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## CLACKAMAS COUNTY BOARD OF COMMISSIONERS

### LAND USE HEARING January 12, 2022 10:00 AM

This public hearing will be conducted in person *and* virtually using the Zoom platform. If you wish to attend in person, the address is:

**2051 Kaen Rd, BCC Hearing Room—4<sup>th</sup> Floor, Oregon City**

The Zoom link to the public hearing and details on how to observe and testify online or by telephone are available on our website: <https://www.clackamas.us/meetings/bcc/landuse>.

All interested parties are invited to attend the hearing in person, online or by telephone and will be provided with an opportunity to testify orally, if they so choose. The staff report and drafts of the proposed amendments are available on our website at <https://www.clackamas.us/meetings/bcc/landuse>. Please direct all calls and correspondence to the staff member listed below.

#### LAND USE HEARING

**File No.:** **Z0155-21-M, Z0156-21-CP, Z0157-21-ZAP, Comprehensive Plan Map amendment and zone change with a two-parcel partition**

**Applicants:** Heavy Timber Innovations, LLC, Stefan Schneider, Russ Brotnov

**Proposal:** The applicants request the following for 25720 SE Eagle Creek Rd (Tax Lot 34E05-04100, approximately 19.4 acres):

1. A Comprehensive Plan Map amendment to change the land use plan designation of the subject property from Rural (R) to Rural Industrial (RI);
2. A corresponding zone change of the subject property from Rural Residential Farm Forest 5-Acre (RRFF-5) District to Rural Industrial (RI); and
3. A partition of the subject property into two parcels.

**Staff Contact:** Glen Hamburg, Senior Planner, 503-742-4523, [GHamburg@clackamas.us](mailto:GHamburg@clackamas.us)

*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 least three (3) business days before the meeting at 503-742-4545 or email [Drenhard@clackamas.us](mailto:Drenhard@clackamas.us).*

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

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**Land Use Hearing Item  
Staff Report to the Board of County Commissioners**

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**File Numbers:** Z0155-21-M, Z0156-21-CP, and Z0157-21-ZAP, Comprehensive Plan Map amendment and zone change with a two-parcel partition

**Staff Contact:** Glen Hamburg, Planning and Zoning ([ghamburg@clackamas.us](mailto:ghamburg@clackamas.us))

**Board of County Commissioners Hearing Date:** January 12, 2022

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**PROPOSAL:**

Heavy Timber Innovations, LLC, Stefan Schneider, and Russ Brotnov (the “Applicants”), request the following for 25720 SE Eagle Creek Rd (Tax Lot 34E05-04100, approximately 19.4 acres):

1. A Comprehensive Plan Map amendment to change the land use plan designation of the subject property from Rural (R) to Rural Industrial (RI);
2. A corresponding zone change of the subject property from Rural Residential Farm Forest 5-Acre (RRFF-5) District to Rural Industrial (RI); and
3. A partition of the subject property into two parcels.





**Background:**

The record demonstrates that the subject property has been used for industrial uses for more than half a century. The Diamond Lumber Company was established on the property in 1955 and in 1966, it was purchased by Milwaukie Plywood Corp. and used for plywood manufacturing. The property was then purchased by Plywood Equipment Panel Sales, Inc. in 1978 and used for equipment rebuilding and storage. The County approved a conditional use permit for the property in 1983 for storage of logs and making hog fuel. There is no record of the property ever having residential uses.

In 2013, the Board of County Commissioners approved<sup>1</sup> a nearly identical request to change the Comprehensive Plan designation and zone of the property neighboring to the south to RI, having found that this adjacent property also had an historic commitment to industrial uses and that zoning it RI would be consistent with applicable approval criteria, including Statewide Planning Goals and the goals and policies of the County's Comprehensive Plan.

The current application does not propose any new development or land use; it only requests to change what is potentially allowable in terms of development and land uses by changing the property's land use plan designation and zone, and to divide the property in to two separate parcels. Nonetheless, the Applicants' have previously expressed an interest in using the subject property for mass timber-related manufacturing and similar operations. If the Applicants' current request is approved, future development would require separate design review approval.

**Existing Conditions and Surrounding Area:**

The subject property includes vacant industrial buildings, as well as a portion of a former log pond that is now overgrown with trees. The property is generally flat, is not in a mapped flood hazard area, and has no County-protected historic landmarks.

Despite also having frontage on Hwy 211/224, the property only takes access from SE Eagle Creek Rd via SE Riverside Way. Tri-Met Line #30 has stops directly in front of the subject property on SE Eagle Creek Rd.

The half-mile area around the property is generally characterized by fields, trees, and sparse rural residential, commercial, and industrial development and includes lands zoned RRFF-5, RI, Rural Commercial (RC), Exclusive Farm Use (EFU), and Timber (TBR). Eagle Creek, a County-regulated stream, is about a quarter mile to the north. The Clackamas River is about 1.5 miles to the west. The northern limits of the City of Estacada, specifically its "industrial sanctuary", is approximately 1.3 miles to the south.

**Public Comments:**

Notice of is application was sent directly to the owners of all properties within a half mile of the subject property (approximately 100 separate parities), the local Community Planning Organization (CPO), the City of Estacada, the local fire district, the Oregon Department of Land Conservation and Development (DLCD), the Oregon Department of Transportation (ODOT), and Tri-Met. Notice was also published in Pamplin Media's 'Estacada News' and on County websites. No party has commented in opposition to the

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<sup>1</sup> File Nos. Z0490-13-CP and Z0491-13-Z

application. Owners of the neighboring property to the north state that they “are fine with the request” of the Applicants; these neighbors also ask for fencing or other screening along the shared property line, which staff finds can be considered in a separate future design review application required for development if the application is approved.

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## **PLANNING COMMISSION ACTION:**

A public hearing was held on November 22, 2021, for Planning Commission consideration of the application and the original staff recommendation. That recommendation, with its findings on relevant approval criteria, is attached, along with draft minutes of the Planning Commission hearing.

The only party who testified at the Planning Commission hearing was the Applicants’ representative.

The Planning Commission voted unanimously to recommend approval, subject to the 10 conditions listed at the end of this report.

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## **CPO AND HAMLET RECOMMENDATIONS:**

The local CPO is the Eagle Creek – Barton CPO, who was provided notice of this application. The CPO has not commented.

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## **SIGNIFICANT ISSUES:**

At its November 22 hearing, the Planning Commission largely focused on the wetland areas of the subject property, which include the former log pond at the property’s south and two ditches.

The Applicants have submitted a wetland delineation report concluding that the former log pond is an “isolated feature” with no observed outlet or discharge, and that such artificially created wetlands constructed for log storage are not considered waters of the state and are non-jurisdictional. Both ditches were also found to not meet the jurisdictional ditch criteria in the applicable OARs and to not contain food or game fish.

The recommended conditions of approval would require the former log pond to be shown in the final plat as a restricted development area with a plat note identifying that additional land use review and Department of State Lands (DSL) approval is required for any disturbance within it.

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## STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of Z0155-21-M, Z0156-21-CP, and Z0157-21-ZAP by the Board of County Commissioners, subject to the following 10 (ten) conditions:

1. Clackamas County Comprehensive Plan Map 4-7a, *Non-Urban Area Land Use Plan*, and all other maps of the Comprehensive Plan that include the subject property (Tax Lot 34E05-04100, with situs address 25720 SE Eagle Creek Rd), shall be amended to identify the subject property as having a Comprehensive Plan land use designation of Rural Industrial (RI);
2. The Clackamas County *Non-Urban Area Zoning Map* shall be amended to identify the subject property as being in the Rural Industrial (RI) zoning district.
3. The partition shall result in no more than two parcels, one approximately 14.4 acres in area and the other approximately five acres in area, as shown in the submitted preliminary plat. Any change in design, including parcel layout and access, must be approved prior to final plat approval.
4. No work shall occur other than which is specified within the final approval. It shall be the responsibility of the property owner(s) to comply with the final approval and the limitations described therein.
5. Transportation- and emergency access-related requirements:
  - a. Unless otherwise approved by the Transportation Engineering Division pursuant to Section 170 of the County's Roadway Standards, an eight-foot-wide public easement shall be granted for signs, slopes, and public utilities along the south approximately 290 feet of frontage on SE Eagle Creek Rd where the existing right-of-way is 60 feet in width.
  - b. Unless otherwise approved by the Transportation Engineering Division pursuant to Section 170 of the County's Roadway Standards, a minimum 24-foot-wide perpetual common access and utility easement shall be provided from SE Riverside Way to Parcel 2. The easement shall be clear and unobstructed.
  - c. Prior to final plat approval, the stamped and approved plans or written verification from the local fire district fire marshal shall be provided to the County indicating that the access and fire flow standards have been, or will be, met.
  - d. Prior to final plat recording, an attorney and/or surveyor or engineer shall provide written verification that both resulting parcels have legal access and utility easements.
6. Platting requirements:

- a. The draft and final plats shall be prepared by a registered professional land surveyor in a form and with information consistent with the provisions of ORS 92, relevant portions of ORS 209.250, the Clackamas County ZDO, Chapters 11.01 and 11.02 of the County Code, and these conditions of approval.
  - b. Pursuant to ORS 92, five (5) copies of the draft partition plat survey of the development shall be submitted to the Transportation Engineering Division for routing and review.
  - c. After the draft plat is approved by the Planning & Zoning Division staff and reviewed by the County Surveyor, one (1) mylar copy and four (4) paper copies of the final plat shall be submitted to the Transportation Engineering Division for final review.
  - d. A copy of the final plat survey and review deposit shall also be submitted separately to the County Surveyor for review.
  - e. All existing, proposed, and required easements shall be shown on the final plat. Any private access easements shall also note any applicable provisions for utility services, such as water, electricity, communications, natural gas, storm drainage, sanitary sewer, and emergency services. New easements shall include a statement that the easements are for the parcels shown and any future divisions thereof.
  - f. The final plat shall include a note that water will be provided for each parcel with established Water Rights Permit G-168.
  - g. The delineated wetland shall be represented on the final plat as a restricted development area with a plat note identifying that additional land use review and Department of State Lands (DSL) approval is required for any disturbance within it.
  - h. When the final plat is approved by the County Surveyor, the plat must then be filed and recorded with the County Clerk. All property taxes shall be paid in full for the current year in order for the plat to be recorded.
  - i. Neither of the individual parcels resulting from the partition may be sold, transferred, or assigned until the final plat has been approved by the County Surveyor and recorded with the County Clerk.
7. Underground utilities: Underground utilities are required for all new development on the parcels resulting from this partition, and shall be installed pursuant to the requirements of the utility service providers serving the development.
  8. Partition approval period: Pursuant to ZDO Subsection 1106.05(A), preliminary partition approval is valid for four years from the date of the final written decision. Failure to record the final partition plat with the County Clerk within four years of the date of the final decision will void the approval of the partition unless a time extension is approved.



9. Partition time extension: Prior to expiration of the four-year approval period for the partition in Condition 8, a single-two year extension of the partition approval may be approved pursuant to ZDO Section 1310, *Time Extension*.
10. Future construction on the resulting parcels shall be subject to the use, dimensional, and development standards of the RI District in ZDO Section 604 and Section 1102, the relevant requirements of Section 1000. Development shall require design review approval pursuant to Section 1307.

# Z0155-21-M, Z0156-21-CP, Z0157-21-ZAP: COMPREHENSIVE PLAN MAP AMENDMENT, ZONE CHANGE, & TWO-PARCEL PARTITION

**Applicants:** Heavy Timber Innovations, LLC; Stefan Schneider; Russ Brotnov

**Property Owner:** Heavy Timber Innovations, LLC

**Map and Tax Lot:** T3S R4E Section 05, Tax Lot 4100 W.M.

**Site Address:** 25720 SE Eagle Creek Rd, Eagle Creek

**Current Plan Designation:** Rural (R)

**Current Zoning District:** Rural Residential Farm Forest Five-Acre District (RRFF-5)

**County Staff Contacts:** Glen Hamburg, Senior Planner (503.742.4523, [ghamburg@clackamas.us](mailto:ghamburg@clackamas.us))  
Liz Dance, Planner II (503.742.4524, [ldance@Clackamas.us](mailto:ldance@Clackamas.us))



Board of County Commissioners Hearing  
January 12, 2022

# TODAY

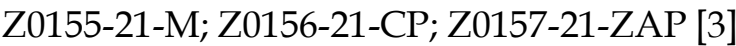
## 1. Application summary

- Currently zoned RRFF-5
- Convert to rural industrial, like property to south
- Concurrent two-parcel partition

## 2. Overview of property & area

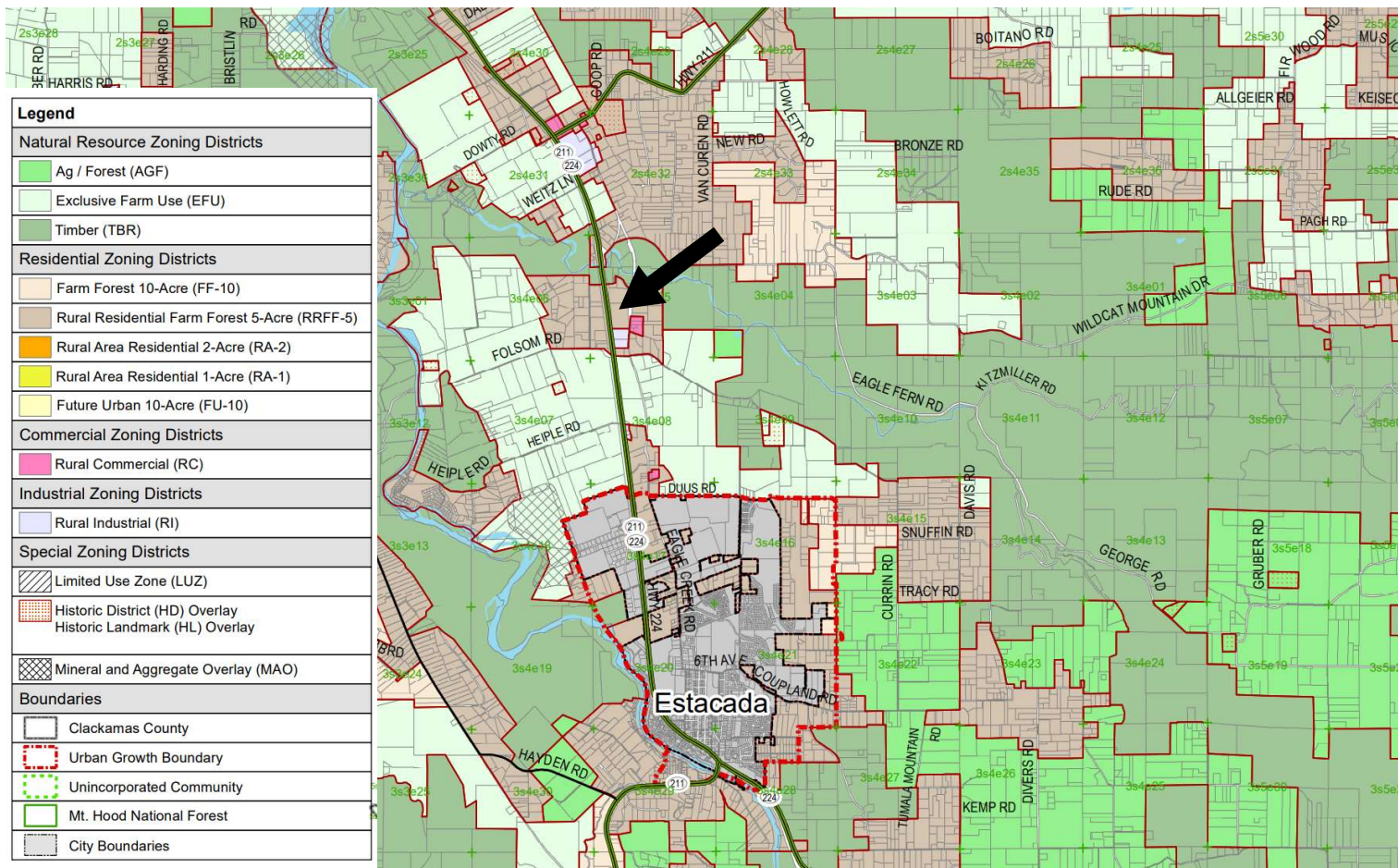
## 3. Review of substantive approval criteria

## 4. Significant issues & recommendation (approval)





# ZONING MAP



Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP [4]



# SUBJECT PROPERTY



Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP [5]





# SUBJECT PROPERTY





# SUBJECT PROPERTY

- $\pm 19.4$  acres
- No dwellings
- 28,000 ft<sup>2</sup> building
- No geo hazards or floodplain
- Old log pond
- Tri-Met stops



Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP [7]



# SUBJECT PROPERTY



Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP [8]



# SUBJECT PROPERTY

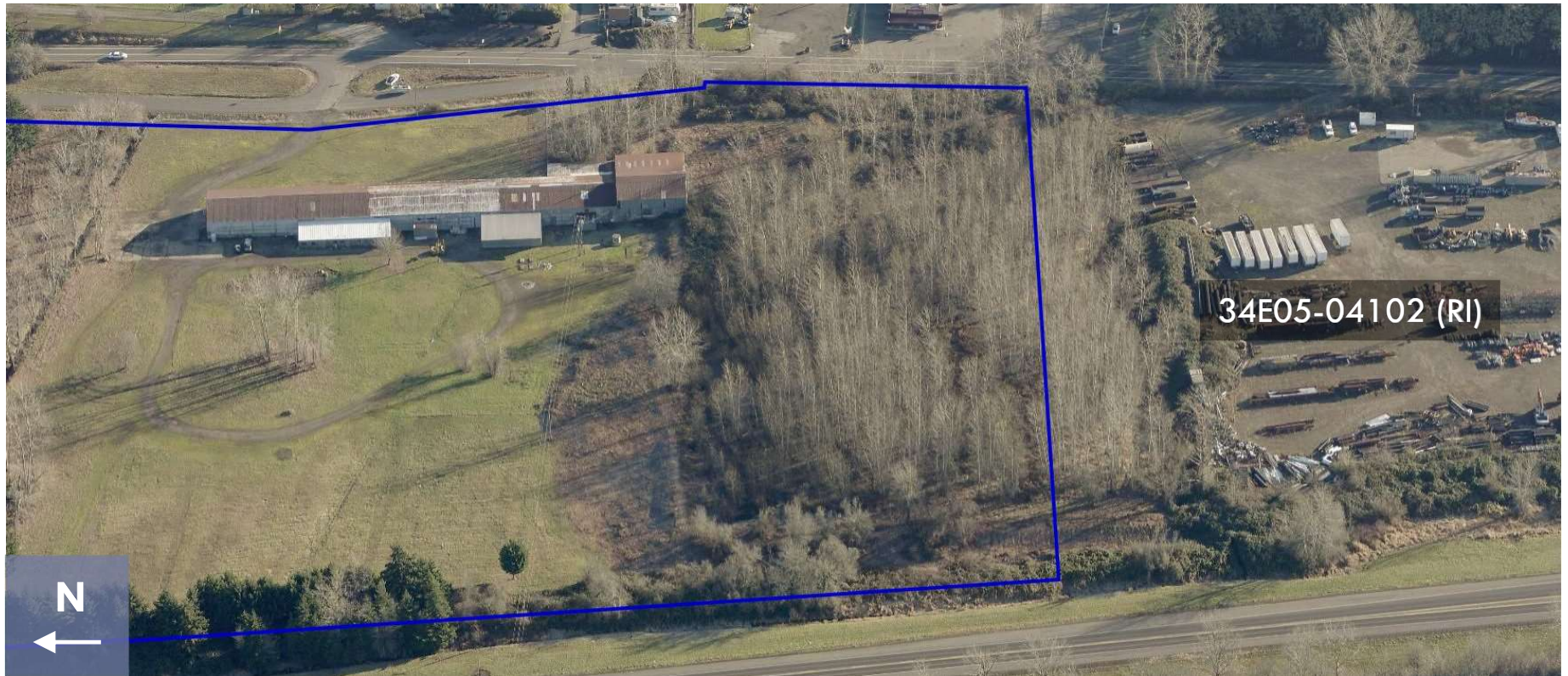


Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP [9]





# SUBJECT PROPERTY



Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP [10]





# SURROUNDING AREA



Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP [11]

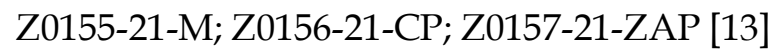




# SURROUNDING AREA

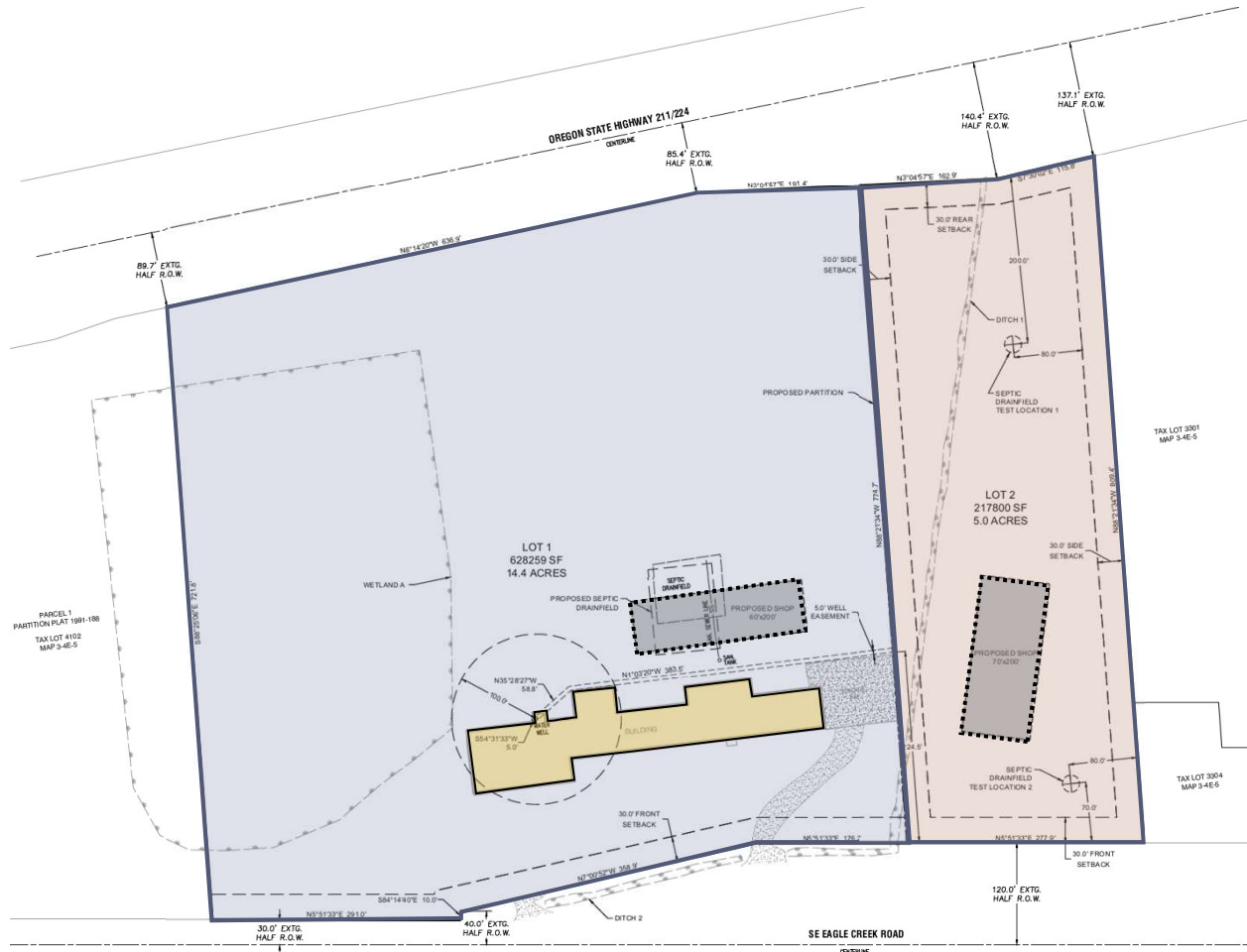


Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP [12]





# Applicants' "Partition Plan"



Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP [14]



# APPROVAL CRITERIA

## Statewide Planning Goals

- Proposal consistent with all applicable Statewide Planning Goals

## Zoning and Development Ordinance (ZDO)

- Zone change consistent with Section 1202
- Partition, with recommended conditions, consistent with Sections 1002, 1003, 1006, 1007, 1012, 1015, and 1105

## Clackamas County Comprehensive Plan

- Policy 4.LL.3:
  1. Has an historical commitment to industrial uses; or
  2. Is an abandoned or diminished mill site; or
  3. Located in an Unincorporated Community & has direct access to a road of at least an arterial classification

# INDUSTRIAL HISTORY



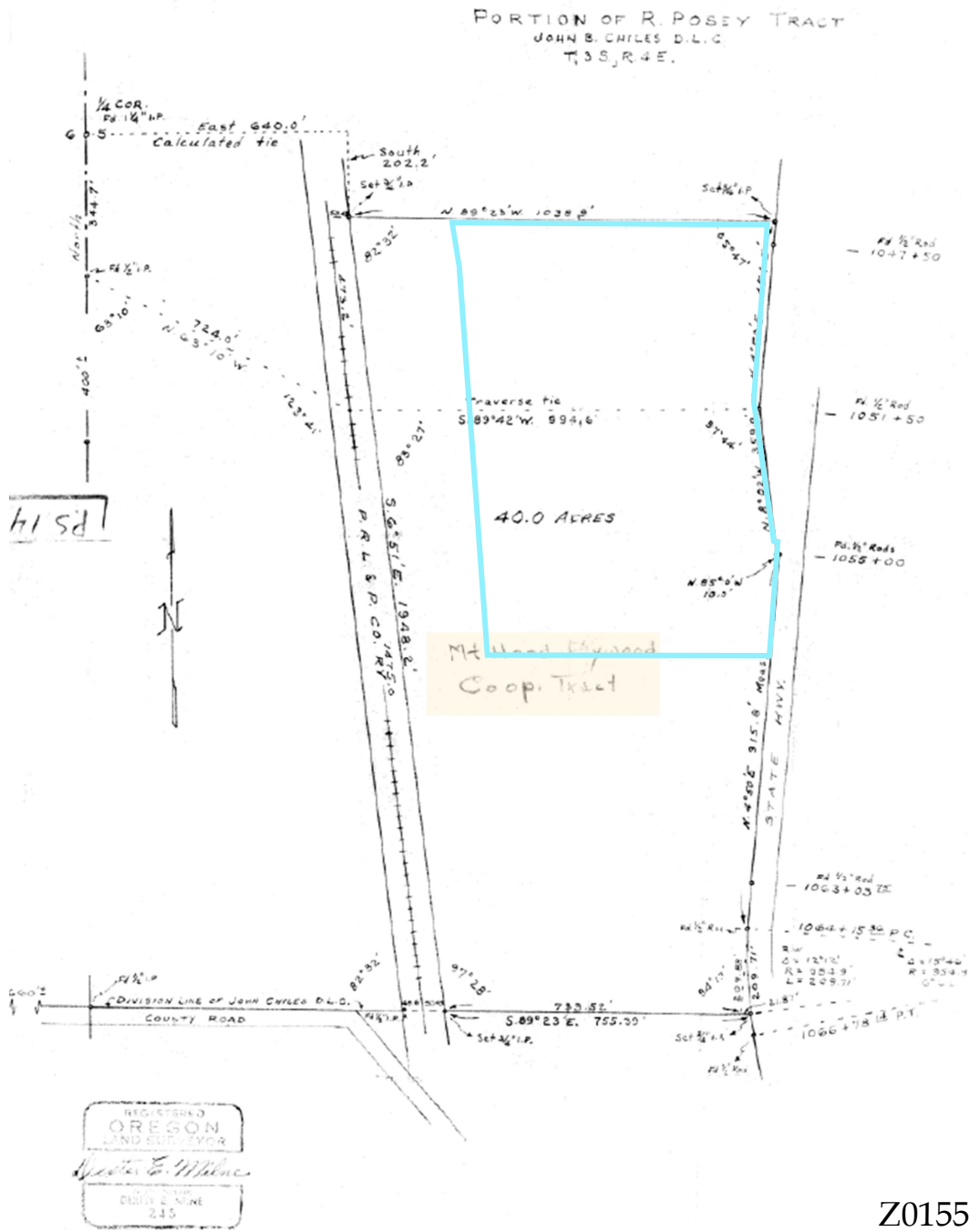
- **1955:** Diamond Lumber Company established on property
- **1966:** Purchased by Milwaukie Plywood Corp., used for plywood manufacturing
- **1978:** Purchased by Plywood Equipment Panel Sales, Inc., used for equipment rebuilding and storage
- **1983:** Conditional use permit for storage of logs and making hog fuel



≈1942 Survey  
(SN1956-17)

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP [17]





1955 Survey  
(PS1416)

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP [18]







June 1970

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP [19]







Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP [20]







Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP [21]







Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP [22]



# APPROVAL CRITERIA

## Statewide Planning Goals

- Proposal consistent with all applicable Statewide Planning Goals

## Zoning and Development Ordinance (ZDO)

- Zone change consistent with Section 1202
- Partition, with recommended conditions, consistent with Sections 1002, 1003, 1006, 1007, 1012, 1015, and 1105

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Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP [23]



# SIGNIFICANT ISSUES & RECOMMENDATION

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## **November 22, 2021, Planning Commission hearing:**

- Discussion of wetland areas (former log pond and ditches)

## **Staff and Planning Commission recommendation:**

- **APPROVAL**, with 10 conditions in staff report





THANK YOU





**PLANNING STAFF REPORT AND RECOMMENDATION  
TO THE PLANNING COMMISSION**

**Report Date:** November 15, 2021

**Hearing Date:** November 22, 2021

**File Nos.** Z0155-21-M, Z0156-21-CP, and Z0157-21-ZAP

**Proposal:** A Comprehensive Plan Map amendment to change the land use plan designation of the subject property from Rural (R) to Rural Industrial (RI), with a corresponding zone change of the subject property from Rural Residential Farm Forest 5-Acre (RRFF-5) District to Rural Industrial (RI) and a concurrent partition of the subject property, all resulting in two separate RI-zoned parcels

**Staff Contacts:** Glen Hamburg, Senior Planner  
(Tel: 503.742.4523, Email: [ghamburg@clackamas.us](mailto:ghamburg@clackamas.us))

Lizbeth Dance, Planner II  
(Tel: 503.742.4524, Email: [ldance@clackamas.us](mailto:ldance@clackamas.us))

**Applicants:** Heavy Timber Innovations, LLC; Stefan Schneider; Russ Brotnov

**Property Owner:** Heavy Timber Innovations, LLC

**Assessor's Map & Tax Lot:** T3S R4E Section 05 Tax Lot 04100

**Site Address:** 25720 SE Eagle Creek Rd, Eagle Creek, OR 97022

**Total Area:** Approximately 19.4 acres

**Location:** On the east side of Hwy 224 and on the west side of SE Eagle Creek Rd, approximately one quarter mile north of SE Folsom Rd

**Current Comprehensive Plan Designation:** Rural (R)

**Current Zoning District:** Rural Residential Farm Forest Five-Acre (RRFF-5) District

**Community Planning Organization (CPO) for Area:**

**Eagle Creek – Barton CPO**

Contact: Brent Parries (Tel: 503.680.3824, Email: [eaglecreekcpo@gmail.com](mailto:eaglecreekcpo@gmail.com))



Community Planning Organizations (CPOs) are part of the County's community involvement program. They are advisory to the Board of County Commissioners, Planning Commission, and Planning and Zoning Division on land use matters affecting their communities. CPOs are notified of proposed land use actions and decisions on land within their boundaries and may review these applications, provide recommendations, or file appeals. If this CPO currently is inactive and you are interested in becoming involved in land use planning in your area, please contact the Community Involvement Office at 503-655-8552.

**OPPORTUNITY TO REVIEW THE RECORD:** The submitted application is available for review online at <https://accela.clackamas.us/citizenaccess/>. Select the Planning tab and enter the file number to search. Select 'Record Info' and then select 'Attachments' from the dropdown list, where you will find the submitted application. The complete application file is available for inspection at no cost by contacting the Planner listed on the first page of this decision. Copies of all documents may be purchased at the rate of \$2.00 per page for 8.5" x 11" or 11" x 14" documents, \$2.50 per page for 11" x 17" documents, \$3.50 per page for 18" x 24" documents, and \$0.75 per square foot with a \$5.00 minimum for large format documents.

**APPLICABLE APPROVAL CRITERIA:** This application is subject to: Statewide Planning Goals; Oregon Administrative Rules Chapter 660, Division 18; the Clackamas County Comprehensive Plan, including Chapters 3, 4, 6, 8, and 11; and Clackamas County Zoning and Development Ordinance (ZDO) Sections 202, 316, 604, 1001, 1002, 1003, 1006, 1007, 1012, 1015, 1105, 1202, and 1307.

**PUBLIC AND AGENCY COMMENTS:**

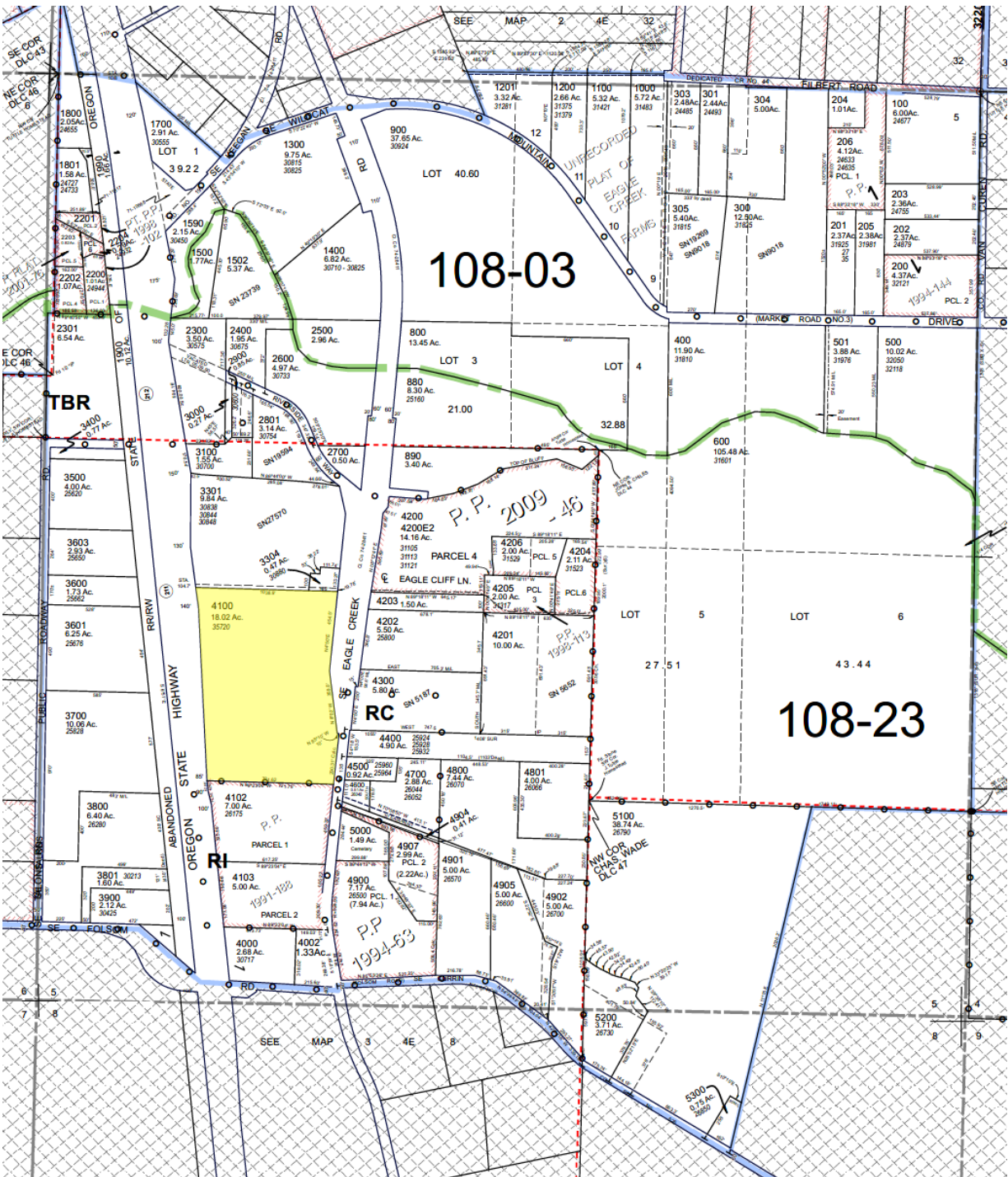
Notice was sent to applicable agencies and owners of property within 2,640 feet (a half mile) of the subject property. Comments received relating to the applicable approval criteria listed above are addressed in the Findings section. Comments were received only from Steve Mueller and Jodi Scott.

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.

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

# Subject Property (Tax Lot 4100) in Assessor's Map 34E05



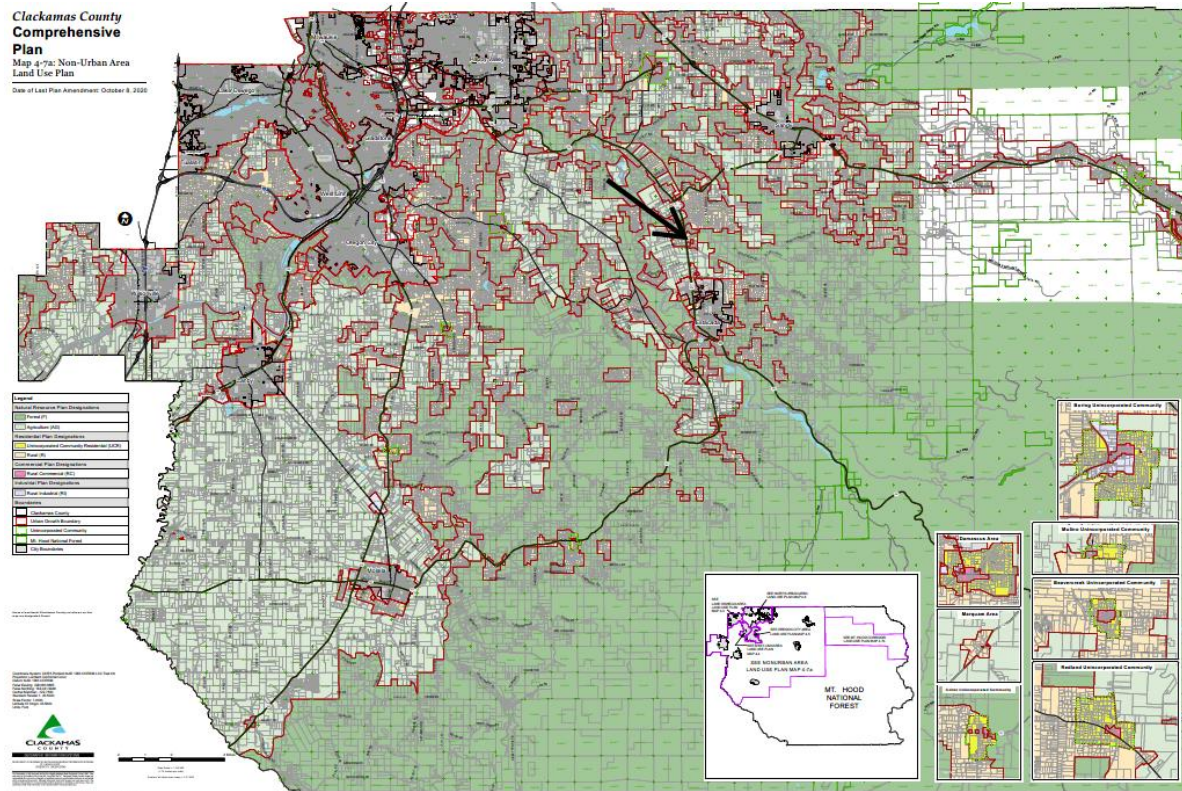


Subject Property in November 2020 Aerial Images

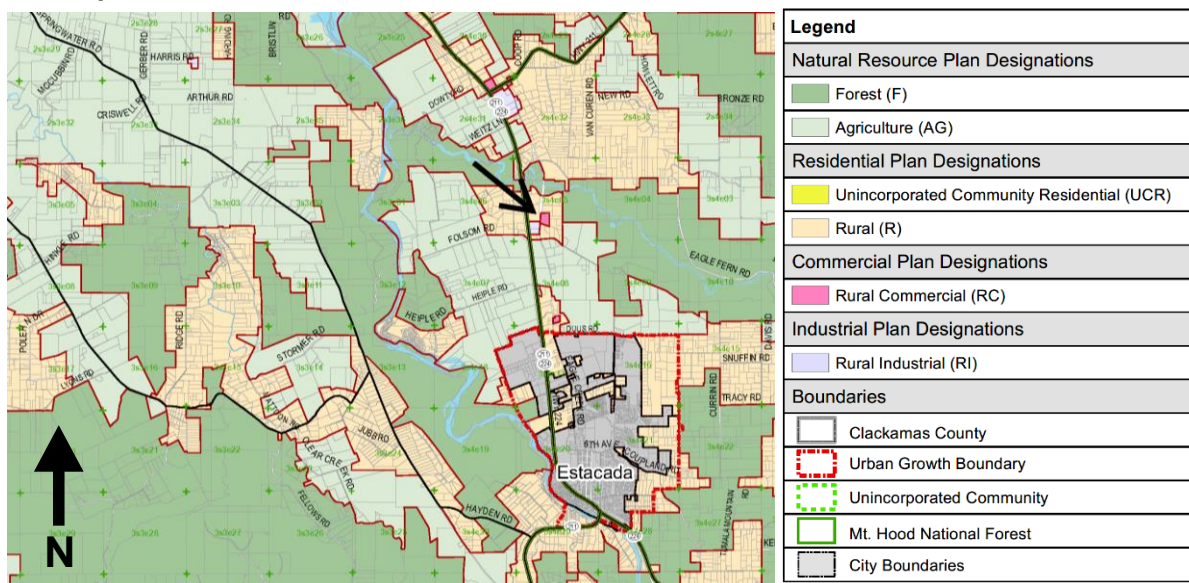




## Location of Subject Property in Current Comprehensive Plan Map 4-7a

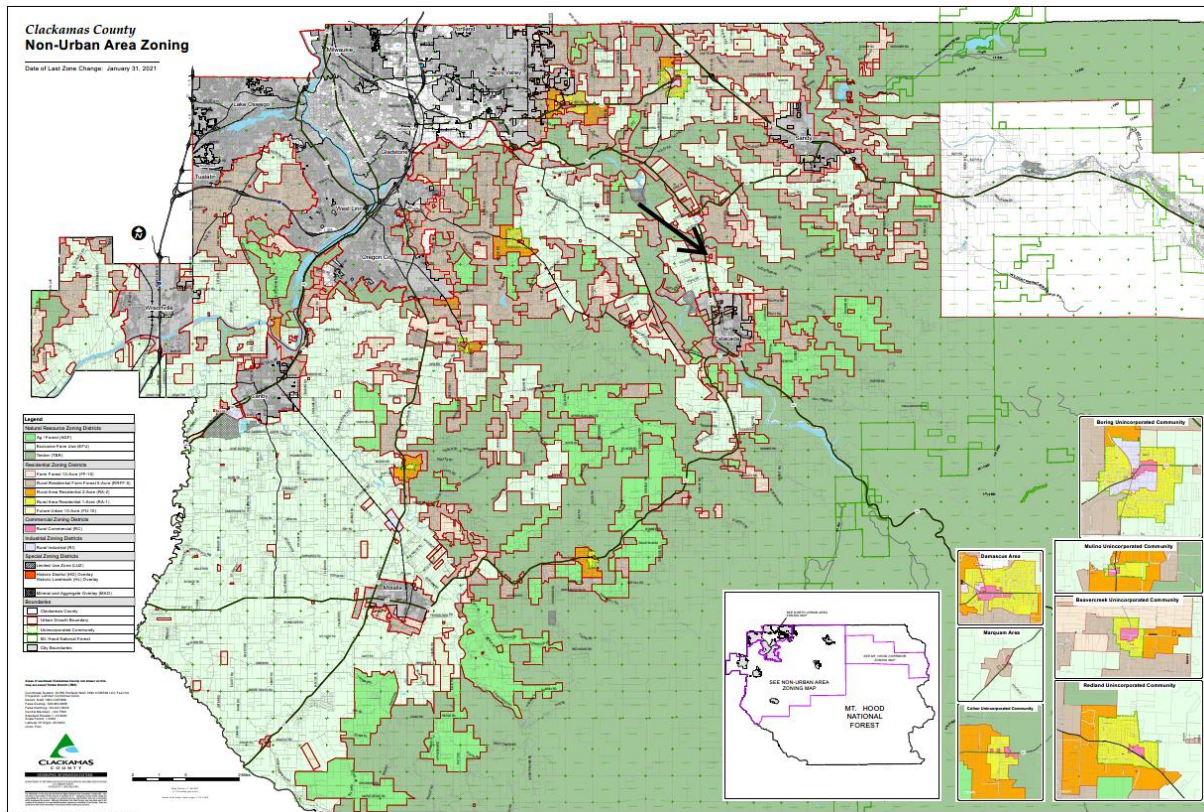


### Close-Up:

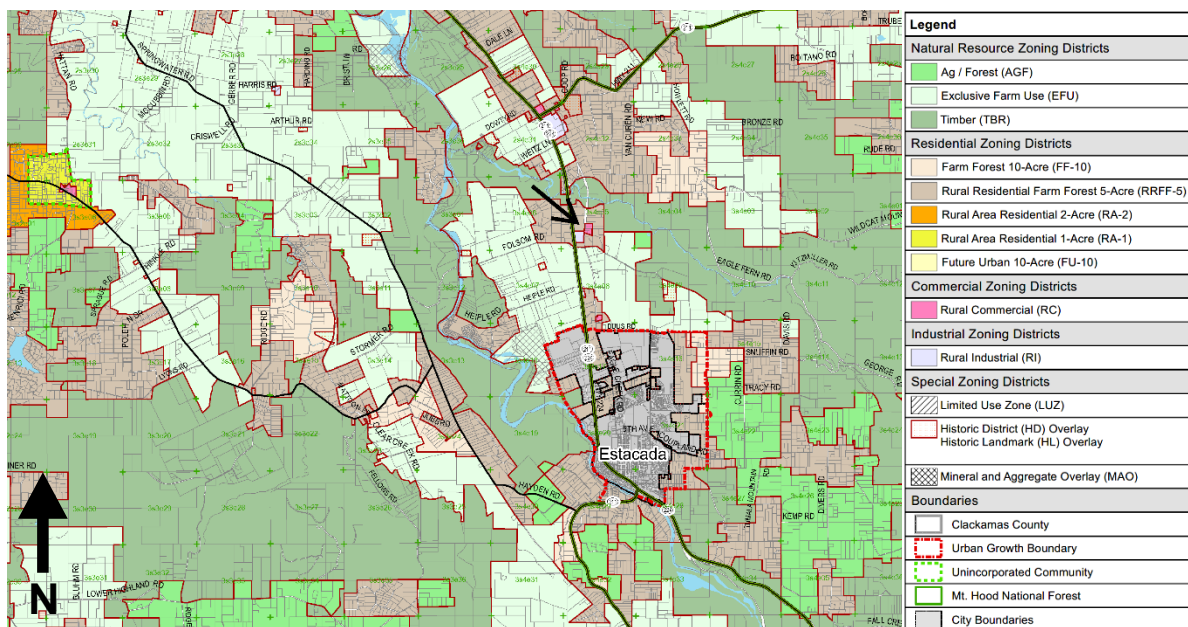




## Location of Subject Property in Current Non-Urban Area Zoning Map



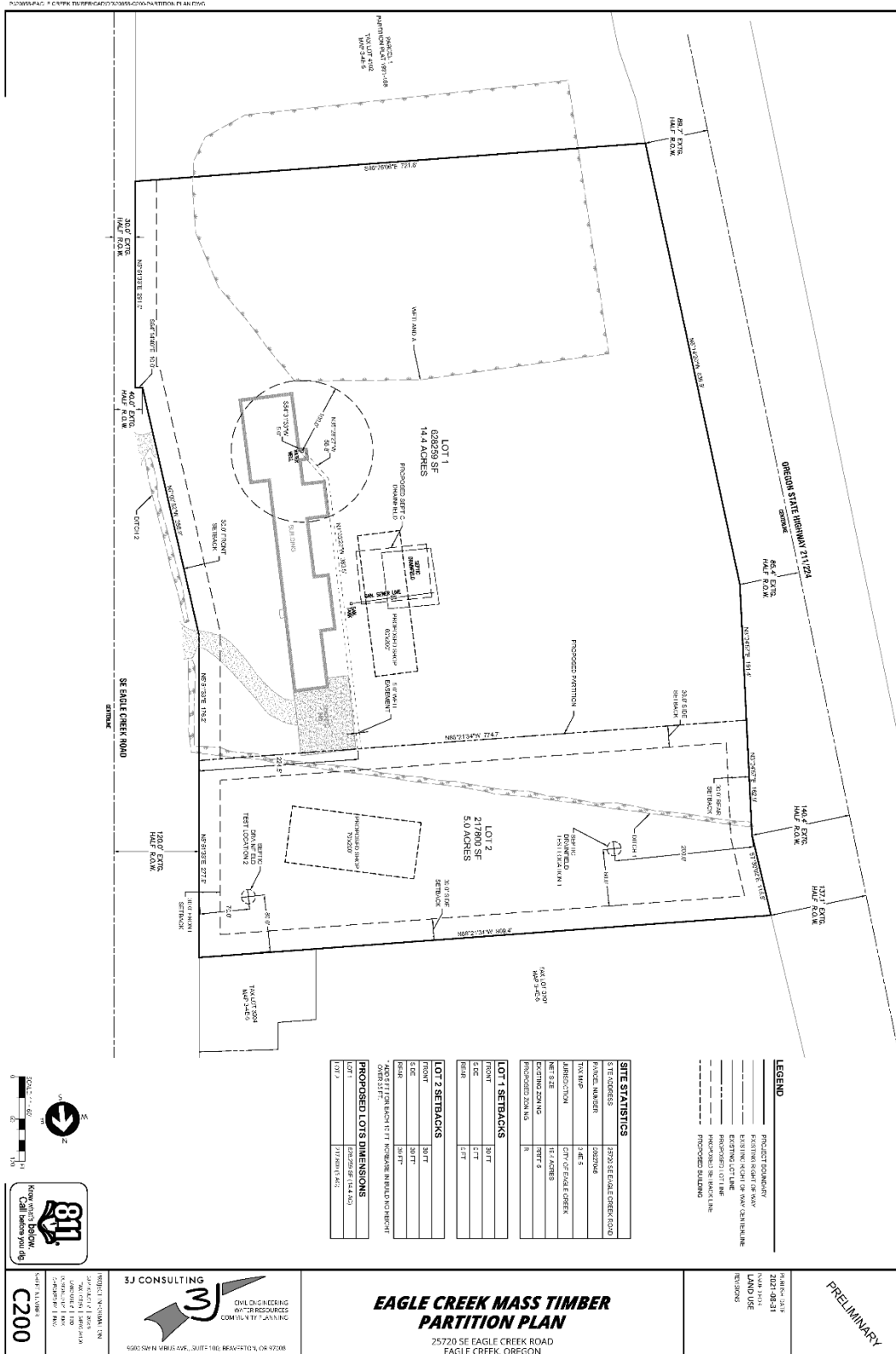
### Close-Up:





Staff Report to Planning Commission  
File Nos. Z0155-21-M, Z0156-21-CP, & Z0157-21-ZAP

Submitted Partition Plan



## STAFF RECOMMENDATION

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Staff recommends that the Planning Commission recommend **APPROVAL** of this application to the Board of County Commissioners, subject to the following conditions:

### ***FOR COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE:***

1. Clackamas County Comprehensive Plan Map 4-7a, *Non-Urban Area Land Use Plan*, and all other maps of the Comprehensive Plan that include the subject property (Tax Lot 34E05-04100, with situs address 25720 SE Eagle Creek Rd), shall be amended to identify the subject property as having a Comprehensive Plan land use designation of Rural Industrial (RI);
2. The Clackamas County *Non-Urban Area Zoning Map* shall be amended to identify the subject property as being in the Rural Industrial (RI) zoning district.

### ***FOR PARTITION:***

3. The partition shall result in no more than two parcels, one approximately 14.4 acres in area and the other approximately five acres in area, as shown in the submitted preliminary plat. Any change in design, including parcel layout and access, must be approved prior to final plat approval.
4. No work shall occur other than which is specified within the final approval. It shall be the responsibility of the property owner(s) to comply with the final approval and the limitations described therein.
5. **Transportation- and emergency access-related requirements:**
  - a. Unless otherwise approved by the Transportation Engineering Division pursuant to Section 170 of the County's Roadway Standards, an eight-foot-wide public easement shall be granted for signs, slopes, and public utilities along the south approximately 290 feet of frontage on SE Eagle Creek Rd where the existing right-of-way is 60 feet in width.
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  - c. Prior to final plat approval, the stamped and approved plans or written verification from the local fire district fire marshal shall be provided to the County indicating that the access and fire flow standards have been, or will be, met.



- d. Prior to final plat recording, an attorney and/or surveyor or engineer shall provide written verification that both resulting parcels have legal access and utility easements.

## **6. Platting requirements:**

- a. The draft and final plats shall be prepared by a registered professional land surveyor in a form and with information consistent with the provisions of ORS 92, relevant portions of ORS 209.250, the Clackamas County ZDO, Chapters 11.01 and 11.02 of the County Code, and these conditions of approval.
- b. Pursuant to ORS 92, five (5) copies of the draft partition plat survey of the development shall be submitted to the Transportation Engineering Division for routing and review.
- c. After the draft plat is approved by the Planning & Zoning Division staff and reviewed by the County Surveyor, one (1) mylar copy and four (4) paper copies of the final plat shall be submitted to the Transportation Engineering Division for final review.
- d. A copy of the final plat survey and review deposit shall also be submitted separately to the County Surveyor for review.
- e. All existing, proposed, and required easements shall be shown on the final plat. Any private access easements shall also note any applicable provisions for utility services, such as water, electricity, communications, natural gas, storm drainage, sanitary sewer, and emergency services. New easements shall include a statement that the easements are for the parcels shown and any future divisions thereof.
- f. The final plat shall include a note that water will be provided for each parcel with established Water Rights Permit G-168.
- g. The delineated wetland shall be represented on the final plat as a restricted development area with a plat note identifying that additional land use review and Department of State Lands (DSL) approval is required for any disturbance within it.
- h. When the final plat is approved by the County Surveyor, the plat must then be filed and recorded with the County Clerk. All property taxes shall be paid in full for the current year in order for the plat to be recorded.
- i. Neither of the individual parcels resulting from the partition may be sold, transferred, or assigned until the final plat has been approved by the County Surveyor and recorded with the County Clerk.

- 7. Underground utilities:** Underground utilities are required for all new development on the parcels resulting from this partition, and shall be installed pursuant to the requirements of the utility service providers serving the development.
- 8. Partition approval period:** Pursuant to ZDO Subsection 1106.05(A), preliminary partition approval is valid for four years from the date of the final written decision. Failure to record the final partition plat with the County Clerk within four years of the date of the final decision will void the approval of the partition unless a time extension is approved.
- 9. Partition time extension:** Prior to expiration of the four-year approval period for the partition in Condition 8, a single-two year extension of the partition approval may be approved pursuant to ZDO Section 1310, *Time Extension*.
- 10. If Comprehensive Plan Map amendment and zone change is *not* approved:** Future construction on the resulting parcels shall be subject to the use, dimensional, and development standards of the RRRFF-5 District in ZDO Section 316 and the relevant requirements of Subsection 1001.02.
- 11. If Comprehensive Plan Map amendment and zone change is approved:** Future construction on the resulting parcels shall be subject to the use, dimensional, and development standards of the RI District in ZDO Section 604 and Section 1102, the relevant requirements of Section 1000. Development shall require design review approval pursuant to Section 1307.

## PROPERTY AND AREA DETAILS

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The subject property is Tax Lot 4100 of Assessor's Map 34E05 with situs address 25720 SE Eagle Creek Rd. It is an approximately 19.4-acre lot of record, with a current Clackamas County Comprehensive Plan (Plan) land use designation of Rural (R) and located in the Rural Residential Farm Forest Five-Acre (RRFF-5) zoning district.

The property is bounded by: State Hwy 211/224 to the west; SE Eagle Creek Rd and SE Riverside Way to the east; Tax Lot 34E05-03301 (30838 SE Riverside Way), zoned RRFF-5, and Tax Lot 34E05-03304 (30880 SE Riverside Way), zoned RRFF-5, to the north; and Tax Lot 34E05-04102 (26175 SE Eagle Creek Rd), zoned Rural Industrial (RI), to the south. Tax Lot 3301 (approximately 9.84 acres) is developed with 10 manufactured dwellings and is approved<sup>1</sup> for an additional 35 manufactured home spaces; Tax Lot 3304 (approximately 0.47 acres) is developed with a manufactured dwelling built in 1999; Tax Lot 4102 is was approved<sup>2</sup> back in 2010 for development of certain storage-related uses.

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<sup>1</sup> File Nos. Z0147-17-E and Z0032-21-TE

<sup>2</sup> File No. Z0382-10-D

Across SE Eagle Creek Rd and SE Riverside Way are properties zoned Rural Commercial (RC) and others zoned RRFF-5. These properties are developed with the Eagle Creek Saloon, the Eagle Crest Mobile Home Park, pole buildings, and open fields.

While zoned RRFF-5, there is no history in the record of it being used for any residential use. Rather, as detailed later in this report, it is currently developed with a vacant approximately 28,000-square-foot building formerly used in association with timber-processing and plywood manufacturing. Documents included in the record, including a wetland delineation report, suggest the property may have also been used for hay/straw production or pastureland.

The half-mile area around the property is generally characterized by fields, trees, and sparse rural residential, commercial, and industrial development and includes lands zoned RRFF-5, RC, RI, Exclusive Farm Use (EFU), and Timber (TBR). Eagle Creek, a County-regulated “large” “Type F” stream, is about a quarter mile to the north. The Clackamas River is about 1.5 miles to the west. The northern limits of the City of Estacada, specifically its “industrial sanctuary”, is approximately 1.3 miles to the south.

A portion of a rectangular wetland area, a former log pond, lies in the southern portion of property. The subject property is generally flat and has no mapped mass-movement or soil hazard areas. The property is also not in a mapped flood hazard area.

The subject property is accessed from SE Eagle Creek Rd via SE Riverside Way, and does not have direct access to Hwy 211/224. SE Eagle Creek Rd is classified as a minor arterial in the County’s Road Functional Classifications Map (Map 5-4b of the Comprehensive Plan), and SE Riverside Way is classified as a local road.

Tri-Met Bus Line #30 provides bus service between downtown Estacada and the MAX station at Clackamas Town Center, with stops in the Estacada area, in Carver, and along 82<sup>nd</sup> Ave. Line #30 has stops<sup>3</sup> directly in front of the subject property on SE Eagle Creek Rd.

## **APPLICANTS’ PROPOSAL**

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The Applicants propose three actions, to be considered concurrently:

1. An amendment to the Comprehensive Plan land use plan designation of the subject property, from R to RI;
2. A zone change of the subject property from RRFF-5 to RI; and
3. A partition of the subject property in to two separate parcels, one to be approximately five acres and the other to be approximately 14.4 acres.

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<sup>3</sup> Stop ID 1558 northbound and Stop ID 1559 southbound



**No new construction or land uses are proposed in this application.** Rather, the Applicants are effectively seeking to change the subject property's *potentially allowable* land uses, and to divide the property in to two lots of record that can be independently bought/sold and developed. If the Applicants' three proposed actions are ultimately approved, any new development on either of the parcels would require additional land use review.

That said, the Applicants' have made representations, including in documents they've submitted with their application, that they intend to reuse the existing building and erect two shop buildings and other improvements for industrial uses, including potentially mass timber-related manufacturing operations and related storage of construction equipment and large timber components. One of the two potential shops should would be on the proposed five-acre parcel, while the other potential shop and the existing building would be on the other, 14.4-acre parcel.

Two public hearings on the proposal are scheduled, one before the Planning Commission on November 22, 2021, and the another before the Board of County Commissioners (BCC) on January 12, 2022. The Planning Commission makes a recommendation to the BCC, who will ultimately decide whether the proposal is approved.

The BCC does not have to approve all three of the Applicants' proposed actions. They could choose to approve just the proposed land use plan designation amendment and zone change and not the partition if they find that it doesn't meet the criteria for a partition; they could also choose to approve just the partition, while keeping the land use plan designation and RRFF-5 zoning. The Applicants' representative has communicated in November 4, 2021, correspondence that they would want the property to be partitioned as proposed, even if their requested land use plan designation amendment and zone change were to be denied.

Below are Staff's findings on how all three proposed actions are consistent with applicable criteria, or otherwise can be with adherence to recommended conditions of approval.

## FINDINGS

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This application is subject to:

1. Statewide Planning Goals;
2. Oregon Administrative Rules (OAR) Chapter 660, Division 18;
3. The Clackamas County Comprehensive Plan; and
4. Zoning and Development Ordinance (ZDO) Sections 202, 316, 604, 1001, 1002, 1003, 1006, 1007, 1012, 1015, 1105, 1202, and 1307.

Staff have reviewed these provisions in conjunction with this proposal and makes the following findings. ZDO Sections 202 and 1307 provide only definitions and procedural requirements that do not warrant separate written findings in this report.

### 1. **Statewide Planning Goals:**

#### *GOAL 1 – CITIZEN INVOLVEMENT*

Statewide Planning Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process” and requires the County to have a citizen involvement program with certain features.

This application only proposes to amend the County’s Comprehensive Plan maps and zoning maps, and to divide a property consistent with current partition requirements; even if approved, the County’s existing, State-acknowledged citizen involvement program would not change.

Section 1307, *Procedures*, of the ZDO contains adopted and State-acknowledged procedures for citizen involvement and public notification of quasi-judicial applications. This application has been processed consistent with those requirements, including with notice to: the Department of Land Conservation and Development (DLCD) as directed; property owners within a half mile of the subject property; the area’s active CPO; the Oregon Department of Transportation (ODOT); the City of Estacada; the Estacada Fire District; Tri-Met; and the County’s Transportation Engineering Division and Onsite Wastewater Program. Notice of the application and its public hearings have also been published in Pamplin Media’s ‘Estacada News’ and on County websites.

Before the BCC can decide on this application, there will have been at least two public hearings with opportunity for interested parties to testify. The public has also been given the opportunity to provide written comments, and all comments provided to-date have been included in the record.

**The relevant requirements of Statewide Planning Goal 1 are satisfied.**

## *GOAL 2 – LAND USE PLANNING*

Goal 2 requires the County to have and to follow a comprehensive land use plan and implementing regulations. Comprehensive plan provisions and regulations must be consistent with Statewide Planning Goals, but Goal 2 also provides a process by which exceptions can be made to certain Goals.

The proposed amendment to Clackamas County's Comprehensive Plan maps, including to Map 4-7a, would not change the County's land use planning process. Even under the Applicants' proposal, the County will continue to have a comprehensive land use plan and consistent implementing regulations. This report outlines how this proposal is consistent with applicable policies of the County's State-acknowledged comprehensive plan. The Applicant does not request an exception to any Statewide Planning Goal.

**The relevant requirements of Statewide Planning Goal 2 are satisfied.**

## *GOAL 3 – AGRICULTURAL LANDS*

Goal 3 requires the County to identify farmland, designate it as such on its Comprehensive Plan maps, and zone it exclusive farm use (EFU). The County has already satisfied these Goal 3 requirements. This application does not propose to change the Comprehensive Plan Map designation or zoning of any protected farmland, nor does it propose a change in any allowed land use in the EFU zoning district. The subject property is already in an acknowledged "exception area", which is an area that has been approved for an exception to Goal 3 (as well as Goal 4) for rural land uses that would otherwise not be allowed on protected farmland.

**The relevant requirements of Statewide Planning Goal 3 are satisfied.**

## *GOAL 4 – FOREST LANDS*

Goal 4 requires the County to identify forest land, designate it as such on Comprehensive Plan maps, and zone it consistently with State rules.

As with Goal 3 and its farmland, the County has already satisfied its Goal 4 requirements for forest land. This application does not propose to change the Comprehensive Plan Map designation or zoning of any forest land, nor does it propose a change in any allowed land use in its forest zoning districts (i.e., Ag/Forest and Timber Districts). The subject property is already in an "exception area", with an exception to Goal 4.

**The relevant requirements of Statewide Planning Goal 4 are satisfied.**



## ***GOAL 5 – NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES***

Goal 5 requires the County to adopt programs that will protect an area's natural resources and will conserve scenic, historic, and open space resources for present and future generations. It requires an inventory of natural features, groundwater resources, energy sources, and cultural areas, and encourages the maintenance of inventories of historic resources.

This proposal would not change the County's adopted and acknowledged programs for the protection of such resources, nor would it change the County's adopted and acknowledged historic resources inventory. The application does not propose to reduce or otherwise modify the boundaries of any open space area.

Staff finds that there are no inventoried riparian corridors, wilderness areas, mineral or aggregate resources, energy sources, cultural areas, or historic resources on the subject property.

There is a wetland area (the former log pond) on the south side of the property that is overgrown with a small stand of trees, as well as two ditches. The Applicants have submitted a wetland delineation report prepared by Pacific Habitat Services, Inc. The report concludes that the former log pond is an "isolated feature" with no observed outlet or discharge, and that such artificially created wetlands constructed for log storage are not considered waters of the state and are non-jurisdictional. Both ditches were also found to not meet the jurisdictional ditch criteria in the applicable OARs and to not contain food or game fish.

As explained previously in this report, approval of this application would not itself authorize any development. Any future development of the subject property would have to comply with any applicable natural resource, including wetland, protection regulations. The submitted application materials do not indicate an intent to develop any wetland area.

**The relevant requirements of Statewide Planning Goal 5 are satisfied.**

## ***GOAL 6 – AIR, WATER, AND LAND RESOURCES QUALITY***

Goal 6 instructs the County to consider the protection of air, water, and land resources from pollution and pollutants when developing its Comprehensive Plan.

The proposal in this application would not change any Comprehensive Plan policy or implementing regulation affecting a Goal 6 resource, nor would it modify the mapping of any protected resource.

Any potential future development of the subject property under the proposed RI zoning would be evaluated for consistency with the County's existing regulations protecting air, water, and land resources quality.

Nonetheless, the Applicants have already identified that there is an existing groundwater well on the subject property, with testing sample results included in the record. Those results indicate an absence of E. coli and total coliform, and that arsenic levels met all requirements of the National Environmental Laboratory Accreditation Program (NELAP) and the testing lab.

The County's Onsite Wastewater Program reports that they have done a site evaluation of the property and determined that the property has the potential to provide septic services. Additional septic analysis will be required ahead of any actual future development of the subject property.

The County's Transportation Engineering Division is the surface water management authority for the subject property. The submitted application includes a Preliminary Statement of Feasibility in which the division has determined that adequate surface water management, treatment, and conveyance is available to serve potential development, or can be made available through improvements completed by the developer or the system owner. The need for any specific stormwater management system improvements will be evaluated during the design review application process required ahead of any actual industrial development of the subject property. The subject property already allows for residential development under its present zoning, as well as for farming and forestry activities. Property abutting the subject property to the south, as well as multiple other properties located within about a mile of the subject property, are currently planned and zoned specifically for industrial uses. As mentioned earlier in this report and shown on relevant maps, there is also commercial and residential development directly across the street.

Among other potential land uses under the Applicants' proposed RI zoning that may cause noticeable pollution or environmental disturbances, ZDO Section 604 would require a conditional use permit, issued only after a public hearing and only if certain criteria considering impacts on the surrounding area are met, for any auto wrecking yard or junkyard, composting facility, recycling center, or mining.

**The relevant requirements of Statewide Planning Goal 6 are satisfied.**

## *GOAL 7 – AREAS SUBJECT TO NATURAL HAZARDS*

Goal 7 requires the County to address Oregon's natural hazards. This proposal would not change the County's adopted and acknowledged Comprehensive Plan policies or implementing regulations regarding natural disasters and hazards, nor would it modify the mapping of any hazard. Even if the proposed map amendment, zone change, and partition are approved, development of the subject property will still be required to comply with the County's existing hazard-related land use regulations.

As noted previously though, the subject property is flat and has no mapped mass-movement or soil hazard areas. The property is also not in a mapped flood hazard area.

**The relevant requirements of Statewide Planning Goal 7 are satisfied.**

## *GOAL 8 – RECREATIONAL NEEDS*

Goal 8 requires the County to plan for the recreational needs of its residents and visitors. The proposal would not change any existing, State-acknowledged County Comprehensive Plan policy or implementing regulation regarding recreational needs, nor would it reduce or otherwise modify a mapped recreational resource.

Per ZDO Section 604, the proposed RI zoning would allow: pedestrian amenities; indoor recreational sports facilities for basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, and tennis; and employee amenities accessory to other permitted uses, including recreational facilities. It would also allow as conditional uses: the hosting of weddings, company picnics, and similar events; community gardens; equine facilities; golf courses; parks; playgrounds; and sports courts.

**The relevant requirements of Statewide Planning Goal 8 are satisfied.**

## *GOAL 9 – ECONOMIC DEVELOPMENT*

The purpose of Goal 9 planning is to provide adequate opportunities throughout Oregon for a variety of economic activities vital to the health, welfare, and prosperity of Oregonians.

Goal 9 is implemented by Oregon Administrative Rules (OAR) chapter 660, division 9. Pursuant to OAR 660-009-0010(1), the requirements of division 9 are only applicable to areas within urban growth boundaries (UGBs) and do not require or restrict planning for industrial or other employment uses outside UGBs. The subject property is located outside of any UGB.



Staff agree with the Applicants' assertion that, nonetheless, their proposal would provide additional opportunities for economic development in Clackamas County by expanding industrial lands.

**The relevant requirements of Statewide Planning Goal 9 are satisfied.**

#### *GOAL 10 – HOUSING*

The purpose of Goal 10 is to meet housing needs. Goal 10 is implemented by OAR chapter 660, divisions 7 and 8, which only apply to areas inside UGBs. The subject property is located outside of any UGB.

Nonetheless, there are no existing dwellings on the subject property, which has historically been used for various industrial uses and currently abuts industrial land and a state highway.

**The relevant requirements of Statewide Planning Goal 10 are satisfied.**

#### *GOAL 11 – PUBLIC FACILITIES AND SERVICES*

The purpose of Goal 11 is to ensure that local governments plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Goal 11 is implemented by OAR chapter 660, division 11. Rules 60 and 65 of that division regulate the provision and extension of sewer and water service to rural lands, respectively. The subject property is not located within public sewer or water service districts, and the Applicants do not propose to extend sewer or water services to the subject property. Wastewater disposal for future industrial development would be accommodated with on-site systems (e.g., septic systems) and water would be provided by one or more wells. As noted previously in this application, evidence has been submitted to show that the property has the capacity to provide such services, and the County's Transportation Engineering Division has attested that the property's stormwater runoff can be managed.

No changes to adopted facilities plans or implementing regulations are proposed in this application.

**The relevant requirements of Statewide Planning Goal 11 are satisfied.**

#### *GOAL 12 – TRANSPORTATION*

The purpose of Goal 12 is to provide and encourage a safe, convenient, and economic transportation system. It requires the County to create a transportation system plan (TSP) that takes into account all relevant modes of transportation.

Goal 12 is implemented by Oregon Administrative Rules (OAR) chapter 660, division 12, commonly referred to as the “Transportation Planning Rule” (TPR). When an amendment to the County’s Comprehensive Plan maps or zoning map is proposed, rule 60 of the TPR requires an analysis of whether the proposed amendment would “significantly affect” an existing or planned transportation facility, and whether it is necessary to update transportation facility plans to accommodate such effects. The TPR defines what it means to “significantly affect” a transportation facility.

The Applicants have provided a traffic impact analysis (TIA) prepared by engineers that addresses TPR requirements. The TIA includes a comparison of the reasonable worst-case traffic impacts caused by potential development under the property’s current RRFF-5 zoning to the reasonable worst-case traffic impacts of future development under the proposed RI zoning.

The TIA concludes that: the Applicants’ proposal would not impact or alter the functional classification of any existing or planned transportation facility; the proposal does not include a change to any functional classification standard; all study intersections are projected to operate within acceptable Clackamas County standards; the proposal will not degrade the performance of any existing or planned transportation facility below acceptable jurisdictional standards; and that the TPR is satisfied.

Notice of this application, including its TIA, were provided to ODOT, Tri-Met, and the County’s Transportation Engineering Division. No party has contested the conclusions of the TIA.

The required design review process ahead of any actual industrial development of the subject property will consider access, circulation, motor vehicle and bicycle parking, and the need for any additional improvements.

**The relevant requirements of Statewide Planning Goal 12 are satisfied.**

#### **GOAL 13 – ENERGY CONSERVATION**

Goal 13 encourages land use plans to consider lot size, siting controls, building height, density, and other measures in order to help conserve energy. The Applicants’ proposal would not change any policy or implementing regulation regarding energy conservation.

**The relevant requirements of Statewide Planning Goal 13 are satisfied.**

#### **GOAL 14 – URBANIZATION**

The purpose of Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban

employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The subject property is outside of a UGB. The application does not propose to expand or modify any UGB, permit urban land uses outside of a UGB, or rezone any rural lands to urban or urbanizable zoning district. The subject property is not located in an urban or rural reserve.

**The relevant requirements of Statewide Planning Goal 14 are satisfied.**

#### *GOAL 15 – WILLAMETTE RIVER GREENWAY*

The purpose of Goal 15 is to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway. The subject property is more than 12 miles from the Willamette River and is not located in the Willamette River Greenway. The Applicants' proposal would not change any existing, State-acknowledged County Comprehensive Plan policy or implementing regulation regarding the Willamette River Greenway.

**The relevant requirements of Statewide Planning Goal 15 are satisfied.**

#### *GOAL 16 – ESTUARINE RESOURCES*

**Goal 16 is not applicable to Clackamas County.**

#### *GOAL 17 – COASTAL SHORELANDS*

**Goal 17 is not applicable to Clackamas County.**

#### *GOAL 18 – BEACHES AND DUNES*

**Goal 18 is not applicable to Clackamas County.**

#### *GOAL 19 – OCEAN RESOURCES*

**Goal 19 is not applicable to Clackamas County.**

## **2. OAR Chapter 660, Division 18:**

This division of the OARs is intended to implement provisions of Oregon Revised Statutes (ORS) 197.610-197.625 related to comprehensive land use planning. The overall purpose of the division is to carry out the state policies outlined in ORS 197.010 requiring comprehensive land use planning by the County.



The division has requirements for notice of a proposed change to the County's Comprehensive Plan, which have been complied with in the processing of this application.

**The requirements of OAR Chapter 660, Division 18 have been satisfied.**

### **3. Clackamas County Comprehensive Plan:**

The County's Comprehensive Plan includes goals and policies that must be considered when evaluating a proposed change in Comprehensive Plan land use designation and implementing zoning district. In this section of the report and recommendation, Staff review each chapter of the Comprehensive Plan and provides written findings as to how the Applicants' proposal is consistent with those chapters' applicable goals and policies.

#### *CHAPTER 1 – INTRODUCTION*

Chapter 1 of the County's Comprehensive Plan serves only as an introduction and **does not warrant written findings**.

#### *CHAPTER 2 – CITIZEN INVOLVEMENT*

Chapter 2 of the Comprehensive Plan aims to promote public participation in the County's land use planning. Its policies largely focus on the County's Community Planning Organization (CPO) program and methods for informing and involving the public, policies which this application does not propose to change. This application is being processed according to the requirements of ZDO 1307, which implement public notification policies of Chapter 2, including with notice to nearby property owners, relevant agencies, service providers, online, and in the local newspaper.

**This application is consistent with Comprehensive Plan Chapter 2.**

#### *CHAPTER 3 – NATURAL RESOURCES AND ENERGY*

This chapter contains County goals and policies for the protection of water resources, agriculture, forests, mineral and aggregate resources, wildlife habitats, distinctive resources areas, energy sources, and noise and air quality, as well as goals and policies for protection from natural hazards. The County already has regulations implementing these goals and policies, which this application does not propose to change and which any proposed future development will be reviewed for compliance with.

The subject property has no County-regulated water bodies or other significant natural features. The subject property is not known to have any

significant mineral, aggregate, or energy resources, is not in or adjacent to any protected open space, and is generally flat.

Policy 3.F.1 of Chapter 3 aims to prevent disturbance of natural wetlands associated with river and stream corridors and prohibit the substantial alteration of normal levels or rates of runoff into and from wetlands by adjacent development. The Applicants have submitted a wetland delineation study that reviews the former log pond and the two ditches on the subject property. As noted previously, the study determined that the former log pond is an “isolated feature” with no observed outlet or discharge, and that such artificially created wetlands constructed for log storage are not considered waters of the state and are non-jurisdictional. Both ditches were also found to not meet the jurisdictional ditch criteria in the applicable OARs and to not contain food or game fish. The Applicants do not propose development in or near any of these wetland areas in this application.

The half-mile area around the subject property is generally characterized by rural industrial, commercial, and residential land uses, and the subject property is bordered by a state highway on one side and a minor arterial on another. Staff finds that the primary land uses that would be allowed on the subject property under the proposed RI zoning would not, with compliance with the applicable regulations to be reviewed prior to any future development of the property, adversely impact the County’s agricultural or forestry resources.

**This application is consistent with Comprehensive Plan Chapter 3.**

#### *CHAPTER 4 – LAND USE*

Chapter 4 includes the definitions of urban and rural land use categories and outlines policies for determining the appropriate Comprehensive Plan land use designation for all lands within the County.

The chapter’s stated goals for rural industrial lands include providing for “the continuation of industrial uses in non-urban areas having an historical commitment to such uses.”

Policy 4.LL.1 states that the RI land use designation may be applied to non-urban areas to provide for industrial uses that are not labor-intensive and are consistent with rural character, rural development, and rural facilities and services. The subject property is outside of a UGB. The County already has a state-acknowledged list of allowable land uses in ZDO table 603-1 for the RI zoning district that have been found to be consistent with this policy; if the proposed RI land use designation and RI zoning of the subject property are approved, the property could only be used for the land uses listed in Table 603-1 according to the terms set forth in Section 603. This application does

not propose to change the list of land uses allowable in the RI zoning district or the terms under which such uses may be conducted.

Policy 4.LL.2 states that the RI zoning district implements the RI land use plan designation. This application proposes to have both the land use plan designation of the subject property changed to RI and for the property to be rezoned to RI.

Policy 4.LL.3 states that areas may be designated RI when the first, the second, or *both* the third and fourth of the following criteria are met:

1. It has an historical commitment to industrial uses; or
2. It is an abandoned or diminished mill site, as defined in the ZDO<sup>4</sup>, and only includes portions improved for the processing or manufacturing of wood products; or
3. It is located in an Unincorporated Community; and
4. It has direct access to a road of at least an arterial classification.

The subject property is not in an Unincorporated Community<sup>5</sup>. The Applicants also do not make the case that any portion of the subject property is an abandoned or diminished mill site, as defined in the ZDO, improved for the processing or manufacturing of wood products.

They do, however, clearly demonstrate that the subject property has an historical commitment to industrial uses with dated aerial photos and prior land use approvals.

For example, the Applicants have included a copy of Z0716-02-CP and Z0717-02-Z, files for a similar approved Comprehensive Plan Map amendment and zone change from RRFF-5 to RI in 2002 for Tax Lots 4102 and 4103 to the south of the subject property. The staff report for those files explain that Tax Lots 4102 and 4103, together with the subject property, were formerly included in a larger, roughly 38.66-acre property, and that the Diamond Lumber Company was established on the site in 1955. They also explain that: the site was later purchased by Milwaukie Plywood Corporation

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<sup>4</sup> ZDO Section 202, *Definitions*, defines “mill site, abandoned or diminished” as “a mill, plant, or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp, and paper, that is located outside of urban growth boundaries; was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and contains or contained permanent buildings used in the production or manufacturing of wood products.”

<sup>5</sup> The application materials state that “the subject property is located in an Unincorporated Community in Clackamas County, namely Eagle Creek.” However, the “Unincorporated Communities” that Policy 4.LL.3 is referring to are not just any communities outside of the corporate limits of a city. Rather, per Section 202, they are formally delineated settlements that: conform to the definition set for in OAR chapter 660, division 22; are identified in Chapter 4 of the Comprehensive Plan; and are shown on Map 4-7 of the Comprehensive Plan. The subject property is *not* in an Unincorporated Community that meets these criteria.



in 1966 and used for a plywood plant; that ODOT purchased a portion of the subject property for the state highway in 1971; and that the property was purchased by Plywood Equipment Panel Sales, Inc. in 1978 and used primarily for equipment rebuilding and storage.

File 169-82-C included in the record is a 1983 conditional use permit for the subject property authorizing the storage of logs and the use of a portable chipper to make hog fuel.

The application also includes dated aerial photos from 1970 and 1976 showing essentially all of the subject property employed for timber-related and other industrial operations, and a dated aerial photo from 1989 showing most of it still employed for an industrial use.

The 1991 application materials for the partition of property to the south of the subject property (File No. Z0578-91-M) show a “log pond” on the subject property at that time.

No party has contested the Applicants’ assertion that the subject property has an historical commitment to industrial uses.

Staff find that the Applicants’ proposal meets the criteria in Chapter 4 for being assigned the RI land use plan designation.

**This application is consistent with Comprehensive Plan Chapter 4.**

## *CHAPTER 5 – TRANSPORTATION SYSTEM PLAN*

As noted previously in this report, the application includes a TIA determining that: the impacts of the Applicants’ proposal would not impact or alter the function classification of any existing or planned transportation facility, nor would it degrade the performance of any existing or planned transportation facility below acceptable jurisdictional standards; the proposal would not change any functional classification standard; and that all study intersections are projected to operate within acceptable Clackamas County standards.

Notice of this application, including its TIA, were provided to ODOT, Tri-Met, and the County’s Transportation Engineering Division. No party has contested the conclusions of the TIA.

**This application is consistent with Comprehensive Plan Chapter 5.**

## *CHAPTER 6 – HOUSING*

The County is not required by Chapter 6 to keep this property zoned for residential use.

Staff find, given its proximity to a busy state highway, a minor arterial, and other RI-zoned property and the fact that it has an existing industrial building and is near and accessible to industrial uses in the City of Estacada that could support and be supported by industrial uses on the subject property, it is more suited to industrial uses than residential uses.

Even if the property were to remain zoned RRFF-5, the property is only large enough under the density standards of the RRFF-5 District to provide for, at most, three dwelling units.

Staff also find that there could be other properties in the half-mile area around the subject property that could be used to meet housing demands, including the property to the north that is already approved under Z0147-17-E and Z0032-21-TE for dozens of additional residential units.

**This application is consistent with Comprehensive Plan Chapter 6.**

## *CHAPTER 7 – PUBLIC FACILITIES AND SERVICES*

This chapter provides goals and policies for the provision of sewer, water, storm drainage, urban street lighting, and fire services. This application would not change any of the County's existing regulations implementing these goals and policies.

The subject property is in a rural area not served by public sewer or water services. The Applicants have submitted statements from the County's Onsite Wastewater Program attesting that the subject property has the capacity to provide septic services for industrial uses, and the Applicants have demonstrated that there is an existing groundwater well on the subject property. The County's Transportation Engineering Division has confirmed that adequate surface water management, treatment, and conveyance is available to serve potential industrial development, or can be made available through improvements completed by the developer or the system owner.

Notice of this application was provided to the local fire district, who has not objected to the proposal. The local fire district will be notified of any application for future development of the property and given an opportunity to provide comment on emergency vehicle access and circulation.

**This application is consistent with Comprehensive Plan Chapter 7.**

## CHAPTER 8 – ECONOMICS

Chapter 8 of the Comprehensive Plan includes the following specific policies:

- 8.A.2: *Encourage maintenance of sufficient vacant lands to provide room for the future expansion or relocation of the County's industry and business.*

The subject property is functionally vacant and has never been developed for housing. The Applicants' proposal would allow the property to be used for the expansion or relocation of industrial uses.

- 8.B.1: *Provide sufficient industrial land of the types identified in the Industrial section of Chapter 4, Land Use.*

The application details how the proposal will provide additional industrial land for rural industrial uses.

- 8.B.4: *Encourage the location of business and industry in areas that minimize the journey to work and/or facilitate mass transit usage for the journey to work.*

There are Tri-Met Route #30 bus stops in front of the subject property, providing a mass transit connection to Estacada and to the Portland area. There are also existing and approved residential developments within half a mile of the subject property that could provide housing to employees of industrial uses on the subject property.

**This application is consistent with Comprehensive Plan Chapter 8.**

## CHAPTER 9 – OPEN SPACE, PARKS & HISTORIC SITES

The subject property is not in, nor does it abut, any designated open space area. There are no parks or protected historic sites on the property or on any adjacent property. Staff find that the proposal does not affect any open space, parks, or historic site.

**This application is consistent with Comprehensive Plan Chapter 9.**

## CHAPTER 10 – COMMUNITY PLANS AND DESIGN PLANS

The subject property is not in an area of the County with a particular community plan or design plan.

**This application is consistent with Comprehensive Plan Chapter 10.**



## CHAPTER 11 – THE PLANNING PROCESS

Chapter 11 contains policies under its '*City, Special District, and Agency Coordination*' section that encourage the involvement of relevant state and regional governments, cities, and special districts in the planning process, consistency between city and County plans, and public engagement. The '*Amendments and Implementation*' section of this chapter also contains procedural standards for Comprehensive Plan amendments and requirements for the Plan and implementing regulations in ZDO Section 1307 to be consistent with Statewide Planning Goals.

Earlier sections of this report demonstrate how the Applicants' proposal is consistent with Statewide Planning Goals. The process followed for consideration of this application is in compliance with the notification standards in Section 1307. Specifically, notice of the County's public hearings was provided to property owners within a half mile of the subject property 20 days in advance, and notice published in the local newspaper at least 10 days in advance of the first scheduled public hearing. ODOT, Tri-Met, the Eagle Creek – Barton CPO, the City of Estacada, and other relevant agencies were duly notified.

**This application is being processed consistent with Comprehensive Plan Chapter 11 and implementing regulations in ZDO Section 1307.**

### 4. Zoning and Development Ordinance:

#### 202 – DEFINITIONS

ZDO Section 202 provides definitions of terms used elsewhere in the ZDO. There are no criteria in Section 202 warranting findings for this application.

#### 316 – RURAL AREA RESIDENTIAL 1-ACRE (RA-1), RURAL AREA RESIDENTIAL 2-ACRE (RA-2), RECREATIONAL RESIDENTIAL (RR), RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5), FARM FOREST 10-ACRE (FF-10), AND FUTURE URBAN 10-ACRE (FU-10) DISTRICTS

ZDO Section 316 lists land uses allowable in the subject property's current RRFF-5 zoning, terms under which those uses may be conducted, and dimensional standards.

If the proposed Comprehensive Plan Map amendment and zone change are not approved, but the proposed partition is approved, uses of the resulting parcels will remain subject to Section 316.

Table 316-2, *Dimensional Standards in the Rural Residential and Future Urban Residential Zoning Districts*, identifies that, in the RRFF-5 District, the minimum lot size for newly-created lots/parcels is two acres, provided that the minimum average size of all lots/parcels created by partition is five acres. The submitted partition plan shows that each of the two proposed parcels would be at least five acres each with right-of-way included as allowed.

#### **604 – RURAL INDUSTRIAL DISTRICT (RI)**

ZDO Section 604 lists land uses allowable in the proposed RI zoning, terms under which those uses may be conducted, and dimensional standards.

If the proposed Comprehensive Plan Map amendment and zone change are approved, use of the subject property, and any properties resulting from a division of the subject property will be subject to Section 604.

Table 604-2, *Dimensional Standards in the RI District*, identifies that there is no minimum lot size for newly-created lots/parcels in the RI District outside of the Portland Metropolitan UGB. The subject property is outside of the Portland Metropolitan UGB.

#### **1001 – GENERAL PROVISIONS**

This section sets forth the general provisions of the 1000 series of ZDO sections, which provide development standards. Per Subsection 1001.02(A), the 1000 series applies to all partitions.

**As recommended and as reviewed below, the relevant sections of the ZDO 1000 series will be satisfied.**

#### **1002 – PROTECTION OF NATURAL FEATURES**

This section sets forth standards that pertain to the protection of natural features.

The property contains a delineated and DSL-verified open water wetland that the recommended conditions of approval require to be represented on the final plat as a restricted development area.

Subsection 1002.1(A) prohibits the creation of a lot of parcel by partition which cannot be developed due to steep slopes. The majority of the property is flat. No slopes over 20 percent have been identified on the property.

**As recommended, the relevant requirements of ZDO Section 1002 will be satisfied.**

## *1003 – HAZARDS TO SAFETY*

Section 1003 aims to protect lives and property from natural or man-induced geologic or hydrologic hazards and disasters, from soil hazards, and from forest and brush fires.

Oregon Department of Geology and Mineral Industries (DOGAMI) "Bulletin 99" geologic hazard maps include the area of the subject property. The maps do not show any mass movement hazards on the subject property or high shrink-swell or thin soil hazards. The property is not in a mapped flood hazard area, or in a defined fire hazard area.

**The relevant requirements of ZDO Section 1003 are satisfied.**

## *1006 – UTILITIES, STREET LIGHTS, WATER SUPPLY, SEWAGE DISPOSAL, SURFACE WATER MANAGEMENT, AND EROSION CONTROL*

Section 1006 provides standards related to utility service, street lighting, water supply, sewage disposal, surface water management, and erosion control.

Subsection 1006.01(A) states that the location, design, installation, and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbance of soil and site consistent with the rules and relocations of the surface water management regulatory authority. The surface water management authority of the subject property is the County's Transportation Engineering Division, who has attested that future industrial development of the subject property can comply with this requirement.

Subsection 1006.01(B) states that all development that has a need for electricity, natural gas, and communications services shall install them pursuant to the requirements of the utility district or company serving the development. The subsection further requires that, except where otherwise prohibited by the utility district or company, all such facilities shall be installed underground. A condition of the partition's approval to this effect is warranted.

Subsection 1006.01(C) requires coordinated installation of necessary water, sanitary sewer, and surface water management and conveyance facilities. The subject property is not in a public water or sewer district.

Subsection 1006.01(D) requires easements to be provided along lot lines as deemed necessary by the County, special districts, and utility companies. Easements for special purpose uses must be of a width deemed appropriate by the responsible agency. Each parcel resulting from the proposed partition would have a septic system and rely on groundwater. No special district or utility company has identified any easement requirements. The recommended

conditions of approval will require easements identified as necessary by the County's Transportation Engineering Division to be recorded on the final plat.

Subsection 1006.02 relates to street lighting in the Portland Metro UGB. The subject property is not located in the Portland Metro UGB.

Subsection 1006.03 relates to water supply and Subsection 1004.04 relates to sanitary sewer service. The proposed parcels will be provided water from wells with established water rights under Permit No. G-168. The recommended conditions of approval require water rights to be identified on the final plat. The subject property is not in a sanitary sewer service district.

Subsection 1004.05 relates to subsurface sewage disposal. The County's Onsite Wastewater Program has attested that there is capacity on the subject property for septic systems to serve industrial uses. The subject property is not located in Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, or Zigzag Village, where certain subsurface sewage disposal requirements apply to partitions. On-site subsurface sewage disposal systems are permitted on the subject property when approved by the Onsite Wastewater Program.

Subsection 1004.05 relates to surface water management and erosion control. As noted previously, the County's Transportation Engineering Division has attested that there is capacity for necessary surface water management.

No building construction or modification, new use, or changes to parking or landscaping are proposed in this application. Any new development under the proposed RI zoning of the subject property would require separate design review approval to consider whether that development complies with Section 1006.

**As recommended, the relevant requirements of ZDO Section 1006 will be satisfied.**

#### *1007.01 – [ROADS AND CONNECTIVITY] GENERAL PROVISIONS*

- A. The location, alignment, design, grade, width, and capacity of all roads shall be planned, coordinated, and controlled by the Department of Transportation and Development and shall conform to Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards. Where conflicts occur between Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards, the Comprehensive Plan shall control.*

The Applicants are not proposing any new County road or any extension of a County road.

**ZDO Subsection 1007.01(A) is not applicable.**



- B. Right-of-way dedications and improvements shall be required of all new developments, including partitions, subdivisions, multifamily dwellings, two- and three-family dwellings, condominiums, single-family dwellings, and commercial, industrial, and institutional uses, as deemed necessary by the Department of Transportation and Development and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.*

The Applicants propose a partition. DTD's Transportation and Engineering Division not recommended any right-of-way dedication or improvements.

