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RECEIVED

**Jun 26 2024**

Clackamas County  
 Planning & Zoning Division

**Z0263-24**

Staff Initials: \_\_\_\_\_ File Number: \_\_\_\_\_

Land use application for:

# HISTORIC PROPERTY

## ALTERATION, NEW CONSTRUCTION, MOVING, and/or DEMOLITION

Application Fee: (None)

APPLICANT INFORMATION			
Applicant name: <i>Ivan Ivanov</i>	Applicant email: <i>ivan@doubleconstruction.com</i>	Applicant phone: <i>503.793.3123</i>	
Applicant mailing address: <i>1515 NE Laurel Ave</i>	City: <i>Woodburn</i>	State: <i>OR</i>	ZIP: <i>97071</i>
Contact person name (if other than applicant):	Contact person email:	Contact person phone:	
Contact person mailing address:	City:	State:	ZIP:

PROPOSAL	
Brief description of proposal: <i>Building New Home</i>	Pre-application conference file number: <i>B0430724</i>

SITE INFORMATION		
Site address: <i>14900 S. Herman Rd Molalla</i>	Comprehensive Plan designation: <i>Farm Plan</i>	Zoning district:
Map and tax lot #: Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____	Land area:	
Adjacent properties under same ownership: Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____		

Printed names of all property owners: <i>Ivan Ivanov</i>	Signatures of all property owners: 	Date(s): <i>6/14/24</i>
I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.		
Applicant signature: 		Date: <i>6/14/24</i>

## A. Complete a pre-application conference:

You must attend a pre-application conference with Planning and Zoning staff before filing this application. [Information about the pre-application conference](#) process and a request form are available from the Planning and Zoning website. **There is no charge for the pre-application meeting.**

## B. Review applicable land use rules:

This application is subject to the provisions of [Section 707, Historic Landmark \(HL\), Historic District \(HD\), and Historic Corridor \(HC\)](#) of the [Clackamas County Zoning and Development Ordinance \(ZDO\)](#).

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

## C. Turn in all of the following:

- Complete application form:** Respond to all the questions and requests in this application, and make sure all owners of the subject property sign the first page of this application. Applications without the signatures of *all* property owners are incomplete. **There is no charge for this application.**
- Site plan:** Provide a site plan (also called a plot plan). A [Site Plan Sample](#) is available from the Planning and Zoning website. The site plan must be accurate and drawn to-scale on paper measuring no larger than 11 inches x 17 inches. The site plan must illustrate all of the following (when applicable):
  - Lot lines, lot/parcel numbers, and acreage/square footage of lots;
  - Contiguous properties under the same ownership;
  - All structures, fences, roads, driveways, parking areas, landscaping, and easements, each with identifying labels and dimensions;
  - Setbacks of all structures from lot lines and easements;
  - Significant natural features (rivers, streams, wetlands, slopes of 20% or greater, geologic hazards, mature trees or forested areas, drainage areas, etc.); and
  - Wastewater treatment facilities (e.g., septic tanks, septic drainfield areas, replacement drainfield areas, drywells).
- Exterior materials list:** Provide a list of exterior materials pertinent to the application request.
- Building elevation diagrams (or photos):** Attach drawings of all affected structures. The drawings must indicate dimensions (height, length, width, and area) and be to-scale. They must show each side of the structure and any windows, doors, or other appurtenances. Photos may be used in lieu of drawings for small projects, but dimensions must also be indicated on the photos.
- Floor plans:** Attach detailed, accurate, and to-scale floor plans of all affected structures. Label all rooms according to use, show all of their dimensions, include the square footage of each room, and identify all doors and partition walls.
- Evidence of severe deterioration (for major alterations):** If the proposal includes a major alteration involving the replacement of a severely deteriorated distinctive feature, provide documentary, physical, or pictorial evidence of the deterioration.
- Evidence of submitted preservation plan (if moving or demolishing):** If the proposal includes moving or demolishing a primary, secondary, or contributing structure or elements within a Historic District or Historic



Corridor, or moving or demolishing a structure/element designated as, or contributing to, a Historic Landmark, you must provide evidence of having already prepared and submitted the preservation plan detailed in ZDO Subsection 707.06(D)(1) to Planning and Zoning ahead of a media release. The preservation plan shall have included a narrative describing how the applicant will accomplish the following:

- Advertising the resource in local, regional, and historic preservation newspapers of general circulation in the area once per week during the pre-application period and providing evidence of such advertising;
- Giving public notice by placing a sign on the subject property informing the public of intended action which will remove or demolish the structure and including the County department and telephone number to call for further information, with the sign remaining on the subject property until a permit is issued;
- Preparing and making available information related to the history and sale of the subject property to all who inquire;
- Providing information regarding the proposed use for the Historic Landmark site; and
- Keeping a record of the parties who have expressed an interest in purchasing or relocating the structure, and ensuring that an adequate effort has been made to secure a relocation site by providing a list of property locations and owners who were contacted regarding purchase of a relocation site.

**Note:** Pursuant to ZDO Subsection 1307.07(C)(2), the Planning Director or designee may modify the preceding list of submittal requirements. Please consult the information provided in your pre-application conference.

**D. Describe the proposal:**

1. What Historic Landmark, Historic District, or Historic Corridor is being proposed for alteration, new construction, moving and/or demolition?

Name and description of historic property:

14900 Herman Rd Molalla

2. Describe all of the proposed alterations of, and/or development on, the subject historic property:

Building new Home on 2 Acres.

**F. For new construction:**

If you are proposing new construction on a property with a Historic Landmark designation, in a Historic District, or in a Historic Corridor, accurately answer the following questions in the spaces provided. Attach additional pages, if necessary.

1. How is the design of the proposed structure compatible with the design of the Historic Landmark building(s) on the subject site, or in the subject Historic District or Historic Corridor, considering scale, style, height, and architectural detail, materials, and colors?

Farm House Design

2. How is the location and orientation of the new structure on the site consistent with the typical location and orientation of similar structures on the site or within the subject Historic District or Historic Corridor, considering setbacks, distances between structures, location of entrances, and similar siting considerations?

We are planning on Building a Farm Home on roughly center of the 2 acre property.

3. Does your proposal include changes to yard areas, including planters, fences, ponds, walkways, and landscape materials?