**The relevant criteria of Subsection 1007.01(A) are satisfied.**

- C. New developments shall have access points connecting with existing private, public, county, or state roads.*

The subject property already has frontage on, and access to, an existing County road. The proposed parcels would continue to have access to a County road, either by direct frontage or by an access easement. **The relevant criteria of Subsection 1007.01(C) are satisfied.**

#### **1007.02 – PUBLIC AND PRIVATE ROADWAYS**

- A. All roadways shall be developed according to the classifications, guidelines, tables, figures, and maps in Chapters 5 and 10 of the Comprehensive Plan and the provisions of the Clackamas County Roadway Standards.*

SE Riverside Way is a rural local road and SE Eagle Creek Rd is a rural minor arterial, as designated on Map 5-4b of the Clackamas County Comprehensive Plan. Per ZDO Subsection 1007.02, partitions are required to dedicate public right-of-way consistent with adopted roadway sections. The existing right-of-way width varies from 60 feet wide at the south end of the site frontage on SE Eagle Creek Road, up to approximately 188 feet wide where the right-of-way encompasses both SE Riverside Way and SE Eagle Creek Rd. The existing right-of-way is adequate to serve the proposed partition and future development under rural industrial zoning.

**The relevant criteria of Subsection 1007.02(A) are satisfied.**

- B. The layout of new public and county roads shall provide for the continuation of roads within and between the development and adjoining developments when deemed necessary and feasible by the Department of Transportation and Development.*

The standard roadway cross section for a rural minor arterial roadway include an eight-foot-wide public utility easement adjacent to the public right-of-way, per Clackamas County Roadway Standards, Drawing C140. The southern approximately 290 feet of frontage is adjacent to a 60-foot-wide right-of-way and warrants the standard eight-foot-wide public utility easement, as reflected in the recommended conditions of approval. The remaining site frontage to the north exceeds the standards right-of-way width and additional easement width is not needed for public utilities.

**As recommended, the relevant requirements of Subsection 1007.02(B) will be satisfied.**

#### *1007.03 – PRIVATE ROADS AND ACCESS DRIVES*

- A. Private roads and access drives shall be developed according to classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, Typical Roadway Cross Sections, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards, except:
1. *When easements or “flag-pole” strips are used to provide vehicular access to lots or parcels, the minimum width shall be 20 feet, unless a narrower width is approved by the Department of Transportation and Development and the applicable fire district’s Fire Marshal;*

No “flag-pole” strips are proposed. The recommended conditions of approval would require prior to final plat recording local fire district approval of the partition verifying adequate emergency services access is available or can be provided. The recommended conditions would also require a minimum 24-foot-wide perpetual common access and utility easement be provided from SE Riverside Way to Parcel 2, unless otherwise approved by the Transportation Engineering Division pursuant to Section 170 of the County’s Roadway Standards. The easement would have to be clear and unobstructed.

**As recommended, the relevant requirements of ZDO Subsection 1007.03(A)(1) will be satisfied.**

2. *Where the number of lots served exceeds three, a wider width may be required as deemed appropriate or necessary by the Department of Transportation and Development consistent with other provisions of Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards;*

The proposed partition would only result in two parcels. The Applicants' do not propose a private road or access drive to serve more than three lots/parcels.

**ZDO Subsection 1007.03(A)(2) is not applicable.**

5. *The intersection of private roads or access drives with a public or county road and intersections of two private roads or access drives shall comply with the sight distance and clear zone standards pursuant to Subsection 1007.02(D).*

The application includes the TIA discussed previously in this report. The TIA does not raise any private road or access drive sight distance or clear zone concerns. The County's Transportation Engineering Division concurs with the findings of the TIA.

**The relevant requirements of ZDO Subsection 1007.03(A)(5) are satisfied.**

#### *1007.07 – TRANSPORTATION FACILITIES CONCURRENCY*

This subsection states that approval of a partition can be granted only if the capacity of the transportation facilities is adequate or will be made adequate in a timely manner. It defines "adequate" and "timely" for the purposes of this subsection, provides standards for calculating capacity, and provides some exceptions.

The Applicants' proposal does not qualify for any of the listed exceptions, because of the location of the subject property and the nature of their proposal.

The submitted TIA finds that the County's existing transportation system is adequate to serve outright-permitted industrial uses if the subject property to be rezoned to RI, even if the subject property is divided in to two parcels, and the County's Transportation Engineering Division concurs. ODOT and Tri-Met were notified of this application and have not raised any objections.

**The relevant requirements of ZDO Subsection 1007.07 are satisfied.**

#### *1012 – LOT SIZE AND DENSITY*

Section 1012: identifies opportunities for exceptions to minimum lot sizes; provides maximum lot sizes for certain urban zoning districts; and contains general, maximum, and minimum density provisions. The Applicants' do not request any exception to the minimum lot size standard that would apply in the current RRFF-5 or proposed RI District, and the subject property is not in an

urban zoning district. The Applicants' proposed partition would meet the density requirements and allowances for both the RRFF-5 and RI Districts. The recommended conditions of approval would require any parcels resulting from the proposed partition to meet the minimum lot sizes required by the applicable zoning district.

**As recommended, the relevant requirements of ZDO Section 1012 will be satisfied.**

#### *1015 – PARKING AND LOADING*

This section of the ZDO identifies the parking space requirements for certain uses. No building construction or modification, new use, or changes to parking or landscaping are proposed in this application. Any new development under the proposed RI zoning of the subject property would require separate design review approval to consider whether that development complies with Section 1015.

Nonetheless, staff finds that the Applicants' proposal can allow for the provision of necessary parking spaces for industrial uses.

**The relevant requirements of ZDO Section 1015 are satisfied.**

#### *1105 – SUBDIVISIONS, PARTITIONS, REPLATS, CONDOMINIUM PLATS, AND VACATIONS OF RECORDED PLATS*

The Applicants' have satisfied the submittal requirements for a partition as outlined in Subsection 1105.02, and are *not* proposing a replat subject to Subsection 1105.04 or a condominium plat subject to Subsection 1105.05. The recommended conditions of approval would reiterate the allowance for a time extension under Subsection 1105.06 for the recording of the final partition plat.

Subsection 1105.03 has the following specific approval criteria for partitions:

- 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.*
- 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.*
- 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 [...]*

- 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.*

The proposed partition has been reviewed for compliance with applicable provisions of the Section 1000 series, as reviewed in this report. The subject property is not in an Urban Low Density Residential District or in Government Camp. The application does not propose a zero lot-line development, subdivision, or any phasing plan. A condition of approval could require a nonprofit, incorporated homeowners association or other joint management entity for ownership of, improving, operating, and maintaining any common areas and facilities.

**The relevant requirements of ZDO Subsection 1105.03 are satisfied.**

#### **1202.03 – 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.*
- 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.*
- C. The transportation system is adequate and will remain adequate with approval of the proposed zone change. [...]*
- D. Safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.*

This application, which includes a proposed zone change from RRFF-5 to RI, is being reviewed and processed as a Type III application pursuant to ZDO Section 1307, *Procedures*. This report outlines how the proposal is consistent with applicable goals and policies of the County's Comprehensive Plan.

The subject property is not, and is not planned to be, served by public sewer or water services. However, the County's Onsite Wastewater Program has attested to the subject property having the capacity to provide septic services for future industrial uses, and the Applicants have shown that there is a groundwater well on the subject property. The application materials include a Preliminary Statement of Feasibility from the County's Transportation Engineering Division confirming that adequate surface water management, treatment, and conveyance is available to serve potential development, or can be made available through improvements completed by the developer or the system owner.

ZDO Subsections 1202.03(C)(1)-(7) define what is meant by an "adequate" transportation system. The Applicant's submitted TIA, which was completed by a licensed engineer, finds that: the County's existing and planned transportation system is adequate to serve the proposed zone change; no safety mitigation measures are recommended; and there is adequate sight distance available to ensure safe and efficient operation of the access intersection. The County's Transportation Engineering Division has reviewed the TIA and concurs with its findings. ODOT and Tri-Met were provided notice of this application and have not opposed it for safety concerns or for any other reason.

**The relevant requirements of ZDO Subsection 1202.03 are satisfied.**

### *1307 – PROCEDURES*

Section 1307 provides standards and criteria for processing land use application according to their type. This application is being processed according to "Type III" procedures for a Comprehensive Plan Map amendment, zone change, and concurrent partition. No further written findings regarding Section 1307 are warranted.

**PLANNING COMMISSION  
DRAFT MINUTES**

November 22, 2021

Meeting held via Zoom meeting online

Commissioners present: Steven Schroedl, Tammy Stevens, Michael Wilson, Louise Lopes, Tom Peterson, Gerald Murphy, Carrie Pak, Brian Pasko, Kevin Moss.

Staff present: Jennifer Hughes, Glen Hamburg, Liz Dance, Melissa Ahrens, Martha Fritzie, Darcy Renhard.

Commission Chair Stevens called the meeting to order at 6:31pm.

General public testimony not related to agenda items:

**Jenna Smith** - Ms. Smith owns property that she has some concerns about. There are serious concerns with the roadway, which she has been trying to inform the County of for two years. The road in front of her property and the right-of-way are not up to County standards. Delivery vehicles frequently turn around there and have caused significant damage to the green space and the creek. She has gone outside at night to find strangers under the trees on her property because they think that it is a public road. There is not appropriate signage and the road is longer than is permissible by County standards. There are multiple things wrong with the construction of the road, but she has not been able to get anyone at the County to help her. She feels that she just keeps hitting dead ends and being routed back to the same people. Oak Lodge Water District surrounds her property on two sides, and there is a railroad on the third side. Her parents used to own the property, but now she owns it and is trying to clear out all of the invasive species. She is asking for a property line adjustment and road modification to help fix these issues. The water district owns the property behind her, but she maintains it. She has a couple of structures on her property and could actually turn the upper portion of her home into rental units if she had additional parking. Commissioner Stevens offered, and Jennifer Hughes agreed, that contacting Jennifer directly would probably be the most helpful place to start.

The Planning Commission moved directly to deliberations on file number Z0208-21-CP, Northwest Bible Training Center, which was continued from November 8<sup>th</sup>.

Commissioner Murphy does not see how the proposed use could possibly fit under our Comprehensive Plan. He looked at Comp Plans from other jurisdictions and found that they align with ours. So do the Statewide Planning Goals. He doesn't see any reason why this use cannot fit on a different property with appropriate zoning. We have farming zones for a reason.

Commissioner Peterson does not think that there is any harm from the Training Center being on this property, and the farm setting is probably beneficial to the recovery process. Unfortunately they don't seem to have done due diligence. It's unfortunate, but it is another example of people not understanding the complexity of land use laws. Even though he is alright with the use itself being on the property, he cannot support approval from a land use standpoint.

Commissioner Pasko said that the first decision is whether this is an urban or rural use. He is struck by how many people testified that they are coming in to the facility from urban areas. The argument that this is a rural use is a stretch. The Training Center existed for a long time without the farming component, so clearly there are other lands where this could exist. Secondly, there was no ESE analysis provided by the applicant, which means that the application does not meet the criteria that the State has asked us to apply.

Commissioner Lopes agrees that the applicant should have done their due diligence. Staff has laid out how the application does not meet the criteria. The Planning Commission is not here to judge the activities of a non-profit, but to determine whether or not the application meets the criteria that we are required to apply.

Commissioner Pak tried to find ways to make this application work. The program itself is a noble cause, but she hopes that they are able to find another property that is more suitable.

Commissioner Wilson does not agree that this meets religious classification. It does not meet the criteria for a goal exception. He is supporting the staff recommendation of denial.

Commissioner Moss said that he tried to take the emotion out of it and go by the facts presented. There are buildings being used without appropriate permits and the applicant did not perform due diligence. That being said, he does not think that it is impacting the surrounding farm uses and finds himself in favor of the application if they can go through the proper process and get the necessary permits.

Commissioner Stevens looked at federal law, which clearly says that the burden of proof lies with the applicant. It is up to the Planning Commission to determine if there is an undue burden in requiring the applicant to find different property. She agrees that there are rules and laws put into place for a reason, and they are created to protect resources and people. However, not all situations or crises can be predicted when the rules are formed. It has been a chain of unfortunate, but not malicious, decisions that brought us here today. She does not believe that approval of this application will change the character of this property, nor will it set any type of new precedent.

Commissioner Pasko thinks that we need to be careful not to confuse making a decision that would prohibit a religious institution versus prohibiting an activity that is supported by a religious institution. They are two very different things. By denying this application, we are not making a statement on the religious practice at all. We are making a statement on the use that is being proposed on this particular piece of property. That being said, we have an obligation to follow the reasons exemption criteria that staff has clearly laid out. He does not believe that the criteria has been met.

Commissioner Pak's primary concern is that we are, in fact, setting a precedent if we approve this application. She feels that the use is an urban and not a rural use, so as much as she appreciates the work that this program is doing she does not support approval of the application.

Commissioner Peterson thinks that approval would send a message that people can just do whatever they want on their property and ask for forgiveness later. What is the point of land use laws if that is the case? It isn't that he doesn't support what they are doing, he just has to look at the criteria that we have been charged with using.

Commissioner Wilson said that they can accomplish the same mission on property that is not EFU. Even if they need to have animals and farming as part of their recovery process, there are other properties where this can be accomplished that is not EFU. The applicant made an error by not performing due diligence in selecting this property. He wishes the applicant the best, but he does not think that this is the appropriate place to put this type of activity.

Commissioner Moss asked if the County was aware of this activity before the applicant came in to get permits. He doesn't see if as them doing something and asking for forgiveness later, they were trying to get



permits and it turned into a much bigger situation. He doesn't think that this will set a precedent, each land use situation that comes before us is unique and needs to be looked at that way.

Commissioner Murphy found other similar farms doing this type of recovery treatment in other counties, but they are not located on EFU property. It can be done on other agricultural properties and not just EFU or high value farmland.

Commissioner Pasko moved that the Planning Commission recommend denial of the application consistent with staff's recommendation on Z0208-21-CP. Commissioner Wilson seconded the motion. (*Ayes=6: Pasko, Wilson, Lopes, Pak, Peterson, Murphy. Nays=2: Stevens, Moss. Abstain=1: Schroedl*). Motion is passed.

7:14 p.m.

Chair Stevens opened the public hearing for file numbers Z0155-21-M, Z0156-21-CP, and Z0157-21-ZAP. This is an application by Heavy Timber Innovations, LLC for a comprehensive plan amendment to change the land use plan designation of the subject property from rural to rural industrial, with a corresponding zone change from rural residential farm forest 5-acre (RRFF-5) to rural industrial. There is an accompanying partition of the subject property resulting in two separate rural industrial zoned parcels.

Glen Hamburg and Liz Dance presented the application. The property is located at 25720 SE Eagle Creek Road. Currently the property is a single parcel of 19.4 acres. The proposed partition would create a 14.4 acre parcel and a 5 acre parcel. The property is about 1.3 miles north of the City of Estacada. The surrounding properties are zoned a combination of RRFF-5 and rural industrial. There is also some rural commercial properties across the street. Highway 211/224 runs along the property to the west, but there is no direct access from the highway to the subject property. Access to the property is from South Eagle Creek Road. There are no dwellings on the property, and there is no history of the property ever having a dwelling. There is, however, a 28,000-square-foot building on the property that has been used for various industrial purposes in the past. It is currently not being used for anything. There are no mapped mass movement hazards and the property is not in any regulatory flood hazard area. There is an old log pond in the southern portion of the property, but it has long been overgrown with trees. There is a Tri-Met bus stop for bus number 30, which is the main bus route between the City of Estacada and Clackamas Town Center. There is also a nearby mobile home park that has previously been verified as a non-conforming use. The property has an existing septic drain field and water for the property comes from an existing well that is just below or near the building. There are also two ditches at the north end of the property and at the east along the road, but they are both non-jurisdictional. This means that they are isolated and not being fed by or feeding any other water source. The same applies to the log pond.

The applicants are looking at adding new structures to the property in the future, but new development is not part of the application that we are currently considering. The applicants have explained that the reason they sought this property out is for a cross-laminated timber related industry. This would support some of the existing similar uses inside the City of Estacada. If the BCC were to approve the proposal, the applicants could later come back to the County for land use approval for design review. A design review application would require separate public notice, at which point any neighboring property owners would have another opportunity to weigh in on any proposed development.

Statewide Planning Goal 5 addresses natural resources, scenic and historic areas and open spaces. The application is consistent with the criteria in Goal 5 because they are not proposing any changes to the County's existing Comprehensive Plan policies. The applicant has no intention of disturbing the former log pond or the ditches that are on the property.

Statewide Planning Goal 9 is about economic development and is implemented by OAR 660, division 9. The requirements of Goal 9 actually only apply inside of an urban growth boundary. This property is outside of any urban growth boundary, so Goal 9 does not apply. Staff would just like to point out that even though it does not actually apply, this proposal could provide economic benefit to the area. Goal 10, which applies to housing, likewise only applies inside of urban growth boundaries and therefore does not apply to this property.

The applicant has submitted a traffic impact study that shows the current/planned transportation system is adequate to serve industrial uses on the property. County Transportation Engineering staff concurs.

The County's Comprehensive Plan, Chapter 3 covers natural resources and energy. Policies in the chapter prevents disturbances of natural wetlands, but the wetlands on this particular property are isolated and not associated with any outside waterways. The applicants do not propose any substantial alteration to the flow of waters on these wetlands.

Chapter 4 of the Comp Plan sets out what properties can be zoned for dependent on certain criteria. The property has to be in a non-urban area in order to be zoned rural industrial. It also must be consistent with the rural character, development, and facilities of a rural area. Staff finds that these criteria would be met if the application is approved. Additionally, there are criteria that require that the property either have a historic commitment to industrial uses, have an abandoned or diminished mill site, or that the property be located both in an unincorporated community and have direct access to a road of at least an arterial classification. The property does not meet the third option, but it could possibly meet the second. The applicant is requesting approval under the first criteria, though, as this would potentially give them fewer limitations on what they could do with the property. Glen provided aerial photos and historic land use approvals which clearly indicate that the property has a historic industrial use. Staff finds that the application meets all of the relevant criteria in the Comprehensive Plan.

It is unusual for a partition to come to the Planning Commission as they are traditionally decided at the staff level. When a request for a partition is made concurrent with an application that does come to the Planning Commission, then it is simply bundled and the Planning Commission makes a recommendation on the proposal as a package.

Liz Dance informed the Planning Commission that staff has found the application to meet all of the Zoning Ordinance (ZDO) criteria for a partition. Even though the wetland is non-jurisdictional, it has been delineated and identified per Section 102 of the ZDO as a restricted development area. The proposed zoning would meet the density standard for a partition of two lots. The applicant has provided all of the required information for septic, water, and all roads and access that are required to meet the standards for a partition in the proposed rural industrial zone.

Staff underscored the fact that if the applicant wanted to place additional buildings and a cross laminated timber facility (or any other industrial use), they would need to go through design review prior to any development. This would include septic, water, and transportation review for whatever uses the applicant proposed. Staff have outlined recommended conditions of approval.

**Carlos Callava** - Mr. Callava is a planner with Three J's Consulting, representing Heavy Timber Innovations, LLC. Mr. Callava provided an overview of the applicants' proposal and explained that the applicants intend to reuse the existing building on the site, and to eventually add an additional building on the second property.

That has a separate land use process, which is done through design review. He included documents from the 1950's and onward showing the historically industrial uses on the property. In 2002, a comprehensive plan amendment and zone change were approved for the property immediately south of the subject property to be rezoned to rural industrial. The BCC at the time unanimously approved the zone change, citing a clean case for historical commitment and stating that the change would improve upon the lack of industrial properties in the area.

Cut My Timber is one of the two companies that will be located on the resulting properties. They are a mass timber digital fabrication company. They fabricate timber elements using CAD technology and robotics. Carpentry Plus, Inc. is the other company that would be on the property. They design, build, and assemble mass timber elements such as stairs and trusses. Mass timber is a more sustainable alternative to the carbon intensive materials and building systems.

Commissioner Peterson asked if the two businesses were complimentary to each other since they are doing similar types of products. Mr. Callava answered that he believes that they are complimentary.

Commissioner Wilson asked if there was already a building on the proposed 5-acre parcel. Mr. Callava explained that it is some type of storage area.

Commissioner Pak asked how the log pond is going to be used in the future. Mr. Callava said that it is not going to be used, it is just a vestige of the past that is now defunct.

Commissioners Pasko, Wilson and Peterson agree that this application fits very well with the current uses in the area and provided potential economic benefit. The region has a shortage of industrial land, so this is in line with some of the County's goals as well as being a great emerging industry that really complements what we do within the County.

Commissioner Pasko moved to recommend to the Board of County Commissioners, approval of the proposed Comprehensive Plan Map amendment, zone change, and partition including conditions of approval 1,2,3 through 9 and 11 as outlined in the staff report associated with Z0155-21-M, Z0156-21-CP, and Z0157-21-ZAP. Commissioner Wilson seconded. (*Ayes=9; Nays=0.*) Motion passes.

The draft minutes from the November 8<sup>th</sup> meeting were approved by acclamation as submitted.

Jennifer provided a schedule review. There are no meetings scheduled through the remainder of 2021.

Commissioner Murphy informed the Planning Commission that the Sandy River Watershed Council is dissolved.

There being no further business, the meeting was adjourned at 8:38 p.m.

**EXHIBIT LIST**  
**IN THE MATTER OF Z0155-21-M; Z0156-21-CP; and Z0157-21-ZAP (25720 SE Eagle Creek Rd)**

<i>Ex. No.</i>	<i>Date Received</i>	<i>Author or Source</i>	<i>Subject &amp; Date of Document (if different than date received)</i>
1	04/07/2021	Heavy Timber Innovations, LLC; Stefan Schneider; Russ Brotnov	Subject application, first received April 7, 2021, but deemed complete September 21, 2021, including: application forms; project narratives and responses to approval criteria; pre-application conference notes; technical reports; civil/development/land use plans; statements of feasibility; a wetlands study; and site history exhibits
2	04/19/2021	Oregon Department of State Lands (DSL)	Offsite Wetland Determination Report
3	04/22/2021	State of Oregon	Certificate of Water Right
4	11/03/2021	Jodi Scott and Steve Mueller	November 3, 2021, emailed comments
5	11/04/2021	Carlos Callava and Planning Staff	November 4, 2021, email correspondence with Applicants' consultant
6	11/09/2021	Kenneth Kent, Transportation Engineering Staff	November 9, 2021, memorandum with findings and recommended conditions
7	11/12/2021	Clackamas County Planning & Zoning	Current Comprehensive Plan Map 4-7a
8	11/12/2021	Clackamas County Planning & Zoning	Current Non-Urban Area Zoning Map
9	11/12/2021	Clackamas County Assessment and Taxation	Tax Map 34E05
10	11/17/2021	Carlos Callava	November 17 emailed PowerPoint in PDF format from Applicant's consultant
11			
12			
13			





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**

Land use application for:

# PARTITION

(For a maximum of three total parcels and including 'Type II' replats)

Application Fee: \$2,600  
(+ \$3,230 if Hydrogeologic Review is required)

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

## APPLICANT INFORMATION

Applicant name: Heavy Timber Innovations, LLC, Stefan Schneider & Russ Brotnov	Applicant email: stefan@cutmytimber.com, russ@carpentryplusinc.com	Applicant phone: (206) 910-1320, (503) 708-3611	
Applicant mailing address: 37396 Ruben Lane, Unit D	City: Sandy	State: OR	ZIP: 97055
Contact person name (if other than applicant): Mercedes Serra, 3J Consulting	Contact person email: mercedes.serra@3j-consulting.com	Contact person phone: 503-946-9365 x211	
Contact person mailing address: 9600 SW Nimbus Ave	City: Beaverton	State: OR	ZIP: 97008

## PROPOSAL

Brief description of proposal: Partition request from one lot to two. Zone change submitted concurrently.	Pre-application conference file number: <b>ZPA C0013-20</b>
--	--

## SITE INFORMATION

Site address: 25720 Eagle Creek Road	Comprehensive Plan designation: Rural	Zoning district: RRFF-5
Map and tax lot #: Township: <u>3S</u> Range: <u>4E</u> Section: <u>5</u> Tax Lot: <u>34E05 04100</u> Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____		Land area: 19.4 acres
Adjacent properties under same ownership: Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____		

Printed names of all property owners: Heavy Timber Innovations, LLC <i>Russ Brotnov</i> <i>Jason Fehman</i> Stefan Schneider	Signatures of all property owners: <i>[Signatures]</i>	Date(s): <i>4/7/2021</i> <i>4/7/2021</i> <i>4/7/2021</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: <i>[Signature]</i>		Date: <i>4/7/2021</i>

Exhibit 1

## 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.

## B. Review applicable land use rules:

This application is subject to the provisions of [Section 1105, Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats](#) 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.
- ☒ **Application fee:** The cost of this application is **\$2,600**. If Hydrogeologic Review is required, there is an additional fee of \$3,230. Payment can be made by cash, by check payable to "Clackamas County", or by credit/debit card with an additional card processing fee using the [Credit Card Authorization Form](#) available from the Planning and Zoning website. Payment is due when the application is submitted. Refer to the FAQs at the end of this form and to the adopted [Fee Schedule](#) for refund policies.
- ☒ **Preliminary plat:** The preliminary plat must be drawn to a scale of not less than one inch = 20 feet and not more than one inch = 200 feet. If the preliminary plat is larger than 11 x 17 inches, five reduced-sized, legible copies of the preliminary plat shall be submitted on 8.5 x 14-inch or 11 x 17-inch paper. The preliminary plat must include all of the following (when applicable):
  - Source of domestic water and location of any existing and proposed wells;
  - Method of wastewater disposal and location of any existing and proposed onsite wastewater treatment systems;
  - Existing and proposed utility lines and facilities;
  - Calculations demonstrating that the proposed density complies with the minimum and maximum density standards of ZDO [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;
  - Locations, dimensions, and area of each lot, parcel, and tract;
  - The north-south dimension and front-lot-line orientation of each proposed lot or parcel, except for lots or parcels for which an exception from the solar design standard of ZDO [Subsection 1017.03](#) is requested pursuant to Subsection 1017.04. For the purpose of this submittal requirement, "north-south dimension" and "front lot line" are defined in Subsection 1017.02;
  - Date the preliminary plat was prepared;
  - North arrow;
  - Identification of each lot or parcel by number;
  - Locations and widths of all roads abutting the subject property, including road names, direction of drainage, approximate grades, and whether public or private;
  - Locations and widths of all proposed roads, including proposed names, approximate grades, radii of curves, and whether public or private;

- Location and width of legal access to the partition, other than public or County roads, if applicable;
- 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 (UGB); contour lines at 10-foot intervals outside a UGB; and the source of contour information;
- Locations of all seasonal and/or perennial drainage channels, including their names if known, and flow direction;
- Locations and widths of all existing and proposed easements, to whom they are conveyed and for what purpose;
- Locations and dimensions of all existing and proposed driveways and walkways;
- Locations and dimensions of existing structures to be retained and their setbacks from existing and proposed lot lines;
- Locations and dimensions of all areas to be offered for public use;
- Boundaries and type of restricted areas identified in ZDO Subsection [1012.05](#), as applicable; and
- Locations of all significant vegetative areas, including, but not limited to, wooded areas, specimen trees, and bearing trees.

☒ **Service Feasibility Determinations:** Request that the property's water provider, sanitary sewer provider, and surface water management authority, as applicable, each complete a [Preliminary Statement of Feasibility](#) and include those completed statements with your application. If the proposed development will be served by an onsite wastewater treatment system (e.g., a septic system), include an approved Site Evaluation or Authorization Notice from the [Septic & Onsite Wastewater Program](#) attesting to the feasibility of your proposal.

☐ **For a property with designated Open Space:** If the subject property to be partitioned includes land designated Open Space by the County's [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. An *existing conditions map* of the subject property with the Open Space designation must also be provided. The existing conditions map must illustrate all of the following (when applicable):

- Contour lines at two-foot intervals for slopes of 20 percent or less within a UGB; contour lines at five-foot intervals for slopes exceeding 20 percent within a UGB; contour lines at 10-foot intervals outside a UGB; and the source of contour information;
- Slope analyses 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;
- Drainage;
- Potential hazards to safety, including areas identified as mass movement, flood, soil, or fire hazards pursuant to ZDO [Section 1003, Hazards to Safety](#);
- Marsh or wetland areas, underground springs, wildlife habitat areas, and surface features such as earth mounds and large rock outcroppings;
- 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 = 400 feet, may be submitted and only those trees that will be affected by the proposed development need be sited accurately;
- Location of any overlay zoning districts regulated by ZDO Section 700, *Special Districts*;
- Noise sources;
- Sun and wind exposure;
- Significant views; and
- Existing structures, impervious surfaces, utilities, landscaping, and easements.

- ☐ **For a property that is already a platted lot or parcel:** If the subject property is already a platted lot or parcel, include a full copy of the latest partition or subdivision plat and a density calculation made pursuant to ZDO [Subsections 1105.04\(B\) and \(C\)](#).
- ☐ **Master plan, if required by ZDO Section 1012:** Minimum density and maximum lot size standards apply in certain zoning districts. ZDO [Section 1012](#) allows for partitions that do not meet required minimum density and maximum lot size standards, provided a master plan is submitted demonstrating that the standards could be met for the entire property through future land division.
- ☐ **For Historic Landmark sites, and sites located in a Historic District or Historic Corridor:** Submit a narrative and/or plans demonstrating compliance with ZDO [Subsection 707.06\(C\)\(6\)](#), as applicable.
- ☒ **Any additional information or documents advised of during the pre-application conference**



## D. Answer the following questions:

Accurately answer the following questions in the spaces provided. Attach additional pages, if necessary.

1. Is the subject property already a *platted* lot or parcel?

☒ NO, it is not platted.

☐ YES, and I understand this partition is subject to the additional criteria for a replat. The property to be partitioned is currently identified as follows:

Plat name/number: \_\_\_\_\_

Current parcel number for subject property: \_\_\_\_\_

2. In an Urban Low Density Residential District, the partition may be designated 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.

Are you requesting this partition be designated as a zero-lot-line development?

☒ NO

☐ YES

3. a. Will the partition include common areas and facilities and/or is it located in Government Camp, where snow removal and storage are required? (Examples of common areas and facilities include open space, private roads, access drives, parking areas, and recreational uses.)

☒ NO (skip to Question 4)

☐ YES (answer Questions 3.b. and 3.c)

- b. Identify all the proposed common areas and facilities:

c. Who will own, improve, operate, and maintain the common areas and facilities and/or provide for snow removal and storage in Government Camp?

☐ A nonprofit, incorporated homeowners association that:

1. Will continue in perpetuity unless the requirement is modified pursuant to either ZDO [Section 1309, Modification](#), or the approval of a new land use permit application;
2. Mandates membership in the homeowners association for each parcel owner; and
3. Is incorporated prior to recording of the final plat.

☐ A government entity named: \_\_\_\_\_

☐ A nonprofit conservation organization named: \_\_\_\_\_

☐ An alternative entity named and described in the box below:

4. Is the subject property in a future urban area, as defined by [Chapter 4](#) of the Comprehensive Plan?

☒ NO

☐ YES, and the location of proposed easements, road dedications, structures, wells, and onsite wastewater treatment systems is consistent with the orderly future development of the subject property at urban densities for the following reasons:

## E. If the property is already platted:

Partitioning a property that is already platted involves a “replat”. The number of lots or parcels in a replatted area cannot exceed the number previously approved for the area, unless: the gross site area of the affected plat is increased, or is of sufficient size to allow additional lots or parcels, or; the zoning on the subject property has been changed since the existing plat was approved, permitting a greater density on all, or part, of the original platted area.

If the subject property is already a *platted* lot or parcel, identify the circumstances that allow for the number of lots or parcels in the replatted area to exceed the number previously approved for the area (attach additional pages, if necessary):

- ☐ The gross site area of the affected plat will be increased from \_\_\_\_\_ acres to \_\_\_\_\_ acres.
- ☐ The gross site area of the affected plat will remain \_\_\_\_\_ acres, which is a sufficient size to allow additional lots or parcels.
- ☐ The zoning of the subject property has been changed since the existing plat was approved, permitting a greater density on all, or part, of the original platted area, as explained in the box below:

## FAQs

### What is a partition?

Partitions are land divisions creating two or three parcels in one calendar year. A partition requires approval of a Partition permit application.

### What is *not* a partition?

Partitions do *not* include: land divisions creating four or more lots in a calendar year; divisions resulting from lien foreclosures, from foreclosure of recorded contracts for sale of real property, or from the creation of cemetery lots; any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created; or the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

### What is the permit application process?

Partition permits are subject to a "Type II" land use application process, as provided for in [Section 1307](#) of the ZDO. Type II decisions include notice to owners of nearby land, the Community Planning Organization (if active), service providers (sewer, water, fire, etc.), and affected government agencies. If the application is approved, the applicant must comply with any conditions of approval identified in the decision. The Planning Director's decision can be appealed to the County Land Use Hearings Officer.

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

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

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

The County makes every effort to issue a decision on a Type II land use application within 45 days of when we deem the application to be complete. State law generally requires a final County decision on a land use permit application in an urban area within 120 days of the application being deemed complete, and within 150 days for a land use permit in a rural area, although there are some exceptions.

### If an application is submitted and then withdrawn, will a refund be given?

If a submitted Type II application is withdrawn before it is publicly noticed, 75% of the application fee paid will be refunded. If a submitted application is withdrawn after it is publicly noticed, but before a decision is issued, 50% of the application fee will be refunded. No refund will be given after a decision is issued.

The additional Hydrogeologic Review fee, if applicable, can be refunded in full, provided the application is withdrawn before any work has been done by the hydrogeologist; after any work has been done by the hydrogeologist, no portion of the Hydrogeologic Review fee will be refunded.

### Who can help answer additional questions?

For questions about the County's land use permit requirements and this application form, contact Planning and Zoning at **503-742-4500** or [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us). You can also find information online at the Planning and Zoning website: [www.clackamas.us/planning](http://www.clackamas.us/planning).

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

**503-742-4545:** ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод?

翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

**Exhibit 1**

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**





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

**STAFF USE ONLY**

Land use application for:

# COMPREHENSIVE PLAN MAP AMENDMENT & ZONE CHANGE

Application Fee: \$7,790

(+ \$120 if an expanded notification area is required by ZDO Section 1307)

Staff Initials:

File Number:

## APPLICANT INFORMATION

Applicant name: Heavy Timber Innovations, LLC, Stefan Schneider & F	Applicant email: stefan@cutmytimber.com, russ@carpentryplu	Applicant phone: (206) 910-1320, (503) 708-36	
Applicant mailing address: 37396 Ruben Lane, Unit D	City: Sandy	State: OR	ZIP: 97055
Contact person name (if other than applicant): Mercedes Serra, 3J Consulting	Contact person email: mercedes.serra@3j-consulting.com	Contact person phone: 503-946-9365 x211	
Contact person mailing address: 9600 SW Nimbus Avenue, Suite 100	City: Beaverton	State: OR	ZIP: 97008

## PROPOSAL

Brief description of proposal: Zone change from RRFF-5 to RI. 2 Lot Partition submitted concurrently.	Pre-application conference file number: ZPA C0013-20
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## SITE INFORMATION

Site address: 25720 Eagle Creek Road	Comprehensive Plan designation: Rural	Zoning district: RRFF-5
Map and tax lot #: Township: 3S Range: 4E Section: 5 Tax Lot: 34E05 04100 Township: Range: Section: Tax Lot: Township: Range: Section: Tax Lot:	Land area: 19.4 acres	
Adjacent properties under same ownership: Township: Range: Section: Tax Lot: Township: Range: Section: Tax Lot:		

Printed names of all property owners: Heavy Timber Innovations, LLC Russ Brotman Stefan Schneider Jason Fehlman	Signatures of all property owners: 	Date(s): 4/7/2021 4/7/2021 4/7/2021
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: 4/7/2021

Exhibit 1

## 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.

## B. Review applicable land use rules:

This application is subject to the provisions of [Section 1202, Zone Changes](#) 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 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.
- ☒ **Application fee:** The cost of this application is **\$7,790, plus a \$120 notification surcharge if an expanded notification area is required by ZDO Section 1307**. Payment can be made by cash, by check payable to "Clackamas County", or by credit/debit card with an additional card processing fee using the [Credit Card Authorization Form](#) available from the Planning and Zoning website. Payment is due when the application is submitted. Refer to the FAQs at the end of this form and to the adopted [Fee Schedule](#) for refund policies.
- ☒ **Vicinity map:** Provide a map of the area around the property, drawn to scale, that shows the uses and location of improvements on adjacent properties and properties across any road.
- ☒ **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, acreage/square footage of lots, and contiguous properties under the same ownership;
  - All existing and proposed structures, fences, roads, driveways, parking areas, 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
  - Location of utilities, wells, and all onsite wastewater treatment facilities (e.g., septic tanks, septic drainfield areas, replacement drainfield areas, drywells).
- ☒ **Service Feasibility Determinations:** Request that the property's water provider, sanitary sewer provider, and surface water management authority, as applicable, each complete a [Preliminary Statement of Feasibility](#) and include those completed statements with your application. If the proposed development will be served by an onsite wastewater treatment system (e.g., a septic system), include an approved Site Evaluation or Authorization Notice from the [Septic & Onsite Wastewater Program](#) attesting to the feasibility of your proposal.
- ☒ **Transportation impact study:** Refer to the information provided at the pre-application conference regarding the need for a transportation impact study. Include a copy of any required study with your application submittal.
- ☒ **Any additional information or documents advised of during the pre-application conference** **Exhibit 1**

**D. Answer the following questions:**

1. What Comprehensive Plan designation are you requesting for the subject property?

Requested Plan designation: Rural Industrial

2. What zoning district designation are you requesting for the subject property?

Requested zoning district: Rural Industrial

3. If the zoning designation you requested in response to Question 2 cannot be approved because the property doesn't meet the approval criteria, would you like an alternate zoning district designation to be considered?

☒ NO

☐ YES, and the alternate zoning district designation(s) I would like is/are:

\_\_\_\_\_

4. Are you filing this Comprehensive Plan Map amendment and zone change application with another application (e.g., an application for a partition or subdivision)?

☐ NO, this application is being filed alone.

☒ YES, this application is being filed with another application. That other application requests the following:

2-lot Partition

## D. Respond in a narrative:

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

1. How is your proposal consistent with applicable Statewide Planning Goals?
2. How is your proposal consistent with the applicable goals and policies of the County's [Comprehensive Plan](#)?
3. If relevant, how is your proposal consistent with Metro's Urban Growth Management Functional Plan?
4. If development under the proposed zone would need public services (sanitary sewer, surface water management, and water), could the need be accommodated with the implementation of the applicable service provider's existing capital improvement plan? The cumulative impact of the proposed zone change and development of other properties under existing zoning designations must be considered.
5. Explain how the transportation system is adequate and will remain adequate with approval of the proposed zone change. This explanation should take into consideration the following:
  - a. "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*.
  - b. Conduct the evaluation of transportation system adequacy pursuant to the Transportation Planning Rule (Oregon Administrative Rules 660-012-0060).
  - c. Assume that the subject property is developed with the primary use, allowed in the proposed zoning district, with the highest motor vehicle trip generation rate.
  - d. The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards.
  - e. The adequacy standards apply to all roadways and intersections within the impact area of the proposed zone change. The impact area is identified based on the Clackamas County Roadway Standards.
  - f. A determination of whether submittal of a transportation impact study is required is made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.
  - g. (d) through (f) above do not apply to roadways and intersections under the jurisdiction of the State of Oregon. Instead, motor vehicle capacity calculation methodology, impact area identification, and transportation impact study requirements are established by the

ODOT Transportation Analysis Procedures Manual for such roadways and intersections.

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



## FAQs

### What is a Comprehensive Plan Map amendment and zone change?

All land in the County has been divided into mapped Comprehensive Plan designations, each of which corresponds to one or more zoning districts. A Comprehensive Plan Map amendment and zone change results in a property switching from one Comprehensive Plan Map designation and zoning district to another designation and zoning district, which may change allowed uses, minimum lot size, and other development standards.

### What is the permit application process?

Comprehensive Plan Map amendments and zone changes that are *not* related to the Historic Landmark, Historic District, and Historic Corridor overlay district are subject to a “Type III” land use application process, as provided for in [Section 1307](#) of the ZDO. Type III decisions include notice to owners of nearby land, the Community Planning Organization (if active), service providers (sewer, water, fire, etc.), and affected government agencies, and are reviewed at public hearings before the Planning Commission and the Board of County Commissioners (BCC). If the application is approved, the applicant must comply with any conditions of approval identified in the decision. The County’s decision can be appealed to the Oregon Land Use Board of Appeals (LUBA).

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

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

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

A final decision on an application for a Comprehensive Plan Map amendment and zone change is generally issued within 24 weeks (168 days) of when we deem the application to be complete. However, these applications are often highly complex and may take longer to process.

### If an application is submitted and then withdrawn, will a refund be given?

The fee for this application includes a \$1,050 fee for review by the Hearings Officer, which will be fully refunded if the application is withdrawn before the hearing occurs. If a submitted Type III application is withdrawn before it is publicly noticed, 75% of the portion of the application fee paid that is not the Hearings Officer review fee (i.e., the remainder) will be refunded. If a submitted application is withdrawn after it is publicly noticed, but before a staff recommendation is issued, 50% of the remainder will be refunded. No refund on the remainder will be given after a staff recommendation is issued.

### Who can help answer additional questions?

For questions about the County’s land use permit requirements and this application form, contact Planning and Zoning at **503-742-4500** or [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us). You can also find information online at the Planning and Zoning website: [www.clackamas.us/planning](http://www.clackamas.us/planning).

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

**503-742-4545:** ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод?

翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

**Exhibit 1**

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**Appendix F – Site History Exhibits**

## **GENERAL INFORMATION**

Property Owner and Applicant: **Heavy Timber Innovations, LLC**  
37396 Ruben Lane, Unit D  
Sandy, Oregon 97055

Attn: Stephan Schneider  
Phone: (206) 910-1320  
Email: stefan@cutmytimber.com

Attn: Russ Brotnov  
Phone: (503) 708-3611  
Email: russ@carpentryplusinc.com

Applicant's Representative: **3J Consulting, Inc.**  
9600 SW Nimbus Avenue, Suite 100  
Beaverton, OR 97008

Attn: Mercedes Serra, Senior Urban Designer  
Phone: (503) 946-9365 x211  
Email: mercedes.serra@3j-consulting.com

## **SITE INFORMATION**

Parcel Number:	00927046
Address:	25720 Eagle Creek Road
Total Area:	19.03 Acres
Existing Zoning Designation:	RRFF-5
Proposed Zoning Designation:	RI
Comprehensive Plan Designation	Rural
Existing Use:	Unutilized
Surrounding Zoning:	West: RRFF-5 East: RC, RRFF-5 South: RI North: RRFF-5

## **INTRODUCTION**

### **APPLICANT'S REQUEST**

The applicant is requesting a Comprehensive Plan Amendment and Rezone from RRFF-5 (Rural Residential Farm/Forest 5 Acre) to RI (Rural Industrial). Concurrently, the applicant wishes to partition the subject property into two separate lots, one 5 acres and the other 14.4 acres.

### **SITE DESCRIPTION/SURROUNDING LAND USE**

The proposed site is located within the RRFF-5 zone in unincorporated Clackamas County in an area with a predominantly rural pattern of development. At 19.4 acres, the west property boundary, which is also its rear, borders Highway 224. Conversely, the east boundary of the property contains frontage along SE Riverside Way where it intersects SE Eagle Creek Road. The surrounding land use designations are largely RRFF-5 with a few exceptions: the two properties directly south of the subject site are zoned Rural Industrial, and the site east of the subject property are a mixture of RC (Rural Commercial) and RRFF-5. There is an existing 24,000 square foot warehouse toward the front and center of the site as it exists.

### **PROPOSAL**

The project consists of a request to partition the existing property into two lots and to concurrently request a change to the property's underlying zoning and comprehensive plan designation from RRFF-5 to RI. The applicant intends to reuse the existing building on-site and to eventually erect two proposed shops as well as a variety of other improvements. One of the two proposed shops would be on the smaller 5-acre partition. The applicant will submit a pre-application conference request and land use application for the project design review stage in subsequent steps.



## **APPLICABLE CRITERIA**

The following sections of the Oregon Statewide Planning Goals, Clackamas County Comprehensive Plan provisions and Clackamas County's Zoning and Development Ordinance (ZDO) have been extracted as they have been deemed to be applicable to the proposal. Following each **bold** applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for a Partition and Comprehensive Plan Map Amendment and Zone Change.

## **OREGON STATEWIDE PLANNING GOALS**

**Goal 1: Citizen Involvement: To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.**

**Applicant's Finding:** This is a quasi-judicial (Type III) land use application. The Clackamas County Comprehensive plan and Section 1300 of the Zoning and Development Ordinance (ZDO) contain adopted and acknowledged procedures for citizen involvement and notification. This application has been assembled pursuant to the notification requirements delineated in Section 1300, including notice to individual property owners within 500 feet of the subject property, notice in the local newspaper, and notice to affected agencies and the relevant Community Planning Organization, Eagle Creek/Barton CPO. Two advertised public hearings will also be conducted before the Clackamas County Planning Commission and Board of County Commissioners, which provides an opportunity for additional citizen involvement and input. The proposal is consistent with Goal 1 of the Oregon Statewide Planning Goals.

**Goal 2; Land Use Planning: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

**Applicant's Finding:** Zone changes involve changes to comprehensive plans, and Goal 2 establishes that all comprehensive plans must comply with statewide planning goals. The background and findings contained within this report as well as the comments provided by affected parties provide an adequate factual basis for rendering an appropriate decision consistent with the County Comprehensive Plan. This proposal is consistent with Goal 2 of the Oregon Statewide Planning Goals.

**Goal 5: To protect natural resources and conserve scenic and historic areas and open spaces.**

**Applicant's Finding:** Goal 5 resources include open space areas, scenic and historic resources and other natural features. Chapter 3 (Natural Resources and Energy) and Chapter 9 (Open Space, Parks and Historic Sites) of the Clackamas County Comprehensive Plan identifies significant Goal 5 resources within the County. No outstanding scenic views/sites, wilderness areas, historic sites or structures, cultural areas,

potential or approved Oregon recreation trails or other significant Goal 5 resources identified in the Comprehensive Plan are located on the subject property; however, a wetland has been identified onsite and an offsite wetland determination request was sent to the Department of State Lands (DSL) to assess potential wetland impacts resulting from the application. DSL's response will be provided as an anticipated condition of approval.

**Goal 6: To maintain and improve the quality of the air, water and land resources of the state.**

**Applicant's Finding:** The County Comprehensive Plan and ZDO contain adopted implementing regulations to protect the air, water and land resources. The County also has implementing regulations to accommodate all waste and process discharges in order to protect watersheds, airsheds and land resources. These regulations will be applied to any future development proposals on the property and will protect the affected air, water and land resources.

The County has requested that water service will need be demonstrated pursuant to Statewide Goal 6 as well as ZDO 1307.07(C)(1)(c) and Chapters 3 and 4 of the County's Comprehensive Plan. Compliance with this request is discussed here despite its acknowledged applicability to several areas of this narrative.

A well is located onsite underneath the existing structure. Its precise location is shown on the plans set. The applicant has provided the County with a water well log from the Oregon Water Resources Department demonstrating compliance with these standards. The adequacy and suitability of the well to serve both sites will presumably be discussed in subsequent steps (Project Design Review) or in conditions of approval to be met prior to final plat approval.

This application is consistent with Goal 6.

**Goal 9; Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens.**

**Applicant's Finding:** This Goal is intended to ensure Comprehensive Plans contribute to a stable and healthy economy in all regions of the state. Goal 9 also requires the County to provide for an adequate supply of sites of suitable sizes, types, locations, and services for a variety of industrial and commercial uses consistent with plan policies. OAR 660-009 (Industrial and Commercial Development) implements Goal 9. Pursuant to OAR 660-009-0010(1) the requirements and standards in OAR 660-009 are only applicable to areas within urban growth boundaries and does not require or restrict planning for industrial and other employment uses outside urban growth boundaries. Therefore OAR 660-009 is not applicable. Nonetheless, approval of this application will increase the inventory of industrial land available for rural industrial uses, as the property is currently underutilized.

**Goal 12; Transportation: To provide and encourage a safe, convenient and economic transportation system.**

Oregon Administrative Rule (OAR) 660-012 (Transportation Planning Rule) implements Statewide Planning Goal 12. OAR 660-012-0060 applies to any plan map amendment which significantly affects a transportation facility. OAR 660-012-0060(1) requires any amendments to a functional plan, acknowledged comprehensive plan or a land use regulation (including a zoning map) which significantly affects an existing or planned transportation facility to put in place measures as provided in OAR 660-012-0060(2) unless the amendment is allowed under OAR 660-012- 0060(3), (9) or (10).

Pursuant to OAR 660-012-0060(1) a plan or land use regulation amendment is deemed to significantly affect a transportation facility if it;

*a. Changes the functional classification of an existing or planned transportation facility;*  
*b. Changes standards implementing a functional classification; or*  
*c. Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluation projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

*1. Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

*2. Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan or;*

*3. Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

*Compliance with OAR 660-012-0060(1) can be achieved by one or a combination of the following;*

Compliance with OAR 660-012-0060(1) can be achieved by one or a combination of the following;

*a. Adopting measures that demonstrate the allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*

*b. Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period. Planning Commission Staff – File No. Z0079-20-CP, Z0080-20-ZAP Page 10*

*c. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*

*d. Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand*

***management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.***

***providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, of the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.***

**Applicant's Finding:** The applicant has submitted a Traffic Impact Analysis Memo included in the submitted application addressing the impacts from this proposal. The applicant evaluated 'reasonable worst-case scenario' traffic allowed in the existing RRFF-5 zoning district and in the proposed RI zoning district. The TIA letter estimates that under the existing zoning, RRFF-5, the outright allowed uses on site could reasonably generate up to 2 morning peak hour trip, 3 evening peak hour trips, and 28 average weekday trips. Under the proposed RI zone, the outright allowed uses on site could reasonably generate up to 28 morning peak hour trips, 25 evening peak hour trips, and 198 average weekday trips. Accordingly, the net change in trip generation potential at the site after the proposed zone change is projected to increase by 26 morning peak trips, 22 evening peak hour trips and 170 average weekday trips. As such, the current and expected future development on site is even less impactful than the reasonable worst-case scenario estimated in the traffic memo. The applicant's submittal materials cite Policy 1F5 from the Oregon Highway Plan, which quantifies "significant effect" at a 400-trip threshold and states:

*"Action 1F.5 further establishes that, a small increase in traffic does not cause "further degradation" of the facility. Policy 1F defines a "small increase in traffic" in terms of certain thresholds based on average daily trips. In this case, the threshold for a small increase in traffic between the existing plan and the proposed amendment is no more than 400 daily trips. Since the net difference in worst case trip generation is less than 400, this section is not triggered."*

Based on the submitted traffic analysis and trip generation estimates the proposed zone change would be consistent with OAR 660-012-0060(1) and would not significantly affect the transportation facility, since it does not exceed the thresholds or triggers for project conditioning or modification as described in OAR 660-012-0060(1)(a)-(c).

**Goal 14; Urbanization: To provide for an orderly and efficient transition from rural to urban land uses.**

**Applicant's Finding:** The subject property is well outside of the Metro-area Urban Growth Boundary and is surrounded by other rural uses. The public facilities and services providing for water and sewage disposal are and will be limited to the types and levels of service available and appropriate for rural lands, not urban lands. This proposal does not involve a change in the location of the UGB, a conversion of rural land to urban land, or urbanizable land to urban land.

# **CLACKAMAS COUNTY'S ZONING AND DEVELOPMENT ORDINANCE**

## **(ZDO)**

### **SECTION 600: INDUSTRIAL DISTRICTS**

#### **604: RURAL INDUSTRIAL DISTRICT (RI)**

##### **604.03 USES PERMITTED**

**Uses permitted in the RI District are listed in Table 604-1, Permitted Uses in the RI District. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, Authorizations of Similar Uses.**

**Applicant's Finding:** The applicant has indicated that the use of the site will concern the use of pre-milled wood products in manufacturing. Pursuant to Table 604-1 of this section, manufacturing of the aforementioned nature is a wholly permitted use without the need for conditional use approval.

Parcel 1, identified as the larger of the two involved in the partition process, will be used for storing construction equipment, large timber components, and prefabricating heavy timber elements. Parcel 2, identified as the smaller of the two involved in the partition process that is being submitted concurrently with this zone change request, will be used as the site for a timber modeling and CNC fabrication shop. Development of the shop will be proposed in subsequent steps.

When comparing the above intended uses with the permitted uses found within Section 604 of the Clackamas County ZDO under Table 604-1, it is determined that the proposed uses are most aligned with those described under the Manufacturing use. Manufacturing is outright permitted in the Rural Industrial zone unless it is specifically listed within Table 604-1. The fabrication and prefabrication of timber is not specifically listed; therefore, the intended uses are outright permitted in the Rural Industrial zone.

**B. Permitted uses are subject to the applicable provisions of Subsection 604.04, Dimensional Standards, Section 1000, Development Standards, and Section 1100, Development Review Process.**

**Applicant's Finding:** Demonstration of compliance with Subsection 604.04 can be found directly below, and demonstration of compliance with Section 1000 and 1100 are contained elsewhere within this narrative.

##### **604.04 DIMENSIONAL STANDARDS**

**A. General: Dimensional standards applicable in the RI District are listed in Table 604-2, Dimensional Standards in the RI District. As used in Table 604-2, numbers in superscript correspond to the notes that follow Table 604-2.**

**Applicant's Finding:** The applicant is proposing to partition one lot into two as part of this proposal. Parcel 1 is approximately 15 acres and Parcel 2 is approximately 4.4 acres.



This application only concerns the preliminary partition and zone change of the subject site. Design Review associated with the actual development of the proposed shops will occur in future steps. Nonetheless, the site plan provided identifies the precise location of the proposed shops in support of the zone change and partition request. How the existing and proposed structures affect setback requirements are therefore discussed below.

Lot 1's existing structure is 115 feet from the front setback at its nearest point. Lot 1's proposed shop to-be-located behind the existing structure will not violate setback requirements as Lot 1 does not have side or rear setback minimums.

Lot 2's proposed shop is 88 feet from the proposed site's north boundary and 74 feet from its south boundary. Lot 2's proposed shop is 113 feet from its front setback and 466 feet from its rear boundary. The site north of Lot 2 is RRFF-5 and therefore Lot 2's north boundary is subject to a setback requirement of 30 feet plus 5 feet for every 10-foot increase in building height over 35 feet. The height of the proposed shop on Lot 2 is not indicated at this time but it will be a height that renders it in compliance with the setback requirements.

Pursuant to Table 604-2 of this section, the maximum building floor space per industrial use outside an unincorporated community is 39,500 square feet. For Lot 1, the sum of building floor space between the existing and proposed structures is 39,000 square feet, which is compliant with this standard. For Lot 2, the proposed structure is 14,000 square feet, well below the 39,500 square foot maximum. This standard is met.

**B. Modifications: Modifications to the standards in Table 604-2 are established by Sections 800, Special Use Requirements; 903, Setback Exceptions; 1107, Property Line Adjustments; and 1205, Variances.**

**Applicant's Finding:** Modifications to the standards within this section are not being requested as part of this proposal; therefore, this criterion is not applicable.

## **SECTION 1000: DEVELOPMENT STANDARDS**

### **1001 GENERAL PROVISIONS**

#### **1001.01 APPLICABILITY**

**A. Except where a different applicability standard is set forth elsewhere in Section 1000, Section 1000 shall apply to partitions; subdivisions; institutional, commercial, and industrial developments; manufactured dwelling parks; condominiums; multifamily dwellings; two- and three-family dwellings; and attached single-family dwellings where three or more dwelling units are attached to one another. Notwithstanding this provision, level one through three mobile vending units are not subject to Section 1000, except as set forth in Section 837.**

**B. Except where a different applicability standard is set forth elsewhere in Section 1000, the following portions of Section 1000 shall apply to detached single-family dwellings, and attached single-family dwellings where two dwelling units are attached to one another:**

- 1. Subsection 1002.02, Hillsides;**
- 2. Subsection 1002.05, River and Stream Corridors;**
- 3. Subsection 1002.06, Deer and Elk Winter Range;**
- 4. Subsection 1002.07, Mount Hood Resource Protection Open Space;**
- 5. Subsection 1002.08, Significant Natural Areas;**
- 6. Section 1003, Hazards to Safety;**
- 7. Section 1004, Historic Protection;**
- 8. Section 1006, Water Supply, Sanitary Sewer, Surface Water, and Utilities Concurrency;**
- 9. Subsection 1007.06, Pedestrian and Bicycle Facilities;**
- 10. Subsection 1007.10, Fee in Lieu of Construction; and**
- 11. Subsection 1008.03, General Standards.**

**Applicant's Finding:** Responses to each of the sections above, as well as additional applicable sections are included in this narrative. The requirements of this section have been satisfied.

## **1002 PROTECTION OF NATURAL FEATURES**

### **1002.02 HILLSIDES**

**A. Development on slopes greater than or equal to 20 percent and less than or equal to 35 percent—except that for residential development in the RR, MRR, and HR Districts, the upper limit is 25 percent—shall require review of a Type I application pursuant to Section 1307 and shall be subject to the following standards:**

- 1. No partition or subdivision shall create any new lot or parcel which cannot be developed under the provisions of Subsection 1002.02.**
- 2. Grading, stripping of vegetation, and lot coverage by structures and impervious surfaces shall be limited to no more than 30 percent of slopes 20 percent or greater. Variances to this standard may be granted pursuant to Section 1205, Variance. A variance shall not be granted unless the proposed development satisfies the following conditions:**
  - a. The proposed lot coverage shall not exceed the maximum lot coverage standard of the zoning district;**
  - b. The additional lot coverage, grading, or stripping shall not:**
    - i. Decrease the stability of the slope;**
    - ii. Appreciably increase erosion, sedimentation, or drainage flow from the property; or**
    - iii. Adversely impact high priority open space as defined in Section 1011, Open Space and Parks.**
  - c. Measures shall be employed to minimize grading or filling to accomplish the development.**
  - d. Disturbed areas shall be compacted if necessary and re-vegetated as soon as practical and before the annual wet season.**

3. Buildings shall be clustered to reduce alteration of terrain and provide for preservation of natural features.
4. Creation of building sites through mass pad grading and successive padding or terracing of building sites shall be avoided.
5. Roads shall be of minimum width, with grades consistent with County specifications. One-way streets may be allowed.
6. Re-vegetation of all graded areas shall be the responsibility of the developer and shall occur as soon as feasible following the final grading. Maintenance of the slopes shall be the responsibility of the developer until the property ownership is transferred.

**B. Development on slopes greater than 35 percent—and residential development on slopes greater than 25 percent in the RR, MRR, and HR Districts—shall require review of a Type II application pursuant to Section 1307 and shall be subject to the following standards:**

1. Compliance with Subsections 1002.02(A)(1) through 6) shall be required.
2. An engineering geologic study approved by the County shall establish that the site is stable for the proposed development, and any conditions and recommendations based on the study shall be incorporated into the plans and construction of the development. The study shall include the items listed in Subsection 1003.02(B)(2).
3. Access to the site shall be approved by the County and the affected fire district, pursuant to the engineering geologic study and associated conditions. Review shall be required, if construction of such access requires cut and fill, blasting, tree cutting, retaining walls, or other terrain alterations which detract from the natural scenic quality of the site.
4. The design of structures and re-vegetation plans shall ensure preservation or rapid reestablishment of the scenic quality of the site.
5. A plan for storm drainage and erosion control shall be approved pursuant to Subsection 1008.02.
6. When a building is proposed, at least one of the following conditions shall apply:
  - a. It is not feasible to either transfer the density (in the case of residential development) or to develop on a portion of the subject property that is less sloped; or
  - b. Unique characteristics of the subject property, such as, but not limited to, vistas or solar exposure, could be better utilized by the proposed siting of structures with less or equal overall disturbance of the subject property than would occur otherwise under the provisions of this Ordinance.

**C. Approval of a permit under Subsection 1002.02(A) or (B) is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void.**

1. "Implemented" means all major development permits shall be obtained and maintained for the approved development, or if no major development permits are required to complete the development contemplated by the approved permit, "implemented" means all other necessary County development permits (e.g. grading permit, building permit for an accessory structure) shall be obtained and maintained. A "major development permit" is:

- a. A building or manufactured dwelling placement permit for a new primary structure that was part of the approved development; or
- b. A permit issued by the County Engineering Division for parking lot or road improvements required by the approved development.

**D. If the approval of a permit under Subsection 1002.02(B) is not implemented within the initial approval period established by Subsection 1002.02(C), a two year time extension may be approved pursuant to Section 1310.**

**Applicant's Finding:** All proposed lots can be developed. No development is proposed on land over 35 percent slope. Development will not exceed 30 percent of land with slopes greater than 20 percent. All buildings and roads required will be located appropriately. Any necessary re-vegetation will be provided by the owner. The requirements of this section will be satisfied at the appropriate stage of development.

#### **1002.04 TREES AND WOODED AREAS**

**A. Existing wooded areas, significant clumps or groves of trees and vegetation, consisting of conifers, oaks and large deciduous trees, shall be incorporated in the development plan wherever feasible. The preservation of these natural features shall be balanced with the needs of the development, but shall not preclude development of the subject property, or require a reduction in the number of lots or dwelling units that would otherwise be permitted. Site planning and design techniques which address incorporation of trees and wooded areas in the development plan include, but are not limited to, the following:**

1. Siting of roadways and utility easements to avoid substantial disturbance of significant clumps or groves of trees;
2. Preservation of existing trees within rights-of-way and easements when such trees are suitably located, healthy, and when approved grading allows;
3. Use of flexible road standards as provided in Subsection 1007.04(B)(3), including one-way roads or split-level roads, to preserve significant trees and avoid unnecessary disturbance of terrain;
4. Retention of specimen trees or clumps of trees in parking area islands or future landscape areas of the site as provided for in Section 1009.
5. Use of wooded areas of the site for recreation, or other low-intensity uses, or structures, not requiring extensive clearing of large trees, grading, or filling activity which substantially alters the stability or character of the wooded area;
6. Retention of trees which are necessary to ensure the stability of clumps or groves of trees considering the type of trees, soil and terrain conditions, exposure to prevailing winds, and other site-specific considerations;
7. Use of trees and wooded areas to buffer, screen, or provide transitions between different or conflicting uses on and off the site;
8. Use of flexible-lot-size and planned unit development designs to minimize disturbance of wooded areas;

9. Siting of uses and structures to utilize the natural microclimates created by wooded areas and trees to reduce extremes in temperature, provide wind protection, filter pollutants, and replenish oxygen and moisture to the air; and
10. Use of other development techniques described in Subsection 1011.03(C).

**B. Trees and wooded areas to be retained shall be protected during site preparation and construction according to County design and specifications by:**

1. Avoiding disturbance of the roots by grading and filling activity;
2. Providing for water and air filtration to the roots of trees which will be covered with impermeable surfaces;
3. Pruning or topping of trees which will be in parking areas or near buildings, as necessary, to maintain proper balance between top growth and roots, reduce windfall potential, and provide adequate vision clearances for safe vehicular circulation; and
4. Requiring, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection of specified wooded areas or specimen trees, as recommended by the arborist or horticulturist.

<b>Applicant's Finding:</b>	Compliance with these standards will be met and evaluated at the time of Design Review. This application only concerns the preliminary partition and zone change for the subject site.
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#### **1002.05 RIVER AND STREAM CORRIDORS**

**The following standards shall apply to land that is outside both the Metropolitan Service District Boundary and the Portland Metropolitan Urban Growth Boundary.**

**A. Developments shall be planned, designed, constructed, and maintained so that:**

1. River and stream corridors are preserved to the maximum extent feasible and water quality is protected through adequate drainage and erosion control practices; and
2. Buffers or filter strips of natural vegetation are retained along all river and stream banks.

**B. Except in the case of a river or stream subject to Section 704 or 705, the minimum structure setback from a river or perennial streambed shall be equal to the distance necessary to maintain or improve upon existing water quality. This distance shall be determined by a site investigation, but will not exceed 150 feet. Investigation shall consider:**

1. Soil types;
2. Types and amount of vegetative cover;
3. Bank stability;
4. Slope of the land abutting the river or stream;
5. Hazards of flooding;
6. River or stream character; and
7. Any special Comprehensive Plan designation or management program.

**C. For water impoundments, diversions, and hydropower facilities, reasonable mitigation of adverse impacts to fisheries, wildlife, water quality, and flow shall be required commensurate with the intensity of the proposed use and resulting generating capacity.**



**Applicant's Finding:** Compliance with this standard will be met and evaluated at the time of Design Review. This application only concerns the preliminary partition and zone change for the subject site.

#### **1002.06 DEER AND ELK WINTER RANGE**

**Development in deer and elk winter range below 3,000 feet in elevation, as identified on Comprehensive Plan Map III-2, Scenic and Distinctive Resource Areas, shall be designed to minimize adverse wildlife impacts.**

**Applicant's Finding:** The proposed development is not located within the areas identified as Scenic and Distinctive Resource Areas on Comprehensive Plan Maps III-2.

The requirements of this section are not applicable.

#### **1002.07 MOUNT HOOD RESOURCE PROTECTION OPEN SPACE**

**Development in areas shown as Resource Protection Open Space on Comprehensive Plan Maps X-MH-1 through X-MH-3, Resource Protection Open Space, proposed in or within 100 feet of natural wetlands shall be designed to:**

- A. Preserve functions of groundwater recharge, water storage, turbidity reduction, nutrient filtration, biologic or botanical production, and protective habitat cover;**
- B. Provide compatibility with the continued performance of wetland functions, such as:**
  - 1. Conservation of soil, vegetation, water, fish, and wildlife;**
  - 2. Low-intensity, dispersed outdoor recreation, such as hiking and nature study; and**
  - 3. Utility easements, but only on peripheral areas and where alternative alignments are impractical;**
- C. Eliminate the need for filling, dumping, and/or excavating in the wetland proper, unless approved pursuant to Subsection 1011.04; and**
- D. Maintain the runoff coefficient and erosion equilibrium for lands bordering the wetland substantially the same as if such lands were undeveloped. Pier construction, elevated pedestrian boardwalks, semi-impervious surfacing, bridging of natural drainage ways, and retention of vegetation in areas not intended for buildings or roads are recommended design methods.**

**Applicant's Finding:** The proposed development is not located within the areas shown as Resource Protection Open Space on Comprehensive Plan Maps X-MH-1 through X-MH-3.

The requirements of this section are not applicable.

#### **1002.08 SIGNIFICANT NATURAL AREAS**

**Five significant natural areas are identified as unique/natural features on Comprehensive Plan Map III-2, Scenic & Distinctive Resource Areas. These areas are more specifically referred to as Williams Lake Bog, the land at Marmot, Multorpor Bog, Delphridge, and Wilhoit Springs.**

In these significant natural areas, the following shall be restricted, to the extent necessary to protect the unique or fragile character or features that are the basis for the unique/natural feature designation: building and road construction, filling and excavation, paving, and tree removal. Restrictions may be modified pursuant to Subsection 1011.04.

**Applicant's Finding:** The proposed development is not located within the five significant natural areas identified as unique on Comprehensive Plan Map III-2. The requirements of this section are not applicable.

## **1006 WATER SUPPLY, SANITARY SEWER, SURFACE WATER, AND UTILITIES CONCURRENCY**

### **1006.02 GENERAL STANDARDS**

**A. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbance of soil and site consistent with the rules and regulations of districts for surface water management.**

**Applicant's Finding:** All required and appropriate utilities will be located, designed, installed and maintained with minimum feasible disturbance of soil and site at the time of design review. The requirements of this section have been satisfied.

**B. All development which has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be installed underground.**

**Applicant's Finding:** New facilities will be installed pursuant to the requirements of the district or company serving the development at the appropriate stage of development. The requirements of this section have been satisfied.

**C. Street lights shall be required for all development inside the Portland Metropolitan urban growth boundary.**

- 1. Street lighting shall be installed pursuant to the requirements of the County Service District No. 5 and the company serving the development. In every instance, a street light shall be installed where a new road intersects the County right of way and, in the case of subdivisions, at every intersection within the subdivision.**
- 2. Areas outside County Service District No. 5 shall annex to the district through petition to the district.**

**Applicant's Finding:** The proposed development is not located within the Portland Metropolitan urban growth boundary. The requirements of this section are not applicable.

**D. Easements shall be provided along property lines as deemed necessary by the Department of Transportation and Development, special districts, and utility companies. Easements for special**

**purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivision, and on the final map of all partitions.**

**Applicant's Finding:** Easements will be provided and designated as necessary and required. The requirements of this section have been satisfied.

**E. All development which has a need for, or will be provided with public or community water service shall install water service facilities and grant necessary easements pursuant to the requirements of the district or company serving the development.**

**Applicant's Finding:** Public or community water service is not anticipated to be required for the subject site as an active well resides under the existing primary structure as demonstrated in the plans provided. If water service is required, the applicant agrees to grant necessary easements pursuant to the requirements of the district or company serving the development.

**F. Approval of a development that requires public or community water service shall be granted only if the applicant provides a preliminary statement of feasibility from the water system service provider.**

- 1. The statement shall verify that water service, including fire flows, is available in levels appropriate for the development and that adequate water system capacity is available in source, supply, treatment, transmission, storage and distribution. Alternatively, the statement shall verify that such levels and capacity can be made available through improvements completed by the developer or the system owner.**
- 2. If the statement indicates that water service is adequate with the exception of fire flows, the applicant shall provide a statement from the fire district serving the subject property that states that an alternate method of fire protection, such as an on-site water source or a sprinkler system, is acceptable.**
- 3. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve water system capacity for the development.**

**Applicant's Finding:** As mentioned elsewhere in this narrative, a well log from the Oregon Water Resources Department has been provided with the applicant's submittal. The precise location of the well is shown on various plans within the plans set. The adequacy and suitability of the well to serve both sites will presumably be discussed in subsequent steps (Project Design Review) or in conditions of approval to be met prior to final plat approval.

**G. Prior to final approval of any partition or subdivision, the applicant shall provide evidence that any wells in the tract subject to temporary or permanent abandonment under ORS 537.665 have been properly abandoned.**

**Applicant's Finding:** The proposed partition contains a well on Lot 1 underneath the existing onsite structure as shown on the preliminary plat and existing conditions plan. However, the well is not abandoned; therefore, this criterion does not apply.

**H. A final plat for any partition or subdivision in a Sensitive Groundwater Area relying on an exempt-use well or wells shall contain the following notation:**

**"The property herein described is situated in a "Sensitive Groundwater Area" based on regulatory action by the State of Oregon. The availability of groundwater may be limited, and if a long-term decline in water supply occurs the property owner may need to find an alternate source. Clackamas County is not responsible for deepening or replacing wells that fail to produce an adequate supply of groundwater, or that are subject to regulatory action by the State of Oregon."**

**Applicant's Finding:** The County has not required any specialist reports regarding hydrology of the site as the proposed site is not located within a Sensitive Groundwater Area. The requirements of this section are not applicable at this time.

**1006.03 WATER SUPPLY STANDARDS INSIDE THE PORTLAND METROPOLITAN URBAN GROWTH BOUNDARY AND MOUNT HOOD URBAN AREA.**

The provisions of this section apply within the Portland Metropolitan urban growth boundary and Mount Hood urban area:

- A. Land divisions or other development requiring water service shall not be approved, except as provided in (D) below, unless they can be served by a public water system in compliance with drinking water standards as determined by the Oregon Health Division.**
- B. New development requiring water service within the boundaries of a water service system, created pursuant to ORS Chapters 264, 450, or 451, shall receive service from this system.**
- C. New public water systems shall not be created unless formed pursuant to ORS Chapters 264, 450, or 451.**
- D. A legal lot of record not located within the approved boundaries of a public water system may be served by an alternative water source.**

**Applicant's Finding:** The proposed development is not located within the Portland Metropolitan Urban Growth Boundary, therefore the standards of this section are not applicable.

**1006.05 WATER SUPPLY STANDARDS OUTSIDE THE PORTLAND METROPOLITAN URBAN GROWTH BOUNDARY AND MOUNT HOOD URBAN AREA.**

The provisions of this section apply outside the Portland Metropolitan Urban Growth Boundary and the Mount Hood urban area.

- A. Applicants for any development permit shall specify a lawful water source for the proposed development, such as a public or community water system, certificated water right or exempt-use well.**

**Applicant's Finding:** As mentioned elsewhere in this narrative, a well log from the Oregon Water Resources Department has been provided with the applicant's submittal. The precise location of the well is shown on various plans within the plans set. The adequacy and suitability of the well to serve both sites will presumably be discussed in subsequent steps (Project Design Review) or in conditions of approval to be met prior to final plat approval.

**B. All subdivisions outside of the Portland Metropolitan Urban Growth Boundary proposing to a use an exempt-use well or wells and all land divisions, and new industrial, commercial or institutional development located within a Sensitive Groundwater area and proposing to use an exempt-use well or wells must affirmatively demonstrate:**

1. That the subject aquifer is capable of sustaining the proposed development with sufficient potable water.
2. That the proposed development is not likely to unreasonably interfere with existing wells.
3. That the proposed development is not likely to contribute to the overdraft of the affected aquifer.

**Applicant's Finding:** The proposal is for a 2-lot minor partition of the subject property, not a subdivision. This criterion is not applicable.

**C. Unless waived by the Planning Director, an applicant for any proposed development subject to ZDO § 1006.05(B) shall submit a hydrogeologic review with the subject application. The purposes of a hydrogeologic review are to provide information and professional analysis regarding the geology and hydrogeology of the area in the immediate vicinity of the proposed development for the County to determine compliance with ZDO § 1006.05(B) (1) – (3). Study findings, maps, and conclusions shall be presented in a clear and understandable report.**

1. A hydrogeologic review report shall include sufficient evidence and analysis to demonstrate compliance with ZDO 1006.05B, and at a minimum, shall include the following information:
  - a. A map showing all lots and parcels within at least one-quarter mile of the proposed development;
  - b. The location, as determined by publicly available information, of all known wells on all lots or parcels within at least one quarter mile of the proposed development, and the quantity of water permitted to be used;
  - c. The estimated use of groundwater within at least one-quarter mile of the proposed development, including but not limited to, 400 gallons/day of household use for each lot and parcel, 2,000 gallons/day for lawn and landscape irrigation from June through September, and water use from permitted wells. The estimated use of groundwater shall include any development or tentative land division which has been approved by the county, and shall assume development of a single-family residence on each undeveloped lot or parcel.
  - d. The quantity of water the proposed land use will utilize. If the proposal is for residential use, water use shall be calculated as 400 gallons/day per household and 2000 gallons/day



for lawn and landscape irrigation from June through September. If the proposal is for a land division for residential purposes, all proposed lots or parcels shall be included in the calculation, and the calculation shall assume that the remainder of the tract will be developed at its allowed density.

- e. Identification of aquifers in the area of the subject property;
  - f. Compilation and review of available geologic and hydrogeologic studies of the review area;
  - g. Compilation and evaluation of available well deepening and replacement well information in the review area;
  - h. Compilation and analysis of existing geologic information, including representative well logs, physical location of representative wells, and an evaluation of the local stratigraphy and geologic structure in the review area;
  - i. Compilation and analysis of existing and available water level and pump test information including evaluation of long-term stability and sustainability of groundwater levels (heads); and
  - j. Interpretation of the information gathered for subsections (1)(a) through (i) of this section, including preparation of geologic and hydrogeologic maps and cross sections necessary to support and/or illustrate the interpretation.
2. A hydrogeologic review shall conclude that there is sufficient information to demonstrate compliance with ZDO §1006.05B, and may need to be based on draw down tests or other physical measurements where necessary.
3. The Planning Director may, at the Director's discretion, allow an applicant to modify the water use assumptions used in the hydrogeologic review where an applicant proposes enforceable water conservation and/or reuse measures, including but not limited to:
- a. Gray water use;
  - b. Water conserving appliances and fixtures;
  - c. Landscaping with drought resistant plants; or
  - d. Rainwater harvest and/or the use of cisterns. To be deemed enforceable, any conservation or reuse measure must be approved by County Counsel.

**Applicant's Finding:** The County has not instructed the Applicant to provide requirements for a hydrogeologic review of the site as the proposed site at this time. The requirements of this section are not applicable.

**D. All reviews and plans required by this Section shall be reviewed by a qualified professional of the County's choice during the development review process. Such review shall include examination to ensure required elements have been completed, study procedures and assumptions are generally accepted, and all conclusions and recommendations are supported and reasonable.**

**Applicant's Finding:** The Applicant understands and acknowledges the requirements of this section. The requirements of this section have been satisfied.

**E. Outside of Sensitive Groundwater Areas, the Planning Director may, at the Director's discretion, waive some or all of the requirements for a hydrogeologic review where an applicant demonstrates through well logs or other evidence that the specified information is not necessary to determine compliance with ZDO 1006.05B.**

**Applicant's Finding:** The County has not instructed the Applicant to provide requirements for a hydrogeologic review of the site as the proposed site is not located within a Sensitive Groundwater Area.  
The requirements of this section have been satisfied.

**F. Water service for partitions and subdivisions shall be provided according to the provisions of ORS 92.090. When no water is to be provided by a public or community water system, there shall be a note on the final plat indicating that no public water service is being provided, in addition to the filing and disclosure requirements of ORS 92.090.**

**Applicant's Finding:** Water service shall be provided in accordance with ORS 92.090 and a note shall be included on the final plat indicating that no public water service is being provided.  
This criterion is met.

**G. Approved land divisions at densities requiring public water service shall include a note on the final plat indicating public water service is required for development.**

**Applicant's Finding:** The proposed partition is in a rural area and at a density where public water service is neither appropriate nor required for the site. An onsite well will provide water and is discussed elsewhere within this Chapter.

**H. For any subdivision of 11 lots or more, all lots shall be served by a single public or community water source.**

**Applicant's Finding:** The Applicant is proposing a partition of two lots, therefore the standards of this section are not applicable.

#### **1006.06 PUBLIC SANITARY SEWER STANDARDS**

**A. All development which has a need for public/private sanitary sewers shall install the facilities pursuant to the requirements of the district or company serving the development. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities.**

**B. Approval of a development that requires public sanitary sewer service shall be granted only if the applicant provides a preliminary statement of feasibility from the sanitary sewage treatment service provider and the collection system service provider.**

1. The statement shall verify that 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.
2. The service provider may require preliminary sanitary sewer system plans and calculations for the proposed development prior to signing a preliminary statement of feasibility.
3. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve sanitary sewer system capacity for the development.

#### **1006.07 SUBSURFACE SEWAGE DISPOSAL STANDARDS**

**A. All development proposing subsurface sewage disposal shall receive approval for the system from the Clackamas County Water Environment Services, Soils Section prior to submittal of a land use application to the County for development. Said systems shall be installed pursuant to ORS 454.605-454.745 and Chapters 171, 523 and 828, Oregon Administrative Rules 340, Divisions 71 and 73 and the policies of the Clackamas County, WES, Soils Section.**

**B. Within the Portland Metropolitan urban growth boundary and the Mount Hood urban area, all land divisions or other development requiring subsurface disposal systems shall be prohibited except for:**

1. A lot of record legally recorded prior to adoption of this Ordinance.
2. Parcels of ten (10) acres or larger in areas designated as future urbanizable.
3. Parcels that do not have a sanitary sewerage system that is legally and physically available as defined in OAR 340-071-0160(4)(f), including parcels which have unique topographic or other natural features which make sewer extension impractical as determined on a case-by-case basis.
4. Areas under a sewer moratorium with sewer services five years or more away if the area is annexed into a city or district which can assure that future delivery of sewerage services is planned.

#### **Applicant's Finding:**

As confirmed in correspondence between the applicant and Clackamas County Water Environmental Services' Soil Section, the subject site is outside of their service area. The subject site is and will continue to be served by a septic system. The applicant is in communication with Clackamas County's septic program to begin the process for a Site Evaluation for the new lot created from this partition proposal. It is our understanding from discussion with the Septic & Onsite Wastewater Systems Program of Clackamas County that the Site Evaluation will need to be approved before the final plat can be approved and before a feasibility document can be obtained from their office for either of the two parcels. Proof of correspondence between Clackamas County's septic program and the applicant's representative has been provided as interim evidence in Appendix E.

#### **1006.08 SURFACE WATER MANAGEMENT STANDARDS**

**A. All developments shall provide for positive drainage and adequate conveyance of storm and surface water runoff from roofs, footings, foundations, and other impervious or near-impervious surfaces to an appropriate discharge point and shall:**

- 1. Comply with the requirements of any special districts with surface water management regulatory jurisdiction; or**
- 2. The requirements of Section 1008 and the County Roadway Standards in areas not under the jurisdiction of a surface water management regulatory authority.**

**B. Installation of stormwater management and conveyance facilities shall be coordinated with the extension of necessary water and sanitary sewer services.**

**C. Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water management, treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.**

- 1. The service provider may require a preliminary storm water management plan, storm drainage report, natural resource assessment and buffer analysis prior to signing the preliminary statement of feasibility.**
- 2. In those areas that are not within a surface water management district, the preliminary statement of feasibility shall be signed by the County Department of Transportation and Development, Engineering Division.**
- 3. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve surface water treatment and conveyance system capacity for the development.**

<b>Applicant's Finding:</b>	Compliance with this standard will be met and evaluated at the time of Design Review. This application only concerns the preliminary partition and zone change for the subject site.
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#### **1006.10 ADMINISTRATION**

**A. For subdivisions, partitions, commercial, industrial, and institutional developments, the provisions of this chapter shall be applied during the development review process.**

<b>Applicant's Finding:</b>	All provisions of this chapter as required are shown on the preliminary partition plat submitted plans for the development review process. The requirements of this section have been satisfied.
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#### **1007 ROADS AND CONNECTIVITY**

##### **1007.03 GENERAL PROVISIONS**

**A. The location, alignment, design, grade, width, and capacity of all roads shall be planned, coordinated, and controlled by the Department of Transportation and Development and shall conform to Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County**

**Roadway Standards. Where conflicts occur between Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards, the Comprehensive Plan shall control.**

**B. Right-of-way dedications and improvements shall be required of all new developments, including partitions, subdivisions, multifamily dwellings, two- and three-family dwellings, condominiums, single-family dwellings, and commercial, industrial, and institutional uses, as deemed necessary by the Department of Transportation and Development and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.**

**C. New developments shall have access points connecting with existing private, public, county, or state roads.**

- 1. Intersection spacing and access control shall be based on Subsection 3.08.110(E) of the Metro Code (Regional Transportation Functional Plan); Chapters 5 and 10 of the Comprehensive Plan; and the Clackamas County Roadway Standards.**
- 2. For development on any portion of a contiguous site identified on Comprehensive Plan Map 5-6, Potentially Buildable Residential Sites > 5 Acres in UGB, the applicant shall provide a conceptual map of new streets for the entire site. The map shall identify street connections to adjacent areas to promote a logical, direct, and connected system of streets; demonstrate opportunities to extend and connect new streets to existing streets, and provide direct public right-of-way routes. Closed-end street designs shall be limited to circumstances in which barriers prevent full street extensions. Closed-end streets shall not exceed 200 feet in length and shall serve no more than 25 dwelling units. Subsequent development on the site shall conform to the conceptual street map, unless a new map is approved pursuant to Subsection 1007.03(C)(2).**
- 3. Access control shall be implemented pursuant to Chapter 5 of the Comprehensive Plan and the Clackamas County Roadway Standards considering best spacing for pedestrian access, traffic safety, and similar factors as deemed appropriate by the Department of Transportation and Development.**
- 4. Approaches to public and county roads shall be designed to accommodate safe and efficient flow of traffic and turn control where necessary to minimize hazards for other vehicles, pedestrians, and bicyclists.**
- 5. Joint access and circulation drives utilizing reciprocal easements shall be utilized as deemed necessary by the Department of Transportation and Development. In the NC District, joint street access for adjacent commercial developments shall be required.**
- 6. Access to state highways shall require a road approach permit issued by the Oregon Department of Transportation pursuant to Oregon Revised Statutes Chapter 374.**
- 7. In the SCMU District, driveways shall be spaced no closer to one another than 35 feet, measured from the outer edge of the curb cut, unless compliance with this standard would preclude adequate access to the subject property as a result of existing off-site development or compliance with the Clackamas County Roadway Standards.**



**D. Street alignments, intersections, and centerline deflection angles shall be designed according to the standards set forth in Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards.**

**E. All roads shall be designed and constructed to adequately and safely accommodate vehicles, pedestrians, and bicycles according to Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards. Development-related roadway adequacy and safety impacts to roadways shall be evaluated pursuant to the Clackamas County Roadway Standards and also to Oregon Department of Transportation standards for state highways.**

**F. Roadways shall be designed to accommodate transit services where transit service is existing or planned and to provide for the separation of motor vehicles, bicycle, and pedestrian traffic, and other modes as appropriate.**

**G. The needs of all modes of transportation shall be balanced to provide for safe and efficient flow of traffic. Where practical, pedestrian crossing lengths shall be minimized and the road system shall be designed to provide frequent pedestrian connections.**

#### **1007.04 PUBLIC AND PRIVATE ROADWAYS**

**A. All roadways shall be developed according to the classifications, guidelines, tables, figures, and maps in Chapters 5 and 10 of the Comprehensive Plan and the provisions of the Clackamas County Roadway Standards.**

- 1. Development along streets with specific design standards specified in Chapter 10 of the Comprehensive Plan shall improve those streets as shown in Chapter 10.**
- 2. Development along streets identified as Regional or Community Boulevards on Comprehensive Plan Map 5-5, Metro Regional Street Design Classifications, shall provide pedestrian, bicycle, transit, and visual amenities in the public right-of-way. Such amenities may include, but are not limited to, the following: street trees, landscaping, kiosks, outdoor lighting, outdoor seating, bike racks, bus shelters, other transit amenities, pedestrian spaces and access to the boulevard, landscaped medians, noise and pollution control measures, other environmentally sensitive uses, aesthetically designed lights, bridges, signs, and turn bays as appropriate rather than continuous turn lanes.**
- 3. Development adjacent to scenic roads identified on Comprehensive Plan Map 5-1, Scenic Roads, shall conform to the following design standards, as deemed appropriate by the Department of Transportation and Development:**
  - a. Road shoulders shall be improved to accommodate pedestrian and bicycle traffic; and**
  - b. Turnouts shall be provided at viewpoints or for recreational needs.**

4. In centers, corridors, and station communities, as identified on Comprehensive Plan Map IV-8, Urban Growth Concept, roads shall be designed to minimize the length of street crossings and to maximize connectivity for pedestrians as deemed appropriate by the Department of Transportation and Development. Other streetscape design elements in these areas include:
  - a. On-street parking;
  - b. Street trees;
  - c. Street lighting;
  - d. Pedestrian amenities; and
  - e. Truck routes shall be specified for deliveries to local businesses.
5. In centers, corridors, and station communities, as identified on Comprehensive Plan Map IV-8, on local streets within the Portland Metropolitan Urban Growth Boundary (UGB), and in unincorporated communities, when conflicts exist between the dimensional requirements for vehicles and those for pedestrians, pedestrians shall be afforded additional consideration in order to increase safety and walkability. In industrial areas, the needs of vehicles shall take precedence.
6. In the NC, OA, VCS, and VO Districts, landscaping, crosswalks, additional lighting, signalization, or similar improvements may be required to create safe and inviting places for pedestrians to cross streets.

**B. The layout of new public and county roads shall provide for the continuation of roads within and between the development and adjoining developments when deemed necessary and feasible by the Department of Transportation and Development.**

1. When public access to adjoining property is required, this access shall be improved and dedicated to the County.
2. Street stubs shall be provided to allow for future access to adjacent undeveloped property as deemed necessary by the Department of Transportation and Development.
3. These standards may be deviated from when the County finds that safe and efficient alternate designs would better accommodate:
  - a. Sustainable development features such as “Green Streets” as described in Metro’s Green Streets: Innovative Solutions for Stormwater and Street Crossings (2002), which shall be allowed within the UGB and in unincorporated communities;
  - b. Sustainable surface water management solutions such as low infiltration planters and basins, swales, ponds, rain gardens, trees, porous pavement, and minimal disruption to natural drainage systems;
  - c. Preservation of existing significant trees and native vegetation;
  - d. Preservation of natural terrain and other natural landscape features;
  - e. Achievement of maximum solar benefit for new development through orientation and block sizing;
  - f. Existing forest or agricultural uses;

- g. Existing development;
- h. Scenic qualities;
- i. Planned unit developments;
- j. Local access streets less than 200 feet in length which are not extendible; and
- k. Interior vehicular circulation for multifamily, commercial, institutional, and industrial developments.

**C. New county and public roads terminating in cul-de-sacs or other dead-end turnarounds are prohibited except where natural features (such as topography, streams, or wetlands), parks, dedicated open space, or existing development preclude road connections to adjacent properties, existing street stubs, or existing roads.**

**D. Developments shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards. In addition:**

- 1. No planting, signing, or fencing shall be permitted which restricts motorists' vision; and
- 2. Curbside parking may be restricted along streets with visibility problems for motorists, pedestrians, and/or bicyclists as deemed appropriate by the Department of Transportation and Development.

**E. New developments, subdivisions, and partitions may be required to dedicate land for right-of-way purposes and/or make road frontage improvements to existing rights-of-way as deemed necessary by the Department of Transportation and Development and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.**

**Applicant's Finding:** Compliance with these standards will be met and evaluated at the time of Design Review. No development is proposed at this time. This application only concerns the preliminary partition and zone change for the subject site.

**F. Road frontage improvements within the UGB and in Mt. Hood urban villages shall include:**

- 1. Surfacing, curbing, or concrete gutters as specified in Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards;
- 2. Pedestrian, bikeway, accessway, and trail facilities as specified in Subsection 1007.06;
- 3. Transit amenities as specified in Subsection 1007.07; and
- 4. Street trees as specified in Subsection 1007.08.

**Applicant's Finding:** The proposed development is not located within the UGB or in the Mt. Hood urban villages. The requirements of this section are not applicable.

**G. Within public and county rights-of-way, the following uses may be permitted, subject to compliance with the Clackamas County Roadway Standards:**

- 1. Solar energy systems owned and operated by a public entity or utility;
- 2. Electric vehicle charging stations owned and operated by a public entity or utility; and

### 3. On-street parking within the UGB.

**Applicant's Finding:** The Applicant is not proposing solar energy systems, electric vehicle charging stations or on-street parking as part of this land use application.

The requirements of this section are not applicable.

#### 1007.05 PRIVATE ROADS AND ACCESS DRIVES

**A. Private roads and access drives shall be developed according to classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, Typical Roadway Cross Sections, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards, except:**

1. When easements or "flag-pole" strips are used to provide vehicular access to lots or parcels, the minimum width shall be 20 feet, unless a narrower width is approved by the Department of Transportation and Development and the applicable fire district's Fire Marshal;
2. Where the number of lots served exceeds three, a wider width may be required as deemed appropriate or necessary by the Department of Transportation and Development consistent with other provisions of Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards;
3. Access easements or "flag-pole" strips may be used for utility purposes in addition to vehicular access;
4. The standards listed above may be deviated from when deemed appropriate by the Department of Transportation and Development to accommodate one-half streets or private common access drives and roads within developed urban areas providing access to not more than seven lots; and
5. The intersection of private roads or access drives with a public or county road and intersections of two private roads or access drives shall comply with the sight distance and clear zone standards pursuant to Subsection 1007.04(D).

**Applicant's Finding:** The Applicant is not proposing the development of a private access drive at this time; therefore, this criterion is not applicable.

#### 1007.06 PEDESTRIAN AND BICYCLE FACILITIES

**A. General Standards:** Pedestrian and bicycle facilities shall be developed according to the classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, Typical Roadway Cross Sections, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.

**B. Pedestrian and Bicycle Facility Design:** Pedestrian and bicycle facilities shall be designed to:

1. Minimize conflicts among automobiles, trucks, pedestrians, and bicyclists;
2. Provide safe, convenient, and an appropriate level of access to various parts of the development and to locations such as schools, employment centers, shopping areas, adjacent developments, recreation areas and open space, and transit corridors;

3. **Allow for unobstructed movements and access for transportation of disadvantaged persons; and**
4. **Be consistent with Chapters 5 and 10 of the Comprehensive Plan; Comprehensive Plan Maps 5-2a, Planned Bikeway Network, Urban, 5-2b, Planned Bikeway Network, Rural, and 5-3, Essential Pedestrian Network; North Clackamas Parks and Recreation District's (NCPRD) Park and Recreation Master Plan; and Metro's Regional Trails and Greenways Map.**

**Applicant's Finding:** The Applicant is not proposing the development of any new roadways, warranting the need for pedestrian and bicycle facilities. No right-of-way dedications or frontage improvements to Eagle Creek Road have been requested by the county as improvements along such a long frontage would likely not be proportionate to the impacts generated by the proposed development.

The requirements of this section have been satisfied.

**C. Requirements for Pedestrian and Bicycle Facility Construction: Within the Portland Metropolitan Urban Growth Boundary (UGB), sidewalks, pedestrian pathways, and accessways shall be constructed as required in Subsection 1007.06 for subdivisions, partitions, multifamily dwellings, three-family dwellings, attached single-family dwellings where three or more dwelling units are attached to one another, and commercial, industrial, or institutional developments, except that for structural additions to existing commercial, industrial, or institutional buildings, development of such facilities shall be required only if the addition exceeds 10 percent of the assessed value of the existing structure, or 999 square feet.**

**Applicant's Finding:** The proposed development is not located within the Portland Metropolitan Urban Growth Boundary (UGB) therefore the standards of this section are not applicable.

The requirements of this section have been satisfied.

**D. Requirement for Sidewalk Construction: Within the UGB, sidewalks shall be constructed, as required in Subsection 1007.06(F), for two-family dwellings, detached single-family dwellings, attached single-family dwellings where two dwelling units are attached to one another, and manufactured dwellings outside a manufactured dwelling park.**

**Applicant's Finding:** The proposed development is not located within the Portland Metropolitan Urban Growth Boundary (UGB) therefore the standards of this section are not applicable.

The requirements of this section have been satisfied.

**E. Sidewalks or Pedestrian Pathways in Unincorporated Communities: In an unincorporated community, either a sidewalk or a pedestrian pathway shall be constructed on arterial or collector street frontage(s) of a lot upon which a subdivision, partition, multifamily dwelling, three-family**



dwelling, attached single-family dwelling where three or more dwelling units are attached to one another, or a commercial, industrial, or institutional development is proposed.

**F. Sidewalk Location: Sidewalks required by Subsection 1007.06(C) or (D) shall be constructed on:**

1. Both sides of a new or reconstructed road, except that sidewalks may be constructed on only one side of the road if:
  - a. The road is not a through road;
  - b. The road is 350 feet or less in length and cannot be extended; or c. In consideration of the factors listed in Subsection 1007.04(B)(3).
2. The street frontage(s) of a lot upon which a subdivision, partition, multifamily dwelling, three-family dwelling, attached single-family dwelling where three or more dwelling units are attached to one another, or a commercial, industrial, or institutional development is proposed; and
3. Local or collector road street frontage(s) of a lot upon which a two-family dwelling, a detached single-family dwelling, an attached single-family dwelling where two dwelling units are attached to one another, or a manufactured dwelling is proposed. This requirement shall be imposed as a condition on the issuance of a conditional use permit, building permit, or manufactured dwelling placement permit, but
  - a. The requirement shall be waived if the dwelling is a replacement for one destroyed by an unplanned fire or natural disaster; and
  - b. The sidewalk requirement shall apply to no more than two street frontages for a single lot.

**Applicant's Finding:** Clackamas County Engineering has indicated that no rights-of-way dedication will be required at this time per the pre-app notes dated March 24<sup>th</sup>, 2021. Therefore, this criterion is not applicable.

**G. Pedestrian Pathways: Within the UGB, a pedestrian pathway may be constructed as an alternative to a sidewalk on a local or collector road when it is recommended by the Department of Transportation and Development; the surface water management regulatory authority approves the design; and at least one of the following criteria is met:**

1. The site has topographic or natural feature constraints that make standard sidewalk construction unusually problematic;
2. No sidewalk exists adjacent to the site;
3. Redevelopment potential along the road is limited; or
4. The road is identified for a pedestrian pathway by the River Forest Neighborhood Plan adopted by the City of Lake Oswego.

**H. Sidewalk and Pedestrian Pathway Width:** Sidewalks and pedestrian pathways shall be constructed to the minimum widths shown in Table 1007-1, Minimum Sidewalk and Pedestrian Pathway Width, and be consistent with applicable requirements of Chapters 5 and 10 of the Comprehensive Plan.

1. The entire required width of sidewalks and pedestrian pathways shall be unobstructed.
2. Sidewalks and pedestrian pathways at transit stops shall be a minimum of eight feet wide for a distance of 20 feet centered on the transit shelter or transit stop sign.
3. A sidewalk set back from the curb by at least five feet may be one foot narrower (but not less than five feet) than the standard listed above. This fivefoot separation strip shall be landscaped and shall be maintained by the adjacent property owner. The landscape strip may contain fixed objects provided that sight distance and roadside clear zone standards are satisfied pursuant to the Clackamas County Roadway Standards.
4. Uses located in the Campus Industrial, Light Industrial, General Industrial, or Business Park District and containing over 5,000 square feet of office space shall comply with the requirements for Commercial and Institutional uses.

**Applicant's Finding:** Clackamas County Engineering has indicated that no rights-of-way dedication will be required at this time per the pre-app notes dated March 24<sup>th</sup>, 2021. Therefore, this criterion is not applicable.

**I. Accessways:** Accessways shall comply with the following standards:

1. Accessways shall be required where necessary to provide direct routes to destinations not otherwise provided by the road system and where topography permits. Developments shall not be required to provide right-of-way for accessways off-site to meet this requirement. If right-of-way is available offsite, the developer may be required to improve an accessway off-site up to 150 feet in length.
2. Accessways shall provide safe, convenient access to facilities generating substantial pedestrian or bicycle trips, such as an existing or planned transit stop, school, park, church, daycare center, library, commercial area, or community center. Facilities such as these shall be accessible from dead-end streets, loops, or mid-block locations. Where required, accessways shall be constructed at intervals of no more than 330 feet, unless they are prevented by barriers such as topography, railroads, freeways, pre-existing development, or environmental constraints such as streams and wetlands.
3. An accessway shall include at least a 15-foot-wide right-of-way and an eightfoot-wide hard surface. For safety, accessways should be as straight as practicable and visible from an adjacent use if practicable. Removable bollards or other large objects may be used to bar motor vehicular access.
4. So that they may be safely used at night, accessways shall be illuminated by street lights or luminaires on shorter poles. Separate lighting shall not be required if existing lighting adequately illuminates the accessway.
5. Fences are not required, but the height of a fence along an accessway shall not exceed six feet.

**6. Ownership and maintenance responsibility for accessways shall be resolved during the development review and approval process.**

**Applicant's Finding:** The Applicant is not proposing the construction of an accessway as a part of this land use application.

The requirements of this section have been satisfied.

**J. Accessways in Sunnyside Village: The following standards apply in Sunnyside Village, as identified on Comprehensive Plan Map X-SV-1, Sunnyside Village Plan Land Use Plan Map, hereinafter referred to as Sunnyside Village. Where these standards conflict with Subsection 1007.06(I), Subsection 1007.06(J) shall take precedence.**

- 1. A system of interconnecting accessways shall be provided from subdivisions and multifamily developments to commercial facilities and public amenities such as existing or planned transit stop or facility, school, park, church, daycare facility, children's play area, outdoor activity areas, plazas, library, or similar facility and to a dead-end street, loop, or mid-block where the block is longer than 600 feet.**
  - a. An accessway shall include at least 15 feet of right-of-way and a 10-footwide paved surface.**
  - b. Accessways shall be illuminated so that they may be safely used at night.**
  - c. The maximum height of a fence along an accessway shall not exceed four feet.**
  - d. Bollards or other similar types of treatment may be required in order to prevent cars from entering the accessway.**
  - e. The designated east-west pedestrian accessway shall include a minimum 10-foot-wide concrete surface within a 10-foot-wide right-of-way, easement, or other legal form satisfactory to the County. Planting areas adjacent to the easement with street trees should be provided along at least one side of this accessway. However, alternatives to this standard may be considered through design review pursuant to Section 1102. If the accessway is within a parking area, it shall be lined by parking lot trees planted at a maximum of 30 feet on center along both sides.**

**Applicant's Finding:** The proposed development is not located within Sunnyside Village, therefore the standards of this section are not applicable.

The requirements of this section have been satisfied.

**K. Bikeways: Bikeways shall be required as follows**

- 1. Shoulder bikeways, bike lanes, bike paths, or cycle tracks shall be included in the reconstruction or new construction of any street if a bikeway is indicated in Chapters 5 and 10 of the Comprehensive Plan and on Comprehensive Plan Map 5-2a or 5-2b; NCPRD's Park and Recreation Master Plan; or Metro's Regional Trails and Greenways Map.**

2. Shoulder bikeways, bike lanes, bike paths, or cycle tracks shall be considered in the reconstruction or new construction of any other arterial or collector.
3. Within urban growth boundaries, shoulder bikeways, bike lanes, bike paths, or cycle tracks shall be constructed from new public or private elementary, middle school, and high school facilities to off-site bikeways to provide continuous bicycle route connections within and between surrounding developments, unless precluded by existing development.

**Applicant's Finding:** The Applicant is not proposing the construction of a new bikeway as a part of this land use application.

The requirements of this section have been satisfied.

**L. Trails: Trail dedications or easements shall be provided and developed as shown on Comprehensive Plan Map IX-1, Open Space Network & Recreation Needs; the Facilities Plan (Figure 4.3) in NCPRD's Park and Recreation Master Plan; and Metro's Regional Trails and Greenways Map.**

**Applicant's Finding:** The proposed site is not identified on Comprehensive Plan Map IX-1, Open Space Network and Recreation Needs; the Facilities Plan (Figure 4.3) in NCPRD's Park and Recreation Master Plan and Metro's Regional Trails and Greenways Map, therefore the standards of this section are not applicable.

The requirements of this section have been satisfied.

**M. Trails and Pedestrian Connections in Sunnyside Village: The following standards apply in Sunnyside Village. Where these standards conflict with other provisions in Section 1007, Subsection 1007.06(M) shall take precedence.**

1. An interconnecting system of trails and accessways throughout Sunnyside Village shall be provided. The general trail locations are shown on Comprehensive Plan Map X-SV-1. The location of the trails shall be set at the time a land use application is approved. The locations of the trails are based on achieving connections to streets and/or pedestrian ways and protection of the significant features of the resource protection areas.
2. The trail system will generally occur along the creeks and resource protection areas. The accessways and/or trail system will provide connections to parks, the elementary school, and to adjacent commercial and residential developments.
3. There also shall be an east-west accessway between 142nd Avenue and 152nd Drive, south of Sunnyside Road and north of Oregon Trail Drive.
4. The trail system shall be designed to provide multiple access points for the public. The trails shall be constructed by the developer.
5. All trails and accessways within the resource protection areas shall either be dedicated or an easement granted to NCPRD in conjunction with development. These connections shall be maintained by and constructed to the standards established by NCPRD.

6. The maintenance of all pedestrian connections and trails located outside the resource protection areas as identified on Comprehensive Plan Map X-SV-1 shall be the responsibility of the property owner. N. Pedestrian and Bicycle Circulation: The pedestrian and bicycle circulation connections shown on Comprehensive Plan Maps X-CRC-3, Clackamas Regional Center Area Design Plan Urban Design Elements, X-CRC-7, Clackamas Regional Center Area Design Plan Pedestrian and Bicycle Circulation Network, and X-CRC-7a, Clackamas Regional Center Area Design Plan Walkway Network, shall be provided.

**Applicant's Finding:** The proposed development is not located within Sunnyside Village, therefore the standards of this section are not applicable.

The requirements of this section have been satisfied.

**1007.07 TRANSIT AMENITIES** All residential, commercial, institutional, and industrial developments on existing and planned transit routes shall be reviewed by Tri-Met or other appropriate transit provider to ensure appropriate design and integration of transit amenities into the development. The design shall not be limited to streets, but shall ensure that pedestrian/bikeway facilities and other transit-supportive features such as shelters, bus pull-outs, park-and-ride spaces, and signing will be provided. The designs shall comply with Tri-Met standards and specifications.

**Applicant's Finding:** The proposed development is not located along an existing or planned transit route.

The requirements of this section are not applicable.

#### **1007.08 STREET TREES**

A. Within the Portland Metropolitan Urban Growth Boundary, street trees are required on all road frontage—except frontage on private roads or access drives-- for subdivisions, partitions, multifamily dwellings, three-family dwellings, attached single-family dwellings where three or more dwelling units are attached to one another, and commercial, industrial, or institutional developments, except that for structural additions to existing commercial, industrial, or institutional buildings, street trees are required only if the addition exceeds 10 percent of the assessed value of the existing structure, or 999 square feet. Street trees shall comply with the following standards:

1. Partial or complete exemptions from the requirement to plant street trees may be granted on a case-by-case basis. Exemptions may be granted, for example, if the exemption is necessary to save existing significant trees which can be used as a substitute for street trees.
2. Street trees to be planted shall be chosen from a County-approved list of street trees (if adopted), unless approval for planting of another species is given by the Department of Transportation and Development. Trees listed in Table 1007-2, Prohibited Street Trees, shall not be planted as street trees.



3. Location and planting of street trees may be influenced by such conditions as topography, steep terrain, soil conditions, existing trees and vegetation, preservation of desirable views, and solar access.
4. Planting of street trees shall be coordinated with other uses which may occur within the street right-of-way, such as bikeways, pedestrian paths, storm drains, utilities, street lights, shelters, and bus stops.
5. Street trees at maturity shall be of appropriate size and scale to complement the width of the street or median area.

**B. Street trees required for developments in the Clackamas Regional Center Area, as identified on Comprehensive Plan Map X-CRC-1, Clackamas Regional Center Area Design Plan Regional Center, Corridors, and Station Community, shall comply with the following standards:**

1. Street trees are required along all streets, except for drive aisles in parking lots.
2. When determining the location of street trees, consideration should be given to accommodating normal retail practices in front of buildings such as signage, outdoor display, loading areas, and pullout lanes.
3. Street trees are required along private access streets under the following conditions:
  - a. On both sides when the access point is a signalized intersection;
  - b. On both sides when the street section has four or more lanes at the access point;
  - c. On both sides when the private street is developed to comply with building orientation standards;
  - d. On a minimum of one side when the street section has one or two lanes, and the street is not at a signalized intersection or is not used to meet the structure orientation standards of Subsections 1700.03(C) and 1700.04(B); and e. On a minimum of one side of the street when access is shared with adjacent property. Adjoining property shall be required to install trees on its side of the access street when the property is developed.
4. In the Fuller Road Station Community, as identified on Comprehensive Plan Map X-CRC-1, street trees are required along both sides of all street types, and as shown in Comprehensive Plan Figure X-CRC-11, Clackamas Regional Center Area Design Plan Fuller Road Station Community, Type "E" Pedestrian/Bicycle Connection, for Type E pedestrian/bicycle connections. Street trees shall be spaced from 25 to 40 feet on center, based on the selected tree species and any site constraints. Street trees shall otherwise comply with the other provisions of Subsections 1007.08(A) and (B).

**C. In the Business Park District, street trees are required at 30- to 40-foot intervals along periphery and internal circulation roads, except where significant trees already exist.**

**D. Street trees are required for developments in the Sunnyside Village Community Plan area, as identified on Comprehensive Plan Map X-SV-1, Sunnyside Village Plan Land Use Plan Map, along both sides of all connector and local streets, and as set forth in Subsection 1007.10. In addition:**

1. One to two street trees are required per interior lot, and two to four for corner lots depending on the canopy of the tree species proposed. If a small canopy (less than or equal to 25 feet in diameter at maturity) is proposed, then two per interior lot and four per corner lot are

required. If a larger canopy (greater than 25 feet in diameter at maturity) is proposed, then one per interior lot and two per corner lot are required.

2. As each portion of a project is developed, a specific species of street tree will be chosen for each street. The developer may choose the species of street tree to be planted so long as the species is not known to cause sidewalks to buckle, does not have messy fruits or pods, is not prone to insects or having weak wood, and is not on the list of prohibited trees. The County will have final approval regarding the type of street tree to be planted.
3. Along connector streets or streets with a higher classification, metal grating, non-mortared brick, grasscrete, or similar material shall be installed at grade over the planting area around street trees, or raised planters shall be constructed to prevent soil compaction and damage to the trunk. Landscape strips or tree wells are required along streets with a classification below connector status.

**Applicant's Finding:** The proposed development is not located within the Portland Metro Urban Growth Boundary, Clackamas Regional Center Area, the Business Park District, or the Sunnyside Village Community Plan area, therefore the standards of this section are not applicable.

#### **1007.09 TRANSPORTATION FACILITIES CONCURRENCY**

**A. The purpose of Subsection 1007.09 is to ensure that transportation infrastructure is provided concurrently with the new development it is required to serve or, within a reasonable period of time following the approval of new development.**

**B. Subsection 1007.09 shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.**

**C. Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner.**

**The following shall be exempt from this requirement:**

1. Development that is located:
  - a. In the Light Industrial, General Industrial, or Business Park District; and
  - b. North of the Clackamas River; and
  - c. West of Highway 224 (south of Highway 212) or 152nd Drive (north of Highway 212); and
  - d. South of Sunnyside Road (east of 82nd Avenue) or Harmony Road (west of 82nd Avenue) or Railroad Avenue (west of Harmony Road); and
  - e. East of Interstate 205 (south of Milwaukie Expressway) or the city limits of Milwaukie (north of the Milwaukie Expressway).
2. Modification or replacement of an existing development (or a development that has a current land use approval even if such development has not yet been constructed) on the same property, provided that an increase in motor vehicle traffic does not result;
3. Unmanned utility facilities, such as wireless telecommunication facilities, where no employees are present except to perform periodic servicing and maintenance;
4. Mass transit facilities, such as light rail transit stations and park-and-ride lots;

5. Home occupations to host events, which are approved pursuant to Section 806; and
6. Development in the Government Camp Village, as shown on Comprehensive Plan Map X-MH-4, Government Camp Village Plan Land Use Plan & Boundary, that is otherwise consistent with the Comprehensive Plan and zoning designations for the Village.

D. As used in Subsection 1007.09(C), “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, Performance Evaluation Measures for the Urban Area, and 5-2b, Performance Evaluation Measures for the Rural Area.

E. For the purpose of calculating capacity as required by Subsections 1007.09(C) and (D), the following standards shall apply:

1. The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards, except that the method of calculating capacity on state facilities is established by the Oregon Highway Plan.
2. The minimum capacity standards shall apply to all roadways and intersections within the impact area of the proposed development. The impact area shall be established by the Clackamas County Roadway Standards.
3. Capacity shall be evaluated for motor vehicle traffic only.

F. As used in Subsection 1007.09(C), “timely” means:

1. For facilities under the jurisdiction of the County, necessary improvements are included in the Five-Year Capital Improvement Program, fully funded, and scheduled to be under construction within three years of the date land use approval is issued;
2. For facilities under the jurisdiction of the State of Oregon, necessary improvements are included in the Statewide Transportation Improvement Plan and scheduled to be under construction within four years of the date land use approval is issued;
3. For facilities under the jurisdiction of a city or another county, necessary improvements are included in that jurisdiction’s capital improvement plan, fully funded, and scheduled to be under construction within three years of the date land use approval is issued.
4. Alternatively, “timely” means that necessary improvements will be constructed by the applicant or through another mechanism, such as a local improvement district. Under this alternative:
  - a. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:
    - i. Complete the necessary improvements; or
    - ii. For transportation facilities under the jurisdiction of the County, the applicant shall provide the county with a deposit, letter of credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1104. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction’s requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee.

5. For a phased development, the first phase shall satisfy Subsections 1007.09(F)(1) through (4) at the time of land use approval. Subsequent phases shall be subject to the following:
  - a. At the time of land use approval, necessary improvements shall be identified and the phase for which they are necessary shall be specified.
  - b. Necessary improvements for a particular phase shall either:
    - i. Comply with Subsections 1007.09(F)(1) through (3) at the time of building permit approval, except that the improvements shall be scheduled to be under construction within three years of building permit approval rather than within three years of land use approval; or
    - ii. Comply with Subsection 1007.09(F)(4), in which case the improvements shall be completed or guaranteed prior to issuance of a certificate of occupancy or recording of the final plat for the applicable phase.

G. As used in Subsection 1007.09(F), “necessary improvements” are:

1. Improvements identified in a transportation impact study as being required in order to comply with the adequacy standard identified in Subsection 1007.09(D).
  - a. 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.
  - b. If a transportation impact study is not required, County traffic engineering or transportation planning staff shall identify necessary improvements or the applicant may opt to provide a transportation impact study.

H. As an alternative to compliance with Subsection 1007.09(C), the applicant may make a voluntary substantial contribution to the transportation system.

1. As used in this subsection, “substantial contribution” means construction of a roadway or intersection improvement that is all of the following:
  - a. A complete project or a segment of a roadway identified in Comprehensive Plan Table 5-3a, 20-Year Capital Projects, 5-3b, Preferred Capital Projects, or 5-3c, Long-Term Capital Projects; the Statewide Transportation Improvement Plan (STIP); or the capital improvement plan (CIP) of a city or another county.
    - i. For a segment of a roadway to qualify as a substantial contribution, the roadway shall be on or abutting the subject property; no less than the entire segment that is on or abutting the subject property shall be completed; and there shall be a reasonable expectation that the entire project—as identified in Comprehensive Plan Table 5-3a, 5-3b, or 5-3c; the STIP; or the CIP of a city or another county—will be completed within five years;
  - b. Located within the impact area of the proposed development. The impact area shall be established by the Clackamas County Roadway Standards; c. Estimated to have a minimum construction cost of \$527,000 in year 2004 dollars. The minimum construction cost shall on January 1st of each year following 2004 be adjusted to account for changes in the costs of acquiring and constructing transportation facilities. The adjustment factor shall be based on the change in average market value of undeveloped land, except resource properties, in the County according to the records of the County Tax Assessor,

and the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index; and shall be determined as follows:

- i.  $\text{Change in Average Market Value} \times 0.50 + \text{Change in Construction Cost Index} \times 0.50 = \text{Minimum Construction Cost Adjustment Factor}$
  - ii. After the adjustment factor is applied to the previous year's minimum construction cost, the result shall be rounded to the nearest thousand.
2. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:
- a. Complete the substantial contribution; or
  - b. For transportation facilities under the jurisdiction of the County, the applicant shall provide the county with a deposit, letter of credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1104. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee.

**Applicant's Finding:** Compliance with this standard will be met and evaluated at the time of Design Review. This application only concerns the preliminary partition and zone change for the subject site.

## **1008 STORM DRAINAGE**

### **1008.03 GENERAL STANDARDS**

#### **A. All development shall be planned, designed, constructed and maintained to:**

1. Protect and preserve existing natural drainage channels to the maximum practicable extent (see Section 1002);
2. Protect development from flood hazards;
3. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;
4. Assure that waters drained from the development are substantially free of pollutants, including sedimentary materials, through such construction and drainage techniques as sedimentation ponds, reseeding, phasing of grading;
5. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development;
6. Provide dry wells, french drains, or similar methods, as necessary to supplement storm drainage systems;
7. Avoid placement of surface detention or retention facilities in road right-of-way.



- B. Where culverts cannot provide sufficient capacity without significant environmental degradation, the County may require the water course to be bridged or spanned.**
- C. In the event a development or any part thereof is traversed by any water course, channel, stream or creek, gulch or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the County or a utility district. This does not imply maintenance by the County.**
- D. Channel obstructions are not allowed, except as approved for the creation of detention, retention, or hydropower facilities approved under the provisions of this Ordinance. Fences with swing gates may be utilized.**
- E. Prior to acceptance of a storm sewer system by the County, the storm sewers shall be flushed and inspected by the County. All costs shall be borne by the developer.**

**Applicant's Finding:** Compliance with this standard will be met and evaluated at the time of Design Review. This application only concerns the preliminary partition and zone change for the subject site.

## **1009 LANDSCAPING**

### **1009.03 MINIMUM AREA STANDARDS**

**A. Table 1009-1, Minimum Landscaped Area, establishes the minimum percentage of the area of the subject property that shall be landscaped.**

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**Table 1009-1: Minimum Landscaped Area**

<b>Zoning District</b>	<b>Minimum Landscaped Area</b>
R-2.5-R-30, RR, RA-1, RA-2, RRFF-5, FF-10, HR, FU-10, VR-4/5 and VR-5/7	25 percent for the development of conditional uses

### **1009.05 SCREENING AND BUFFERING**

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

- 1. Service areas and facilities, such as loading areas and receptacles for solid waste or recyclable materials;**
- 2. Storage areas;**
- 3. Ground-mounted rainwater collection facilities with a storage capacity of more than 100 gallons;**
- 4. Parking lots within or adjacent to an Urban Low Density Residential, Recreational Residential, Rural Area Residential 1-Acre, Rural Area Residential 2-Acre, Rural Residential Farm Forest 5-Acre, Farm Forest 10- Acre, Hoodland Residential, Future Urban 10-Acre, Village Small Lot Residential, or Village Standard Lot Residential zoning districts; and**
- 5. Any other area or use, as required by this Ordinance.**

**B. Screening shall be accomplished by the use of sight-obscuring plant materials (generally evergreens), vegetated earth berms, walls, fences, trellises, proper siting of disruptive elements, building placement, or other design techniques.**

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

**D. Buffering shall be used to mitigate adverse visual impacts, dust, noise, or pollution, and to provide for compatibility between dissimilar adjoining uses. Special consideration shall be given to the buffering between residential uses and commercial or industrial uses, and in visually sensitive areas.**

**E. Buffering shall be accomplished by one of the following:**

- 1. A landscaping strip with a minimum width of 15 feet and planted with:**
  - a. At least one row of deciduous and evergreen trees staggered and spaced not more than 30 feet apart;**
  - b. At least one row of evergreen shrubs, spaced not more than five feet apart, which will grow to form a continuous hedge at least five feet in height within one year of planting; and**
  - c. Low-growing evergreen shrubs and evergreen ground cover covering the balance of the area;**
- 2. A berm with a minimum width of ten feet, a maximum slope of 40 percent on the side away from the area screened from view, and planted with a dense evergreen hedge;**
- 3. A strip with a minimum width of five feet, and including:**
  - a. A masonry wall or sight-obscuring fence not less than five feet in height;**
  - b. An evergreen hedge, vines, trees, or shrubs; and**
  - c. Low-growing evergreen shrubs and evergreen ground cover covering the balance of the area; or**
- 4. Another method that provides an adequate buffer considering the nature of the impacts to be mitigated.**

**F. Required walkways shall be accommodated, even if such accommodation necessitates a gap in required screening or buffering.**

#### **1009.09 EROSION CONTROL**

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

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

<b>Applicant's</b>	Compliance with this standard will be met and evaluated at the time of Design
<b>Finding:</b>	Review. This application only concerns the preliminary partition and zone change for the subject site.

#### **1012 DENSITY**

##### **1012.05 MAXIMUM DENSITY**

**Developments shall be limited to a maximum density. Except in the MRR, HR, and RR Districts, maximum density shall be calculated as follows. Exceptions that apply in the VA, VTH, VR-4/5, and**

VR-5/7 Districts are established by Subsection 1012.06. Subsection 1012.07 establishes the process to be used in the MRR, HR, and RR Districts.

A. Calculate the land area of the subject property. The result is gross site area (GSA).

B. Subtract the following from GSA:

1. Land dedicated for park sites pursuant to Comprehensive Plan Map X-SV-4 and Subsection 1011.06;
2. The land area of new county, public, or private roads (NR), except:
  - a. Regardless of the actual land area of NR, no more than 15 percent of the GSA shall be subtracted.
  - b. No subtraction shall be made for strips of land adjacent to existing road rights-of-way when such strips are required to be dedicated as a condition of approval.
  - c. No subtraction shall be made for new access drives.
  - d. No subtraction shall be made for NR in the following zoning districts: SHD, HDR, MR-2, MR-1, PMD, and VA.
3. Any land area of the GSA in the following highly restricted areas (HRA), except that no subtraction shall be made for HRA that will remain undeveloped, in which case density accruing to these areas may be transferred to unrestricted areas:
  - a. Slopes greater than 50 percent;
  - b. Mass movement hazards regulated by Section 1003;
  - c. The floodway of the Floodplain Management District regulated by Section 703;
  - d. The Willamette River and the required buffer area regulated by Section 705;
  - e. Habitat Conservation Areas regulated by Section 706; and
  - f. Water Quality Resource Areas regulated by Section 709; and
4. Fifty percent of the land area of any portions of the GSA in the following moderately restricted areas (MRA), except that no subtraction shall be made for MRA that will remain undeveloped, in which case density accruing to these areas may be transferred to unrestricted areas. In the event of an overlap between HRA and MRA, the area of overlap shall be classified as HRA:
  - a. Slopes equal to or greater than 20 percent and less than or equal to 50 percent; and
  - b. Areas outside the floodway but within the Floodplain Management District regulated by Section 703.

C. Divide the net result by the district land area (DLA) of the applicable zoning district. The result is base density (BD). The calculations that result in a determination of base density are represented by the following formula:  $\{GSA - [NR + HRA + (MRA \times 0.5)]\} / DLA = BD$ . \* HRA and MRA may be reduced to zero as provided by Subsections 1012.05(B)(3) and (4). Table 1012-3 summarizes the percentages of HRA and MRA that are included in calculating BD.

D. Add any applicable density bonuses to BD. Bonus density shall be allowed subject to the following criteria:

1. The proposed development shall include a minimum of four dwelling units.
2. The bonus density categories and corresponding maximum increases to BD, as well as the zoning districts to which the bonus density categories are applicable, are identified in Table 1012-4.

**E. Any partial figure of one-half or greater shall be rounded up to the next whole number, except in the case of a subdivision or partition of 10 lots or fewer in an Urban Low Density Residential, VR-4/5, or VR-5/7 District, in which case partial figures shall be rounded down.**

**F. The result is maximum density, except that the result shall be reduced as necessary to:**

- 1. Comply with the minimum lot size requirements of Section 1013 or 1014, as applicable;**
- 2. Ensure that, in an R-2.5 District, the density of the developed portion of the site area does not exceed the density allowed in the MR-2 District of one dwelling unit per 2,420 square feet of land area; and**
- 3. Ensure that, in all other Urban Low Density Residential Districts, the density of the developed portion of the site area does not exceed the density allowed in the MR-1 District of one dwelling unit per 3,630 square feet of land area.**

**Applicant's Finding:** Compliance with this standard will be met and evaluated at the time of Design Review. This application only concerns the preliminary partition and zone change for the subject site.

## **1014 DESIGN STANDARDS FOR LAND DIVISIONS**

### **1014.03 GENERAL DESIGN STANDARDS**

**A. Every lot or parcel shall abut or have adequate access to a County, public, or private road or access drive and shall conform to the minimum frontage requirement of the applicable zoning district, unless a variance to these standards is approved.**

**Applicant's Finding:** Both proposed lots will contain adequate access and frontage to SE Eagle Creek Road, a major arterial. Lot 1 will have 830 feet of frontage and Lot 2 will have 284 feet of frontage.

**B. Lots or parcels shall be designed, when appropriate, to allow for the future redivision of the property and a master plan depicting potential future lot or parcel configurations shall be provided when any proposed lot or parcel is of sufficient size to be re-divided without exceeding the base density of the parent lot or parcel.**

**Applicant's Finding:** Both parcels have been designed to allow for the future redivision of the property; therefore, the requirements of this section have been met.

**C. Residential lots that have street frontage along two opposite boundaries shall be prohibited, except:**

- 1. For reverse frontage lots necessary to separate residential development from arterial streets;**
- 2. To overcome specific disadvantages of topography, orientation, or parent lot or parcel configuration, as necessary to permit compliance with the minimum density standard required under Section 1012; or**
- 3. Where alleys are provided for rear-loaded lot or parcel layouts.**

**D. Developments with reverse frontage lots or parcels shall have a restriction in favor of the County at least one-foot wide along the lot or parcel lines abutting the arterial street, across which there shall be no access. Alternatively, there shall be a note on the final plat stating that direct access to the arterial street will not be allowed.**

**Applicant's Finding:** The zone change and partition request for which this narrative supports does not apply to residential lots; therefore this criterion is not applicable.

#### **1014.04 MINIMUM AND MAXIMUM LOT OR PARCEL SIZE**

**A. Lots or parcels in subdivisions and partitions shall comply with the minimum and maximum lot size standards of the applicable zoning district, unless a planned unit development is approved pursuant to Section 1013, or except as provided in Subsections 1014.04(B) through (F). In any case, the overall density of the subdivision or partition shall comply with Section 1012.**

**B. Flexible-lot-size developments are permitted in the following zoning districts and with the following minimum lot or parcel sizes:**

- 1. R-2.5 District: The smallest lot or parcel size permitted is 2,000 square feet, except that perimeter lots or parcels adjacent to an R-5, R-7, R-8.5, R-10, R-15, R-20, or R-30 District shall be a minimum of 2,500 square feet.**
- 2. R-5, R-7, R-8.5, R-10, R-15, R-20, and R-30 Districts: The smallest lot or parcel size permitted is 80 percent of the minimum lot or parcel size specified in the applicable zoning district for detached single-family dwellings and 2,000 square feet for attached single-family dwellings.**
- 3. VR-5/7 District: The smallest lot or parcel size permitted is 4,000 square feet.**
- 4. VR-4/5 District: The smallest lot or parcel size permitted is 2,000 square feet.**
- 5. MR-1 and MR-2 Districts for Attached Single-Family Dwellings: The smallest lot or parcel size permitted is 1,800 square feet.**
- 6. Rural Residential Farm/Forest 5-Acre District: The smallest lot or parcel size permitted is two acres, and the average lot size shall be no less than five acres.**

**Applicant's Finding:** The proposal includes a partition and zone change from RRFF-5 to RI. The RI zoning designation does not have a minimum lot size; therefore, this criterion is not applicable.

#### **1014.05 ZERO-LOT-LINE DEVELOPMENTS**

**Within Urban Low Density Residential zoning districts, subdivisions and partitions may be designed to allow the construction of single-family dwellings, manufactured homes, and accessory structures with zero setback from the side or rear lot line, provided that:**

**A. The final approved plat includes a diagram, approved by the County Building Codes Division, indicating the buildable area of each lot; and**

**B. Minimum yard setbacks from lot lines on the perimeter of the subdivision or partition shall be the same as are otherwise required in the applicable zoning district.**



**Applicant's Finding:** Zero-lot-line lots are not proposed with this development application.

## **1017 SOLAR ACCESS ORDINANCE FOR NEW DEVELOPMENT**

### **1017.04 DESIGN STANDARD**

At least 80 percent of the lots in a development subject to this ordinance shall comply with one or more of the options in this subsection.

**A. Basic Requirement: (See Figure 9). A lot complies with Subsection 1017.04 if it**

- 1. Has a north-south dimension of 90 feet or more; and**
- 2. Has a front lot line that is oriented within 30 degrees of a true east-west axis.**

**B. Protected Solar Building Line Option: (See Figure 10). In the alternative, a lot complies with Subsection 1017.04 if a solar building line is used to protect solar access as follows:**

- 1. A protected solar building line for the lot to the north is designated on the plat or documents recorded with the plat; and**
- 2. The protected solar building line for the lot to the north is oriented within 30 degrees of a true east-west axis; and**
- 3. There is at least 70 feet between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line; and**
- 4. There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80 percent of their south-facing wall will not be shaded by structures or nonexempt vegetation.**

**C. Performance Option: In the alternative, a lot complies with Subsection 1017.04 if:**

- 1. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis and at least 80 percent of their ground floor south wall protected from the shade of structures and nonexempt trees; or**
- 2. Habitable structures built on that lot will have at least 32 percent of their glazing and 500 square feet of their roof area facing within 30 degrees of south and protected from the shade of structures and nonexempt trees.**

**Applicant's Finding:** The proposed lots meet the basic requirement standards of this section with and average north-south dimensions of at least 90 feet and a front lot line that is oriented within 30 degrees of a true east-west axis.

The requirements of this section have been satisfied.

## **SECTION 1100: DEVELOPMENT REVIEW PROCESS**

### **1102 DESIGN REVIEW**

**Applicant's Finding:** Pursuant to guidance provided at the pre-application conference, the applicant intends to submit a separate application for Project Design Review in a subsequent step, at which time compliance with this section will be addressed. This application only concerns the comprehensive plan amendment, rezone and partition for the subject property.

## **1105 SUBDIVISIONS, PARTITIONS, REPLAT, CONDOMINIUM PLATS, AND VACATIONS OF RECORDED PLATS**

### **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

B. Subdivisions for cemetery purposes pursuant to Oregon Revised Statutes Chapter 97 are exempt from Section 1105.

**Applicant's Finding:** The subject site is in the RRFF-5 zone and will be rezoned to RI if the proposal for which this application concerns is approved. Neither the RRFF-5 or the RI zones are listed under the exclusions of subsection A; therefore, Section 1105 applies to the proposal.

### **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:

1. Source of domestic water and location of any existing and proposed wells;
2. Method of wastewater disposal and location of any existing and proposed onsite wastewater treatment systems;
3. Existing and proposed utility lines and facilities;

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;
5. Locations, dimensions, and area of each lot, parcel, and tract;
6. The north-south dimension and front-lot-line orientation of each proposed lot or parcel, except for lots or parcels for which an exception from the solar design standard of Subsection 1017.03 is requested pursuant to Subsection 1017.04. For the purpose of this submittal requirement, north-south dimension and front lot line are defined in Subsection 1017.02;
7. Date the preliminary plat was prepared;
8. North arrow;
9. Identification of each lot or parcel by number;
10. Locations and widths of all roads abutting the subject property, including road names, direction of drainage, approximate grades, and whether public or private;
11. Locations and widths of all proposed roads, including proposed names, approximate grades, radii of curves, and whether public or private;
12. Location and width of legal access to the subdivision or partition, other than public or County roads, if applicable;
13. 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;
14. Locations of all seasonal and perennial drainage channels, including their names, if known, and direction of flow;
15. Locations and widths of all existing and proposed easements, to whom they are conveyed and for what purpose;
16. Locations and dimensions of all existing and proposed driveways and walkways;
17. Locations and dimensions of existing structures and their setbacks from existing and proposed lot lines;
18. Locations and dimensions of all areas to be offered for public dedication and the intended use of such areas;
19. Boundaries and type of restricted areas identified in Subsection 1012.05, as applicable;
20. Locations of all significant vegetative areas, including, but not limited to, major wooded areas, specimen trees, and bearing trees; and
21. For a proposed subdivision, a plat name approved by the County Surveyor pursuant to Oregon Revised Statutes 92.090;

**Applicant's  
Finding:**

Submittal requirements delineated in both 1307.07(c) and this subsection have been submitted alongside this narrative for review via appendices. This standard is met.

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

**Applicant's Finding:** Regarding septic: As confirmed in correspondence between the applicant and Clackamas County Water Environmental Services' Soil Section, the subject site is outside of their service area. The subject site is and will continue to be served by a septic system. The applicant is in communication with Clackamas County's septic program to begin the process for a Site Evaluation for the new lot created from this partition proposal. It is our understanding from discussion with the Septic & Onsite Wastewater Systems Program of Clackamas County that the Site Evaluation will need to be approved before the final plat can be approved and before a feasibility document can be obtained from their office. Correspondence between Clackamas County's septic program and the applicant's representative has been provided as interim evidence.

Regarding water: A well is located onsite underneath the existing structure. Its precise location is shown on the existing conditions plan and preliminary plat. The applicant has provided the County with a water well log from the Oregon Water Resources Department demonstrating compliance with these standards. The adequacy and suitability of the well to serve both sites will presumably be discussed in subsequent steps (Project Design Review) or in conditions of approval to be met prior to final plat approval.

**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;
8. Noise sources;
9. Sun and wind exposure;
10. Significant views; and
11. Existing structures, impervious surfaces, utilities, landscaping, and easements; and

**Applicant's Finding:** The subject site contains no land designated as Open Space by the Comprehensive Plan; therefore, this section is not applicable.

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

#### **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.**

**Applicant's Finding:** Compliance with Section 1000 is discussed elsewhere within this narrative. The subject site will be zoned RI as a result of the rezone and comprehensive plan amendment portion of the proposal; therefore, the RI zone section is applicable and is discussed elsewhere within this narrative. Compliance with the applicable sections of this narrative is discussed under each relevant criterion. This standard is met.



**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 singlefamily dwellings and manufactured homes, except from rear and side lot lines on the perimeter of the final plat.**

**Applicant's Finding:** The subject site is not within an Urban Low Density Residential District; therefore, this criterion is 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:**

- 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.**
- 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 entire subdivision.**
- 3. Future phases shall be shown upon 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 rightsof-way or easements into or through future phases may be required with the initial or subsequent phases, prior to platting of the final phase.**

**Applicant's Finding:** The land division requested is a partition into two lots and constitutes a partition. Additionally, no phasing plan is being requested by the applicant. This section is not applicable.

**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.**

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

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

**Applicant's Finding:** The site is in rural Clackamas County and is private property with no shared common areas or facilities. No homeowner's association governs use of any part of the site. This section is not applicable.

**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.**

## **SECTION 1200: CRITERIA FOR DISCRETIONARY PERMITS**

### **1202 ZONE CHANGES**

#### **1202.03 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.**

#### **Chapter 2 Citizen Involvement**

This application has been processed consistent with the procedures required by Chapter 2. Specifically, the County has provided notice to the Citizen's Planning Organization in the area (Eagle Creek-Barton CPO), to property owners within 500 feet of the subject property and published public notices in the newspaper consistent with State law and Section 1307 of the ZDO. The Planning Commission and Board of County Commissioners will also hold one or more public hearings, as necessary, consistent with Section 1307 of the ZDO. These public mailings, notices and hearings will ensure an opportunity for citizens to participate in the land use process. This criterion is met.

#### **Chapter 3 Natural Resources and Energy**

This application and future applications for the subject site will comply with the goals described in Chapter 3 on natural resource conservation and energy. As the proposed zone change is to an industrial use, the effects on noise and air quality will be mitigated for as required at the time of Project Design Review.

#### **Chapter 4 Land Use**

The proposed Rural Industrial plan designation is appropriate on the subject property. The land use characteristics of the subject property will not be fundamentally altered as a result of a zone change from

RRFF-5 to RI. Both the former and the latter are appropriate land uses for a rural area. Compliance with rural industrial goals of Chapter 4 is described elsewhere in this narrative below.

#### **Chapter 5 Transportation**

Based on the submitted traffic analysis and trip generation estimates the proposed zone change would be consistent with OAR 660-012-0060(1) and would not significantly affect the transportation facility, since it does not exceed the thresholds or triggers for project conditioning or modification as described in OAR 660-012-0060(1)(a)-(c). This argument is further expounded within this narrative in response to Statewide Planning Goal 12. This criterion is met.

#### **Chapter 6 Housing**

This Chapter is not applicable, as the existing and proposed use of the subject property does not include any housing development.

#### **Chapter 7 Public Facilities and Services**

Public facilities and services shall be incorporated into the development as required elsewhere in this narrative.

#### **Chapter 8 Economics**

Economic goal 8.B.1 of Chapter 8 calls for providing sufficient industrial land of the types identified in the Industrial section of Chapter 4 (which includes RI, the proposed zoning). Goal 8.B.7 encourages the retention of vacant industrial lands in large parcels until committed for development, at which time overall development plans should be prepared for the site. The proposed development is in accordance with these goals and seeks to develop otherwise largely under-utilized land that was historically committed to milling. Additionally, a rezone from RRFF-5 to RI provides for an increase in employment opportunities for residents in accordance with 8.B.6 of Chapter 8.

#### **Chapter 9 Open Space, Parks, and Historic Sites**

The site is not designated as an open space, park, or historic site on Clackamas Map Number 34E05. Chapter 9 is therefore not applicable.

#### **Chapter 10 Community Plan and Design Plans**

There are no Community or Design Plans for the area. Chapter 10 is not applicable.

#### **Chapter 11 The Planning Process**

This is a quasi-judicial Comprehensive Plan map amendment and is subject to Policy 3.0. The Board of County Commissioners will review this application through one or more public hearings. Notice of the hearings will be published in the local newspaper and advertised consistent with all ZDO notice requirements. The property owners within 500 feet of the subject property will be notified as required in Section 1303 of the ZDO. Notice of the application and public hearing will be made to nearby property owners and the applicable Community Planning Organization a minimum of 20 days prior to the first

scheduled public hearing. This policy is met. This application has been processed consistent with Chapter 11. 1202.03(A)

- 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.**

**Finding:** Any required public services associated with this proposal shall be provided as required.

- C. 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 is 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 on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.**

**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.**

**Finding:** The applicant has submitted a TIS alongside this narrative wherein a 'reasonable worst-case scenario' was evaluated for both the existing RRFF-5 and RI zoning districts, specifically as they apply to SE Eagle Creek Road. Conclusions from the TIS indicated that there would be no significant impact on the existing transportation system as a result of the proposed zone change. A further expounded analysis of these findings can be found within this narrative for Goal 12 of the Statewide Planning Goals and in the Transportation Impact Study included with this submittal.

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

According to conclusions regarding safety found within the submitted TIS, all study intersections are projected to operate within acceptable levels of capacity. No significant trends or crash patterns were identified at any of the study area intersections that are indicative of safety concerns. Accordingly, no safety mitigation is recommended per the crash data analysis in the TIS. The incremental increase in trips, determined by the submitted TIS, will not adversely affect the traffic service level of SE Eagle Creek Rd or nearby highways. The area is rural in nature and the amount of anticipated traffic from the proposed change would not result in adverse impacts to the level of safety for the transportation system. SE Eagle Creek Road contains existing sites that are zoned RI and the proposal would have a negligible effect on the level of safety in the transportation system. Therefore, this criterion is met.

## **CLACKAMAS COUNTY COMPREHENSIVE PLAN**

### **CHAPTER 3 – NATURAL RESOURCES AND ENERGY**

#### **WETLANDS**

**25.0 For areas that are outside both the Metropolitan Service District Boundary and the Portland Metropolitan Urban Growth Boundary, prevent disturbance of natural wetlands (marshes, swamps, bogs) associated with river and stream corridors. Adjacent development shall not substantially alter normal levels or rates of runoff into and from wetlands. Site analysis and review procedures specified in the Open Space and Floodplains section of the Land Use chapter shall apply. (See Wildlife Habitats and Distinctive Resource Areas of this chapter).**

**25.1 Develop guidelines for compatible uses on wetlands and their peripheries, and for wetland restoration. Table III-1 shall be used as a guide. Wetland restoration decisions shall be made on a site-specific basis.**

**25.2 The County recognizes the U.S. Department of the Interior, Fish and Wildlife Service National Wetlands Inventory as a resource document for wetland identification in the County. Individual site development of inventoried lands will be reviewed for compliance with wetlands policies.**

**25.3 The County has insufficient information as to location, quality, and quantity of wetland resources outside of the Mt. Hood urban area and the Portland Metropolitan Urban Growth Boundary to develop a management program at this time. If such information becomes available, the County shall evaluate wetland resources pursuant to Goal 5 and OAR Chapter 660, Division 16, prior to the next Periodic Review. In the interim, the County will review all conditional use, subdivision, and zone change applications and commercial and industrial development proposals to assure consistency with Section 1000 of the Zoning and Development Ordinance and goals and policies of Chapter 3 of the Plan.**

**Finding:** The applicant sent a request for an offsite wetland determination to the Oregon Department of State Lands on March 29<sup>th</sup>, 2021. DSL confirmed receipt of the offsite wetland determination and the applicant is still anticipating a response. The applicant will provide the outcome to Clackamas County and adhere to the appropriate regulatory procedure in subsequent steps. The applicant does not anticipate

impacts to the natural resource in question, as the rezone and comprehensive plan amendment and subsequent project design review application concern future development on the opposite side of the subject site.

## **CHAPTER 4 – LAND USE**

The Land Use Chapter of the Comprehensive Plan contains specific policies for determining the appropriate Comprehensive Plan land use designation for property. The request in this proposal is to modify the zone from RRFF-5 to RI. Consistency findings for this request are included as follows:

Rural Industrial Plan Policies: The Rural Industrial Section of Chapter 4 of the Comprehensive Plan identifies the criteria which must be satisfied for the Rural Industrial Plan designation to be applied to an area. The Goals of the Rural Industrial Section of the Plan are:

- 1) To provide for the continuation of industrial uses in non-urban areas having an historical commitment to such uses.*
- 2) To provide for the industrial redevelopment of abandoned or diminished mill sites.*
- 3) To implement the goals and policies of this Plan for industrial development in Unincorporated Communities.*

### **RURAL INDUSTRIAL POLICIES**

**Policy 4.LL.1: The Rural Industrial plan designation may be applied in non-urban areas to provide for industrial uses that are not labor-intensive and are consistent with rural character, rural development, and rural facilities and services.**

The subject property is located in a non-urban area outside of the Metro UGB and in unincorporated Clackamas County. The applicant will not be processing raw timber on site but will instead be using pre-milled materials. The site is currently being used as a storage site for construction materials.

Public facilities and services providing for water and sewage disposal for the subject property are limited to the types and levels of service available and appropriate for rural lands (namely septic and well water). Urban levels of service are neither required nor appropriate for the use and area.

Additionally, the size of the proposed lots in the partition accompanying the zone change are similar to those for the approved zone change for the site immediately south of the subject property. The sizes of the parcels are still appropriate for rural uses and are similar to surrounding parcels.

Parcel 2, identified as the smaller of the two involved in the partition process that is being submitted concurrently with this zone change request, will be used as the site for a timber modeling and CNC fabrication shop. Development of the shop will be proposed in subsequent steps. Parcel 1, identified as the larger of the two involved in the partition process, will be used for storing construction equipment, large timber components, and prefabricating heavy timber elements.



When comparing the above intended uses with the permitted uses found within Section 604 of the Clackamas County ZDO under Table 604-1, it is determined that the proposed uses are most aligned with those described under the Manufacturing use. Manufacturing is outright permitted in the Rural Industrial zone unless its permittance is specifically listed within Table 604-1. The fabrication and prefabrication of timber is not specifically listed, therefore the use is outright permitted in the Rural Industrial zone.

Permitted uses within rural zones must be consistent with the definition of rural lands defined in Oregon Administrative Rules 660-004-0005(1), which states that rural lands are exception lands outside of the UGB and Unincorporated Communities that are suitable for sparse settlement. The rural and sparse character of the site, which was historically used as a mill, will not be changed as a result of the zone change request from RRFF-5 to RI. The site will continue to serve as a buffer between urban and agricultural or forest uses.

The character of the industrial uses planned for the subject property are not labor-intensive, are consistent with a rural pattern of development, and are outright permitted uses in the proposed zoning designation. This policy is met.

**Policy 4.LL.3: Areas may be designated Rural Industrial when the first, the second, or both of the other criteria are met:**

**Policy 4.LL.3.1: Areas shall have an historical commitment to industrial uses; or**

The existing structure on the site has been used as a mill since at least the 1970s. To support this claim, a series of aerial photos and prior land use approvals have been provided as exhibits. Figure 1 and 2 are aerial images from 1970 and 1976 respectively, showing the subject site in its entirety and the structure used as a mill.



Figure 1, 1970



Figure 2, 1976

A site plan from a 1974 land use approval (Figure 3) shows the existing building on Lot 1, and a storage location for the mill site in the approximate location of Lot 2.

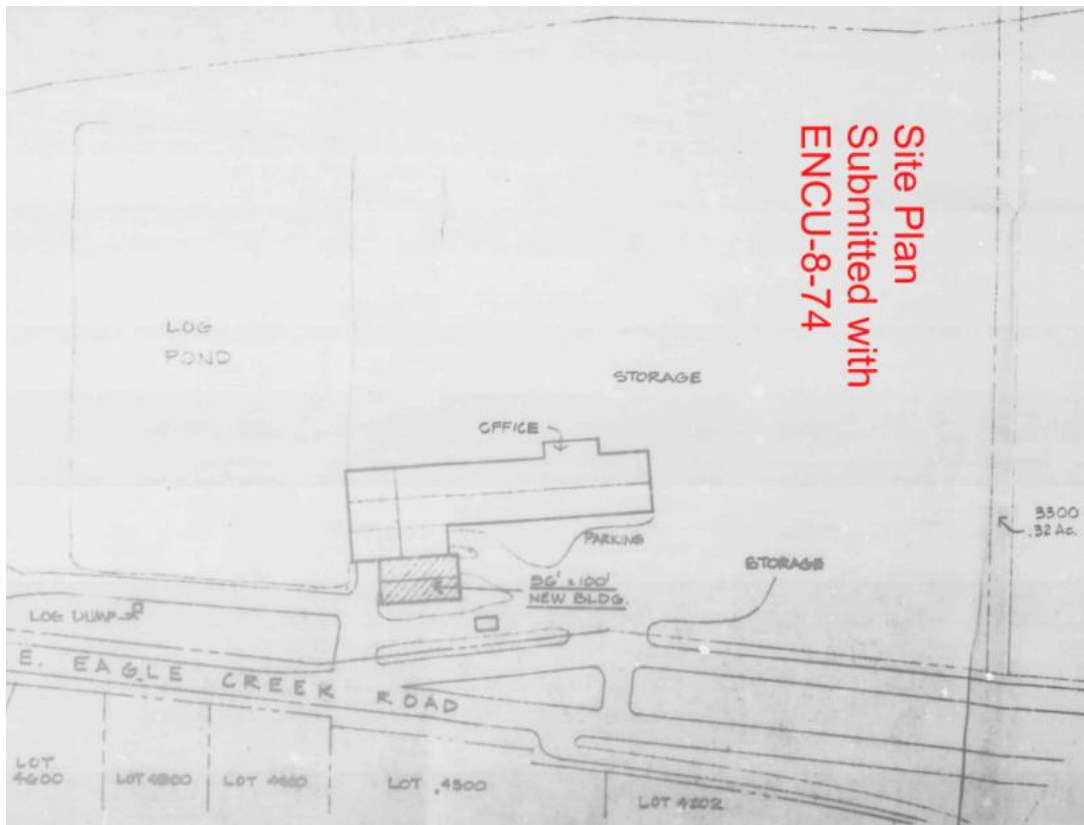


Figure 3

In 1982, a conditional use permit was requested by Publishers Paper Company and subsequently approved. In 1987, a modification to that conditional use was requested and approved to use a portable chipper to make hog fuel. The 1982 approval sought approval for a relatively small, portable log processing operation. The 1987 request for modification to a conditional use is attached as an exhibit. This document repeatedly refers to the site's use as an industrial log processing operation.



Figure 4, aerial photograph dated 1989 showing the mill site and mill structure

In 1991, a two-parcel partition and conditional use permit were approved for the subject site. The approvals (found within the attached exhibits) states that the timber and farm use of the site was a conditional use of the underlying zoning district at the time. It also states that the characteristics of the site are suitable for the proposed use, considering size, location, shape, topography, existence of improvements and natural features. The approval also permits the development of three buildings to be used for the repair, storage and sale of farm and forest equipment, and as a portable sawmill and wood yard. Proposed building #3 on the site plan included with that proposal is located on proposed Lot 2 of this application, as seen in Figure 5 below.

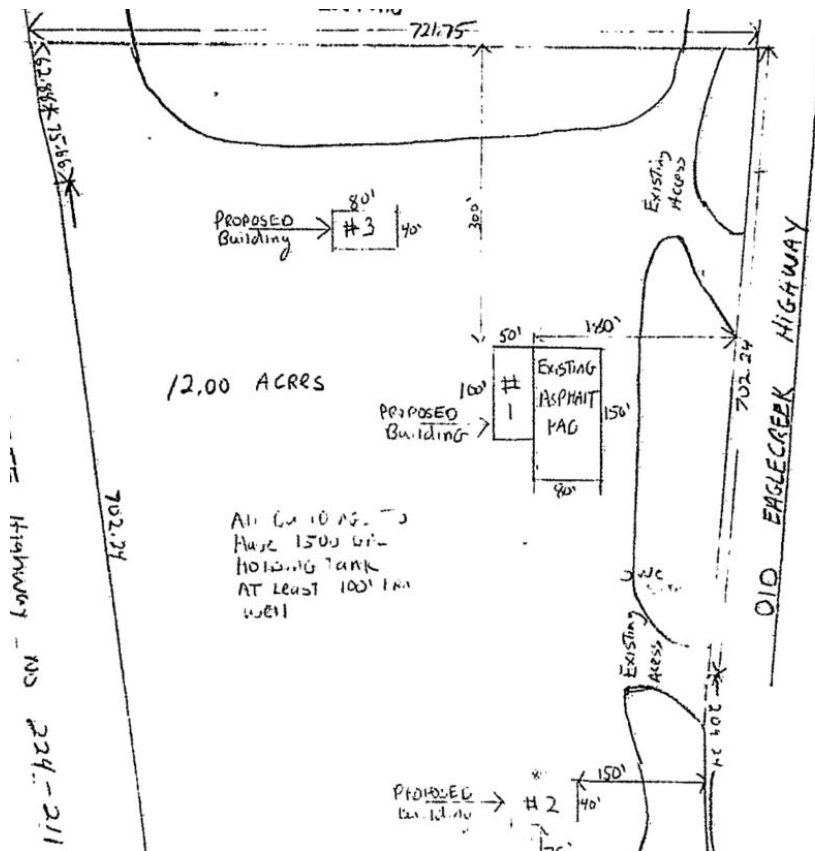


Figure 5, excerpt from 1993 Conditional Use Permit Z0202-91-C.

In 2002, a Comprehensive Plan Amendment and Zone Change were approved for the property immediately south of the subject property. The County Commissioners unanimously approved the zone change 13 to 0, citing a clean case for historical commitment and how the change would improve upon the lack of Industrial properties in the area. The applicant believes that the proposed use will support a local and thriving lumber economy that still exists today.

House Bill 2691 in 2003 sought to utilize old mill sites such as the site for which this application concerns, eliminating barriers to redevelopment after the decline of the timber industry in Oregon.

As shown in Figure 6, the same ancillary storage area shown on the 1974 land use approval is seen from underneath the trees. Note that this is the first available aerial image taken at an angle that shows development underneath the dense foliage present in the area where Lot 2 is proposed.





Figure 6, showing storage building underneath tree foliage in background of photo

The above information demonstrates the property has an historic commitment to uses allowed in the Rural Industrial zoning district. The evidence demonstrates that business activity in the form of a nonconforming use has existed on the property dating back to 1972. Over time a number of alterations and expansion of the business have been approved.

The subject site is located in a predominantly rural area, with an established rural character and pattern of development. The subject property is bordered by a different Rural Industrial-zoned property to the south that underwent a similar zone change request process nearly two decades earlier. The entirety of that site was allowed to be rezoned to RI from RRFF-5 under the historical commitment provision.

The type and intensity of the proposed use and zoning is consistent with those typically found in other rural areas of the County. The existing uses on site that would be permanently authorized through the subject Comprehensive Plan and Zone change would also not become a magnet for people outside the area since they are rural industrial uses and not expected to have significant traffic impacts. Additionally, the industrial



use of the site (timber processing) is suitable for the area as it will support an existing and historic local economy sector. For example, Framework Plus is an existing timber processor south of the site and north of Estacada. The proposed use enabled by the zone change and partition is appropriate for and limited to the needs and requirements of the local area to be served.

Based on the above findings, the subject property is the appropriate “area” to consider in evaluating this policy. Furthermore, the evidence above adequately demonstrates that both proposed lots were utilized for the industrial logging operation. The findings demonstrate that the property has a historical commitment to industrial uses. This policy is met.

**Policy 4.LL.3.2: The site shall be an abandoned or diminished mill site, as defined in the Zoning and Development Ordinance, provided that only the portion of the site that was improved for the processing or manufacturing of wood products may be designated Rural Industrial; or**

The applicant does not intend to pursue designating the site as a “abandoned or diminished mill site”, therefore this policy is not applicable.

**Policy 4.LL.3.3: Areas shall be located within an Unincorporated Community; and**

The subject property is located in an Unincorporated Community in Clackamas County, namely Eagle Creek. This policy is met.

**Policy 4.LL.3.4: The site shall have direct access to a road of at least an arterial classification.**

The subject property has frontage on Eagle Creek Rd., an arterial road. This policy is met.

## **CHAPTER 5 – TRANSPORTATION**

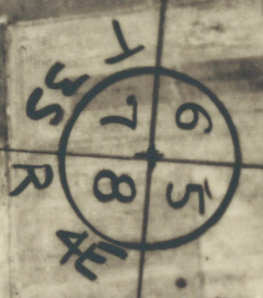
**Finding:** The RI zoning designation resulting from the proposed comprehensive plan amendment and zone change will cause a negligible impact to the transportation system. Compliance with transportation planning rule OAR 660-12 is discussed in the supplied Traffic Impact Study prepared by Lancaster Mobley dated October 16<sup>th</sup>, 2020. Lancaster Mobley communicated with Clackamas County staff to include safety and capacity/level of service analyses at intersections outlined in the TIS. The TIS includes an analysis of traffic conditions under existing conditions and at the 2035 planning horizon, with and without the proposed zone change. The report also includes analyses that addresses the Transportation planning Rule (TPR). This standard is met.

## **SUMMARY AND CONCLUSION**

Based on the above findings and the submitted plans and documentation, the Applicant has demonstrated compliance with the requirements of the relevant sections of the Oregon Statewide Planning Goals, Clackamas County Comprehensive Plan provisions and Clackamas County’s Zoning and Development

Ordinance. Therefore, the Applicant requests approval of this application of a Zone Change from RRFF-5 to RI, Comprehensive Plan Amendment for the aforementioned zone change, and 2-lot Partition.





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Planning Division

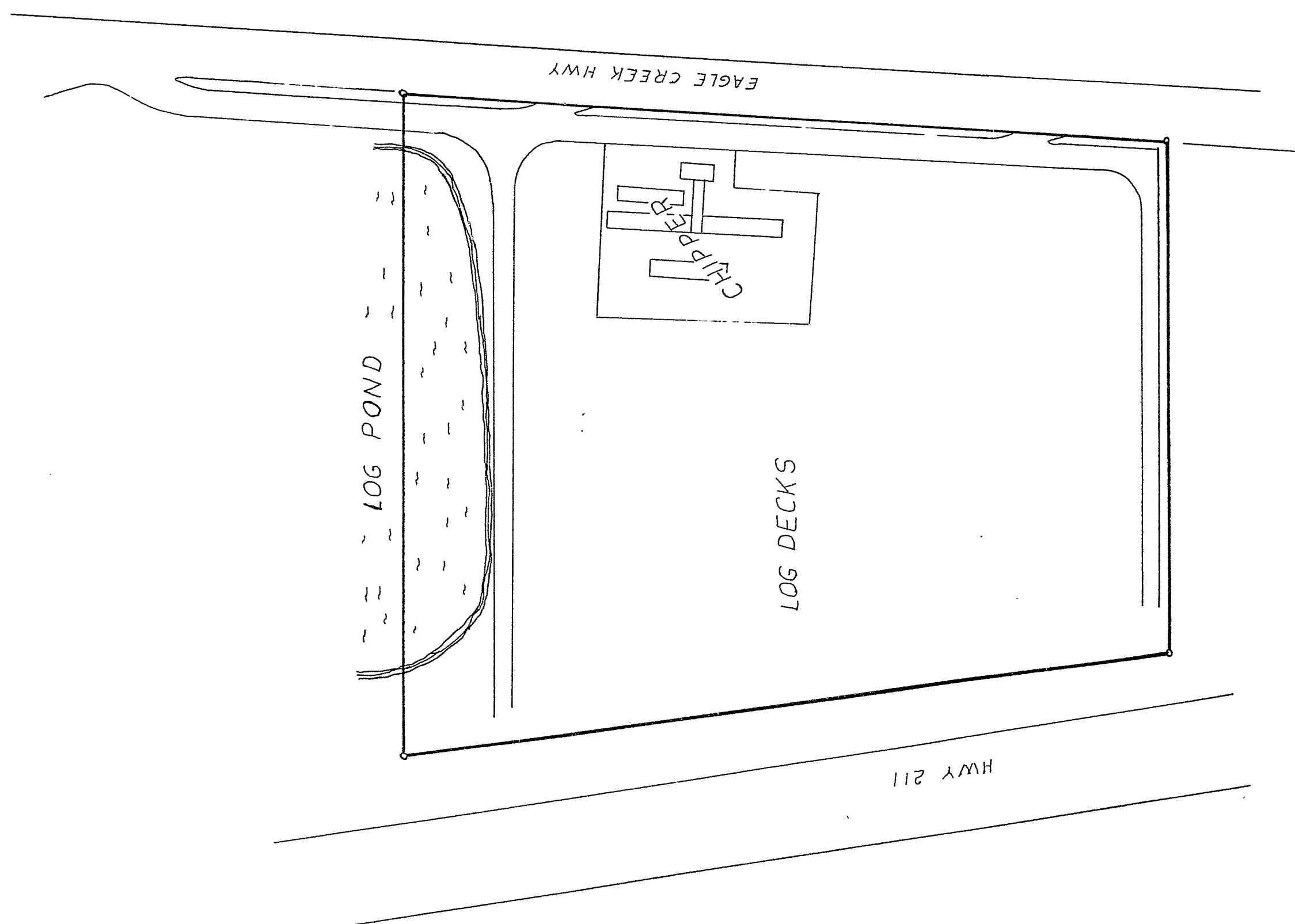
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File # C-169-82

Legal : 3 <sup>S</sup> 4 <sup>E</sup> sec. 5

Tax Lot 4100

PUBLISHERS PAPER CO.  
PROPOSED CHIP MANUFACTURING  
FACILITY  
SEC. 5 T3S R4E TAX LOT 4100 12.00 ACRES  
JULY 16, 1982 ESKRIDGE  
SCALE: 1 in = 100 ft.





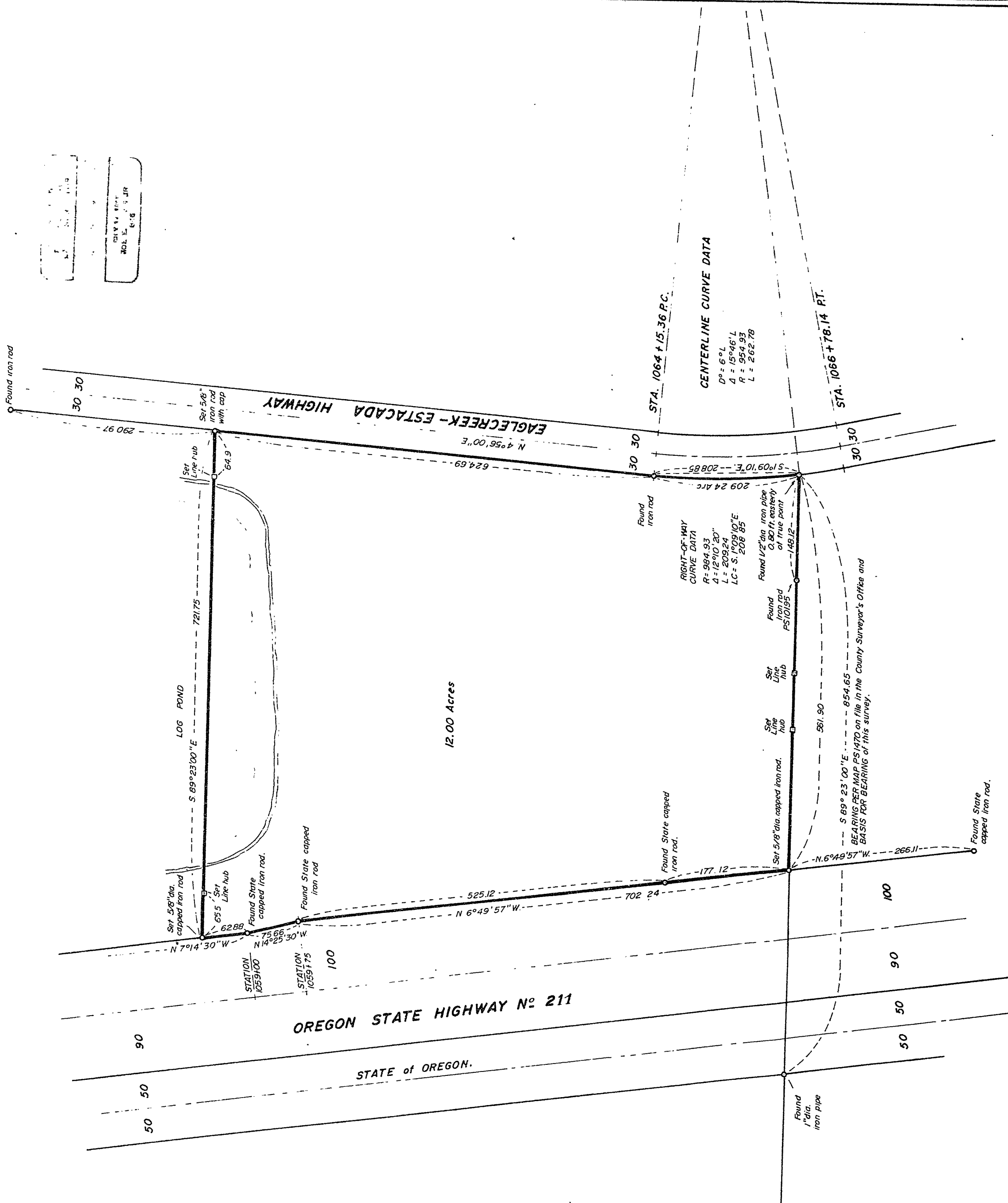
FOR **PUBLISHERS PAPER COMPANY.**

TOWNSHIP 3 SOUTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN  
IN CLACKAMAS COUNTY, OREGON.

BY DAVIS AND PIKE SURVEYING  
722 MAIN STREET-OREGON CITY OR

$1 \text{ inch} = 100 \text{ feet}$

**SECTION 5 TOWNSHIP 3 SOUTH RANGE 4 EAST OF THE WILLAMETTE MERIDIAN**



FILED 6/24/82 35

P.S. 189/5-

# Planning Division

Serial # \_\_\_\_\_

File # C-169-82

(Plans)

Legal : 3<sup>S</sup> 4<sup>E</sup> sec. 5

Exhibit 1  
Tax Lot 4100  
20155-21-M, 20156-21-CP, 20157-21-ZAP  
Page 83 of 747

July 2, 1987

Mr. Orville Lulay  
D & O Lumber Company  
15200 S.E. Bilsher Court  
Milwaukie, OR 97267

SUBJECT: PROPOSED PORTABLE SAWMILL OPERATION

Dear Mr. Lulay:

You have requested the Planning Division staff consider modification of a Conditional Use approved for Publishers Paper Company to use a portable chipper to make hog fuel (File No. 169-82-C). Requests for modification of approved Conditional Uses are controlled by Subsection 1305.01L of the Clackamas County Zoning and Development Ordinance. That subsection lists three criteria that must be met in order for a modification to be considered minor. A minor modification may be approved by the Planning Director or his designate and does not require a public hearing. The Planning Division staff has reviewed your proposal and finds that:

1. The proposed use is consistent with the prior approval of Conditional Use 169-82-C. Specifically, that approval was for a relatively small, portable log processing operation, as is the proposed sawmill.
2. The proposed modification is consistent with all ordinance provisions in affect at the time of the modification. The Zoning and Development Ordinance presently allows consideration of this facility through the Conditional Use process.
3. The third criteria requires that the proposed modification meet seven specific conditions.
  - a. The first condition states the proposal does not result in a change in the type of use. Again, the use will remain an industrial log processing operation. This condition is met.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

Page 84 of 747

Orville Lulay  
Page 2  
July 2, 1987

- b. The second condition states there will not be an increase in the overall lot coverage of the use exceeding 10 percent of the original approved plans. In this case, the lot coverage from the proposed portable sawmill facility will be significantly less than for the original portable chipper facility. This condition is met.
- c. The third condition states the modification does not increase the density of development or the intensity of the use. Again, the proposed facility will have fewer employees and be somewhat less intensive than the original approved use. This condition is met.
- d. The fourth condition states the modification does not result in an increase in traffic congestion or use of public facilities. Again, there will be fewer employees, and the proposed use will generate less traffic. This condition is met.
- e. The fifth condition states the modification does not result in a reduction in approved Open Space. No Open Space areas will be used for the proposed facility. This condition is met.
- f. The sixth condition states the modification does not result in a reduction of off-street parking and loading spaces. There will be fewer employees associated with the proposed use, and there is ample area for off-street parking and loading. This condition is met.
- g. The last condition states the modification does not result in a reduction in required pavement widths or a change in major access locations. There will be no change in access locations or improvements. This last condition is met.

In conclusion, the criteria for determining that your request is a minor modification are met and, therefore, this letter is the Planning Division staff's approval of your proposed portable sawmill operation. A new Conditional Use public hearing is not required.

Please be advised this staff approval is subject to the conditions of Conditional Use 169-82-C. Specifically, an entrance permit must be approved by the Clackamas County Department of Transportation and Development if you intend to construct any additional access onto Eagle Creek Road. Further,

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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Orville Lulay  
Page 3  
July 2, 1987

all log processing operations must be located at least 50 feet from all property lines. In addition, all parking shall be on the subject property within a graveled or paved parking area. Lastly, the natural vegetation shall be retained to provide visual buffers, and all processing and storage shall be set back from any bodies of water.

If you have any questions or would like to discuss this matter further, please do not hesitate to contact me.

Sincerely,



Gary Naylor, Administrative Actions Manager  
Planning and Economic Development Division

0702/L/gn:mp

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

Page 86 of 747

D. & O. LUMBER CO.  
15200 S.E. Bilsher Ct.  
Milwaukie, OR 97267

June 17, 1987

# MINOR MODIFICATION

169-82-C

To: Clackamas County Planning Division  
From: D+O Lumber Co.  
Re: Minor Modification Application

The site will be used for log storage and as a location for a portable sawmill operation.

At present I am operating a portable sawmill as a one man operation. My low volume of production makes it difficult for me to meet overhead expenses and make a profit. The site where I am now located is not conducive to expansion, so I have been looking for a place more suitable.

The site located at T3S, R4E, Section 5, Tax Lot 4192 is suitable in its present condition. A further description is contained in The Publishers Paper Co. Conditional Use Application dated August 24, 1982.

Our operations would basically be the same as Publishers Paper Co. in that we too would be converting logs on the site. Our plan is to use our Mobile Dimension Circle saw mill and acquire a Mini Max band portable saw mill along with lumber trimming and sorting facilities. We would also use our small self loading log truck and our Hyster lift truck. The operation would be small in production volume with up to five employees including myself. I am currently processing about one full sized load of logs per week and anticipate sawing approx. one load of logs per day.

Exhibit 1

20155-21-M; 20156-21-CP 20157-21-ZAP

Page 87 of 747



We feel that this use is:

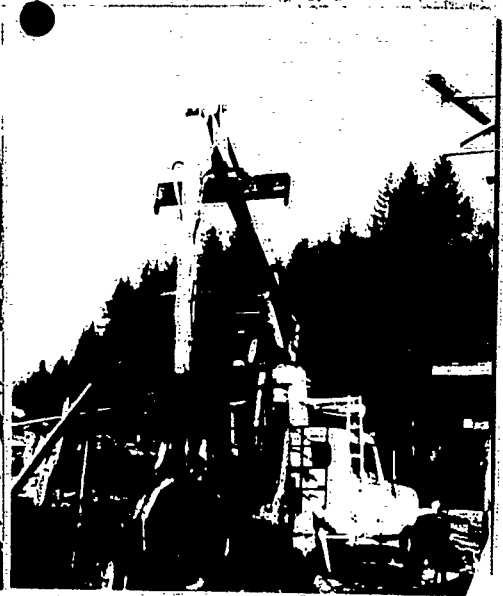
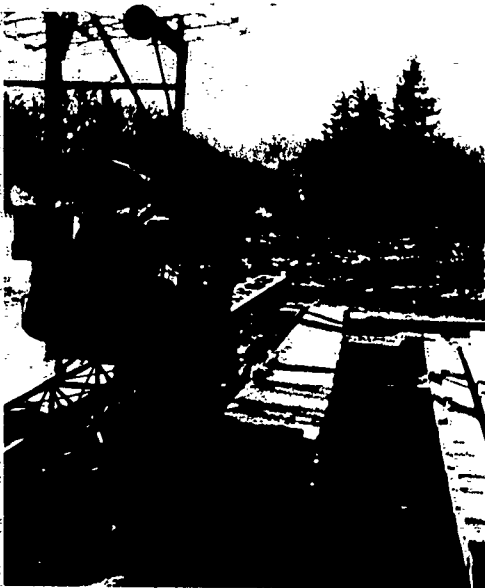
1. Is consistent with the prior approval.
2. Is consistent with all ordinance provisions in effect at the time of the modification.
3. Does not result in any of the following:
  - a. A change in the type of use.
  - b. An increase in the overall lot coverage.
  - c. An increase in the density of development.
  - d. An increase in traffic congestion or use of public facilities.
  - e. A reduction in approved open space.
  - f. A reduction of off-street parking and loading spaces.
  - g. A reduction in required pavement widths or a change in major access locations.

Orin O. Kelly

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

Page 88 of 747









# Entering a New Era

## In Sawmilling

Kenner Equipment

1015-21-M

20155-21-M; 201

888.888.8888



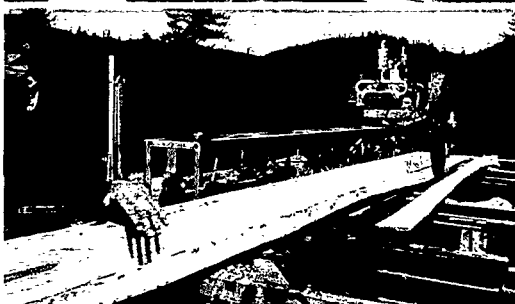
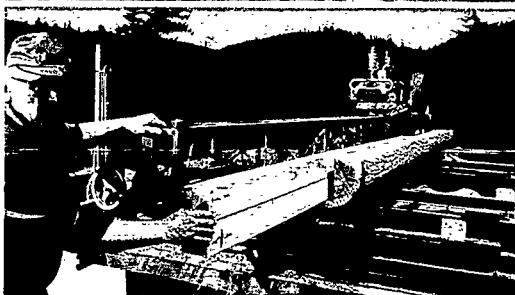
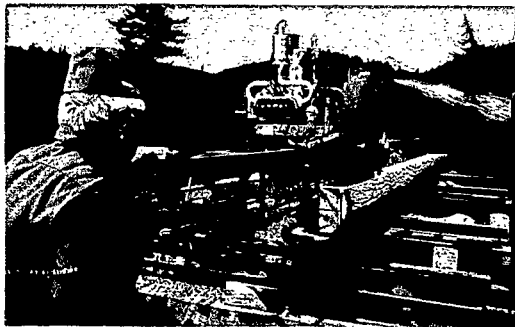


The Mobile Dimension Saw turns logs into lumber by traveling through the log instead of the log traveling through the saw. The saw travels along a rigid track sawing the log from one end to the other. The log is completely sawed without being moved or turned.

The Mobile Dimension Saw has three saw blades simultaneously cutting the width, depth and length dimensions of the lumber. The lumber is sawed accurately because it is cut in one operation. The three saw blades allow unlimited capabilities so that any size log in diameter can be sawed.

The Mobile Dimension Saw's design and operation create a great reduction in size and weight. The sawmill weighs less than 700\* lbs (318 kg.) It can easily be moved on its trailer or else disassembled into four complete units and carried by aircraft, animal or man anywhere.

\*We report if Model 1, 1, 2 or 1, 2, 3 is chosen as best fit for each of the two groups.



The Mobile Dimension Saw requires only one man to operate and move. Simplicity, compactness and light weight make it possible for one man to move, set up and operate. The operator stays at one end, controlling the operation and size of lumber being sawed! The carriage automatically travels the length of the log, cutting it into one or two pieces of lumber, it then reverses itself and brings the lumber back to the operator for easy handling. One man can produce from 1 500 to 6 000 board feet of lumber per day depending on the size of lumber being sawed, the diameter, length, species of log, and optional equipment used.

The Mobile Dimension Saw cuts both hardwoods and softwoods with no changes or alterations. The variable feedworks permit optimum cutting speeds for all sizes of lumber and all species of trees.

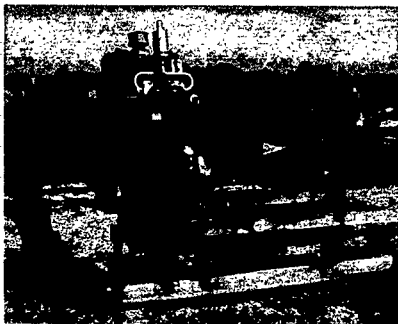
The Mobile Dimension Saw is maintained at the sawing site. All saw blades have inserted teeth that are quickly and easily removed, sharpened and replaced. There are no complicated or expensive parts to wear out or break down. Rubber belts transfer all the power to the saws and feedworks. The belts are easily changed and usually last from six months to over a year.

The Mobile Dimension Saw cuts any and all sizes of lumber up to 12" maximum size of the model. Accuracy of the lumber is 1/32". All models can cut one timber of any size per log. The Mobile Dimension Saw comes with 20 feet of track. That amount of track allows you to saw 16 6" in length with the block method and 14 6" plus in length using the end stand method. Additional track sections make it possible to saw any length up to 60 feet. They are available in 4, 6 and 10 foot sections. Each added foot of track, add that amount to the sawing length.

The Mobile Dimension Saw is so mobile it can go just about anywhere. So accurate you can build without planning the lumber. So economical that it uses less than half the energy of any standard mill. So unique it takes only one man to operate. So capable it saws any size logs in diameter, lengths up to 60 feet, hardwoods or softwoods. The new era is ushered in by the most versatile sawmill ever made. **THE MOBILE DIMENSION SAW!!!**



# The Mobile Dimension Saw is quickly and easily moved to each log.



Moving from log to log eliminates the need for log moving equipment. The (included) trailer allows one man to transfer the sawmill to the log. The log is prepared by simply stacking boards and spacer blocks at the two ends. Different sizes of lumber are obtained by using various sized spacer blocks. The boards are easily attached to the log by lag bolts. The saw is supported by the

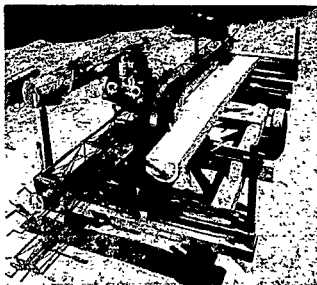
build-up of the boards and spacer blocks. The Mobile Dimension Saw is advanced sideways, controlled by positive lumber gauges that give precise sizes. Lumber gauges are easily changed for different sizes of lumber. This method is usually used for larger sized logs.



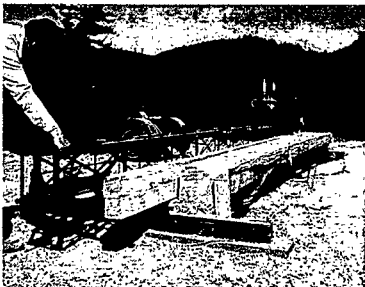
## or the log can be moved to the Mobile Dimension Saw.

The Mobile Dimension Saw can be operated on endstands (optional equipment) and the logs moved to the saw. The endstands can be set in a stationary location or attached to a portable trailer. This trailer allows the operation to remain mobile; moving from one sawing site to another to minimize log movement.

The operator controls all four corners of the endstands from one end, easily and quickly raising them together. Endstands come in various heights to saw all size logs.



Two log holders keep small logs from moving when sawing with end stands.



The Mobile Dimension Saw is highly profitable to operate. Profits are high because of the high production per man hour and one man operation. The amount of lumber sawed out of logs, with the Mobile Dimension Saw, is much greater than the estimated (Scale) amount. If finished lumber sizes are cut, even a greater amount of lumber is sawed. Sawing costs are reduced because of the small amount of gasoline used to produce a large amount of lumber.

The Mobile Dimension Saw provides versatility. The saw can be operated by either method: moving the saw to the log, or the log to the saw. The most productive way to saw logs into lumber will depend upon the conditions you face at each sawing location. With the Mobile Dimension Saw you have a choice.

### Exhibit 1

Logging expenses are reduced because only a minimum amount of log movement is required. The Mobile Dimension Saw is a small unit that does not need for large expensive equipment. Trucking costs are reduced because three times more lumber can be hauled compared to logs. If the lumber is allowed to air dry a short time, an even greater amount of lumber can be hauled compared to logs.

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## Model 12 Specifications:

Main Saw: 30" diameter (76.2MM); 5/16" kerf (7.94MM)  
 Top Edger Saw: 11 1/2" diameter (292.1MM); 1/4" kerf (6.35MM)  
 Bottom Edger Saw: 11 1/2" diameter (292.1MM); 1/4" kerf (6.35MM)  
 All Saw Blades Have Inserted Teeth, Easily Changed and Sharpened  
 Maximum Cut: 4 1/4" (107.95MM) x 12 1/4" (311.15MM)  
 Minimum Cut: 1/4" (6.35MM) x 1 3/4" (44.5MM)  
 Double Edger Saws Permit Either One or Two Pieces of Lumber To Be Cut Simultaneously  
 Average Production: one man; per day 1500 to 6000 board feet  
 Cutting Cycle: 16 foot length—30 to 90 seconds.  
 Carriage Weight: 230 pounds (104.5KG)  
 Engine Weight: 195 pounds (90KG)  
 \*Engine: Volkswagen, 53 HP, air cooled, 4 cylinder, 4 cycle; governor, throttle, choke, oil temperature and pressure gauges, fuel pump, fuel filter, magneto.  
 Engine Fuel: regular gasoline  
 Track Weight: head section—118 pounds (54KG); B section—112 pounds (51KG)  
 Track Length: 20 feet (6.09M); two 10-foot sections (3.05M) for 16 foot logs (4.37M)  
 Total Weight of Model 12 with 20 feet (6.09M) is 685 pounds (311 KG)

\*The Volkswagen engine has been specially modified & assembled by us for use on the Mobile Dimension Saw.  
 †Engines with 58 H.P. & 75 H.P., electric starts with either a distributor or magneto are also available.

## Model 127 and 128 Specifications:

The Models 127 and 128 are combination models of the Model 12 and a single edger mill. They cut a maximum size of 4 1/4" (107.95MM) x 12 1/4" (311.15MM) with the double edger, and cut lumber on every pass through the log. The mills can be changed quickly to a single edger mill by changing the 11 1/2" (292.1MM) bottom edger saw to the larger bottom edger saw. An extra pass across the top of the log to obtain a flat surface is necessary because the top edger saw cannot be used in conjunction with the larger bottom edger saw.

Model 127: 17 1/2" (444.5MM) diameter bottom edger saw, 5/16" kerf (7.94MM), will cut a maximum of 7 1/4" (184MM) x 12 1/4" (311.15MM). The single edger saw extends the maximum size 3" (76.2MM) more than the 4 1/4" (107.95MM) of the double edger.

Model 128: 19 1/2" (495MM) diameter bottom edger saw, 5/16" kerf (7.94MM), will cut a maximum of 8 1/4" (210MM) x 12 1/4" (311.15MM). The single edger saw extends the maximum size 4" (101.6MM) more than the 4 1/4" (107.95MM) of the double edger.

Maximum Cut: 4 1/4" (107.95MM) x 12 1/4" (311.15MM) — double edger; 7 1/4" (184MM) x 12 1/4" (311.15MM) single edger Model 127; 8 1/4" (210MM) x 12 1/4" (311.15MM) single edger Model 128.

Average Production: one man; per day, 1500-7000 board feet.  
 Average Production and Cutting Capacity is increased over the Model 12 only if Larger Sizes are Sawn.

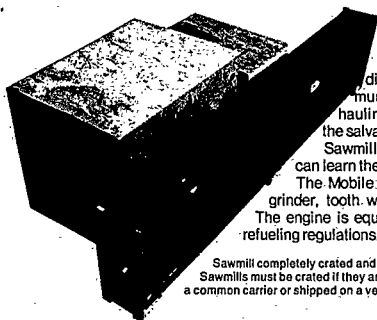
Carriage Weight: 245 pounds (111KG)  
 Other specifications are the same as the Model 12.  
 Total Weight of Model 127 or Model 128 with 20 feet of track is 695 pounds (316KG).



Sawmill broken down into its basic components; plus additional four foot track section.



The gasoline engine can also be used to power other equipment such as planers, table saws, pumps and electric power generators. The engine is easily removed and reinstalled on the sawmill.



The Mobile Dimension Saw can be used to harvest timber in areas without roads, mountainous terrain or dense jungle. Because of its mobility the saw can economically be moved to saw a few trees. Tree farmers and woodlot owners can salvage over-ripe, diseased, broken or isolated trees and thinning operations can be carried out with a minimum of damage to growing timber. Salvage logging is made profitable because expensive hauling of defective or cull material is eliminated. These logs are sawed in the woods and only the salvage lumber hauled out.

Sawmill experience is not necessary to be able to operate the Mobile Dimension Saw. Beginners can learn the operation and simple maintenance in a few days.

The Mobile Dimension Saw comes as a complete sawmill ready to saw with trailer, trailer hitch, tooth grinder, tooth wrench, lag bolts, ratchet wrench, saw wrench, jack and lumber rollers for handling lumber. The engine is equipped with U.S. Forest Service approved spark arrestors, and the gas tank is detachable for refueling regulations.

Sawmill completely crated and ready for shipment.  
 Sawmills must be crated if they are to be trucked by a common carrier or shipped on a vessel overseas.

## Testimonials

We acquired the Mobile Dimension Saw to cut the lumber to build our home. Because of its versatility, mobility, and "one-man" ease of operation on small or large logs the demand in our locality was such that we are operating it as a business.

Ron Manzer, British Columbia, Canada

The Mobile Dimension Saw is ideal for custom work as it is easy to move, cuts precise lumber and is economical to use. One customer said the lumber was so straight and accurate that it didn't need planing. He used the lumber as was to build himself a house. We are very satisfied with the sawmill.

John Peterson, Hines, Minnesota

The Mobile Dimension Saw is engineered to perfection. The operator can make mistakes in judgment or oversight without damage to the saw... the finest and safest and most efficient portable saw we have seen.

Les and Steve Liebenberg, Ben Lomond, Calif.

The Mobile Dimension Saw has been the foundation of a profitable one-man custom sawing business. Accurate dimension lumber and the ability to saw any size log make the Mobile Dimension Saw a money maker for me.

Jake Mehlich, Oak Harbor, Wash.

All of our five Mobile Dimension Sawmills have proven to be extremely dependable and economical in operation over the last two years. The Sawmills are ideally made for the conditions in Africa. The rough terrain and extreme heat poses no problem for the efficient and versatile Mobile Dimension Sawmill.

George A. Ziegler, Director of Forestry, Ghana Forest Dept., Accra, Ghana

## Mobile Dimension Saw

Designed, manufactured and distributed by

**MOBILE MANUFACTURING COMPANY**

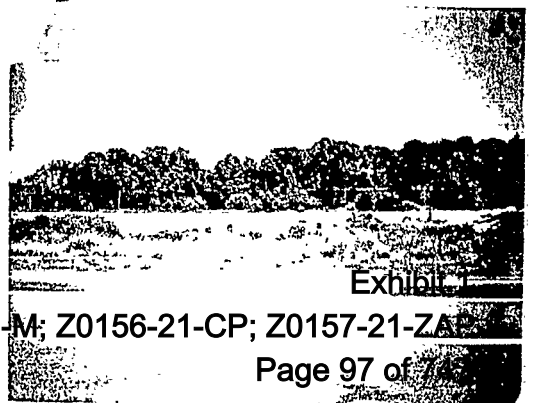
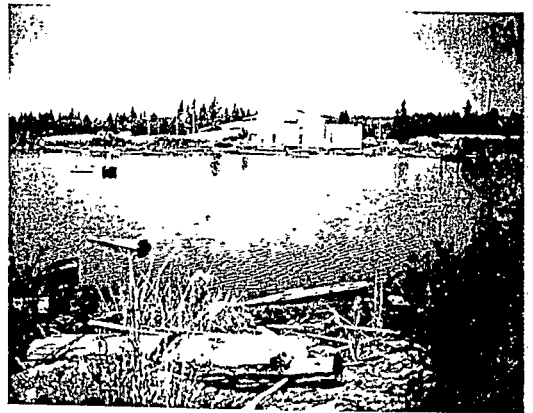
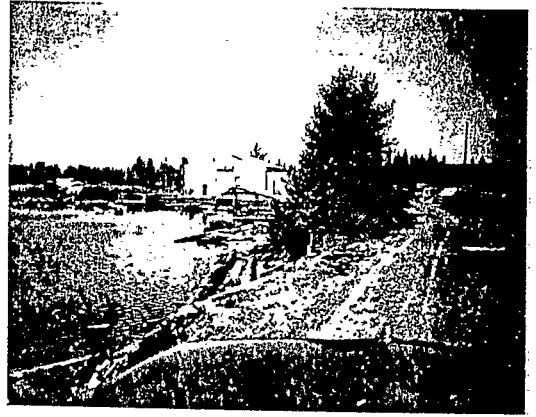
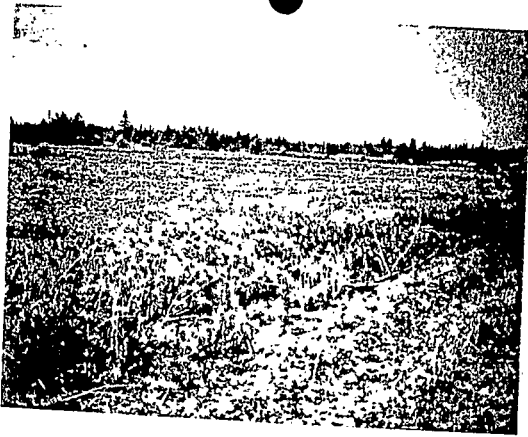
P.O. Box 258  
 Troutdale, OR 97060  
 (503) 666-5593

15 miles east of Portland

Exhibit 1

20155-21-CP; 20156-21-CP; 20157-21-ZAP

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LOOKING N W ACROSS SITE  
FROM SE CORNER.

POLACOLOR 2 C21:501

POLACOLOR 2 C21:501

LOOKING SW ACROSS SITE  
TOWARD HWY 211

POLACOLOR 2 C21:501

POLACOLOR 2 C21:501

LOOKING N.E ACROSS HWY 211  
AT SITE

POLACOLOR 2 C21:501

POLACOLOR 2 C21:501

LOOKING N AT OLD KENER  
MILL.

LOOKING WEST FROM  
NE CORNER - PROPERTY  
LINE GOES THROUGH POND

POLACOLOR 2 C21:501

POLACOLOR 2 C21:501

LOOKING EAST ACROSS HWY 211  
AT SITE.

Exhibit 1

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PUBLISHERS PAPER CO.  
PROPOSED CHIP MANUFACTURING  
FACILITY

SEC. 5 T3S R4E TAX LOT 4100 12.00 ACRES  
JULY 16, 1982 ESKRIDGE

SCALE: 1 in. = 100 ft.