NO

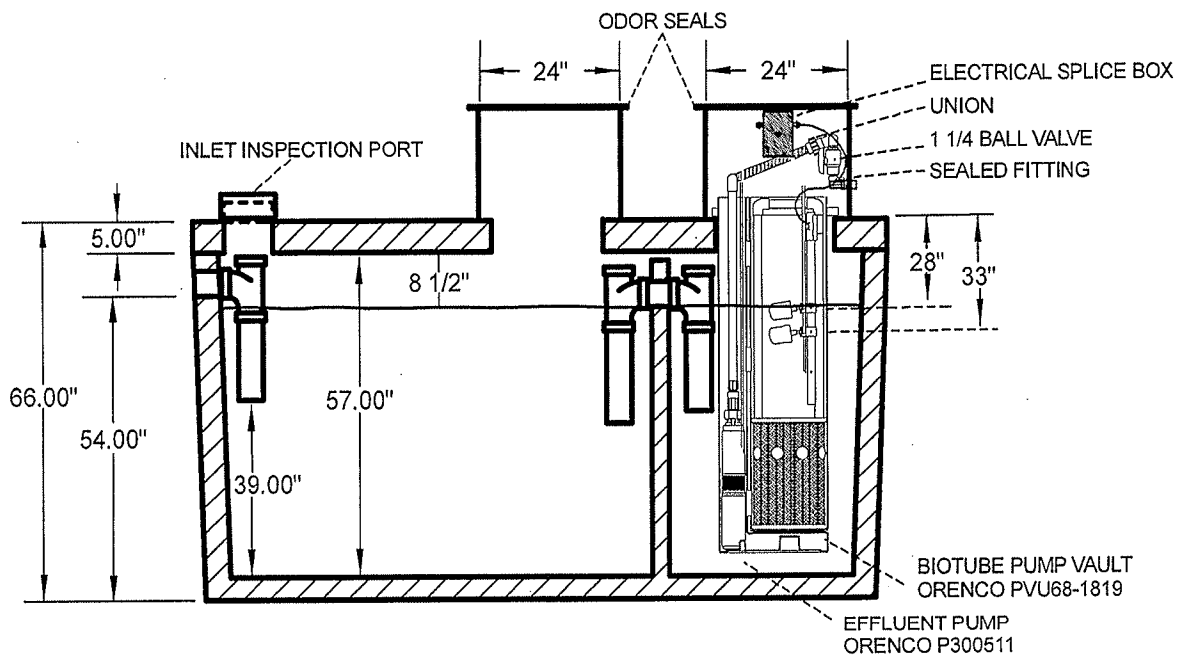
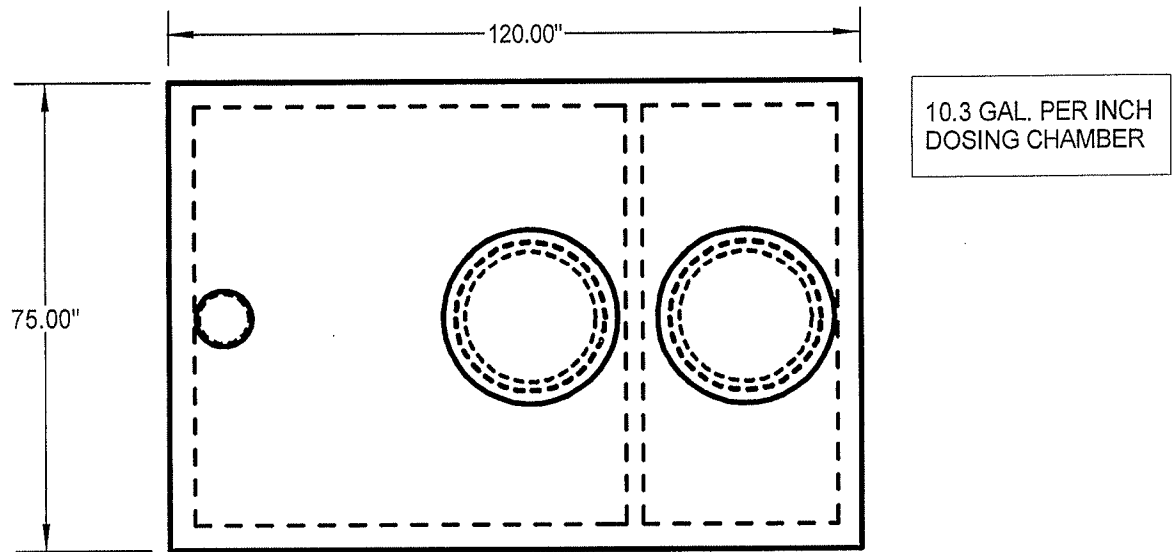
YES, but those changes, which are described in the box below, will be compatible with the overall historic setting for the following reasons:

4. Explain how the new structure will be used and, if for a commercial use, how that use will be of a scale appropriate to serve properties surrounding the historic overlay:

*Used as a new Farm House for Family*







## 1500 GALLON COMBINATION SEPTIC/PUMP TANK/HI HEAD PUMP PAK

### EXCAVATION DIMENSIONS

(123108 WCP) 1516 1500 PTC PVU68 AB DF OR SF

GALLON CAPACITY	WIDTH OF HOLE	LENGTH OF HOLE	HEIGHT OF TANK	INLET TO BOTTOM*	TANK WEIGHT
1500	7'	11'	66"	54"	14,500#

\*MEASUREMENT FROM THE BOTTOM OF THE TANK TO BOTTOM OF INLET HOLE.

TANK INCLUDES: 2- 12" RISERS  
4" ABS INLET COUPLER  
2" PVC DISCHARGE COUPLER

2-31" DIA. X 2 1/2" THICK LIDS  
8" DIA. CLEAN OUT PORT  
3/4" PVC ELECTRICAL COUPLER



# Pump Selection for a Non-Pressurized System - Single Family Residence Project

## Parameters

Discharge Assembly Size	1.25	inches
Transport Length	75	feet
Transport Pipe Class	40	
Transport Line Size	1.25	inches
Distributing Valve Model	None	
Max Elevation Lift	15	feet
Design Flow Rate	10	gpm
Flow Meter	None	inches
'Add-on' Friction Losses	10	feet

## Calculations

Transport Velocity	2.2	fps
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## Frictional Head Losses

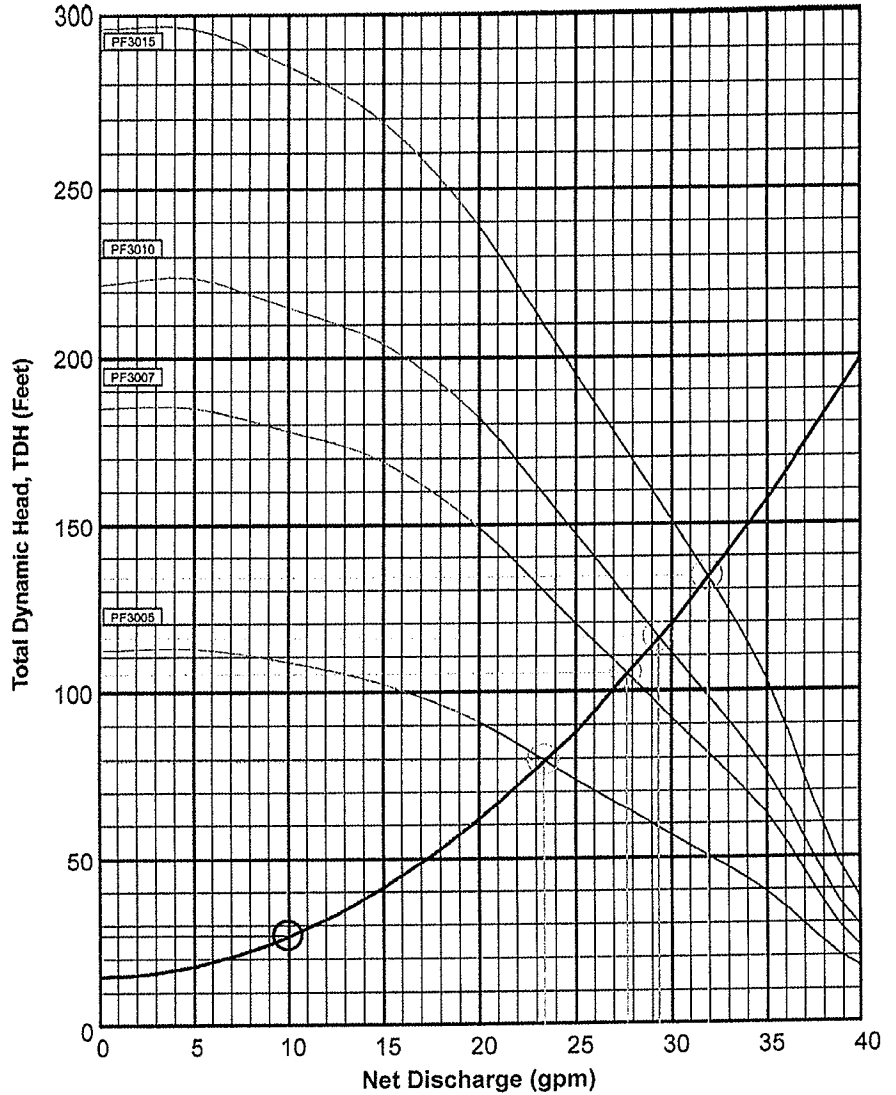
Loss through Discharge	0.7	feet
Loss in Transport	1.1	feet
Loss through Valve	0.0	feet
Loss through Flowmeter	0.0	feet
'Add-on' Friction Losses	10.0	feet