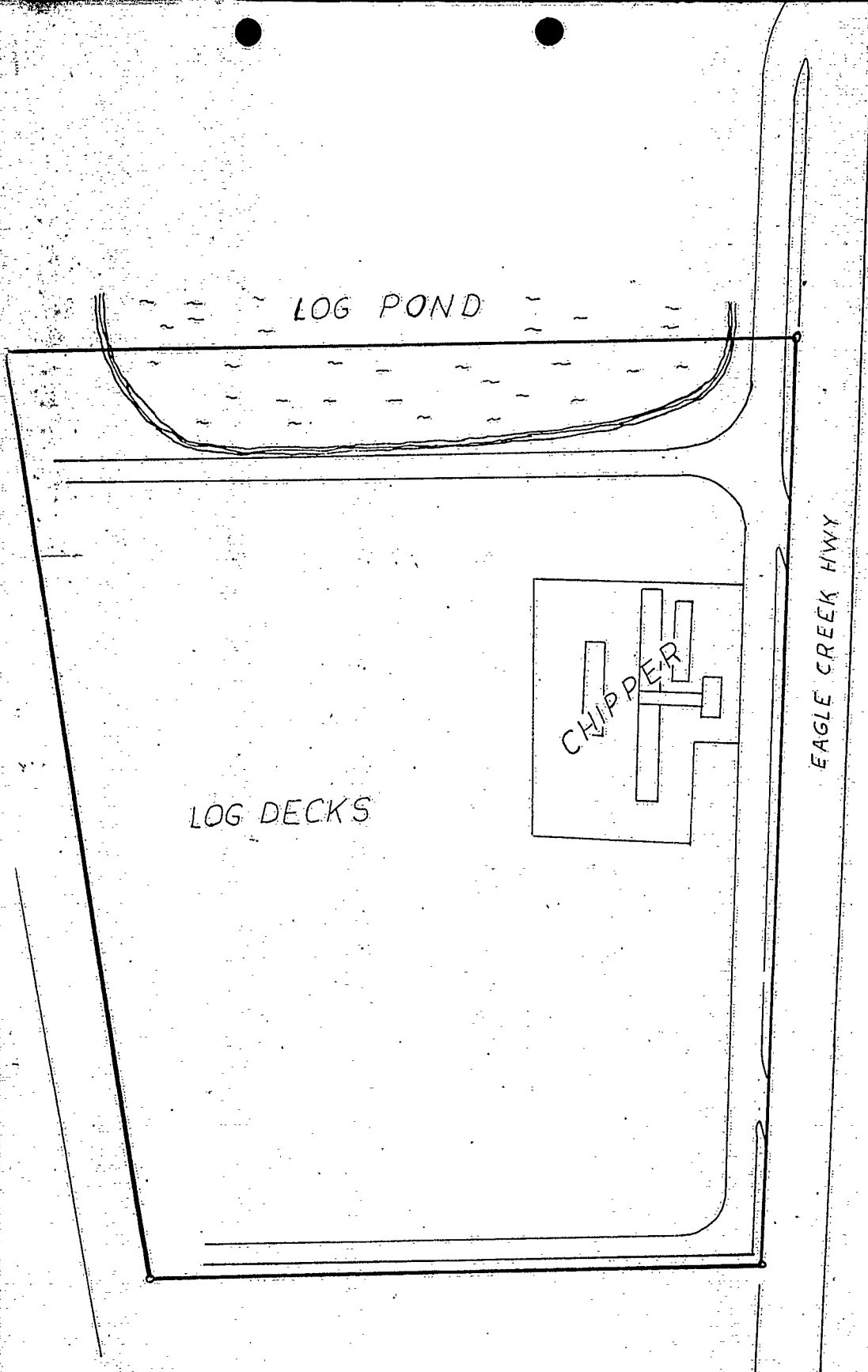


Exhibit 1

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309 RURAL RESIDENTIAL FARM/FOREST 5 ACRES (RREF-5)

309.01 PURPOSE

- A. To provide areas for rural living where this type of development is compatible with the continuation of farm and forest uses.
- B. To conserve the natural scenic beauty of the County.
- C. To protect the watersheds of existing or potential major sources of municipal or domestic water supply from encroachment by uses that would affect the quantity or quality of water produced, protect wildlife habitats, and other such uses associated with the forest.
- D. To avoid the potential hazards of damage from fire, pollution, and conflict caused by urbanization.

309.02 AREA OF APPLICATION

The RREF-5 zone is applied to those areas designated as Rural on the Clackamas County Comprehensive Plan map, and which have a general parcel size of five (5) acres; are affected by development; contain no serious natural hazards and the topography and soils are suitable for development, and are easily accessible to a Rural Center or incorporated city.

309.03 PRIMARY USES

- A. A single-family dwelling. A dwelling which is a mobile home shall be subject to provisions of Section 824.
- B. Current employment of land for general farm uses including:
  - 1. Raising, harvesting and selling of crops.
  - 2. Feeding, breeding, selling and management of livestock, poultry, fur-bearing animals or honeybees.
  - 3. Selling of products of livestock, poultry, fur-bearing animals or honeybees.
  - 4. Dairying and the selling of dairy products.
  - 5. Preparation and storage of the products raised on such lands for man's use and animal use.
  - 6. Distribution by marketing or otherwise of products raised on such lands.
  - 7. Any other agricultural use, horticultural use, animal husbandry or any combination thereof.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

- C. The propagation or harvesting of a forest product.
- D. Public and private conservation areas and structures for the conservation of water, soil, forest, or wildlife habitat resources.
- E. Fish and wildlife management programs.
- F. Public and private parks, campgrounds, playgrounds, recreational grounds, hiking and horse trails, pack stations, corrals, stables and similar casual uses provided that such uses are not intended for the purpose of obtaining a commercial profit.

309.04 ACCESSORY USES

- A. Home occupations, subject to the provisions of Section 822. (adopted 2/4/81).
- B. Accessory buildings and uses customarily incidental to any of the primary uses permitted in subsection 309.03.
- C. Roadside stands when located on the same property as the principal use, permitted when selling only those agricultural products that are produced in the surrounding community in which the stand is located.
- D. Signs, as provided under Section 1010. (8-6-81)

309.05 CONDITIONAL USES

- A. The following conditional uses may be allowed in an RRFF-5 district, subject to review by the Hearings Officer, pursuant to Section 1300. Approval shall not be granted unless the proposal satisfies the criteria under Section 1203, the applicable provisions of Section 800, and all other requirements of this Ordinance.
  - 1. Churches, subject to the provisions of Section 804.
  - 2. Public and private schools, subject to the provisions of Sections 805 and 806.
  - 3. Cemeteries, subject to the provisions of Section 808.
  - 4. Golf courses, subject to the provisions of Section 813.
  - 5. Aircraft land uses, subject to the provisions of Section 816.
  - 6. Sanitary landfills, debris fills, and transfer stations, subject to the provisions of Section 819.

Exhibit 1

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309-2



7. Commercial recreational uses exceeding the limits of subsection 309.03F above, subject to the provisions of Section 813.
8. Operations conducted for the exploration, mining and processing of geothermal resources, aggregate and other mineral resources or other subsurface resources, subject to the provisions of Section 818.
9. Commercial or processing activities that are in conjunction with timber and farm uses.
10. Service recreational uses, subject to provisions of Section 813.
11. Day care centers, subject to the provisions of Section 807.
12. Dog kennels, provided that the use and that portion of the premises used is located not less than two hundred (200) feet from all property lines.
13. Residential care facilities, subject to provisions of Section 812.
14. Boarding houses.
15. A building or use listed under subsection 309.04 which is consistent with the purposes under subsection 309.01, but which exceeds the status of an accessory building or use, or home occupation, as defined in this Ordinance.

#### 309.06 PROHIBITED USES

- A. Structures and uses of land not specifically mentioned in Section 309 are prohibited in all RREF-5 districts.
- B. Outdoor advertising displays, advertising signs or advertising structures, except as provided in Section 1010.
- C. Any proposed division of land included within the Rural Farm/Forest 5 acre zone located within an urban growth boundary of a city resulting in the creation of one or more parcels of land of less than five (5) acres in size, with the exception of Conditional Uses approved by the Hearings Officer. (6-22-81)
- D. Residential subdivisions in Future Urbanizable areas.

#### 309.07 DIMENSIONAL STANDARDS

- A. Purpose. The provisions of this subsection are intended to:  
(6-22-81)

Exhibit 1

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1203. CONDITIONAL USE.

1203.01 The Hearings Officer may allow a conditional use, after a hearing conducted pursuant to Section 1300, provided that the applicant provides evidence substantiating that all the requirements of this Ordinance relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

- A. The use is listed as a conditional use in the underlying district.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.
- C. The site and proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.
- D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.
- E. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use.

905/2

Exhibit 1

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EX 2

## RURAL

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

### GOALS

- . To provide rural housing choices as an alternative life style to urban living.
- . 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 not or hardly any public services available.

2.0 Additional areas which are shown to be necessary based on documented public need. Such documentation 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.

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.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

12. Most of the County's commercial areas are in "strips" along McLoughlin Boulevard, 82nd Avenue, and other major arterials or in the downtowns of cities. A few shopping centers are located on major arterials. Downtowns of cities in the northwest urban area tend to be small, providing a limited range of goods and services.
13. Clackamas Town Center, a regional shopping center, may have a major impact on the commercial areas of the northwest urban portion of the County.
14. Access to most industrial and commercial areas of the County is currently limited to the private automobile.
15. Nationwide, small firms provide a significant amount of new employment opportunities. New technology development also frequently occurs in small, new firms. However, these firms are the least able to pay premium prices for industrial or commercial property.
16. Traditionally, Clackamas County has taken a passive role in economic development and related activities, leaving the burden for coordination and action on the private sector; however, many factors, including population growth, changes in economic activity, the impacts of recession, increases in public regulations, and decreases in funding available to extend services to newly developed areas, have made public involvement necessary.

#### GOAL

- Establish a broad-based, stable and growing economy to provide employment opportunities to meet the needs of the County's residents.

#### POLICIES

##### Existing Industry and Business

- 1.0 Encourage retention and expansion of existing industry and business.
  - 1.1 Protect established industrial and commercial areas from encroachment by incompatible land uses.
  - 1.2 Encourage maintenance of sufficient vacant lands to provide room for the future expansion or relocation of the County's industry and business.
  - 1.3 Facilitate the efficient operation of existing firms in the urban area by giving high priority to provide quality public services including law enforcement, water service and fire protection, storm drainage, sewer, transit, pedestrian and bike access, road maintenance, and traffic access and circulation.

Exhibit 1

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- 1.4 Develop and implement strategies to revitalize and/or maintain established commercial areas considering such things as parking needs; pedestrian/auto conflicts; traffic circulation; historic character; compatibility of activities; potential for new development; compatibility of new development; transit service, pedestrian and bike access, and merchant participation.
- 1.5 Encourage natural-resource oriented industries by:
  - a. Encouraging timberland owners to use sound timber management practices and promote a sustained harvest.
  - b. Identifying and recruiting firms doing secondary wood processing using wood products now underutilized or considered waste, i.e., hardwoods, slash materials, etc.
  - c. Encouraging food processing industries and other support services for agriculture in the rural areas.
- 1.6 Consider impacts on established commercial areas prior to approving plan changes for major new commercial areas. High priority should be given to retaining the viability of affected downtowns.

#### New Industry and Business

- 2.0 Encourage new industrial and commercial development which is consistent with environmental quality and community livability, and the needs of County residents.
- 2.1 Provide sufficient industrial land of three general types:
  - a. General industrial designations for intensive industrial uses, with sites for a broad range of industry and warehousing.
  - b. Light Industrial designations for a narrower range of industry and warehousing while allowing office uses outright, and providing stronger noise and aesthetic controls within the development.
  - c. Campus Industrial designations to provide for a mix of clean, light manufacturing, offices, and high density residential uses in campus-style complexes, where design shall be compatible with adjacent areas. New developments in Activity Centers shall be consistent with a design plan to assure an integrated development of the area. (See Land Use Chapter, Campus Industrial policies and Activity Center Policy 5.0.)

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP





# PLYWOOD EQUIPMENT SALES, INC.

VENEER, PLYWOOD AND BOARD PLANT MACHINERY

September 9, 1982

Publishers Paper Co.  
4000 S.W. Kruse Way  
Lake Oswego, OR 97034

Attention: Les Wilkens

Dear Mr. Wilkens:

We have been informed by your assistant Welda, that Clackamas County requires you to have a letter from us giving Publishers Paper Co. authorization to apply for a conditional use permit and minor partition on our Eagle Creek property.

This letter gives Publishers Paper Co. authorization to apply for a conditional use permit and minor partition on Plywood Equipment Sales, Inc. 30.06 acre property in the Eagle Creek area of Clackamas County.

Best regards,

PLYWOOD EQUIPMENT SALES, INC.

*Don Rigby, Jr.*  
Don Rigby, Jr.

DR:mr

cc: F. Brock Miller

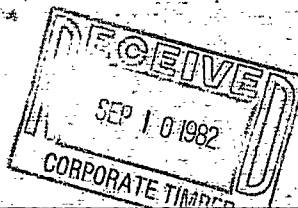


Exhibit 1

NOTICE OF APPLICATION

MICHELLE

TO: MIKE CHRISTENSEN

DATE: 9/3/82

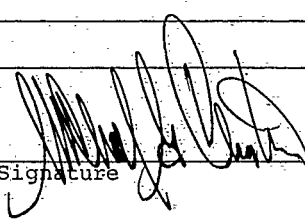
FROM: Clackamas County Planning Division  
902 Abernethy Road  
Oregon City, OR 97045  
(655-8521)

FILE NUMBER & NAME: 169-82-C PUBLISHERS PAPER

The Planning Division would like your comments on the attached application. Please indicate any information which would assist the county in acting on this application. Comments received by SEPT 22, 1982 will be included with the Planning Division report. PLEASE RETURN THIS FORM ONLY. If no form is received we will assume no objection. If more information is needed, please call the Planning Division.

Recommendation: NO OBJECTION - SIGHT DISTANCE & ACCESS

LOCATION TO BE DETERMINED THRU ENCROACHMENT PERMIT

Signature 

TRAFFIC OPERATIONS ENGINEER  
Position

Please return to address above

Exhibit 1

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NOTICE OF APPLICATION

10/13  
ENMBA

TO: STATE HIGHWAY DIVISION DATE: 9/2/82

FROM: Clackamas County Planning Division  
902 Abernethy Road  
Oregon City, OR 97045  
(655-8521)

FILE NUMBER & NAME: 169-82-C PUBLISHERS PAPER

The Planning Division would like your comments on the attached application. Please indicate any information which would assist the county in acting on this application. Comments received by SEPT 22, 1982 will be included with the Planning Division report. PLEASE RETURN THIS FORM ONLY. If no form is received we will assume no objection. If more information is needed, please call the Planning Division.

Recommendation: NO DIRECT ACCESS TO HWY 211

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David A. Smith  
Signature

ASSIST. DIST. MAINT. SUPER.  
Position

INTEROFFICE MEMO

TO: ✓ B. Lesh  
R. Schmall  
D. Sitko

FROM: *rel*  
Bob Gilbert  
DATE: September 21, 1982  
SUBJECT: Proposed Eagle Creek  
Sorting & Chipping Yard

On September 16, 1982 a noise survey was conducted on property proposed to be purchased by Publishers Paper Co., Valley Division near Eagle Creek in Clackamas County.

The property lies between Hwy. 224 and the old Estacada highway. Folsom Road is just south of the property. The attached maps shows the property and the five (5) noise measurement sites.

The survey revealed that traffic generated the noise with both roads being well traveled. The survey was conducted from approximately 2:00 p.m. to 4:00 p.m. on September 16, 1982. The day was sunny, hot, with a slight breeze but on occasion very still. The conditions were excellent for taking noise readings.

The results are attached and are summarized as follows:

Statistical Noise Measurements, dBA

<u>Location</u>	<u>L 1</u>	<u>L 10</u>	<u>L 50</u>
Site #1	64.4	58.3	50.4
Site #2	69.5	63.7	56.5
Site #3	69.5	64.7	56.6
Site #4	62.0	58.0	52.5
Site #5	66.0	59.8	51.8

BG:jt

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723000 N

T. 2 S.

T. 3 S.

5021

5020

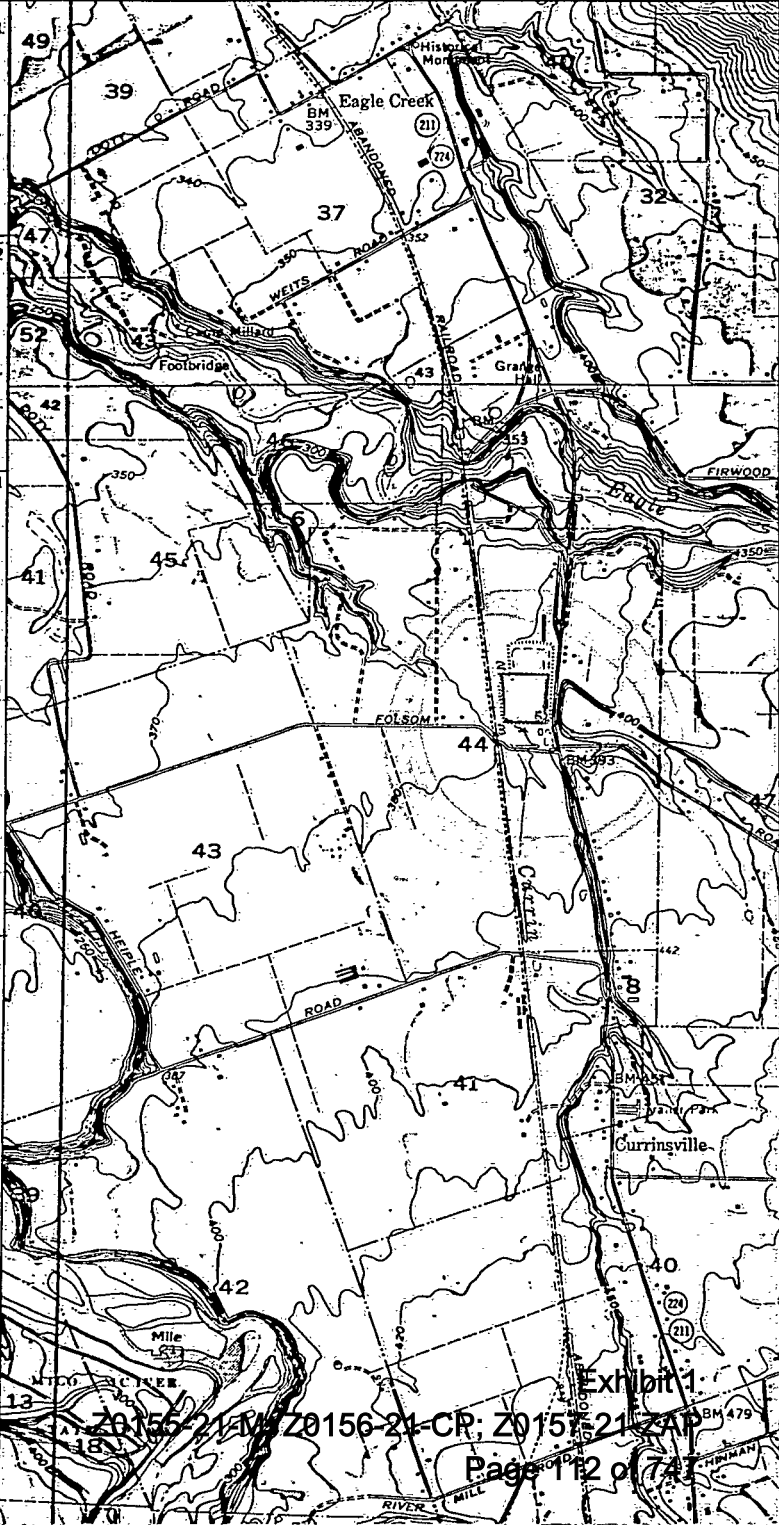
207

5019

5018

137A IV SW  
(REDLAND)

5017



20155-21-M, 20156-21-CP, 20157-21-ZAP, BM 479



PORTABLE LOG CHIPPER  
TO BE USED AT  
OLD MILWAUKEE PLY  
SITE - EAGLE CREEK

8/25/82  
BRUCE HAMMER

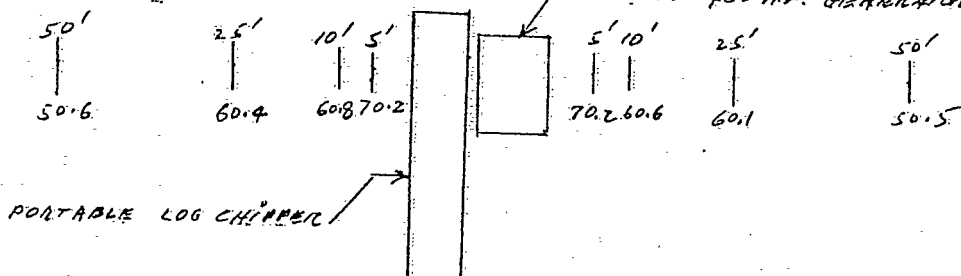
FEET DELIBELLS  
50' — 50.5

25' — 50.8

10' — 60.6

5' — 70.2

TWIN 450 H.P. GENERATOR



5' — 60.9

10' — 60.7

25' — 60.3

50' — 50.8

Exhibit 1

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THE NATIONAL AUDUBON SOCIETY  
Published by Paper Company named in 1972 as the first recipient of the 1968-1971  
Up (Audubon) Award for outstanding achievement in protecting the environment

4000 KRUSE WAY, PLACE, LAKE OSWEGO, OREGON 97034 PH: (503) 635-9711

NOTICE OF APPLICATION

MICHELLE 18

TO: WALT TSCHUDY DATE: 9/3/82

FROM: Clackamas County Planning Division  
902 Abernethy Road  
Oregon City, OR 97045  
(655-8521)

FILE NUMBER & NAME: 169-82-C PUBLISHERS PAPER

The Planning Division would like your comments on the attached application. Please indicate any information which would assist the county in acting on this application. Comments received by SEPT 22, 1982 will be included with the Planning Division report. PLEASE RETURN THIS FORM ONLY. If no form is received we will assume no objection. If more information is needed, please call the Planning Division.

Recommendation: \_\_\_\_\_

1. Entrance permit must be obtained for the proposed additional entrance.
2. Pave entrance from the edge of the existing pavement to right-of-way line.
3. Provide adequate storm drainage.
4. Keep the mud and debris off the County roadway.

Walt Tschudy  
Signature

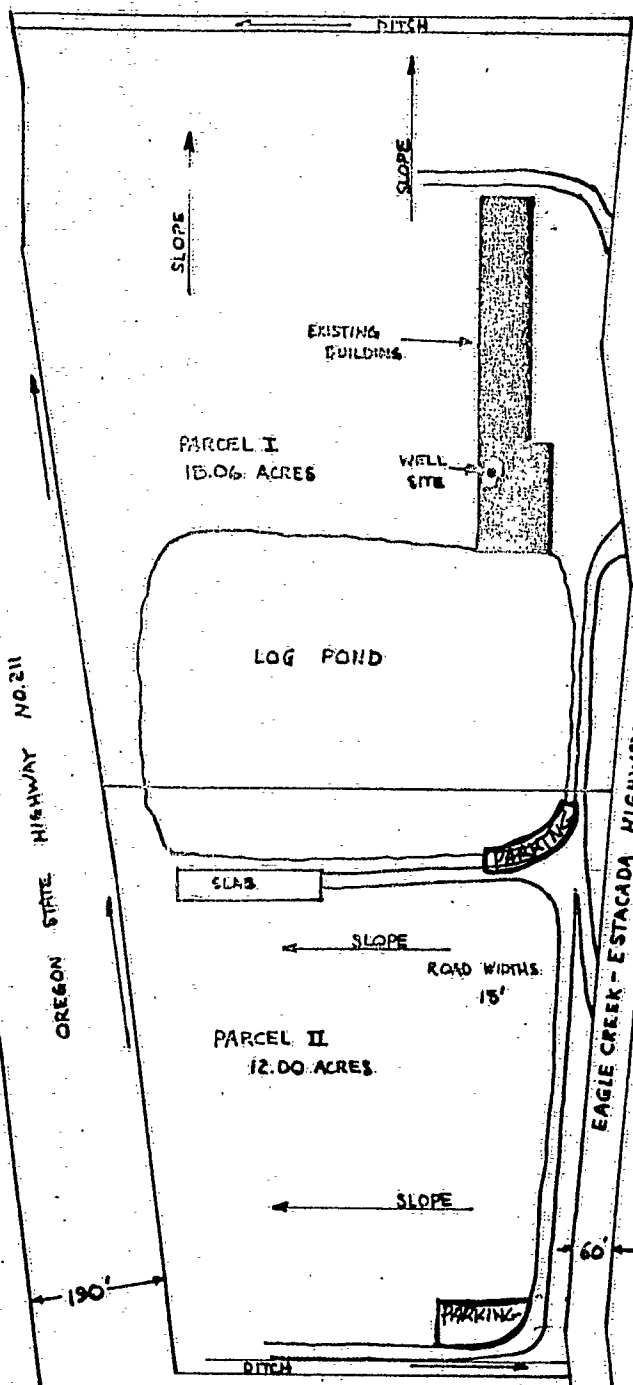
9/22/82  
Position

Please return to address above

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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ONSITE PARKING  
FOR 3 TO 5 VEHICLES  
REVISED 10/29/02 L.W.

SCALE: 1" = 200'  
BY J.R. ESKRIDGE

OWNER: PLYWOOD EQUIPMENT SALES, INC.  
P.O. BOX 742  
BENWERTON, OREGON 97075  
LEGAL: T8S R4E SEC 5  
TAX LOT 4100  
DATE: SEPTEMBER 20, 1982  
ZONING: RRFF-8  
ACREAGE: 30.06 ACRES  
SEWAGE: SEPTIC TANK  
WATER: PRIVATE WELL

REVISED PLOT PLAN  
PLANNING  
BUILDING  
ZONING  
1029-22  
Exhibit 1  
Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP  
Approval granted for Anderson  
Page 115 of 747  
Facility shall be screened from view  
from creek site



November 1, 1982

CERTIFIED MAIL P12 9729197  
RETURN RECEIPT REQUESTED

Mr. Greg Fritts  
Department of Environmental Services  
902 Abernethy Road  
Oregon City, Oregon 97045

RE: File No. 169-82-CM

Dear Mr. Fritts:

In accordance with provision #6 of your October 29, 1982 correspondence to Mr. Bill Lesh, I am forwarding four (4) copies of the registered survey for the subject parcel.

Very truly yours,

*Les Wilkins*  
Les Wilkins  
Administrative Forester

LW:mc  
Encl.



OREGON C.L.P. AWARD  
Publishers Paper Co. was named in 1972 as the first recipient of the Oregon C.L.P. Cleaning  
Up Pollution Award for outstanding achievement in protecting the environment.

4000 KRUSE WAY PLACE, LAKE OSWEGO, OREGON 97034 PH: (503) 635-9711

Exhibit 1  
Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

Page 116 of 747

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

In the matter of a Conditional Use  
Application of PUBLISHERS' PAPER CO.,  
4000 Kruse Way Place, Lake Oswego,  
OR 97034

ORDER NO. 82-2152

File No. 169-82-C

This matter coming regularly before the Board of County Commissioners, acting as Hearings Officer, and it appearing that Publishers' Paper Company, 4000 Kruse Way Place, Lake Oswego, Oregon 97034, made application for a Conditional Use on property described as T3S, R4E, Section 5, part of Tax Lot 4100, W.M., Clackamas County, State of Oregon, and generally located on the west side of Eagle Creek Road, approximately 400 feet north of Currin Road, Eagle Creek area; and

It further appearing to the Board that the Planning staff by its report dated October 7, 1982, recommended approval of the application; and

It further appearing that pursuant to provisions of the Clackamas County Zoning and Development Ordinance, the Board of County Commissioners ordered a hearing on the above matter be held on the 13th day of October, 1982, at the hour of 9:25 a.m., in the County Courthouse Annex, 906 Main Street, Oregon City, Oregon, to afford the general public an opportunity to be heard, and that a notice of said hearing was published in a newspaper of general circulation in the County more than ten (10) days prior to the date of said hearing; and

It further appearing that a hearing was held at the above-stated time and place, which testimony and evidence were presented and a decision made thereon.

Based upon the testimony received and no one having appeared in opposition, this Board finds that the application meets all relevant criteria set forth in the Clackamas County Zoning and Development Ordinance, and hereby adopts as its findings the staff findings set forth in the planning staff report dated October 7, 1982.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application be approved, subject to the conditions set forth in said staff recommendation.

DATED this 26 day of October, 1982 and entered NUNC PRO TUNC as of October 13, 1982.

  
Chairman Ralph Groener

  
Commissioner Robert Schumacher

BCC

Commissioner Stan Skoko

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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October 29, 1982

Bill Lesh  
Publishers Paper  
4000 Kruse Way Place  
Lake Oswego, Oregon 97034

RE: File No. 169-82-CM

Dear Mr. Lesh:

Pursuant to the Clackamas County Subdivision and Partitioning Ordinance, various County departments have reviewed your proposed minor partition located on T3S, R4E, Section 5, Tax Lot 4100, W.M.

The decision of the Planning Division on October 29, 1982 was to approve the partition subject to the following conditions:

1. This approval is based on your application map. There are two parcels under consideration.
2. All lots created by minor partition after May 19, 1978, which require on-site subsurface sewage disposal, must be shown to meet the minimum requirements of the State Department of Environmental Quality prior to the development of the lots. All such lots must be reviewed for soil suitability prior to development. A septic tank permit is required for all septic construction. Approval of partition application implies neither approval of subsurface sewage disposal system nor approval of building permit.
3. There must be strict compliance with RRFF-5 zoning regulations.
4. Each parcel in an approved minor partition cannot be redivided through partitioning until the next calendar year following the date of sale of the individual parcel.
5. Please be advised that when a parcel in the minor partition is sold or transferred, it must conform to the map approved by the Planning Division.
6. Within 180 days of October 29, 1982, four copies of a final survey of the approved map shall be submitted to the Department of Environmental Services for review. Failure to submit the final survey will void this partition approval.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

Page 118 of 747



Bill Lesh  
169-82-CM  
Page 2

A decision on a minor partition, or any condition of approval may be appealed to the Hearings Officer. A written appeal must be received in the Planning Division office by Nov 15. This appeal must be accompanied by a seventy-five (75) dollar appeal fee.

PRIOR TO ISSUANCE OF A BUILDING PERMIT, ALL IMPROVEMENTS REQUIRED BY THE CONDITIONS OF APPROVAL SHALL BE CONSTRUCTED OR CONSTRUCTION SHALL BE GUARANTEED AS PROVIDED IN SECTION 1104 OF THE ZONING AND DEVELOPMENT ORDINANCE. IF OWNERSHIP OF A PARCEL IS TRANSFERRED PRIOR TO SATISFACTION OF THE CONDITIONS OF APPROVAL, THE NEW OWNER SHALL BE NOTIFIED IN WRITING BY THE TRANSFEROR, OF THESE CONDITIONS.

EVIDENCE OF COMPLETION OF ALL CONDITIONS MUST ACCOMPANY ANY BUILDING PERMIT OR BE SUPPLIED BY THE DEVELOPER TO THIS OFFICE FOR INCLUSION IN THE MINOR PARTITION FILE. THE MINOR PARTITION NUMBER MUST BE PLACED ON THE BUILDING PERMIT APPLICATION.

BEFORE A BUILDING PERMIT CAN BE ISSUED, AN INSTRUMENT CREATING THE PARCEL MUST BE RECORDED. PLEASE INCLUDE THE MINOR PARTITION FILE NUMBER ON THE RECORDING INSTRUMENT. A COPY OF THE RECORDING INSTRUMENT CREATING THE PARCEL MUST ACCOMPANY THE BUILDING PERMIT APPLICATION.

NO BUILDING PERMITS WILL BE APPROVED IF ANY OF THE ABOVE IS LACKING. IT IS THE DEVELOPER/OWNER'S RESPONSIBILITY TO FULFILL ALL REQUIREMENTS.

ORS 92.305, Subsection 9 generally states that all land which is divided into four (4) or more lots or parcel, whether for immediate or future sale or lease, may be required to file with the Oregon State Real Estate Division, Subdivision Section.

Enclosed, please find a copy of the approved minor partition map. Should you have any questions, please contact this office.

Sincerely,

GREG FRITTS, Planner  
Planning Division

GF:clo  
Enclosure  
4/11-12

cc: Carl Kneae, DES

CONDITIONAL USE - PUBLISHERS' PAPER COMPANY

4000 Kruse Way Place

Lake Oswego, OR. 97034

169-82-C

Location: West side of Eagle Creek Road, approximately  
400 feet north of Currin Road - Eagle Creek area.

Proposal: To store logs and to use a portable chipper to  
make hog fuel.

Recommendation: Approval by Planning staff subject to  
6 conditions.

Commissioner Groener explained that this is RR-5. Eagle Creek-Barton  
Community Action Council recommended approval.

Bill Lesch, 4000 Kruse Way Place, Lake Oswego, stated that they are asking  
for permission to store logs and be able to use a portable chipper for half  
of the year on property which is a former veneer site. The area that they  
want to buy for plywood equipment sales is actually a filled in log pond.  
It's basically a flat site and they have done noise testing and feels there  
will be no problems for the area. It will provide jobs.

No one appeared in opposition.

MOTION: Commissioner Schumacher: I move approval  
adopting the staff's conditions, 1 through  
6.

Commissioner Groener: Second

Commissioner Schumacher: Aye.

Commissioner Groener: Aye.



EXHIBITS LIST

File No. and Name: 169-82-C

<u>Exhibit No.</u>	<u>Description</u>	<u>No. of Pages</u>
1.	<u>Zoning Ordinance considerations</u>	
2.	<u>Selected comments from the Comprehensive Plan</u>	
3.	<u>Display Map</u>	
4.	<u>Aerial Photograph</u>	
5.	<u>Preliminary Plat or Site Plan</u>	
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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NAME: Publishers Paper Co.  
FILE NO.: 169-82-C  
REPORT AUTHOR: Campbell Kintz  
HEARING DATE: October 13, 1982  
REPORT DATE: October 7, 1982

PLANNING DIVISION  
JOHN C. MCINTYRE    DOMINIC T. MANCINI  
Director            Planning Director

PLANNING STAFF REPORT/RECOMMENDATION

TO HEARINGS OFFICER

FACTS

GENERAL INFORMATION

Applicant: Publishers Paper Co. 4000 Kruse Way Place, Lake Oswego 97034

Owner(s): Plywood Equipment Sales, Inc.

Proposal: To store logs and to use a portable chipper to make hog fuel.

Location: West side of Eagle Creek Rd. approximately 400 feet north of Currin Road; Eagle Creek area.

Legal Description: T3S, R4E, Section 5, part of Tax Lot 4100, W.M.

Zone: RRFF-5, Rural Residential Farm Forest 5 acre minimum lot size.

SITE DESCRIPTION

The property is the site of a former veneer mill. There is a pond on the property. There is a large building on the other side of the pond from the site for the facility proposed by the applicant.

VICINITY DATA

Surrounding Conditions: There is a mix a residential and commercial uses in the area. The property is surrounded by southeast Eagle Creek Road on the east and State Hwy. 211 on the west.

Service Considerations: This use will not require any additional services.

RESPONSES REQUESTED

1. Estacada Fire District

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

902 ABERNETHY ROAD \*

OREGON CITY, OREGON 97045

(503) 655-8521  
Page 122 of 74



cc: HO 100 app 10/7/82

2. Eagle Creek - Barton Neighborhood Group
3. D.E.S., Traffic Operations Engineer
4. D.E.S., Operations Division
5. State Highway Division

EXHIBITS

1. Zoning Ordinance considerations
2. Selected comments from the Comprehensive Plan
3. Display map
4. Aerial photograph
5. Site plan
6. Photographs of site
7. Photographs of portable chipper
8. Noise study
9. Highway Division comments
10. Traffic Operations Engineer comments
11. Operations Division comments

FINDINGS

ZONING ORDINANCE CONSIDERATIONS

See Exhibit No. 1

PLAN CONSIDERATIONS

Comprehensive Plan Map Designation: Rural

Selected Comments from the Comprehensive Plan: See Exhibit No. 2

RESPONSES RECEIVED

1. Operations Division stated if approved, approval should be subject to the following conditions:
  - a. An entrance permit must be obtained for the proposed additional entrance.

- b. The entrance must be paved from the edge of the existing pavement to the right-of-way line.
  - c. The applicant must provide adequate storm drainage.
  - d. The applicant must keep the mud and debris off the county roadway.
2. Traffic Operations Engineer stated he had no objections to the request. Site distance and access location shall be determined through an encroachment permit.
  3. State Highway Division stated no direct access to Hwy. 211 shall be allowed.

#### CONCLUSIONS

- A. The applicant is seeking a conditional use permit for a portable chipper. This request is subject to Sections 309 and 1203 of the Clackamas County Zoning and Development Ordinance. The Planning Division staff finds:
  1. The proposed use is an allowed use in the zoning district. Subsection 309.05A(9) states commercial or processing activities that are in conjunction with timber and farm uses are allowed conditional uses in the RRRF-5 zoning district. The portable chipper will be used for processing activity that is in conjunction with a timber use.
  2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features. The site of the filled log pond which is part of the site of the former veneer mill. No substantial improvements are needed to make the site usable for the proposed use. The site is flat and has easy access to major roads. It is located in an area characterized by a mix of uses. The noise study submitted by the applicant shows that it is in an area where the noise generated by the use will be consistent with what is in the area now. The use will be consistent with the historic use on the site.
  3. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use. The only public facility that will be used by the site is the public roads. The roads are adequate to handle the proposed use.
  4. 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 listed in the underlying district. As previously stated, the noise generated by the proposed use will not be above the ambient noise level in the area. The amount of traffic generated by the use will not be substantial in comparison to the amount of traffic in the area already. The use is consistent with the mix of uses found in the area.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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5. The proposal satisfies the goals and policies of the Comprehensive Plan that apply to the proposed use. There are no specific plan policies that apply to the proposed use. There are some general plan policies that may be considered applicable. The Comprehensive Plan encourages the development of forest related industries, particularly those doing secondary wood processing. Approval of the request will not interfere with the character of the area in which the property is located.

RECOMMENDATION

The Planning Division staff recommends approval subject to the following conditions:

1. Approval of a minor partition to divide the property.
2. Compliance with the conditions of approval recommended by the Operations Division in comments to this file.
3. The chipper shall be located at least 50 feet from all property lines.
4. The applicant shall provide on-site parking subject to Design Review approval.
5. The facility shall be screened from view from off the property. The applicant will not need to provide any additional screening if vegetation on the property is adequate to screen the facility. If it is not, the applicant shall provide such screening as required by Design Review.
6. Approval is subject to the above stated conditions and failure to comply with them shall be cause for revocation of approval.

THE HEARINGS OFFICER IS AN INDEPENDENT DECISION MAKER. HE WILL MAKE A DECISION BASED ON THE INFORMATION PRESENTED AT THE PUBLIC HEARING. IF YOU CANNOT ATTEND THE HEARING, PLEASE NOTIFY THE PLANNING DIVISION AS SOON AS POSSIBLE. WE WILL ADVISE THE HEARINGS OFFICER AND A POSTPONEMENT OF YOUR APPLICATION MAY BE CONSIDERED. IF YOU DO NOT ATTEND THE HEARING AND THE HEARINGS OFFICER HAS NOT BEEN ADVISED OF YOUR ABSENCE, THE APPLICATION MAY BE HEARD IN YOUR ABSENCE.

CK:elk  
4/10-13

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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September 14, 1982

Enterprise-Courier  
P.O. Box 471  
Oregon City OR 97045

RE: Hearings Officer Agendas, October 11, and 13, 1982

Dear Sir or Madam:

Enclosed are copies of the Clackamas County Hearings Officer agendas for October 11, and 13, 1982. Please publish all items contained in said agendas on or before September 29, 1982.

Please return two (2) copies of the Affidavit of Publication together with your statement. When submitting your statement, please refer to Purchase Order No. 9008902. Thank you.

Sincerely,

ERMA BAER, Secretary  
Planning Division

EB:elk  
2/19  
Enclosure

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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NEWS RELEASE

DATE: September 15, 1982  
FROM: Department of Environmental Services  
Planning Division  
CONTACT: Michelle Gluck  
Phone Number: 655-8521  
RE: 169-82-C

FOR IMMEDIATE RELEASE

A Conditional Use application will be considered by the Clackamas County Hearings Officer at 9:25 a.m., October 13, 1982, at the Clackamas County Courthouse Annex.

The proposal and the location of the above application are as follows:

PROPOSAL: To store logs and to use a portable chipper to make hog fuel.

LOCATION: West side of Eagle Creek Rd. approximately 400 feet north of Currin Road; Eagle Creek area.

Citizens are invited to attend this hearing. The Hearings Officer will give careful consideration to testimony and to all written correspondence.

The application is available for inspection at the Department of Environmental Services, Planning Division, 902 Abernethy Road, Oregon City, Oregon.

-30-

MG:elk

3/13

*Grasham Outlook*  
Exhibit 1  
Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP  
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# CLACKAMAS COUNTY PLANNING DIVISION

902 Abernathy Road Oregon City, OR 97045  
655-8521

- ☐ Zone Change  
☐ Non-Farm Use  
☐ Expansion of Non-Conforming Use  
☐ Greenway Conditional Use  
☐ Unzoned Area Development Permit  
☐ Extraordinary Exception  
☐ Other

- ☒ Conditional Use  
☐ Variance  
☐ Transitional Use  
☐ Temporary Permit  
☐ Flood Hazard Permit  
☐ \_\_\_\_\_  
☐ \_\_\_\_\_

#### FOR STAFF USE

Pre-application conf. date: \_\_\_\_\_  
File No.: 69-82-C Recpt. No. \_\_\_\_\_  
Date Received: 8-21 Fee: 325.00  
Hearing Date: 10-13-82  
Staff Member: A.J.  
Comp. Plan: \_\_\_\_\_  
Present Zone: RRFF-5  
CPO \_\_\_\_\_ Date Not.: \_\_\_\_\_

#### Request Summary:

Name of Applicant: Publishers Paper Co. Office Phone: 635-9711  
Mailing Address: 4000 Kruse Way Place, Lake Oswego Home Phone: \_\_\_\_\_  
Site Address: Between Hwy. 211 & Eagle Creek Road near Estacada  
Applicant is: ☐ Legal Owner ☐ Contract Buyer ☒ Option Holder ☐ Agent PO.  
Legal Description: Sec. 5, T. 35, R. 4E, Tax Lot 4100; Total Land Area: 12 acres  
List other contiguous property under your ownership: None  
List pending County permits: (e.g. building permits, septic tank permits, zoning permits, etc.) None

1. Proposed use(s), sequence of construction, anticipated timetable for project, and specific reason for the request:

See attached

2. Present use of this property: Vacant  
3. Method of sewage disposal: Portable toilet water supply: None  
4. Has County Soils Department approved this request? ☐ Yes ☐ No ☒ Not consulted  
5. Total employees and/or occupants: Present: 0 Proposed: 8

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

#### OTHER PERSONS WHO WISH NOTIFICATION:

Name \_\_\_\_\_

Address \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Publishers Paper Co.

[Signature]

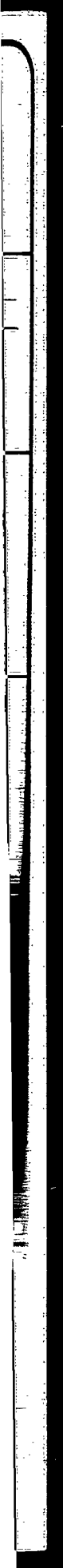
Applicant's Signature, Director of Public Relations & Governmental Affairs

Date August 24, 1982

Exhibit 1

Z0155-21-M, Z0156-21-CP, Z0157-21-ZAP

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# MINOR PARTITION APPLICATION

## 1. INSTRUCTIONS:

Write name, address and telephone number of applicant, and indicate interest in property, i.e., owner, contract buyer, option holder, agent, etc. Fee is 150.00 dollars per application.

## 2. Maps:

Attach six (6) maps, with all required information listed. Application cannot be processed unless all required information is furnished.

## 3. Building permit application number, if any: \_\_\_\_\_

## 4. Variance application number, if any: \_\_\_\_\_

## 5. Non-Farm/Forest application number, if any: \_\_\_\_\_

TOWNSHIP 35 RANGE 4E SECTION 5 TAX LOT 4100

(I) (We) hereby submit this application for approval of a minor partition, as indicated on the attached map.

Publishers Paper Co., 4000 Kruse Way Place, Lake Oswego, Or 97034  
(Name, address and telephone number of applicant. Please print.)  
635-9711

(Name, address and telephone number of applicant. Please print.)

*William R. Best*  
(Signature of applicant)  
For Publishers Paper Co.  
Director of Public Relations &  
Government Affairs

(Date) September 28, 1982

## FOR OFFICE USE ONLY

Receipt No. \_\_\_\_\_ File No. \_\_\_\_\_

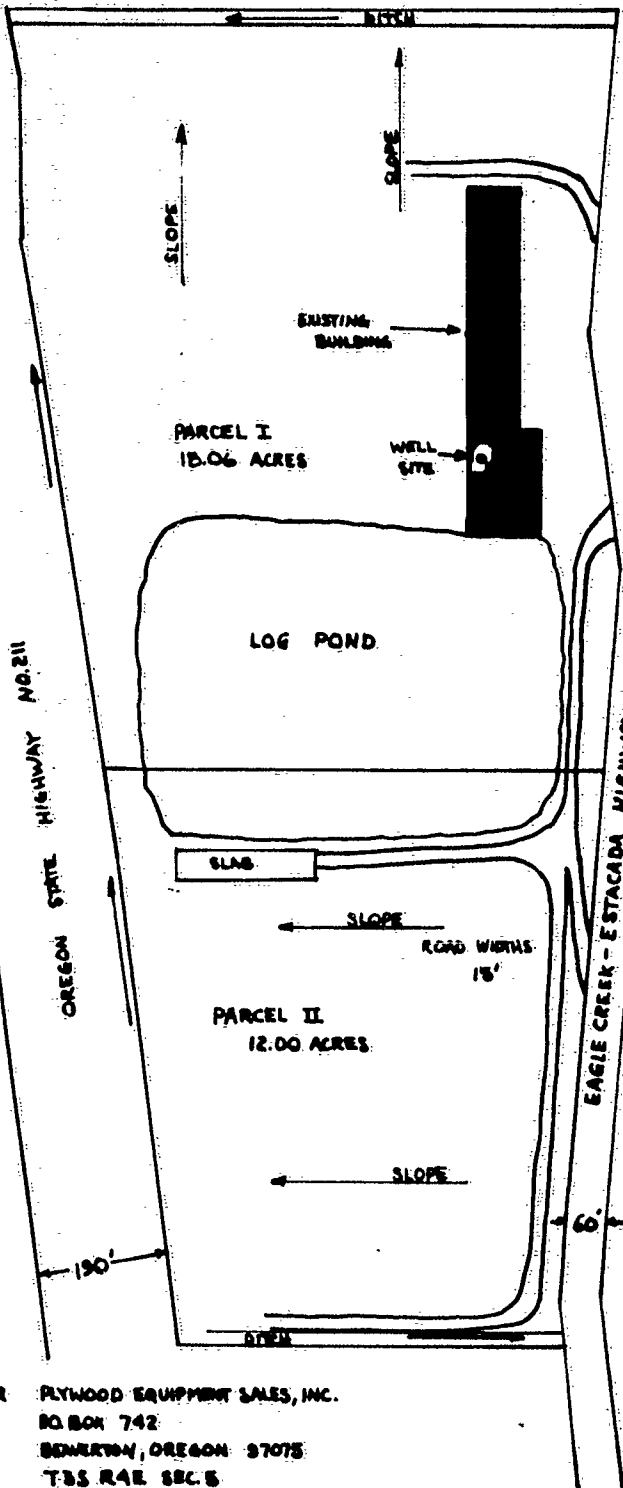
Date Rec'd \_\_\_\_\_ Final Action \_\_\_\_\_

Rec'd by \_\_\_\_\_

	PLANNING	PUBLIC WORKS	SOILS	SURVEYOR	TAX DEPT.	ASSESSOR	169-82-CM
APPROVED						MNR-PART	150.00
						TOTAL	150.00
						CHECK	150.00
DENIED						A.1886	1111.11
REMARKS ATTACHED							

Exhibit 1





OWNER: PLYWOOD EQUIPMENT SALES, INC.  
 BOX 742  
 SEWERTON, OREGON 97075  
 LEGAL: T3S R4E SEC. 5  
 TAX LOT 4100  
 DATE: SEPTEMBER 20, 1982  
 ZONING: RRFF-8  
 ACREAGE: 30.06 ACRES  
 SEWAGE: SEPTIC TANK  
 WATER: PRIVATE WELL

SCALE: 1" = 200'  
 BY J.R. ESKRIDGE

APPROVED  
 CLACKAMAS COUNTY PLANNING DEPT.  
 FILE NO: 169-82-M  
 DATE: 10-29-82 **Exhibit 1**

CONDITIONAL USE

CLACKAMAS COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES  
Planning Division  
902 Abernethy Road  
Oregon City, Oregon 97045  
Phone: 655-8521

The following information must be submitted with all applications for Conditional Use. Applications not containing this information are incomplete and cannot be accepted.

- ☐ A. Completed application form (attached)
- ☐ B. Application fee of \$325.00
- ☐ C. A vicinity map showing the relationship of the proposed use to the surrounding area
- ☐ D. Site plan of subject property, drawn to scale, showing the following information: (see attached example)
  - ☐ 1. Property dimensions
  - ☐ 2. Size of property (square feet or acres)
  - ☐ 3. Roads adjacent to property and road names
  - ☐ 4. Access to property from nearest public, county or state road
  - ☐ 5. Identification, location and distance from property lines of existing and proposed improvements
- ☐ E. Building profile, drawn to scale, of proposed structures
- ☐ F. Detailed written description of the proposed use and the specific reasons for requesting a conditional use. The description of the proposed use shall include:
  - ☐ 1. Number of people associated with the use such as employees, students, congregation or clients.
  - ☐ 2. Days and hours of operation
  - ☐ 3. Buildings, vehicles, equipment and materials associated with the use
- ☐ G. For specific submittal requirements see applicable portion section 800 (copy available upon request).
- ☐ H. A Conditional Use requires county approval. Approval will be granted only if all of the criteria listed in subsection 1203.01 of the Clackamas County Zoning and Development Ordinance are satisfied (copy subsection available upon request), and any criteria listed in the specific zoning district are satisfied. The following questions are intended to obtain the information needed to satisfy the criteria of subsection 1203.01. Please answer each question as thoroughly as possible.
  - ☐ 1. Where is the use listed as a conditional use in the underlying zoning district?

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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☐ 2. Why are the characteristics of the site suitable for the proposed use considering its size, shape, location, topography, and the existence of improvements and natural features?

☐ 3. Why is the proposed development timely, considering the adequacy of the transportation system, public facilities, and services existing or planned for the area affected by the proposed use?

☐ 4. Why will the proposed use not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding property for the primary uses listed in the underlying zoning district?

☐ 5. Why does the proposal satisfy the goals and policies of the Comprehensive Plan which apply to the proposed use? (copy applicable goals and policies available upon request)



August 24, 1982

To: Clackamas County Planning Division

From: Publishers Paper Co.

Re: Conditional Use Application

The site will be used for log storage and as a location for a portable chipper which will generate hog fuel for use in Publishers' paper mill. The only construction will be to put a rock base down in the log storage area and pour a concrete pad for the chipper. This work is scheduled to begin as soon as the proper permits are received and will take 45 - 60 days to complete.

In managing its forest lands in Clackamas County, Publishers Paper generates an amount of logs and other material not suitable for lumber production. A site has been needed to locate a portable chipper that also has room to store some of this material. This site meets those criteria. It is also located relatively close to Publishers' timberlands, near a major highway and close to Publishers' existing timber office where equipment to be used on the site can be stored when not needed.

Use of this site will enable Publishers to provide a more even flow of hog fuel to its Newberg, Oregon, paper mill. Logs will be placed on the site mainly during the spring and summer. The chipper will be located at the site during the fall and winter months.



OREGON CUP AWARD  
Publishers Paper Co. was named in 1972 as the first recipient of the Oregon CUP Award  
for Pollution Abatement for outstanding achievement in protecting the environment.

4000 KRUSE WAY, PLACE, LAKE OSWEGO, OREGON 97034 PH: (503) 635-9711

20155-21-M; 20156-21-CP; 20157-21-ZAP

Exhibit 1

Page 134 of 747

August 24, 1982

Memo to: Clackamas County Planning Division  
From: Publishers Paper Co.  
Regarding: Conditional Use Application Form Responses

Item F: The site will be used for log storage and for chipping this material into hog fuel. Publishers is in need of a location central to its timberland ownership to store material not suitable for lumber production. This waste material would come from various logging activities in Clackamas County mainly during spring and summer months.

A portable chipping unit would be moved to the site when there was sufficient material available. Generally, chipping would occur during the fall and winter months.

Approximately eight employees would be needed during operational times. This activity would support another 50 indirect jobs, such as woods workers and truck drivers.

The operation would run during daylight hours only. At peak operating times, 10 hours per day - six days per week would be the working schedule.

No buildings would be placed on the site. In addition to the portable chipper, a log loader, gantry shovel, and tractor would be in use on the site. Log trucks and hog fuel trucks would come to and from the site.

H.1.) Section 309.05 paragraph A, sub 9 is the conditional use listed for which Publishers is applying.

H.2.) The site is a filled log pond which is part of the site of a former veneer mill. The site is flat and has easy access to major roads. No major improvements are needed for this type of a use. It is, however, one of the few uses that would be applicable to this particular site.

H.3.) The development fits nicely into the existing transportation system. Access to the site from Eagle Creek Road is excellent and the short distance to Highway 211

**Exhibit 1**



OREGON CUP AWARD  
Publishers Paper Co. was named in 1972 as the first recipient of the Oregon CUP Cleaning  
Up Pollution Award for outstanding achievement in protecting the environment.

4000 KRUSE WAY PLACE, LAKE OSWEGO, OREGON 97034 PH: (503) 635-9711

**20155-21-M; 20156-21-CP; 20157-21-ZAP**

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keep trucks off of side roads. As mentioned in H.2.(above) - no services are needed for this type use, so it will have no impact on public facilities or services.

H.4.) The site is a former mill site that is still used for storage of materials. The use proposed will have limited operation and has sufficient separation from surrounding neighbors so as not to alter character of area. Log trucks routinely move through the area now; some to Publishers existing facility about a mile from the site.

H.5.) The Comprehensive Plan states under the Forests section goals: 1. Provide continued employment in the forest products industry; and 2. Create conditions which will maintain and further the growth of the wood products industry. Under policies, the Plan states: 2.0. Encourage forest related industries, specifically, firms doing secondary wood processing or those which use wood products now underutilized or considered waste - hardwoods, slash material, etc. Publishers believes this proposal satisfies these goals and policies. In addition, the Energy Sources and Conservation section of the plan addresses cooperating with state agencies on plans to encourage recovering energy from solid waste (Policy 1.0). It also refers to solid waste recycling programs (Policy 2.0), which while perhaps not a direct correlation, is exactly what Publishers is doing with this proposal - making waste wood fuel to burn in a boiler to keep from using oil or natural gas.

In the Rural section of the Land Use chapter, policy 6.0 states: "Areas with marginal or unsuitable soils for agriculture or forest uses shall be given a higher priority for conversion to rural development than areas with more suitable soil." This site is a filled log pond. The fill material is mainly rock and some wood waste. It is a site not suitable for many uses, considering its condition. Further, under Policy 13.2, this site and proposed use meets all criteria with emphasis on subparagraphs b, c, and d.

The chapter on Economics has several policies to encourage this type of development beginning with Policy 1.0 generally and Policy 1.5, paragraphs a and b, more specifically. Policy 1.5 (b) states "Identifying and recruiting firms doing secondary wood processing using wood products now underutilized or considered waste, i.e., hardwoods, slash materials, etc."

Publishers Paper Co. believes this proposal meets the requirements of the Comprehensive Plan and thereby **Exhibit 1**  
goals.

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP



108-03

RÖ

Exhibit 1

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Approximate  
Boundaries

108-03

**RRFF-5**

108-06

RC

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NOTICE OF PUBLIC HEARING

CLACKAMAS COUNTY HEARINGS OFFICER

HEARING DATE: October 13, 1982

TIME: This item will not begin before 9:25 a.m. However, it may begin later depending on the length of preceding items.

PLACE: Board of County Commissioners, Courthouse Annex  
906 Main Street, Oregon City, Oregon

TO: Property owners within 250 feet of application as listed on the county assessor's roll

SUBJECT: Conditional Use Application

FILE NAME & NO.: 169-82-C

Applicant: Publishers Paper Co. 4000 Kruse Way Place, Lake Oswego 97034

Owner of Property: Plywood Equipment Sales, Inc.

Proposal: To store logs and to use a portable chipper to make hog fuel.

Location: West side of Eagle Creek Rd. approximately 400 feet north of Currin Road; Eagle Creek area.

Site Address: N/A

Legal Description: T3S, R4E, Section 5, part of Tax Lot 4100, W.M.

Total Area Involved: Approximately 12 acres.

Zoning: RRFF-5, Rural Residential Farm Forest 5 acre minimum lot size.

CPO: Eagle Creek - Barton Community Action Council; Chairman P.O. Box 26, Eagle Creek 97022; 637-3854. This organization has been notified of the application. You are welcome to attend this organization's meeting.

Planning Division Staff Contact: Campbell Kintz or Gary Naylor

All interested citizens are invited to attend the hearing. An agenda will be provided at the hearing. The following procedural rules have been established to allow for an orderly hearing:

1. The length of time given to individuals speaking for or against an item will be determined by the Hearings Officer prior to the item being considered.
2. A spokesperson representing each side of an issue is encouraged.
3. Only specifically relevant testimony to the item being considered will be allowed.

The above application is available for inspection at the Clackamas County Planning Division, 902 Abernethy Road, Oregon City, Oregon 97045 (655-8521). Direct all calls and written correspondence to the Planning Division.

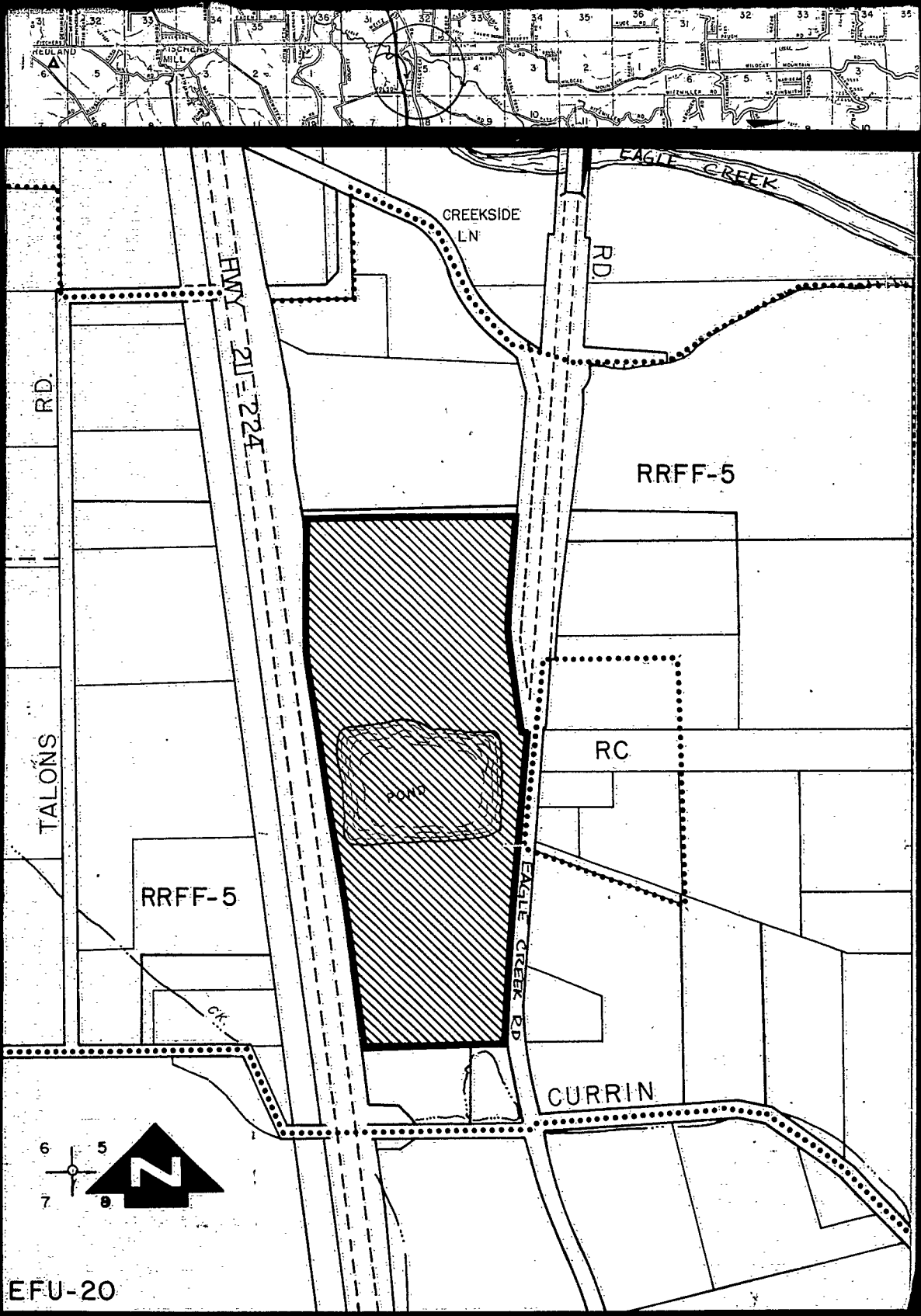
To receive written notification of the Hearings Officer's decision, provide the Planning Division with a stamped, self-addressed envelope indicating the application file number.

MG:elk  
3/5

Exhibit 1

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PUBLISHERS PAPER COMPANY

169-82-C

SECTION 5, T3S, R4E

SCALE: 1" = 400'

Exhibit 1

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## Hamburg, Glen

---

**From:** Hamburg, Glen  
**Sent:** Friday, February 7, 2020 7:41 AM  
**To:** 'Russ Brotnov'  
**Subject:** RE: Eagle Creek Property

Good morning Russ,

We of course have a pre-application conference scheduled for **1:00-2:30 on Thursday, February 20**, and will be able to address questions in greater detail then. In the meantime, here are some initial thoughts (in red below) on the two specific questions you asked last week.

---

1. Rural Industrial 4.MM.3.2 Under the abandoned mill provisions. Records show that mill was sold in 1978 to Plywood Equipment Sales company. In 1982 Conditional Use permit was granted for log storage, hog fuel processing, in 1987 a Minor Modification was granted for Log storage and portable sawmill operation. Does this meet requirements?

Firstly, note that the 1982 conditional use permit (File No. 169-82-C) and the 1987 modification to that permit (letter dated July 2, 1987) were for new (i.e., post-1980) mill-related operations on what is now a separate lot of record (Tax Lot 34E05-04102), not the property you are not looking to do a zone change for.

Comprehensive Plan Policy 4.MM.3.2 provides an opportunity to zone an “abandoned or diminished mill site”, as defined in the Zoning and Development Ordinance (ZDO), as Rural Industrial (RI). ZDO Section 202 defines “mill site, abandoned or diminished” as:

*A mill, plant, or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp, and paper, that:*

- 1. Is located outside of urban growth boundaries;*
- 2. Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and*
- 3. Contains or contained permanent buildings used in the production or manufacturing of wood products.*

The subject property is located outside of an urban growth boundary and does appear to contain (or at least to have once contained) a permanent building used in the production of wood products; so, two of the three above requirements for being classified as an “abandoned or diminished mill site” may be able to be met.

**However, Staff doesn't know when mill operations on the subject property closed, nor do we know the percentage of the capacity at which any currently-functioning mill has been operating since January 1, 2003.** These details are something that the applicant for the zone change under Policy 4.MM.3.2 will need to provide evidence for. Demonstrating ongoing but reduced capacity will require the applicant to explain what the total operating capacity of the mill was previously, as well as the operating levels currently and since January 1, 2003. To be clear, the “operations” we're referring to are the processing and manufacturing of wood products (i.e., not just unrelated storage): I'm not sure

whether the subject property has been used for any processing or manufacturing of wood products since 2003.

Importantly, only the portion of the property that was “improved for the processing or manufacturing of wood products” can be zoned RI under Policy 4.MM.3.2. A zone change under this policy may not allow you to rezone all of the subject property to RI unless you can show that all of the property was “improved for the processing or manufacturing of wood products”.

In addition to industrial uses, the RI District normally allows for certain commercial retail uses, accessory “caretaker” dwellings, and other uses, as listed in [ZDO Section 604](#). However, state law, specifically [ORS 197.719\(6\)\(b\)](#), prohibits a property that is rezoned to RI under this abandoned/diminished mill site provision from being used for “retail, commercial or residential development”, meaning that if you were to pursue a zone change to RI according to the abandoned/diminished mill site provision in Policy 4.MM.3.2, you wouldn’t be able to use the property for all of the uses normally allowed in the RI District. Perhaps you don’t intend to use the property for any of these types of uses yourself, but that restriction will “ride with the property”, no matter who owns it.

Rather than pursuing a zone change under the abandoned or diminished mill site provision in 4.MM.3.2, **it may be easier to show an “historical commitment to industrial uses”** under Policy 4.MM.3.1, particularly if you’re not able to demonstrate when mill operations on the subject property closed or what the current operating capacity of a mill there is compared to historic levels. The “historical commitment” pathway isn’t tied to any specific dates or operating levels. It just requires you to show that the area you want to rezone has an historical commitment to some industrial use (e.g., milling, wholesaling, associated storage). Going this route would also allow the property to be used for those retail, commercial, and residential uses normally allowed in the RI District by Section 604. We can discuss this further during the pre-application conference.

2. Historical photos show use of the property north of the drainage ditch used for industrial purposes in 1970 through 1976, does this allow for its inclusion in the industrial zoning?

We can’t make this determination before consideration of a formal application. However, if an application can sufficiently demonstrate that the area north of the drainage ditch has an “historical commitment to industrial uses”, it may qualify. The 1970s aerial photos we provided could help, but the applicant will need to explain what is in those photos and how long that area was used for certain industrial uses. The property’s current owner, the broker, neighbors, and/or the successful applicants of the RRFF-5 > RI zone change of the property to the south may be able to provide some useful information on that.

---

## Glen Hamburg

Senior Planner  
Clackamas County Planning & Zoning  
150 Beavercreek Rd  
Oregon City, OR 97045  
Tel: 503.742.4523  
General Schedule: Tuesday-Friday, 7am-5:30pm



Exhibit 1

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---

**From:** Fritzie, Martha

**Sent:** Thursday, January 30, 2020 9:00 AM

**To:** Dicke, Samuel <[SDicke@clackamas.us](mailto:SDicke@clackamas.us)>; Russ@carpentryplusinc.com; Hamburg, Glen <[GHamburg@clackamas.us](mailto:GHamburg@clackamas.us)>

**Subject:** RE: Eagle Creek Property

Hi Russ. Glen Hamburg is going to give you a call to discuss your questions. Although I will be involved, Glen will actually be taking the lead on your land use application so I want to be sure you are getting answers directly from him.

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:** Martha Fritzie [<mailto:mertnix@comcast.net>]

**Sent:** Wednesday, January 29, 2020 5:09 PM

**To:** Fritzie, Martha <[MFritzie@clackamas.us](mailto:MFritzie@clackamas.us)>

**Subject:** Fwd: Eagle Creek Property

Sent from my iPhone

Begin forwarded message:

**From:** "Dicke, Samuel" <[SDicke@clackamas.us](mailto:SDicke@clackamas.us)>

**Date:** January 29, 2020 at 1:46:39 PM PST

**To:** Martha Fritzie <[mertnix@comcast.net](mailto:mertnix@comcast.net)>

**Subject:** FW: Eagle Creek Property

Hey Martha,

Got this question from Russ with Carpentry Plus, he was wondering if these would essentially prove the case that the case that this was an abandoned log mill? He also was wondering if you would be available to speak about it for a few minutes!

Let me know your thoughts!

Thanks again,  
Sam

---

**From:** Russ Brotnov <[Russ@carpentryplusinc.com](mailto:Russ@carpentryplusinc.com)>  
**Sent:** Wednesday, January 29, 2020 1:43 PM  
**To:** Dicke, Samuel <[SDicke@clackamas.us](mailto:SDicke@clackamas.us)>  
**Subject:** Re: Eagle Creek Property

Thanks for the call Samuel.  
Here is a couple questions that would be a great help if we could get some clarity on.

1. Rural Industrial 4.MM.3.2 Under the abandoned mill provisions. Records show that mill was sold in 1978 to Plywood Equipment Sales company. In 1982 Conditional Use permit was granted for log storage, hog fuel processing, in 1987 a Minor Modification was granted for Log storage and portable sawmill operation. Does this meet requirements?
2. Historical photos show use of the property north of the drainage ditch used for industrial purposes in 1970 through 1976, does this allow for its inclusion in the industrial zoning?

Thank you,  
Russ Brotnov  
CEO//Carpentry Plus Inc  
503.708.3611

---

**From:** Dicke, Samuel <[SDicke@clackamas.us](mailto:SDicke@clackamas.us)>  
**Sent:** Wednesday, January 29, 2020 11:49:28 AM  
**To:** Russ Brotnov <[Russ@carpentryplusinc.com](mailto:Russ@carpentryplusinc.com)>  
**Subject:** RE: Eagle Creek Property

Hi Russ,

I just spoke with our planning director. Because the pre-application is sent to about 6 different agencies, they tend to take some time getting schedule. I was told it would be about 2 weeks until everyone has had a chance to review and submit comments back. It would be great to get you guys in next week, but given the current work load, and coordinating multiple peoples schedules, I would plan on mid-February before the meeting. In addition, I was told to submit all of those documents Glen and Martha provided in the pre-app and the presentation (attached here) to help speed the process along.

Thank you,  
Sam

---

**From:** Russ Brotnov <[Russ@carpentryplusinc.com](mailto:Russ@carpentryplusinc.com)>  
**Sent:** Wednesday, January 29, 2020 8:09 AM  
**To:** Dicke, Samuel <[SDicke@clackamas.us](mailto:SDicke@clackamas.us)>  
**Subject:** Re: Eagle Creek Property

Good morning Samuel,  
Monday or Tuesday would be best.

We are submitting our Pre-App today. I know it's a stretch, but can we do our Pre-app meeting next week? Friday is or deadline for a non-refundable deposit on the property. I appreciate your help!

Thank you,  
Russ Brotnov  
CEO//Carpentry Plus Inc.  
503.708.3611

---

**From:** Dicke, Samuel <[SDicke@clackamas.us](mailto:SDicke@clackamas.us)>  
**Sent:** Tuesday, January 28, 2020 1:55:18 PM  
**To:** Russ Brotnov <[Russ@carpentryplusinc.com](mailto:Russ@carpentryplusinc.com)>  
**Subject:** Re: Eagle Creek Property

Hi Russ,

Given the timeframe and getting MacKenzie on board, I think we will need a bit more time to get them set up. We are having a call with them tomorrow to finalize the scope of work, and then we will be able to move forward. How does next week for you work? We are happy to meet out in Sandy at your shop, and then move down to Eagle Creek to look at the site.

Thanks,  
Sam

Sent from my iPad

On Jan 24, 2020, at 10:22 AM, Russ Brotnov <[Russ@carpentryplusinc.com](mailto:Russ@carpentryplusinc.com)> wrote:

Good morning Samuel,  
Here is the form for grant.  
Please push this along.

Thank you,  
Russ Brotnov  
CEO//Carpentry Plus Inc  
503.708.3611

CONFIDENTIALITY NOTICE: If you have received this communication in error, please notify us. This message is intended only for the use of the person or entity it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this information is prohibited.

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[Spam Email](#)

[Phishing Email](#)







# 1970





# 1976





# 1989





# 2018





# 2006





# 2006





# 2015



N



07/06/2015

Exhibit 1  
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© 2015 Pictometry



# 2015



Exhibit 1  
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# 2015



Exhibit 1  
Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP  
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# 2018





Planning Division

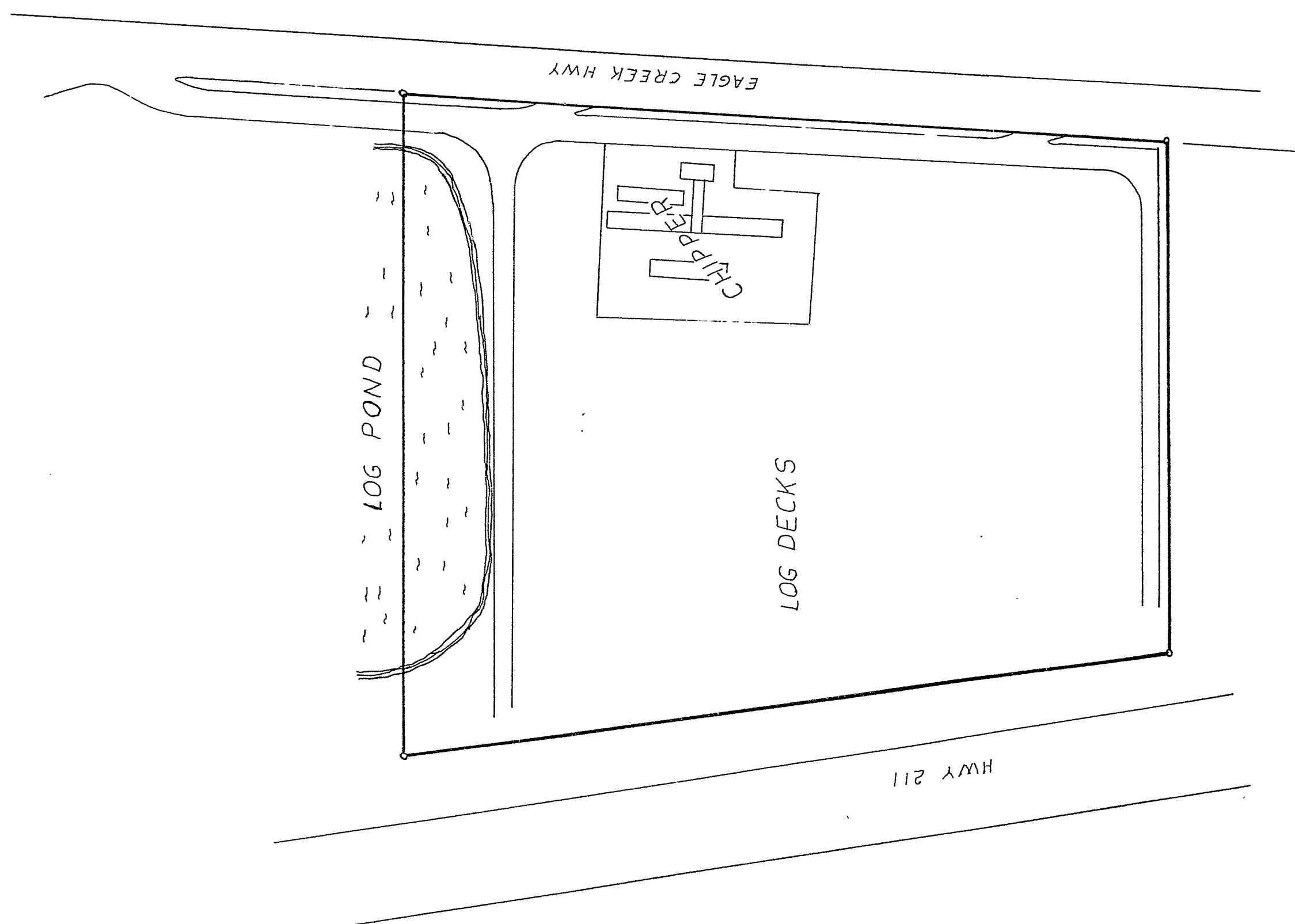
Serial # \_\_\_\_\_

File # C-169-82

Legal : 3 4 5 sec. 5

Tax Lot 4100

PUBLISHERS PAPER CO.  
PROPOSED CHIP MANUFACTURING  
FACILITY  
SEC. 5 T3S R4E TAX LOT 4100 12.00 ACRES  
JULY 16, 1982 ESKRIDGE  
SCALE: 1 in = 100 ft.



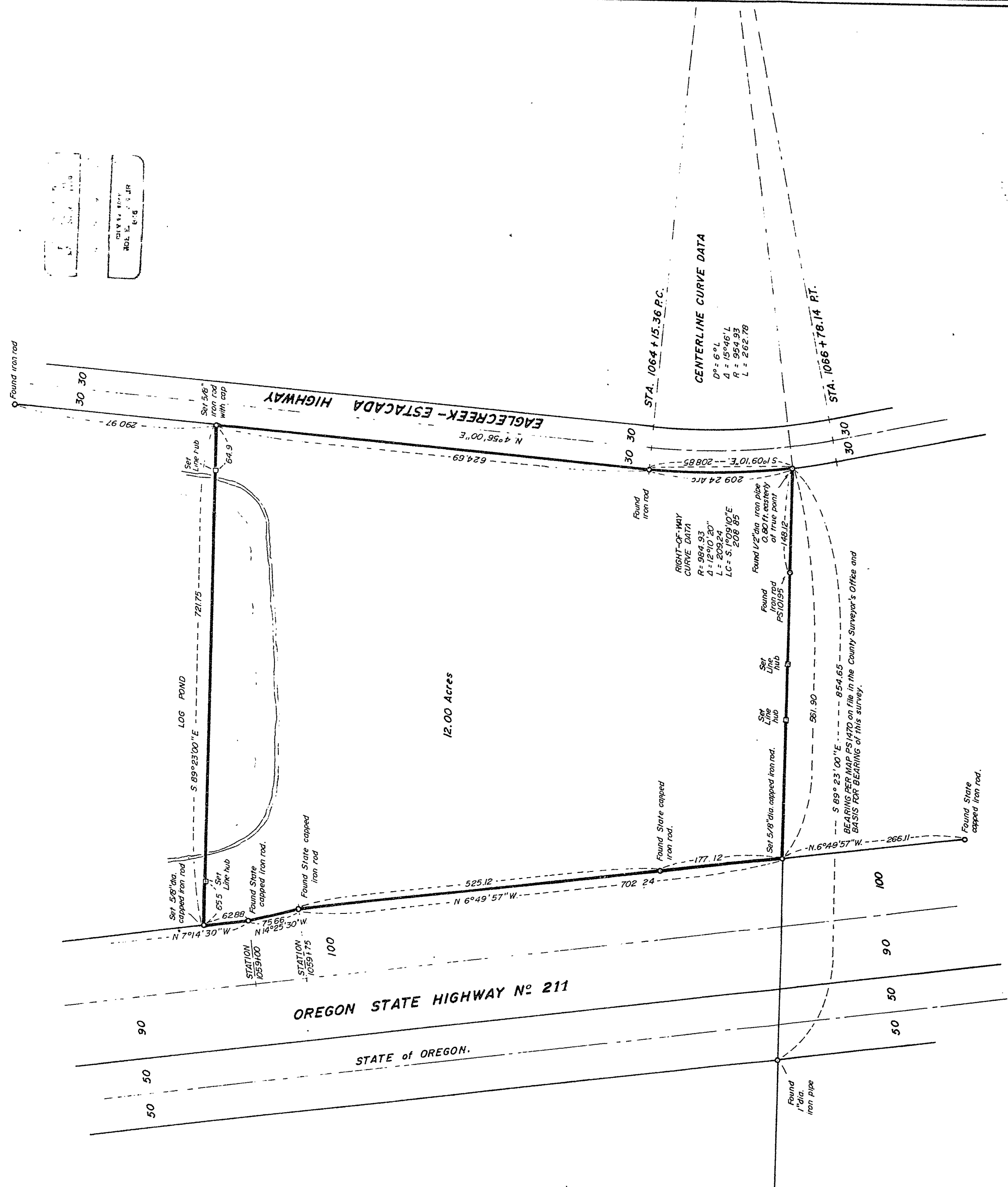
**LAND SURVEY OF A 12 ACRE TRACT OF LAND  
FOR PUBLISHERS PAPER COMPANY.**

LOCATION: PART OF THE SOUTHWEST ONE-QUARTER OF SECTION 5 OF  
TOWNSHIP 3 SOUTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN  
IN CLACKAMAS COUNTY, OREGON.

SURVEYED DURING THE MONTH OF JUNE 1982  
BY DAVIS AND PIKE SURVEYING  
722 MAIN STREET—OREGON CITY OR.

SCALE: 1 inch = 100 feet

**SECTION 5 TOWNSHIP 3 SOUTH RANGE 4 EAST OF THE WILLAMETTE MERIDIAN**



*Handwritten signature and date: 6/15/82*

P.518915



# Hal's Construction rezone proposed findings on remand

FIRST ASSIGNMENT OF ERROR: Goals Exception, House Bill 3214 and amendments to OAR 660-004-0018(2).

- a. Despite the LUBA decision requiring a Reasons Exception, the Board finds that House Bill 3214 resulted in amendments to OAR 660-004-0018(2).
- b. In House Bill 3214 the Oregon Legislature directed the LCDC as follows: **"The [LCDC] shall adopt or amend rules regarding the statewide planning goal criteria described in ORS 197.732(2)(a) and (b). The rules adopted or amended pursuant to this subsection must allow a local government to rezone land in an area physically developed or committed to residential use, as described in ORS 197.732, without requiring the local government to take a new exception to statewide planning goals related to agricultural and forest lands. The rules must allow for a rezoning that authorizes the change, continuation or expansion of an industrial use that has been in operation for the five years immediately preceding the formal land use planning action that was initiated for the change, continuation or expansion of use."**

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- c. The LCDC amended OAR 660-004-0018(2) to allow physically developed or irrevocably committed exceptions **"to those that satisfy (a) or (b) or (c) and, if applicable, (d):"** which no longer requires compliance with all subsections of Section -0018(2) to avoid a Reasons Exception under Section -0018(4).
- d. The Board finds the subject area was never zoned for agricultural or forest use because the County zoned the subject property RRFF-5 and designated it Rural in 1980.
- e. The Board finds that its original findings relating to satisfaction of OAR 660-004-0018(2)(b)(A)-(C) together with the LUBA's findings at page 9- "We think the county's findings are adequate to explain why the RI plan and zone designations meet OAR 660-004-0018(2)(b)(A)-(C)." show that an exception to Goals 3 and 4 is not required.

SECOND ASSIGNMENT OF ERROR: Future driveway relocation and ODOT safety requirements.

- a. The Oregon Department of Transportation standards require that when a development application is submitted to the County, the access to the site is to be relocated to comply with sight distance safety standards.
- b. The Board finds that the location of the future driveway access is approximately 100 feet to the north of the northern existing driveway access to State Highway 213 according to the revised traffic study submitted by Lancaster Engineering.
- c. The Board finds that two applicable standards apply to the driveway in its present and relocated position, ODOT sight distance safety standards applicable to Hwy 213 and the County's historical commitment Policy 3.0(a). The Board finds that rezoning the driveway in its present location is permissible without a development application and because that driveway has a clear historical commitment to industrial uses under Policy 3.0(a). When balancing the interests of the

**Exhibit 1**

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

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County in promoting transportation safety against rezoning the driveway in its present location the Board finds that Conditions of Approval 2 and 3 which require relocation of the driveway access within one year should remain in force which provides the applicant with increased transportation safety on State Highway 213. The Board also finds that when the driveway is abandoned in its present location and relocated according to Conditions of Approval 2 and 3 to preserve transportation safety, the historical commitment to industrial uses which is long standing at the driveway's present location must be balanced against the interest of the County and State in providing safe transportation facilities and that long standing commitment supports the finding of rezoning the driveway in its future location under the Board's sound interpretation of its own Policy 3.0(a).

THIRD ASSIGNMENT OF ERROR: RI use consistency with the rural character of the area.

- a. All adjacent and surrounding properties to the north, east, south and west, on the west side of Highway 213 are zoned RRFF-5 and are developed with residential, commercial and industrial uses. These properties have a rural character.
- b. The Board finds this extensive record shows Hal's Construction is a paving contractor where the company's work occurs offsite. While there may be up to 40 employees employed by Hal's Construction, the Board finds that any onsite labor consists of clerical and equipment servicing and is only ancillary to the offsite work and is not labor intensive.
- c. Because the existing industrial uses permitted under the RI are not labor intensive and because this rural area is a mix of rural uses the RI uses are consistent with the rural character for the area.

SEVENTH AND TENTH ASSIGNMENTS OF ERROR: Driveway Relocation

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Notice.

- a. The subject property has two driveways which provide direct access to State Highway 214. Both driveways have inadequate sight distance to the south according to ODOT standards. The applicant proposed to remove both driveways and construct on new driveway further north based on ODOT safety requirements for sight distance.
- b. ODOT has determined that there is a suitable location to construct a driveway to meet the minimum sight distance standards. This location is set out in Exhibit B to the Order.
- c. The map showing compliance with the Oregon Department of Transportation's relocation for driveway access was distributed with the Notice for the remand hearing which provides for review and response.

EIGHTH ASSIGNMENT OF ERROR: Site Use Limits.

- a. The Board finds that amendments to OAR 660-004-0018(2) required by the Oregon Legislature in HB 3214 provide that the existing conditions of approval regarding site use limits are adequate.

NINTH ASSIGNMENT OF ERROR: Mitigation Based on a Revised Traffic Study and Conditions of Approval 4, 5 and 6.

- a. The LUBA decision required a revised Traffic Impact Study by Lancaster Engineering to compare the most traffic generative uses in the RRFF-5 and RI zones in order to determine whether or not mitigation efforts need to be increased.
- b. As the County previously found, the increased traffic under the RI zone would significantly affect two transportation facilities.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

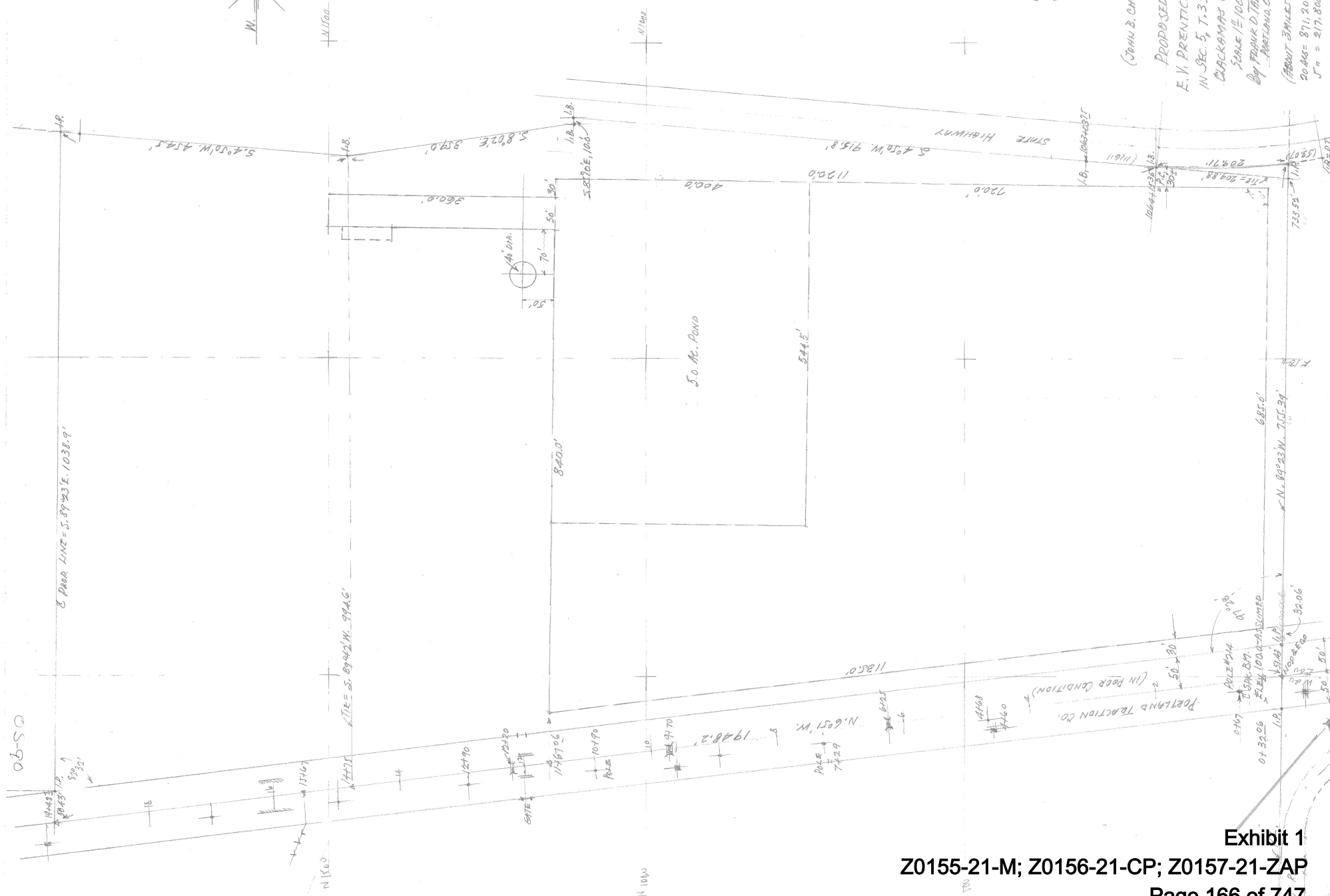
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- c. Comparing the most traffic generative uses in the RRFF-5 and RI zones in the revised transportation report, the mitigation efforts set forth in Conditions 4, 5, and 6 are sufficient to comply with the Transportation Planning Rule.
- d. The County finds that mitigation set forth in Conditions 4, 5, and 6 need to be completed within 1 year of this Decision.

TENTH ASSIGNMENT OF ERROR: Compliance with CCZO 1202.01(E).

- a. CCZO 1202.01(E) requires that the safety of the transportation system is adequate to serve the level of development anticipated by the zone change.
- b. The revised Traffic Study prepared by Lancaster Engineering addresses safety concerns from the relocation of the driveway access for the site. The Board finds that the standard in CCZO 1202.01(E) is satisfied.





(JOHN B. CHILES D.L.C. #44)

PROPOSED SURVEY FOR  
E. V. PRENTICE MACH. CO.  
IN SEC. 5, T. 35, R. 4 E., N. 1 M.,  
CLACKAMAS COUNTY, ORE.  
SCALE 1"=100' DEC. 1915.  
By FRANK D. THORNTON, REG. ENGINEER  
PORTLAND, ORE.

WALKER 1 = 100 DEC. 1955.  
By FRANK D. TALBOT, RES. KNIGHT 2190  
-PORTLAND, ORE.

(ABOUT 3 MILES NORTH OF ESTACADA)  
20 AGS = 871,200'  
5" = 217,800' OS-90

$20000 = 011,200$   
 $J_n = 217,800 \text{ m}^3$

$20000 = 011,200$   
 $J_n = 217,800 \text{ m}^3$

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0-5-90

06-S-90

06-S-90

06-S-90

(POSEY)

(R.R. HORN - ABOUT 100')

C.P.L. =  $S.89^{\circ}43'E, 1038.9'$

To Cor. =  $N.58^{\circ}09'W, 1733.03'$  FROM 10" WELL

TIE =  $S.89^{\circ}42'W$

FENCE

10' FIRE BREAK RIDGE

24" DITCH (WATER 8'-DEEP)

2 BANK - ABOUT 10' HIGH

10" PROPOSED WELL

PROPOSED 5 AC. POND (27,800')

(N.89°23'W) 544.5'

19.0 ± ACRES

(JOHN B. CHILES D.L.C.)

PRELIMINARY SURVEY TO SHOW LEVELS, ETC.  
E.V. PRENTICE MACH. CO.  
IN. SEC. 5, T.33, R.4E, W.1M.  
CLACKAMAS COUNTY, ORE.

SCALE 1"=100'-REV. JAN. 1955

BY FORBIS D. TALBOT, D.L.C.

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20155-21-M; 20156-21-CP; 20157-21-ZAP

11/1/56  
5 PRINTS TO  
PREN. MACH. CO.

06-S-90

# LAND USE FILES

FILE # 20202-91-C

## LEGAL DESCRIPTION:

T 3 S R 4 E

SEC. 5, TAX LOT 4102, w.m.

MAP ✓

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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Date Application Filed 2-14-91  
APPLICATION NOTICE-DATE MAILED  
Neighborhood Group \_\_\_\_\_  
Property Owners 3-11-91 \_\_\_\_\_  
Newspapers 11 \_\_\_\_\_  
Applicant 11 \_\_\_\_\_  
Attorney \_\_\_\_\_  
Others 4 \_\_\_\_\_  
Staff Recommendation Sent 3-29-91  
H.O. Hearing April 3, 1991  
Decision \_\_\_\_\_  
Decision Date \_\_\_\_\_  
Appeal Deadline \_\_\_\_\_  
Date Appeal Filed \_\_\_\_\_  
APPEAL NOTICE-DATE MAILED  
Neighborhood Group \_\_\_\_\_  
Property Owners \_\_\_\_\_  
Newspapers \_\_\_\_\_  
Applicant \_\_\_\_\_  
Attorney \_\_\_\_\_  
Others \_\_\_\_\_  
Estimated Cost-Transcript \_\_\_\_\_  
Estimated Fee Received \_\_\_\_\_  
Cost of Transcript \_\_\_\_\_  
Additional Fee Received \_\_\_\_\_  
Refund Sent \_\_\_\_\_  
Transcript Mailed to \_\_\_\_\_  
\_\_\_\_\_  
File Sent to BCC \_\_\_\_\_  
BCC Hearing \_\_\_\_\_  
Decision \_\_\_\_\_  
Decision Date \_\_\_\_\_  
Cont'd Hearing Date \_\_\_\_\_  
Decision \_\_\_\_\_  
PW-19 CCP PW-19



# CLACKAMAS COUNTY

## Department of Transportation & Development

WINSTON KURTH  
EXECUTIVE DIRECTOR

RICHARD DOPP  
DIRECTOR  
OPERATIONS & ADMINISTRATION

TOM VANDERZANDEN  
DIRECTOR  
PLANNING & DEVELOPMENT

NAME: Steve Mueller  
FILE NO.: Z0202-91-C  
REPORT AUTHOR: Doug McClain  
HEARING DATE: April 3, 1991  
REPORT DATE: March 27, 1991

### PLANNING STAFF REPORT/RECOMMENDATION

#### TO HEARINGS OFFICER

#### FACTS

##### GENERAL INFORMATION

Applicant: Steve Mueller; 28739 S.E. Crest; Eagle Creek, OR 97022

Owner(s): Same

Proposal: Construct three buildings to allow sales, repair, and storage of farm and forest equipment, and to establish a portable sawmill and wood yard.

Location: Between State Highway 211 and S.E. Eagle Creek Road, approximately 400 feet north of S.E. Folsom Road; Eagle Creek area.

Legal Description: T3S, R4E, Section 5, Tax Lot(s) 4102, W.M.

Comprehensive Plan Designation: Rural

Zone: RRF-5; Rural Residential Farm Forest 5-Acre District

#### RECOMMENDATION

Approval

#### CONCLUSIONS

##### I. Introduction

This application requests approval allowing development of three buildings to be used for the repair, storage, and sale of farm and forest equipment, and as a portable sawmill and wood yard. The applicant is moving an existing business from a previously approved site (see File No. 487-86-C, Exhibit 3). The subject site was issued **Exhibit 1**

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**



April 3, 1991 CLACKAMAS COUNTY HEARINGS OFFICER AGENDA

Clackamas County Department of Transportation and Development; Conference Room A, 902 Abernethy Road; Oregon City, OR 97045

Items will not begin before time noted, but may begin later depending on the length of preceding items. Interested parties may appear and be heard at the hearing at the above address. Applications may be inspected at, and calls or correspondence directed to, the Planning Division office at the above address.

The following item has been withdrawn by the applicant:

9:00 AM File: Z0044-91-FM, Remand; Farm Management Plan; Portland City Temple/Big Sky Ranch/Claude Pike

Proposal: Establish a dwelling in conjunction with a commercial farm use.

Location: Off the east side of Springwater Rd., approx. 1/2 mile south of Bakers Ferry Rd.; Redland area.

HO - Denied the following item:

9:00 AM File: Z0023-91-ST/Z0213-91-A; Temporary Permit Appeal; Stanley Wigowsky

Proposal: Appealing staff denial of a request to use a mobile home as a residence for a couple with a financial hardship.

Location: West side of S. Meridian Rd., approx. 3/8 mile north of S. Sconce Rd.; Hubbard area.

Legal Description: T5S, R1W, Section 1, Tax Lot 2201

HO - Approved the following item:

9:30 AM File: Z0202-91-C; Conditional Use; Steve Mueller

Proposal: Construct three buildings to allow sales, repair, and storage of farm and forest equipment, and to establish a portable sawmill and wood yard.

Location: Between State Hwy. 211 and S.E. Eagle Creek Rd., approx. 400 ft. north of S.E. Folsom Rd.; Eagle Creek area.

Legal Description: T3S, R4E, Section 5, Tax Lot 4102

HO - Left record open on the following item thru April 24th - Continued for decision only to May 8, 1991:

10:30 AM File: Z1378-90-FORM/Z0224-91-A; Forest Management Appeal; Realm Enterprises

Appellant: Fischers Mill-Viola Neighborhood Group

Proposal: Appealing staff approval of a forest management plan allowing a residence to be developed in conjunction with a forest use.

Location: Northwest of the Buckner Creek/Gard Rd. intersection, Clarkes area.

Legal Description: T4S, R3E, Section 7, Tax Lot 1200

HO Continued the following item for hearing to May 15, 1991 at 9:00 a.m.:

1:30 PM File: Z0150-91-SL/Country View; Subdivision; Otak, Inc.

Proposal: Develop a 298 unit planned unit development; 61 units are proposed to be common-wall.

Location: North and west sides of S.E. Mather Rd., west of S.E. 122nd Ave.; Sunnyside area.

Legal Description: T2S, R2E, Section 3, Tax Lot 1100; T2S, R2E, Section 3C, Tax Lot 200; T2S, R2E, Section 3AB, Tax Lot 300

Legal Description: T2S, R3E, Section 29, Tax Lots 700, 701, 702

HO - Approved the following item:

9:00 AM File: Z0165-91-C; Conditional Use; Daioh International U.S.A. Corp./The Oregon Golf Club

Proposal: Relocate portions of access road and clubhouse parking, relocate maintenance facility, add rainshelters, pumphouse, snack bar, swimming pool, bathhouse, and tennis courts.

Location: East side of S.W. Pete's Mt. Rd., at its intersection with S.W. Shaeffer Rd.; Pete's Mountain area.

Legal Description: T3S, R1E, Section 3, Tax Lot 1000

0403/agenda:mp

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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RICHARD F. CRIST  
Land Use Hearings Officer  
18734 Upper Midhill Drive  
West Linn, Oregon 97068  
(503) 636-9256

FINDINGS AND DECISION OF THE HEARINGS OFFICER

File No.: Z-0202-91-C

Applicant: Steve Mueller, 28739 SE Crest, Eagle Creek, OR 97022

Proposal: To construct three buildings to allow sales, repair and storage of farm and forest equipment, and to establish a portable sawmill and wood yard.

Planning Division Recommendation: Approval.

Staff Representative: Doug McClain

Public Hearing: A public hearing was held at the Clackamas County Department of Transportation and Development (DTD), 902 Abernethy Road, Oregon City, Oregon on April 3, 1991 at 9:30 a.m., at which time testimony and other evidence was received, the record was closed, and an oral decision was announced approving the application, subject to certain conditions.

Speaking in Support of Request:

1. Steve Mueller, 28739 SE Crest, Eagle Creek, OR 97022

Community Planning Organization Response: There is no active CPO serving this area of Clackamas County.

Speaking in Opposition to Request: None.

FINDINGS:

A. Subject Property:

1. Legal Description: Tax Lot 4102, Section 5, T3S, R4E, W.M., Clackamas County, Oregon

2. Location: Between State Highway 211 and SE Eagle Creek Road, approximately 400 feet north of SE Folsom Road, Eagle Creek area.

3. Zone: RRFF-5, Rural Residential Farm Forest 5 Acre District

4. Comprehensive Plan Designation: Rural

5. Site Description: The subject property is approximately 12 acres. It is currently undeveloped. Most of the site is covered with gravel.

B. Vicinity Information: This area contains a mixture of agricultural

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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# CLACKAMAS COUNTY

## Department of Transportation & Development

WINSTON KURTH  
EXECUTIVE DIRECTOR

RICHARD DOPP  
DIRECTOR  
OPERATIONS & ADMINISTRATION

TOM VANDERZANDEN  
DIRECTOR  
PLANNING & DEVELOPMENT

NAME: Donald Mueller  
FILE NO.: 487-86-C  
REPORT AUTHOR: Gary Naylor  
HEARING DATE: February 18, 1987  
REPORT DATE: February 11, 1987

### PLANNING STAFF REPORT/RECOMMENDATION

TO HEARINGS OFFICER

EX #3

#### FACTS

##### GENERAL INFORMATION

Applicant: Donald Mueller; 29820 S.E. Eagle Creek Road; Estacada, OR 97023

Owner(s): Same

Proposal: To establish a farm and forest equipment sales and repair business and a firewood sales yard on the property.

Location: Southeast corner intersection State Highways 211 & 224 and Heiple Road; Estacada area.

Legal Description: T3S, R4E, Section 8, Tax Lot(s) 2900, W.M.

Comprehensive Plan Designation: Rural

Zone: RRFF-5, Rural Residential Farm/Forest, 5 acre minimum lot size

#### RECOMMENDATION

#### CONCLUSIONS

Subsection 309.05A states conditional uses may be allowed in the RRFF-5 zoning district when the proposal satisfies the applicable provisions of Section 800 and the criteria under Section 1203. The Planning Division staff has reviewed this proposal with respect to these provisions and criteria and finds that:

1. Subsection 801.03 of the Zoning and Development Ordinance lists the information that must be submitted for a complete application. This

Exhibit 1

20155-21-M; 20156-21-CP; 20157-21-ZAP



## ESTACADA RURAL FIRE DISTRICT

261 S.E. Fifth Avenue  
P.O. Box 608  
Estacada, OR 97023

Business Phone: 630-7712  
Emergency: 9-1-1

January 6, 1994

Mr. Steve Mueller  
Crest Develop Co.  
30820 S.E. Heiple Rd.  
Estacada, OR 97023

Steve;

*Included herein are Fire District requirements for the proposed development of a 4,000 square foot equipment repair and storage type building on your parcel located between Hwy. 224 and Eagle Creek Hwy. south of the old plywood mill property.*

- 1. Development of this one mentioned building will not require development of water supply for fire protection at this time. However, your original plans submitted in 1991 indicated three buildings plus a portable sawmill. Any future development of additional buildings on this site may require you to provide a water supply system to meet fire flow requirements prior to the issuance of building permits.*
- 2. Provide address numbers visible from the road. Minimum three inch numbers on contrasting background.*
- 3. Provide all weather access road capable of supporting fifty thousand pounds.*
- 4. Fire extinguishers will be required. The number and type will be determined at the time of occupancy.*

*If you have any further questions please call me.*

Sincerely,

John R. McAdoo  
Fire Marshal

cc: Clackamas County Planning Staff - File # Z0202-91-C

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

MAKE TUESDAY "DETECTOR TEST" DAY

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and rural residential uses. There is also a small rural commercial development located to the northeast of the subject property.

C. Service Considerations: Water will be provided by private well. Sewage disposal will be handled on-site. Fire protection is provided by Estacada Fire District No. 69.

D. Land Use Ordinance Considerations:

1. Section 309 of the Clackamas County Zoning and Development Ordinance (ZDO) controls land uses in the RRFF-5 zoning district. Subsection 309.05 provides that certain uses may be permitted as a conditional use where the application satisfies the criteria under Section 1203 of the ZDO, the applicable standards under Section 800 of the ZDO and any other requirements of the ZDO. The Hearings Officer has reviewed the entire record made as a part of this proceeding, and Findings based on that record with regard to each of the criteria above described will be discussed below.

2. This application satisfies each of the criteria under Section 1203 of the ZDO, as follows:

a. The proposed use is listed as a conditional use in the underlying zoning district. Subsection 309.05(A)(9) of the ZDO lists commercial or processing activities which are in conjunction with timber and farm uses as a conditional use in the RRFF-5 zoning district. The applicant proposes to sell, store and repair farm and timber equipment, and will be conducting a portable sawmill and wood yard. The applicant is proposing to move his existing business from a nearby parcel. These uses have previously received conditional use approval (See File #487-86-C), and are activities in conjunction with farm and timber uses.

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

The property has been previously gravelled for log storage, making it suitable for the proposed uses. The site is level and open, with no natural features or improvements which limit its suitability for the proposed uses.

c. The site and the proposed development are timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

Regarding the transportation system, the property abuts both State Highway 211 and Eagle Creek Road. The information provided by the County staff is that the traffic expected to be generated by the proposed uses can be easily accommodated by these roads. This information is not contested, and is accepted by the Hearings Officer.

Responses from the local fire district and the County's Soils Division indicated that appropriately facilities can be provided on-site, without any impact on public facilities and services.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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Conditions of approval will require approval of the means of sewage disposal for the property and adequate provision for fire-fighting water and emergency vehicle access.

d. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying zoning district.

The subject property and the immediate surrounding area are zoned RRRF-5. The primary uses of that district are set forth in subsection 309.03 of the ZDO, and included herein by this reference. They include generally rural residential uses, and limited farm or forest uses.

The subject property is isolated from adjoining lots and is affected by State Highway 211 and Eagle Creek Road. There are no nearby homesites. The conditions of approval will include design review, which will assist in providing visual mitigation. With this visual mitigation, there are no identified impacts on adjacent properties which would limit or preclude permitted primary uses.

e. The proposal satisfies the Goals and Policies of the Comprehensive Plan (Plan) for Clackamas County which apply to the proposed use.

As stated above, the subject property is designated Rural by the Plan. No specific Goals of Policies of the Rural Section of the Land Use Element of the Plan have been identified as applicable to this application.

3. Subsection 801.03 of the ZDO lists the information which must be submitted for a complete conditional use application. This application contains a description of the proposed use and specific reasons for the request, a vicinity map, a site plan of the property, including existing and proposed improvements, a building profile, and information addressing the criteria under Section 1203 of the ZDO. This provision is satisfied.

4. No other provisions of the ZDO or the Plan have been identified as applicable to this application, and no other provisions of the ZDO or the Plan are found to be applicable.

5. The Hearings Officer specifically finds that the applicant can meet each of the conditions of approval.

DECISION: Approval, subject to the following conditions:

1. The applicant shall provide an adequate source of fire-fighting water, consistent with the requirements of Estacada Fire District No. 69. Prior to establishing the use or issuance of any building permits, the applicant must provide a letter from the fire district substantiating compliance with their requirements for fire-fighting water and emergency vehicle access.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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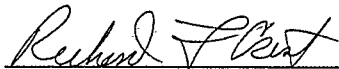
2. Approval is subject to the limitations imposed by the County Soils Division. Currently, the use must generate no more than 200 gallons per day, which is the maximum allowed by the current holding tank approval.

3. Approval is limited to the specific use described in the application, to the extent it is consistent with the conditions of approval.

4. Design review approval is necessary. Consideration shall be given to visual mitigation of the proposed uses.

5. Approval is subject to the conditions of approval. Noncompliance with any condition constitutes a violation of this permit and shall be sufficient cause for revocation of this permit.

DATED and FILED this 23rd day of April, 1991.



Richard F. Crist  
Hearings Officer

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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CERTIFICATE OF MAILING

I hereby certify that I did this day mail a true copy of the Findings and Decision of the Hearings Officer in File No. Z0202-91-C, postage prepaid, to the below listed persons at the address shown:

Steve Mueller  
28739 SE Crest  
Eagle Creek, OR 97022

Dated this 23rd day of April, 1991.

  
\_\_\_\_\_  
Richard F. Crist  
Hearings Officer

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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conditional use permit allowing a portable sawmill to be established on the site (File No. 169-82-C). The property historically has been used in conjunction with a plywood veneer mill and for log storage. The site appears to be ideally situated for the proposed use. Its current condition makes it virtually useless for any residential or other primary activity allowed in the RRFF-5 district. There are no features which would limit the proposal, and its proximity to Highway 211 reduces any impact on the surrounding community.

## II. Section 1203

This request is subject to the provisions of Section 1203, which establish the criteria for review and approval of a conditional use. These criteria are met as follows:

- A. 1203.01A: The uses described in the application are listed as a conditional use in the RRFF-5 district. Subsection 309.05A9 lists commercial or processing activities that are in conjunction with timber and farm uses as a conditional use. In this case, the applicant sells, stores, and repairs farm and forest equipment, and will be conducting a portable sawmill and wood yard. These are uses in conjunction with farm and forest activities.
- B. 1203.01B: The characteristics of the site are suitable for the proposed use. The property has been gravelled for log storage, making it suitable for the proposed use. The site is level and open, with no natural features or other impediments to the proposed development.
- C. 1203.01C: Development as proposed is timely. Responses from the fire district and Soils Division indicate that appropriate facilities can be provided. The property has convenient access to State Highway 211. Traffic generated by this use can easily be accommodated by the highway.
- D. 1203.01D: Approval of this application will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for primary uses listed in the underlying RRFF-5 zone. The property is isolated from adjoining lots and affected by Highway 211 and S.E. Eagle Creek Road. There are no nearby homesites. The conditions of approval will include design review, which will assist in providing visual mitigation. There is a rural commercial zone located adjacent to the property on the northeast.

## III. Section 800

This request is consistent with the submittal requirements of Section 800. There are no particular standards applicable to the proposed use.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

#### IV. Comprehensive Plan

This application is consistent with the Comprehensive Plan, which designates the property Rural. As previously indicated, approval of this request will not interfere with rural residential uses in the immediate area. There are no other goals or policies directly applicable to the application.

##### Conditions of Approval:

1. The applicant shall provide an adequate source of fire-fighting water, consistent with the requirements of the Estacada Fire Department. Prior to establishing the use or issuance of any building permits, the applicant must provide a letter from the fire district substantiating compliance with their conditions.
2. Approval is subject to the limitations imposed by the County Soils Division. Currently, the use must generate no more than 200 gallons per day, which is the maximum allowed by the current holding tank approval.
3. Approval is limited to the specific use described in the application, which includes a site plan and building profile.
4. Design review approval is necessary.
5. Approval is subject to the above stated conditions. Failure to comply with all conditions will be cause for revocation of the permit.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP



## FINDINGS

### ZONING ORDINANCE CONSIDERATIONS

This application is subject to Section I203.

### PLAN CONSIDERATIONS

The Comprehensive Plan designates this area Rural. Appropriate goals and policies are discussed in this report.

### SITE DESCRIPTION

The subject property consists of approximately 12 acres. It is currently undeveloped. Most of the site is covered with gravel.

### VICINITY DATA

Surrounding Conditions: This area contains a mixture of agricultural and rural residential uses. There is also a small rural commercial development located to the northeast of the property.

Service Considerations: Water will be provided by private well, and sewage disposal is on-site, by means of a holding tank. Estacada Fire District No. 69 provides fire protection for this area.

### RESPONSES REQUESTED

1. City of Estacada
2. Estacada Fire District
3. Soils Division

### RESPONSES RECEIVED

1. Estacada Fire District indicates that access roads and premises identification must be provided consistent with their standards, and that an adequate water supply for fire protection must be established.
2. Soils Division indicates that the site is approved for a holding tank of up to 200 gallons per day only.

### EXHIBITS

1. Site plan
2. Building profiles
3. Decision, File 487-86-C
4. Response from fire department

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

5. Response from Soils Division

6. Photos of the site

THE HEARINGS OFFICER IS AN INDEPENDENT DECISION MAKER. HE WILL MAKE A DECISION BASED ON THE INFORMATION PRESENTED AT THE PUBLIC HEARING. IF YOU CANNOT ATTEND THE HEARING, PLEASE NOTIFY THE PLANNING DIVISION AS SOON AS POSSIBLE. WE WILL ADVISE THE HEARINGS OFFICER AND A POSTPONEMENT OF YOUR APPLICATION MAY BE CONSIDERED. IF YOU DO NOT ATTEND THE HEARING AND THE HEARINGS OFFICER HAS NOT BEEN ADVISED OF YOUR ABSENCE, THE APPLICATION MAY BE HEARD IN YOUR ABSENCE.

0403/103/dmc

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

NOTICE OF PUBLIC HEARING  
CLACKAMAS COUNTY HEARINGS OFFICER

HEARING DATE: April 3, 1991

TIME: This item will not begin before 9:30 a.m. However, it may begin later depending on the length of preceding items.

PLACE: Clackamas County Department of Transportation and Development; Conference Room A, 902 Abernethy Road; Oregon City, Oregon 97045

TO: Property owners within 350 feet

Subject: Conditional Use

File No.: Z0202-91-C

Applicant: Steve Mueller; 28739 S.E. Crest; Eagle Creek, OR 97022

Owner of Property: Same

Proposal: Construct three buildings to allow sales, repair, and storage of farm and forest equipment, and to establish a portable sawmill and wood yard.

Ordinance Criteria: Section 1203

Location: Between State Highway 211 and S.E. Eagle Creek Road, approximately 400 feet north of S.E. Folsom Road; Eagle Creek area.

Legal Description: T3S, R4E, Section 5, Tax Lot 4102, W.M.

Total Area Involved: Approximately 12 acres

Zoning: RRFF-5; Rural Residential Farm Forest, 5-Acre District

Citizens Planning Organization For Area: Eagle Creek-Barton Community Action Council, Inc.

This organization is currently inactive. If you are interested in becoming involved in land use planning in your area, call Clackamas County Public Affairs, 655-8520.

Planning Division Staff Contact: Doug McClain

All interested citizens are invited to attend the hearing. An agenda will be provided at the hearing. Testimony and evidence should address those criteria identified above and any other criteria relevant to the application. Failure to raise an issue at the hearing, or by letter, or failure to provide sufficient specificity to afford the Hearings Officer an opportunity to respond to an issue precludes appeal to the Land Use Board of Appeals based on that issue. The following procedural rules have been established to allow an orderly hearing.

1. The length of time given to individuals speaking for or against an item will be determined by the Hearings Officer prior to the item being considered.
2. A spokesperson representing each side of an issue is encouraged.
3. Only specifically relevant testimony to the item being considered will be allowed.

A staff report for the application will be available seven (7) days prior to the hearing. The staff report, applicable criteria, application, and all documents and evidence relied on by the applicant are available for inspection and may be purchased at reasonable cost at the Clackamas County Planning Division, 902 Abernethy Road, Oregon City, Oregon 97045 (655-8521). Direct all calls and written correspondence to the Planning Division.

To receive written notification of the Hearings Officer's decision, provide the Planning Division with a stamped, self-addressed envelope indicating the application file number.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

0403/501/dmc:mp

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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

In the Matter of a Conditional Use  
for Donald Mueller

Applicant: Donald Mueller  
29820 S.E. Eagle Creek Rd.  
Estacada, Oregon 97023

ORDER NO: 87-537

EX #3

File No: 487-86-C

This matter coming regularly before the Board of County Commissioners, acting as hearings officer, and it appearing that Donald Mueller made application for a Conditional Use on property described as T3S, R4E, Section 8, Tax Lot(s) 2900, W.M. and generally located on the southeast corner intersection State Highways 211 & 224 and Heiple Road; Estacada area; and

It further appearing that Planning staff, by its report dated February 11, 1987, has recommended approval of the application; and

It further appearing that pursuant to provisions of the Clackamas County Zoning and Development Ordinance, the Board of County Commissioners ordered a hearing on the above matter be held on February 18, 1987, in the County Courthouse Annex, 906 Main Street, Oregon City, Oregon, to afford the general public an opportunity to be heard, and that a notice of said hearing was published in a newspaper of general circulation in the County more than ten (10) days prior to the date of said hearing; and

It further appearing that a hearing was held at the above-stated time and place, in which testimony and evidence were presented and a decision made thereon.

Based upon the evidence and testimony presented at said hearing, this Board makes the following findings:

1. The applicant requests approval of a Conditional Use to allow establishment of an equipment sales and repair business and a firewood sale lot on a 2.8 acre parcel zoned RRFF-5.
2. This complies with the applicable provisions of the Zoning and Development Ordinance for the reasons stated in the Planning Staff Report/Recommendation, which is hereby adopted as the findings and conclusions of this Board.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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

In the Matter of a Conditional Use  
for Donald Mueller

Applicant: Donald Mueller  
29820 S.E. Eagle Creek Rd.  
Estacada, Oregon 97023


ORDER NO: 87-537  
page 2

File No: 487-86-C

NOW, THEREFORE, IT IS HEREBY ORDERED the  
requested Conditional Use is granted subject to the conditions of approval  
stated in the Planning Staff Report/ Recommendation.

DATED this 13<sup>th</sup> day of May, 1987.

  
Chairman Ed Lindquist

  
Commissioner Dale Harlan

\_\_\_\_\_  
Commissioner Darlene Hooley





application contains a description of the proposed use and specific reason for the request, a vicinity map, a site plan of the property including existing and proposed improvements, a building profile, and information addressing the criteria under Section 1203, as required by Subsection 801.03.

2. Section 1203 of the Zoning and Development Ordinance lists five criteria that must be satisfied in order to allow a conditional use. The staff has reviewed this proposal with respect to these criteria and finds that:

- a. The use is listed as a conditional use in the underlying district. Specifically, Subsection 309.05A9 lists commercial or processing activities that are in conjunction with timber and farm uses as a conditional use. This criteria is met.
- b. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features. The property is large enough to contain both a farm and forest equipment sales and repair business and firewood yard sales business, and the shape of the property does not appear to restrict the proper functioning of these businesses.

The property is suitably located adjacent to State Highway 211 & 224, which is the major arterial serving Estacada and this area of Clackamas County. There is also good sight-distance at the proposed access point onto Heiple Road.

Regarding the topography, the level terrain makes this property suitable for development. There are no improvements on the property except for a wire perimeter fence, and the only natural feature is Currin Creek, which forms the eastern boundary of the property. These man-made and natural features have no bearing on the suitability of this site. This criteria is met.

- c. The site and proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use. Regarding the transportation system, the subject property is adjacent to State Highway 211 & 224 and has almost direct access onto this highway. It also has very convenient access to Eagle Creek Road, which is a closeby arterial. The traffic generated by the proposed use can easily be accommodated by these arterials.

Regarding the public facilities and services, water will be provided by on-site well and sewage disposal by septic tank and drainfield. There is no evidence in the file indicating adequate public facilities cannot be constructed to serve the proposed business. The Estacada Fire District has no problem with this proposal, subject to provision of access for fire apparatus. This criteria is met.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP  
2

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- d. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district. The subject property and immediate area to the east and south is zoned RRFF-5 and developed with a contractor's storage buildings and yard; a tree farm; and a bark dust, lumber, and nursery stock sales business. The Planning Division and Community Environment Section have no record of these existing businesses. We do not know if they are nonconforming uses. Anyway, there are no closeby residences, and the visual, noise, and traffic impacts are directed toward the state highway and the beforementioned closeby businesses. In summary, it appears the proposed use is in character with the surrounding area, and its impacts do not rise to the level of substantially limiting, impairing, or precluding the use of surrounding properties for the primary uses listed in the RRFF-5 zoning district. This criteria is met.
- e. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use. The Rural section of the Comprehensive Plan contains a pertinent goal which refers to perpetuating the rural atmosphere while maintaining and improving the quality of air, water, and land resources. As previously stated, the subject property is within an immediate area developed with several businesses adjacent to a major highway. Development of the subject property with a firewood sales yard and farm and forest equipment repair and sales business, which are the type of businesses found in rural areas, does not harm the rural atmosphere of this particular area. Further, with implementation of the recommended conditions of approval, the quality of air, water, and land resources will be maintained. This criteria is met.

Conditions of Approval:

- 1. Submission of an application to the Planning Division for Design Review approval. This condition directs the Design Review staff to:
  - a. Require a buffer area of natural vegetation between Currin Creek and the proposed development.
  - b. Require a sight-obscurating fence around the portion of the property developed with the business.
  - c. Require all areas used for parking and maneuvering of vehicles be surfaced with screened gravel.
- 2. Department of Transportation and Development approval of the subsurface sewage disposal system.
- 3. Department of Transportation and Development approval of a building permit.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP  
3

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4. Department of Transportation and Development and State Highway Division approval of the driveway access onto Heiple Road.
5. Estacada Fire District approval of the interior access for use by fire apparatus.
6. Wood wastes shall not accumulate on the subject property. They shall be removed to a suitable disposal site.
7. This permit is granted for a farm and forest equipment sales and repair business and a firewood yard sales business only.
8. This permit is granted for a period of two (2) years from the date of decision and will automatically be rescinded in the event that no building has taken place through a valid building permit within that time period.
9. This permit is granted to the conditions of approval. Noncompliance with those conditions constitutes a violation of this permit and could be cause for revoking this permit.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

## FINDINGS

### ZONING ORDINANCE CONSIDERATIONS

Section 309, Subsection 801.03, and Section 1203

### PLAN CONSIDERATIONS

Rural Section

### SITE DESCRIPTION

The subject property is approximately 2.83 acres in size. It is relatively level and has been cleared of timber. A small creek forms its eastern boundary. There is a wire fence along the north and west perimeter of the property.

### VICINITY DATA

Surrounding Conditions: The subject property is bordered on the north across Heiple Road by farm use, on the east by a contractor's business, on the south by a tree farm, and on the west by State Highway 211 & 224.

Service Considerations: Water is provided by on-site well, sewage disposal will be provided by septic tank and drainfield, and fire protection by Estacada Fire District No. 69.

### RESPONSES REQUESTED

1. Estacada Fire District No. 69
2. County Chief Soils Scientist
3. County Development Coordinator
4. County Traffic Specialist
5. County Community Environment Administrator
6. State Highway Division

### RESPONSES RECEIVED

1. Estacada Fire District No. 69: Insure access for fire apparatus in accordance with U.F.C. Section 10.207.
2. County Chief Soils Scientist: Prior to approval of this development, a soil test for on-site sewage disposal must be completed and approved. The applicant should contact our office as soon as possible.
3. County Development Coordinator: The proposal for development of the Mueller Property, Tax Lot 2900, may necessitate an involvement of the Oregon State Highway Division. The property has frontage onto Highway 211.

**Exhibit 1**

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

Road, a County roadway; however, because of a drainageway and bridge, access is necessary onto the state highway acquired right-of-way adjoining Highway 211-224.

4. County Traffic Specialist: Access should be limited to Heiple Road.
5. County Community Environment Administrator: This property and Mueller had a solid waste violation. It was resolved in 1985. But specific condition needs to be applied to prevent this situation from reoccurring. A 6-8 foot sight-obscuring fence should be constructed around the portion of the property that is used for storage or operating. No storage or operation should occur outside the proposed buildings or the fenced enclosure.
6. State Highway Division: Our records show that this property has an access to Heiple Road opposite engineering station HR2+10.

#### EXHIBITS

1. Display map
2. Aerial photo
3. Site plan
4. Building profile

THE HEARINGS OFFICER IS AN INDEPENDENT DECISION MAKER. HE WILL MAKE A DECISION BASED ON THE INFORMATION PRESENTED AT THE PUBLIC HEARING. IF YOU CANNOT ATTEND THE HEARING, PLEASE NOTIFY THE PLANNING DIVISION AS SOON AS POSSIBLE. WE WILL ADVISE THE HEARINGS OFFICER AND A POSTPONEMENT OF YOUR APPLICATION MAY BE CONSIDERED. IF YOU DO NOT ATTEND THE HEARING AND THE HEARINGS OFFICER HAS NOT BEEN ADVISED OF YOUR ABSENCE, THE APPLICATION MAY BE HEARD IN YOUR ABSENCE.

0218/103-3/gn:mp

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP



AFFIDAVIT OF NOTICE

STATE OF OREGON  
COUNTY OF CLACKAMAS

I, Deborah Bell,  
(name)

OSI depose and say that I provided for  
(title)

mailing the Notice of Hearing for file number 20202-91-C,  
a copy of said notice being marked Exhibit "A" and hereto attached;  
that I requested said notice to be mailed to those property owners  
listed in Exhibit "B," hereto attached, in accordance with Oregon  
Laws Chapter 761, Section 10a.

By Deborah E. Bell, Affiant

Subscribed and sworn to before me this 11th day of  
March, 19 91.

[Signature]  
Notary Public for Oregon

My commission expires 9/29/97.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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# CLACKAMAS COUNTY

Department of Transportation & Development

WINSTON KURTH  
EXECUTIVE DIRECTOR

RICHARD DOPP  
DIRECTOR  
OPERATIONS & ADMINISTRATION

TOM VANDERZANDEN  
DIRECTOR  
PLANNING & DEVELOPMENT

March 11, 1991

Clackamas County News  
P.O. Box 548  
Estacada, OR 97023

RE: Hearings Officer Agenda, April 3, 1991

Dear Sir or Madam:

Enclosed is a copy of the Clackamas County Hearings Officer agenda for April 3, 1991. Please publish all items contained in said agenda on March 20, 1991.

Please return two (2) copies of the Affidavit of Publication together with your statement. When submitting your statement, please refer to Purchase Order No. 67139. Thank you.

Sincerely,

*Debbie Bell*

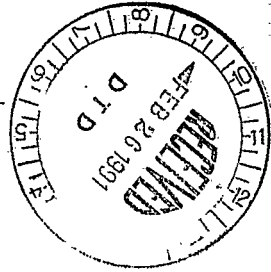
Debbie Bell, Secretary  
Planning and Economic Development Division

0403/502a/db:mp  
Enclosure

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

NOTICE OF APPLICATION FOR  
ADMINISTRATIVE ACTION



TO: Estacada Fire District #69

DATE: February 21, 1991

FROM: Clackamas County Planning Division  
902 Abernethy Road  
Oregon City, Oregon 97045  
Phone No. 655-8521

FILE NUMBER & NAME: Z0202-91-C - Steve Mueller

TYPE OF APPLICATION: Conditional Use to construct three buildings to allow sales, repair and storage of farm and forest equipment and to establish a portable sawmill and wood yard.

ZONING: RRFF-5, Rural Residential Farm Forest 5 Acre District

CONTACT PERSON: Doug McClain

5284  
The Planning Division would like your comments on the attached application. The application is subject to Section 1203 of the County Zoning and Development Ordinance. If you do not have a copy of the current ordinance, copies of specific sections are available at the Planning Division office. Please contact us if you need ordinance sections to review this application. Please indicate any information which would assist the county in acting on this application. Comments received by March 20, 1991 will be considered in the Planning Division decision on this application. If more information is needed, please call the Planning Division.  
PLEASE RETURN THIS FORM ONLY.

Recommendation: 1. Provide fire department access road in accordance with standards on file with Clackamas County.

2. Provide premises identification in accordance with U.F.C., Article 10, Sec. 10.208.

3. Provide water supply for fire protection. Minimum capacity of 500 gallons per minute for no less than 20 minutes. This could be provided through a standpipe at the mill pond or a 10,000 gallon storage tank on the premises.

John R. McClellan  
Signature

Asst Chief, Fire Prevention Officer  
Position

Discuss with Fire Dept.

Exhibit 1

Please return to address Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

NOTICE OF APPLICATION FOR  
ADMINISTRATIVE ACTION

TO: Soils - Dick Polson

DATE: February 21, 1991

FROM: Clackamas County Planning Division  
902 Abernethy Road  
Oregon City, Oregon 97045  
Phone No. 655-8521

FILE NUMBER & NAME: Z0202-91-C - Steve Mueller

TYPE OF APPLICATION: Conditional Use to construct three buildings to allow sales, repair and storage of farm and forest equipment and to establish a portable sawmill and wood yard.

ZONING: RRFF-5, Rural Residential Farm Forest 5 Acre District

CONTACT PERSON: Doug McClain

The Planning Division would like your comments on the attached application. The application is subject to Section 1203 of the County Zoning and Development Ordinance. If you do not have a copy of the current ordinance, copies of specific sections are available at the Planning Division office. Please contact us if you need ordinance sections to review this application. Please indicate any information which would assist the county in acting on this application. Comments received by March 20, 1991 will be considered in the Planning Division decision on this application. If more information is needed, please call the Planning Division. PLEASE RETURN THIS FORM ONLY.

Recommendation:

*Approved for holding tank  
up to 200 gpd only*

*W H Deal*  
Signature

*Paul Beckett*  
Position

Please return to address above.

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

Exhibit 1

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CONDITIONAL USE

CLACKAMAS COUNTY DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
PLANNING AND ECONOMIC DEVELOPMENT DIVISION  
902 Abernethy Road, Oregon City, Oregon 97045  
Phone: 655-8521

The following information must be submitted with all applications for Conditional Use. Applications not containing this information are incomplete and cannot be accepted.

- A. Completed application form (attached)
- B. Application fee \$395.00
- C. A vicinity map showing the relationship of the proposed use to the surrounding area
- D. Site plan of subject property, drawn to scale, showing the following information: (see attached example)
  - 1. Property dimensions
  - 2. Size of property (square feet or acres)
  - 3. Roads adjacent to property and road names
  - 4. Access to property from nearest public, county or state road
  - 5. Identification, location and distance from property lines of existing and proposed improvements
- E. Building profile, drawn to scale, or proposed structures
- F. Detailed written description of the proposed use and the specific reasons for requesting a conditional use. The description of the proposed use shall include:
  - 1. Number of people associated with the use such as employees, students, congregation or clients. up to 9
  - 2. Days and hours of operation 6 days 8-8
  - 3. Buildings, vehicles, equipment and materials associated with the use 3 commercial buildings, heavy forest equipment, farm tractors  
lumber and logs Trucks and trailers
- G. For specific submittal requirements see applicable portion section 800 (copy available upon request).
- H. A Conditional Use requires county approval. Approval will be granted only if all of the criteria listed in subsection 1203.01 of the Clackamas County Zoning and Development Ordinance are satisfied (copy subsection available upon request), and any criteria listed in the specific zoning district are satisfied. The following questions are intended to obtain the information needed to satisfy the criteria of subsection 1203.01. Please answer each question as thoroughly as possible.
  - 1. Where is the use listed as a conditional use in the underlying zoning district?  
  
RRFF-5 309.05 9  
commercial or processing activities that are in conjunction with timber and farm uses.

(continued on back) **Exhibit 1**

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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2. Are the characteristics of the site suitable for the proposed use? Why is its size, shape, location, topography, and the existence of improvements and natural features appropriate for what you are proposing?

Property has highway exposure with a secondary service road for access.

Property shares an existing log pond on tax lot 4100.  
Tax lot 4100 and 4102 are the site of an old venner mill.

Approx. 20,000 yards of pit run rock have been placed on the property for log storage.

There is an existing 80x150 asphalt pad .

There is existing R C zoning across the old Eagle Creek highway

3. Is the proposed development timely, considering the adequacy of the transportation system, public facilities, and services? Explain why access, roads, sewers, water and other public services are capable of serving the proposed use?

There are 2 existing entrances on to the old Eagle Creek Hi-way.

Subsurface sewage will be by holding tank

Water service by private well

There will be no additional services required

4. Will the proposed use alter the character of the surrounding area in a manner which substantially limits or impairs the use of the surrounding property for the primary uses listed in the underlying district? Explain why this proposal will not adversely impact or disrupt the surrounding area?

This property was developed for this type of use and was part of a plywood venner mill in the 1960 and 1970's.

There was a conditional permit issued in 1982 File # 169-82-C

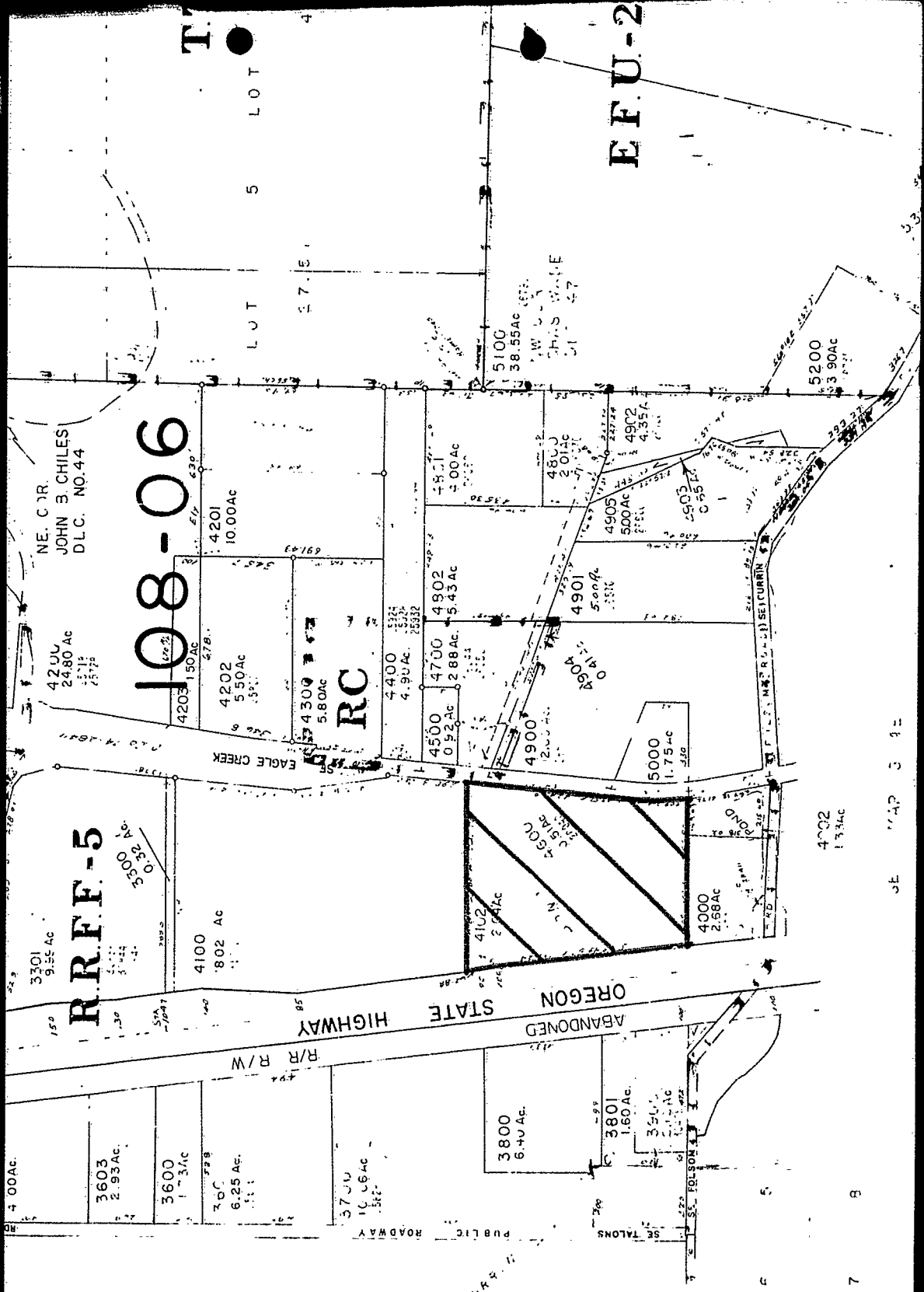
5. Does the proposal satisfy the goals and policies of the Comprehensive Plan which apply to the proposed use? (copy applicable goals and policies available upon request)

The property has an historic use

The proposed use does not fundamentally change, the use is within the guidelines set for this zone.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP



EFU-2

HWY. 211



**TIMES MIRROR**  
LAND AND TIMBER COMPANY

12300 S.E. MALLARD WAY, SUITE 205  
MILWAUKIE, OR 97222

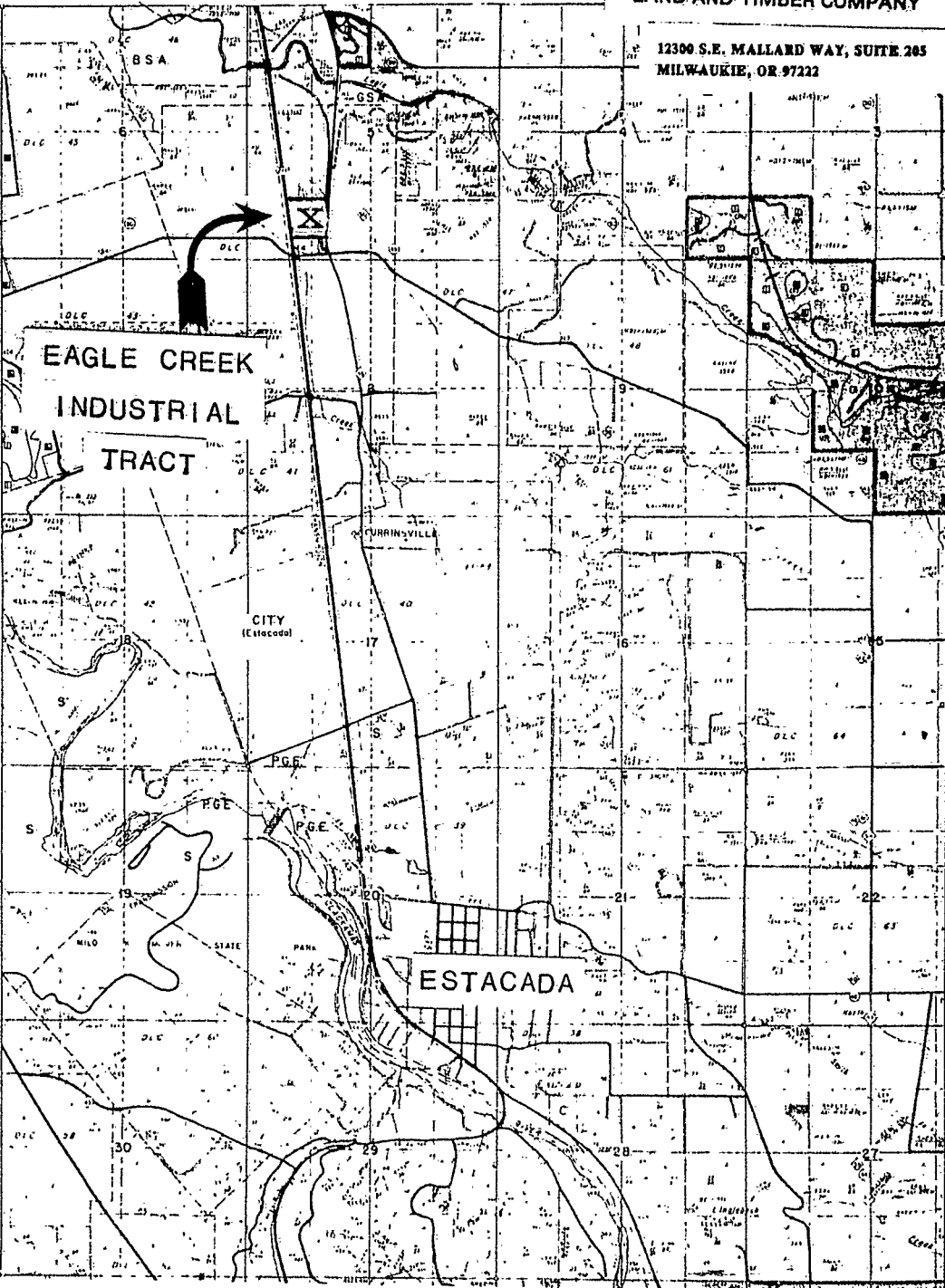


Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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3

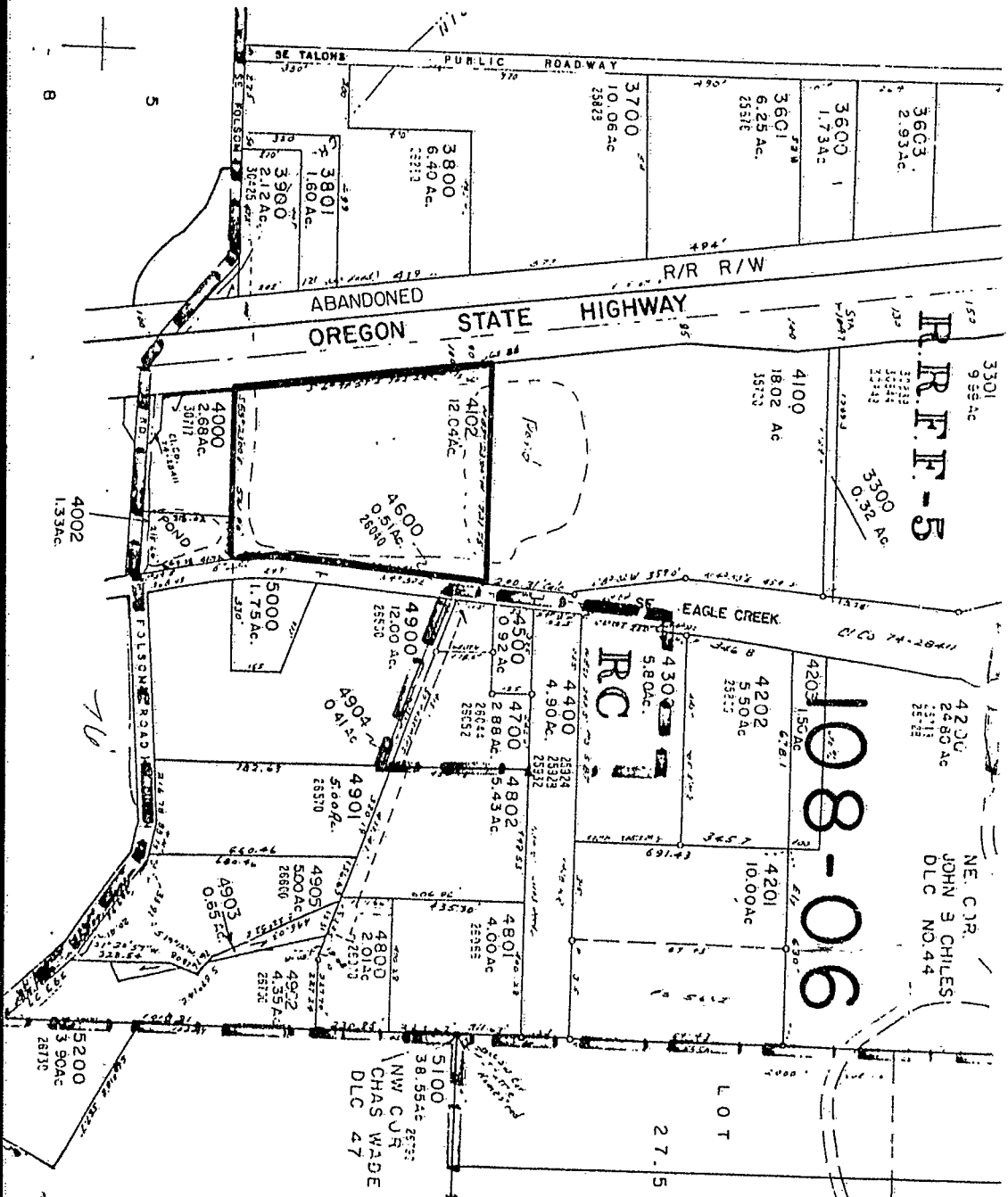


Exhibit 1

20155-21-M; 20156-21-CP; 20157-21-ZAP





CX #1

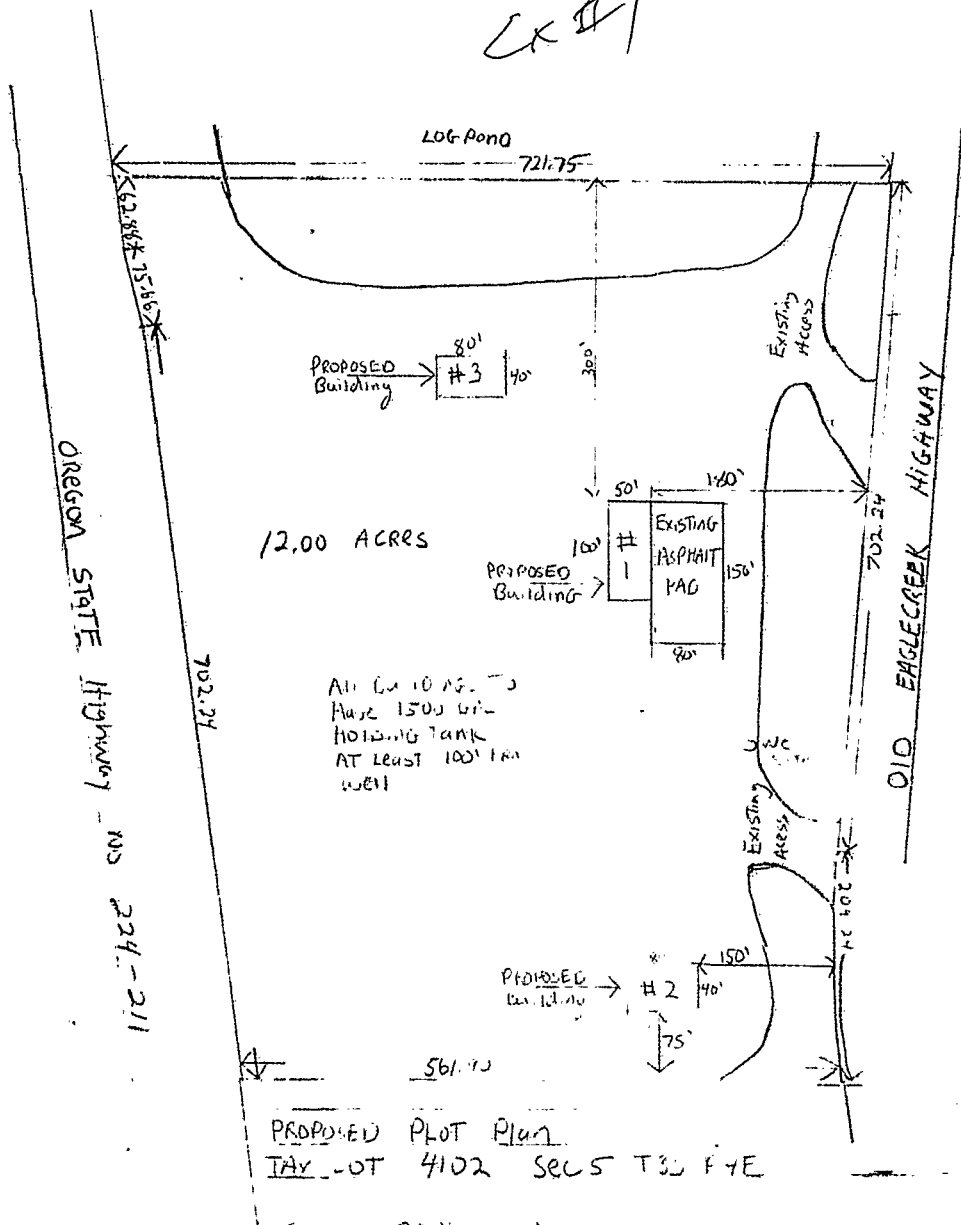
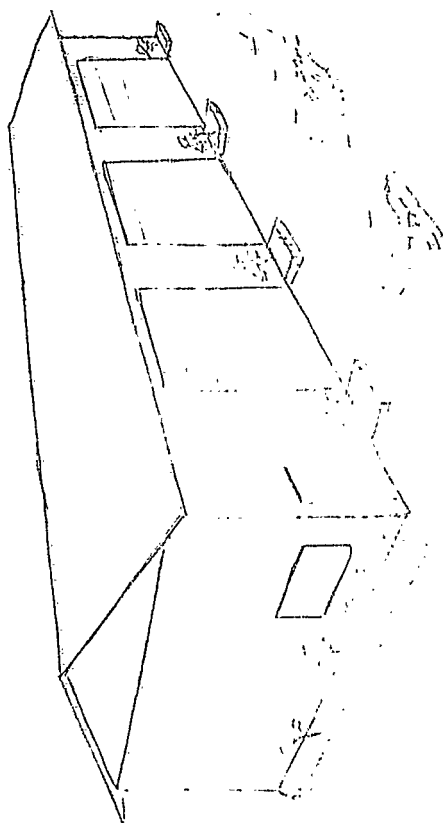


Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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Ex #2

Typical Building Profile

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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## *Crest Development Company*

BUILDERS - EXCAVATING  
28739 SE CREST  
EAGLE CREEK, OREGON 97022  
(503) 630-6963 FAX (503) 630-6909

TO: Clackamas County Planning Division

SUBJECT: Addendum to Conditional use application  
Tax Lot 4102 Sec 5 T3S R4E

Our Company is in the Forest and Farm Excavating and Construction business.  
We also sell and lease Equipment.

Partial Customer list:

Mt. Hood National Forest  
Umatilla National Forest  
Siuslaw National Forest  
Deshutes National Forest  
Umpqua National Forest  
Pacific Forest Consultants  
Park Forest Products  
and a number of private farmers.

I service roads, campgrounds, dig stumps, pile slash and build small structures and bridges in the forest.

During the course of business I have access to salvage timber to process in the portable sawmill. This use would be somewhat limited, averaging 2 loads of logs a week. I have recently sold tax lot 2900 Sec 8 T3S R4E where I had established similar uses.

Thank You,

Steve Mueller

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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File No: Z0202-91  
Type: ZC

CONDITIONAL USE

Page : 1 of 2  
Date : 02/14/91  
Time : 14:23

Status: PENDING

DatesReceived 02/14/91 Decision  
Final Expires

Applicant: CREST DEVELOPMENT CO  
Address: 28739 SE CREST  
City/Zip: EAGLE CREEK OR 97022  
Phone: 630-6963

Parcel No: 34E05 -04102 Owner: TIMES MIRROR LAND&TBR CO  
Site Address:

Title: CREST DEVELOPMENT CO/RRFF-5  
Proposed Use: REPAIR/STORAGE/SALES FOR. EQUIP/SAWMILL

Const: OTH  
Val by: 0 No. of Units: 0  
DCP Staff Reviewer: GN

Contiguous Parcels: NONE  
Comm Planning Organization  
Water Supply:

Private Well (Y/N) Y

Fee description	Units	Fee/Unit	Ext fee	Data
Standard Fee			395.00	
*** Fees Required ***	***	Fees Collected & Credits	***	
	Receipt No.	Date	Payment	
	001A0037	02/14/91	395.00	
Fees:	395.00			
Adjustments:	.00	Total Credits:	.00	
Total Fees:	395.00	Total Payments:	395.00	
		Balance Due:	.00	

Desc/date Act Inspector Comments  
Route To Staff Reviewer

\*\* No Entries \*\*

Notice of Distribution

\*\* No Entries \*\*

Comments Received

\*\* No Entries \*\*

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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File No: Z0202-91  
Type: ZC

Page : 2 of 2  
Date : 02/14/91  
Time : 14:23

CONDITIONAL USE

---

Desc/date	Act	Inspector	Comments
Hearing-Date-Continued-Action			
04/03/91	HR	HO	SET FOR HEARING
Staff Report (7 Days)			
Final (file closed)			** No Entries **
			** No Entries **
			** No Entries **
			** No Entries **



## LAND USE – BOARD ORDER COVER SHEET

In the Matter of an amendment to a previously approved  
Comprehensive Plan Amendment and Zone Map Amendment for the  
Bruce Goldson, Theta, LLC

File Nos.: Z0490-13-CP, Z0491-13-Z

Hearing Date(s): February 26 and March 12, 2014

Minutes: Yes

Board Order Signed: June 12, 2014      Order No. 2014-46

Sent to Parties: July 8, 2014

### DLCD

Mardel Anderson  
Robert Anderson  
Michael Ard  
Don Bancroft  
Steven Bray  
Seth Brumley  
Kenya Cruz  
Robert Fleming  
Jim and April Gardiner  
Bruce Goldson  
Tom Hester  
Adrian Holmes  
Jerry Kennedy  
Brian King

Jeff Kleinman  
Christine Kosinski  
Lawrence Mack  
Jan and Robert Maughiman  
Scott McConnachie  
David Peterson  
David Phillips  
Gary Rheinsburg  
David Stankovic  
Tammy Stevens  
Deborah Swanson  
Richard Vial  
Tom Wilke  
Miriam Wright

Planning – Jennifer Hughes, Mike McCallister  
Counsel  
File



MIKE McCallister  
LAND USE AND ZONING MANAGER

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

## NOTICE OF DECISION

### Comprehensive Plan Map Amendment

Clackamas County Board of County Commissioners

On **June 12, 2014**, the Board of County Commissioners adopted a final order approving a Comprehensive Plan amendment and zone map amendment change for **Bruce Goldson, Theta, LLC.**:

File No. Z0490-13-CP, Z0491-13-Z  
Board Order No. 2014-46

The full text of this order may be reviewed at the Clackamas County Planning Department, 150 Beaver Creek Rd., Oregon City, OR 97045. Monday through Friday between the hours of 8:00 AM and 3:00 PM.

This action may be appealed to the Land Use Board of Appeals pursuant to ORS 197.830 – 197.845 by filing a notice of intent to appeal within 21 days of the mailing of this notice, in the form and manner, and with the filing fee and deposit, prescribed by the rules of the Board.



**OFFICE OF COUNTY COUNSEL**

**PUBLIC SERVICES BUILDING**  
2051 KAEN ROAD OREGON CITY, OR 97045

**Stephen L. Madkour**  
County Counsel

**Kimberley Ybarra**  
**Kathleen Rastetter**  
**Chris Storey**  
**Scott C. Ciecko**  
**Alexander Gordon**  
**Amanda Keller**  
**Nathan K. Boderman**  
**Christina Thacker**  
Assistants

## **CERTIFICATE OF MAILING**

I hereby certify that the enclosed Board Order No. 2014-46, Local File No. Z0490-13-CP and Z0491-13-Z was deposited in the mail on July 8, 2014

Signed: \_\_\_\_\_

Cheryl J. Cornelison, Administrative Assistant  
Clackamas County Counsel's Office  
(503) 655-8619

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.:

Received:

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: Clackamas County

Local file no.: Z0490-13-CP/Z0491-13-Z

Date of adoption: 6/12/14

Date sent: 7/8/14

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 12/3/13

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

NO

Local contact (name and title): Mike McCallister, Planning Director

Phone: 503-742-4522

E-mail: MikeM@clackamas.us

Street address: 150 Beaver Creek Rd.

City: Oregon City

Zip: 97045

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

NA

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from Rural	to Rural Industrial	8.15 acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 32E16D 1000-1002, 1100-1101 20646/20666 S. Hwy 213, O.C.

The subject property is entirely within an urban growth boundary 1/4

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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The subject property is partially within an urban growth boundary *NA*

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

NA

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from RRFF-5	to RI	Acres: 8.15
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address): 32E16D 1000-1002, 1100-1101 20646/20666 S. Hwy 213, O.C.

List affected state or federal agencies, local governments and special districts: ODOT, City of Oregon City, Clackamas County Fire District #1

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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

**FILED**

JUN 17 2014

Sherry Hall  
Clackamas County Clerk

In the Matter of a Comprehensive  
Plan Amendment and Zone Map  
Amendment from Bruce Goldson,  
Theta, LLC, on property described  
as T3S R2E Section 16D, Tax Lots  
1000, 1001, 1002, 1100 and 1101



ORDER NO. 2014 - 46  
(Page 1 of 2)

File Nos.: Z0490-13-CP and Z0491-13-Z

This matter coming regularly before the Board of County Commissioners, and it appearing that Bruce Goldson, Theta, LLC made application for a Comprehensive Plan Amendment from Rural to Rural Industrial and a corresponding zoning map amendment from RRFF-5 (Rural Residential Farm Forest 5-Acre) to RI (Rural Industrial) on property described as T3S R2E Section 16D, Tax Lots 1000, 1001, 1002, 1100 and 1101, located approximately 0.20 miles south of the intersection of S. Highway 213 and S. Henrici Road and more commonly referred to as 20646 & 20666 S. Highway 213, Oregon City, Oregon 97045.

It further appearing that the planning staff, by its report dated January 20, 2014, recommended approval of the application with conditions of approval; and

It further appearing that after appropriate notice a public hearing was held before the Planning Commission on January 27, 2014, at which testimony and evidence was presented, and that the Commission, by the vote of 5-3, recommended denial of this request at their February 10, 2014 meeting; and

It further appearing that after appropriate notice a public hearing was held before the Board of County Commissioners on February 26, 2014 at which testimony and evidence were presented, and that a decision was made by the Board, by the vote of 3-2, on March 12, 2014 to approve the application, with the Comprehensive Plan Amendment and Zone Map Amendment limited to that area identified in Order Exhibit B, which is attached to this order and incorporated herein by reference.

Based on the evidence and testimony presented this Board makes the following findings and conclusions:

1. The applicant requests approval of a Comprehensive Plan Amendment from Rural to Rural Industrial and a corresponding zoning map amendment from RRFF-5 (Rural Residential Farm Forest 5-Acre) to RI (Rural Industrial).
2. This Board adopts as its findings and conclusions the *Findings and Conclusions* document attached hereto and incorporated herein as Order Exhibit A, which finds the application to be in compliance with the applicable criteria.

Clackamas County Official Records  
Sherry Hall, County Clerk  
Commissioner Agreements & Contracts

2014-0815  
Exhibit 1

20155-21-M; 20156-21-CP; 20157-21-ZAP

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CCP-PW25 (3/94)

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

In the Matter of a Comprehensive  
Plan Amendment and Zone Map  
Amendment from Bruce Goldson,  
Theta, LLC, on property described  
as T3S R2E Section 16D, Tax Lots  
1000, 1001, 1002, 1100 and 1101

}

ORDER NO. 2014 - 46  
(Page 2 of 2)

File Nos.: Z0490-13-CP and Z0491-13-Z

NOW THEREFORE, IT IS HEREBY ORDERED that the requested Comprehensive Plan Amendment and Zone Map Amendment is hereby APPROVED, limited to that area identified in Order Exhibit B, and subject to the conditions of approval as contained in Order Exhibit C, which is attached to this order and incorporated herein by reference.

DATED this 12th day of June, 2014

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

**Order Exhibit A - Findings and Conclusions**

**File No. Z0490-13-CP and Z0491-13-Z**

**GENERAL INFORMATION:**

Applicant: Bruce Goldson, Theta LLC, PO Box 1345, Lake Oswego, OR 97035

Owner: Doris M. Hickman Trustee, 20666 S. Molalla Ave., Oregon City, OR 97045

Proposal: Comprehensive Plan Map Amendment from Rural to Rural Industrial.  
Corresponding zone change from RRFF-5 (Rural Residential Farm Forest 5-Acre) to RI (Rural Industrial).

Location: Approximately 0.20 miles south of the intersection of S. Highway 213 and S. Henrici Road

Legal Description: T3S, R2E, Section 16D, Tax Lots 1000, 1001, 1002, 1100, & 1101

Site Address: 20646 & 20666 S. Highway 213, Oregon City, Oregon 97045

Comprehensive Plan Designation: Rural

Zone: RRFF-5

Total Area Involved: Approximately 8.15 acres

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**BACKGROUND INFORMATION, SITE AND AREA DESCRIPTION AND SERVICE PROVIDERS**

**Background Information:**

1. Site Description: The subject property is approximately 8.15 acres and consists of two "legal lots of record." Tax lots 1000 and 1101 combined form one legal lot of record. Tax lots 1100, 1001 and 1002 combined form one legal lot of record. The property is developed with two single family dwellings, three accessory buildings, a sport court, parking and circulation areas, two driveways to Hwy. 213, landscaping and large groves of trees. The property is fairly level. The property has approximately 440' of frontage on Hwy. 213, which is designated as a major arterial. A slatted cyclone fence borders the south side of the property adjacent to Quail Crest Lane.

2. Surrounding Conditions: All adjacent properties to the north, east, south and west on the west side of Highway 213 are zoned RRFF-5. This area consists of parcels ranging from approximately 2 acres to 40 acres in size. Most of the parcels are developed with single-family dwellings, with large wooded areas.
3. Service Providers:
  - a. Sewer: The subject property is not located in a public or private sewer district. Sewage disposal is accommodated by an on-site sewage disposal system.
  - b. Water: The subject property is located within Clackamas River Water District.
  - c. Surface Water: The subject property is not located in surface water district. Surface and storm water is regulated pursuant to Section 1008 of the ZDO.
  - d. Fire Protection: Clackamas County RFPD #1.

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## **HISTORY OF LAND USE APPLICATIONS**

### **1. Prior Land Use Applications on Tax Lot 1000 and 1101:**

- a. May 15, 1991 Letter (No Planning File) (See Record Exhibit 5 including 1991 aerial photo): Recognized "Kimes Specialties" business. A two person business to install, wire and weld hitches on RV's and trailers. The business was approved to be operated out of a 1,248 square foot building located behind the single family dwelling.
- b. File No. Z0629-91-E and Appeal File No. Z0841-91-A (See Record Exhibit 6): Planning Director approval of an Alteration of a Nonconforming Use. Planning Director approval recognized prior nonconforming use (Kimes Specialties) and authorized expansion to operate a construction business and storage of construction vehicles and equipment for a paving business. Allowed both businesses to operate on site. Application materials indicate the number of employees would increase from 2 to 22. Approved site plan makes reference to storing vehicles in a 110' x 270' area or about ½ acre. Application indicates parking area for vehicles and equipment will be improved. The application indicates the use will include 6 dump trucks, 3 trailers, rollers, back hoe, pickups and job trailers. The Planning Director decision include findings which state: "Large vehicles currently are stored on the property. There is sufficient area behind the house to store the equipment out of view." The decision recognized the existing access to Molalla Avenue (now Hwy. 213). The decision included two conditions:
  - i. *The construction vehicles shall be parked in an area where they are not visible from the highway.*
  - ii. *There shall be no access onto Quail Terrace.*

The Planning Director decision was appealed to the Land Use Hearings Officer. On appeal, the County Hearings Officer upheld the Planning Director decision with the same conditions, with the exception that the original Kimes Specialties use was modified to including welding hitches on RV's and trailers but not wiring hitches or construction of trailers.

- c. File No. Z0018-95-E/A (See Record Exhibit 7): Planning Director approval to expand a nonconforming uses to add a 4,200 square foot shop building to be used for the repair of construction vehicles and equipment and for minor welding of hitches on trailers and RV's.

The Planning Director decision was appealed. On appeal, the County Hearings Officer reversed the Planning Directors decision and denied the application. The Hearings Officer's reason for denial was that *"the application in File no. Z0629-91-E/Z0841-91-A requests approval only for the parking and storage of the construction vehicles and equipment, and makes no mention of repair or maintenance of those vehicles or equipment. Repair and maintenance cannot be considered inherent in, or accessory to, the parking and storage of construction vehicles and equipment, as the vehicle and equipment repair and maintenance creates the potential for significant additional adverse impacts to the neighborhood from noise, fumes and extended hours or operation."*

2. **Prior Land Use Applications on Tax Lot 1100, 1001 and 1002:**

- a. File No. Z0797-97-I (See Record Exhibit 8): Planning Director decision to determine if a nonconforming use has been established on the property and the nature and extent of the protected nonconforming use if established on the subject property. The Planning Director determined that:
  - i. A nonconforming use has been established and continued for auto, RV and light truck repair and incidental vehicle sales in conjunction with the shop constructed in 1963. The shop constructed in 1973 was built and used for the business without the proper land use permit and is therefore not a protected nonconforming use. The regular use of the property for the storage and repair of heavy trucks and construction equipment is not a part of the protected nonconforming use and was established without the proper land use permit.

The Planning Directors decision was appealed to the Land Use Hearings Officer. On appeal the Hearings Officer confirmed and in part approved the Planning Directors decision which found and a protected nonconforming use for the following:

- i. The repair of automobiles and the installation of trailer hitches conducted solely in the small shop / garage on the subject property and was operated as a part-time



business by Kenneth Miller, without other employees.

ii. The second larger shop building was constructed after 1979 and is not protected as a nonconforming use or structure.

iii. There is no nonconforming use established for the sale of vehicles from the subject property.

iv. The current use of the subject property for the repair and maintenance of heavy construction vehicles and equipment represents an alteration or expansion of the protected nonconforming use, and is not protected.

- b. File No. Z0322-98-E (See Record Exhibit 9): Planning Director denial of an alteration / change of a nonconforming use to allow use of an existing shop building (30' x 72') for the maintenance and repair of heavy equipment and trucks used in a paving and construction business. The Planning Directors decision was appealed to the Land Use Hearings Officer. The Hearings Officer denied the appeal and upheld the Planning Directors denial. The Hearings Officer decision was appealed to the Land Use Board of Appeals (LUBA). At the request of the parties, LUBA remanded the decision back to the County (i.e. LUBA did not render an opinion). On remand, the County Hearings Officer again denied the appeal and upheld the Hearings Officers decision.

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## **SECTION 1- COMPREHENSIVE PLAN MAP AMENDMENT FROM RURAL TO RURAL INDUSTRIAL**

### **PART 1. COMPLIANCE WITH STATEWIDE PLANNING GOALS:**

- A. **Goal 1: Citizen Involvement:** *To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

This is a quasi-judicial land use application. The Clackamas County Comprehensive Plan and Section 1300 of the Zoning and Development Ordinance (ZDO) contain adopted and acknowledged procedures for citizen involvement and public notice. This application has been processed consistent with the requirements in Section 1300 including notice to individual property owners within 500 feet of the subject property, notice in the local newspaper, and notice to affected agencies, dual interest parties and to the Hamlet of Beavercreek. Two public hearings were conducted before the Clackamas County Planning Commission on January 27, 2014 and February 10, 2014 and two public hearings were conducted before the Board of County Commissioners on February 26, 2014 and March 12, 2014. The public notice to individual property owners, agencies and interested parties, the local neighborhood association and notice in the newspaper as well as the four public hearings before the Planning Commission and Board of County Commissioners provided an opportunity for citizen involvement

and input consistent with this Goal.

**This application is consistent with Goal 1.**

- B. **Goal 2; Land Use Planning:** *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Goal 2 requires coordination with affected governments and agencies. Notice of this application was provided to the following agencies and governments for comments; City of Oregon City, Oregon City School District #62, Clackamas County RFPD #1, Clackamas River Water District, Oregon Dept. of Transportation (ODOT), and the Department of Land Conservation and Development (DLCD).

The subject property is not located within a Urban Growth Management Area (UGMA) of any city. The property is not located in a designated urban or rural reserve area. Therefore, this application will not affect the Comprehensive Plan of any city.

Goal 2 requires that all land use actions be consistent with the acknowledged Comprehensive Plan. The background information and findings provided by the applicant and within this report, and comments received from agencies and interested parties provide an adequate factual base for rendering a final decision consistent with the County Comprehensive Plan.

**This application is consistent with Goal 2.**

- C. **Goal 3; Agricultural Land:** *To preserve and maintain agricultural lands.*

The subject property is located within an acknowledged exception area designated Rural on the County Comprehensive Plan map. The subject property is not considered Agricultural land as defined in the Statewide Planning Goals or County Comprehensive Plan.

Testimony was received opining that an Exception to Statewide Goal 3 and 4 is required for this application. The Board disagrees and finds that a Goal 3 and / or Goal 4 Exception is not required for the following reasons:

1. The subject property is designated "Rural" on the Comprehensive Plan map. An Exception to the Statewide Planning Goals was completed by the County and acknowledged by LCDC to designate the property Rural when the County adopted the Comprehensive Plan in 1980.

2. The Rural Section of the Comprehensive Plan (page IV-57) states "Rural lands are exception lands."

3. The proposal is consistent with OAR 660-004-0018 because:

a. The Board has limited the uses of the site to the same as the existing land uses. See Order Exhibit C, condition no. 1. The applicant has proposed to continue the existing uses on the property. No new uses have been identified or proposed that require further analysis to determine if they are “rural” in nature.

b. The County’s Rural Industrial Plan designation and implementing RI zoning district has recently been amended and acknowledged to be in compliance with the Statewide Planning Goals 11 and 14.

c. The findings addressing Statewide Planning Goals 11 and 14 demonstrate the rural uses, density and public facilities will maintain the land as rural land. The property is not located in a public sewer or surface water district. The Rural Industrial Plan designation will not require or allow the extension of public sewer to the property. The existing uses and limited future uses contemplated for the property will not require the provision of or extension of additional public services and facilities. The record demonstrates the rural uses, density and public facilities will not commit adjacent or nearby resource lands to other uses because there are no resource lands in adjacent to or close to the subject property.

4. The Board specifically adopts the additional findings in Record Exhibits 28, 29, 34 and 35 in support of this issue.

**Goal 3 is not applicable.**

- D. **Goal 4; Forest Land:** *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

The subject property is located within an acknowledged exception area designated Rural on the County Comprehensive Plan map. The subject property is not considered Forest land as defined in the Statewide Planning Goals or County Comprehensive Plan.

See findings under Goal 3, addressing the need for an Exception to Statewide Planning Goal 4, which are specifically incorporated herein.

**Goal 4 is not applicable.**

- E. **Goal 5; Open Spaces, Scenic and Historic Areas, and Natural Resources:** *To conserve open space and protect natural and scenic resources.*

Goal 5 resources include open space areas, scenic and historic resources and other natural features. Chapter 3 (Natural Resources and Energy) and Chapter 9 (Open

Space, Parks and Historic Sites) of the Clackamas County Comprehensive Plan identifies significant Goal 5 resources within the County.

There are no outstanding cultural areas, historic areas or structures, natural areas, open space, scenic areas, wilderness areas, wetlands, habitat conservation areas, rivers or streams, natural hazards, potential or approved Oregon recreation trails or other significant Goal 5 resources identified in the Comprehensive Plan located on the subject property.

**Goal 5 is not applicable.**

- F. **Goal 6; Air, Water and Land Resources Quality:** *To maintain and improve the quality of the air, water and land resources of the state.*

The County Comprehensive Plan and ZDO include adopted implementing regulations to protect the air, water and land resources. The County also has implementing regulations to accommodate all waste and process discharges in order to protect watersheds, airsheds and land resources. These regulations will be applied to any future development proposals on the property and to ensure the protection of the affected air, water and land resources.

Opponents argued this proposal will increase surface water runoff to adjacent properties on the opposite (west side) of Hwy. 213. The applicant submitted evidence from a licensed engineer demonstrating that adequate surface water facilities, including DEQ approved treatment facilities are in place to accommodate surface water runoff and treatment. See Record Exhibit 1. The Board agrees with the testimony submitted from the licensed engineer.

**This application is consistent with Goal 6.**

- G. **Goal 7; Areas Subject to Natural Disasters and Hazards:** *To protect life and property from natural disasters.*

The subject property is not located within any designated floodplain area. According to the Department of Geology and Mineral Industries (DOGAMI) maps the property does not contain any steep slopes or natural hazards (landslide topography, local slump, earth flow, mudflow or debris flow areas).

**Goal 7 is not applicable.**

- H. **Goal 8; Recreational Needs:** *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate to provide for the siting of necessary recreational facilities including destination resorts.*

This proposal does not involve any designated recreational or open space lands, affect access to any significant recreational uses in the area, or involve the siting of a

destination resort. Opponents have argued this proposal will impact traffic access to the nearby County Golf Course (Stone Creek Golf Course). The Board finds there is substantial evidence in the record from ODOT and County Traffic Engineering which demonstrate, that this proposal, as conditioned, will not have a significant effect on the State or County transportation system. This proposal will have no impact on the recreational needs of the County or State.

**Goal 8 is not applicable.**

- I. **Goal 9; Economic Development:** *"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens."*

This Goal is intended to ensure Comprehensive Plans contribute to a stable and healthy economy in all regions of the state. Goal 9 also requires the County to provide for an adequate supply of sites of suitable sizes, types, locations, and services for a variety of industrial and commercial uses consistent with plan policies.

OAR 660-009 (Industrial and Commercial Development) implements Goal 9. Pursuant to OAR 660-009-0010(1) the requirements and standards in OAR 660-009 are only applicable to areas within urban growth boundaries. Therefore OAR 660-009 is not applicable.

For the area outside of the urban growth boundary, the Board finds this proposal will increase the inventory of land and the size, type and location of sites suitable for rural industrial uses.

**This application is consistent with Goal 9.**

- J. **Goal 10; Housing:** *"To provide for the housing needs of citizens of the state."*

This Goal requires local jurisdictions to provide for an adequate number of needed housing units and to encourage the efficient use of buildable land within urban growth boundaries. OAR 660-007 and 660-008 defines the standards for determining compliance with Goal 10. OAR 660-007 addresses the housing standards inside the Portland Metropolitan Urban Growth Boundary. OAR 660-008 addresses the general housing standards.

The subject property is located outside of the Portland Metropolitan Urban Growth Boundary. Therefore, OAR 660-007 is not applicable to this proposal. This proposal will have no affect on the inventory of rural housing because there are two existing dwellings on the site, one on Tax lot 1000 and the other on Tax lot 1100. The property is currently developed at the maximum density allowed under the existing RRFF-5 zoning. The existing dwellings may be maintained on the property under the proposed RI zoning.



**This application is consistent with Goal 10.**

- K. **Goal 11; Public Facilities and Services:** *"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."*

This Goal provides guidelines for cities and counties in planning for the timely, orderly and efficient arrangement of public facilities and services, such as sewer, water, solid waste and storm drainage. The Goal requires these public facilities and services to be provided at levels necessary and suitable for urban and rural uses, as appropriate. OAR 660-011 implements the requirements of Goal 11.

OAR 660-011-0060 and OAR 660-011-0065 regulates the provisions for, and the extension of sewer and water service to rural lands, respectively. The subject property is not located within a public sewer district. The subject property is located in the Clackamas River Water District which is currently providing water service to the site for residential and other business activities. The subject property is not located in a public or private surface water district.

The property is located within the service boundaries of Clackamas County RFPD #1, Oregon City Garbage Company and Clackamas County Sheriff's District.

This proposal will not require the extension of any new public facilities to support rural industrial uses. Sewage disposal will continue to be provided by an on-site sewage disposal system. Storm and surface water drainage is subject to the requirements in Section 1008 of the Clackamas County Zoning and Development Ordinance and will require on-site detention and treatment.

The County's Rural Industrial Plan designation and implementing RI zoning district has recently been amended and acknowledged (September 9, 2013) to be in compliance with Statewide Planning Goal 11 and Goal 14 (Urbanization). This demonstrates that the types and scale of allowed uses under the Rural Industrial Plan designation will maintain the rural character. In addition, the property is located outside the urban growth boundary, designated urban reserve area and has limited public facilities available to serve new uses.

Policy 7.0 in the Rural Section of the Plan supports the expansion or development of public facilities only when consistent with maintaining the rural character of the area. This Comprehensive Plan policy will ensure that the public facilities and services in the area will not commit adjacent or nearby lands to uses other than "Rural" uses and will be compatible with other adjacent and nearby resource uses.

**This application is consistent with Goal 11.**

- L. **Goal 12; Transportation:** *"To provide and encourage a safe, convenient and economic transportation system."*

1. Oregon Administrative Rule (OAR) 660-012 (Transportation Planning Rule) implements Statewide Planning Goal 12.
2. OAR 660-012-0060 applies to plan and land use regulations. OAR 660-012-0060(1) requires any amendments to a functional plan, acknowledged comprehensive plan or a land use regulation (including a zoning map) which would significantly affect an existing or planned transportation facility to put in place measures as provided in OAR 660-012-0060(2) unless the amendment is allowed under OAR 660-012-0060(3), (9) or (10).
3. Pursuant to OAR 660-012-0060(1) a plan or land use regulation amendment significantly affects a transportation facility if it would;
  - a. *Change the functional classification of an existing or planned transportation facility;*
  - b. *Change standards implementing a functional classification; or*
  - c. *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
    1. *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
    2. *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan or;*
    3. *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*
4. Compliance with OAR 660-012-0060(1) can be achieved by one or a combination of the following;
  - a. *Adopting measures that demonstrate the allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*

- b. *Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*
  - c. *Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*
  - d. *Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.*
  - e. *Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, of the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.*
5. The applicant has submitted a Traffic Impact Analysis (TIA) (Part of Record Exhibit 1) addressing the impacts from this proposal. The impact area for this application includes the intersections of Hwy. 213 at Henrici Road and Hwy. 213 at the site access. Both these intersections are State facilities and under the jurisdiction of the State of Oregon (ODOT). Opponents raised a number of issues related to the scope of the TIA, assumptions regarding worst case scenario traffic, capacity and safety issues. In response, those issues were addressed in an addendum to the TIA by the applicant's traffic engineer. See Record Exhibit 32. The Board finds the addendum to the TIA and ODOT's response to the TIA demonstrates this proposal, with conditions, can satisfy the Oregon Highway Plan and the Transportation Planning Rule.
  6. The conditions of approval included in Order Exhibit C will ensure this proposal does not degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan.
  7. The DTD Traffic Engineering Division reviewed this proposal and found there are no County transportation facilities which will be impacted by this proposal.

**This application is consistent with Goal 12.**

M. **Goal 13; Energy Conservation:** *To conserve energy.*

This proposal will have no impact on any known or inventoried energy sites or resources. There are no planning or implementation measures under this Goal applicable to this application.

**Goal 13 is not applicable.**

N. **Goal 14; Urbanization:** *To provide for an orderly and efficient transition from rural to urban land uses.*

The subject property is located outside of the Metropolitan urban growth boundary (UGB), including the Oregon City UGB. This proposal does not involve a change in the location of the UGB, a conversion of rural land to urban land, or urbanizable land to urban land. The property is not located within a designated urban or rural reserve areas. There are no planning or implementation measures under this Goal applicable to this application. The findings under Statewide Planning Goal 11 also demonstrate that the proposed Rural Industrial Plan designation and limited public facilities and services will maintain the land as rural land.

**This application is consistent with Goal 14.**

O. **Goal 15; Willamette River Greenway:** *To protect, conserve, enhance and maintain the natural scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The subject property is not located within the Willamette River Greenway.

**Goal 15 is not applicable.**

P. **Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes) and Goal 19 (Ocean Resources).**

**Goals 16, 17, 18 and 19 are not applicable in Clackamas County.**

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**PART 2 . COMPLIANCE WITH CLACKAMAS COUNTY COMPREHENSIVE PLAN POLICIES:**

A. **Chapter 1; Introduction:** This Chapter describes the purpose of the Comprehensive Plan and how to use the Plan.

This Chapter does not include any Goals or Policies applicable to a quasi-judicial land use application.

**Chapter 1 is not applicable.**

- B. **Chapter 2; Citizen Involvement:** The purpose of this Chapter is to promote citizen involvement in the governmental process and in all phases of the planning process.

There is one policy in this Chapter applicable to this application.

*Policy 1.0; Require provisions for opportunities for citizen participation in preparing and revising local land use plans and ordinances. Insure opportunities for broad representation, not only of property owners and County wide special interests, but also of those within the neighborhood or areas in question.*

The Clackamas County Comprehensive Plan and ZDO have adopted and acknowledged procedures for citizen involvement. This application has been processed consistent with those procedures. Specifically, the County provided notice to the Citizen's Planning Organization in the area (Hamlet of Beavercreek), to property owners within 500 feet of the subject property, and published public notices in the newspaper consistent with State law and Section 1302 of the ZDO. The Planning Commission and Board of County Commissioners held four public hearings to provide opportunities for citizen participation. The notification to property owners, public notices and hearings provided and opportunity for citizens to participate in the land use process.

**This application is consistent with Chapter 2.**

- C. **Chapter 3; Natural Resources and Energy:** The purpose of this Chapter is to provide for the planning, protection and appropriate use of the County's natural resources and energy.

This Chapter contains eight (8) Sections addressing; 1) Water Resources; 2) Agriculture; 3) Forests; 4) Mineral and Aggregate Resources; 5) Wildlife Habitats and Distinctive Resource Areas; 6) Natural Hazards; 7) Energy Sources and Conservation and; 8) Noise and Air Quality. Each of these Sections is addressed below.

- I. **Water Resources:** This Section of the Chapter identifies policies applicable to River and Stream Corridors, Principal River Conservation Areas, Stream Conservation Areas, Habitat Conservation Areas, Water Quality Resource Areas, Wetlands and Groundwater.
  - a. **River and Stream Corridors and Principal River and Stream Conservation Area Policies:** There are no river or stream corridors identified on the River and Stream Conservation Area map located on the subject property.
  - b. **Habitat Conservation Areas:** The subject property is not located in a Habitat Conservation Area.

- c. Water Quality Resource Areas: The subject property is not located in a Water Quality Resource Area.
- d. Wetlands: There are no wetlands identified on the National Wetland Inventory or other adopted wetland inventories on the subject property.
- e. Groundwater: The subject property is not located in a Limited or Critical Groundwater Area.

There are no policies applicable to this proposal.

- 2. Agriculture: This application does not involve any land planned or zoned for agricultural uses. There are no policies applicable to this proposal.
- 3. Forests: This application does not involve any land planned or zoned for forest uses. There are no policies applicable to this proposal.
- 4. Mineral and Aggregate Resources: The subject property is not identified on the "Inventory of Mineral and Aggregate Resource Sites" in Table III-2 of the Comprehensive Plan. There are no policies applicable to this proposal.
- 5. Wildlife Habitats and Distinctive Resource Areas: There are no significant wildlife habitats or scenic areas identified on Map III-2 of the Comprehensive Plan located on or near the subject property. There are no policies applicable to this proposal.
- 6. Natural Hazards: This Section of the Chapter identifies policies applicable to floodplains, natural and geologic hazards, steep hillsides and areas with limiting soil characteristics such as shrink-swell soils, compressed soils, etc.

The subject property is not located within a designated floodplain. According to the DOGAMI maps, there are no natural or geologic hazards, steep slopes or other natural hazards located on the subject property. There are no policies applicable to this proposal.

- 7. Energy Sources and Conservation: There are no policies applicable to this application.
- 8. Noise and Air Quality. There are no policies applicable to this application.

**This application is consistent with Chapter 3.**

- D. **Chapter 4; Land Use**: *This Section of the Comprehensive Plan includes the definitions for urban and rural land use categories, and outlines policies for determining the appropriate Comprehensive Plan land use designation for all lands within the County.*

This Chapter contains three Sections addressing; 1) Urbanization; 2) Urban Growth Concepts; and 3) Land Use Policies for the each Land Use Plan designation. Each



Section is addressed below.

1. Urbanization Section. This Section of the Plan outlines policies guiding land use in Immediate Urban Areas, Future Urban Areas, Future Urban Study Areas, Urban Reserve Areas and Population Coordination.

The subject property is not within an urban growth boundary, immediate urban area, future urban area, future urban study area or urban reserve area. There are no policies applicable to this application.

**The Urbanization policies are not applicable.**

2. Urban Growth Concept Policies. The Urban Growth Concept policies in this Section of the Plan are intended to implement the Region 2040 Growth Concept Plan. The subject property is not located within the boundaries of the Region 2040 Concept Plan identified on Map IV-8 of the Comprehensive Plan.

**The Urban Growth Concept policies are not applicable.**

3. Land Use Plan Designations. The subject property is currently designated Rural on the Comprehensive Plan map. The proposed amendment is to change the land use plan designation to Rural Industrial. The Rural plan policies and Rural Industrial plan policies are applicable to this application.

The remaining policies pertaining to the Residential, Commercial, Industrial, Open Space and Floodplains, Unincorporated Communities, Rural Commercial, Agriculture and Forest land use plan designations in this Section of the plan are not applicable.

The Rural and Rural Industrial plan policies are evaluated in Part 3 of this report.

**Based on the findings in Part 3 and 4 of this report the Board finds the existing Rural plan designation is appropriate on a portion of the property and the proposed Rural Industrial plan designation is appropriate on a portion of the subject property. The site plan included in Order Exhibit B delineates the Rural and Rural Industrial plan designations adopted by the Board.**

- E. Chapter 5; Transportation: *This Chapter outlines policies addressing all modes of transportation.*

This Chapter contains six (6) Sections addressing; 1) Roadways; 2) Transportation Demand Management; 3) Parking; 4) Transit; 5) Pedestrian and Bicycle Facilities and; 6) Freight, Rail, Air, Pipelines and Water Transportation. Each of these Sections is addressed below.

1. Roadways. The purpose of this Section is to create and maintain a safe, continuous County-wide road system that accommodates movement by all modes. The adopted

County Roadway Standards are also used to ensure a safe and adequate road system.

A. Policy 14.0, Access Standards are applicable to this application.

- i. Policy 14.0: *Plan and control access onto roads within the County, as shown on Table V-5, for urban areas and according to the American Association of State Highway and Transportation Officials (AASHTO) guidelines for rural areas, for both new and existing uses, and coordinate with the Oregon Department of Transportation for access control on state highways. Access standards need to be applied in a flexible manner that maintains reasonable access to property when access cannot be denied.*

The subject property has frontage on State Hwy. 213, which is classified as a major arterial. This highway is under the jurisdiction of the Oregon Department of Transportation (ODOT). Access to the property is subject to the requirements of ODOT and the Oregon Highway Plan. The subject property has two driveways which provide direct access to Hwy. 213. The record demonstrates that neither driveway meets minimum sight distance standards to the south of the subject property due to a horizontal curve. The applicant has identified an alternate location for the driveway to the north of the existing driveways which meets minimum sight distance standards and agreed to close the two existing driveways. The proposed driveway complies with minimum sight distance standards and the applicant has agreed to a condition to construct the new driveway within one year of final approval. A corresponding condition of approval is included requiring removal of the existing northerly and southerly driveways. This condition will ensure the access location to the subject property for both the rural residential and rural industrial uses satisfies AASHTO minimum safety guidelines.

**This policy can be met.**

2. Transportation Demand Management. This Section outlines strategies to achieve efficiency in the transportation system by reducing demand and vehicle miles traveled.

There are no policies applicable to this application.

3. Parking. This Section of the Chapter outlines policies for parking standards to meet the Region 2040 Growth Concept Plan, Transportation Planning Rule and DEQ's Air Quality Maintenance Plan.

There are no policies applicable to this application.

4. Transit. This Section of the Chapter outlines policies for accommodating transit services and facilities.

There are no policies applicable to this application.

5. Pedestrian and Bicycle Facilities. This Section of the Chapter outlines policies for providing pedestrian and bicycle facilities.

There are no policies applicable to this application.

6. Freight, Rail, Air, Pipelines and Water Transportation. This Section of the Chapter outlines policies applicable to these various travel modes of movement of people and goods.

There are no policies applicable to this application.