## Pipe Volumes

Vol of Transport Line	5.8	gals
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## Minimum Pump Requirements

Design Flow Rate	10.0	gpm
Total Dynamic Head	26.8	feet



## PumpData

PF3005 High Head Effluent Pump  
30 GPM, 1/2HP  
115/230V 1Ø 60Hz, 200V 3Ø 60Hz

PF3007 High Head Effluent Pump  
30 GPM, 3/4HP  
230V 1Ø 60Hz, 200/460V 3Ø 60Hz

PF3010 High Head Effluent Pump  
30 GPM, 1HP  
230V 1Ø 60Hz, 200/460V 3Ø 60Hz

PF3015 High Head Effluent Pump  
30 GPM, 1-1/2HP  
230V 1Ø 60Hz, 200/230/460V 3Ø 60Hz

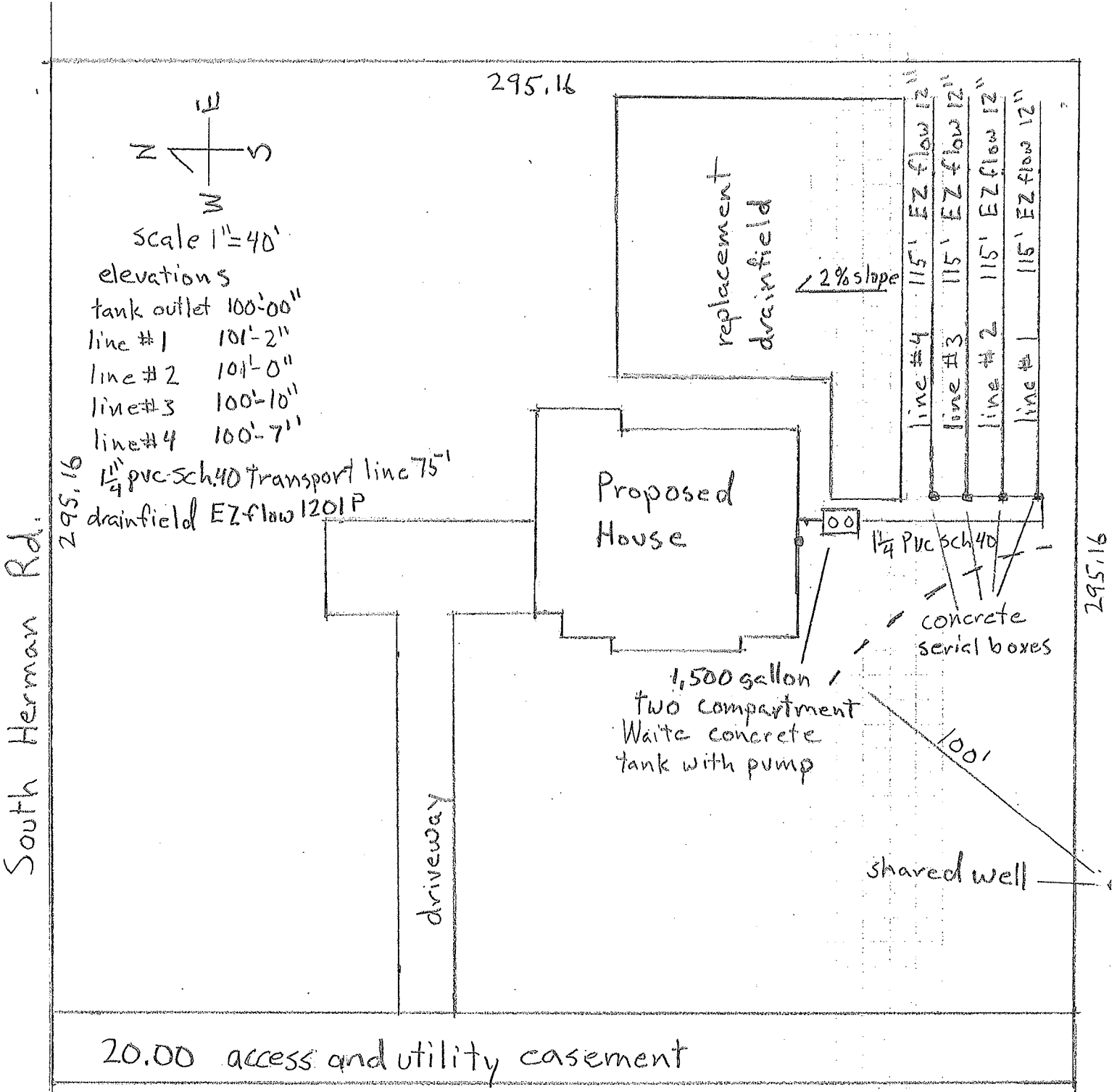
## Legend

System Curve:	—
Pump Curve:	- - - -
Pump Optimal Range:	—
Operating Point:	○
Design Point:	○