**This proposal is consistent with Chapter 5.**

- F. **Chapter 6; Housing:** *The purpose of the Housing element of the Plan is to, "Provide opportunities for a variety of housing choices, including low and moderate income housing, to meet the needs, desires, and financial capabilities of all Clackamas County residents to the year 2010."*

This Chapter includes a variety of policies regarding housing choices, affordable housing, neighborhood quality, urban infill, multifamily residential housing, common wall units, mobile homes and density bonuses for low cost housing and park dedication.

There are no policies applicable to this application.

**Chapter 6 is not applicable.**

- G. **Chapter 7; Public Facilities and Services:** *The goal of the Public Facilities and Services Chapter is to ensure an appropriate level of public facilities and services are necessary to support the land use designations in the Comprehensive Plan, and to provide those facilities and services at the proper time to serve the development in the most cost effective way.*

The Public Facilities Section of this Chapter includes policies regarding Sanitary Sewage Treatment, Water, Storm Drainage, Solid Waste and Street Lighting. The policies regarding Sanitary Sewage Treatment and Street Lighting are not applicable because the property is not located within a public sewer or street lighting district. (Sewage disposal is accommodated by an on-site sewage disposal system. The applicant will be required to demonstrate the property is suitable for an on-site sewage system to accommodate any future uses).

Policies 19.0 - 26.0 under the Storm Drainage Section include a number of policies requiring new development to provide storm drainage, water quality and erosion control plans. This proposal will not impact any public storm drainage facilities. The

subject property is not located within a public storm water / storm drainage district. Therefore, storm drainage, water quality and erosion control is regulated pursuant to Section 1008 of the Clackamas County Zoning and Development Ordinance. The standards in Section 1008 require all new development to maintain and improve water quality, minimize runoff and mitigate offsite impacts. These standards are adequate to ensure protection of groundwater, surface water and nearby Beavercreek.

Opponents raised issues about off-site storm drainage impacts from the site on downstream properties across Hwy. 213. In response, the applicant provided a storm drainage analysis which indicates the storm water from the parking and roadway surfaces are collected in catch basins and directed to a DEQ approved utility vault to collect solids and oils from the site. The Board finds this is substantial evidence demonstrating this proposal does or can satisfy County surface water requirements.

Policy 17.0 requires water service purveyors to provide water services for non-urban areas at levels appropriate for non-urban uses. The subject property is currently located in the Clackamas River Water District which provides water service to existing uses on site.

The Public Services Section of this Chapter includes policies regarding Fire, Law Enforcement, Education and County Government. The property is located within Clackamas County Fire District #1. All new development will require review and approval by the Clackamas County Fire District #1 consistent with Policy 1.0. The Clackamas County Sheriff Department provides law enforcement services in the area. This proposal will have no additional impact on the schools district (educational facilities) because no new housing is proposed. The policies regarding County Government are not applicable to this proposal.

**This application is consistent with Chapter 7.**

- H. **Chapter 8; Economics:** *The goal of the Economics element of the Plan is to "Establish a broad-based, stable and growing economy to provide employment opportunities to meet the needs of the County residents."*

This Chapter contains 4 Sections related to; 1) Existing Industry and Business; 2) New Industry and Business; 3) Coordination; and 4) Target Industries.

There are no policies applicable to this application.

**Chapter 8 is not applicable.**

- I. **Chapter 9; Open Space, Parks, and Historic Sites:** *The purpose of this Chapter of the Plan is to protect the open space resources of the County, to provide land, facilities and programs which meet the recreation needs of County residents and visitors, and to preserve the historical, archaeological, and cultural resources of the County.*

The subject property is not designated as open space or park land. There are no Historic Landmarks, Historic Districts or Historic Corridors on or adjacent to the subject property.

**Chapter 9 is not applicable.**

- J. **Chapter 10; Community Plan and Design Plans:** *This Chapter of the Comprehensive Plan includes the Mt. Hood Community Design Plan, Kruse Way Design Plan, Sunnyside Village Plan, Clackamas Industrial Area and North Bank of the Clackamas River Design Plan, Clackamas Regional Center Area Design Plan, Sunnyside Corridor Community Plan, and McLoughlin Corridor Design Plan.*

The subject property is not located within the boundary of any Community Plan or Design Plan area.

**Chapter 10 is not applicable.**

- K. **Chapter 11; The Planning Process:** *The purpose of this Chapter is to establish a framework for land use decisions that will meet the needs of Clackamas County residents, recognize the County's interrelationships with its cities, surrounding counties, the region, and the state, and insure that changing priorities and circumstances can be met.*

In the City, Special District and Agency Coordination Section of this Chapter, Policy 1.0, is applicable. In the Amendments and Implementation Section of this Chapter, Policy 1.0 and 3.0 are applicable.

1. City, Special District and Agency Coordination Section

*Policy 1.0; Participate in interagency coordination efforts with federal, state, Metro, special purpose districts and cities. The County will maintain an updated list of federal, state and regional agencies, cities and special districts and will invite their participation in plan revisions, ordinance adoptions, and land use actions which affect their jurisdiction or policies.*

Notice of this application was provided to the following agencies and governments for comments; City of Oregon City, Oregon City School District #62, Clackamas County Fire District #1, ODOT, and DLCD. This notice and advertised public hearings before the Planning Commission and Board of County Commissioners provided an adequate opportunity for interagency coordination of this plan amendment and demonstrates compliance with this policy.

**This policy is met.**

2. Amendments and Implementation Section

- a. Policy 1.0; *Assure that the Comprehensive Plan and County ordinances meet the goals of LCDC, the Region 2040 Urban Growth Management Functional Plan and the Metro Framework Plan.* "

Based on the findings in Part 1 of this report this proposal is consistent with all of the LCDC Statewide Planning Goals. The Region 2040 Urban Growth Management Functional Plan and Metro Framework Plan are not applicable to this application because the property is located outside the Metro UGB and service district.

**This policy is met.**

- b. Policy 3.0; *Amend the Comprehensive Plan pursuant to the following procedures and guidelines (listed in subpolicies 3.1 through 3.6).*

This is a quasi-judicial Comprehensive Plan map amendment and is subject to subpolicies 3.1, 3.3 and 3.4.

1. Subpolicy 3.1; *A map amendment may be initiated only by the Board of County Commissioners, the Planning Commission, the Planning Director, or the owner of the property for which a change is requested.*

The property is currently owned by Doris M. Hickman Trustee. The Land Use Application form has been signed by Doris M. Hickman, authorizing filing of the application.

**This policy is met.**

2. Subpolicy 3.3; *All proposed Comprehensive Plan amendments are to be considered at advertised public hearings before the Planning Commission, in accordance with state law and County requirements.*

The Planning Commission and Board of County Commissioners considered this application through a series of four public hearings. Notice of the hearings were published in the local newspaper and advertised consistent with all ZDO notice requirements.

**This policy is met.**

3. Subpolicy 3.4; *If the proposed amendment is quasi-judicial, property owners will be notified as required. The Community Planning Organization in the affected area shall be notified at least 35 days prior to the first hearing.*



The property owners within 500 feet of the subject property were notified as required in Section 1303 of the ZDO. The Hamlet of Beavercreek was notified of the application on December 2, 2013, approximately 42 days prior to the first scheduled public hearing before the Planning Commission.

**This policy is met.**

**This application has been processed consistent with Chapter 11.**

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**PART 3. EVALUATION OF THE RURAL AND RURAL INDUSTRIAL COMPREHENSIVE PLAN POLICIES IN THE LAND USE CHAPTER (CHAPTER 4).**

The Land Use Chapter of the Comprehensive Plan contains specific policies for determining the appropriate Comprehensive Plan land use designation for property. The Board finds it is feasible and common for a particular property to meet the policies and criteria for more than one land use Plan designation. In order to determine the most appropriate Plan designation, an evaluation of the policies for both the Plan designation being requested (Rural Industrial) as well as the existing Plan designation policies (Rural) is appropriate in order to weigh and balance any competing policies. The Board adopts the following findings with respect to the Rural and Rural Industrial Plan policies:

- A. **Rural Plan Policies:** The Rural Section of the Land Use Chapter of the Plan identifies the criteria which must be satisfied in order for the Rural Plan designation to be applied to an area. *“Rural lands are exception lands, as defined in Oregon Administrative Rules 660-004-005(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.”*

The Goals of the Rural Section of the Plan are: 1) *To provide a buffer between urban and agricultural or forest use;* 2) *To perpetuate the rural atmosphere while maintaining and improving the quality of the air, water, and land resources;* and 3) *To conserve open space and protect wildlife habitat.*

- I. Policy 1.0 in Chapter 4 of the Rural Section of the Land Use Chapter of the Plan identifies the criteria which must be satisfied in order for the Rural Residential Plan designation to be applied to an area.
- i. Policy 1.0: *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.*

This policy does not identify what "Areas" should be used or how it should be defined in the evaluation of this plan policy or any other plan policies

where the word "Areas" is used. The word "Areas" is not defined in the Comprehensive Plan or Zoning and Development Ordinance (ZDO). The Planning Commission and Board of County Commissioners have made various interpretations of this word to include just the subject property, a more broadly defined area around the subject property or both. The determination has been made on a case-by-case basis considering the merits of each application. The record includes two LUBA cases (*Swyter and Guest*; see Record Exhibits 26 and 27) which clearly provide this Board broad discretion to identify the appropriate "area." In both LUBA cases, the Board determined the "subject property" to be the appropriate "area" for evaluating this application. The Board finds the same in this case.

- ii. The findings addressing the Rural Industrial Plan Policy 3.0 in paragraph B below are incorporated in addressing this policy.
- iii. A portion of the lot of record consisting of tax lots 1000 and 1101 is committed to industrial uses and the remainder of the property is committed to residential uses and accessory uses (septic tank / drain field and landscaping) consistent with this policy.
- iv. The lot of record consisting of tax lots 1100, 1001 and 1002 is developed with a single family dwelling, 1,000 square foot accessory building approved for a small auto repair business, 2,000 square foot accessory building, septic tank / drain field, driveway to Hwy. 213, landscaping and large grove of trees. With the exception of the driveway to Hwy. 213 which provides access to industrial uses on tax lots 1000 and 1101 and the 1,000 square foot building which has been used for the repair of automobiles, equipment and machinery, the existing Rural Residential plan designation is appropriate on this property.
- iv. Public facilities to both lots of record are limited to public water provided by Clackamas River Water District. The subject property is not located in a public sewer or water district.
- v. Based on the above findings, the Board finds the subject property is the appropriate "area" to consider in evaluating this policy because it is the property included in the application. There is substantial evidence in the record demonstrating that the property has a historical commitment to both residential and industrial uses. A portion of the property is developed and has historically been committed to single family residential uses and accessory uses. The subject property has limited public facilities and services. The property is not suitable, necessary, or intended for urban uses because urban services are not available or planned and the property is located outside the urban growth boundary. The property is not suitable, necessary or intended for agricultural or forest use because it is located in

an approved exception area and is substantially committed to residential and industrial uses.

**Policy 1.0 is met for a portion of the subject property committed to rural residential uses.**

- B. **Rural Industrial Plan Policies:** The Rural Industrial Section of the Land Use Chapter of the Plan identifies the criteria which must be satisfied in order for the Rural Industrial Plan designation to be applied to an area.

The Goals of the Rural Industrial Section of the Plan are: 1) *To provide for the continuation of industrial uses in non-urban areas having an historical commitment to such uses.* 2) *To provide for the industrial redevelopment of abandoned or diminished mill sites.* 3) *To implement the goals and policies of this Plan for industrial development in Unincorporated Communities.*

1. **Policy 1.0:** *"The Rural Industrial plan designation may be applied in non-urban areas to provide for industrial uses that are not labor-intensive and are consistent with rural character, rural development, and rural facilities and services."*

The subject property is located outside of the Metro UGB and service district boundary and is considered a non-urban area. The Rural Industrial Plan designation and implementing RI zoning district limits the type and scale of uses which are appropriate for rural development. Public services to the site are limited to public water provided by the Clackamas River Water District. The property is not located in a public sewer or surface water district. Those services are not proposed or necessary to support the proposed Rural Industrial plan designation. Services to the area include garbage service and sheriff patrol services. The public facilities and services are appropriate to maintain the rural character of the area.

Opponents raised issues about the compatibility of rural industrial uses and conflicts with the rural character of the area. The Board finds the Rural Industrial plan designation is a rural zone. The existing industrial uses of the property, which have existed for over 45 years is part of the rural character of this area. Furthermore, the Rural Industrial Plan policies contemplate rural industrial uses in rural areas of the County because the policies are intended to recognize areas historically committed to industrial uses.

**This policy is met.**

2. **Policy 2.0:** *"The Rural Industrial (RI) zoning district implements the Rural Industrial plan designation."*

The Board finds that the Rural Industrial Plan designation is appropriate on a portion of the subject property. The RI zoning district is the only zone designation that can be applied to the property to implement the Rural Industrial plan

designation. The findings in this report, demonstrate the Rural Industrial plan designation is appropriate on the portion of the subject property identified in Order Exhibit B because that area is historically committed to rural industrial uses. Therefore the RI zoning district should be applied to that same area to implement the Rural Industrial plan designation.

**This policy can be met.**

3. Policy 3.0: "Areas may be designated Rural Industrial when the first, the second, or both of the other criteria are met:"
- a. Policy 3.0(a): "Areas shall have an historical commitment to industrial uses.
- i. The Board finds that the subject property is the appropriate "area" of consideration for evaluating this policy for the same reasons identified under Policy 1.0 in the Rural Section of the Comprehensive Plan. The term "areas" includes the parcels / property which are this application. Opponents argued that the effect of defining the subject property as the "area" result in illegal "spot zoning" and is inconsistent with the comprehensive plan. The Board finds the purpose of Policy 3.0(a) is in fact to recognize the historical use of properties and apply the appropriate plan and zone designations.
  - ii. The subject property was originally zoned R-20 on December 14, 1967. The current RRFF-5 zoning was applied to the subject property on June 19, 1980.
  - iii. The information in the background section of this report titled "HISTORY OF LAND USE APPLICATIONS" provides a basis for evaluating this policy.
  - iv. The lot of record consisting of tax lot 1000 and 1101 is 3.84 acres. This property is developed with a single family dwelling built in 1958, a sport court, 1,248 square foot building, paved and graveled parking and circulation areas, and a driveway to Hwy. 213 (south driveway). The , remainder of the site consists of landscaping and groves of trees along the west, south and eastern edges of the property.

The 1,248 square foot building has been used and approved for industrial uses for over 45 years. The rear portion of the property, located behind the 1,248 square foot building, has been used and approved for a construction / paving business for the storage of construction equipment and vehicles for approximately 22 years. The paving / construction business is considered an industrial use. The driveway to Hwy. 213 provides access to the single family dwelling, both industrial businesses and the industrial use (auto repair, etc) authorized in the small building on tax lot 1100. Approximately 1.5 to 2 acres of the 3.84 acre site is developed and committed to industrial

uses.

- v. The lot of record consisting of tax lot 1100, 1001 and 1002 is 4.31 acres. This property is developed with a single family dwelling built in 1955, a small shop building (approx. 1,000 square feet constructed in 1963) and a large shop building (approx. 2,000 square feet constructed sometime after 1979), paved parking area behind these two buildings (used for employee parking for the industrial uses on tax lot 1000), graveled parking and circulation areas on the rear of the property (used for storage of equipment and materials used for the industrial uses on tax lot 1000), a driveway to Hwy. 213 (north driveway). The remainder of the site consists of landscaping and large groves of trees. Approximately 8 RVs and vehicles are stored and listed for rent or sale along the frontage of Hwy. 213.

The 1,000 square foot accessory building has been used and approved for a part-time auto repair business for over 45 years. Although the building occupies only a small portion of the subject property, the Board finds the building is recognized as a nonconforming use for the repair of automobiles which represents a historical industrial use of the property. The existing northerly driveway on the property is currently and has historically been used for access to the business in this building.

- vi. Opponents argued that the property has a history of land use violations and those uses cannot be used to justify a “historical commitment” of the property. However, the Board is not relying on the history of violations or alleged violations, rather on evidence in previous approved land use decisions recognizing legal nonconforming use and other evidence in the record.
  - vii. Additionally, the Board finds that the criteria for a nonconforming use application is different than the approval criteria for a Comprehensive Plan amendment. While the prior decisions approving or denying nonconforming use applications are evidence in this matter, those decisions are not the sole basis for determining whether or not the property has a historical commitment to industrial uses.
  - viii. Based on the above findings, the Board finds subject property is the appropriate “area” to consider in evaluating this policy. The findings demonstrate that a portion of a portion of the subject property has an historical commitment to industrial uses.
- j. Policy 3.0(b): *“The site shall be an abandoned or diminished mill site, as defined in the Zoning and Development Ordinance, provided that only the portion of the site that was improved for the processing or manufacturing of wood products may be designated Rural Industrial.”*

There is no evidence in the record of an abandoned or diminished mill site on any portion of the subject property.

**This policy is not met.**

- k. Policy 3.0(c): *"Areas shall be located within an Unincorporated Community; and"*

The subject property is not located within the boundaries of an Unincorporated Community.

**This policy is not met.**

- l. Policy 3.0(d): *"The site shall have direct access to a road of at least an arterial classification."*

The subject property has frontage on State Highway 213, which is designated as a major arterial road. Both lots of record have direct access to an arterial road.

**This policy is met.**

4. Summary: The Board finds that a portion of the subject property satisfies Policy 3.0(a) because the site has been historically committed to an industrial use. The remaining Policies (3.0 b, c and d) do not have to be met because Policy 3.0(a) is satisfied.

**Policy 3.0 is met for a portion of the subject property which has an historical commitment to industrial uses.**

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#### **PART 4. SUMMARY OF FINDINGS AND CONCLUSIONS FOR THE COMPREHENSIVE PLAN AMENDMENT**

- A. Parts 1-3 in Section 1 of this report address all the policies, standards and criteria found to be applicable to this proposal. These policies and standards range from being very general (i.e. Statewide Planning Goals) to more specific in nature (i.e. Plan Designation Policies). The Board has weighed and balanced all these policies to determine most appropriate plan designation on the subject property and finds:
- B. The Rural Industrial Plan designation is the most appropriate plan designation on a **portion** of the site (as depicted in Order Exhibit B) for the following reasons:
1. The findings in Part 1 demonstrate the Rural Industrial Plan designation complies with the Statewide Planning Goals and in particular:
- a. Goal 9 because it will add to the supply, size, type and location of land for rural



- industrial uses.
- b. Goal 10 because it will not reduce the amount of land for rural housing in the County.
  - c. Goal 11 because the property has limited public services and facilities which will ensure the property is maintained as “rural” land and;
  - d. Goal 12 because the capacity and safety of the transportation system is adequate with conditions imposed on this approval to construct certain capacity and safety improvements.
2. A portion of the subject property meets Rural Industrial Plan Designation Policy 3.0(a) because the property is historically developed with industrial uses.
    - a. The property includes three recognized nonconforming uses, two established prior to 1967 the other in 1991.
    - b. In combination, the nonconforming uses authorize a range of industrial uses including auto repair in a 1,000 square foot building, a 1,248 square foot building for welding and trailer repair and the outside storage of equipment and vehicles for a construction and paving business.
    - c. The 1991 approval authorized a broad range of construction vehicles and equipment, paving of the parking and circulation areas and up to 22 employees.
  3. The property has two existing driveways which provide direct access to Hwy. 213 a major arterial road, which have historically provided access to the industrial uses on the subject property.
  4. A condition of approval will require removal of both existing driveways and construction of a new driveway in conformance with ODOT and AASHTO standards. This will improve access to the site by increasing driveway spacing along Hwy. 213, improve sight distance to minimum ODOT standards and improve the new driveway to accommodate two way traffic and truck movements. This will result in a safer transportation system.
  5. The existing public facilities and services are adequate to support the Rural Industrial Plan designation. No new public facilities or services are proposed or required to support rural industrial development on the property.
  6. There are no wetlands, floodplains, rivers or streams or other natural environmental features located on the property. The physical characteristics of the site are suitable for rural industrial uses.
- 

## **SECTION 2- ZONE CHANGE FROM RRFF-5 TO RI**

### **PART 1: COMPLIANCE WITH SECTION 1202 OF THE ZDO**

- A. The zone change criteria are listed in Section 1202 of the Clackamas County Zoning

and Development Ordinance (ZDO). Section 1202.01 states that the Hearings Officer (Board of County Commissioners) shall allow a zone change, after a hearing conducted pursuant to Section 1300, if the applicant provides evidence substantiating the following criteria:

1. **Section 1202.01(A):** *Approval of the zone change is consistent with the Comprehensive Plan.*

Based on the findings in Parts 1-3 and as summarized in Part 4 of this report, the Rural Industrial plan designation is consistent with the Comprehensive Plan on a portion of the subject property. The proposed RI zoning district (Section 604 of the ZDO) implements the Rural Industrial Plan designation. Therefore, the proposed RI zoning district is consistent with the Comprehensive Plan designation. The Board finds all the other applicable Comprehensive Plan policies are addressed in these findings and on balance support the Rural Industrial Plan designation on a portion of the property.

**This criterion is met.**

2. **Section 1202.01(B):** *If development under the new zoning district designation has a need for public sanitary sewer, surface water management, and/or water service, it can be accommodated with the implementation of service providers' existing capital improvement plans. The cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered.*

The subject property is not located in a public sanitary sewer, or surface water district, nor is there a need to extend these services to support the proposed RI zoning district. Sewer service will be accommodated by an on-site sewage disposal system. Surface water will be accommodated by on-site detention or other facilities approved under Section 1008 of the ZDO as administered by the DTD, Engineering Division.

The property is located within the Clackamas River Water District which currently provides adequate public water to the subject property.

**This criterion is met.**

3. **Section 1202.01(C):** *The transportation system is adequate, as defined in Subsection 1007.09(D), and will remain adequate with approval of the zone change. Transportation facilities that are under the jurisdiction of the State of Oregon are exempt from Subsection 1202.01(C). For the purpose of this criterion:*
  - a. **Section 1202.01(C)(1):** *The evaluation of transportation system adequacy shall include both the impact of the proposed zone change and growth in background traffic for a 20-year period beginning with the year that a complete land use application is submitted.*

- b. Section 1202.01(C)(2): *It shall be assumed that all improvements identified in the Clackamas County 20-Year Capital Improvement Plan, the Statewide Transportation Improvement Plan, and the capital improvement plans of other local jurisdictions are constructed*
- c. Section 1202.01(C)(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.*
- d. Section 1202.01(C)(4): *Transportation facility capacity shall be calculated pursuant to Subsection 1007.09(E).*
- e. Section 1202.01(C)(5): *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.*

The adequacy of the transportation system has been addressed under the discussion of Statewide Planning Goal 12 and the implementing Transportation Planning Rule. The impacts from this proposal on the transportation system are limited to Hwy. 213 which is a State transportation facility. Transportation facilities under the jurisdiction of the State of Oregon are exempt from this criteria. The DTD, Traffic Engineering Division has submitted comments in the record indicating this proposal will not affect the capacity of any County transportation facilities. The Board adopts the findings of the DTD Engineering Division as set forth in Record Exhibit 39.

**This criterion is not applicable.**

- 4. Section 1202.01(D): *The proposal, as it relates to transportation facilities under the jurisdiction of the State of Oregon, complies with the Oregon Highway Plan.*

The adequacy of the State transportation system has been addressed under the discussion of Statewide Planning Goal 12 and the implementing Transportation Planning Rule. Based on those findings, there is substantial evidence in the record demonstrating this proposal complies with the Oregon Highway Plan. Those findings are adopted by reference to address this criterion. The Board finds that conditions of approval related to capacity and safety improvements at the Henrici Road / Hwy. 213 intersection and site access / Hwy. 213 intersection recommended by the Oregon Department of Transportation are warranted to comply with the minimum requirements of the Oregon Highway Plan.

**This criterion can be met.**

- 5. Section 1202.01(E): *Safety of the transportation system is adequate to serve the level of development anticipated by the zone change.*

The subject property has two driveways which provide direct access to State Hwy. 213. Both driveways have inadequate sight distance to the south on Hwy. 213. The inadequacy of the site distance was raised by opponents as an issue. The applicant has proposed to remove both driveways and construct one new driveway further north. ODOT has determined that there is a suitable location to construct a driveway and meet minimum sight distance standards. See record Exhibit 34. The report from Lancaster Engineering (Record Exhibit 32) demonstrates that if the south driveway is closed and the north driveway is moved approximately 100 feet, adequate sight distance will be met consistent with ODOT standards. A condition is included in this approval requiring removal of the existing driveways and construction of one new driveway meeting ODOT standards. The specific location of the single driveway is identified in the plan in Order Exhibit B. Order Exhibit B demonstrates the minimum sight distance of 610 feet is met at the proposed driveway location, which is consistent with the Lancaster Engineering recommendations and ODOT safety standards to accommodate safety for all types and levels of traffic associated with the conditional zone change.

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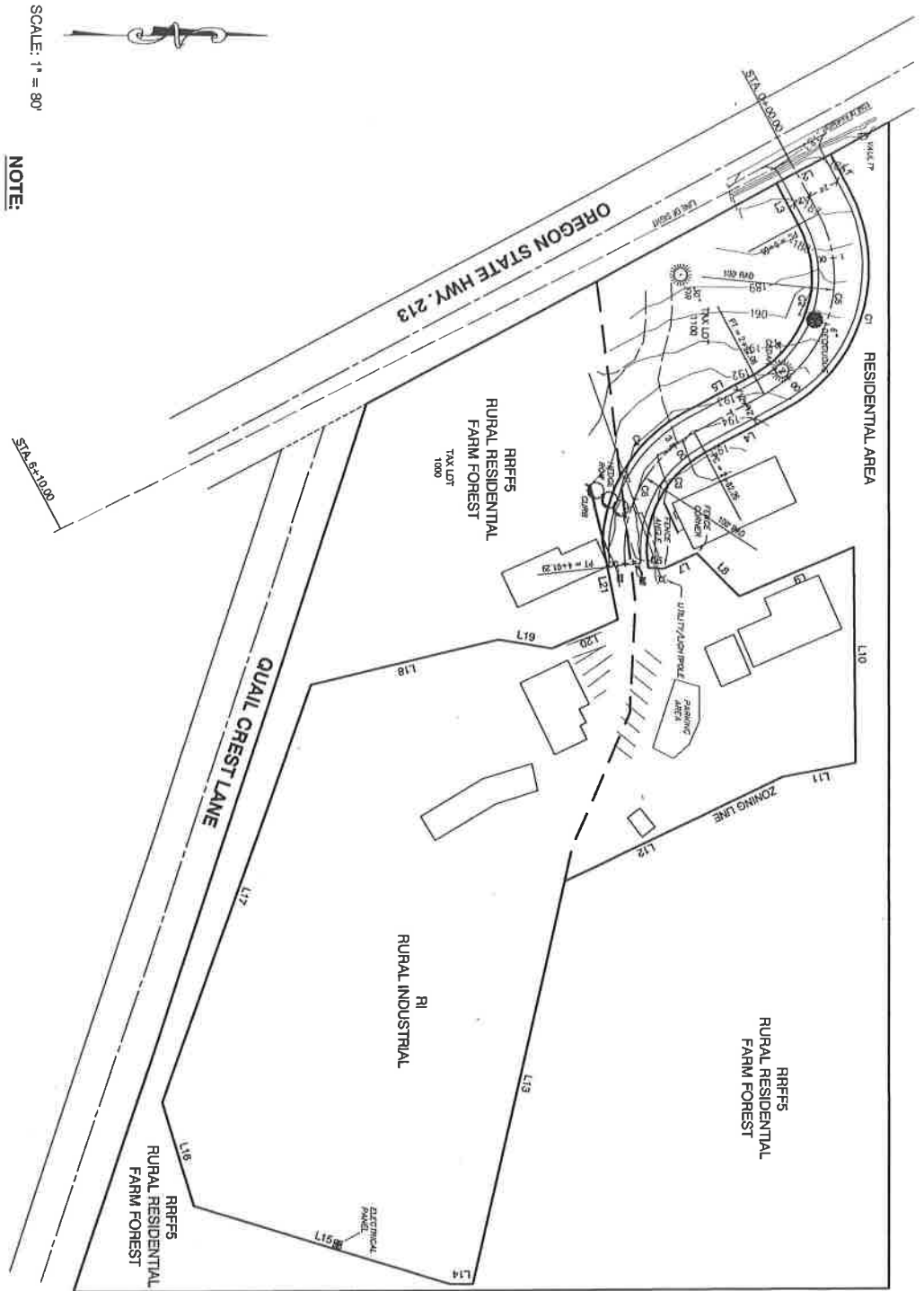
**This criterion can be met.**

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## **PART 2. SUMMARY OF ZONE CHANGE CRITERIA:**

This application satisfies or can satisfy all the criteria in Section 1202.01 of the ZDO with a condition of approval requiring timely closure of the existing driveways and construction of new driveway in compliance with ODOT standards.

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SCALE: 1" = 80'

NOTE:

1. BOUNDARY BASED ON RECORD SURVEY PS 25399, JULY 1993.

DESIGNED:	BDS
DRAWN:	BJS
SCALE:	1" = 80'
DATE:	April, 2014
FILE:	Hals Const Exhibit D

**Thetac LLC**  
ENGINEERING - SURVEYING - PLANNING  
P.O. Box 1346  
Lake Oswego, Oregon 97035  
503/461-8822  
email: thetaco@comcast.net

Hals Construction  
20666 Highway 213  
Oregon City, Oregon

Clackamas County Land Use Application  
Z0490-13-CP, Z0491-13-Z

LINE TABLE

LINE	LENGTH	BEARING
L1	32.00	N81.4300°E
L2	46.00	S28.1200°E
L3	35.00	N81.4300°E
L4	69.16	N08.1700°W
L5	60.18	N08.1700°W
L6	11.51	S04.3108°W
L7	27.46	S24.5049°E
L8	45.40	S45.0908°W
L9	94.02	S23.1057°E
L10	163.00	N89.2000°E
L11	58.04	S10.5401°E
L12	182.04	S25.2300°E
L13	309.65	S77.2017°E
L14	18.73	N00.1518°W
L15	199.98	N1.63748°E
L16	81.50	N73.0835°E
L17	332.17	S70.2950°E
L18	143.43	S13.4529°E
L19	40.42	S09.4608°W
L20	53.49	S23.5122°E
L21	59.87	N78.4418°E

CURVE TABLE

CURVE	LENGTH	RADIUS
C1	188.50	120.00
C2	130.36	83.00
C3	102.89	83.00
C4	119.81	117.00
C5	187.08	100.00
C6	119.03	100.00

EXHIBIT B

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
OREGON  
JULY 12, 1968  
BRUCE D. GOLDSON  
851

EXPIRES: 06/30/2015

## **Exhibit C- Conditions of Approval**

### **File No. Z0490-13-CP and Z0491-13-Z**

1. Future uses of the property are limited to those identified in Table 604-1: Permitted Uses in the RI District, paragraph "A. Construction and Maintenance Contractors," as of the effective date of this order; except that building movers shall not be a permitted use.
2. The applicant shall design and construct improvements that permanently close the existing southernmost driveway to Highway 213 in accordance with ODOT standards within six months of approval.
3. The applicant shall design and construct improvements that relocate the existing northernmost driveway to Highway 213 in accordance with ODOT standards to achieve adequate intersection sight distance within one year of approval.
4. With each future proposed phase of development, the applicant shall submit a traffic analysis to address the need for a southbound left turn lane at the intersection of Highway 213 and the site access. As recommended by ODOT and as warranted, the applicant shall design and construct a southbound left turn lane according to ODOT standards.
5. With each future proposed phase of development, the applicant shall submit a traffic analysis to address the need to widen their site access at Highway 213 to two outbound travel lanes. As warranted, the applicant shall design and construct a second outbound site access travel lane according to ODOT and County standards.
6. With each future proposed phase of development, the applicant shall submit a traffic analysis to address the need for improvements at the Highway 213/Henrici Road intersection. If a proposed phase generates any new traffic during the weekday PM peak hour, the applicant shall design and construct a two way left turn lane or acceleration lane on Highway 213 south of Henrici Road in accordance with ODOT standards. If a proposed phase does not generate new traffic during the weekday PM peak hour, the applicant shall not be required construct improvements to the Highway 213/Henrici Road intersection with that particular phase.



# LAND USE FILES

FILE # 20578-91-M

## LEGAL DESCRIPTION:

T3 S R4 E

SEC. 5

TAX LOT 4002, w.m.

MAP ✓

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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RRFF-5-309  
Minor Part-1106

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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NOTICE OF DECISION ON  
MINOR PARTITION

CLACKAMAS COUNTY DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
PLANNING AND ECONOMIC DEVELOPMENT DIVISION  
902 Abernethy Road; Oregon City, Oregon 97045  
Phone: 655-8521

LAST DATE TO APPEAL: JUL 01 1991

DATE: June 21, 1991

FILE NO.: Z0578-91-M

STAFF CONTACT: Clay Glasgow

APPLICANT: Steve Mueller

OWNER OF PROPERTY: Same

LOCATION: Between S.E. Eagle Creek Road and Highway 211/224, approximately 300 feet north of S.E. Folsom Road; Eagle Creek area.

LEGAL DESCRIPTION: T3S, R4E, Section 5, Tax Lot 4102, W.M.

SITE ADDRESS: Not available

TOTAL AREA INVOLVED: Approximately 12.04 acres

PRESENT ZONING: RRFF-5; Rural Residential Farm Forest 5-Acre District

CITIZENS PLANNING ORGANIZATION: Eagle Creek-Barton CPO; c/o Chrys Poitras; 28180 S.W. Gerber Court; Eagle Creek, OR 97022; 637-6211

PROPOSAL: The applicant plans to partition the subject property into two parcels of approximately 5 acres and 7 acres each.

The Planning Division has reviewed your application for a Minor Partition. The request is consistent with the Zoning and Development Ordinance and Comprehensive Plan and is approved. Approval is subject to the conditions of approval identified below.

CONDITIONS OF APPROVAL

1. All conditions of approval shall be guaranteed or completed prior to issuance of any building permits, unless otherwise noted below.
2. Within 180 days of the date of decision, a final partition plat survey of the approved map must be submitted to this office for review. Once approved by the Planning Division, the approved partition plat will be sent to the County Surveyor for review. When approved by the Surveyor, the plat must then be filed and recorded by the County Clerk. Failure to submit the final survey will void this partition approval.
3. No parcel in an approved minor partition can be redivided through partitioning until the next calendar year following the date of final approval of the partition and the date of sale of the individual parcel. The creation of four (4) or more parcels within a calendar year requires filing of a subdivision; any parcels under the same ownership shall be counted in determining the number created.
4. All structures and uses shall conform to the requirements of the RRFF-5 zoning district.
5. A Street Construction and Encroachment Permit must be acquired from the Department of Transportation and Development, Technical Services Division. Failure to obtain this permit will void partition approval. Completion of the improvement set forth in this permit must be accomplished or a performance surety in the amount equal to the cost of the improvements must be posted prior to issuance of building permits.
6. The driveway entrance shall be paved from the property line to the existing improved surface of the roadway. Any new access taken off Highway 211 will require a permit from the State Highway Division.

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

Continued on reverse  
Page 248 of 747

7. This approval is subject to the limitations imposed by the County Soils Division. No building permits will be issued prior to the applicant satisfying all requirements from that division.
8. This approval is subject to all conditions of previous File No. Z0202-91-C (Conditional Use to allow construction of 3 buildings to allow sales, repair, and storage of farm and forest equipment, as well as establishment of a portable sawmill and wood yard).
9. Design Review shall be required prior to commencement of use or issuance of building permits.
10. A statement of water rights shall be included on the final partition plat. If there are no water rights being claimed it shall be so stated on the plat. If water rights are being claimed the applicant shall complete a "Statement of Water Rights" form (available in the Planning Division office), and mail it to the Oregon Water Resources Department for acknowledgment of these rights. The applicant should allow approximately two weeks for a response. A copy of the acknowledgment must be submitted to the Planning Division and included with the plat before the County Clerk will accept the plat for recording.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

IF YOU DISAGREE WITH THIS DECISION OR CONDITIONS, YOU MAY APPEAL THIS DECISION TO THE CLACKAMAS COUNTY HEARINGS OFFICER. THE COST OF THE APPEAL IS ONE-HALF THE ORIGINAL FILING FEE. YOUR APPEAL MUST BE RECEIVED IN THE PLANNING DIVISION OFFICE BY THE LAST DATE TO APPEAL, WHICH IS JUL 01 1991

0620/205-4/cg:mp

Date Mailed: 6-21-91  
Neighborhood Group ✓  
Property owners (250') 350' ✓  
Applicant ✓  
Attorney                       
Others:                     

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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# MINOR PARTITION APPLICATION

DEPARTMENT OF ENVIRONMENTAL SERVICES  
902 Abernethy Road  
Phone: (503) 655-8521

CLACKAMAS COUNTY PLANNING DIVISION  
Oregon City, Oregon 97045

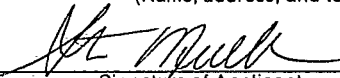
1. FEE: The fee is \$260<sup>00</sup> per application.
2. MAPS. Attach six (6) maps with all required information listed. Application cannot be processed unless all required information is furnished.
3. Building Permit Application Number, if any: \_\_\_\_\_
4. Variance Application Number, if any: \_\_\_\_\_
5. Non-Farm/Forest Application Number, if any: \_\_\_\_\_

TOWNSHIP 3S RANGE 4E SECTION 5 TAX LOT 4/102

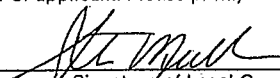
I / We hereby submit this application for approval of a minor partition, as indicated on the attached map

Steve Mueller 28739 SE CREST  
(Name, address, and telephone number of applicant. Please print.)

EAGLE CREEK OR. 97022 630-6963  
(Name, address, and telephone number of applicant. Please print.)

  
Signature of Applicant

5-9-91  
Date

  
Signature of Legal Owner

5-9-91  
Date

Date Received: 5/6/91 FOR OFFICE USE ONLY File No. 20578-91-M

Received By TC

RRFF-5

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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CLACKAMAS COUNTY PLANNING DIVISION  
INFORMATION TO BE SHOWN ON MINOR PARTITION MAPS

Staff, please check each box when reviewing application. All information must be on map before accepting application.

Maps must be on 8½ x 14 inch paper, with ½-inch margin on all sides.

- ☐ 1. Legal description by Township, Range, Section and Tax Lot number.
- ☐ 2. Name, address and telephone number of applicant.
- ☐ 3. Parcel layout, with dimensions. Show any adjacent property under same ownership.
- ☐ 4. Direction of north.
- ☐ 5. All existing roads and road widths.
- ☐ 6. Number the parcels, i.e., Parcel 1, Parcel 2.
- ☐ 7. Location of well or proposed well, or name of water district.
  - a. All wells must be 100 feet from any drainfield. No drainfield can be located within 100 feet of any well.
  - b. Any parcel using an individual private well must be two (2) acres in size, unless waived by the Soils and Sanitation Department.
- ☐ 8. Type of sewage disposal: Septic tank or public sanitary sewers. Name of sewer district.
- ☐ 9. Zoning.
- ☐ 10. Size of parcel(s) in square feet or acres.
- ☐ 11. Slope of ground. (Arrows pointing down-slope.)
- ☐ 12. Setbacks of all existing buildings, septic tanks and drainfields from new property lines.
- ☐ 13. Show all utility and drainage easements.
- ☐ 14. Show any natural drainage channels. Indicate direction of flow, and whether drainage is seasonal or year around.
- ☐ 15. Map scale.
- ☐ 16. Date.
- ☐ 17. Building permit application number, if any.

444

FFU-20

NE. CR  
JOHN B CHILES  
DLC NO.44

108-06

**REF-5**

4300  
5.80Ac

ABANDONED  
OREGON  
STATE  
HIGHWAY

## Exhibit 1

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

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# CLACKAMAS COUNTY

## Department of Transportation & Development

WINSTON KURTH  
EXECUTIVE DIRECTOR

RICHARD DOPP  
DIRECTOR  
OPERATIONS & ADMINISTRATION

TOM VANDERZANDEN  
DIRECTOR  
PLANNING & DEVELOPMENT

January 25, 1991

Times Mirror Land & Timber Co.  
c/o Steve Mueller  
28739 S.E. Crest  
Eagle Creek, OR 97022

SUBJECT: TAX LOT 4102, SECTION 05, T. 3S, R. 4E  
SOIL FEASIBILITY STUDY

I visited this property January 23, 1991, and examined the two soil test pits. As expected, the pits revealed fill materials consisting of soil rock and wood waste from the surface to the bottom of the pits. The natural soil was not observed to a depth of 48 inches. These conditions cannot be considered for subsurface sewage disposal so the only possibility might be a holding tank system.

Holding tanks can only be considered where the daily sewage flow is limited to 200 gallons or less. That means 13 employees total at the proposed shop building. And, for one shift only. No industrial wastes and no shower facilities. If the buildings require showers, only five employees total could be considered for both shop buildings.

Further investigation and detailed holding tank design is necessary to ensure a solid stable base to site the holding tank. Refer to the standards set forth by the Department of Environmental Quality (pages 71-84, 71-85 and 71-86) for other conditions that must be addressed.

Your application is considered denied pending the additional required information.

Call, if you have any questions. I am usually in the office between 8 and 9 a.m. or 4 and 5 p.m.

LEE A. GRIMES - Soil Scientist  
Building Services Division

/krb

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

RICHARD F. CRIST  
Land Use Hearings Officer  
18734 Upper Midhill Drive  
West Linn, Oregon 97068  
(503) 636-9256

FINDINGS AND DECISION OF THE HEARINGS OFFICER

File No.: Z-0202-91-C

Applicant: Steve Mueller, 28739 SE Crest, Eagle Creek, OR 97022

Proposal: To construct three buildings to allow sales, repair and storage of farm and forest equipment, and to establish a portable sawmill and wood yard.

Planning Division Recommendation: Approval.

Staff Representative: Doug McClain

Public Hearing: A public hearing was held at the Clackamas County Department of Transportation and Development (DTD), 902 Abernethy Road, Oregon City, Oregon on April 3, 1991 at 9:30 a.m., at which time testimony and other evidence was received, the record was closed, and an oral decision was announced approving the application, subject to certain conditions.

Speaking in Support of Request:

1. Steve Mueller, 28739 SE Crest, Eagle Creek, OR 97022

Community Planning Organization Response: There is no active CPO serving this area of Clackamas County.

Speaking in Opposition to Request: None.

FINDINGS:

A. Subject Property:

1. Legal Description: Tax Lot 4102, Section 5, T3S, R4E, W.M., Clackamas County, Oregon
2. Location: Between State Highway 211 and SE Eagle Creek Road, approximately 400 feet north of SE Folsom Road, Eagle Creek area.
3. Zone: RRRF-5, Rural Residential Farm Forest 5 Acre District
4. Comprehensive Plan Designation: Rural
5. Site Description: The subject property is approximately 12 acres. It is currently undeveloped. Most of the site is covered with gravel.

B. Vicinity Information: This area contains a mixture of agricultural

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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and rural residential uses. There is also a small rural commercial development located to the northeast of the subject property.

C. Service Considerations: Water will be provided by private well. Sewage disposal will be handled on-site. Fire protection is provided by Estacada Fire District No. 69.

D. Land Use Ordinance Considerations:

1. Section 309 of the Clackamas County Zoning and Development Ordinance (ZDO) controls land uses in the RREF-5 zoning district. Subsection 309.05 provides that certain uses may be permitted as a conditional use where the application satisfies the criteria under Section 1203 of the ZDO, the applicable standards under Section 800 of the ZDO and any other requirements of the ZDO. The Hearings Officer has reviewed the entire record made as a part of this proceeding, and Findings based on that record with regard to each of the criteria above described will be discussed below.

2. This application satisfies each of the criteria under Section 1203 of the ZDO, as follows:

a. The proposed use is listed as a conditional use in the underlying zoning district. Subsection 309.05(A)(9) of the ZDO lists commercial or processing activities which are in conjunction with timber and farm uses as a conditional use in the RREF-5 zoning district. The applicant proposes to sell, store and repair farm and timber equipment, and will be conducting a portable sawmill and wood yard. The applicant is proposing to move his existing business from a nearby parcel. These uses have previously received conditional use approval (See File #487-86-C), and are activities in conjunction with farm and timber uses.

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

The property has been previously gravelled for log storage, making it suitable for the proposed uses. The site is level and open, with no natural features or improvements which limit its suitability for the proposed uses.

c. The site and the proposed development are timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

Regarding the transportation system, the property abuts both State Highway 211 and Eagle Creek Road. The information provided by the County staff is that the traffic expected to be generated by the proposed uses can be easily accommodated by these roads. This information is not contested, and is accepted by the Hearings Officer.

Responses from the local fire district and the County's Soils Division indicated that appropriately facilities can be provided on-site, without any impact on public facilities and services.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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Conditions of approval will require approval of the means of sewage disposal for the property and adequate provision for fire-fighting water and emergency vehicle access.

d. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying zoning district.

The subject property and the immediate surrounding area are zoned RRFF-5. The primary uses of that district are set forth in subsection 309.03 of the ZDO, and included herein by this reference. They include generally rural residential uses, and limited farm or forest uses.

The subject property is isolated from adjoining lots and is affected by State Highway 211 and Eagle Creek Road. There are no nearby homesites. The conditions of approval will include design review, which will assist in providing visual mitigation. With this visual mitigation, there are no identified impacts on adjacent properties which would limit or preclude permitted primary uses.

e. The proposal satisfies the Goals and Policies of the Comprehensive Plan (Plan) for Clackamas County which apply to the proposed use.

As stated above, the subject property is designated Rural by the Plan. No specific Goals or Policies of the Rural Section of the Land Use Element of the Plan have been identified as applicable to this application.

3. Subsection 801.03 of the ZDO lists the information which must be submitted for a complete conditional use application. This application contains a description of the proposed use and specific reasons for the request, a vicinity map, a site plan of the property, including existing and proposed improvements, a building profile, and information addressing the criteria under Section 1203 of the ZDO. This provision is satisfied.

4. No other provisions of the ZDO or the Plan have been identified as applicable to this application, and no other provisions of the ZDO or the Plan are found to be applicable.

5. The Hearings Officer specifically finds that the applicant can meet each of the conditions of approval.

DECISION: Approval, subject to the following conditions:

1. The applicant shall provide an adequate source of fire-fighting water, consistent with the requirements of Estacada Fire District No. 69. Prior to establishing the use or issuance of any building permits, the applicant must provide a letter from the fire district substantiating compliance with their requirements for fire-fighting water and emergency vehicle access.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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2. Approval is subject to the limitations imposed by the County Soils Division. Currently, the use must generate no more than 200 gallons per day, which is the maximum allowed by the current holding tank approval.
3. Approval is limited to the specific use described in the application, to the extent it is consistent with the conditions of approval.
4. Design review approval is necessary. Consideration shall be given to visual mitigation of the proposed uses.
5. Approval is subject to the conditions of approval. Noncompliance with any condition constitutes a violation of this permit and shall be sufficient cause for revocation of this permit.

DATED and FILED this 23rd day of April, 1991.

By Richard F. Crist  
Richard F. Crist  
Hearings Officer

File No: Z0578-91  
Type: ZM

Page : 1 of 2  
Date : 05/10/91  
Time : 15:33

MINOR PARTITION

Status: PENDING

Dates Received 05/10/91      Decision  
Final                              Expires

Applicant: MUELLER STEVE  
Address: 28739 SE CREST  
City/Zip: EAGLE CREEK OR      97022  
Phone: 630-6963  
Parcel No: 34E05 -04102      Owner: TIMES MIRROR LAND&TBR CO  
Site Address:

Title: MINOR PARTITION\2 LOTS\RRFF-5  
Proposed Use: SFR\RURAL

Const: OTH  
Val by:                      0 No. of Units:      2  
EFTC                      Staff Reviewer: JB

No of Proposed Lots:      2  
Comm Planning Organization  
Water Supply:  
Private Well      (Y/N) Y  
Septic      (Y/N) Y

Fee description	Units	Fee/Unit	Ext fee	Data
Standard Fee			260.00	
*** Fees Required ***	***	Fees Collected & Credits		***
	Receipt No.	Date	Payment	
		05/10/91	260.00	
		05/10/91	260.00	
	DOUBLE ENTRY	05/10/91	-260.00	
Fees:	260.00			
Adjustments:	.00	Total Credits:	.00	
Total Fees:	260.00	Total Payments:	260.00	
		Balance Due:	.00	
Desc/date	Act	Inspector	Comments	
Routed To	Staff	Reviewer		

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

File No: Z0578-91  
Type: ZM

Page : 2 of 2  
Date : 05/10/91  
Time : 15:33

MINOR PARTITION

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Desc/date	Act Inspector	Comments
20 Day Pending-Waiting	Comment	** No Entries **
Notice of Staff Decision		** No Entries **
10 Day Appeal Period		** No Entries **

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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# PLANNING DIVISION

## LAND USE FILES

FILE NUMBER: ZO 716-02-CP

LEGAL DESCRIPTION:

T 3 S, R 4 E, SECTION 05

TAX LOT(S) 4102, 4103



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Main/Coastal Fax: (503) 378-6033

Director's/Rural Fax: (503) 378-5518

TGM/Urban Fax: (503) 378-2687

Web Address: <http://www.lcd.state.or.us>

### NOTICE OF ADOPTED AMENDMENT

November 20, 2003



TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Larry French, Plan Amendment Program Specialist

SUBJECT: Clackamas County Plan Amendment  
DLCD File Number 010-03

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 28, 2003

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, Rural Coordinator  
Gary Fish, Regional Representative

[Redacted]

<paa> ya/

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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# FORM 2

## DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision  
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

Jurisdiction: CLATSOP COUNTY Local File No.: Z0716-02-CP / Z0717-02-Z  
(If no number, use none)

Date of Adoption: 11-6-03 Date Mailed: 11-13-03  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 7-15-03

☐ Comprehensive Plan Text Amendment ☒ Comprehensive Plan Map Amendment  
☐ Land Use Regulation Amendment ☒ Zoning Map Amendment  
☐ New Land Use Regulation ☐ Other: \_\_\_\_\_

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

CHANGED THE COMPREHENSIVE PLAN AND ZONE.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

SAME

Plan Map Changed from: RURAL to RURAL INDUSTRIAL

Zone Map Changed from: RREF-5 to RI (RURAL INDUSTRIAL)

Location: 26175 S. EAGLE CRK RD., EAGLE CRK. OREGON Acres Involved: 12.0

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: None

Was an Exception Adopted? Yes: NO No: ✓

DLCD File No.: 010-03(13041)

Exhibit 1  
Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: ☒ No: ☐

If no, do the Statewide Planning Goals apply. Yes: ☐ No: ☐

If no, did The Emergency Circumstances Require immediate adoption. Yes: ☐ No: ☐

Affected State or Federal Agencies, Local Governments or Special Districts: NONE

Local Contact: GARY HEWITT Area Code + Phone Number: 503-353-4519

Address: 9101 SE SUNNY BROOK BLVD. City: CLACKAMAS

Zip Code+4: 97015 Email Address: garyh@co.clackamas.or.us

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST DEPT OF  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

NOV 17 2003  
LAND CONSERVATION  
AND DEVELOPMENT

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

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

In the Matter of a Comprehensive  
Plan and Zone Change  
for Steve Mueller/C & J  
Investments.

ORDER NO. 2003-<sup>230</sup>~~221~~

File No.: Z0716-02-CP/Z0717-02-Z

This matter coming regularly before the Board of County Commissioners, and it appearing that Steve Mueller and C & J Investments made application for a Comprehensive Plan map amendment and zone change on property described as T3S, R4E, Section 05, W.M., Tax Lots 4102 and 4103, located at 26175 S. Eagle Creek Road, Eagle Creek, Oregon; and

*S. Z. J. Mueller*  
It further appearing that planning staff, by its report dated September 2, 2003, has recommended approval of the application; and

It further appearing that the Planning Commission at its September 8, 2003, has recommended approval of the application; and

It further appearing that after appropriate notice a public hearing was held before the Board of County Commissioners in the County Courthouse Annex at 906 Main Street, Oregon City, OR, on October 15, 2003, in which testimony and evidence were presented, and that a preliminary decision was made by the Board on October 15, 2003.

Based upon the evidence and testimony presented, this Board makes the following findings:

1. The applicant requests approval of a Comprehensive Plan map amendment from Rural to Rural Industrial and zone change from RRFF-5 to RI for a 12-acre parcel in the Eagle Creek area.
2. This request complies with the applicable provisions of the Comprehensive Plan and Zoning and Development Ordinance for the reasons stated in the Planning Staff Report/Recommendation, which is hereby adopted as findings and conclusions of this Board.
3. This approval is consistent with all applicable Statewide Planning Goals.

NOW, THEREFORE, IT IS HEREBY ORDERED that the requested Comprehensive Plan amendment and zone change are granted.

DATED this 6<sup>th</sup> day of November, 2003.

BOARD OF COUNTY COMMISSIONERS

*Bill Kennemer*  
Bill Kennemer, Chair

*Millicent Morrison*  
Millicent Morrison, Recording Secretary

Exhibit 1  
Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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

In the Matter of a Comprehensive  
Plan and Zone Change  
for Steve Mueller/C & J  
Investments.

ORDER NO. <sup>230</sup>~~221~~ 2003-          

File No.: Z0716-02-CP/Z0717-02-Z

This matter coming regularly before the Board of County Commissioners, and it appearing that Steve Mueller and C & J Investments made application for a Comprehensive Plan map amendment and zone change on property described as T3S, R4E, Section 05, W.M., Tax Lots 4102 and 4103 located at 26175 S. Eagle Creek Road, Eagle Creek, Oregon; and

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Bill Kennemer  
Bill Kennemer, Chair

Millicent Morrison  
Millicent Morrison, Recording Secretary



**SUMMARY**

**FILE NO.:** Z0716-02-CP / Z0717-02-Z

**APPLICANT:** Steve Mueller

**PROPOSAL:** Comprehensive Plan map amendment from Rural to Rural Industrial.  
Corresponding zone change from RRFF-5 to Rural Industrial.

**STAFF RECOMMENDATION TO THE PLANNING COMMISSION:** Approval of the  
Comprehensive Plan map amendment and zone change.

**CPO RECOMMENDATION:** The property is located in the Eagle Creek - Barton CPO. The  
CPO recommended approval of the application (See Exhibit 7).

**SIGNIFICANT ISSUES:** There appear to be no significant issues associated with this request.

**PLANNING COMMISSION ACTION:** The Planning Commission recommended approval of  
the Comprehensive Plan map amendment and zone change based on the findings and conclusions  
in the staff report.

**PLANNING STAFF:** Gary Hewitt, 503-353-4519. I will be out of the office from October 6<sup>th</sup>  
through the 13<sup>th</sup>. If you have questions during that time, please call Doug McClain at 353-4502.



APPROVED 9-29-03  
Date

DEPARTMENT OF  
TRANSPORTATION AND DEVELOPMENT

Sunnybrook Service Center

PLANNING COMMISSION  
MINUTES  
SEPTEMBER 8, 2003

MEMBERS PRESENT: Jo Shapland, Len Waldemar, Sara Hicks, Norm Andreen, Ron Johnson, Terry Hauck

AUDIENCE: 8

STAFF: Gary Hewitt, Erlien Kittelson

Chair Johnson opened the hearing at 6:38 pm. He explained the agenda to the audience. The first hearing is a continuation. Chair Johnson explained he was not here for the first hearing but has reviewed all the file and is fully briefed and able to make a fair and just decision in the matter before him.

Z0007-03-CP, Z0008-03-Z, Walker/Jean MacKay hearing continued. Mr. Hewitt refreshed the commission at their request.

Under the Physically Developed Exception the following facts were found. Approximately 40% of the subject property consists of pasture land. There are no physical structures on the site. There are no public services serving the site. The underground natural gas line does not impact the property to the extent that grasses for grazing could not be continued. The pond is considered farm use.

Under the Irrevocably Committed Exception the following facts were found. The parcel size is substantially similar to area properties but small than those in the EFU designation. None of the slopes substantially limit the ability for farm use. Soils type is High Value, Class 2 and 3, suitable for farming. The property is accessible to other EFU properties to the west. Those properties to the west are still farmed. There is no evidence that the number of dwellings in the area will prohibit farming of the property.

The Comprehensive Plan review found that of the 11 policies, 3 were met, 5 were not met and 3 were not applicable.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP



The Zone Change review found the application satisfied 3 of the 4 applicable criteria. Of note was that Engineering, after review with Mr. Walker, found that the wrong driveway was reviewed. Mr. Hixson, Traffic Engineer found that with some removal of vegetation, the sight distance could be met. Additionally, there would be no failing intersections in the area of influence.

Staff recommendation remains as a denial of the Exceptions, Comp. Plan and Zone Change.

Chair Johnson said it is RRFF-5 that the application is requesting. Mr. Hewitt concurred. He received no rebuttal information from Mr. Walker.

## REBUTTAL

Frank Walker, Walker and Assoc. PO Box 7170 Salem 97303. Page 28 of original submittal he made it clear it was an irrevocably committed exception. It is a vacant piece of property. The emphasis is that the land is irrevocably committed because of its relationship to the other properties. The relationship to the farms in the area. Soils – he has 27 photos that show that the staff report is not accurate. It is a tangled mass of vegetation of boulders and outcropping of rocks are very difficult to deal with managing land. There is no one single factor that describes the property. That is why there is a lot of pictures. 40% is in pastureland, but 60% is rock, stream, riparian, and topography (steep).

Commissioner Hauck said if you have Class II and III soil then it is what it is, Class II and III soils. The slope and other characteristics though interesting have no bearing on this review to the extent Mr. Walker was eluding to. Mr. Walker said there is a whole host of factors in which soils is just one that the State criteria identification section asks to look at. Chair Johnson said the argument is walking on both sides of the street. Mr. Walker said OAR 660 said they can use soils as a determinate. OAR 660 identification of farmland, they open up more than just soils. Site characteristics and then soil characteristics and the relationship to the farm enterprise. You have to look at the site characteristics. Chair Johnson said his argument is focused too much on this. He ask if Mr. Walker would describe the surrounding area a little more. Mr. Walker said soils are grossly overmapped.

Comm. Hauck said it is problematic that it is improperly mapped based on some photos and that the Commission is to buy into what he said solely based on Mr. Walker's statements. Comm. Hauck said it is natural resource land. Mr. Walker is mixing apples and oranges. Other evidence is needed. Comm. Andreen asked why they didn't get a soils evaluation that could have been submitted as evidence. Mr. Walker said it is expensive and his clients had spent in excess of \$30,000 to partition this property and try to seek development. Mr. Walker has done soils mapping in the past. Mr. Walker then showed a large aerial photo of the surrounding areas to the Commission. He pointed to the area pasture land, animal grazing, rural residential designation to the south, some timber land, hay, all of which surrounds the subject property.

Properties and their relationship to the economy in the area is addressed in the OAR. Grass hay has never been grown for profit. This property is cut off from other properties and can only be accessed from the south. There is an isolated piece that can be farmed and it has never been farmed. It does not contribute to the economy of the area. If it is to be used for farm use then it should maintain products that processors could depend on. Could this be farmed with other properties? Questioned if ever farmed with the intent of farming. Walker responded, yes for pasture and hay. The hay taken off has been taken off with the land to the south. Other than that Mr. MacKay gave hay away to a neighbor. No real relationship to this property and other farm uses in the area. Burden of proof based on parcel size that the land is irrevocably not committed to farm use. Pointed out that nursery stock and Christmas trees farming is within a mile of the subject property. Meets minimum parcel size for this zone, but asking for 10 acre parcel sizes. One parcel that has less usable land (1.19 acres). Mr. Walker showed Exhibit #20 (a picture of a boulder).

Comm. Hauck said he was confused. Are they asking for 10 acre or RRFF-5. Mr. Walker said RRFF-10 instead of RRFF-5. The applicant meant to say FF-10 is what they wanted to change to.

He has additional photos to show to the Commission. This will be Exhibit #21 (three photos). Exhibit #22 will have 27 photos showing the land, rock outcroppings and vegetation. The transportation sight distance was resolved. It was measured from the wrong driveway. Mr. Walker feels this parcel is predominantly land with difficult terrain with a long history of not being farmed and is not intended to make profit.

Comm. Hicks asked about neighboring properties being completely farmable. Does he have soils analysis on these properties? Mr. Walker said he had his own field observations. An area north of the farm has a lot of rocks also. Those parcels did not have the size of outcroppings that this property has. Most of the area is in livestock, pasture, sheep on Mueller Road.

#### NEITHER PROPONENT OR OPPONENT

Dawn Klein, residing at 14020 S. Mueller. She and Anne owns the property north of the applicant a 15 acres piece and another to the west of the applicant at 5 acres. They use both their properties for farm use. Closer to the creek it is more difficult to use, cultivating or planting. Don't know soil types. 9 acres in good pasture hay. The applicant has been gracious, in allowing her to cut his hay from the property. Mr. Hewitt asked how they get to the subject property? Her map shows how the properties join. It is different than the County map. This map will become Exhibit # 23. She accesses the subject property from the north, across the creek. There is a small road that allows access from her 15 acres to Mr. MacKay's property. She was concerned about testifying but felt compelled to do so after listening to all the discussion.

Chair Johnson asked about periodic flooding and high water conditions. She said in the winter months it gets high around the pond area, but further west towards her property it does not get that high. It is a seasonal situation.

#### REBUTTAL

Mr. Walker shared that he had spoke with Dawn this afternoon by telephone. The size of their operation is sufficient to sustain sheep. The subject property has a much smaller usable area. It is cojoined with timber land. Comm. Andreen asked about tax deferral for farming? The applicant said yes, in that the subject property has been receiving a tax deferral for farm use.

#### DELIBERATION

Comm. Waldemar said in the past we had people who give us soils classification (i.e. Class II or III). It hasn't been allowed to be challenged

from the SCS Soils Atlas. The applicant did not prepare a soils analysis. It is not our job to determine soils classifications. Comm. Hauck said he is not predisposed to change the zoning based on evidence of soils classifications that Mr. Walker stated. Mr. Walker's expertise is not enough to convince Comm. Andreen. He realizes that this property has not had an attempt to farm but no evidence has been made available to prove this. The photos do not show if the land could not be improved to be farmed. Comm. Hicks said there was contradictions in the Jory soils document, i.e. difficult to farm, not suited for homesites, not being able to access. The neighbor said there was access. Comm. Shapland finds the documentation on the soils a secondary issue. They took a farm tax deferral for numerous years thereby claiming the land is suitable for farming. Comm. Hauck said EFU is automatically deferred. He doesn't give credibility to that argument. Chair Johnson said there were three or four weaknesses. The property itself, the commercial farm use argument was a weak argument (something could be gained from the property). He won't support an application to approve.

Chair Johnson moved that the application of Darrell and Jean MacKay the exception to Goal 3 be denied and the comp. plan, zone change from EFU to FF-10 based upon the evidence and testimony received tonight. Seconded Comm. Hauck VOTE: Unanimous

**Z0716-03-CP, Z0717-03-Z, Steve Mueller, C & F Investments Group**

Staff Gary Hewitt presented the staff application to the Planning Commission. This is a request for a Comp. Plan and Zone Change. The applicant has provided information that because of the properties historical use as Industrial land in conjunction with an old mill site operation, the property should be considered Industrial property rather than Rural Residential property.

The property is located off Eagle Creek Road, approximately 130 feet north of the intersection of SE Folsom Road and Eagle Creek Road. The property is also approximately 1 and 1/3<sup>rd</sup> miles from the City of Estacada to the south, an incorporated city. The property is also approximately 1.8 miles from the rural community of Eagle Creek. The subject property is a 12 acre parcel. The property has historically had storage of logs, use of a hog fuel chipper and most recently a portable saw mill and wood yard.

Mr. Hewitt referred to the applicant's Exhibit "F", or staff exhibit 2, 35 of 71. The site has been built up with rip-rap to assist in the long term storage of heavy products such as lumber in both the hog fuel and milling operations. The property is relatively flat. The southern portion of the old pond is to the north of tax lot 4102, the northern lot.

In Section 1 of the staff report, staff made note that on page 3 in the conclusion that this is only a 3 step process and not a 4 step as mentioned. The applicant must demonstrate that the property is in compliance with the applicable goals and policies of the Comp. Plan, the Zone Change criteria and OAR 660-004-0040, the Rural Residential Rule.

In Section 2 staff presented the findings of the Comp. Plan review in that the Comp. Plan Policies are found in Chapter 4 of the Land Use Section under the Rural Communities Section, Policies 19.0 and 20.0.

Policy 19.0 refers to the type of the plan designation that may be reviewed, that of Nonurban area that would provide industry that are not labor intensive, fit in the rural character within the rural developed land, facilities and services.

Staff referenced that in Section 1, the services to the subject property are not provided by a service provider. All the necessary elements in this regard will be from on-site methods. An important note was that if an on-site sewage method were to be implemented it will more than likely be a storage tank type facility governed by DEQ as referenced in Exhibit 2, 37 of 71, that more investigation would be warranted to ascertain whether this can take place at this location. Exhibit 12, as introduced speaks to this issue. This will be taken up in the potential future development of the site. There is a feasible solution. It is a development issue, not a land use issue.

Policy 20.0 refers to what the property must meet in order to become Rural Industrial property by meeting the first criteria or all of the other criteria. The first criteria is those areas that have an historical commitment to industrial uses. Staff found that the subject property had been used historically for industrial uses. A lumber company was established on the property in 1955, a plywood plant in 1966, a plywood equipment and sales use in 1978, a log storage with a portable chipper for hog fuel in 1982 and most recently as a sales, repair and storage site of farm and forest machinery in conjunction with a portable saw mill and wood yard in 1991.

Based on the applicant meeting the first criteria, staff found that the Comprehensive Plan designation of Rural Industrial is appropriate for the subject property.

In Section 3 of the staff report a review of the Zone Change criterion found the application satisfied 5 of the 5 applicable criteria in Section 1202 for a zone change.

In Section 4 of the staff report staff found that the Rural Residential Rule did not apply to the application as found in OAR 660-004-0040(1) and (2)(a) in that the application is exempt from the rule based on the proposed plan for the land is to create an industrial use and thus no urbanization is taking place.

Based on the findings and conclusions found in the staff report, staff made a recommendation that the Planning Commission recommend approval of the Comprehensive Plan Amendment to Rural Industrial and Zone change to Rural Industrial.

Comm. Andreen said the CPO brought up the fact that the traffic study used some intersections that were not in conjunction with the property. Mr. Hewitt said the State report made their own study looking for sight distance problems. They determine there is no impact on a State road or the State Highway Rural Road Program. Interestingly enough Folsom, the road approximately 130 feet south of the property was the road they studied.

Comm. Hicks asked about how many feet is adjacent to the roadway in front of the property. Mr. Hewitt figured approximately 800 feet on Eagle Creek Road.

## APPLICANT

Steve Mueller, residing at 25404 S. McQueen Road, Estacada, OR. Tax Lot 4102 is the lot he owns. A mother and brother owns the other tax lots. He had an argument prepared that he probably doesn't need to mention. They have been searching for something to do with this property. The CPO unanimously approved this proposal. Will Reed, a neighbor, was also recently approved for a home occupation and was in favor of this application, though the Commission could only take his word on this fact.



Mr. Reed lives south of this property. Mr. Mueller had newspaper clippings if the Commission wanted to see them. He had color photos of the riprap. This will be Exhibit #13. The originals are in the application as photocopies. They were passed around to the commission. He felt is the proper use of the property. He sees a small industrial rural businesses there is a need out there.

Comm. Shapland asked what is the distance to the next rural industrial site? Next door (to the north) is the mill and old buildings and (further north) Eagle Foundry. The City of Estacada has indicated this as an industrial area.

Comm. Hicks asked about sewage and water in the future depending on intensity of the business. She is a bit concerned. Mr. Mueller said it has a well on the site. The intensity of the use of the zone could be compromised by the services on-site (according to Comm. Hicks). Mr. Hewitt said 13 employees with a holding tank is what the County Soils recommended. Comm. Hicks said some uses may require a higher water use. Mr. Hewitt said that if there were a more intensive use with water that the recommendation from Soils was a maximum of 5 employees, greatly restricting the future intensive use of the property. Mr. Mueller said any of the uses will have to get a permit. State Water Resources will review and permit any industrial water uses on the site according to Mr. Hewitt.

Mr. Mueller stated that Exhibit #7 CPO letter said 13 to 0 in support of this application.

## DELIBERATION

Chair Johnson said this seems like a clean case for historical commitment. Comm. Hauck said he feels good about this application. The County is lacking in Industrial properties and this is not residential land. It is a good proposal and application. He made a motion that Z0716-03-CP, Z0717-03-Z, be recommended to the BCC for approval of the Comp. Plan Map from Rural to Rural Industrial and a corresponding zone change for the reasons set forth in the staff report and information set forth therein and information set forth this evening. Seconded Comm. Hicks

Comm. Hicks thanked the applicant for bringing industrial business to the outer areas of the County. Comm. Hauck said it was a very appropriate use for this site. VOTE: Unanimous

#### MINUTES

July 7, 2003, could not be voted on due to lack of quorum, not all the present Comm. members were present at that meeting.

Meeting adjourned 8:30 pm



NAME: Steve Mueller  
FILE NO.: Z0716-02-CP/Z0717-02-Z  
REPORT AUTHOR: Gary Hewitt  
HEARING DATE: September 8, 2003  
REPORT DATE: September 2, 2003

**PLANNING STAFF REPORT/RECOMMENDATION  
TO THE PLANNING COMMISSION**

**FACTS**

**GENERAL INFORMATION**

Applicant: Steve Mueller/C&F Investments Group LLC  
Owner: Steve Mueller, 30820 SE Heiple Road, Estacada, Oregon, 97023  
Legal Description: T3S, R4E, Section 05, W.M, Tax Lot 4102 & 4103  
Location: 26175 S. Eagle Creek Road, Eagle Creek, Oregon  
Total Area Involved: 12.00 Acres  
Comprehensive Plan Designation: Rural  
Current Zone: Rural Residential Farm Forest – 5 Acre (RRFF-5)  
Proposal: Comprehensive Plan Map amendment from Rural to Rural Industrial and a Zone Change from RRFF-5 to Rural Industrial (RI).

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**SECTION 1**

**BACKGROUND INFORMATION, SITE AND AREA DESCRIPTION AND SERVICES**

**Background Information:**

The subject property was first zoned on June 20, 1973 as Rural (Agricultural) Residential – 1 Acre and subsequently changed on June 31, 1978 to its current zone of Rural Residential Farm Forest – 5 Acre zoning district.

Exhibit 1

The applicant has provided that Diamond Lumber Company was established on the "site" in 1955. The "site" at that time included 38.66 acres (See applicant's Exhibit A, page 5) which is now at least tax lots 4100, 4102 and 4103, part of 3301 and part of the current State Highway. The site was later purchased by Milwaukie Plywood Corporation in 1966. In 1971 ODOT purchased approximately 8.60 acres of the 38.66 acre parcel. In 1978 the new 30.06 acre site was purchased by Plywood Equipment Panel Sales, Inc. and used primarily for equipment rebuilding and storage.

In 1982, 12 southern acres of the 30.06 acres was purchased by Publishers Paper Company. The subject property became a 12 acre storage lot for logs and use of a portable chipper to make hog fuel through a Conditional Use Permit, Planning File No. 169-82-C (See applicant's Exhibit B/Staff Exhibit 11).

In 1991 the 12 acre subject property was purchased by the current owner, Steve Mueller. This was the 12 acres to the south of original tax lot 4100 back in 1955, not to include the existing large plant building and only the southern portion of the old pond. Mr. Mueller obtained approval through Planning File No. Z0202-91-C to construct three buildings to allow sales, repair and storage of farm and forest equipment, and to establish a portable sawmill and wood yard. Staff finds that there is evidence that something was on-site but was not permanently placed, evidenced by a current 2003 aerial photo. If three buildings were placed in 1991 they do not show up in the 2003 aerial photo. There is evidence that areas of the subject property were cleared and have not grown back to date. The remainder of the Conditional Use approval was for a portable sawmill and wood yard which has been removed.

In 1992 Mr. Mueller completed a division of the subject property in its current configuration of 5 acres (tax lot 4103) and 7 acres (tax lot 4102) through approval of Planning File No. Z0578-91-M, Minor Partition under the RRFF-5 zoning district.

The subject site is currently sectioned off (See applicant's Exhibit F) with large areas or strips of rip rap used historically for log storage and turn around areas with an asphalt pad for the portable mill site and previously for the hog fuel chipper. Also, to the north of tax lot 4102 is the very southern portion of the old mill pond.

**Site Description:** The property is approximately half way between the City of Estacada and the rural community of Eagle Creek.

**Surrounding Conditions:** The area surrounding the subject property is a mix of Rural Commercial uses, a nonconforming mobile home park, and rural residential uses.

**Service Providers:**

1. **Sewer:** The property is not located within a public or private sewer district. Sewage disposal will need to be accommodated by an on-site sewerage disposal system.

2. **Water:** The property is not located within a public or private water district. Water will need to be accommodated by a well.
3. **Surface Water:** The property is not located within a public or private surface water management district. Surface water management is subject to Section 1008 of the ZDO, as administered by the Engineering Division of the Clackamas County Department of Transportation and Development (DTD).
4. **Fire Protection:** The property is located within the Estacada Rural Fire District.

**Responses Requested:**

1. City of Estacada
2. Estacada School District
3. Estacada Fire District
4. Valley View Airport, Public Use Airport
5. Traffic Engineering, Joe Marek
6. Water Environment Services Soils Division
7. Oregon Department of Transportation
8. Oregon Department of Aviation
9. Oregon Department of Division of State Lands
10. Department of Land Conservation and Development
11. Property Owners Within 500 Feet of The Subject Property
12. Eagle Creek CPO, Chair Judy Koliass

**Exhibits:** See Exhibit List following the last page of this report.

**RECOMMENDATION**

Approval of a Comprehensive Plan Amendment from Rural to Rural Industrial and a Zone Change from RRFF-5 to RI.

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**CONCLUSIONS AND FINDINGS**

The evaluation of this application involves four steps. In order to approve this application the applicant must; 1.) Demonstrate compliance with the applicable goals and policies of the Comprehensive Plan (CP) and; 2.) Demonstrate compliance with the criteria for a zone change in Section 1202 of the Clackamas County Zoning and Development Ordinance (ZDO) and; 3.) Demonstrate compliance with OAR 660-004-0040.

## SECTION 2

### COMPREHENSIVE PLAN REVIEW

1. ***Comprehensive Plan Policies: The Comprehensive Plan Map change is subject to an evaluation of the Rural Industrial Policies of the Comprehensive Plan. These Sections of the Comprehensive Plan must be evaluated to determine which policies are most appropriate and applicable to the subject property. Staff has reviewed the Comprehensive Plan with respect to this application and makes the following findings:***
  - A. ***Applicable Rural Industrial Policies: Policy 19.0 and 20.0 of the Rural Industrial element of the Comprehensive Plan identifies what areas shall be designated Rural Industrial areas. All the policies do not have to be met in order to designate the property Agriculture.***
  - B. ***Policy 19.0 – Rural Industrial: Policy 19.0 of the Rural Industrial element of the Comprehensive Plan identifies what areas shall be designated for industries which are not labor-intensive and are consistent with rural character, rural development and rural facilities and services.***

Detailed sewage disposal information is provided in the applicant's supplemental application materials (See applicant's Exhibit G). This information demonstrates that the property is limited to an on-site holding tank for proper sewage disposal in respect to on-site functions with a maximum of 13 employees, working one shift only. Additionally, this will serve only those employees with no on-site industrial waste and shower facilities. If the industrial use requires showers, only 5 employees will be allowed for any use on the subject property, working one shift only.

This soils analysis has limited the use of the subject property thus requiring a less intensive use than would normally be allowed if a full on-site septic system were available.

As mentioned in the Service Providers section above, water and septic will be supplied by on-site methods. The property is subject to surface water runoff to the extent required by Section 1008 of the ZDO. Fire service is supplied by the local Estacada Fire District.

Staff finds that if the property were to be used for industrial uses, based on the limitations of septic availability, the use could not be labor intensive. There is no negative findings in relation to the rural character, development



and facilities that would place an industrial uses beyond the rural uses already established in the area.

**This policy is met.**

**C. Policy 20.0 – Rural Industrial: The Rural Industrial (RI) Zoning District implements the Rural Industrial Plan designation. Areas may be designated Rural Industrial when either the first, or all of the other criteria are met:**

**1. Policy 20.0(a): Areas having an historical commitment to industrial uses.**

The subject property is currently developed with large areas of rip rap to facilitate the long term storage of logs or other heavy such storage uses. The area has large areas for turning around also with rip rap for all weather use. The property has been historically committed and utilized for storage of logs, machinery and hog fuel uses, all industrial type uses. (See applicant's Exhibit B and C)

**This policy is met.**

**2. Policy 20.0(b): Areas located within Rural Communities..**

The subject property is not located within a rural community.

**This policy is not met.**

**3. Policy 20.0(c): Sites having direct access to a street of at least an arterial classification.**

The subject property is adjacent to Eagle Creek Road, a "minor" arterial roadway, within the major transportation corridor of Highway 224. (See Exhibit 3)

**This policy is met.**

- 2. Comprehensive Plan Policy Conclusions:** Based on the above findings, the Comprehensive Plan designation of Rural Industrial is appropriate to the subject property.

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## SECTION 3

### ZONE CHANGE CRITERIA

1. ***Zone Change Criteria: Section 1202.01 of the ZDO outlines three (5) criteria for a zone change:***

- A. ***1202.01(A): Approval of the request is consistent with the Comprehensive Plan.***

Based on the evaluation of the criteria in Section 2 of this report, staff finds approval of the request is consistent with the Comprehensive Plan.

**This criterion is met.**

- B. ***1202.01(B): If development has a need for public sanitary sewer, surface water management and/or water service, a zone change may be approved if development under the new zoning designation can be accommodated with the implementation of service providers' existing capital improvement plans. The cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered.***

Sewer: The subject property is not located within a public sanitary sewer district. No public sewer is present in the area, nor will sewer be extended to serve new development on the subject property. Sewage disposal will need to be accommodated by individual on-site sewage disposal systems. The applicant has mentioned that sewage disposal could be made available through the use of a holding tank suitable for small scale industrial activities (See applicant's Exhibit G)

Surface Water: The subject property is not located within a public surface water management district.

Water: The subject property is not located within a local water district. Domestic water will be provided by on-site wells.

The subject property is not located within a public sanitary, surface water management or water district. Because of this finding there is no impact to service providers and adjacent properties.

**This criterion is met.**

C. **1202.01(C): The zone change will not impact the transportation system such that a roadway as planned in the 20-Year Capital Improvement Plan:**

- 1.) **1202.01(C)(1): Must be redesigned or increased to a higher functional classification in order to maintain the minimum acceptable performance evaluation Level-of-Service standard identified by the Comprehensive Plan.**

Review of both a County Engineering report by Robert Hixon, Traffic Engineer and ODOT Planning by Sonya Kazen, Associate Planner finds no redesign will need to take place if the zone change were allowed.

Mr. Hixon found that there is adequate sight distance to serve the subject property. Additionally, if the zone change were allowed there would be no failure of any intersections within the influence area of the proposal. (See *Exhibit 5*)

Ms. Kazen found that there will be adequate capacity to support the proposed zone change. Additionally, a Joseph Auth, Region 1 Traffic for ODOT thought there should have been a study more closely associated with the roadway connecting the property to the state highway, that of Folsom Road. His analysis found that Folsom Road fell below the volume-to-capacity ratios for Year of Opening and Future Year maximum standards as listed in the 1999 *Oregon Highway Plan*. (See *Exhibit 6*)

A similar issue was raised by the Eagle Creek-Barton CPO in that intersection closer to the subject properties should have been evaluated by Kittelson & Associates, Inc. The fact is that the County Engineering staff has evaluated the intersections associated with the proposed zone change as well as ODOT. The CPO also included a traffic accident report indicating that Folsom Road has less accidents than other local intersections such as Wildcat Mountain Drive and Eagle Creek Road with six (6) times the number of accidents when compared to Folsom Road and Eagle Creek Road.

The CPO finds that Folsom Road should have been covered in a 5 – 10 – Year Capital Improvement Plan rather than the current 20 – Year Capital Improvement Plan. This review does not cover the scope that the CPO has elected to cover. Staff does agree that good roadway networking facilitates business but this review is limited to the subject property and its immediate intersection impact to Eagle Creek Road. It is noted that the CPO did direct their comments to the appropriate County Planner by copying them to Ms. Gilevich, Sr. Planner, currently evaluating the long range transportation planning projections for the County. After the various comments on the traffic issues the CPO did have a motion by George

Suter with a second by Ralph Hatley to recommend approval of the application. The vote, finding 13 in favor of the application, with none voting against nor abstaining, passed. (See Exhibit 7)

**This criterion is met.**

- 2.) 1202.01(C)(2): ***Will operate at a performance evaluation Level-of-Service standard below the minimum acceptable level identified in the Comprehensive Plan.***

Again, Mr. Hixon, County Traffic Engineer has found that an evaluation of the Level-of-Service would be an "E" or better during AM and PM peak hours of typical weekdays in accordance with ZDO section 1022. Mr. Hixon also references the ODOT report by Ms. Kazen as needing no improvements or other mitigation based on the potential zone change. (See Exhibit 5)

**This criterion is met.**

- 3.) 1202.01(C)(3): ***For the purposes of these criteria, the cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered. The analysis shall consider a five-year period that begins with the date of the transportation impact study provided the study is dated no more than 90 days prior to the date a complete land use application is submitted. If a transportation impact study is not required or is dated more than 90 days prior to the date a complete land use application is submitted, the five-year period shall begin with the date a complete land use application is submitted.***

The applicant enlisted the services of Kittelson & Associates, Inc. to perform a traffic study and analysis that provides a 20-year future scenario. Staff does note a labeling error in table 2 of this report, in that the titles for each zone was mislabeled but corrected in the subheading in reference to RRFF-5 and R-I zoning.

The traffic study found that if the zone change were to occur, there would be no significant affect to the existing transportation facilities with the site vicinity. The report finds that any use of the property for industrial use will have a negligible effect because of the relatively slight increase in traffic volume from this site. (See Exhibit 4)

**This criterion is met.**

- 4.) 1202.01(C)(4): ***State transportation facilities shall be evaluated pursuant to the Oregon Highway Plan rather than the Comprehensive Plan.***

Ms. Kazen, Associate Planner ODOT finds no mitigation for the proposed zone change pursuant to the Oregon Highway Plan. The subject property has no allowed access to Highway 224.

**This criterion is not applicable.**

- D. 1202.01(D): ***Safety of the transportation system is adequate to serve the level of development anticipated by the zone change.***

As previously discussed, ODOT has found the transportation system to be adequate for the current development on the subject property. The current level of development on the subject property meet the Oregon Highway Plan (1999) for a Statewide Rural Highway classification.

A memo dated August 22, 2003 from the County Traffic Engineering and Development Division, authored by Robert Hixon, Traffic Engineer finds the sight distance to be adequate. Staff concludes there are no safety concerns in conjunction with the future development of the property which will require access from Eagle Creek Road.

**This criterion is met.**

- E. Section 1202.01(E): ***Development based on a zone change granted pursuant to this section shall be subject to 1022.***

This is not an approval criterion applicable to a zone change application. Rather, this is only an informational statement to notify the applicant that any future development proposal must comply with the Concurrency standards in Section 1022 of the ZDO.

1. **Conclusions:** Staff finds this application satisfies (5) of the (5) criteria in Section 1202 for a zone change.

## SECTION 4

### GOAL 14: RURAL RESIDENTIAL RULE

1. ***On June 9, 2000 the Land Conservation and Development Commission adopted new Oregon Administrative Rules that apply to land zoned for rural residential use. The new rule is OAR 660-004-0040 - Application of Goal 14***

**(Urbanization) to Rural Residential Areas. This OAR was adopted to address the Curry County Supreme Court decision and to clarify Statewide Goal 14, which prohibits urban use of rural land.**

2. **The relevant provisions of this OAR to consider in the evaluation of this issue are listed below:**
  - a. **OAR 660-004-0040(1): The purpose of this rule is to specify how Statewide Planning Goal 14, Urbanization, applies to rural lands in acknowledged exception areas planned for residential uses.**
  - b. **OAR 660-004-0040(2)(c): This rule does not apply to types of land listed in (A) through (H) of this subsection:**
  - c. **OAR 660-004-0040(2)(c)(H): land planned and zoned primarily for rural industrial, commercial, or public use.**
3. This application is subject to the provisions of this OAR. The Planning Staff finds the proposed land use plan of Rural Industrial is consistent with the provisions of this rule for the following reasons:
  - a. OAR 660-004-0040 is not applicable to this application based on the plain language in OAR 660-004-0040(1) and (2)(a). Specifically, if the application for the Comprehensive Plan amendment is approved the subject property would be exempt from this rule based on the proposed plan for the land is to create a plan for industrial use, as found in "c" above and OAR 660-004-0040(2)(c)(H) as being exempt from this rule in that no urbanization is taking place.

---

If this application receives a recommendation for approval from the Clackamas County Planning Commission, the recommendation should reflect a requirement that the Comprehensive Plan Map and Official Zoning Map (4-9) be amended.

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# LAND USE APPLICATION

CLACKAMAS COUNTY PLANNING DIVISION

9101 SE SUNNYBROOK BLVD., CLACKAMAS, OREGON 97015 • PHONE (503) 353-4400 • FAX (503) 353-4550

## FOR STAFF USE ONLY

☐ TEMPORARY PERMIT FOR CARE (ST)

RENEWAL \_\_\_\_\_

☐ TEMPORARY PERMIT USE NOT ALLOWED (ST)

RENEWAL \_\_\_\_\_

☐ HOME OCCUPATION (HO)

RENEWAL \_\_\_\_\_

☐ NON FARM USE (N)

☐ FARM DWELLING

☐ FOREST DWELLING

☒ ZONE CHANGE (Z)

☐ CONDITIONAL USE (C)

☐ SUBDIVISION SHORT (1-10) (SS)

☐ SUBDIVISION LONG (11+) (SL)

☐ PARTITION (M)

☐ VARIANCE (V)

☒ OTHER COMP PLAN / Zone Change

☐ OTHER \_\_\_\_\_

File No. Z071602-CP & Z0717-02-Z

Pre-app: Staff \_\_\_\_\_ Date \_\_\_\_\_

Date Received: 10-4-02 Fee \$3412

Hearing Date: \_\_\_\_\_

Staff Member: MM

Zone: RREF-5

Comp. Plan: RURAL

Flex Lot Involved: ☐ YES ☐ NO

Violation # None

CPO Eagle Creek

DV009502  
PR170502

## APPLICANT INFORMATION

PLEASE TYPE OR PRINT IN BLACK INK ONLY

WHAT IS PROPOSED Comp Plan Change and Rezone from RREF-5 to R.I.

NAME OF APPLICANT Mueller Steve C & J INV. GRP LLC  
LAST FIRST

MAILING ADDRESS 30820 SE Heiple CITY Estacada ST OR ZIP 97023

APPLICANT IS: ☒ LEGAL OWNER ☐ CONTRACT BUYER ☐ OPTION BUYER ☒ AGENT

NAME OF CONTACT PERSON (If other than applicant) \_\_\_\_\_

MAILING ADDRESS OF CONTACT \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE NUMBERS OF: APPLICANT: Wk 630-6963 Hm 936-7159 CONTACT PERSON: Wk \_\_\_\_\_ Hm \_\_\_\_\_

SITE ADDRESS 26175 S Eagle Creek Road TOTAL LAND AREA: 12 acres

☐ LEGAL DESCRIPTION: T 3S R 4E SECTION 5 TAX LOT(S) 4102m & 4103

☐ ADJACENT PROPERTIES UNDER SAME OWNERSHIP: T \_\_\_\_\_ R \_\_\_\_\_ SECTION \_\_\_\_\_ TAX LOT(S) \_\_\_\_\_

PRESENT USE OF PROPERTY: Firewood and Equipment storage

METHOD OF SEWAGE DISPOSAL: Holding Tank

WATER SUPPLY: well

OTHER PERSONS (IF ANY) TO BE MAILED NOTICES REGARDING THIS APPLICATION:

Connie Mueller P.O. Box 279 Boring, OR 97009 C & J  
NAME ADDRESS ZIP RELATIONSHIP

NAME ADDRESS ZIP RELATIONSHIP

NAME ADDRESS ZIP RELATIONSHIP

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

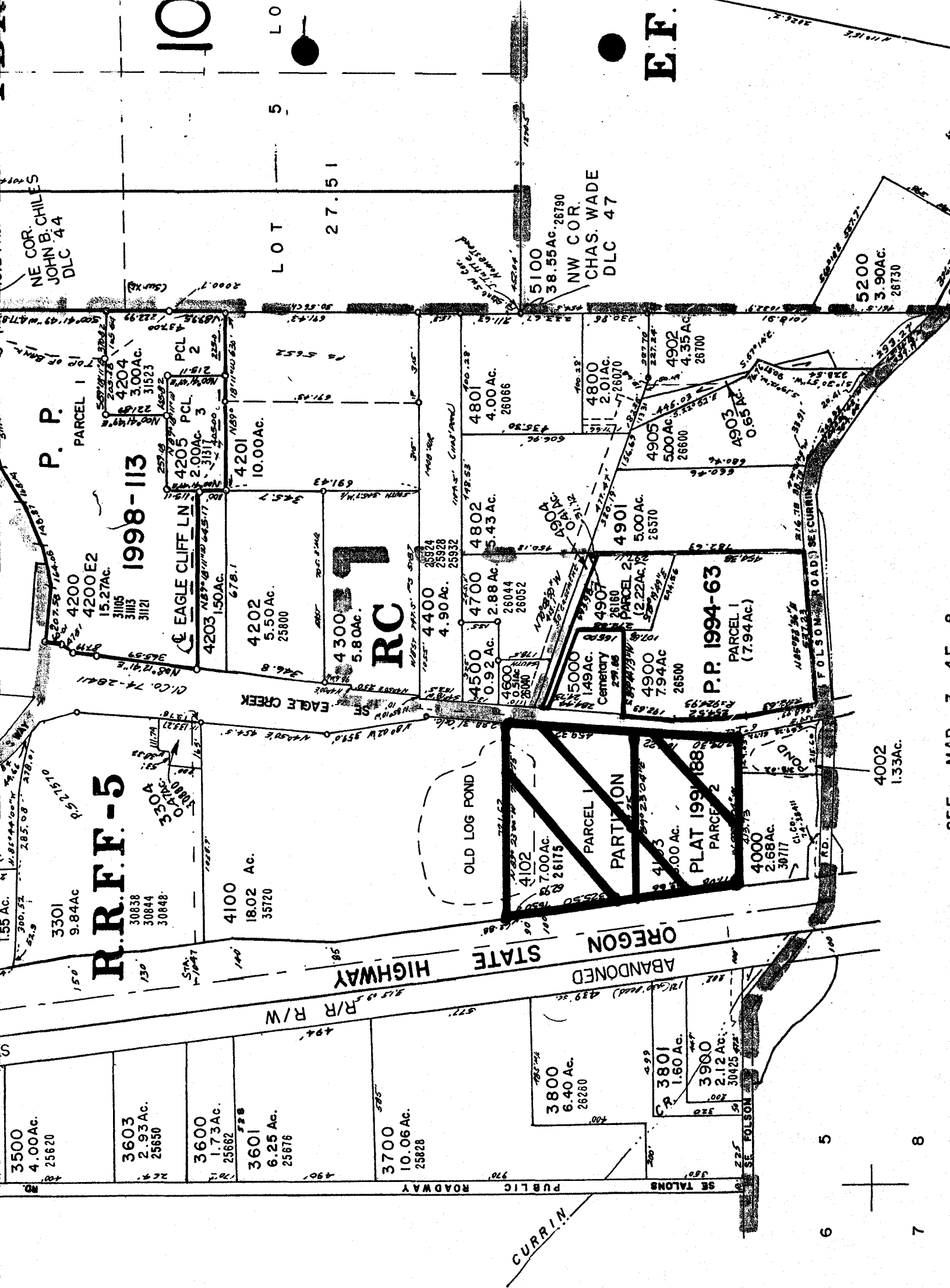
Steve Mueller 10/4/02 C & J INV. GRP. LLC  
OWNER'S SIGNATURE (PRINT) (DATE) APPLICANT'S SIGNATURE (PRINT) (DATE)

SIGN SIGN

☐ PLOT PLAN ☐ ASSESSOR MAP ☐ SUPPLEMENTAL FORMS CHECKED

20155-21-M; 20156-21-CP; 20157-21-ZAP

Exhibit 1  
PL10 (Rev 2/01)  
EXHIBIT 1  
Page 2 of 2



LAND USE APPLICATION  
STEVE MUELLER  
C & J INVESTMENTS

TAX LOT 4102 & 4103  
T3S R4E SEC 5  
LONG TERM HISTORICAL COMMITMENT  
COMP PLAN CHANGE & RE-ZONE  
RRFF-5 TO RI

EXHIBIT <sup>2</sup> ~~Exhibit 1~~

Z0155-21-M; Z0156-21-CP: Z0157-~~11-7A~~ <sup>7A</sup>

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FILE COPY

Z0716-02-CP / Z0717-02-2

## I. INTRODUCTION

This application is being submitted on behalf of Steve Mueller, owner of Tax lot 4102 and C&J Investments, owner of Tax lot 4103.