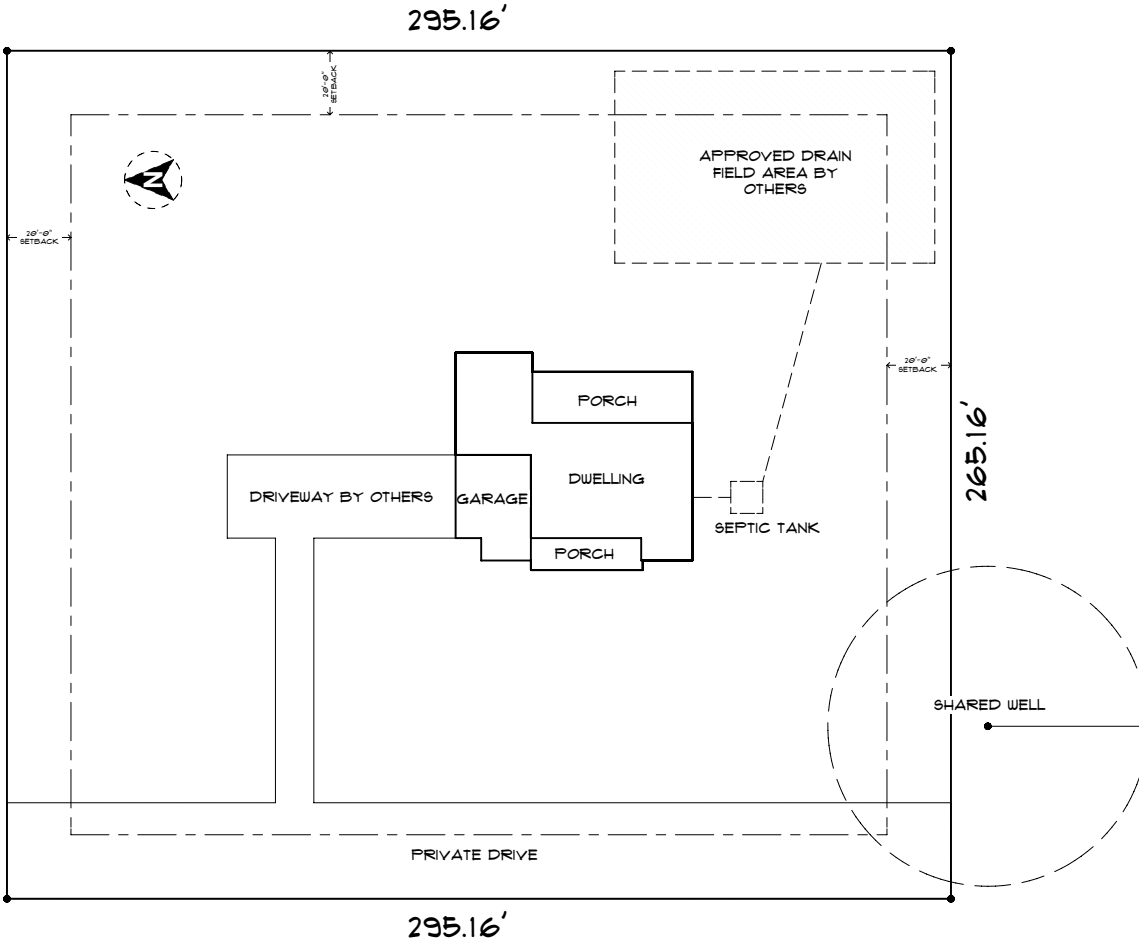


# SEPTIC PLOT PLAN

Applicant \_\_\_\_\_  
 Township 55 Range 2E Section 28 Tax Lot 00100, Parcel 1  
 Address 15002 S. Herman Rd. Molalla, Or. 97038



**S. HERMAN ROAD**  
265.16'



# DOUBLE II CONSTRUCTION

SCALE: 1" = 30'-0"

14900 S HERMAN ROAD  
MOLALLA, OREGON  
IVAN@DOUBLECONSTRUCTION.COM  
DOUBLECONSTRUCTION@ICLOUD.COM

**R311.3 FLOORS AND LANDINGS AT EXTERIOR DOORS**

THERE SHALL BE A LANDING OR FLOOR ON EACH SIDE OF EACH EXTERIOR DOOR. THE WIDTH OF EACH LANDING SHALL BE NOT LESS THAN THE DOOR SERVICE. LANDINGS SHALL HAVE A DIMENSION OF NOT LESS THAN 36 INCHES TO A FINN MEASURED IN THE DIRECTION OF TRAVEL. THE RISES AT EXTERIOR LANDINGS SHALL NOT EXCEED 1/4 UNIT VERTICAL IN 2 UNITS HORIZONTAL (2 PERCENT).

EXCEPTION: EXTERIOR BALCONIES LESS THAN 40 SQUARE FEET (54 SQ FT) AND ONLY ACCESSED FROM A DOOR ARE PERMITTED TO HAVE A LANDING THAT IS LESS THAN 36 INCHES TO A FINN MEASURED IN THE DIRECTION OF TRAVEL.



**RIGHT ELEVATION**  
SCALE 1/4" = 1'-0"



**LEFT ELEVATION**  
SCALE 1/4" = 1'-0"

**R311.1 STAIRWAYS**

WHERE REQUIRED BY THIS CODE OR OTHERWISE PROVIDED, STAIRWAYS SHALL COMPLY WITH THIS SECTION. EXCEPTION: STAIRWAYS NOT WITHIN OR DIRECTLY SERVING A REGULATED BUILDING, POND, FURCH OR DECK.

**R311.1.1 WIDTH**

STAIRWAYS SHALL BE NOT LESS THAN 36 INCHES TO A FINN CLEAR WIDTH AT ALL POINTS ABOVE THE IDENTIFIED HANDRAIL HEIGHT AND BELOW THE REQUIRED HEADROOM HEIGHT. THE CLEAR WIDTH OF STAIRWAYS AT AND BELOW THE HANDRAIL HEIGHT, INCLUDING TREADS AND LANDINGS, SHALL BE NOT LESS THAN 36 INCHES TO A FINN WHERE A HANDRAIL IS INSTALLED ON ONE SIDE AND 21 INCHES TO A FINN WHERE HANDRAILS ARE INSTALLED ON BOTH SIDES.

EXCEPTIONS:

- 1 THE WIDTH OF SPIRAL STAIRWAYS SHALL BE IN ACCORDANCE WITH SECTION R311.1.1.1.
- 2 WHERE A FLOOR IS SERVED BY MORE THAN ONE STAIRWAY, STAIRWAYS OTHER THAN THE FIRST STAIRWAY THAT HAVE A CLEAR WIDTH OF NOT LESS THAN 36 INCHES TO A FINN, ANY HANDRAIL THAT IS ENOUGH NOT MORE THAN 45 INCHES TO A FINN INTO THE CLEAR WIDTH.

**R311.1.2 HEADROOM**

THE HEADROOM IN STAIRWAYS SHALL BE NOT LESS THAN 8 FEET 6 INCHES (2592 MM) MEASURED VERTICALLY FROM THE SLOPED LINE ADJOINING THE TREADS OR FROM THE FLOOR SURFACE OF THE LANDING OR PLATFORM ON THAT PORTION OF THE STAIRWAY.

EXCEPTIONS:

- 1 WHERE THE SPACING OF TREADS AT THE SIDE OF A FLIGHT EXTEND UNDER THE EDGE OF A FLOOR OPENING THROUGH WHICH THE STAIR PASSES, THE FLOOR OPENING SHALL NOT PROJECT HORIZONTALLY INTO THE REQUIRED HEADROOM MORE THAN 434 INCHES (22 MM).
- 2 THE HEADROOM FOR SPIRAL STAIRWAYS SHALL BE IN ACCORDANCE WITH SECTION R311.1.1.
- 3 R311.1.3 VERTICAL RISE

**R311.1.3 VERTICAL RISE**

A RISE OF STAIRS SHALL NOT HAVE A VERTICAL RISE LARGER THAN 18 INCHES (457 MM) BETWEEN FLOOR LEVELS OR LANDINGS.

**R311.1.4 WALKLINE**

THE WALKLINE ACROSS WALKERS, TREADS AND LANDINGS SHALL BE CONCENTRIC TO THE TURN AND PARALLEL TO THE DIRECTION OF TRAVEL ENTERING AND EXITING THE TURN. THE WALKLINE SHALL BE LOCATED 18 INCHES (457 MM) FROM THE INSIDE OF THE TURN. THE 18-INCH (457 MM) DIMENSION SHALL BE MEASURED FROM THE WIDEST POINT OF THE CLEAR STAIR WIDTH AT THE WALKING SURFACE. WHERE WALKERS ARE ADJACENT WITHIN A FLIGHT, THE POINT OF THE WIDEST CLEAR STAIR WIDTH OF THE ADJACENT WALKERS SHALL BE USED.

**R311.1.5 STAIR TREADS AND RISERS**

STAIR TREADS AND RISERS SHALL MEET THE REQUIREMENTS OF THIS SECTION FOR THE PURPOSES OF THIS SECTION. DIMENSIONS AND DIMENSIONED SURFACES SHALL BE EXCLUSIVE OF CARPETS, RUGS OR RUNNERS.

**R311.1.5.1 RISERS**

THE RISER HEIGHT SHALL BE NOT MORE THAN 8 INCHES (203 MM). THE RISER SHALL BE MEASURED VERTICALLY BETWEEN LEADING EDGES OF ADJACENT TREADS. THE GREATEST RISER HEIGHT WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN 3/8 INCH (9.5 MM). RISERS SHALL BE VERTICAL OR SLOPED. RISERS SHALL NOT EXCEED THE HEIGHT OF THE TREAD ABOVE AN ANGLE NOT MORE THAN 30 DEGREES TO THE VERTICAL. AT OPEN WHERE OPENINGS LOCATED MORE THAN 30 INCHES (762 MM) AS MEASURED VERTICALLY, TO THE FLOOR OR GRADE BELOW SHALL NOT EXCEED THE FINNAGE OF A 4-INCH (102 MM) FINN.