This is a request for comprehensive plan and zone change from RRFF-5 to RI. We have provided written documentation establishing a commitment to industrial use since 1955.

## II. PREVIOUS AND EXISTING OPERATIONS

The Diamond Lumber Company was established on the site in 1955. (See attached exhibit A, Clackamas County Assessor records). The plant was purchased in 1966 by Milwaukie Plywood Corp. In 1971 ODOT purchased 8 acres for highway 224 right of way. In 1978 the site was purchased by Plywood Equipment Panel Sales Inc. and used primarily for equipment rebuilding and storage.

In 1982 the 12 acres on which we are currently requesting a re-zone was purchased by Publisher Paper Co. At that time a conditional use permit was issued by Clackamas County for log storage and the operation of a chipper to process hog fuel. This operation continued until 1988 (see attached exhibit B).

In 1991 the parcel was purchased by Steve Mueller. At this time a conditional use permit was issued for the repair and sales of farm and forest equipment and a small sawmill and firewood sales yard (see exhibit C, the conditional permit and also exhibit D, assessors note maintaining the spot industrial use).

In 1992 the parcel was divided into a 5 acres tax lot 4103 and a 7 acre tax lot 4102. At that time C&J Investments purchased tax lot 4103.

The property has been primarily used for the storage of equipment and firewood sales at different times until the present.

## III. LAND USE ISSUES

The 12 acre site consists of 2 tax lots and is located about halfway between Estacada and Eagle Creek. The property fronts on Highway 224 and the old Eagle creek Road. The property meets the criteria of having an historical commitment to industrial use. The site was utilized as a green veneer peeling plant from 1955 to 1977. From 1978 until present the site has been used for storing and rebuilding equipment and firewood sales and log storage.

The property has been irrevocably committed to industrial use. For 42 years the site has seen heavy vehicle traffic, log storage and equipment storage. The site has been cut and filled. There are approximately 20,000 yards of rip rap rock base on the site. There is an 80x150 8" thick asphalt pad for the chipper.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

EXHIBIT 290 of 247

2 of 71

(See exhibit E, site photo). In addition, two other metal reinforced concrete foundations (see exhibit F, site plan). Due to high compaction and filling there is no site available for a subsurface sewage system. A holding tank suitable for small scale industrial activities would have to be used for sewage disposal (See exhibit G, soil feasibility study).

The property clearly has an historical commitment to industrial use. This is consistent with the comprehensive plan. The zone change can be approved. The rural industrial zone is intended to encourage industry.

#### IV. PUBLIC SERVICES

The site fronts highway 224. No access is allowed there. Both parcels have an existing access onto the old Eagle Creek Road, which is classified as a major arterial collector. Water will be provided by a drilled well on site. Sanitary sewer will be provided by a holding tank. Police service is provided by Clackamas county Sheriff. Fire protection is provided by Estacada Rural Fire Dept.

#### V. ECONOMICS

The re-zone does comply with county's stated policy of retention and expansion of business. The City of Estacada has identified this area as a future growth area for job creation in the metro region 2040 plan (see attached exhibit H).

#### VI. ENVIRONMENTAL

The Oregon D.E.Q. under an agreement with U.S. environmental protection agency has completed a preliminary assessment of the Old Milwaukiee Plywood site in 1988. Based on that assessment no further action was required. No contamination of any kind was found at that time (see exhibit I). In 1992 a level II environmental site assessment was prepared by Fetrow engineering Inc. was completed at the request of Steve Mueller. No known contaminants were found or suspected (see exhibit J).

This is an excellent opportunity to return an environmentally sound and historically committed industrial parcel to the county inventory of rural industrial acreage (see exhibit K).

#### VII. SUMMARY

This application for a zone and plan change meets all relevant approval. There will be minimal social impacts. The site is bordered by State Highway 224 on the west and the old Eagle Creek Road on the east. Plywood Panel

Exhibit 1  
Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

EXHIBIT  
Page 29 of 747

3 of 71

Sales has 18 acres to the north with large industrial type buildings and equipment storage. There is one single family residence adjoining the south boundary on the corner of Highway 224 and Folsom Road.

To the east of the parcel there is an area of R.C. zoning with and bar and restaurant, mobile home court and a florist (see assessors map, exhibit L). In addition there are two additional mobile home courts within a ¼ mile of the site (see aerial photos, exhibit M).

The impact on surrounding properties will be minimal. The allowed uses in the R.I. zone and conditional use in the RRFF-5 zone are similar in scope and intensity.

## POLICIES

### Policy 19.0

Nonurban industrial plan designations and zoning districts may be applied in nonurban areas to provide for industries which are not labor-intensive and are consistent with rural character, rural development and rural facilities and services.

- Finding:**
1. The site is rural in character.
  2. The site can be developed with existing services.
  3. All plans for development will be reviewed by Clackamas County.

### Policy 20.0

The Rural Industrial (RI) Zoning District implements the Rural Industrial Plan designation. Areas may be designated Rural Industrial when either the first, or all of the other criteria are met:

A. Areas having an historical commitment to industrial uses.

**Finding:** The site has a historical commitment dating to 1955.  
See assessors notes, exhibit A and D.

B. Areas located within Rural Communities.

**Finding:** Not applicable. The site is not located in a rural community.

C. Sites having direct access to a street of at least an arterial classification.

**Finding:** The site has two existing direct access's to old Eagle Creek Road, a major arterial collector.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

EXHIBIT  
Page 292 of 747

4 of 71



## EXHIBITS

- A. Assessors notes – 1955
- B. Publishers Paper – Conditional Permit  
File #169-82-C
- C. Steve – Conditional Permit  
File #Z-0202-91-C
- D. Board of Equalization  
Tax Year 1991-92
- E. Site Photos
- F. Site Plan
- G. Soil Feasibility
- H. Estacada 2040 Plan
- I. D.E.Q. Site Assessment
- J. Level II Site Assessment
- K. Testimonial-Interested Party
- L. Assessors Map
- M. Aerial Photo

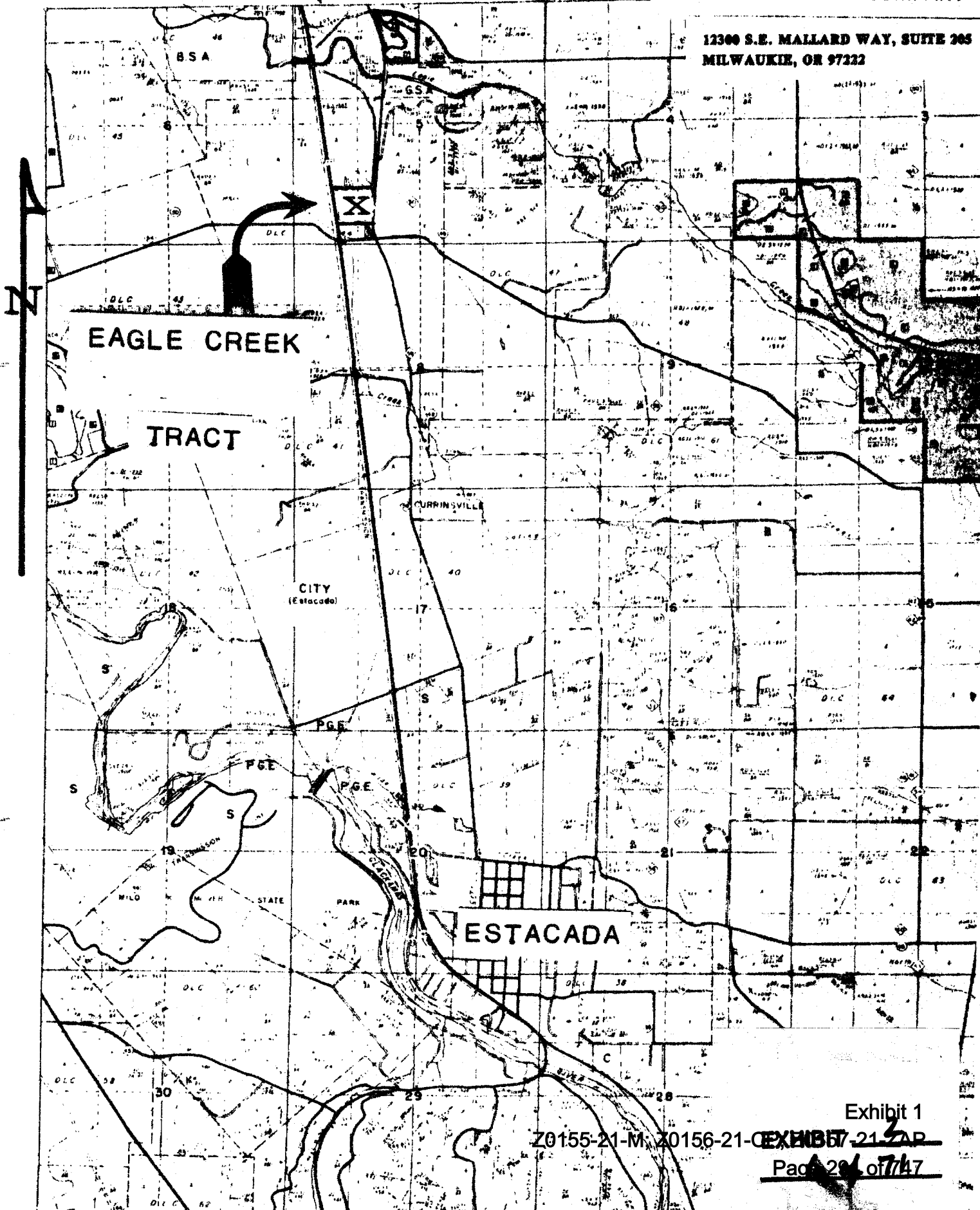
TO Clackamas

HWY. 224



**TIMES MIRROR**  
LAND AND TIMBER COMPANY

12300 S.E. MALLARD WAY, SUITE 205  
MILWAUKIE, OR 97222



# EXHIBIT A

T.L. 1-2-2 JOHN O. CHILDS  
 (73A) 3 4E 5 4100  
 Milwaukee Plywood Corp

42936-2-2  
 Account Number  
 10845  
 Code Number  
 301-720-00-02-66-00  
 INDUSTRIAL  
 Type of Property

VALUATION SUMMARY OF REAL PROPERTY

Year	LAND			TIMBER		IMPROVEMENTS		TOTALS			Appraisal O.R. (Initial) And J. V. No.
	Acres	Appraised Value	Assessed Value	Appraised Value	Assessed Value	Appraised Value	Assessed Value	Appraised Value	%	Assessed Value	
1928											
1929											
1930											
1931											
1932											
1933											
1934											
1935											
1936	36.66	18,660				191,700		210,360			OWS
1937	38.66	18,600 <sup>RD</sup>				187,400		206,000			OWS
1938	34.66	18,600				253,900		272,500			OWS
1939	34.66	18,600				246,100					OWS
1940	38.66	18,600				224,700					OWS
1941	38.66	27,900				254,400					OWS
1942	38.66	27,900				234,700					OWS
1943	38.66	27,900				215,700					OWS
1944	30.06	22,550				243,900					OWS
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EXHIBIT A

1921

CLACKAMAS

ESTRADA - NORTH

12-3-65

CODE 108-6

ACCT. 42986

ROY GOULD, PRESIDENT, BOX 142, TILLAMOOK,  
CHARLES KINGSLEY, PLANT MGR.

THE DIAMOND LBR. CO., A GREEN VENEER PLANT, WAS  
ESTABLISHED IN 1955-56 AS THE MT. HOOD PLYWOOD  
CO-OP. FINANCIAL DIFFICULTIES AROSE; PRENTICE EQUIPMENT  
CO. TOOK OVER 1 MONTH AFTER COMPANY STARTED OPERATION.  
DIAMOND LBR. CO. PURCHASED THE PLANT IN 1957; HAS  
OPERATED SINCE THEN ON A 2 SHIFT BASIS.

LAYOUT OF PLANT IS CONVENTIONAL AND APPEARS TO BE  
EFFICIENT IN TERMS OF MATERIAL FLOW. AS TO 30 EMPLOYEES  
PER SHIFT. MILLSITE IS ADEQUATE IN SIZE & SERVED BY  
AN ALL WEATHER ROAD. CONDITION OF BLDGS. & MACHINERY  
IS GOOD; INDICATES AN ADEQUATE MAINTENANCE PROGRAM.

TIMBER SUPPLY COMES FROM PUBLIC LANDS & OPEN MARKET  
PURCHASES. MARKETS ARE LOCAL, CHIEFLY VAN-PLY AT ALBANY  
& SOME TO MILWAUKIE.

MR. KINGSLEY PROVIDED THE INFORMATION MADE AVAILABLE. HE  
DID NOT SUPPLY US INCOME OR SALES DATA AS IT WAS  
NOT AVAILABLE TO HIM AT THIS TIME. IN PREPARING THE  
APPRAISAL THE COST APPROACH WAS THEREFORE UTILIZED.  
ALL STRUCTURES, MACHINERY & EQUIPMENT HAVE BEEN  
EXAMINED, MEASURED & DEGRADED IN DETAIL TO ARRIVE  
AT A REPLACEMENT COST. NEW. DEPRECIATION ESTIMATED  
ON THE BASIS OF PHYSICAL DETERIORATION & FUNCTIONAL  
OBsolescence, USING AGE LIFE, OBSERVATION & COMPARISON  
WITH INDUSTRY STANDARDS AS A CRITERIA FOR ESTIMATING  
THE DEPRECIATION FACTORS EMPLOYED. ECONOMIC OBSOLETE  
HAS BEEN CONSIDERED BUT THERE WAS NO EVIDENCE TO  
INDICATE THIS MILL'S ECONOMIC STATUS IS BEING ADVERSELY  
AFFECTED BY EXTERNAL FORCES OUTSIDE OF MANAGEMENT'S  
CONTROL.

COUNTY  
RESPONSIBILITY

THIS APPRAISAL RELATES ONLY TO THE PLANT SITE & REAL

William P. and Clara  
Ensigns L.P. & Co.  
CLACKAMAS ESTACADA

1-5-65  
1-25-65

PROPERTY IMPROVEMENTS, I.E. STRUCTURES, MACHINERY & EQUIPMENT. EXCLUDED ARE THE LAND & PERSONAL PROPERTY, I.E. OFFICE FURNITURE & EQUIPMENT, MOBILE EQUIPMENT & INVENTORIES. ON THE BASIS OF CONSIDERATIONS ENUMERATED IN THIS APPRAISAL THE ESTIMATES OF TCV. ARE SUMMARIZED AS FOLLOWS:

REAL PROPERTY IMPROVEMENTS

BUILDINGS & STRUCTURES  
MACHINERY & EQUIPMENT

Physical Depreciation

5735

117,350

Total physical dep. value

123,085

Minus 20% obsolescence

- 47,190

175,895

TOTAL ROUNDED MARKET VALUE 179,180

ENSIGN & VEDDER



3 45 5 1100 LAND APPRAISAL

108-6 DIAMOND LUMBER CO. 629 714  
42936 PO BOX 193  
-2-2 TELLANDOR, ONE.

JOHN B. CHILES S.L.C. 345  
TAX LOT 1-2-3  
30.00 ACRES, 30.00  
30.00

108-06 42936-2-2  
CITY MAP 834803 04100  
50% INCREASE APPLIED TO  
PER COMPLY WITH ORS 308.232  
APPRAISER JS DATE 1-1-70  
TRAD APPRAISED VALUE 22,980  
DATE 1-1-70

COMPUTATION

USE	BASIC UNIT VALUE	ADJUSTED UNIT VALUE	TOTAL VALUE
COMMERCIAL	2.00	4000	4000
NEIGHBORHOOD COML	32.98	77234	77234
LT INDUSTRIAL	5	400	400
MT INDUSTRIAL			
AGRICULTURAL			

AREA IMPROVEMENTS

IMPROVEMENT	VALUE
SIDEWALKS	
CURBS	
STREET	
WATER	
SEWER	
ELECTRICITY	

SITE ADJUSTMENTS %

ADJUSTMENT	VALUE
ROAD TYPE C & D	
HI TO ALL WITH PD	
HI TO RT CENTER	
TOPOGRAPHY	
VIEW	

STANDARD DEPTH FEET 29.66

STANDARD DEPTH

EFFECTIVE DEPTH

← TOTAL ACRES

← SUB TOTAL "A" (TRANSFER TO VALUE SUMMARY) 22,980

DATE

CODE 108-6  
ACCT. 42936  
ROY GOULD,  
CHARLES M.

THE DIAMOND  
ESTABLISHED  
CO-OP. FINE  
CO. TAKEN ON  
DIAMOND L  
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WITH INDU  
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CONTROL,

THIS APP

OFFICIAL RECORD OF DESCRIPTIONS  
OF REAL PROPERTY 42936-2-2  
CLACKAMAS COUNTY ASSESSOR

3 7E 5 4100 108-23 108-206

MAP	NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	NO. 21	NO. 22	NO. 23	NO. 24	NO. 25	NO. 26	NO. 27	NO. 28	NO. 29	NO. 30	NO. 31	NO. 32	NO. 33	NO. 34	NO. 35	NO. 36	NO. 37	NO. 38	NO. 39	NO. 40	NO. 41	NO. 42	NO. 43	NO. 44	NO. 45	NO. 46	NO. 47	NO. 48	NO. 49	NO. 50	NO. 51	NO. 52	NO. 53	NO. 54	NO. 55	NO. 56	NO. 57	NO. 58	NO. 59	NO. 60	NO. 61	NO. 62	NO. 63	NO. 64	NO. 65	NO. 66	NO. 67	NO. 68	NO. 69	NO. 70	NO. 71	NO. 72	NO. 73	NO. 74	NO. 75	NO. 76	NO. 77	NO. 78	NO. 79	NO. 80	NO. 81	NO. 82	NO. 83	NO. 84	NO. 85	NO. 86	NO. 87	NO. 88	NO. 89	NO. 90	NO. 91	NO. 92	NO. 93	NO. 94	NO. 95	NO. 96	NO. 97	NO. 98	NO. 99	NO. 100
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ACCOUNT NUMBER

FORMERLY PART OF T.L. NO.

Date of Entry on this Card DEED RECORD VOL PG. ACRES REMAINING

Diamond Lumber Co 537 622 38.66  
 Milwaukee Plywood Corp 553 178 30.06  
 Exc State Hwy 8.60 AC 5-12-71 71 3442 Posted  
 Milwaukee Plywood Corp 6-17-74 74 1384  
 Walter E. Heller Western Incorporated 5-9-78 78 1714  
 PLYWOOD EQUIP. SALES, INC. 11-7-78 78 4226  
 Exc 74 4102 -12.04 11-23-82 82 31102 18.02  
 Right to use 2221 4225  
 FORMATION TRI-CO-MET TRAN DIST 8-9-91  
 ORD #174 DATE 6/27/90 1991-92 ROLL

*PARTITION PLAT 1991-188*

OFFICIAL RECORD OF DESCRIPTIONS  
OF REAL PROPERTY  
CLACKAMAS COUNTY ASSESSOR

*1154098*

<i>3</i>	<i>4E</i>	<i>5</i>		<i>4102</i>	<i>108-23</i>
TR S.	RGE.	SEC.	1/4 1/16	TAX LOT	SPEC. INT. IN
MAP NUMBER			NUMBER	REAL PROP.	CODE AREA NUMBER
			<i>82-83</i>	ROLL	

FORMERLY PART OF T.L. NO. *4100*

	Date of Entry on this Card	DEED VOL.	PG.	ACRES REMAINING
<i>PUBLISHERS PAPER CO</i>	<i>11-23-82</i>	<i>82</i>	<i>31102</i>	<i>12.04</i>
<i>Times Mirror Land and Timber Co.</i>	<i>AUG 18 1986</i>		<i>LTR</i>	
	<i>4-10-91</i>	<i>91</i>	<i>12371</i>	<i>CC POSTED</i>
<i>MUELLER, STEVE E.</i>	<i>05-01-91</i>	<i>91</i>	<i>17905</i>	
<i>Partition Plat 1991-188 Parcels 1 &amp; 2</i>	<i>12-16-91</i>			
<i>Ac. Chg. by Partition Plat - 0.04 AC</i>	<i>12-16-91</i>			<i>12.00</i>
<i>Exc. T.L. 4103 - 5.00</i>	<i>05-18-92</i>	<i>92</i>	<i>28405</i>	<i>7.00</i>
	<i>01-10-97</i>	<i>LTR</i>		<i>ADD CHG POSTED</i>

*MINOR PARTITION 20578-91-M*

*FORMATION TRI-CO-MET TRAN DIST  
ORD #174 DATE 6/27/90 1991-92 ROLL*

*8991*

KEY NO.

3	4E	5				4103		
TWR 2	AGE	SEC	1/1	V16	TAX LOT	TYPE	SPEC	INT. IN
MAP NUMBER					NUMBER		REAL	

108-023

FORMERLY PART OF T.L. NO. 4102

**ROLL**

CODE  
AREA

**Date of Entry  
on this Card**

**DEED**

**PG**

AGREED  
REMAINING

MUELLER, STEVE E

90 MUELLER, CONNIE AND MUELLER, JEFF

05-18-92

92

28405

5.00

# EXHIBIT B

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

In the matter of a Conditional Use  
Application of PUBLISHERS' PAPER CO.,  
4000 Kruse Way Place, Lake Oswego,  
OR 97034

ORDER NO. 82-2152

File No. 169-82-C

This matter coming regularly before the Board of County Commissioners, acting as Hearings Officer, and it appearing that Publishers' Paper Company, 4000 Kruse Way Place, Lake Oswego, Oregon 97034, made application for a Conditional Use on property described as T3S, R4E, Section 5, part of Tax Lot 4100, W.M., Clackamas County, State of Oregon, and generally located on the west side of Eagle Creek Road, approximately 400 feet north of Currin Road, Eagle Creek area; and

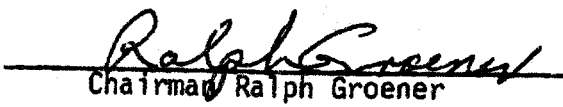
It further appearing to the Board that the Planning staff by its report dated October 7, 1982, recommended approval of the application; and

It further appearing that pursuant to provisions of the Clackamas County Zoning and Development Ordinance, the Board of County Commissioners ordered a hearing on the above matter be held on the 13th day of October, 1982, at the hour of 9:25 a.m., in the County Courthouse Annex, 906 Main Street, Oregon City, Oregon, to afford the general public an opportunity to be heard, and that a notice of said hearing was published in a newspaper of general circulation in the County more than ten (10) days prior to the date of said hearing; and

It further appearing that a hearing was held at the above-stated time and place, which testimony and evidence were presented and a decision made thereon.

Based upon the testimony received and no one having appeared in opposition, this Board finds that the application meets all relevant criteria set forth in the Clackamas County Zoning and Development Ordinance, and hereby adopts as its findings the staff findings set forth in the planning staff report dated October 7, 1982.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application be approved, subject to the conditions set forth in said staff recommendation.  
DATED this 26 day of October, 1982 and entered NUNC PRO TUNC as of October 13, 1982.

  
Chairman Ralph Groener

  
Commissioner Robert Schumacher

BCC

Commissioner Stan Skoko

**EXHIBIT**

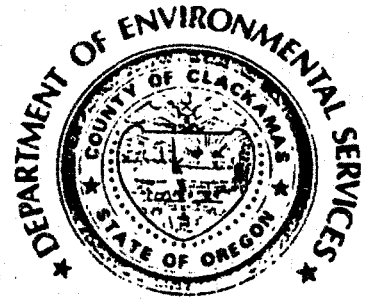
Z0155-21-M; Z0156-21-CF; Z0157-21-ZAP

Exhibit 1

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PLANNING DIVISION

JOHN C. MCINTYRE      DOMINIC T. MANCINI  
Director      Planning Director

NAME: Publishers Paper Co.  
FILE NO.: 169-82-C  
REPORT AUTHOR: Campbell Kintz  
HEARING DATE: October 13, 1982  
REPORT DATE: October 7, 1982

PLANNING STAFF REPORT/RECOMMENDATION

TO HEARINGS OFFICER

FACTS

GENERAL INFORMATION

Applicant: Publishers Paper Co. 4000 Kruse Way Place, Lake Oswego 97034

Owner(s): Plywood Equipment Sales, Inc.

Proposal: To store logs and to use a portable chipper to make hog fuel.

Location: West side of Eagle Creek Rd. approximately 400 feet north of Currin Road; Eagle Creek area.

Legal Description: T3S, R4E, Section 5, part of Tax Lot 4100, W.M.

Zone: RRFF-5, Rural Residential Farm Forest 5 acre minimum lot size.

SITE DESCRIPTION

The property is the site of a former veneer mill. There is a pond on the property. There is a large building on the other side of the pond from the site for the facility proposed by the applicant.

VICINITY DATA

Surrounding Conditions: There is a mix a residential and commercial uses in the area. The property is surrounded by southeast Eagle Creek Road on the east and State Hwy. 211 on the west.

Service Considerations: This use will not require any additional services.

RESPONSES REQUESTED

1. Estacada Fire District

Exhibit 1

902 ABERNETHY ROAD

OREGON CITY, OREGON 97045

20155-21-M; 20156-21-CP; 20157-21-ZAP

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17471

2. Eagle Creek - Barron Neighborhood Group
3. <sup>County</sup> D.E.S., Traffic Operations Engineer
4. D.E.S., Operations Division
5. State Highway Division

#### EXHIBITS

1. Zoning Ordinance considerations
2. Selected comments from the Comprehensive Plan
3. Display map
4. Aerial photograph
5. Site plan
6. Photographs of site
7. Photographs of portable chipper
8. Noise study
9. Highway Division comments
10. Traffic Operations Engineer comments
11. Operations Division comments

#### FINDINGS

##### ZONING ORDINANCE CONSIDERATIONS

See Exhibit No. 1

##### PLAN CONSIDERATIONS

Comprehensive Plan Map Designation: Rural

Selected Comments from the Comprehensive Plan: See Exhibit No. 2

#### RESPONSES RECEIVED

1. Operations Division stated if approved, approval should be subject to the following conditions:
  - a. An entrance permit must be obtained for the proposed additional entrance.

- b. The entrance must be paved from the edge of the existing pavement to the right-of-way line. ✓
- c. The applicant must provide adequate storm drainage.
- d. The applicant must keep the mud and debris off the county roadway.
2. Traffic Operations Engineer stated he had no objections to the request. Site distance and access location shall be determined through an encroachment permit.
3. State Highway Division stated no direct access to Hwy. 211 shall be allowed. ✓

#### CONCLUSIONS

- A. The applicant is seeking a conditional use permit for a portable chipper. This request is subject to Sections 309 and 1203 of the Clackamas County Zoning and Development Ordinance. The Planning Division staff finds:
  1. The proposed use is an allowed use in the zoning district. Subsection 309.05A(9) states commercial or processing activities that are in conjunction with timber and farm uses are allowed conditional uses in the RRFF-5 zoning district. The portable chipper will be used for processing activity that is in conjunction with a timber use.
  2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features. The site of the filled log pond which is part of the site of the former veneer mill. No substantial improvements are needed to make the site usable for the proposed use. The site is flat and has easy access to major roads. It is located in an area characterized by a mix of uses. The noise study submitted by the applicant show that it is in an area where the noise generated by the use will be consistent with what is in the area now. The use will be consistent with the historic use on the site.
  3. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use. The only public facility that will be used by the site is the public roads. The roads are adequate to handle the proposed use.
  4. 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 listed in the underlying district. As previously stated, the noise generated by the proposed use will not be above the ambient noise level in the area. The amount of traffic generated by the use will not be substantial in comparison to the amount of traffic in the area already. The use is consistent with the mix of uses found in the area.

5. The proposal satisfies the goals and policies of the Comprehensive Plan that apply to the proposed use. There are no specific plan policies that apply to the proposed use. There are some general plan policies that may be considered applicable. The Comprehensive Plan encourages the development of forest related industries, particularly those doing secondary wood processing. Approval of the request will not interfere with the character of the area in which the property is located.

#### RECOMMENDATION

The Planning Division staff recommends approval subject to the following conditions:

1. Approval of a minor partition to divide the property.
2. Compliance with the conditions of approval recommended by the Operations Division in comments to this file.
3. The chipper shall be located at least 50 feet from all property lines.
4. The applicant shall provide on-site parking subject to Design Review approval.
5. The facility shall be screened from view from off the property. The applicant will not need to provide any additional screening if vegetation on the property is adequate to screen the facility. If it is not, the applicant shall provide such screening as required by Design Review.
6. Approval is subject to the above stated conditions and failure to comply with them shall be cause for revocation of approval.

THE HEARINGS OFFICER IS AN INDEPENDENT DECISION MAKER. HE WILL MAKE A DECISION BASED ON THE INFORMATION PRESENTED AT THE PUBLIC HEARING. IF YOU CANNOT ATTEND THE HEARING, PLEASE NOTIFY THE PLANNING DIVISION AS SOON AS POSSIBLE. WE WILL ADVISE THE HEARINGS OFFICER AND A POSTPONEMENT OF YOUR APPLICATION MAY BE CONSIDERED. IF YOU DO NOT ATTEND THE HEARING AND THE HEARINGS OFFICER HAS NOT BEEN ADVISED OF YOUR ABSENCE, THE APPLICATION MAY BE HEARD IN YOUR ABSENCE.

CK:elk  
4/10-13

# EXHIBIT C

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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26175

**RICHARD F. CRIST**  
Land Use Hearings Officer  
18734 Upper Midhill Drive  
West Linn, Oregon 97068  
(503) 636-9256

**FINDINGS AND DECISION OF THE HEARINGS OFFICER**

File No.: Z-0202-91-C

Applicant: Steve Mueller, 28739 SE Crest, Eagle Creek, OR 97022

Proposal: To construct three buildings to allow sales, repair and storage of farm and forest equipment, and to establish a portable sawmill and wood yard.

Planning Division Recommendation: Approval.

Staff Representative: Doug McClain

Public Hearing: A public hearing was held at the Clackamas County Department of Transportation and Development (DTD), 902 Abernethy Road, Oregon City, Oregon on April 3, 1991 at 9:30 a.m., at which time testimony and other evidence was received, the record was closed, and an oral decision was announced approving the application, subject to certain conditions.

Speaking in Support of Request:

1. Steve Mueller, 28739 SE Crest, Eagle Creek, OR 97022

Community Planning Organization Response: There is no active CPO serving this area of Clackamas County.

Speaking in Opposition to Request: None.

**FINDINGS:**

**A. Subject Property:**

1. Legal Description: Tax Lot 4102, Section 5, T3S, R4E, W.M., Clackamas County, Oregon
2. Location: Between State Highway 211 and SE Eagle Creek Road, approximately 400 feet north of SE Folsom Road, Eagle Creek area.
3. Zone: RRFF-5, Rural Residential Farm Forest 5 Acre District
4. Comprehensive Plan Designation: Rural
5. Site Description: The subject property is approximately 12 acres. It is currently undeveloped. Most of the site is covered with gravel.

**B. Vicinity Information:** This area contains a mixture of agricultural

EXHIBIT C

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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and rural residential uses. There is also a small rural commercial development located to the northeast of the subject property.

C. Service Considerations: Water will be provided by private well. Sewage disposal will be handled on-site. Fire protection is provided by Estacada Fire District No. 69.

D. Land Use Ordinance Considerations:

1. Section 309 of the Clackamas County Zoning and Development Ordinance (ZDO) controls land uses in the RFFF-5 zoning district. Subsection 309.05 provides that certain uses may be permitted as a conditional use where the application satisfies the criteria under Section 1203 of the ZDO, the applicable standards under Section 800 of the ZDO and any other requirements of the ZDO. The Hearings Officer has reviewed the entire record made as a part of this proceeding, and Findings based on that record with regard to each of the criteria above described will be discussed below.

2. This application satisfies each of the criteria under Section 1203 of the ZDO, as follows:

a. The proposed use is listed as a conditional use in the underlying zoning district. Subsection 309.05(A)(9) of the ZDO lists commercial or processing activities which are in conjunction with timber and farm uses as a conditional use in the RFFF-5 zoning district. The applicant proposes to sell, store and repair farm and timber equipment, and will be conducting a portable sawmill and wood yard. The applicant is proposing to move his existing business from a nearby parcel. These uses have previously received conditional use approval (See File #487-86-C), and are activities in conjunction with farm and timber uses.

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

The property has been previously gravelled for log storage, making it suitable for the proposed uses. The site is level and open, with no natural features or improvements which limit its suitability for the proposed uses.

c. The site and the proposed development are timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

Regarding the transportation system, the property abuts both State Highway 211 and Eagle Creek Road. The information provided by the County staff is that the traffic expected to be generated by the proposed uses can be easily accommodated by these roads. This information is not contested, and is accepted by the Hearings Officer.

Responses from the local fire district and the County's Soils Division indicated that appropriately facilities can be provided on-site, without any impact on public facilities and services.

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Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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Conditions of approval will require approval of the means of sewage disposal for the property and adequate provision for fire-fighting water and emergency vehicle access.

d. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying zoning district.

The subject property and the immediate surrounding area are zoned RRFF-5. The primary uses of that district are set forth in subsection 309.03 of the ZDO, and included herein by this reference. They include generally rural residential uses, and limited farm or forest uses.

The subject property is isolated from adjoining lots and is affected by State Highway 211 and Eagle Creek Road. There are no nearby homesites. The conditions of approval will include design review, which will assist in providing visual mitigation. With this visual mitigation, there are no identified impacts on adjacent properties which would limit or preclude permitted primary uses.

e. The proposal satisfies the Goals and Policies of the Comprehensive Plan (Plan) for Clackamas County which apply to the proposed use.

As stated above, the subject property is designated Rural by the Plan. No specific Goals or Policies of the Rural Section of the Land Use Element of the Plan have been identified as applicable to this application.

3. Subsection 801.03 of the ZDO lists the information which must be submitted for a complete conditional use application. This application contains a description of the proposed use and specific reasons for the request, a vicinity map, a site plan of the property, including existing and proposed improvements, a building profile, and information addressing the criteria under Section 1203 of the ZDO. This provision is satisfied.

4. No other provisions of the ZDO or the Plan have been identified as applicable to this application, and no other provisions of the ZDO or the Plan are found to be applicable.

5. The Hearings Officer specifically finds that the applicant can meet each of the conditions of approval.

**DECISION:** Approval, subject to the following conditions:

1. The applicant shall provide an adequate source of fire-fighting water, consistent with the requirements of Estacada Fire District No. 69. Prior to establishing the use or issuance of any building permits, the applicant must provide a letter from the fire district substantiating compliance with their requirements for fire-fighting water and emergency vehicle access.

2. Approval is subject to the limitations imposed by the County Soils Division. Currently, the use must generate no more than 200 gallons per day, which is the maximum allowed by the current holding tank approval.
3. Approval is limited to the specific use described in the application, to the extent it is consistent with the conditions of approval.
4. Design review approval is necessary. Consideration shall be given to visual mitigation of the proposed uses.
5. Approval is subject to the conditions of approval. Noncompliance with any condition constitutes a violation of this permit and shall be sufficient cause for revocation of this permit.

DATED and FILED this 23rd day of April, 1991.

H/ RICHARD F. CRIST  
Richard F. Crist  
Hearings Officer

# EXHIBIT D

# BOARD OF EQUALIZATION INFORMATION SHEET

TAX YEAR 1991-92

MAP # 3 4E 05 4102

B/E APPEAL #91- 00981

N. HOOD # E 205

LAND CLASSIFICATION:

CODE # 108-006 AREA 02

COMMERCIAL: From) 301-310

MOBILE HOME X-                     

RESIDENTIAL: To) 401-310

PERS. PROP. #                     

SPEC. ASSESSED:                     

## REAL MARKET VALUE

LAND	IMPROV.	MOBILE HOME	PERS. PROP.	TOTAL
<u>83,140</u>	<u>8850</u>			<u>91,990</u>

## ASSESSORS RECOMMENDATION

SUSTAIN:                                      DECREASE: X

## NEW RECOMMENDED VALUE

LAND	IMPROV	MOBILE HOME	PERS. PROP.	TOTAL
<u>46,830</u>	<u>6410</u>			<u>53,240</u>

REMARKS

This site was owned by Publishers & WAS A SPOT INDUSTRIAL site. IT IS ZONED R R F F 5. JUST PURCHASED BY PETITIONER FOR \$55,000. HAS JUST BEEN REAPPRAISED FOR AREA 02 (1992). Recommend reduction TO TCV FOR 92 (\$53,240).

## COMPARABLES

1.                                      3.                                       
2.                                      4.                                     

APPRAISER: J. White

**EXHIBIT**  
**D**

Exhibit 1

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# EXHIBIT E





ASphalt Chipper Pad



Exhibit 1

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# CONCRETE Foundations



Exhibit 1

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# RIP RAP LOG Bays

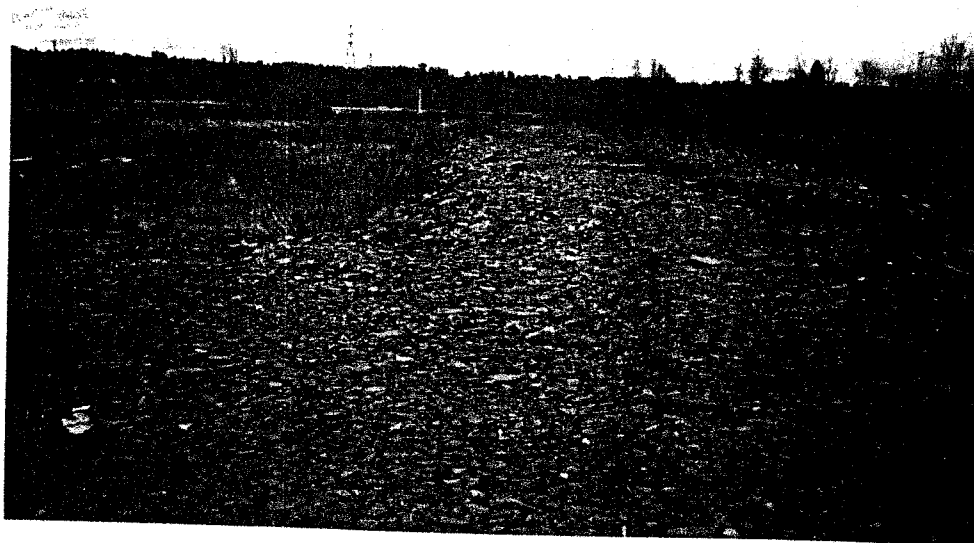


Exhibit 1

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RIP RAP LOG BAYS



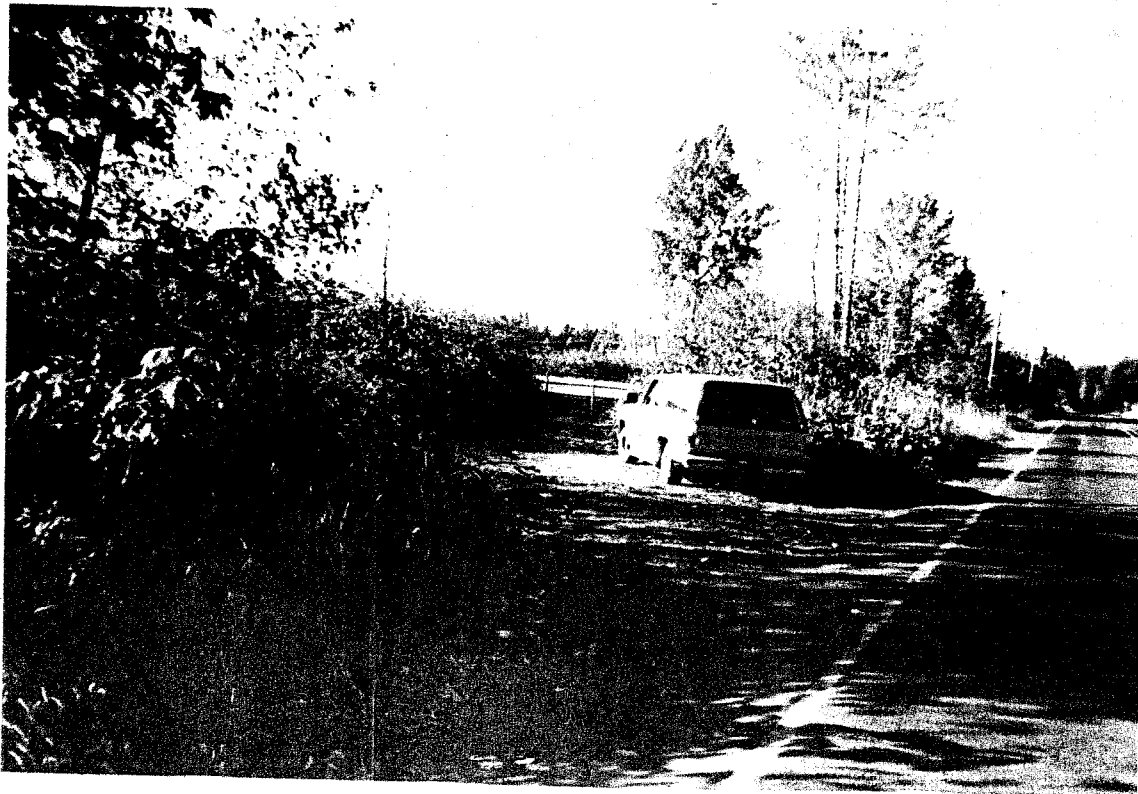
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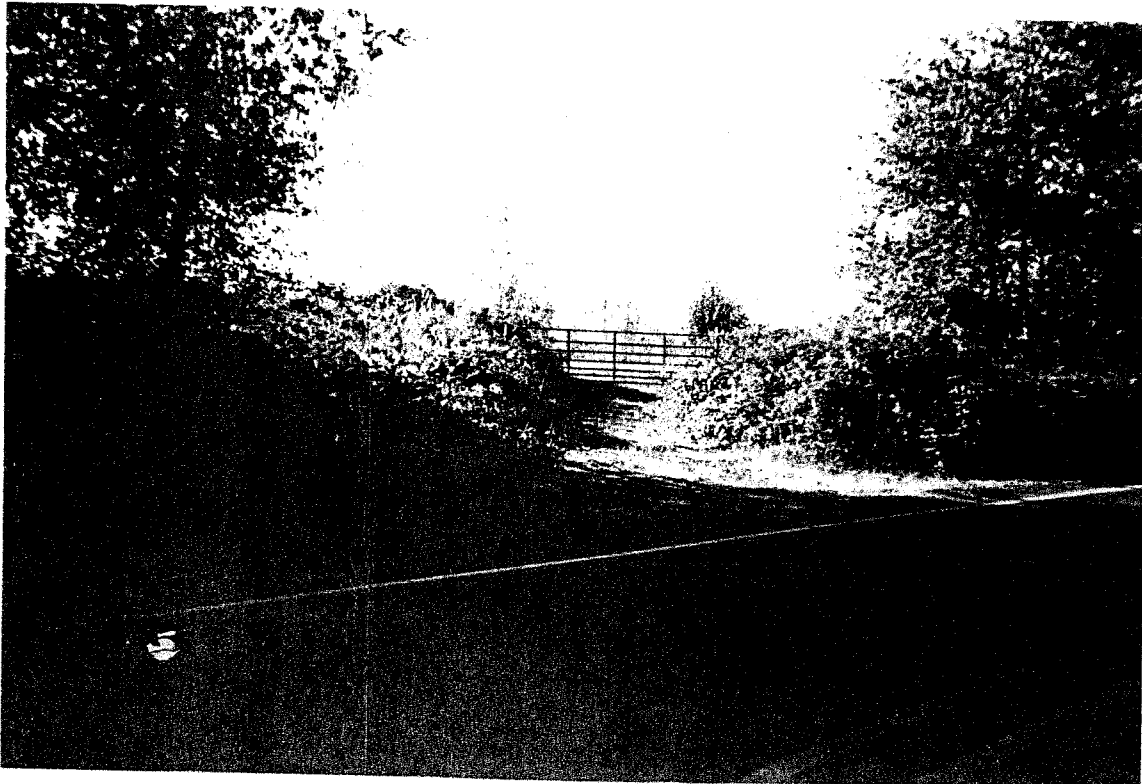
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32471

TWO EXISTING



EAGLE CREEK ROAD



ACCESS

Exhibit 1

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# EXHIBIT F

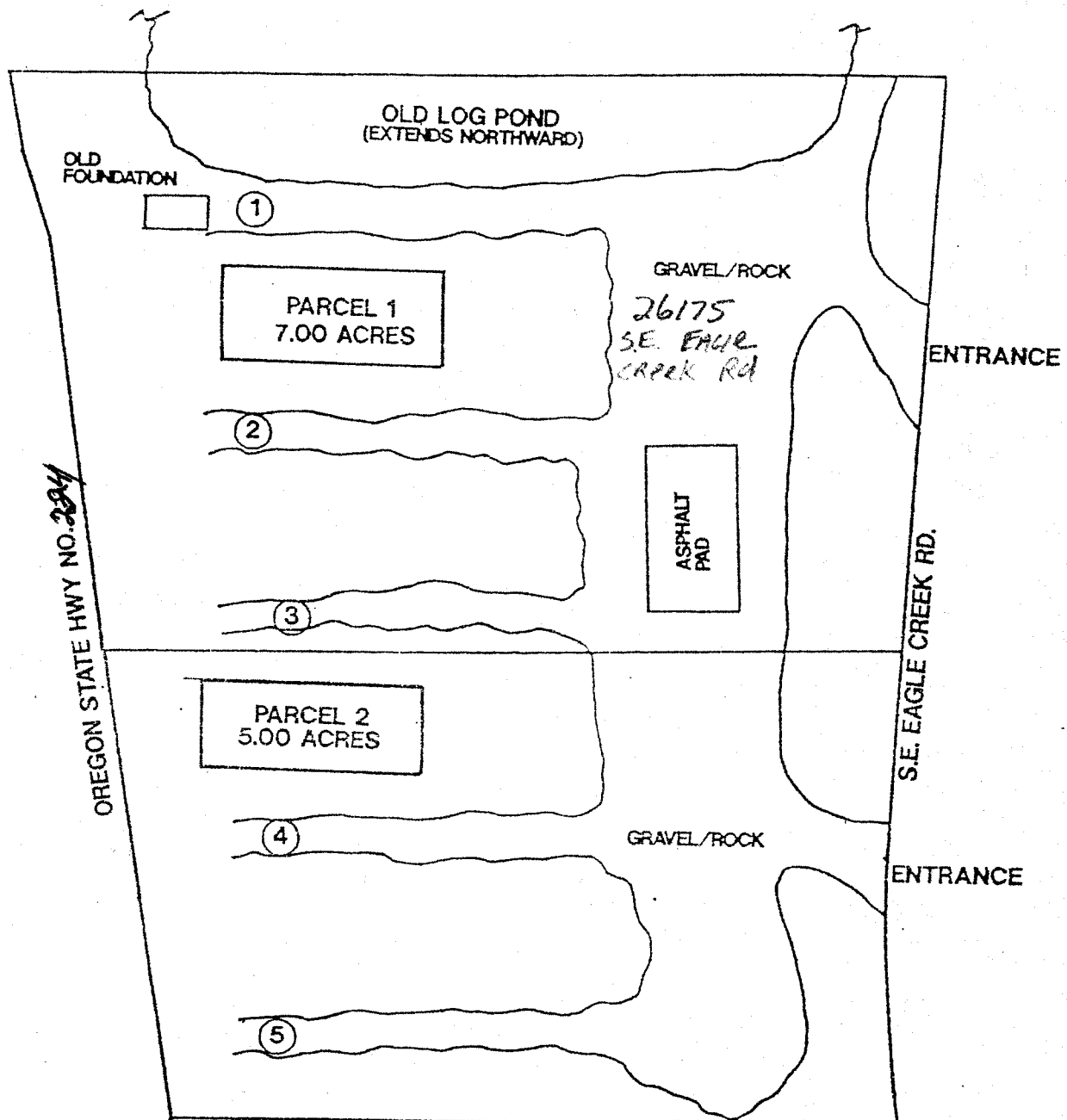


FIGURE 2: SITE MAP OF SUBJECT PROPERTY  
CREST DEVELOPMENT PROPERTY  
PREVIOUS SITE OF MILL POND  
N.T.S.



FETROW  
ENGINEERING, INC.

890 PROMONTORY PL. SE SALEM, OR 97302  
2535B PRAIRIE RD EUGENE, OR 97402  
12300 SE MALLARD WAY, SUITE 205 MILWAUKIE, OR 97222

**EXHIBIT F**

Exhibit

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# EXHIBIT G

Exhibit 1

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COPY

January 25, 1991

Times Mirror Land & Timber Co.  
c/o Steve Mueller  
28739 S.E. Crest  
Eagle Creek, OR 97022

SUBJECT: TAX LOT 4102, SECTION 05, T. 3S, R. 4E  
SOIL FEASIBILITY STUDY

I visited this property January 23, 1991, and examined the two soil test pits. As expected, the pits revealed fill materials consisting of soil rock and wood waste from the surface to the bottom of the pits. The natural soil was not observed to a depth of 48 inches. These conditions cannot be considered for subsurface sewage disposal so the only possibility might be a holding tank system.

Holding tanks can only be considered where the daily sewage flow is limited to 200 gallons or less. That means 13 employees total at the proposed shop building. And, for one shift only. No industrial wastes and no shower facilities. If the buildings require showers, only five employees total could be considered for both shop buildings.

Further investigation and detailed holding tank design is necessary to ensure a solid stable base to site the holding tank. Refer to the standards set forth by the Department of Environmental Quality (pages 71-84, 71-85 and 71-86) for other conditions that must be addressed.

Your application is considered denied pending the additional required information.

Call, if you have any questions. I am usually in the office between 8 and 9 a.m. or 4 and 5 p.m.

LEE A. GRIMES - Soil Scientist  
Building Services Division

/krb

*EXHIBIT G.*

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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# EXHIBIT H



PHONE (503) 630-8270 • FAX (503) 630-8280  
475 S.E. MAIN • P.O. BOX 958 • ESTACADA, OREGON 97023-0958

October 28, 1994

Region 2040  
600 N.E. Grand Avenue  
Portland, OR. 97232-2736

Dear Planning Committee of the Metro Council,

Thank you for the opportunity to respond to the recommended alternative decision of the Region 2040 plan. The Estacada City Council and Planning Commission, in a joint meeting, developed the following comments that they would like entered into the written testimony.

The 2040 growth concept is primarily an issue that will affect the metropolitan area. The people of Estacada would prefer that Metro stay in the metro area and within the existing established metro boundary. As a neighboring community, we can see the impacts on Estacada occurring with the recommended alternative decisions that are being proposed in the 2040 growth concept plan and some of the recommendations conflict with our future planning.

Estacada is developing its own plan for its future and is in the process of a community wide strategic planning process. Due to the loss of jobs in the timber industry, Estacada is developing into a rural bedroom community for the surrounding communities. Whereas in 1980, 80% of the people worked within 10 minutes of Estacada with only 15% commuting to Portland, in 1990 only 16% worked within 10 minutes of Estacada and 44% commuted an average of 30 to 50 minutes to work.

As recommended in the 2040 growth concept plan, the City Council and Planning Commission would like to see a strong balance between housing and jobs provided in our local community, thus cutting down on commuter traffic, pollution and provide jobs where people live. We have identified Hwy. 224 to the Hwy. 211 turnoff to Sandy as a corridor for future development.

**EXHIBIT**

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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From the existing city limits to this area will be the future industrial and commercial area. It is our intention to work on partnerships to provide the infrastructure and develop jobs in this area.

Our vision includes not only the city limits and the urban growth boundary, but what we consider our future "transportation corridor" and "urban reserves". This includes the development of the corridor to Eagle Creek for jobs and services. We recommend that generalized future land use plans be developed for the "neighboring cities" to insure that the Region 2040 plan does not conflict with a local community's vision. We want to make sure that Metro's adoption of the Region 2040 plan serves as a guide and does not mandate to the County or the City of Estacada property zoning directly located outside the existing urban growth boundary.

Estacada wants to increase local employment with family wage jobs, retain our downtown commercial area as the core of our community and discourage strip mall development along Highway 224. Property currently designated exclusive farmland and forestry should be reviewed to uncover marginal farmland versus prime farmland in the corridor area of Eagle Creek and appropriate zoning applied to the property. In addition, we want to protect the Clackamas River and Eagle Creek drainage areas. We would like to maintain the scenic beauty of the Clackamas River with a visual buffer between the river and any development. We would prefer homes be developed on available property with river views, and a buffer zone between the housing and any proposed commercial or industrial development along Highway 224.

One of the perceptions that Estacadians hear from metropolitan people is that Estacada is "way out there" or "at the end of the road." We know that we are a quick escape for Portlanders wanting to get out into the country, enjoy the river, and that we are the "gateway to the Clackamas River recreation area." But we don't want to be land locked as a rural reserve playground for Portlanders wishing to "get out to the country." Estacadians need to live here, and survive here. We are going to retain our own local control and continue in the direction that we determine.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

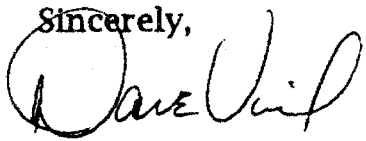
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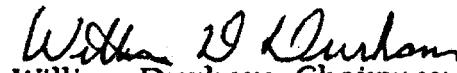
Region 2040  
October 28, 1994  
Page 3

If we could work in a collaborative regional process to apply the pattern outlined in the Region 2040 plan to the neighboring cities to include their city limits, urban growth boundaries, transportation corridors, urban and rural reserve areas, it would truly be a regional decision.

Sincerely,



Dave Vail, Mayor  
Estacada City Council



William Durham, Chairman  
Planning Commission

cc. Board of County Commissioners  
Clackamas County Planning Commissioners  
Clackamas County Transportation & Economic Development  
Clackamas County Development Agency  
Estacada Area CPO  
Eagle Creek Area CPO

# EXHIBIT I



# EXHIBIT I.

July 15, 1988

Don Rigby  
P.O. Box 06370  
Portland, OR 97206

Re: Old Milwaukie Plywood and Veneer Co.

Dear Mr. Rigby:

The Oregon Department of Environmental Quality (DEQ) has completed a preliminary assessment of the Old Milwaukie Plywood and Veneer Co. site under an agreement with the U.S. Environmental Protection Agency (EPA). A copy of the report without the attachments is enclosed. A preliminary assessment is an initial assessment of available information about a site to establish whether there are sufficient human health and/or environmental concerns to warrant a more extensive review.

Based on the preliminary assessment, DEQ does not anticipate further action at this site unless additional information becomes available which warrants investigation. EPA concurs with the DEQ finding and with the recommendations listed on page 3.

Please feel free to submit information to us which you believe would make our report more complete.

If you have further questions, I may be reached at (503)229-6790.

Sincerely,

Christy Smith  
Site Assessment Section Supervisor  
Environmental Cleanup Division

CS:m  
SM1690

Enclosure

cc: Al Goodman, EPA-000  
Deborah Flood, EPA-Region X

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## INTRODUCTION

Pursuant to Cooperative Agreement V000332-01, Amendment 2 between the U.S. Environmental Protection Agency (EPA) and the Oregon Department of Environmental Quality (DEQ), the DEQ conducted a Preliminary Assessment (PA) of the site known as Old Milwaukie Plywood & Veneer Company, OR D980979082. PAs are intended generally to identify potential hazards at a site, identify sites that require emergency action, and to establish priorities for sites requiring in-depth investigations (Site Inspections). The PA is based on readily available information about the site and is not a full investigation or characterization of the site.

The Old Milwaukie Plywood & Veneer Co. PA was conducted to identify potential public health and/or environmental threats related to the site. The PA is based on data derived from the sources listed in "J" below. Information gathered during the PA is summarized in the attached EPA form 2070-12 (see Attachment I).

## INFORMATION OBTAINED DURING THE PA

### A. GENERAL SITE DATA

Site Name: Old Milwaukie Plywood & Veneer Co.

Location: 25720 S.E. Eagle Creek Road  
Eagle Creek, Oregon 97022

Operator: Panel Equipment Sales, Inc.

Contact: Don Rigby  
6803 S.E. Johnson Creek Blvd.  
Portland, Oregon 97202

Telephone: (503) 771-5565

Owner: Edward J. Bennett, PC - Registered Agent  
851 S.W. 6th Avenue, Suite 1500  
Portland, Oregon 97204

Contact: - see Owner above.

Telephone: (209) 224-6440

### B. SITE DESCRIPTION

The Old Milwaukie Plywood & Veneer Company facility is located just outside of the Clackamas County community of Eagle Creek (see Attachment II). The site was a plywood veneer manufacturer. Logs were "peeled" into thin layers of wood called veneer. Veneer production is a mechanical operation that does not

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require the use of any chemical substances. The veneer was then shipped to other facilities where adhesives and waterproofing agents were applied to assemble the plywood sheets. The only site visits or inspections by DEQ officials were related to air and noise pollution compliance related to the facility's dryer operations. The old log ponds were utilized for solid waste disposal (see Attachment III). The only debris permitted to go into the ponds was wood debris (see Attachment IV). The ponds were later covered with two to three feet of crushed rock (see Attachment V). Filling of the landfill was completed in late 1973.

#### C. OWNERSHIP INFORMATION

Information on site ownership was obtained during the site discovery investigation (see Attachment VI). The current owner has changed their name from Plywood Equipment Sales to Panel Equipment Sales. The nature of their business, plywood and veneer manufacturing equipment, has remained the same. Available information regarding the owner is listed above in Section A. of this PA.

#### D. WASTE AND CONTAMINANT TYPES, QUANTITIES & CHARACTERISTICS

Based on information in the files, the site has not been visited by DEQ or EPA officials in more than ten years. The actual site conditions are not known.

There are no known or suspected contaminants at this site.

#### E. SITE HISTORY AND POTENTIAL PROBLEMS

The exact dates of operation of the facility were not able to be determined from a review of the files. The company's name may have indicated that plywood manufacturing was taking place at the facility which was not the case. Plywood manufacturers use an assortment of glues, adhesives, resins and wood preservatives that may have left contamination at the site. This site was strictly mechanical log peeler operation that produced the thin sheets of wood (veneer) that are later laminated into plywood.

The site apparently went out of business in the mid-1970's. The property was bought at a liquidation sale by the present owners. The property is used to store plywood and veneer manufacturing equipment (see Attachment VII).

#### F. PHYSICAL AND DEMOGRAPHIC INFORMATION

The site is located in rural Clackamas County, Oregon. Within a one mile radius is the community of Eagle Creek, Goose Creek,

several residences and the Eagle Crest Mobile Home Park. There is no central water supply system in this area. Therefore, it can be assumed that there are numerous wells that supply domestic and irrigation water to the residents.

G. CONTAMINANT MOBILIZATION, PATHWAYS AND RISK

There are no known or suspected contaminants at this site.

H. PRIORITY ASSESSMENT

Based on the known and suspected contaminants at this site, a no further action recommendation is made and that no site inspection (SI) needs to be performed at this site.

I. FOLLOW-UP RECOMMENDATIONS

None.

J. REFERENCES

ATTACHMENT I - EPA Form 2070-12 "Potential Hazardous Waste Site Preliminary Assessment".

ATTACHMENT II - Location map, excerpt from USGS 7.5 minute series topographic map, Gladstone quadrangle, 1961.

ATTACHMENT III - Excerpt from a Columbia-Willamette Air Pollution Authority air contaminant discharge permit for particulate from the wood dryer, dated May 1, 1973

ATTACHMENT IV - Letter from Diarmuid O'Scannlain, DEQ, dated October 25, 1973, to Raymond Mosbrucker, Milwaukie Plywood Corporation.

ATTACHMENT V - Clackamas County property tax information dated October 3, 1985.

ATTACHMENT VI - Handwritten note with maps from Ray Mosbrucker, Milwaukie Plywood Company, undated, to Peter Wong, DEQ.

ATTACHMENT VII - Telephone memo of conversation between Bill Renfro, DEQ, and Don Rigby, Panel Equipment Sales, Inc.

OTHER REFERENCES:

1. DEQ CERCLIS files.
2. DEQ NW Region files.
3. EPA Oregon Operations Office files.

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POTENTIAL HAZARDOUS WASTE SITE  
PRELIMINARY ASSESSMENT  
PART 1 - SITE INFORMATION AND ASSESSMENT

I. IDENTIFICATION  
01 STATE 02 SITE NUMBER  
OR D 980979002

II. SITE NAME AND LOCATION

01 SITE NAME (Legal, common, or descriptive name of site) <b>Old Milwaukee Plywood and Veneer Co.</b>		02 STREET, ROUTE NO., OR SPECIFIC LOCATION IDENTIFIER <b>25720 S.E. Eagle Creek Rd.</b>			
03 CITY <b>Eagle Creek</b>	04 STATE <b>OR</b>	05 ZIP CODE <b>97022</b>	06 COUNTY <b>Clackamas</b>	07 COUNTY CODE <b>005</b>	08 CONG DIST <b>05</b>
09 COORDINATES LATITUDE <b>45 21 54.0</b>		LONGITUDE <b>122 20 42.0</b>		Township 2S Range 4E Section 29	
10 DIRECTIONS TO SITE (Starting from nearest public road) Travel to st. Highway 224, turn right onto Hwy 224. travel to Durrin Rd., turn left (East) onto Durrin Rd. Travel short distance to Eagle Creek Rd., turn left (North) onto Eagle Creek Rd. The site is on the left (West) side of Eagle Creek Rd., (c					

III. RESPONSIBLE PARTIES

(Across from Eagle Crest Mobile Home Park)

01 OWNER (if known) <b>Panel Equipment Sales Inc.</b>		02 STREET (Business, mailing, residential) <b>25720 S.E. Eagle Creek Rd.</b>			
03 CITY <b>Eagle Creek</b>	04 STATE <b>OR</b>	05 ZIP CODE <b>97220</b>	06 TELEPHONE NUMBER <b>503 771-5565</b>		
07 OPERATOR (if known and different from owner) <b>Edward J. Bennett (Registered Agent)</b>		08 STREET (Business, mailing, residential) <b>851 S.W. 6th, Suite 1500</b>			
09 CITY <b>Portland</b>	10 STATE <b>OR</b>	11 ZIP CODE <b>97204</b>	12 TELEPHONE NUMBER <b>503 224-6440</b>		

13 TYPE OF OWNERSHIP (Check one)

☐ A. PRIVATE ☐ B. FEDERAL: \_\_\_\_\_ (Agency name)  
☒ F. OTHER: **Corperation** ☐ G. UNKNOWN

14 OWNER/OPERATOR NOTIFICATION ON FILE (Check all that apply)

☐ A. RCRA 3001 DATE RECEIVED: \_\_\_\_/\_\_\_\_/\_\_\_\_ MONTH DAY YEAR ☐ B. UNCONTROLLED WASTE SITE (CERCLA 105(c)) DATE RECEIVED: \_\_\_\_/\_\_\_\_/\_\_\_\_ MONTH DAY YEAR ☒ C. NONE

IV. CHARACTERIZATION OF POTENTIAL HAZARD

01 ON SITE INSPECTION <input type="checkbox"/> YES DATE ____/____/____ MONTH DAY YEAR <input checked="" type="checkbox"/> NO		BY (Check all that apply) <input type="checkbox"/> A. EPA <input type="checkbox"/> B. EPA CONTRACTOR <input type="checkbox"/> C. STATE <input type="checkbox"/> D. OTHER CONTRACTOR <input type="checkbox"/> E. LOCAL HEALTH OFFICIAL <input type="checkbox"/> F. OTHER _____ (Specify) CONTRACTOR NAME(S): _____			
--	--	--	--	--	--

02 SITE STATUS (Check one)

☒ A. ACTIVE ☐ B. INACTIVE ☐ C. UNKNOWN

03 YEARS OF OPERATION

BEGINNING YEAR \_\_\_\_\_ ENDING YEAR \_\_\_\_\_

☒ UNKNOWN

04 DESCRIPTION OF SUBSTANCES POSSIBLY PRESENT, KNOWN, OR ALLEGED

No known or suspected.

05 DESCRIPTION OF POTENTIAL HAZARD TO ENVIRONMENT AND/OR POPULATION

No known or suspected. Site used for equipment / inventory storage only.

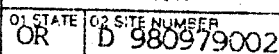
V. PRIORITY ASSESSMENT

01 PRIORITY FOR INSPECTION (Check one. If high or medium is checked, complete Part 2 - Waste information and Part 3 - Description of hazardous conditions and incidents)

☐ A. HIGH (inspection required promptly) ☐ B. MEDIUM (inspection required) ☐ C. LOW (inspection time available basis) ☒ D. NONE (No further action needed, complete current disposition form)

VI. INFORMATION AVAILABLE FROM

01 CONTACT <b>Mary Wahl</b>		02 OF, Agency Organization <b>DEQ - Remedial Action Section</b>		03 TELEPHONE NUMBER <b>503 229-5072</b>	
04 PERSON RESPONSIBLE FOR ASSESSMENT <b>Bill Renfroe</b>		05 AGENCY <b>DEQ</b>	06 ORGANIZATION <b>Remedial Action</b>	07 TELEPHONE NUMBER <b>503 229-6900</b>	08 DATE <b>09 30, 87</b>



☐ I. HIGHLY VOLATILE  
☐ J. EXPLOSIVE  
☐ K. REACTIVE  
☐ L. INCOMPATIBLE  
☒ M. NOT APPLICABLE

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POTENTIAL HAZARDOUS WASTE SITE  
PRELIMINARY ASSESSMENT  
PART 3 - DESCRIPTION OF HAZARDOUS CONDITIONS AND INCIDENTS

I. IDENTIFICATION

01 STATE 02 SITE NUMBER  
OR D 980979002

II. HAZARDOUS CONDITIONS AND INCIDENTS

01 ☐ A. GROUNDWATER CONTAMINATION

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

02 ☐ OBSERVED (DATE \_\_\_\_\_)

04 NARRATIVE DESCRIPTION

☐ POTENTIAL

☐ ALLEGED

No known or suspected.

01 ☐ B. SURFACE WATER CONTAMINATION

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

02 ☐ OBSERVED (DATE \_\_\_\_\_)

04 NARRATIVE DESCRIPTION

☐ POTENTIAL

☐ ALLEGED

No known or suspected.

01 ☐ C. CONTAMINATION OF AIR

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

02 ☐ OBSERVED (DATE \_\_\_\_\_)

04 NARRATIVE DESCRIPTION

☐ POTENTIAL

☐ ALLEGED

No known or suspected.

01 ☐ D. FIRE/EXPLOSIVE CONDITIONS

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

02 ☐ OBSERVED (DATE \_\_\_\_\_)

04 NARRATIVE DESCRIPTION

☐ POTENTIAL

☐ ALLEGED

No known or suspected.

01 ☐ E. DIRECT CONTACT

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

02 ☐ OBSERVED (DATE \_\_\_\_\_)

04 NARRATIVE DESCRIPTION

☐ POTENTIAL

☐ ALLEGED

No known or suspected.

01 ☐ F. CONTAMINATION OF SOIL

03 AREA POTENTIALLY AFFECTED: \_\_\_\_\_  
(Acres)

02 ☐ OBSERVED (DATE \_\_\_\_\_)

04 NARRATIVE DESCRIPTION

☐ POTENTIAL

☐ ALLEGED

No known or suspected.

01 ☐ G. DRINKING WATER CONTAMINATION

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

02 ☐ OBSERVED (DATE \_\_\_\_\_)

04 NARRATIVE DESCRIPTION

☐ POTENTIAL

☐ ALLEGED

No known or suspected.

01 ☐ H. WORKER EXPOSURE/INJURY

03 WORKERS POTENTIALLY AFFECTED: \_\_\_\_\_

02 ☐ OBSERVED (DATE \_\_\_\_\_)

04 NARRATIVE DESCRIPTION

☐ POTENTIAL

☐ ALLEGED

No known or suspected.

01 ☐ I. POPULATION EXPOSURE/INJURY

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

02 ☐ OBSERVED (DATE \_\_\_\_\_)

04 NARRATIVE DESCRIPTION

☐ POTENTIAL

☐ ALLEGED

No known or suspected.





POTENTIAL HAZARDOUS WASTE SITE  
PRELIMINARY ASSESSMENT  
PART 3 - DESCRIPTION OF HAZARDOUS CONDITIONS AND INCIDENTS

I. IDENTIFICATION

01 STATE 02 SITE NUMBER

OR ID 980979002

II. HAZARDOUS CONDITIONS AND INCIDENTS (Continued)

01 ☐ J. DAMAGE TO FLORA  
04 NARRATIVE DESCRIPTION

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☐ POTENTIAL ☐ ALLEGED

No known or suspected.

01 ☐ K. DAMAGE TO FAUNA  
04 NARRATIVE DESCRIPTION (Include name(s) of species)

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☐ POTENTIAL ☐ ALLEGED

No known or suspected.

01 ☐ L. CONTAMINATION OF FOOD CHAIN  
04 NARRATIVE DESCRIPTION

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☐ POTENTIAL ☐ ALLEGED

No known or suspected.

01 ☐ M. UNSTABLE CONTAINMENT OF WASTES  
(Spills, runoff, standing liquids, leaking drums)

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_  
04 NARRATIVE DESCRIPTION

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☐ POTENTIAL ☐ ALLEGED

No known or suspected.

01 ☐ N. DAMAGE TO OFFSITE PROPERTY  
04 NARRATIVE DESCRIPTION

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☐ POTENTIAL ☐ ALLEGED

No known or suspected.

01 ☐ O. CONTAMINATION OF SEWERS, STORM DRAINS, WWTPs  
04 NARRATIVE DESCRIPTION

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☐ POTENTIAL ☐ ALLEGED

No known or suspected.

01 ☐ P. ILLEGAL/UNAUTHORIZED DUMPING  
04 NARRATIVE DESCRIPTION

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☐ POTENTIAL ☐ ALLEGED

No known or suspected.

05 DESCRIPTION OF ANY OTHER KNOWN, POTENTIAL, OR ALLEGED HAZARDS

No known or suspected.

III. TOTAL POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

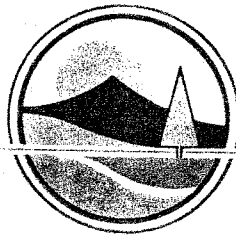
IV. COMMENTS

Plant produced veneer by peeling logs. No chemicals used on-site.

V. SOURCES OF INFORMATION (Cite specific references, e. g., state files, sample analysis, reports)

See previous references.

# EXHIBIT J



LEVEL II ENVIRONMENTAL  
SITE ASSESSMENT REPORT

PREPARED FOR

STEVE MUELLER  
EAGLE CREEK PROPERTY  
OLD LOG POND SITE

*Exhibit J*

PREPARED BY

FETROW ENGINEERING, INC.  
12300 S.E. MALLARD WAY, SUITE 205  
MILWAUKIE, OREGON 97222  
(503)652-1526

Exhibit 1

APRIL 1992 Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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## SECTION 1.00 INTRODUCTION

This report presents the results of a Level I Environmental Site Assessment performed by Fetrow Engineering, Inc. (FEI) at the subject property, a 12.0 acre parcel of relatively undeveloped land owned by Mr. Steve Mueller of Crest Development Company. The subject property, which was previously part of a log pond, is located approximately three miles north of Estacada, Oregon, immediately between State Highway 211 and Eagle Creek Road, north of Folsom Road, as shown on Figure 1.

The purpose of this report is to provide an assessment of the current environmental conditions at the subject property prior to a potential sale of the southern five acre portion of the site. This report is not intended to satisfy the formal requirements of a Preliminary Assessment as required by DEQ at sites having experienced a confirmed release of a hazardous substance that poses a significant threat to public health or the environment (OAR 340-122-426), nor is it intended to establish the environmental compliance of the subject property with respect to state or federal environmental regulations. A copy of the Scope of Services for this assessment is included as Appendix A.

The professional services of FEI have been rendered using the degree of care and skill ordinarily exercised under similar circumstances by reputable environmental engineering and consulting firms. No other warranty, expressed or implied, is made.

## SECTION 2.00 SITE DESCRIPTION AND PHYSICAL SETTING

The subject property is an approximately 12.0 acre parcel of land located in Township 3 South, Range 4 West, Section 5, in the unincorporated community of Eagle Creek in Clackamas County, approximately three miles north of Estacada, Oregon, immediately between State Highway 211 and Eagle Creek Road, as shown on Figure 1. The subject property is further identified as Clackamas County Tax Account Number 4102. The subject property is in an area comprised generally of rural residential areas, and farm and pasture land.

The subject property is a predominantly flat piece of land. The northern approximately two-thirds of the subject property was once part of the log pond which is now contained predominantly on the property located adjacent to the north boundary. The section of log pond on this site, with the exception of approximately eight-tenths of an acre at the northern boundary, was back-filled with bark and wood waste and was capped with two to three feet of rock in late 1973. An asphalt pad and parallel rock road beds (numbered 1 through 5 on Figure 2) were installed by Publishers Paper to facilitate log storage and the use of a portable chipper (which was never operated). There are no building improvements.

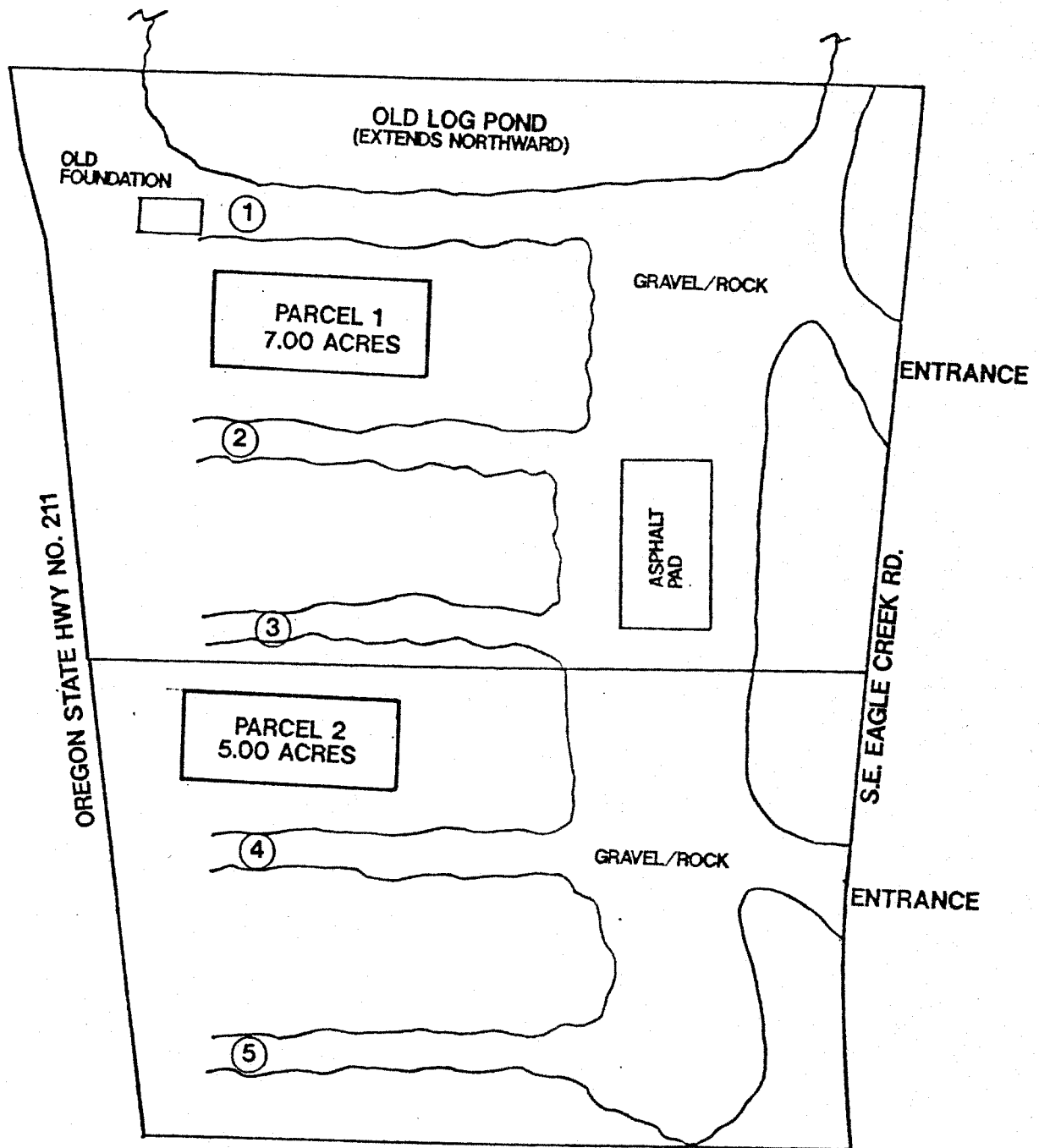


FIGURE 2: SITE MAP OF SUBJECT PROPERTY  
CREST DEVELOPMENT PROPERTY  
PREVIOUS SITE OF MILL POND  
N.T.S.



**FETROW  
ENGINEERING, INC.**

890 PROMONTORY PL. SE SALEM, OR 97302  
2535B PRAIRIE RD EUGENE, OR 97402  
12300 SE MALLARD WAY, SUITE 205 MILWAUKIE, OR 97222

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As shown on Figure 2, the site is bounded on the north by an inoperative plywood veneer mill and the log pond which once extended onto much of this property. To the east is Eagle Creek Road, across which lie a mobile home park, rural residential areas and pasture land. There are two access roads to the site from Eagle Creek Road, one near the southern boundary and one just south of the log pond. A rural residential area and land overgrown with brambles lie to the south of the site, and a marshy ditch bounds the site on the west. State Highway 211 follows the ditch along the west boundary, and west of the highway lie largely undeveloped fields. Figure 2 shows a plan view of the subject property. Appendix E contains site photographs.

### SECTION 3.00 REGIONAL CLIMATE, GEOLOGY, AND HYDROGEOLOGY

The subject property is located in northwestern Oregon in Clackamas County. The geographic area has a temperate marine climate characterized by wet winters and dry summers. Precipitation occurs primarily in the form of rain, with almost half of the annual rainfall of about 37 inches falling in the months of November, December, and January.

The site is located in the southwest quarter of the southwest quarter of Section 5, Township 3 South, Range 4 East, in the eastern side of the Willamette Valley. The site topography is generally flat with a slight slope to the west. The Clackamas River is located approximately two miles west and Eagle Creek is approximately one-quarter mile north. The expected water table depth is within twenty feet of the ground surface and the water table groundwater flow direction is assumed to be to the north at a relatively slow rate. During site sampling activities, groundwater was encountered at approximately 9 feet below the ground surface.

The deposits forming the surface soils have been derived over the last three to five million years. In times past, the elevation of the land surface was lower and streams such as the ancestral Willamette river and its tributaries deposited broad, flat floodplains. Within the last few million years, regional uplift has occurred raising the general elevation of the land. The streams have responded by renewed down-cutting and have incised their channels into the older floodplains, leaving terraces at elevations above current high water to mark earlier floodplain locations.

The surface and near-surface soils in the area consist of stream terrace and floodplain deposits. According to the soil map of Clackamas County, the soil type is Wapato silty clay loam. This type of soil contains clay in sufficient quantity to retard drainage.

## SECTION 4.00 DATA COLLECTION AND REVIEW

Data collection and review consisted of a search of public records and available site data, as well as conversations with knowledgeable individuals, to help determine the past history and usage of the site, and to assess whether or not any environmentally undesirable activities may have occurred at the site.

### 4.10 SITE HISTORY REVIEW

#### 4.11 Ownership and Operations History

For the purposes of this assessment, Mr. Mueller did not feel a formal chain of title was needed. As such, FEI did not perform one. Available information from public files, interviews with Mr. Mueller of Crest Development and Mr. Ray Luthy of Times Mirror Land and Timber Company, a previous owner of the site, and observations of historical aerial photographs (summarized in Section 4.12) indicate the following ownership and operational history of the subject property.

The subject property was once part of a larger piece of land which was owned by Old Milwaukie Plywood and Veneer Company (OMPV). OMPV built a veneer mill at the northern end of this larger property in 1955. This mill peeled logs into thin sheets for plywood manufacture. This was a strictly mechanical operation requiring no chemicals or adhesives, and the veneer was shipped to another site for actual plywood production (see appendix B). During this period, the subject property contained approximately the southern one-half of the OMPV log pond. In 1973, OMPV filled this portion of the log pond, with the exception of eight-tenths of an acre on the northern boundary, with bark and wood waste from the veneer operation and capped it with approximately two to three feet of rock and soil. This area was intended for log storage.

In 1977, the land of which the subject property was a part was purchased by Panel Equipment Sales, Incorporated (PES). PES used the site for storage of plywood and veneer manufacturing equipment inventory. The veneer mill north of the pond remained inoperative. In 1982, the land was partitioned into two separate parcels and the southern lot, which is the subject property, was purchased by Publishers Paper Company as a prospective site for a hog fuel production facility. Publishers Paper developed the subject property to store logs and operate a portable chipper. An asphalt pad, approximately eighty feet wide and one hundred and fifty feet long, was installed to support the chipper, which was never operated. Five rock road beds (labeled 1 through 5 on Figure 2) were built above grade to provide access to log storage areas. The road beds are approximately forty feet wide and vary in length. Figure 2 shows their approximate locations. The site was not developed further, and in 1986, ownership was transferred to Times



Mirror Land and Timber Company (TMLT).

The subject property was purchased by Mr. Steve Mueller in April, 1991, and it was partitioned into two parcels, five acres to the south and seven acres to the north, in December, 1991. Since purchase by Mr. Mueller, no activities have been conducted at the site.

#### 4.12 Aerial Photograph Review

Historical aerial photographs of the subject property from 1945 to 1977 were reviewed at the University of Oregon Map Library in Eugene, Oregon. Copies of photos reviewed are included in Appendix C. Photo observations are summarized below.

- 1945 The subject property appears as a cultivated or grassy field bordered by trees.
- 1948 No differences are evident from 1945 photograph observations.
- 1956 The subject property has been further divided into several fields. The Old Milwaukie Plywood and Veneer Mill is in place north of the property and a portion of the log pond appears to be excavated, but not filled with water. Some small buildings and access from Folsom Road are present south of the property.
- 1963 The veneer mill log pond covers most of the subject property. More activity is apparent south of the site on Folsom Road.
- 1970 The log pond does not appear to have changed in size. Most of the trees bordering the property are gone. The buildings south of the property are still present.
- 1977 The portion of the log pond on the subject property has been filled and does not appear to be in use.

#### 4.20 AGENCY FILES

##### 4.21 U.S. Environmental Protection Agency (U.S. EPA)

There is no listing for the subject property, nor any other properties in the vicinity of Eagle Creek, Oregon on the U.S. EPA Region 10 Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) List, which tracks activities conducted at sites in the Federal Superfund Program.

There are no listings for the subject property or any properties in the vicinity of Eagle Creek, Oregon on the Federal National Priority List.

Exhibit 1

#### 4.22 Oregon Department of Environmental Quality (DEQ)

##### 4.22.1 DEQ Site Assessment Database

According to the DEQ Site Assessment Database, the subject property is not listed by the DEQ as a site where a suspected or confirmed release of a hazardous material has occurred.

A Preliminary Assessment (PA) was conducted on the site by the DEQ Remedial Action Section in 1987. No known or suspected contaminants were identified by the PA. No further action was recommended by DEQ, and EPA Region 10 concurred with this recommendation (see Appendix B).

##### 4.22.2 DEQ Environmental Cleanup Division (DEQ ECD)

The subject property is not listed by DEQ ECD on either its Confirmed Release List or its Site Inventory, nor are any other sites in the Eagle Creek vicinity.

##### 4.22.3 DEQ Underground Storage Tank Lists

The subject property is not listed on DEQ's list of Registered Underground Storage Tanks.

The subject property is not listed on DEQ's Leaking Underground Storage Tank List. Four sites in the vicinity of Eagle Creek are on the list. Their status is as follows:

Carignan Trucking - This site is approximately three miles north of the subject property (down-gradient in terms of groundwater flow). The tank has been removed, and the site has been cleaned up to DEQ's satisfaction.

Battles Logging - This site is approximately two miles north (down-gradient) of the subject property. The tank has been removed, and the site has been cleaned up to DEQ's satisfaction.

Eagle Foundry Company - This site is approximately one mile north (down-gradient) of the subject property. The tank has been removed, and the site has been cleaned up to DEQ's satisfaction.

Former Eagle Creek Service Station - This site is northeast (approximately down-gradient) of the subject property, directly across Eagle Creek Road, and is currently operated as the Eagle Creek Tavern. The tank has been removed, and the site has been cleaned up to DEQ's satisfaction.

#### 4.22.4 DEQ Hazardous and Solid Waste Division

The subject property is not listed by DEQ as a generator of hazardous waste, nor was the OMPV veneer mill facility located on the adjacent property ever listed as a hazardous waste generator.

#### 4.22.5 DEQ Northwest Region

No file exists on the subject property under the name of the owner, nor under the name of any previous owner.

#### 4.23 CLACKAMAS COUNTY AND ESTACADA PUBLIC AGENCY FILES

Although the subject property is located in the community of Eagle Creek, the City of Estacada provides Police and Fire services to the general area. Neither the Estacada Police Department, nor the Estacada Fire Department had any records or knowledge of activities or events of environmental interest at the subject property.

Neither the Clackamas County Sheriff's Department, nor the Clackamas County Public Health Division had any records or knowledge of activities of environmental interest at the subject property.

The Clackamas County Department of Transportation and Development Planning Division had the following records available regarding the site:

In 1982, a Conditional Use Permit was granted to Publishers Paper Company for log storage and portable chipper operation.

In January 1991, a soil feasibility study was conducted in order to determine if the site could support subsurface sewage disposal. The soil was declared unsuitable for this purpose.

In May 1991, a Violation Notice was issued to Times Mirror Land and Timber Company for accumulation of solid waste on the subject property, "to include waste tires, discarded clothing, rubbish, garbage, and miscellaneous debris". The file on this violation expired due to elapsed time, but the issue was not resolved.

#### 4.30 SURFACE WATER AND SOIL SAMPLING AND ANALYSIS

Two composite soil samples and one water grab sample were collected at the subject property and were analyzed for phenols (EPA Method 625/8270) in order to determine whether any contaminants exist at

the site that might be related to the past operations of the Old Milwaukie Plywood and Veneer Mill or due to the material used to fill the southern portion of the log pond.

The water sample was collected at the southeast corner of the existing log pond at depths ranging from the surface to approximately six inches below surface. One soil sample was collected from the bottom of the existing pond by scraping away approximately six inches of soft sediment which appeared to have been deposited relatively recently, and boring with a hand auger to a depth of approximately twelve inches below this level into the pond bottom. The sample collected was a composite of this approximate twelve inch deep soil boring. The other soil sample was collected from the approximate bottom of the filled portion of the log pond. A backhoe was used to dig in two locations approximately one hundred feet apart near the center of the filled portion of the pond. The backhoe encountered an approximately three foot cap of mixed dirt, gravel, and river-rock over approximately five feet of wood, bark, and veneer waste. Immediately below the wood waste, a grey, clay-like soil was encountered which appeared to have been the original pond bottom. Groundwater was present approximately one foot below this clay-like soil. A composite sample was collected from material removed from both holes at depths ranging from approximately zero to twelve inches below the old pond bottom (eight to nine feet below ground level).

The analytical results show that no phenolic contamination was present in detectable concentrations in either of the composite soil samples or in the water grab sample (see Appendix D).

## SECTION 5.00 SITE SURVEY

A walkover survey of the subject property was conducted on March 25, 1992 by Tom Kosmalski of FEI. Mr. Steve Mueller of Crest Development Company was present during the initial stages of the walkover to provide information on historical and current activities at the site. Mr Ray Luthy of Times Mirror Land and Timber Company was interviewed by telephone regarding the same information. The walkover and interviews provided the following information.

### 5.10 SITE DESCRIPTION AND PHYSICAL SETTING

The subject property is an approximately 12.0 acre parcel of relatively undeveloped land located in Township 3 South, Range 4 East, Section 5, in the unincorporated community of Eagle Creek in Clackamas County, approximately three miles north of Estacada, Oregon. The site is immediately east of State Highway 211 and north of Folsom Road, as shown on Figure 1. The subject property

is further identified as Clackamas County Tax Account Number 4102. The subject property is in an area comprised generally of rural residential areas, and farm and pasture land.

The subject property is a predominantly flat piece of land, which was once part of a log pond now contained predominantly in the property adjacent to the north boundary. An asphalt pad, eighty feet wide by one hundred and fifty feet long, and a series of parallel, rock road beds were built on the property to support log storage and a portable chipper operation. As shown on Figure 2, the remainder of the original log pond and an inoperative veneer mill adjoin the property on the northern boundary. Eight-tenths of an acre of the log pond is still within the subject property. To the east, the property is bounded by Eagle Creek Road, and beyond the road lie rural areas and open fields. Land overgrown with brambles, rural residential sites, and Folsom Road lie south of the subject property. A marshy ditch follows the western edge of the property, and beyond the ditch is State Highway 211. Across the highway lie undeveloped fields. Figure 2 shows a plan view of the subject property. Appendix E contains site photographs.

#### 5.20 ELECTRICAL EQUIPMENT

No in-service or scrap electrical equipment was observed on the subject property.

#### 5.30 WASTES PRESENT

One pile of waste tires and one pile of discarded clothing and debris were observed on the east-central portion of the subject property. Photographs are included in Appendix E.

No wastes hazardous in nature were observed anywhere on the site.

No 55-gallon drums of any kind were observed anywhere on the site.

No evidence was observed of past spills of hazardous materials.

No scrap insulation of any kind was observed on the subject property.

A large portion of the site shows signs of disturbed soil, apparently as a result of the pond filling operations, and the construction of five rock road beds which cover approximately four acres. No areas of disturbed soil that would specifically indicate the potential presence of buried waste were observed.

Three empty dumpsters and some scrap equipment were observed on the asphalt pad in the east-central portion of the site. Photographs are included in Appendix E.

An empty portable fuel tank and some stored piping were observed in the south-east corner of the site. Photographs are included in appendix E.

Part of an old concrete foundation with steel base-plates was observed on the north-west portion of the site. This seemed to indicate the past location of some type of mechanical equipment. Photographs are included in appendix E.

#### 5.40 UNDERGROUND TANKS

Nothing indicating the possible presence of underground tanks was observed on the subject property. Mr. Mueller and Mr. Luthy stated that to their knowledge no underground storage tanks had ever been located at the site.

#### 5.50 VEGETATION

No signs of distressed vegetation that might indicate potential contamination were observed on the subject property. Vegetation in the form of brambles, underbrush, and deciduous trees was plentiful across the site and bordering the existing log pond.

#### 5.60 STAINED SOIL

No stained soil or visible evidence of contamination was observed on the subject property.

#### 5.70 EVIDENCE AND KNOWLEDGE OF HAZARDOUS MATERIALS

No hazardous materials were observed onsite.

Interviews with Mr. Mueller and Mr. Luthy indicated that no hazardous materials have been used on the subject property in the past.

#### 5.80 WATER MANAGEMENT

Drinking water can only be supplied to the subject property by well. Fire water is supplied by tankers from the Estacada Fire Department in the area of the subject property.

No water supply wells are located on the site.

Sewer service is not available and there are no septic tanks at the site.

Stormwater runoff is drained from the subject property via infiltration and some surface flow to ditches on the east and the

west boundaries, along the public roadways, and into the existing log pond. The ditches flow to Eagle Creek, approximately one-quarter mile north, and Eagle Creek flows to the Clackamas River, approximately two miles west.

There was no standing water observed at the site, and no odors, oily sheens, or discolorations were observed on the pond surface.

No drains, catch basins, or culverts were observed on site. Mr. Mueller and Mr. Luthy indicated that no drainage improvements had ever been installed on the site.

#### 5.90 POLLUTION CONTROL AND PREVENTION DEVICES

No pollution control and prevention devices were observed on the subject property.

### SECTION 6.00 CONCLUSIONS AND RECOMMENDATIONS

#### 6.10 CONCLUSIONS

1. The subject property appears to be a relatively undeveloped piece of land that was part of a log pond from some time prior to 1963 until 1973. This portion of the log pond was filled with bark and wood waste and capped with two to three feet of soil and rock. An asphalt pad and a series of parallel rock road beds were built on the site for log storage and a portable chipper operation. These operations were discontinued in 1988. Since then, the site has been inactive.
2. In order to confirm that operations of the veneer mill on the adjacent property and filling of the southern portion of the log pond have not negatively impacted the subject property, two soil and one water sample were collected from the existing pond and the area previously covered by the pond and analyzed for phenolic contaminants. The analytical results show that no phenolic contamination was present in detectable concentrations in either of the composite soil samples or in the water grab sample (see Appendix D). This indicates that neither historic operations of the veneer mill on the adjacent property nor filling of part of the old log pond have negatively impacted the subject property (see Section 4.30 for further discussion).
3. One pile of waste tires, one pile of debris, three empty dumpsters and some scrap equipment were observed on the east-central portion of the site.