EXCEPTIONS:

- 1 THE OPENING BETWEEN ADJACENT TREADS IS NOT LIMITED ON SPIRAL STAIRWAYS.
- 2 THE RISER HEIGHT OF SPIRAL STAIRWAYS SHALL BE IN ACCORDANCE WITH SECTION R311.1.1.

**R311.1.5.2 TREADS**

THE TREAD DEPTH SHALL BE NOT LESS THAN 9 INCHES (229 MM). THE TREAD DEPTH SHALL BE MEASURED HORIZONTALLY BETWEEN THE VERTICAL PLANES OF THE FOREMOST PROJECTION OF ADJACENT TREADS AND AT A RIGHT ANGLE TO THE TREAD'S LEADING EDGE. THE GREATEST TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN 3/8 INCH (9.5 MM).

**R311.1.5.2.1 WINDER TREADS**

WINDER TREADS SHALL HAVE A TREAD DEPTH OF NOT LESS THAN 9 INCHES (229 MM) MEASURED BETWEEN THE VERTICAL PLANES OF THE FOREMOST PROJECTION OF ADJACENT TREADS AT THE INTERSECTIONS WITH THE WALKLINE. WINDER TREADS SHALL HAVE A TREAD DEPTH OF NOT LESS THAN 6 INCHES (152 MM) AT ANY POINT WITHIN THE CLEAR WIDTH OF THE STAIRS. WITHIN ANY FLIGHT OF STAIRS, THE LARGEST WINDER TREAD DEPTH AT THE WALKLINE SHALL NOT EXCEED THE SMALLEST WINDER TREAD BY MORE THAN 1/8 INCH (3.2 MM). CONSISTENTLY SHAPED WINDERS AT THE WALKLINE SHALL BE ALLOWED WITHIN THE WALKLINE. WINDERS OF RECTANGULAR TREADS AND SHALL NOT BE REQUIRED TO BE WITHIN 3/8 INCH (9.5 MM) OF THE RECTANGULAR TREAD DEPTH.

EXCEPTION: THE TREAD DEPTH AT SPIRAL STAIRWAYS SHALL BE IN ACCORDANCE WITH SECTION R311.1.1.



TABLE N1101.1(2)  
ADDITIONAL MEASURES

1. HIGH EFFICIENCY HVAC SYSTEM  
A) GAS FIRED FURNACE @ 94%

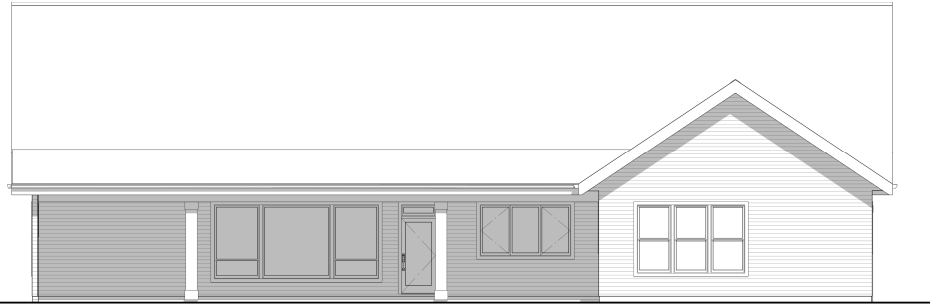
TABLE N1101.1(2)  
PRESCRIPTIVE ENVELOPE REQUIREMENTS

WALLS - R21  
FLAT CEILINGS - R45  
VAULTED CEILINGS - R30  
UNDER FLOOR - R30  
WINDOWS - U-0.31  
EXTERIOR DOORS - U-0.20



**FRONT ELEVATION**

SCALE 1/4" = 1'-0"



**REAR ELEVATION**

SCALE 1/4" = 1'-0"

**BUILDING DATA:**

**FLOOR ONE** 2692 SF CONDITIONED SPACE  
118 SF GARAGE  
5'-0" STUD @ 16" O/C  
1-1/8" DECK G

**FLOOR TWO** 423 SF CONDITIONED SPACE  
395 SF STORAGE (UNFINISHED)  
8'-0" STUD @ 16" O/C  
ATTIC TRUSSES  
7/8" DECK G

3115 SF CONDITIONED SPACE

**2021 ORSC**

THESE DRAWINGS ARE INTENDED FOR ARCHITECTURAL REFERENCE ONLY. DRAFTSMAN IS NOT AN ARCHITECT OR ENGINEER. ALL FEDERAL, STATE AND LOCAL CODES, ORDINANCES, REGULATIONS, ETC. SHALL BE CONSIDERED AS PART OF SPECIFICATIONS FOR THIS BUILDING AND SHALL TAKE PRECEDENCE OVER ANYTHING SHOWN, REFERRED TO, OR IMPLIED IN THESE PLANS. I/WE, ARCHITECT/ENGINEER, ASSURE THAT THESE PLANS COMPLY WITH ALL APPLICABLE PROVISIONS TO THESE DRAWINGS AS REQUIRED. WAVRA DESIGN CO. IS IN NO WAY RESPONSIBLE FOR THIS BUILDING NOT COMPLYING WITH APPLICABLE BUILDING CODES OR STANDARDS AND ASSUMES NO LIABILITY FOR THE PLANS IN PART OR WHOLE AND/OR THE CONTRIBUTION OF THE WORK CONTAINED HEREIN. A QUALIFIED PROFESSIONAL SHOULD REVIEW PLANS FOR ERRORS AND OMISSIONS.

**CONSULTANT(S):**

DAN GREEN ENGINEERING, INC. JOB REFERENCE #240320  
SALEM, OREGON (503) 391 - 2309

WHERE A BUILDING OF OTHERWISE CONVENTIONAL CONSTRUCTION CONTAINS STRUCTURAL ELEMENTS EXCEEDING THE LIMITS OF SECTION R301 OR OTHERWISE NOT CONFORMING TO THIS CODE, THESE ELEMENTS SHALL BE DESIGNED IN ACCORDANCE WITH ACCEPTED ENGINEERING PRACTICE. THE EXTENT OF SUCH DESIGN NEED ONLY DEMONSTRATE COMPLIANCE OF NON-CONVENTIONAL ELEMENTS WITH OTHER APPLICABLE PROVISIONS AND SHALL BE COMPATIBLE WITH THE PERFORMANCE OF THE CONVENTIONAL FRAMED SYSTEM. ENGINEERED DESIGN IN ACCORDANCE WITH THE BUILDING CODE IS PERMITTED FOR BUILDINGS AND STRUCTURES, AND PARTS THEREOF, INCLUDED IN THE SCOPE OF THIS CODE.



**DOUBLE II CONSTRUCTION**  
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III S FIRST STREET  
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WAVRADESIGNCO@GMAIL.COM  
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PH: 503-332-4134

MAR. 2024

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**R308.4.3 GLAZING IN WINDOWS**  
(BUILDER/OWNER VERIFY WITH MANUFACTURER, VERIFY REQUIRED U-VALUE)

GLAZING IN AN INDIVIDUAL FIXED OR OPERABLE PANEL THAT MEETS ALL OF THE FOLLOWING CONDITIONS SHALL BE CONSIDERED TO BE A HAZARDOUS LOCATION:

- 1 THE EXPOSED AREA OF AN INDIVIDUAL PANE IS LARGER THAN 9 SQUARE FEET (9 SQ FT)
- 2 THE BOTTOM EDGE OF THE GLAZING IS LESS THAN 18 INCHES (18") ABOVE THE FLOOR
- 3 THE TOP EDGE OF THE GLAZING IS MORE THAN 36 INCHES (36") ABOVE THE FLOOR
- 4 ONE OR MORE WALKING SURFACES ARE WITHIN 36 INCHES (36") MEASURED HORIZONTALLY AND IN A STRAIGHT LINE, OF THE GLAZING

EXCEPTIONS:

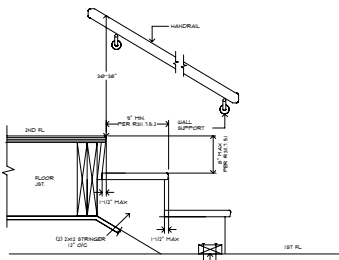
- 1 DECORATIVE GLAZING
- 2 WHERE GLAZING IS ADJACENT TO A WALKING SURFACE AND A HORIZONTAL RAIL IS INSTALLED 34 TO 38 INCHES (34 TO 38") ABOVE THE WALKING SURFACE, THE RAIL SHALL BE CAPABLE OF WITHSTANDING A HORIZONTAL LOAD OF 50 POUNDS PER LINEAR FOOT (130 N) WITHOUT CONTACTING THE GLASS AND HAVE A CROSS-SECTIONAL HEIGHT OF NOT LESS THAN 1 1/2 INCHES (38 MM)
- 3 OUTWARD PANELS IN INSULATING GLASS UNITS AND OTHER MULTIPLE GLAZED PANELS WHERE THE BOTTOM EDGE OF THE GLASS IS 28 FEET (8.53 M) OR MORE ABOVE GRADE, A ROOF WALKING SURFACE OR OTHER HORIZONTAL WITHIN 45 DEGREES (9.79 RAD) OF HORIZONTAL) SURFACE ADJACENT TO THE GLASS EXTERIOR

**R310.2.1 MINIMUM OPENING AREA**

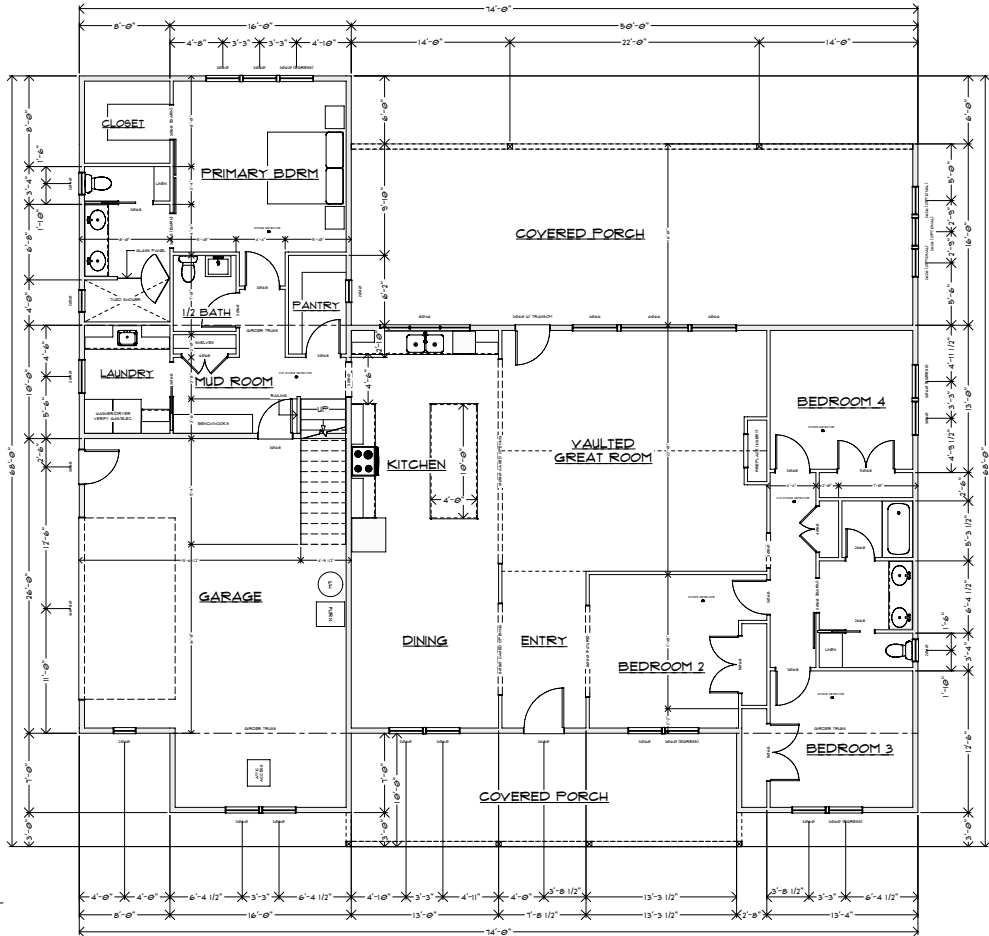
EMERGENCY ESCAPE AND RESCUE OPENINGS SHALL HAVE A NET CLEAR OPENING OF NOT LESS THAN 5.7 SQUARE FEET (0.53 M<sup>2</sup>). THE NET CLEAR OPENING DIMENSIONS REQUIRED BY THIS SECTION SHALL BE OBTAINED BY THE NORMAL OPERATION OF THE EMERGENCY ESCAPE AND RESCUE OPENING FROM THE INSIDE. THE NET CLEAR HEIGHT OPENINGS SHALL BE NOT LESS THAN 24 INCHES (609 MM) AND THE NET CLEAR WIDTH SHALL BE NOT LESS THAN 20 INCHES (508 MM). EXCEPTION: GARAGE FLOOR OR BELOW GRADE OPENINGS SHALL HAVE A NET CLEAR OPENING OF NOT LESS THAN 9 SQUARE FEET (0.83 M<sup>2</sup>).

**R310.2.2 WINDOW SILL HEIGHT**

WHERE A WINDOW IS PROVIDED AS THE EMERGENCY ESCAPE AND RESCUE OPENING, IT SHALL HAVE A SILL HEIGHT OF NOT MORE THAN 44 INCHES (1118 MM) MEASURED FROM THE FINISHED FLOOR TO THE BOTTOM OF THE CLEAR OPENING. WHERE THE SILL HEIGHT IS BELOW GRADE, IT SHALL BE PROVIDED WITH A WINDOW WELL IN ACCORDANCE WITH SECTION R310.2.3.



TYPICAL STAIR DETAIL



SEE ENGINEER SK-SHEETS FOR ALL STRUCTURAL DETAILS

**MAIN FLOOR PLAN**

SCALE 1/4" = 1'-0"



**DOUBLE II CONSTRUCTION**  
 IVAN: 503-793-3123  
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 14900 S HERMAN ROAD  
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MAR. 2024

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**OREGON DEPARTMENT OF LAND CONSERVATION AND  
DEVELOPMENT**

**ORS 195.300 to ORS 195.336 (MEASURE 49) SUPPLEMENTAL REVIEW  
OF MEASURE 37 CLAIM  
Final Order and Home Site Authorization**

**STATE ELECTION NUMBER:** E129730

**CLAIMANT:** Kenneth A. Kraxberger  
65765 Elk Mountain Road  
Enterprise, OR 97828

**MEASURE 37 PROPERTY  
IDENTIFICATION:** Township 5S, Range 2E  
Section 28, Tax lot 100  
Section 27, Tax lots 601 and 700  
Clackamas County

The claimant, Kenneth Kraxberger, filed a claim with the state under ORS 197.352 (2005) (Measure 37) on July 24, 2006, for property located at 15002 S. Herman Road, near Molalla, in Clackamas County. ORS 195.300 to ORS 195.336 (Measure 49) entitles claimants who filed Measure 37 claims to elect supplemental review of their claims. The claimant has elected supplemental review of his Measure 37 claim under Section 6 of Measure 49, which allows the Department of Land Conservation and Development (the department) to authorize up to three home site approvals to qualified claimants.<sup>1</sup>

This Final Order and Home Site Authorization is the conclusion of the supplemental review of this claim.

**I. ANALYSIS OF CLAIM**

**A. Maximum Number of Home Sites for Which the Claimant May Qualify**

Under Section 6 of Measure 49, the number of home site approvals authorized by the department cannot exceed the lesser of the following: three; the number stated by the claimant in the election materials; or the number described in a Measure 37 waiver issued by the state, or if no waiver was issued, the number of home sites described in the Measure 37 claim filed with the state. The claimant has requested three home site approvals in the election material. The Measure 37 waiver issued for this claim describes more than three home sites. Therefore, the claimant may qualify for a maximum of three home site approvals under Section 6 of Measure 49.

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<sup>1</sup> The claimant initially elected to have his claim reviewed under Section 7 of Measure 49, but amended his election to request review under Section 6.

## **B. Qualification Requirements**

To qualify for a home site approval under Section 6 of Measure 49, the claimant must meet each of the following requirements:

### **1. Timeliness of Claim**

A claimant must have filed a Measure 37 claim for the property with either the state or the county in which the property is located on or before June 28, 2007, and must have filed a Measure 37 claim with both the state and the county before Measure 49 became effective on December 6, 2007. If the state Measure 37 claim was filed after December 4, 2006, the claim must also have been filed in compliance with the provisions of OAR 660-041-0020 then in effect.

### **Findings of Fact and Conclusions**

The claimant, Kenneth Kraxberger, filed a Measure 37 claim, M129730, with the state on July 24, 2006. The claimant filed a Measure 37 claim, ZC144-06, with Clackamas County on July 26, 2006. The state claim was filed prior to December 4, 2006.

The claimant timely filed a Measure 37 claim with both the state and Clackamas County.

### **2. The Claimant Is an Owner of the Property**

Measure 49 defines "Owner" as: "(a) The owner of fee title to the property as shown in the deed records of the county where the property is located; (b) The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or (c) If the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner."

### **Findings of Fact and Conclusions:**

According to the deed submitted by the claimant, Kenneth Kraxberger is the settlor of a revocable trust into which he conveyed the Measure 37 claim property and, therefore, is an owner of the property under Measure 49.

Clackamas County has confirmed that the claimant is the current owner of the property.

### **3. All Owners of the Property Have Consented in Writing to the Claim**

All owners of the property must consent to the claim in writing.

### **Findings of Fact and Conclusions:**

The deed by which the claimant acquired tax lot 601 indicates that there is a non-claimant owner. The claimant has submitted a consent form signed by the non-claimant owner.



**4. The Property Is Located Entirely Outside Any Urban Growth Boundary and Entirely Outside the Boundaries of Any City**

The Measure 37 claim property must be located entirely outside any urban growth boundary and entirely outside the boundaries of any city.

**Findings of Fact and Conclusions:**

The Measure 37 claim property is located in Clackamas County, outside the urban growth boundary and outside the city limits of the nearest city, Molalla.

**5. One or More Land Use Regulations Prohibit Establishing the Lot, Parcel or Dwelling**

One or more land use regulations must prohibit establishing the requested lot, parcel or dwelling.

**Findings of Fact and Conclusions:**

The property is currently zoned Exclusive Farm Use (EFU) by Clackamas County, in accordance with ORS chapter 215 and OAR 660, division 33, because the property is "agricultural land" as defined by Goal 3. Goal 3 requires agricultural land to be zoned exclusive farm use. Applicable provisions of ORS chapter 215 and OAR 660, division 33, enacted or adopted pursuant to Goal 3, generally prohibit the establishment of a lot or parcel less than 80 acres in size in an EFU zone and regulate the establishment of dwellings on new or existing lots or parcels.

The claimant's property consists of 126 acres. Therefore, state land use regulations prohibit the claimant from establishing on the Measure 37 claim property the three home sites the claimant may qualify for under Section 6 of Measure 49.

**6. The Establishment of the Lot, Parcel or Dwelling Is Not Prohibited by a Land Use Regulation Described in ORS 195.305(3)**

ORS 195.305(3) exempts from claims under Measure 49 land use regulations:

- (a) Restricting or prohibiting activities commonly and historically recognized as public nuisances under common law;
- (b) Restricting or prohibiting activities for the protection of public health and safety;
- (c) To the extent the land use regulation is required to comply with federal law; or
- (d) Restricting or prohibiting the use of a property for the purpose of selling pornography or performing nude dancing.

**Findings of Fact and Conclusions**

Based on the documentation submitted by the claimant, it does not appear that the establishment of the three home sites for which the claimant may qualify on the property is prohibited by land use regulations described in ORS 195.305(3).

**7. On the Claimant's Acquisition Date, the Claimant Lawfully Was Permitted to Establish at Least the Number of Lots, Parcels or Dwellings on the Property That Are Authorized Under Section 6 of Measure 49**

A claimant's acquisition date is "the date the claimant became the owner of the property as shown in the deed records of the county in which the property is located. If there is more than one claimant for the same property under the same claim and the claimants have different acquisition dates, the acquisition date is the earliest of those dates."

**Findings of Fact and Conclusions**

Clackamas County deed records indicate that the claimant acquired tax lots 100 and 700 (122.78 acres) on June 21, 1967, and tax lot 601 (3.22 acres) on January 2, 1992.

On June 21, 1967, tax lots 100 and 700 of the Measure 37 claim property were not subject to any local or state laws that would have prohibited the claimant from establishing at least three lots or parcels and at least three dwellings. Therefore, the claimant lawfully could have established the three home sites the claimant qualifies for under Section 6 of Measure 49 on tax lots 100 and 700.

On January 2, 1992, the Measure 37 claim property was subject to Clackamas County's acknowledged Exclusive Farm Use (EFU-20) zone. Clackamas County's EFU-20 zone required 20 acres for the creation of a new lot or parcel on which a dwelling could be established. The claimant's property consists of 126 acres. Therefore, the claimant lawfully could have established the requested three home sites on his date of acquisition.

**II. COMMENTS ON THE PRELIMINARY EVALUATION**

The department issued its Preliminary Evaluation for this claim on August 3, 2009. Pursuant to OAR 660-041-0090, the department provided written notice to the owners of surrounding properties. Comments received have been taken into account by the department in the issuance of this Final Order and Home Site Authorization.

**III. CONCLUSION**

Based on the analysis above, the claimant qualifies for up to three home sites. However, the number of lots, parcels or dwellings that a claimant may establish pursuant to a home site authorization is reduced by the number of lots, parcels or dwellings currently in existence on the Measure 37 claim property and any contiguous property under the same ownership according to the methodology stated in Section 6(2)(b) and 6(3) of Measure 49.

Based on the documentation provided by the claimant and information from Clackamas County, the Measure 37 claim property includes three lots or parcels and one dwelling. There is no contiguous property under the same ownership. Therefore, the three home site approvals the

claimant qualifies for under Section 6 of Measure 49 will authorize the claimant to establish no additional lots or parcels and up to two additional dwellings on the Measure 37 claim property.

#### **IV. HOME SITE AUTHORIZATION**

Based on the analysis set forth above, this claim is approved, and the claimant qualifies for three home site approvals. As explained in section III above, after taking into account the number of existing lots, parcels or dwellings, the claimant is authorized for no additional lots or parcels and two additional dwellings on the property on which the claimant is eligible for Measure 49 relief, subject to the following terms:

1. Each dwelling must be on a separate lot or parcel, and must be contained within the property on which the claimant is eligible for Measure 49 relief. The establishment of a land division or dwelling based on this home site authorization must comply with all applicable standards governing the siting or development of the land division or dwelling. However, those standards must not be applied in a manner that prohibits the establishment of the land division or dwelling, unless the standards are reasonably necessary to avoid or abate a nuisance, to protect public health or safety, or to carry out federal law.
2. This home site authorization will not authorize the establishment of a land division or dwelling in violation of a land use regulation described in ORS 195.305(3) or in violation of any other law that is not a land use regulation as defined by ORS 195.300(14).
3. A claimant is not eligible for more than 20 home site approvals under Sections 5 to 11 of Measure 49 regardless of how many properties a claimant owns or how many claims a claimant filed. If the claimant has developed the limit of twenty home sites under Measure 49, the claimant is no longer eligible for the home site approvals that are the subject of this order.
4. The number of lots, parcels or dwellings a claimant may establish under this home site authorization is reduced by the number of lots, parcels and dwellings currently in existence on the Measure 37 claim property and contiguous property in the same ownership, regardless of whether evidence of their existence has been provided to the department. If, based on the information available to the department, the department has calculated the number of currently existing lots, parcels or dwellings to be either greater than or less than the number of lots, parcels or dwellings actually in existence on the Measure 37 claim property or contiguous property under the same ownership, then the number of additional lots, parcels or dwellings a claimant may establish pursuant to this home site authorization must be adjusted according to the methodology stated in Section 6(2)(b) and 6(3) of Measure 49. Statements in this final order regarding the number of lots, parcels or dwellings currently existing on the Measure 37 claim property and contiguous property are not a determination on the current legal status of those lots, parcels or dwellings.
5. Temporary dwellings are not considered in determining the number of existing dwellings currently on the property. The claimant may choose to convert any temporary dwelling currently located on the property on which the claimant is eligible for Measure 49 relief to an authorized home site pursuant to a home site approval. Otherwise, any temporary dwelling is

subject to the terms of the local permit requirements under which it was approved, and is subject to removal at the end of the term for which it is allowed.

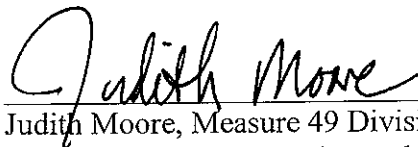
6. A home site approval only authorizes the establishment of a new lot, parcel or dwelling on the property on which the claimant is eligible for Measure 49 relief. No additional development is authorized on contiguous property for which no Measure 37 claim was filed or on Measure 37 claim property on which the claimant is not eligible for Measure 49 relief. A lot or parcel established pursuant to a home site approval must either be the site of a dwelling that is currently in existence or be the site of a dwelling that may be established pursuant to the home site approval.
7. The claimant may use a home site approval to convert a lot, parcel or dwelling currently located on the property on which the claimant is eligible for Measure 49 relief to an authorized home site. If the number of lots, parcels or dwellings existing on the property on which the claimant is eligible for Measure 49 relief exceeds the number of home site approvals the claimant qualifies for under a home site authorization, the claimant may select which existing lots, parcels or dwellings to convert to authorized home sites; or may reconfigure existing lots, parcels or dwellings so that the number is equivalent to the number of home site approvals.
8. The claimant may not implement the relief described in this Measure 49 Home Site Authorization if a claimant has been determined to have a common law vested right to a use described in a Measure 37 waiver for the property. Therefore, if a claimant has been determined in a final judgment or final order that is not subject to further appeal to have a common law vested right as described in section 5(3) of Measure 49 to any use on the Measure 37 claim property, then this Measure 49 Home Site Authorization is void. However, so long as no claimant has been determined in such a final judgment or final order to have a common law vested right to a use described in a Measure 37 waiver for the property, a use that has been completed on the property pursuant to a Measure 37 waiver may be converted to an authorized home site.
9. A home site approval does not authorize the establishment of a new dwelling on a lot or parcel that already contains one or more dwellings. The claimant may be required to alter the configuration of the lots or parcels currently in existence on the Measure 37 claim property and contiguous property so that each additional dwelling established on the property on which the claimant is eligible for Measure 49 relief, pursuant to this home site authorization, is sited on a separate lot or parcel.
10. Because the property is located in an exclusive farm use zone, the home site authorization does not authorize new lots or parcels that exceed five acres. However, existing or remnant lots or parcels may exceed five acres. Before beginning construction, the owner must comply with the requirements of ORS 215.293. Further, the home site authorization will not authorize new lots or parcels that exceed two acres if the new lots or parcels are located on high-value farmland, on high-value forestland or on land within a ground water restricted area. However, existing or remnant lots or parcels may exceed two acres.



11. Because the property is located in an exclusive farm use zone, Measure 49 requires new home sites to be clustered so as to maximize suitability of the remnant lot or parcel for farm or forest use. Further, if an owner of the property is authorized by other home site authorizations to subdivide, partition, or establish dwellings on other Measure 37 claim properties, Measure 49 authorizes the owner to cluster some or all of the authorized lots, parcels or dwellings that would otherwise be located on land in an exclusive farm use zone, a forest zone or a mixed farm and forest zone on a single Measure 37 claim property that is zoned residential use or is located in an exclusive farm use zone, a forest zone or a mixed farm and forest zone but is less suitable for farm or forest use than the other Measure 37 claim properties.
  
12. If the claimant transferred ownership interest in the Measure 37 claim property prior to the date of this order, this order is rendered invalid and authorizes no home site approvals. Provided this order is valid when issued, a home site approval authorized under this order runs with the property and transfers with the property. A home site approval will not expire, except that if a claimant who received this home site authorization later conveys the property to a party other than the claimant's spouse or the trustee of a revocable trust in which the claimant is the settlor, the subsequent owner of the property must establish the authorized lots, parcels and dwellings within 10 years of the conveyance. A lot or parcel lawfully created based on this home site authorization will remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law. A dwelling lawfully created based on a home site approval is a permitted use.
  
13. To the extent that any law, order, deed, agreement or other legally enforceable public or private requirement provides that the subject property may not be used without a permit, license or other form of authorization or consent, this home site authorization will not authorize the use of the property unless the claimant first obtains that permit, license or other form of authorization or consent. Such requirements may include, but are not limited to: a building permit, a land use decision, a permit as defined in ORS 215.402 or 227.160, other permits or authorizations from local, state or federal agencies, and restrictions on the use of the subject property imposed by private parties.

IT IS HEREBY ORDERED that this Final Order and Home Site Authorization is entered by the Director of the Department of Land Conservation and Development as a final order of the department and the Land Conservation and Development Commission under ORS 197.300 to ORS 195.336 and OAR 660-041-0000 to 660-041-0160.

FOR THE DEPARTMENT AND THE LAND  
CONSERVATION AND DEVELOPMENT  
COMMISSION:



Judith Moore, Measure 49 Division Manager  
Dept. of Land Conservation and Development  
Dated this 30<sup>th</sup> day of September 2009.

#### NOTICE OF RIGHT TO APPEAL OR OTHER JUDICIAL RELIEF

You are entitled, or may be entitled, to judicial remedies including the following:

1. Judicial review is available to anyone who is an owner of the property as defined in Measure 49 that it the subject of this final determination, or a person who timely submitted written evidence or comments to the department concerning this final determination.
2. Judicial review under ORS 183.484 may be obtained by filing a petition for review within 60 days from the service of this order. A petition for judicial review under ORS 183.484 must be filed in the Circuit Court in the county in which the affected property is located. Upon motion of any party to the proceedings, the proceedings may be transferred to any other county with jurisdiction under ORS 183.484 in the manner provided by law for change of venue.
3. Judicial review of this final determination is limited to the evidence in the record of the department at the time of its final determination. Copies of the documents that comprise the record are available for review at the department's office at 635 Capitol St. NE, Suite 150, Salem, OR 97301-2540. Judicial review is only available for issues that were raised before the department with sufficient specificity to afford the department an opportunity to respond.