4. No other items of environmentally related concern were identified at the subject property.

#### 6.20 RECOMMENDATIONS

1. Consideration should be given to removing the tires, debris, and scrap from site.

#### SECTION 7.00 LIMITATIONS

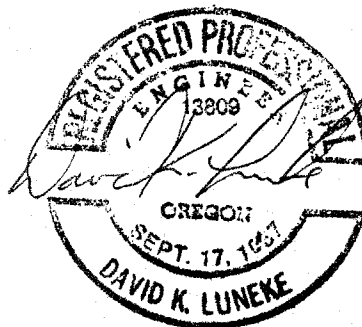
1. The conclusions and recommendations made in this report are based only on the observations made during the field investigation, and data provided by others. The accuracy of conclusions drawn from this information is inherently based on the accuracy of information provided. No attempt was made to check the compliance of the owner of the subject property with federal, state or local laws and regulations.
2. The findings and conclusions of this assessment must not be considered as scientific certainties, but rather as our professional opinion concerning the significance of the data gathered during this Level I Environmental Site Assessment.
3. The status of the log pond with respect to wetland classification has not been determined as part of this report. Such a determination may be made in the future, should it ever be desired to fill the remaining portion of the log pond on the subject property.

Respectfully Submitted,

FETROW ENGINEERING, INC.

*Thomas J. Kosmalski*  
THOMAS J. KOSMALSKI  
Project Manager

*David K. Luneke*  
DAVID K. LUNEKE, P.E.  
President



# EXHIBIT K

**COLUMBIA RIVER STAPLE & LUMBER WRAP, INC****P.O. Box 5004 Aloha, Or. 97007, 503-628-0193 - Fax 503-628-3314****Date: 9/26/02****TO: Clackamas County****FROM: Mark Burlingame****RE: Rural Industrial Property**

To whom it may concern,

Columbia River Staple is looking to relocate our business to rural Industrial property close to the Estacada Eagle Creek area. Steve Muller has a piece of property we are very interested in but it falls under conditional farm or forest use. Even though we built our business around the Timber and Farm industry we can't justify taking a chance with a piece of property limited to local Timber and Farm business. We sell our products all over the U.S and Canada and plan on expanding to other countries as well.

Columbia River Staple is a family owned corporation in Washington County employing 4 people at this time. We distribute staples, nails and lumber wrap we import from Germany, Canada and Spain as well as Plastic fasteners from Japan. We also buy staples from a number of companies here in the U.S. We have a small machine shop we use for R&D prototype work, and tool repair.

We consider ourselves a small cottage industry and would really like to relocate to Clackamas County but it is almost impossible to find rural industrial property that meets our needs.

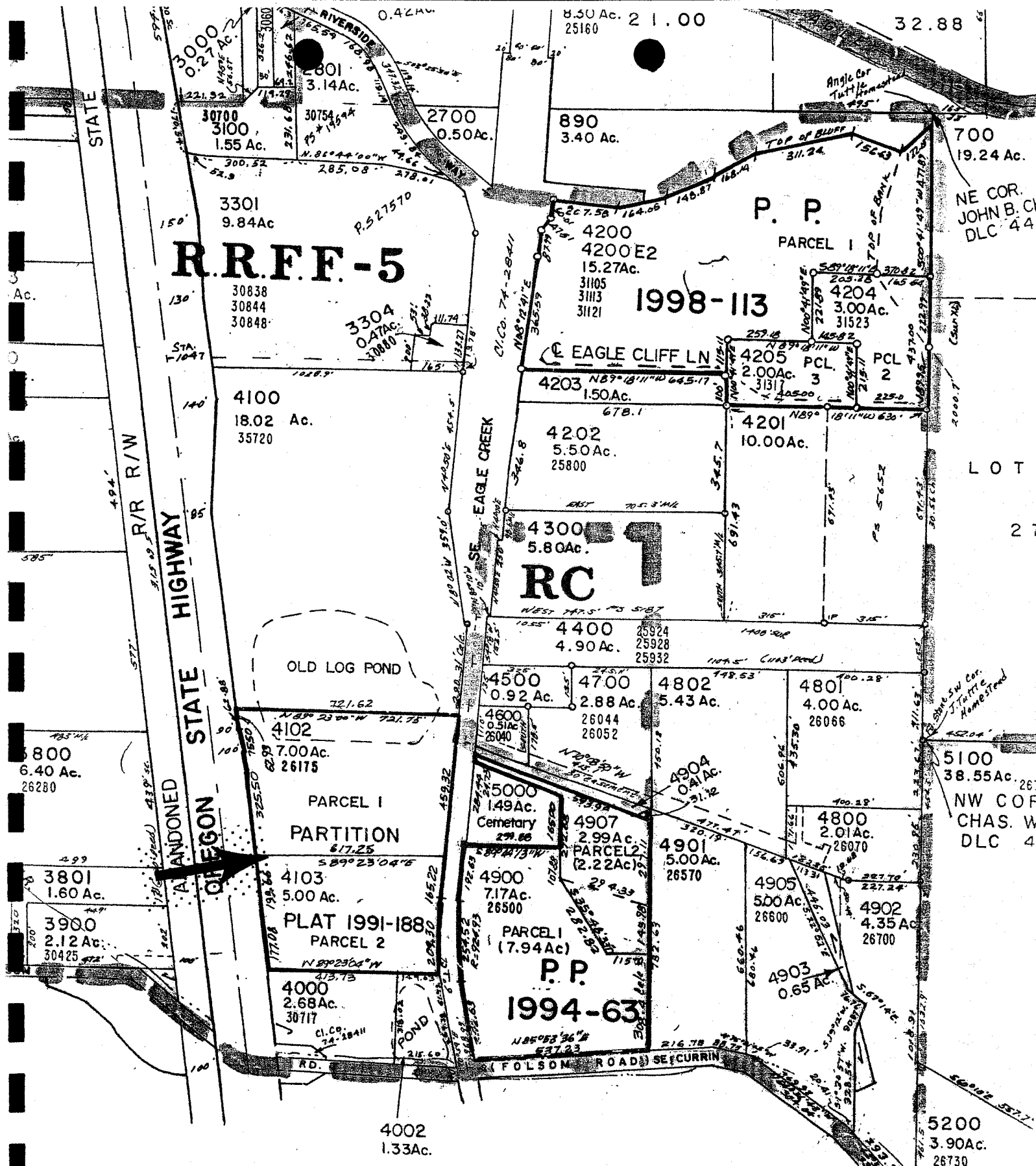
Regards,  
Mark Burlingame

*Exhibit K.*

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZP

Page 354 of 747



SEE MAP 3 4 E 8

Exhibit L

Exhibit 1  
Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP



**KITTELSON & ASSOCIATES, INC.**

**TRANSPORTATION PLANNING/TRAFFIC ENGINEERING**

610 SW ALDER, SUITE 700 • PORTLAND, OR 97205 • (503) 228-5230 • FAX (503) 273-8169

June 4, 2003

Project #: 5725.0

Steve Mueller  
Crest Development Company  
30820 SE Heiple Road  
Estacada, OR 97023

***RE: Transportation Impact Analysis of Proposed Zone Change – Clackamas County, OR***

Dear Steve,

This study evaluates the near and long-term transportation impacts associated with the proposed rezone of two separate tax lot parcels, 4103, which is 5 acres, and 4102, which is 7 acres. Both land parcels are located near Estacada, Oregon in unincorporated Clackamas County on SE Eagle Creek Road. The current land use designation for these properties is Rural Residential Farm/Forest Service (RRFF-5). Under the proposed zone change, Tax Lots 4102 and 4103 would be zoned as Rural Industrial (RI).

This study addresses the requirements of Oregon's Transportation Planning Rule (TPR) dealing with plan amendments (OAR 660-012-0060). Specifically, if a land use amendment would "significantly affect" a transportation facility – in this case, by reducing the performance of a transportation facility below the minimum accepted level identified in the transportation system plan – the facility must be improved to support the proposed land use or the proposed land use must be limited or modified to be consistent with the planned facility performance. This letter documents the findings, conclusions, and recommendations for the proposed zone change.

**SCOPE OF THE REPORT**

This analysis determines the traffic-related impacts associated with the proposed zone change. The study was prepared in accordance with the requirements of the Transportation Planning Rule for analyzing the long-term transportation impacts of zone changes (OAR 660-012-0060). The study intersections and overall study area for this project were selected based on direction provided by officials within Clackamas County and a review of the existing and future transportation system.

This report addresses the following issues:

- Existing land use and transportation system conditions;
- Trip generation estimates for the weekday p.m. peak periods resulting from reasonable maximum development scenarios for the combined 12 acres under the existing RRFF-5 designation and the proposed RI zoning scenario

- Qualitatively forecast 20-year future total traffic conditions assuming a reasonable maximum build out of the combined 12-acre sites under the existing RRFF-5 zoning designation, proposed RI zoning scenario, and other area growth; and
- Conclusions and recommendations.

## EXISTING CONDITIONS

### Site Conditions and Adjacent Land Uses

The two proposed zone change sites, Tax Lots 4102 and 4103, are located adjacent to one another, and are both currently zoned as RRFF-5 in unincorporated Clackamas County. Currently, these lots are primarily being used for storage of farm and forestry equipment and firewood sales. In previous years the sites have served various farming and forest-related uses. The lot is surrounded by a variety of land uses, across the street there is some R-C zoning that includes a florist and a bar and restaurant. There are three mobile home parks within ½ mile of the site that comprises approximately 150 units.

### Roadway Facilities

The two properties are located between SE Eagle Creek Road and Oregon State Highway 224. This study focuses on SE Eagle Creek Road within the site vicinity, because it provides sole access to the subject properties via the existing driveways. No access exists or is proposed onto Highway 224 in conjunction with these two sites. According to the Clackamas County Transportation System Plan, Eagle Creek Road is classified as a Minor Arterial Collector. This two-lane roadway acts as parallel collector for Highway 212-224.

## FUTURE CONDITIONS ANALYSIS

The future conditions analysis evaluates future traffic conditions under both existing and proposed land use scenarios, and identifies how the traffic impacts of the proposed rezone may differ from those of the existing zoning in both the near-term and the 20-year future scenario. The impacts of traffic generated by the proposed rezone during weekday p.m. peak periods was examined as follows:

- Potential land uses within the existing RRFF-5 zone designation were reviewed and reasonable maximum development scenarios for the site were estimated.
- Daily and weekday peak hour site-generated trips were estimated for reasonable maximum development of the combined 12 acres for both sites under the RRFF-5 zoning.
- Potential land uses within the proposed R-I zoning scenario were reviewed and reasonable maximum development scenarios for the site were estimated.
- Daily and weekday peak hour site-generated trips were estimated for reasonable maximum development of each of the subject sites at 5 and 7 acres, proposed for rezone under the R-I zoning.
- Operational levels at the study intersection were reviewed under the 20-year forecast traffic conditions for both the RRFF-5 and R-I zoning scenarios.

### Zoning Scenarios

The proposed land use action would include the rezone of the combined 12 acres of land from *Rural Residential Farm/Forest Service (RRFF-5)* to *Rural Industrial (R-I)*. For the purposes of this analysis, the following reasonable maximum development scenarios were used to compare

the traffic impacts of the existing RRFF-5 zoning designation to those of the proposed R-I zoning scenario.

#### Existing Zoning

Clackamas County's Comprehensive Plan was reviewed to determine allowed uses in the RRFF-5 zone and to develop a reasonable worst-case scenario from a trip generation perspective. From the list of allowed uses within the RRFF-5 zone, each of the 5 and 7-acre sites were assigned as a single-family home as this land use type was considered the most realistic land use given the surrounding area's characteristics. Based on the allowable development scenario and lot coverage of one home per 5-acres of land, it was determined that a worst-case scenario of a single family home that could be developed on each of the 5 and 7-acre sites respectively.

#### Proposed Zoning

The proposed zoning scenario assumes that the combined 12 acres of RRFF-5 zoned land would be rezoned R-I zoned land. Of all the permitted uses, general light industrial was found to be most compatible with this site, while still producing the worst-case trip generation scenario. After accounting for building setbacks, parking areas, and landscaping requirements, it was found that a total of 10,000 square-feet of light industrial building(s) could be developed on each of these properties.

#### **Trip Generation**

Estimated daily weekday p.m. peak hour vehicle trip ends for the two zoning scenarios (existing and proposed) were derived from empirical observations at other similar developments. These observations are summarized in the standard reference manual, *Trip Generation*, 6<sup>th</sup> Edition, published by the Institute of Transportation Engineers, 1997 (Reference 4). Table 1 shows the estimated daily and weekday p.m. peak hour trip generation characteristics for the existing and proposed zoning designations.

**Table 2**  
**Trip Generation Characteristics\***

Land Use	ITE Code	Size	Daily Trips	PM Peak Hour		
				Total	In	Out
Existing C-1 Zoning						
RRFF-5 Zoning assuming a Single-Family Home	210	2 units	20	2	2	0
Proposed R-3 Zoning						
R-I Zoning assuming Light Industrial	110	20,000 sq ft	140	20	5	15
Net Trip Change			+120	+18	+3	+15

\* Characteristics shown are for both sites combined due to the same assumed land-uses

Under the existing zoning, the site would generate approximately 20 daily weekday trips on the adjacent street system. Under the proposed R-I zoning scenario, the site could generate up to 120 net new daily trips on the adjacent street system. Of these trips, approximately 20 trips would occur during the weekday p.m. peak hour. Consequently, reasonable worst-case development of the site under the proposed R-I zoning could result in a small increase in trips. The analysis assumes that as identified in the Comprehensive Plan, each parcel can develop one building of a



maximum of 10,000 square feet. While this may slightly understate the existing development of this particular land parcel if subdivided, it represents what would be allowable under the R-I zoning.

**Future Traffic Operations with Existing RRFF-5 Zoning Designation**

The City of Estacada and Clackamas County Transportation System Plans were consulted for a qualitative review of the traffic operations within the site vicinity. Most intersections along SE Eagle Creek Road currently operate at acceptable levels of service and will likely remain so in future years. This proposed zone change will result in a net slight increase in traffic volumes on the order of approximately 20 trips in the p.m. peak hour on SE Eagle Creek Road. Because this increase in trips is relatively small compared to existing traffic on SE Eagle Creek Road, the change in traffic operations due to this zone change is negligible.

**Summary**

Based on the results of the trip generation analysis, the proposed zone change can occur without significantly affecting the transportation facilities within the site vicinity. Also, the proposed zone change will not significantly affect the transportation system, as it will not degrade traffic operations beyond the existing zoning designation. As such, the TPR requirements for plan amendments are satisfied.

I trust that this analysis provides you the analysis necessary to evaluate the affect of the proposed zone change. If I can assist you further, please don't hesitate to call.

Sincerely,

KITTELSON & ASSOCIATES, INC.



Peter Koonce, P.E.  
Senior Engineer

## FAX TRANSMITTAL



**Kittelson & Associates, Inc.**  
 Transportation Planning/Traffic Engineering  
 610 SW Alder, Suite 700 • Portland, OR 97205  
 Telephone: (503) 228-5230  
 FAX: (503) 273-8169  
 E-mail:

THIS IS PAGE 1 OF 4 PAGE(S)

## FROM:

Peter Lubrich

## COPIES SENT TO:

## FAX:

DATE: Jul 3, 2003

PROJECT #: 5725

## PROJECT

NAME: Rivermill Road Rezone

## PLEASE DELIVER AT ONCE TO:

NAME: Mike McCallister

OF: Clackamas County  
 9101 SE Sunnybrook Blvd  
 Clackamas, OR 97015

FAX: 503 353 4550

☐ Original to follow by mail

IN CASE OF INCOMPLETE TRANSMISSION PLEASE CALL OUR CONFIRMATION NUMBER: (503) 228-5230

**SUBJECT:**

Traffic Count Results for Eagle Creek Rd/River Mill Rd Intersection

**COMMENTS:**

Dear Mike:

Attached are the results for the turning movement count at intersection Eagle Creek Rd. / River Mill Rd in Estacada.

Please review the results at your convenience.

If you have any comments or concerns, please contact either Peter Koonce or me at (503) 228-5230.

Sincerely

Peter Lubrich

H:\projfile\5725\corresp\070703fax.doc

**NOTICE:** This communication may be privileged or contain a client confidence. It is a private message to the person named above. **DO NOT PERMIT ACCESS BY ANY OTHER PERSON.** If the intended recipient is not currently or expected at the location where this message was received, please telephone us immediately at the confirmation number above, and mail all pages of this transmission to us at the address above.

Exhibit 1

Z0155-21-M; Z0156-21-M-~~EXHIBIT~~ 57-21-~~7AP~~

Page 36 of 77

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Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)
*****
Intersection #1 Eagle Creek Rd / River Mill Rd
*****
Average Delay (sec/veh):      9.7      Worst Case Level Of Service:      A
*****
Approach:      North Bound      South Bound      East Bound      West Bound
Movement:      L - T - R      L - T - R      L - T - R      L - T - R
-----
Control:      Uncontrolled      Uncontrolled      Stop Sign      Stop Sign
Rights:      Include      Include      Include      Include
Lanes:      0 1 0 0 0      0 0 0 1 0      0 0 1 0 0      0 0 0 0 0
-----
Volume Module:
Base Vol:      42  93  0      0 119  14      18  0  78      0  0  0
Growth Adj:  1.00 1.00 1.00  1.00 1.00 1.00  1.00 1.00 1.00  1.00 1.00 1.00
Initial Bse:  42  93  0      0 119  14      18  0  78      0  0  0
Added Vol:      0  0  0      0  0  0      0  0  0      0  0  0
PasserByVol:  0  0  0      0  0  0      0  0  0      0  0  0
Initial Fut:  42  93  0      0 119  14      18  0  78      0  0  0
User Adj:      1.00 1.00 1.00  1.00 1.00 1.00  1.00 1.00 1.00  1.00 1.00 1.00
PHF Adj:      0.96 0.96 0.96  0.96 0.96 0.96  0.96 0.96 0.96  0.96 0.96 0.96
PHF Volume:    44  97  0      0 124  15      19  0  81      0  0  0
Reduct Vol:      0  0  0      0  0  0      0  0  0      0  0  0
Final Vol.:    44  97  0      0 124  15      19  0  81      0  0  0
Critical Gap Module:
Critical Gp:  4.1 xxxxx xxxxxx xxxxxx xxxxx xxxxxx  6.4 xxxxx  6.2 xxxxxx xxxxx xxxxxx
FollowUpTim:  2.2 xxxxx xxxxxx xxxxxx xxxxx xxxxxx  3.5 xxxxx  3.3 xxxxxx xxxxx xxxxxx
-----
Capacity Module:
Conflict Vol:  139 xxxxx xxxxxx xxxxx xxxxx xxxxxx  316 xxxxx  131 xxxxx xxxxx xxxxxx
Potent Cap.:  1458 xxxxx xxxxxx xxxxx xxxxx xxxxxx  682 xxxxx  924 xxxxx xxxxx xxxxxx
Move Cap.:    1458 xxxxx xxxxxx xxxxx xxxxx xxxxxx  666 xxxxx  924 xxxxx xxxxx xxxxxx
-----
Level Of Service Module:
Stopped Del:  7.5 xxxxx xxxxxx xxxxxx xxxxx xxxxxx xxxxxx xxxxx xxxxxx xxxxxx xxxxx xxxxxx
LOS by Move:  A * * * * *
Movement:      LT - LTR - RT      LT - LTR - RT      LT - LTR - RT      LT - LTR - RT
Shared Cap.:  xxxxx xxxxx xxxxxx xxxxx xxxxx xxxxxx xxxxx 861 xxxxxx xxxxx xxxxx xxxxxx
Shrd StpDel:  7.5 xxxxx xxxxxx xxxxxx xxxxx xxxxxx xxxxxx 9.7 xxxxxx xxxxx xxxxx xxxxxx
Shared LOS:    A * * * * *
ApproachDel:   xxxxxx      xxxxxx      9.7      xxxxxx
ApproachLOS:   * * * * *

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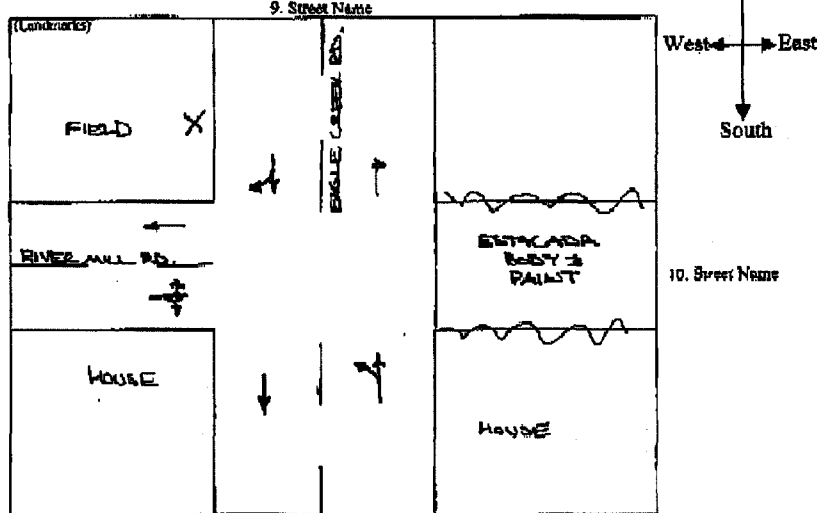
Traffix 7.5.1115 (c) 2001 Dowling Assoc. Licensed to DOWLING ASSOCIATES, INC.

Quality Counts, LLC  
16285 SW 85<sup>th</sup> Avenue, Ste. 105  
Tigard, OR 97224  
(503) 620-4242  
(503) 630-8471

### Counters Check List

1. Counter Name: ADINA TIRRELL 6. Jamar Counter #: T-2511  
2. Date: 6-25-03 7. Battery Check: OK  
3. Count Time: Start 4pm End 6pm 8. Site # (8 digit): 10010801  
4. Intersection: Eagle Creek Rd / River Mill Rd  
5. Weather Conditions: SUNNY X = Counters location during count

#### Counters (Hand Written) Diagram of Intersection



11. Enter Landmarks.  
12. Enter Lane Configurations.  
13. Traffic Control (stop light, etc...) STOP SIGN ON RIVER MILL RD  
14. Special Street Issues (accident, construction, pothole, comments, etc...)

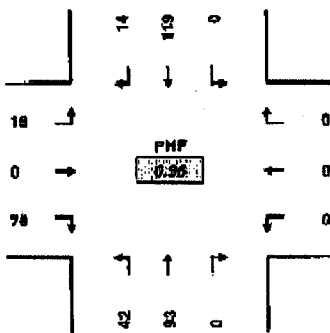
0017031T ..... DORLITYCDDN1SLC ..... 60727272003 15:14 FAX 15098204545

INTERSECTION: Eagle Creek Rd - Cascada Body-  
PROJECT ID#: 5921  
QC JOB #: 10007102

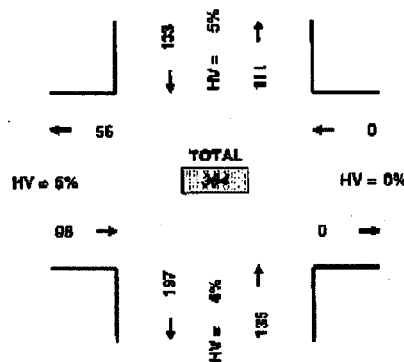
START TIME: 4:00 PM  
END TIME: 6:00 PM  
DATE: 8/25/2003

**QUALITY COUNTS**  
16285 SW 83rd AVENUE, Ste. 105  
Tigard, OR 97224  
Phone: 503-620-4242  
Fax: 503-620-4546  
email: jrw@qualitycounts.net  
www.qualitycounts.net

PEAK HOUR TURNING MOVEMENTS



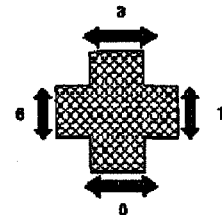
PEAK HOUR LINK VOLUMES



PEAK HOUR: 5:00 PM TO 5:00 PM

PEAK 15 MINUTES: 5:15 PM TO 5:30 PM

PEAK HOUR PED CROSSING VOLUMES



5-MINUTE COUNT PERIOD BEGINNING AT	Eagle Creek Rd- (Southbound)			Cascada Body- (Westbound)			Eagle Creek Rd- (Northbound)			River Mill Rd- (Eastbound)			Crosswalk Usage (Peds By Approach)				TOTAL	
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	North	East	South	West	Veh	Peds
4:00 PM	1	12	0	0	0	0	0	8	1	5	0	2	0	0	0	0	29	0
4:05 PM	2	13	0	0	0	0	0	12	1	3	0	0	0	0	1	0	31	1
4:10 PM	0	12	0	0	0	0	0	7	3	3	0	1	0	0	0	0	25	0
4:15 PM	1	18	0	0	0	0	0	14	1	2	0	0	0	0	1	0	36	1
4:20 PM	1	9	0	0	0	0	0	9	2	4	0	0	0	0	0	0	25	0
4:25 PM	1	6	0	0	0	0	0	5	0	4	0	0	0	0	0	0	16	0
4:30 PM	1	10	0	0	0	0	0	5	1	4	0	2	0	0	0	0	23	0
4:35 PM	1	10	0	0	0	0	0	12	1	6	0	0	0	0	0	0	30	0
4:40 PM	0	8	0	0	0	0	0	16	5	4	0	1	0	0	0	0	34	0
4:45 PM	2	10	0	0	0	0	0	11	2	5	0	3	2	0	0	0	39	2
4:50 PM	0	11	0	0	0	0	0	5	2	7	0	4	0	0	0	0	29	0
4:55 PM	0	9	0	0	0	0	0	12	1	7	0	1	0	0	0	0	29	0
5:00 PM	0	9	0	0	0	0	0	11	2	2	0	1	0	0	0	0	25	0
5:05 PM	0	12	0	0	0	0	0	11	2	9	0	1	0	0	0	0	36	0
5:10 PM	2	4	0	0	0	0	0	10	2	9	0	3	0	0	0	0	31	0
5:15 PM	0	9	0	0	0	0	0	7	4	6	0	2	0	0	0	1	27	1
5:20 PM	1	12	0	0	0	0	0	6	5	7	0	1	0	0	0	0	32	0
5:25 PM	0	12	0	0	0	0	0	4	4	4	0	1	0	0	0	0	25	0
5:30 PM	1	15	0	0	0	0	0	7	2	5	0	3	0	0	0	0	33	0
5:35 PM	2	11	0	0	0	0	0	11	3	7	0	2	0	0	0	0	36	0
5:40 PM	0	8	0	0	0	0	0	3	6	7	0	1	0	0	0	0	25	0
5:45 PM	3	4	0	0	0	0	0	5	2	10	0	1	0	0	0	5	25	5
5:50 PM	2	6	0	0	0	0	0	7	4	6	0	1	3	1	0	0	26	4
5:55 PM	2	17	0	0	0	0	0	11	6	5	0	1	0	0	0	0	42	0
HOURLY TOTALS	Southbound			Westbound			Northbound			Eastbound			Pedestrians By Approach				TOTAL	
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	West	East	North	South	Veh	Peds
4:00 PM	10	127	0	0	0	0	0	118	20	54	0	14	2	0	2	0	341	4
4:15 PM	10	115	0	0	0	0	0	121	21	63	0	16	2	0	1	0	348	3
4:30 PM	8	115	0	0	0	0	0	110	31	60	0	20	2	0	0	1	353	3
4:45 PM	9	121	0	0	0	0	0	98	35	74	0	23	2	0	0	1	350	3
5:00 PM	14	119	0	0	0	0	0	63	42	78	0	18	3	1	0	6	353	10

Exhibit 1

Z0155-21-M; Z0156-21-M; Z0157-21-M; Z0158-21-M; Z0159-21-M; Z0160-21-M; Z0161-21-M; Z0162-21-M; Z0163-21-M; Z0164-21-M; Z0165-21-M; Z0166-21-M; Z0167-21-M; Z0168-21-M; Z0169-21-M; Z0170-21-M; Z0171-21-M; Z0172-21-M; Z0173-21-M; Z0174-21-M; Z0175-21-M; Z0176-21-M; Z0177-21-M; Z0178-21-M; Z0179-21-M; Z0180-21-M; Z0181-21-M; Z0182-21-M; Z0183-21-M; Z0184-21-M; Z0185-21-M; Z0186-21-M; Z0187-21-M; Z0188-21-M; Z0189-21-M; Z0190-21-M; Z0191-21-M; Z0192-21-M; Z0193-21-M; Z0194-21-M; Z0195-21-M; Z0196-21-M; Z0197-21-M; Z0198-21-M; Z0199-21-M; Z0200-21-M; Z0201-21-M; Z0202-21-M; Z0203-21-M; Z0204-21-M; Z0205-21-M; Z0206-21-M; Z0207-21-M; Z0208-21-M; Z0209-21-M; Z0210-21-M; Z0211-21-M; Z0212-21-M; Z0213-21-M; Z0214-21-M; Z0215-21-M; Z0216-21-M; Z0217-21-M; Z0218-21-M; Z0219-21-M; Z0220-21-M; Z0221-21-M; Z0222-21-M; Z0223-21-M; Z0224-21-M; Z0225-21-M; Z0226-21-M; Z0227-21-M; Z0228-21-M; Z0229-21-M; Z0230-21-M; Z0231-21-M; Z0232-21-M; Z0233-21-M; Z0234-21-M; Z0235-21-M; Z0236-21-M; Z0237-21-M; Z0238-21-M; 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## Memorandum

**TO:** Mike McCallister  
**FROM:** Traffic Engineering and Development Review, Robert Hixson  
**DATE:** August 22, 2003  
**RE:** Z0716-02-CP and Z0717-02-Z, Mueller  
T3S., R4E., Section 5, Tax Lots 4102 and 4103

*Robert Hixson*

Traffic Engineering and Development Review staff have visited the site and reviewed this application for a Comprehensive Plan amendment and zone change. We have the following comments:

### Facts and Findings:

The request is for a Comprehensive Plan amendment from Rural to Rural Industrial and a zone change from Rural Residential Farm Forest 5-Acre (RRFF-5) to Rural Industrial (RI) for property located west of Eagle Creek Road, east of Highway 224, and north of Folsom Road.

Eagle Creek Road, along the applicant's frontage, is an approximately 24-foot wide, paved roadway with an approximately three-foot wide gravel shoulder along the applicant's Eagle Creek Road frontage. Eagle Creek Road is classified as a minor arterial, striped with double yellow centerline and white fog edge lines. In addition, Eagle Creek Road is not posted for speed and is therefore governed by the "Basic Rule" which allows speeds up to 55 miles per hour. The pavement condition of Eagle Creek Road is generally good and conducive to higher speeds.

The applicant has approximately 830 feet of frontage along Eagle Creek Road where a driveway or driveways could be located. Access to the State Highway would not be allowed. Additionally, access spacing is a minimum of 600 feet on minor arterials. Therefore, a maximum of two driveways could potentially be constructed to serve the property. Most of Eagle Creek Road along the applicant's frontage is straight and level. At the southern end of the property, and also farther to the south, Eagle Creek Road curves gently to the east.

Exhibit 9-55 from the American Association of State Highway and Transportation Officials (AASHTO) "A Policy on Geometric Design of Highways and Streets", establishes intersection sight distance standards used by Clackamas County. Intersection sight distance for a rural industrial driveway intersecting a minor arterial is measured from a point 15 feet back from the edge of the travel lane at an eye height of 3.5 feet to an object height of 3.5 feet.

For a speed of 55 miles per hour, 610 feet of intersection sight distance is required both to the north and south for drivers exiting a site driveway, entering onto Eagle Creek Road. For the intersection sight distance to be considered adequate, an object 3.5 feet in height must be able to be seen by an observer with an eye height of 3.5 feet for the entire 610 feet. If there are any sections of roadway along the 610-foot length where the 3.5-foot high object can not be seen by the observer, the intersection sight distance is not considered adequate.

The subject properties appear to be served by two existing substandard driveways. However, specific driveway locations have not been proposed for access if this application is approved. Since Eagle Creek Road, adjacent to the applicant's frontage, is mostly straight and level and the applicant has approximately 830 feet of frontage, staff is confident that one or possibly two driveways with adequate intersection sight distance, meeting access spacing requirements, could be constructed that would meet County standards. Vegetation along the applicant's frontage, mostly within the limits of the right-of-way, would be the main sight obstruction that would limit intersection sight distance for any proposed driveways. Since and sight restrictive vegetation would be either on the applicant's property or in the right-of-way, the trimming or maintenance of vegetation to maintain minimum intersection sight distance is feasible for the applicant to accomplish.

The zone change criteria requires that the safety of the transportation system is adequate to serve the level of development anticipated by the zone change. The feasibility of the applicant's ability to provide adequate safety of the transportation system has been confirmed by the staff field visit that revealed safe access could be provided to the site.

In regards to capacity of the transportation system, County staff is confident that there will be no capacity problems at any approved site driveways with Eagle Creek Road or other intersections within the influence area of the proposal with the addition of site generated traffic resulting from the proposed zone change. All intersections within the influence area of this proposal would operate at level of service "E" or better during the AM and PM peak hours of typical weekdays in accordance with ZDO section 1022. ODOT has also commented on this application, found the transportation system to be adequate and recommends no improvements or other mitigation as a result of the potential approval of this request.

#### **CONCLUSIONS:**

1. Adequate intersection sight distance is feasible to achieve along the applicant's Eagle Creek Road frontage.
2. The addition of traffic to the transportation system as a result of the zone change will not result in the failure of any intersections within the influence area of the proposal.



3. If the zone change is approved, the next step in the process is likely a development application. Any such request will be considered on its merits including access adequacy and the ability to properly manage surface water and maintain water quality. The local Fire District must also approve the planned access, circulation, fire lanes and water source supply. Additionally, a right-of-way dedication, bike lane construction, driveway construction, other on and off site improvements, and the granting of a sign, slope, and utility easement may be required with a development application. Such considerations are not timely as part of the zone change and must be made as part of a separate development application. Approval of the zone change will not insure that a particular use will be approved or that there will not be additional access and drainage improvements required of the applicant.

**Recommended Condition of Approval:**

1. The applicant shall provide adequate intersection sight distance at the intersection of any site driveways with Eagle Creek Road. In addition, no plantings at maturity, retaining walls, embankments, fences or any other objects shall be allowed to obstruct vehicular sight distance. Minimum intersection sight distance, at any site driveway intersections with Eagle Creek Road shall be 610 feet, and shall be measured from a point 15 feet back from the edge of the travel lane. (AASHTO Exhibit 9-55 and *Roadway Standards* Table 2-8)

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# Oregon

Theodore R. Kulongoski, Governor

## Department of Transportation

Region 1  
123 NW Flanders  
Portland, OR 97209-4037  
(503) 731-8200  
FAX (503) 731-8259

July 31, 2003

PLA9-2C -171  
ODOT Case No: 1768

Clackamas County  
Department of Transportation & Development  
9101 SE Sunnybrook Blvd.  
Clackamas, OR 97015

Attn: Mike McCallister, Sr. Planner

Re: **Z0716-02-CP; Z0717-02-Z: Mueller/C&F Investments**  
OR 224 and Folsom Road

Dear Mr. McCallister,

We have reviewed the applicant's proposal for a comprehensive plan and zoning map amendment from rural to rural industrial for a 12 acre site in rural Clackamas County. Traffic from the site will enter and leave the area via OR 224. ODOT has permitting authority for this facility<sup>1</sup> and an interest in ensuring that the proposed land use is compatible with its safe and efficient operation.

### ODOT Standards

According to the Oregon Highway Plan (1999), OR 224 is classified a District Rural highway. The posted speed in this section is 45 miles per hour. Based on speed and classification, the access spacing standard is 500 ft. The mobility standard is 0.8 volume to capacity (v/c) ratio.

### ODOT Review & Recommendations

Based on our review of the traffic impact analysis and our additional calculations it appears there will be adequate capacity to support the proposed zone change. *Please see the attached technical review by Joseph Auth, Traffic Analyst, ODOT Region 1.*

Unfortunately, the County did not advise the applicant to analyze impacts to the affected state highway. Because ODOT did not participate in the traffic study scoping, the traffic study was not conducted according to the methods specified in the *Oregon Highway Plan, Action 1F.2*. The Clackamas ZDO 1202.01 *Zone Change* states that impacts of zone changes on state highways shall be evaluated according to *Oregon Highway Plan* requirements.

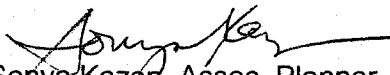
We request that in the future the County communicate with us earlier in the development review process regarding traffic study scoping for proposals that may affect state

<sup>1</sup> OAR 734-051 website: [http://arcweb.sos.state.or.us/rules/OARS\\_700/OAR\\_734/734\\_051.html](http://arcweb.sos.state.or.us/rules/OARS_700/OAR_734/734_051.html)

highway facilities. This will result in time and cost savings for the applicant, as well as the Department.

Please let me know if you have questions regarding this letter. Thank you.

Sincerely,

  
Sonya Kazer, Assoc. Planner

Cc: Joseph Auth, Traffic, ODOT Region 1  
Chris Christofferson, Clackamas DTD

Date: August 1, 2003

To: Sonya Kazen, Planning

From: Joseph Auth, Region 1 Traffic

RE: Proposed Zone Change to Rural Industrial – Clackamas County

Upon review of the Traffic Impact Analysis for the proposed zone change from Rural Residential Farm / Forest Service to Rural Industrial (completed by Kittelson & Associates, June 2003), I have the following comments regarding the completeness of the analysis.

The Transportation Impact Analysis (TIA) included a statement on the existing conditions with the generated trips. For ODOT purposes, zone changes require a future year analysis. The TIA shall include Year of Opening conditions and Year of Planning Horizon for Transportation System Plan or 15 years, whichever is greater. Clackamas County's TSP has a planning horizon less than 15 years, so a future year analysis of 2018 will be required.

In addition, the TIA does not specify a trip distribution from the two parcels. The TIA also does not provide operational analysis documentation to support the statement on the existing conditions with generated trips.

I decided to conduct my own analysis on how the zone change will impact the closest state highway intersection near these two parcels. Using the intersection of Oregon 224 and SE Folsom Road, I assume a worst-case scenario that all the generated trips from these two parcels will use this intersection.

The analysis used the traffic counts from the SE Talon Road Quarry TIA (completed by Kittelson & Associates, April 2001) and the Highway Capacity Software (HCS) for unsignalized intersections. I assume one-third of trips from the parcels will travel to/from the Estacada direction on OR 224 and two-thirds of the trips will travel to/from the Portland direction. Adding the trips with traffic counts and the SE Talon Road Quarry trips, the intersection has a Year of Opening volume-to-capacity ratio of 0.12.

A linear growth factor of 2.3% was applied for OR 224 based on State Highway Inventory Reports 2018. From the characteristics of the vicinity, a linear growth factor of 1.00% was assigned by assumption to SE Folsom Road. Applying these factors on the counts from the SE Talon Road Quarry TIA and then added the potential trips, the intersection operates at a volume-to-capacity ratio of 0.37 in 2018.

The volume-to-capacity ratios for Year of Opening and Future Year fall below the maximum standard listed in the 1999 *Oregon Highway Plan*. Analyzing turn-lane warrants, the northbound right-turn movement does not meet criteria for a lane in 2018. According to the 95% Queue Length in the HCS of one car length, the existing southbound left-turn lane does not need lengthening.

In conclusion, Region 1 Traffic recommends no transportation mitigation for these two proposed zone changes.

If you have any questions, feel free to contact me. I can be reached at (503) 731-8225.

# Eagle Creek-Barton Community Planning Organization

PO Box 101 Eagle Creek, Oregon 97022

Mike McCallister  
Clackamas County Planning Division  
9101 SE Sunnybrook Blvd  
Clackamas, Oregon 97015

August 15, 2003

RE: ZO716-02-CP & ZO717-02-Z Steve & Connie Mueller

The Eagle Creek-Barton CPO reviewed files ZO716-02-CP & ZO717-02-Z at our regular meeting August 14, 2003. Notice for this meeting was made by publication in the Estacada's Clackamas County Newspaper. Fourteen people signed the attendance register.

We discussed ZDO 1022 Concurrency, ZDO 1202 Zone Change and the Comprehensive Plan Section Rural Industrial 19.0 and 20.0 a-c.

The information supplied to the CPO indicates that for the most part there has been a commitment to industrial uses at this location since 1955. This meets Rural Industrial 20.0 a. *Areas having an historical commitment to industrial uses.*

The traffic study dated June 4, 2003 conducted by Kittleson & Associates, Inc analyzed the intersection at SE Eagle Creek Road and SE River Mill Road. The Kittleson report indicates the study location was determined by County personnel. The question, however – why were the intersections nearest to the proposed development not considered for testing? The intersections of SE Eagle Creek Road/SE Currin & Folsom Rd, SE Folsom Road and SE HWY 224, SE Eagle Creek Road/SE Wildcat Mt. Dr., SE Wildcat Mt. Dr./SE HWY 224 and SE HWY 211/SE HWY 224 are all closer to this site and should be part of the change review requirement. The traffic study also does not discuss the fact that the Board of County Commissioners has expanded the Home Occupation Ordinance to include increased vehicle trips to and from locations. At the nearest intersection to this proposal there are two major home occupations and a possible third that is supposed to be in the application process. This means that three corners will have major home occupations that can generate up to 30 vehicle trips each for a total of 90 trips.

The CPO receives monthly crime reports for our area from the Clackamas County Sheriff's department. These reports list the types of accidents and the locations. I have summarized these accidents. The Summary for January 2002 through July 31, 2003 is attached. These are only the accidents that are report to the Sheriff's office. Many accidents go unreported for various reasons. Additionally there are other sources such as the State Police for further accident information. The point is that the 60 accidents shown in this synopsis is a conservative number.

ZDO1202.01 D *Safety of the transportation system is adequate to serve the level of development anticipated by this zone change.* We have two areas that need improvements for safety in a timely manner. Unfortunately these two areas have been demoted on the proposed Capital Improvement Plan. See attached Table 9 of the Clackamas County 20 – Year Capital Improvement Plan, 2002-2022. The suggested improvements for safety have been moved from a 5-10 year plan onto the 10-20 year plan. This is not acceptable. Map # 239 Eagle Creek Road from Keegan Road to Currin Road need to have a safety analysis at Wildcat Mt. Drive and widen the lanes and shoulders to County standards. Map # 240 Eagle Creek Road from Currin/Folsom to Duss Road needs to have the horizontal curve along Eagle Creek Road removed or decreased and the

Exhibit 1

Z0155-21-M; Z0156-21-CP, Z0157-21-ZAP

Page 3 of 5 747

intersection relocated. The lanes and shoulders need to be widened to County standards and the speed zone needs to be investigated south of Currin Road.

The Members all agree that we need businesses in our area to provide jobs locally. However the safety of the community is the priority. We request that the map items #239 and 240 be moved to the 5 year capital improvement plan. We believe that this is Concurrency. We need jobs in the community and we need safe intersections to handle the increased traffic generated by these jobs.

With the above stated comments, George Suter made a *Motion*, seconded by Ralph Hatley to recommend approval of the Comprehensive Plan Amendment and the Zone change from Rural Residential Farm Forest 5 acre to Rural Industrial subject to the Comprehensive Plan Rural Industrial 19.0, 20.0 a, ZDO 1202D and ZDO1022 Concurrency. 13 yes, 0 no, 0 abstain. The *Motion* passed.

Submitted by Judy Kolas, President



C: Shari Gilevich

Attachments



Purple  
MURR Arterial

TABLE 9  
Clackamas County 20-Year Capital Improvement Plan, 2002-2022

Page 8 of 9

Exhibit 1  
373 9445

Map #	Project	Section	Description	Project Type (1)	Right of Way Cost Estimate	Construction Cost Estimate	Total Estimate
<b>LONG TERM 10 - 20 YEARS</b>							
239	Eagle Creek Rd.	Keegan Rd. to Currin Rd.	Perform additional safety analysis at Wildcat Mountain Dr., widen lanes and shoulders to county standards.	S	\$0	\$3,016,440	\$3,016,440
240	Eagle Creek Rd.	Currin Rd. to Duus Rd.	Remove or decrease horizontal curve along Eagle Creek Rd. / relocate intersection. Widen lanes and shoulders to county standards, investigate speed zone south of Currin.	S	\$230,400	\$2,982,193	\$3,212,593
241	Coupland Rd.	Eagle Creek - Divers Rd.	Reconstruct & widen (rural)	R	\$595,140	\$1,117,250	\$1,712,390
242	Mattoon Rd.	Fischers Mill - Redland Rd.	Widen lanes and shoulders to county standards, remove or decrease vertical curves, remove or decrease horizontal curves north of Redland Rd.	S/R	\$3,250,380	\$3,435,650	\$6,686,030
243	Fellows Rd.	Redland - Lower Highland Rd.	Reconstruct & widen (rural)	R	\$2,243,220	\$4,518,050	\$6,761,270
244	Ridge Rd.	L. Highland - Redland Rd.	Reconstruct & widen (rural)	R	\$3,021,480	\$6,151,950	\$9,173,430
245	Redland Rd.	Henric - Springwater Rd.	Reconstruct & widen (rural)	R	\$1,907,500	\$16,346,730	\$18,254,230
246	Lower Highland Rd.	Beavercreek Rd. - Fellows Rd.	Reconstruct & widen (rural)	R	\$3,158,820	\$5,917,610	\$9,076,430
247	Unger Rd.	Beavercreek - Hwy 211	Reconstruct & widen (rural)	R	\$1,022,420	\$6,480,050	\$7,502,470
250	Beavercreek Rd.	Beavercreek Rd/Williams Rd. intersection	Remove or decrease vertical curve along Beavercreek Rd. / relocate intersection.	S	\$34,000	\$772,000	\$806,000
251	Central Point Rd.	Partlow Rd. - Mulino Rd.	Widen 2/3 lanes smooth curves	C	\$76,300	\$4,218,300	\$4,294,600
252	New Era Rd.	Central Point Rd. to Penman Rd.	Perform additional safety analysis.	S			
253	Casto Rd.	Spangler - Central Point Rd.	Reconstruct & widen (rural)	R	\$808,780	\$1,427,900	\$2,236,680
254	Spangler Rd.	Casto - Beavercreek	Reconstruct & widen (rural)	R	\$2,426,340	\$4,142,000	\$6,568,340
255	Kamrath Rd.	Carus Rd. to Spangler Rd.	Perform additional safety analysis at Carus Rd. Widen lanes & shoulders to county standards, remove or decrease horizontal curves north of Spangler Rd.	S	\$145,513	\$1,383,026	\$1,528,539
256	Ladd Hill Rd.	Wilsonville Rd. - Wash Co. Ling.	Reconstruct & widen (rural)	R	\$625,660	\$5,369,340	\$5,995,000
257	Wilsonville Rd.	Wilsonville Rd/Ladd Hill Rd. intersection	Remove bank, remove or decrease horizontal curve along Wilsonville Rd. / relocate intersection.	S	\$180,000	\$1,632,960	\$1,812,960
258	Wilsonville Rd.	Wilsonville Rd / Edminston Rd. intersection	Remove bank, remove or decrease horizontal curve along Wilsonville Rd. / relocate intersection.	S	\$180,000	\$1,632,960	\$1,812,960
259	Denbrook Rd.	Railroad crossing west of Boones Ferry Rd	Add / upgrade railroad crossing	RR xing	\$0	\$550,000	\$550,000
260	Boones Ferry Rd.	Boones Ferry / Butteville Rd. intersection	Remove bank, remove /decrease horizontal curve.	S	\$224,000	\$1,451,500	\$1,675,500
269	Knights Bridge Rd.	Knights Bridge/Barlow Rd. intersection	Install traffic signal and WB left-turn lane.	C	\$0	\$810,000	\$810,000
270	Holly/Territorial Rd.	Logging Rd. to Canby Ferry	Bike Lanes	B		\$1,312,500	\$1,312,500
271	Territorial Rd.	99E - Holly	Reconstruct & widen (rural)	R	\$885,080	\$2,003,420	\$2,888,500
274	Township Rd.	Railroad crossing between Redwood and Walnut	Construct new railroad crossing	RR xing	\$0	\$550,000	\$550,000
275	Township Rd.	Central Point - Canby City Limit.	Reconstruct & widen (rural)	R	\$1,037,680	\$2,772,960	\$3,810,640
276	Berg Parkway	99E - Ivy	New 2 lane extension	C	\$686,700	\$1,111,800	\$1,798,500
277	Mulino Rd.	Mulino/13th Ave. intersection	Relocate intersection to south away from railroad trestle, change of stop control to 13th Ave.	S	\$276,000	\$1,043,280	\$1,319,280
278	Mulino Rd.	Ivy St. to Hwy 213	Widen to 3 lanes.	C	\$2,868,880	\$3,753,960	\$6,622,840
279	Lone Elder Rd.	Lone Elder/Barlow intersection	Left turn lanes	C	\$0	\$1,312,500	\$1,312,500
280	Canby-Marquam Hwy.	Canby-Marquam Hwy / Lone Elder Rd. int.	Installation of NB left-turn lane, SB right-turn lane.	C	\$15,000	\$279,700	\$294,700
281	Graves Rd. (6562)	Bridge	Reconstruct and widen - 32' (18x160)	Bridge	\$0	\$844,800	\$844,800

(1) Project Type: C: Capacity; S: Safety; R: Reconstruction; B: Bikeways; Ped: Pedestrian; RR xing: Railroad crossing; BLVD: Boulevard

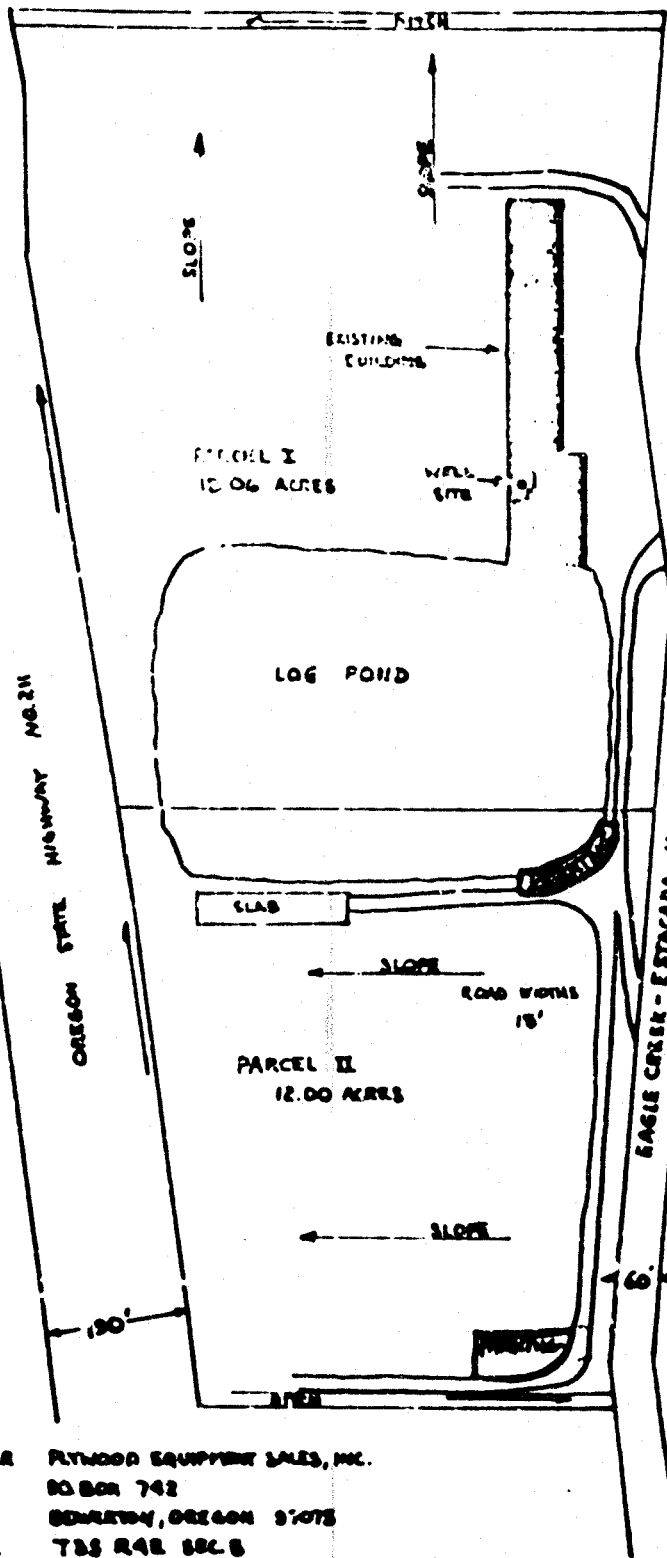
Summary of Traffic Accidents at Selected Intersections						
January 2002 - July 2003						
Eagle Creek, Oregon						
	Date	Location	Hit/Run no injury	Injury	No injury	Injury unknown
1	5/22/2002	Eagle Creek Road	1			
2	12/3/2002	Eagle Creek Road	1			
3	7/5/2002	Eagle Creek Road	1			
4	3/1/2003	Eagle Creek Rd/HWY 211		1		
5	10/3/2003	Eagle Creek Rd/Wildcat Mt Dr		1		
6	2/23/2002	Eagle Creek Rd/Wildcat Mt Dr		1		
7	6/1/2002	Eagle Creek Inn		1		
8	10/20/2002	Eagle Creek Rd/ Folsom Rd		1		
9	2/1/2003	Eagle Creek Rd/Wild cat Mt Dr			1	
10	7/13/2003	Eagle Creek Rd/Wildcat Mt Dr			1	
11	4/29/2003	Eagle Creek Road			1	
12	12/18/2002	Eagle Creek Rd/River Mill Rd			1	
13	10/15/2002	Eagle Creek Rd/Currinville Store			1	
14	10/31/2002	Eagle Creek Rd/Wildcat Mt Dr			1	
15	9/7/2002	Eagle Creek Rd/Folsom Rd			1	
16	8/3/2003	Eagle Creek Rd/ Currinville MHP			1	
17	1/24/2002	Eagle Creek Rd/Wildcat Mt Dr			1	
18	6/13/2003	Eagle Creek Rd/Wildcat Mt Dr				1
19	5/25/2003	Eagle Creek Rd/River Mill				1
20	4/2/2003	Eagle Creek Rd/River Mill				1
21	3/22/2003	Eagle Creek Rd/Currin Rd				1
22	3/5/2003	Eagle Creek Rd/Folsom Rd				1
23	2/19/2003	Folsom Rd				1
24	1/11/2003	Eagle Creek Rd/Wildcat Mt Dr				1
25	12/23/2002	Eagle Creek Rd/Wildcat Mt Dr				1
26	12/5/2002	Folsom Rd				1
27	11/23/2002	Eagle Creek Road				1
28	10/31/2002	Eagle Creek Rd/Wildcat Mt Dr				1
29	6/12/2002	Eagle Creek Rd/Currinville Store				1
30	6/29/2002	Eagle Creek Road				1
31	5/15/2002	Eagle Creek Rd/Wildcat Mt Dr				1
32	1/30/2002	Eagle Creek Rd/HWY 211				1
33	1/14/2002	Eagle Creek Rd/Wildcat Mt Dr				1
34	1/24/2002	Eagle Creek Rd/Wildcat Mt Dr				1
3	3/4/2002	Eagle Creek Rd/Wildcat Mt Dr				1
36	1/20/2003	HWY 211/HWY 224		1		
37	6/30/2002	HWY 211/HWY 224		1		
38	11/12/2003	Eagle Creek Store		1		
39	11/8/2003	HWY 211/HWY 224		1		
40	2/17/2003	Heiple Rd/HWY 224			1	
41	5/2/2003	Heiple Rd/HWY 224			1	
42	5/2/2003	HWY 211/HWY 224			1	
43	12/24/2002	Eagle Creek Store			1	
44	11/12/2003	Eagle Creek Store			1	
45	9/22/2002	HWY 211/HWY 224			1	
46	2/17/2002	MP 17 EC			1	
47	2/1/2003	Heiple Rd/HWY 224				1
48	2/17/2003	Heiple Rd/HWY 224				1











ONSITE PARKING  
FOR 3105 VEHICLES  
REVISED 10/29/02 L.L.

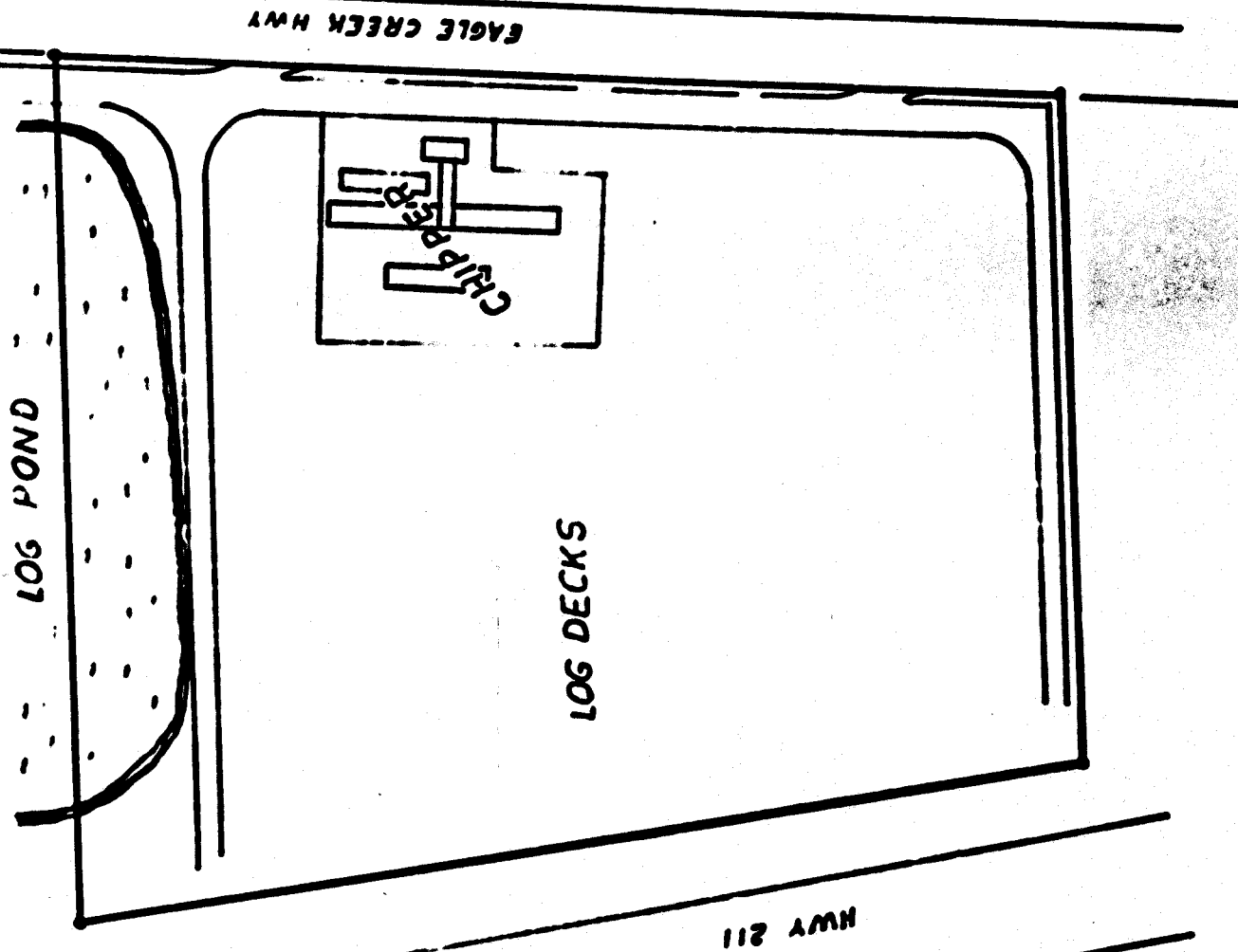
SCALE: 1" = 200'  
BY J.R. ESKRIDGE

OWNER: PLYWOOD EQUIPMENT SALES, INC.  
BOX 742  
SEASIDE, OREGON 97138  
LOCAL: TBS R42 82C 8  
TAX LOT 4100  
AGE: SEPTEMBER 20, 1981  
ORING: RPPF-8  
REASE: 10.06 ACRES

PUBLISHERS PAPER CO.  
 PROPOSED CHIP MANUFAC  
 FACILITY

SEC. 5 T3S R4E TAX LOT 4100  
 JULY 16, 1982 ESKR1D6

SCALE: 1 in = 100 ft.





NOTICE OF APPLICATION FOR  
PUBLIC HEARINGS

Please  
return spiral  
book -  
Erleen

DATE: July 23, 2003

TO: W.E.S. Soils Division

FROM: Clackamas County Planning Division  
9101 SE Sunnybrook Blvd.  
Clackamas, OR 97015  
Phone No. (503) 353-4500, (503) 353-4501

HEARING DATES: Planning Commission, September 8, 2003; Board of County Commissioners, October 15, 2003

FILE NUMBER & NAME: Z0716-02-CP, Z0717-02-Z, Steve and Connie Mueller/C & J Investments

PROPOSAL: Comprehensive Plan Map amendment from Rural to Rural Industrial. Corresponding zone change from Rural Residential Farm Forest - 5 acres district (RRFF-5) to Rural Industrial (RI).

ZONING: RRFF-5

CONTACT PERSON: Mike McCallister, 503-353-4522

SEP 8 - 2003

The Planning Division would like your comments on the attached application. The application is subject to the County Zoning and Development Ordinance **Section 1202, and the Rural and Rural Industrial Chapters of the Comprehensive Plan**. If you do not have a copy of the current ordinance, copies of specific sections are available at the Planning Division office or our Web site at [www.co.clackamas.or.us](http://www.co.clackamas.or.us). Please indicate any information which would assist the county in acting on this application. Also, please identify the process of arriving at this recommendation such as a vote of the Executive Board or membership, and report numerically any vote taken. Comments received by **August 13, 2003**, will be included with the application. If more information is needed, please call the Planning Division. **PLEASE RETURN THIS FORM ONLY.**

Recommendation: Denial ~~to~~ SEE letter dated 1-25-91 Refers to Further investigation. Holding tank are currently under DEQ Regulation and any industrial waste would require Perm. from DEQ

Signature

Position

Please return to address above.

Exhibit 1  
Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

EXHIBIT

Page 380 of 747



*Clackamas*  
*County*

DEPARTMENT OF  
TRANSPORTATION AND DEVELOPMENT

Sunnybrook Service Center

**AFFIDAVIT OF NOTICE**

**STATE OF OREGON**

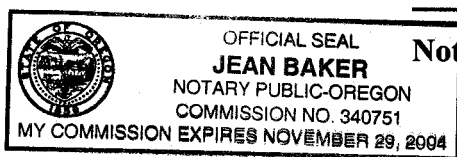
**COUNTY OF CLACKAMAS**

I, Erlie Kittelson, Administrative Assistant, depose and say that I provided for mailing the Notice of Hearing for file number Z0716-02-CP, Z0717-02-Z, in accordance with Oregon Laws Chapter 761, Section 10a, and Sections 1302, 1303 and 1305 of the Clackamas County Zoning and Development Ordinance.

By Erlie Kittelson, Affiant

Subscribed and sworn to before me this 23<sup>rd</sup> day of July

Jean Baker



Notary Public for Oregon

Exhibit 1

# FORM 1

## DLCD NOTICE OF PROPOSED AMENDMENT

This form must be received by DLCD at least 45 days prior to the first evidentiary hearing  
per ORS 197.610, OAR Chapter 660 - Division 18  
and Senate Bill 543 and effective on June 30, 1999.  
(See reverse side for submittal requirements)

Jurisdiction: CLACKAMAS COUNTY Local File No.: 20716-02-CP  
20717-02-Z  
(If no number, use none)

Date of First Evidentiary Hearing: 9/8/03 Date of Final Hearing: 10/15/03  
(Must be filled in) (Must be filled in)

Date this proposal was sent or mailed: 7-15-03  
(Date mailed or sent to DLCD)

Has this proposal previously been submitted to DLCD? Yes:      No: X Date:     

     Comprehensive Plan Text Amendment X Comprehensive Plan Map Amendment  
     Land Use Regulation Amendment X Zoning Map Amendment  
     New Land Use Regulation      Other:     

(Please Specify Type of Action)

Briefly summarize the proposal. Do not use technical terms. Do not write "See Attached."

COMPREHENSIVE PLAN MAP AMENDMENT FROM RURAL  
TO RURAL INDUSTRIAL. CORRESPONDING ZONE CHANGE  
FROM RRFF-5 TO RI

Plan Map Changed from: RURAL to RURAL INDUSTRIAL  
Zone Map Changed from: RRFF-5 to RI

Location: EAGLE CREEK/ESTACADA Acres Involved: 12 ACRES

Specified Change in Density: Current: 5 ACRES Proposed: N/A

Applicable Statewide Planning Goals: 2, 9, 10, 11, 12

Is an Exception Proposed? Yes:      No: X

Affected State or Federal Agencies, Local Governments or Special Districts: CITY OF ESTACADA,  
ESTACADA SCHOOL DISTRICT, ODOT, DIV OF STATE LANDS, ESTACADA FIRE DISTRICT

Local Contact: MIKE McALLISTER Area Code + Phone Number: 503-353-4522

Address: 9101 SE SUNNYBROOK BLVD

City: CLACKAMAS OR Zip Code + 4: 97015 Exhibit 1

DLCD No.:                      20155-21-M, 20156-21-CP, 20157-21-ZAP

DLCD No.:

## **SUBMITTAL REQUIREMENTS**

**This form must be received by DLCD at least 45 days prior to the first evidentiary hearing per ORS 197.610, OAR Chapter 660 - Division 18 and Senate Bill 543 and effective on June 30, 1999.**

1. **Send this Form and TWO (2) Copies of the Proposed Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Unless exempt by ORS 197.610 (2), proposed amendments must be received at the DLCD's **SALEM OFFICE** at least **FORTY-FIVE (45) days before the first evidentiary hearing on the proposal**. The first evidentiary hearing is usually the first public hearing held by the jurisdiction's planning commission on the proposal.
3. Submittal of proposed amendments shall include the text of the amendment and any other information the local government believes is necessary to advise DLCD of the proposal. "Text" means the specific language being added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal is not adequate.
4. Submittal of proposed "map" amendments must include a map of the affected area showing existing and proposed plan and zone designations. The map should be on 8-1/2 x 11 inch paper. A legal description, tax account number, address or general description is not adequate.
5. Submittal of proposed amendments which involve a goal exception must include the proposed language of the exception.
6. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

## NOTICE OF PUBLIC HEARING

Clackamas County Planning Commission, 6:30 p.m., September 8, 2003, Sunnybrook Service Center, 9101 SE Sunnybrook Blvd., Clackamas, Oregon 97015.

Clackamas County Board of Commissioners, 9:30 a.m., October 15, 2003, Courthouse Annex, 906 Main St., Oregon City OR 97045.

TO: Property Owners within 500 feet

Subject: Comprehensive Plan Map Amendment and Zone Change

File No.: Z0716-02-CP, Z0717-02-Z

Applicant: Steve and Connie Mueller/ C & J Investments

Owner of Property: Same

Proposal: Comprehensive Plan Map amendment from Rural to Rural Industrial. Corresponding zone change from Rural Residential Farm Forest – 5 acre district (RRFF-5) to Rural Industrial (RI).

Ordinance Criteria: Sections 1202 of the Clackamas County Zoning and Development Ordinance. Policies in the Rural Section and Rural Industrial Section of the Clackamas County Comprehensive Plan.

Location: Between Eagle Creek Road and State Hwy. 224, approximately 300 feet north of the Eagle Creek Road/Currin Road intersection.

Site Address: 26175 S. Eagle Creek Road

Legal Description: T3S, R4E, Section 5, Tax Lots 4102, and 4103, WM

Total Area Involved: Approximately 12 acres

Zoning: Rural Residential Farm Forest- 5 acre district (RRFF-5)

Citizens Planning Organization For Area: Eagle Creek-Barton CPO, PO Box 101, Eagle Creek, Judy Koliass, 503-775-6508

Planning Division Staff Contact: Mike McCallister, 503-353-4522

All interested citizens are invited to attend the hearing. An agenda will be provided at the hearing. Testimony and evidence should address those criteria identified above and any other criteria relevant to the application. Failure to raise an issue at the hearing, or by letter, or failure to provide sufficient specificity to afford the Board of County Commissioners an opportunity to respond to an issue precludes appeal to the Land Use Board of Appeals based on that issue. The following procedural rules have been established to allow an orderly hearing.

1. The length of time given to individuals speaking for or against an item will be determined by the chairperson prior to the item being considered.
2. A spokesperson representing each side of an issue is encouraged.
3. Only specifically relevant testimony to the item being considered will be allowed.

A staff report for the application will be available seven (7) days prior to the hearing. The staff report, applicable criteria, application, and all documents and evidence relied on by the applicant are available for inspection and may be purchased at reasonable cost at the Sunnybrook Service Center, 9101 SE Sunnybrook Blvd., Clackamas, Oregon 97015, (503-353-4500). Direct all calls and written correspondence to the Planning Division.

To receive a copy of the final decision of the Board of County Commissioners, provide the Planning Division with a written request indicating the application file number.

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR , OR SELLER: ORS CHAPTER 215  
REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY  
FORWARDED TO THE PURCHASER.**

Site Plan  
Submitted with  
ENCU-8-74

STATE OF OREGON

LOT 4100  
29.8 AC.

LOG  
POND

STORAGE

OFFICE

PARKING

56' x 100'  
NEW BLDG.

STORAGE

3300  
.32 AC.

STORAGE

LOG DUMP

S.E. EAGLE CREEK ROAD

LOT  
4600

LOT 4800

LOT 4500

LOT 4202

SITE PLAN  
SCALE 1" = 100'

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

Page 386 of 747



Site Plan  
Submitted with  
ENCU-8-74

STATE OF OREGON

LOT 4100  
29.8 AC.

LOG  
POND

STORAGE

OFFICE

PARKING

STORAGE

56' x 100'  
NEW BLDG.

LOG DUMP

STORAGE

3300  
32 AC.

S.E. EAGLE CREEK ROAD

LOT  
4600

LOT 4800

LOT 4500

LOT 4202

SITE PLAN  
SCALE 1" = 100'

**Enrolled**  
**House Bill 2691**

Sponsored by Representative P SMITH, Senator METSGER; Representative RICHARDSON

CHAPTER .....

AN ACT

Relating to industrial zoning of mill sites; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** Section 2 of this 2003 Act is added to and made a part of ORS chapter 197.

**SECTION 2.** (1) As used in this section, “abandoned or diminished mill site” means a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:

- (a) Is located outside of urban growth boundaries;
- (b) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and
- (c) Contains or contained permanent buildings used in the production or manufacturing of wood products.

(2) Notwithstanding ORS 197.732 or any goals adopted under ORS 197.225 for the protection of agricultural lands or forestlands, the governing body of a county may amend the county’s comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for industrial use.

(3) Notwithstanding ORS 197.732 or any goals adopted under ORS 197.225 relating to urbanization, the governing body of a county may amend the county’s comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for any level of industrial use.

(4) Notwithstanding ORS 197.732 or any goals adopted under ORS 197.225 relating to public facilities and services, the governing body of a county or its designee may approve:

(a) The extension of sewer facilities to lands that on the effective date of this 2003 Act are zoned for industrial use and that contain an abandoned or diminished mill site. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(b) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for industrial use under this section only as necessary to serve industrial uses authorized for the mill site.

(c) The establishment of on-site sewer facilities to serve an area that on the effective date of this 2003 Act is zoned for industrial use and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for industrial use under this section. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(5)(a) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under ORS 197.732 and any goals adopted under ORS 197.225 relating to public facilities and services.

(b) Sewer facilities approved under subsection (4) of this section shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under any goals adopted under ORS 197.225 relating to public facilities and services, unless all appropriate exceptions are approved under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to any goals adopted to protect agricultural lands and forestlands or relating to urbanization.

(6)(a) The governing body of a county or its designee shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is rezoned for industrial use under this section, land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.

(b) For an abandoned or diminished mill site subject to subsection (2), (3) or (4) of this section, the governing body of a city or county or its designee may approve a permit, as defined in ORS 215.402 or 227.160, only for industrial development and accessory uses subordinate to such development on the mill site. The governing body or its designee may not approve a permit for retail, commercial or residential development on the mill site.

(7) For land that on the effective date of this 2003 Act is zoned under a goal adopted under ORS 197.225 for the protection of agricultural lands or forestlands and that is rezoned for industrial use under subsections (2) and (3) of this section, the governing body of the county or its designee may not later rezone the land for retail, commercial or other nonresource use unless all appropriate exceptions under ORS 197.732 have been approved.

**SECTION 3.** This 2003 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2003 Act takes effect on its passage.

Passed by House March 19, 2003

Received by Governor:

Repassed by House May 8, 2003

.....M.,....., 2003

Approved:

.....  
Chief Clerk of House

.....M.,....., 2003

.....  
Speaker of House

.....  
Governor

Passed by Senate May 2, 2003

Filed in Office of Secretary of State:

.....M.,....., 2003

.....  
President of Senate

.....  
Secretary of State

P:\20658-EAGLE CREEK TIMBER\CAD\DD\20658-C100-EXISTING CONDITIONS PLAN.DWG



**LEGEND**

- PROJECT BOUNDARY
- EXISTING RIGHT OF WAY
- EXISTING RIGHT OF WAY CENTERLINE
- EXISTING LOT LINE
- APPROXIMATE WETLAND BOUNDARY
- APPROXIMATE EDGE OF TREELINE
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- APPROXIMATE AREAS OF SLOPES 20% OR GREATER
- DIRECTION OF ROAD DRAINAGE

SITE STATISTICS	
SITE ADDRESS	25720 SE EAGLE CREEK ROAD
PARCEL NUMBER	00927046
TAX LOT	04100
TAX MAP	3-4E-5
JURISDICTION	CITY OF EAGLE CREEK
NET SIZE	19.4 ACRES
EXISTING ZONING	RRFF-5

- NOTES**
- WETLAND LOCATION AS SHOWN ON THE PLAN IS APPROXIMATE. DELINEATION OF POTENTIAL ONSITE WETLAND WILL BE PROVIDED AT THE TIME OF DEVELOPMENT REVIEW.

Scale: 1" = 60'

0 60 120 FT

North Arrow

**811**

Know what's below.  
Call before you dig.

20155-21-M, Z

PRELIMINARY

PUBLISH DATE  
2021-04-06

ISSUED FOR  
LAND USE

REVISIONS

**EAGLE CREEK MASS TIMBER  
EXISTING CONDITIONS PLAN**

25720 SE EAGLE CREEK ROAD  
EAGLE CREEK, OREGON

**3J CONSULTING**

CIVIL ENGINEERING  
WATER RESOURCES  
COMMUNITY PLANNING

9600 SW NIMBUS AVE., SUITE 100, BEAVERTON, OR 97008

**PROJECT INFORMATION**

3J PROJECT # | 20658  
TAX LOT(S) | 34E05 04100  
LAND USE # | TBD  
DESIGNED BY | KMK  
CHECKED BY | BMO

**SHEET NUMBER**

**C100**

156-21-CP; 20157-21-ZAP

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**ORS 197.719 Industrial use of abandoned or diminished mill sites; amendment of comprehensive plans and land use regulations; sewer facilities.**

(1) As used in this section, “abandoned or diminished mill site” means a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:

- (a) Is located outside of urban growth boundaries;
- (b) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and
- (c) Contains or contained permanent buildings used in the production or manufacturing of wood products.

(2) Notwithstanding statewide land use planning goals protecting agricultural lands or forestlands or administrative rules implementing those goals, the governing body of a county may amend the county’s comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for industrial use.

(3) Notwithstanding a statewide land use planning goal relating to urbanization or administrative rules implementing that goal, the governing body of a county may amend the county’s comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for any level of industrial use.

(4) Notwithstanding a statewide land use planning goal relating to public facilities and services or administrative rules implementing that goal, the governing body of a county or its designee may approve:

(a) The extension of sewer facilities to lands that on June 10, 2003, are zoned for industrial use and that contain an abandoned or diminished mill site. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(b) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for industrial use under this section only as necessary to serve industrial uses authorized for the mill site.

(c) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, is zoned for industrial use and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for industrial use under this section. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(5)(a) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under a statewide land use planning goal relating to public facilities and services or under ORS 197.732.

(b) Sewer facilities approved under subsection (4) of this section shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under a statewide land use planning goal relating to public facilities and services or under ORS 197.732. The presence of the sewer facilities may not

be used to justify an exception to statewide land use planning goals protecting agricultural lands or forestlands or relating to urbanization.

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(b) For an abandoned or diminished mill site subject to subsection (2), (3) or (4) of this section, the governing body of a city or county or its designee may approve a permit, as defined in ORS 215.402 or 227.160, only for industrial development and accessory uses subordinate to such development on the mill site. The governing body or its designee may not approve a permit for retail, commercial or residential development on the mill site.

(7) For land that on June 10, 2003, is zoned under statewide land use planning goals protecting agricultural lands or forestlands and that is rezoned for industrial use under subsections (2) and (3) of this section, the governing body of the county or its designee may not later rezone the land for retail, commercial or other nonresource use, except as provided under the statewide land use planning goals or under ORS 197.732. [2003 c.252 §2; 2003 c.688 §3]





**Planning and Zoning  
Department of Transportation and Development**  
Development Services Building  
150 Beavercreek Road | Oregon City, OR 97045  
503-742-4500 | [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us)  
[www.clackamas.us/planning](http://www.clackamas.us/planning)

## **PRE-APPLICATION CONFERENCE SUMMARY**

### **Comprehensive Plan Amendment and Zone Change**

*The information contained in this memo is introductory in nature and is designed to act as a guide to relevant ZDO and Comprehensive Plan standards. This is an initial review and is based on the information submitted by the applicant for the pre-application conference.*

**Permit Type:** Comprehensive Plan Amendment/Zone Change

**File No.** ZPAC0024-21

**Proposal:** Proposed Comp Plan amendment, rezone, and subsequent partition and Design Review (to be reviewed in a separate Pre-app)

**Staff Contact:** Melissa Ahrens, Phone: 503-742-4519, E-mail: [mahrens@clackamas.us](mailto:mahrens@clackamas.us)

**Applicant:** Heavy Timber Innovations, LLC, Sephan Schneider & Russ Brotnov

**Assessor's Map and Tax Lot Number:** 34E054100

**Site Address:** 25720 Eagle Creek Rd

**Zoning:** RRFF5

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## **I. APPLICABLE ZONING AND DEVELOPMENT ORDINANCE (ZDO) AND COMPREHENSIVE PLAN STANDARDS**

***Note:** Pre-application conferences are advisory in nature and are intended to familiarize applicants with the requirements of this Ordinance; to provide applicants with an opportunity to meet with County staff to discuss proposed projects in detail; and to identify standards, approval criteria, and procedures prior to filing a land use permit application. The pre-application conference is intended to be a tool to orient applicants and assist them in navigating the land use review process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the County from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference. This document is not a land use decision and is not subject to appeal.*

### **A. Comprehensive Plan Amendment**

In addition to meeting the submittal criteria of Zoning and Development Ordinance (ZDO) Sections 1202.02 and 1307.07(C), submittal for a Comprehensive Plan Amendment and corresponding Zone Change must demonstrate compliance with the following for filing purposes (staff recommends specific emphasis on italicized text):

1. Statewide Planning Goals
  - a. *Specifically address consistency with applicable planning goals 1, 2, 5, 6, 9, 12 (see traffic plan requirements below), and 14 (demonstrate that this is still a rural use- see attached memo with factors of consideration for RRFF5 to RI zone changes).*
2. If pursuing abandoned or diminished mill site provision, ORS 197.719

**Exhibit 1**

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

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Provision Pros and Cons:

Historical Commitment (4.LL.3.1)	Abandoned/Diminished Mill Site (4.LL.3.2)
<ul style="list-style-type: none"> <li>Per Table 604-2 of ZDO Section 604, the cumulative <b>maximum building floor space</b> per industrial use in the RI District would be 39,500 square feet; however, per Footnote 6 to Table 604-2, no maximum applies to the “<i>primary processing of raw materials</i> produced in rural areas” (rural areas include the Rural Industrial zoning district)</li> </ul>	<ul style="list-style-type: none"> <li>Must include evidence that the <i>subject property</i> had a “facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp, and paper” that <b>closed after January 1, 1980, or that has been operating at less than 25% of capacity since January 1, 2003</b></li> <li>Only the <b>portion of the property</b> that was “improved for the processing or manufacturing of wood products” can be zoned RI; the remainder would stay RRFF-5</li> <li>ORS 197.719(6)(b) would prohibit the portion of the property zoned RI under this provision from being used for any <b>retail, commercial, or residential development</b>, uses which may otherwise occur in the RI District according to the criteria in ZDO Section 604</li> </ul>
<ul style="list-style-type: none"> <li>Mill closure dates and current operating capacity not relevant</li> <li>More of the subject property <i>may</i> be eligible for rezoning</li> <li>Areas rezoned RI are eligible for all of the uses in Table 604-1, including <b>retail, commercial, and residential uses</b></li> </ul>	<ul style="list-style-type: none"> <li><b>Maximum building floor space</b> per industrial use, as listed in Table 604-2, would not apply in areas of abandoned or diminished mill site</li> </ul>

### 3. Comprehensive Plan Provisions

- a. Chapter 3. *The property contains wetlands per the statewide wetland mapper as such, the application would need to demonstrate compliance with Ch. 3 policy 25. Early coordination with DSL would also be recommended.*
- b. Chapter 3 and 4. *Pursuant to the requirements of Statewide Goal 6, Section 1307.07(C)(1)(c), Chapter 3, and Chapter 4 of the County's Comprehensive Plan, we would need information demonstrating water service. Assuming a well is located on the property, please provide information as to the well's location and functionality. Additionally, please provide water rights information from the state, if available, or exemption information, if usage is under 5,000 gallons/day. Please clarify if there is more than one well that serves the property.*
- c. *A statement of feasibility from the septic department would be required*
- d. Chapter 4
  - i. Land Use Plan Designations
    1. *Make consistency findings for RI- see Policy 4.LL.3*
- e. Chapter 5
  - i. *Need to demonstrate that the proposed Comp plan/Zone change and proposed use of the property will cause a negligible impact to the transportation system and is in compliance with transportation planning rule OAR 660-12, this would be in the format of a traffic impact study*
  - ii. *Work with Christiana Snuffin in the Engineering Department regarding requirements for the traffic plan, his contact information is in the engineering comments*

### B. Zone Change

- A. 1202.03(A)
  1. *Comp. Plan consistency, see A.3. above*
  2. *For the zone change demonstrate how the proposed zone would comply with Ch.4 of the Comprehensive Plan (the RI policy)*
- B. 1202.03(B)- regarding public services
- C. 1202.03(C)- regarding adequacy of the transportation system (the Traffic Impact Study should address)
- D. 1202.03(D)- Regarding safety of the transportation system (the Traffic Impact Study should address)

### **Comprehensive Plan/Zone Change Application Available here:**

<https://dochub.clackamas.us/documents/drupal/592677ce-53dc-416d-84cc-b0367e1efca9>

### **General Comments:**

#### *General points:*

- Partition application could be processed concurrent with or after and separate from, application for Comprehensive Plan Map Amendment + Zone Change. If processed concurrently, partition application will be decided on by BCC; if submitted after, the

partition application would be decided on by staff and would be appealable to the County's Hearings Officer.

- A separate Design Review pre-application meeting will likely be needed prior to submitting Design Review application.
- Hood River County appears to have approved a zone change under the abandoned/diminished mill site provision for the Cardinal Glass Industrial facility at the "Lower Hanel Mill Site". If this provision is of interest, it may be worth contacting them to understand whether/how they zoned the entire parcel for industrial use (i.e., what arguments they made consistent with *ORS 197.719(6)(b)*).
- The 2002 re-zone of what are now Tax Lots 34E05-04102 and 34E05-04102 (to the south of the subject property) were done under the historical commitment provision. It allowed for the rezone of those entire parcels.
- Certain other zone change applications approved by the BCC that were made under the historical commitment provision did not allow for the rezone of the entirety of the relevant parcels, but rather excluded areas that were used for dwellings (e.g., in Z0490-13-CP) or that were geographically/topographically separated from the areas historically committed to industrial areas.

## Planning and Zoning Guidance Memo

### Rural Residential Comprehensive Plan/Zoning Designation Amendments

**STAFF:** Melissa Ahrens and Martha Fritzie

**DATE:** April 14th, 2020

**QUESTION:** Is an exception to Statewide Planning Goal 14, Urbanization, (and a corresponding Comprehensive Plan Amendment) required for a zone change between rural residential zoning districts on rural exception lands (RA-2, RRFF-5, and FF-10)?

#### RESPONSE:

*\*Please note that the following is the County's interpretation based on current case law and, as such, it may be subject to change\**

Based on a close review of case law (see link below to Goal 14 Exception LUBA Headnotes), State Administrative Rules and Statutes, and the County's Comprehensive Plan and Zoning and Development Ordinance (ZDO), County Planning staff, in consultation with County Counsel, have determined that **in some cases** a Goal 14 exception is not required to change to a different rural residential zoning designation (e.g. FF-10 to RRFF-5). This has been identified as a permitting pathway because:

- (1) Rural exception lands were already acknowledged as such on 10/4/00 (See Oregon Administrative Rule 660-004-0040) and the County has not amended the provisions of the Comprehensive Plan to allow a smaller minimum lot size in rural exception lands than was previously allowed. Nor has the County changed the process or criteria of approval for such a zone change, as regulated by ZDO Section 1202. And;
- (2) The County's Comprehensive Plan was reviewed and acknowledged by LCDC for compliance with Statewide Planning Goal 14. The 1980 exception documents (RUPA I, II, III, and IV) included Statewide Goal 14 findings for rural residential exception lands. LCDC determined that the County did not allow any 'urban uses' on rural lands and, as such, the County was determined to be compliant with Goal 14.

Therefore, there appears to be a 'carve out' situation LUBA created in *Oregon Shores Cons. Coalition v. Curry County*, 53 Or LUBA 503 (2007) that is applicable to Clackamas County, in certain circumstances on rural residential zoned properties. However, in order for a specific property to qualify for this 'carve out' pathway that avoids the needs for a Goal 14 exception the proposed zone change would have to meet the definition of a 'rural use'. To determine if

a Goal Exception is required for rural residential rezones, County Planning staff will review such proposals on a case by case basis to determine if a use is 'rural' or 'urban', as defined in relevant LUBA case law and per Oregon Administrative Rules and Revised Statutes<sup>1</sup>. Some examples of factors that may be used for such a determination are:

- That public facilities and services providing for water and sewage disposal will be limited to the types and levels of service available and appropriate for rural lands. Or in other words, that the proposed uses on rural lands will not require urban levels of service.
- The potential impact on a nearby Urban Growth Boundary. Specifically, consideration of whether the density and number of residential units allowed under the proposed zoning would impermissibly affect the ability of nearby UGBs to perform their urbanization function
- Whether the size of the proposed lots in a partition or subdivision that will accompany the zone change can be considered a rural use

For proposals changing RA-2, RRFF-5, and FF-10 to Rural Commercial (RC) or Rural Industrial (RI) the following factors are also relevant:

- Whether the proposed uses are appropriate for and limited to the needs and requirements of the local area to be served;
- Whether the type and intensity of use is consistent with those typically found in other rural areas of the County
- Whether the proposed use is likely to become a magnet for people outside the area

For questions please contact either Martha Fritzie at [mfritzie@clackamas.us](mailto:mfritzie@clackamas.us) or Melissa Ahrens at [mahrens@clackamas.us](mailto:mahrens@clackamas.us)

**RELEVANT CASE LAW:** <https://www.oregon.gov/LUBA/docs/headnotes/18.7.pdf>

**DISCLAIMER:** This is guidance only and is subject to change based on changes to state law, future legislative amendment of the Comprehensive Plan or ZDO, decisions of courts or administrative tribunals, or quasi-judicial land use decisions. This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

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<sup>1</sup> The analysis of whether a particular proposed use will allow an urban or rural use within the meaning of Goal 14 requires a case by case analysis, 1000 Friends of Oregon v. LCDL (Curry Co.), supra, 301 Or at 521

**DESIGN REVIEW PRELIMINARY NOTES**

**ZPAC0024-21**

CLACKAMAS COUNTY DEPARTMENT OF TRANSPORTATION & DEVELOPMENT  
LAND USE & ENVIRONMENTAL PLANNING DIVISION

Development Service Building, 150 Beavercreek Road, Oregon City OR 97045

Phone: (503) 742-4500

Fax: (503) 742-4550

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**LOCATION:** Meeting via Zoom Teleconference

**DATE & TIME:** March 24<sup>th</sup>, 2021 at 1:00 pm.

**STAFF CONTACT:** Anthony Riederer – 503-742-4528 - ariederer@clackamas.us

**APPLICANT:** J3 Consulting

**LEGAL DESCRIPTION:** 34E05 04100

**SITE ADDRESS:** 25720 Eagle Creek Road

**TOTAL AREA INVOLVED:** Approximately 19 acres

**PRESENT ZONING:** RI (Rural Industrial)/EFU (Exclusive Farm Use)

**PROPOSAL:** Demolition of existing structure and construction of 450 square foot kiln building for drying wood planks. Additional parking and/or reinstatement of previous parking area may be required to demonstrate compliance with parking requirements.

## **ZDO ORDINANCE STANDARDS:**

**Note:** The information contained in this memo is introductory in nature and is designed to act as a guide to relevant ZDO sections. This is an initial review and is based on the information submitted by the applicant for the pre-application conference.

When the proposal is submitted for design review/land use approval, it will be reviewed against all applicable ZDO sections and, through that process, additional considerations may come to light.

### **1. ZDO Sections 604 (Rural Industrial)**

The proposed use (Manufacturing) is a primary permitted use in the Rural Industrial Zoning District.

Dimensional Standards – Rural Industrial:

- Minimum Lot Size: None
- Minimum Front: 30 feet
- Minimum Rear: 0 feet
- Minimum Side: none
- Building Height: None
- Maximum Building Floor Space per Industrial Use outside of an Unincorporated Community: 39,500 square feet.
  - Note: Per Footnote 6, No maximum applies to the primary processing of raw material produced in rural areas, or uses sited on abandoned or diminished mill sites.

### **2. ZDO Section 1005 – Site and Building Design**

#### **1005.03: General Site Design Standards**

If feasible, design the site so that so that the longest building elevations can be oriented within 20 degrees of true south in order to maximize the south-facing dimensions, per 1005.03(B).

#### **1005.04: Building Design**

Design all facades visible from a public or private street or accessway such that they comply with the design standards of 1005.04(A).

The design of the roofline shall include eaves which project no less than 24 inches from the façade or, if flat, be defined by cornice or other architectural treatment to provide visual interest, as per 1005.04(D).

Design buildings so as to comply with the exterior building material standards of 1005.04(E).



Please note

1005.04(E)(3), which provides guidance as to the materials that are acceptable for façade surfaces: **“Walls shall be surfaced with brick, tile, masonry, stucco, stone or synthetic equivalent, pre-cast masonry, gypsum reinforced fiber concrete, wood lap siding, architecturally treated concrete, glass, wood, or a combination of these or other high-image materials.”**

And 1005.04(E)(4), which provides the limited allowed uses of metal as a building material: **“Notwithstanding Subsection 1005.04(E)(3) metal may be approved as an exterior building material through design review pursuant to Section 1102 for specific high-image surfaces, canopies, awnings, doors, screening of roof mounted fixtures, or other architectural features.”**

Fully address the applicable standards related to architectural design features, colors, materials, scale, and minimizing impacts on adjacent uses as provided in 1005.04(I):

1005.04(I)(1): Use shapes, colors, materials, textures, lines, and other architectural design features that enhance the design type area and complement the surrounding area and development.

1005.04(I)(3): Use building orientation and physical design, including setbacks and modulations, to ensure a development is compatible with other activities onsite, nearby properties, intended uses and the intent of the design type.

1005.04(I)(7): In unincorporated communities, design structures to reflect and enhance the local character and to be in scale with surrounding development.

Locate and design mechanical equipment so that it is screened as per the standards provided in 1005.04(J).

#### 1005.05: Outdoor Lighting

Design outdoor lighting to comply with the standards in 1005.05(A) and demonstrate compliance with these standards.

#### 1005.06: Additional Requirements

Section 1005.06 requires projects to meet one ‘additional requirement’ for every 20,000 square feet of site area, up to a maximum of 5.

#### 1005.07: Modifications

Modification of any standard identified in **Subsections 1005.03 and 1005.04** may be approved as part of design review if the proposed modification will result in a development that achieves the purposes stated in **Subsection 1005.01 as well or better than the requirement listed.**

It is the responsibility of the applicant to ‘make the case’ as to how any proposed modification satisfies this requirement.

#### 4. ZDO Section 1006 - Utility Lines & Facilities

Location, design, installation, and maintenance of utility lines and facilities shall be carried out with minimum feasible disturbance of soil/site and consistent with rules/regulations of districts for surface water management, per 1006.01(A).

New electric, gas, communications services shall be installed pursuant to the requirements of the district/company serving the development and installed underground, unless prohibited by utility district or company, per 1006.01(B).

Easements shall be provided along property lines as deemed necessary by the Department of Transportation and Development, special districts, and utility companies, as per 1006.01(D).

No street light requirements as the property is outside the Portland UGB.

Applicants shall specify a lawful water source for the proposed development, such as a public or community water system, certificated water right, or exempt-use well.

The project team should verify with the Clackamas County On-Site Wastewater program that the existing system is adequate to the proposed use.

Positive drainage and conveyance is required pursuant to 1006.06(A). The Clackamas County Roadway Standards provide the stormwater.

Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. Per 1006.06(C).

→Please note that statements of feasibility are required to complete the application for processing

#### 5. ZDO Section 1007 & 1015 - Roads, Circulation & Parking

Circulation, frontage improvements, and site access to be reviewed by Clackamas County Engineering.

Vehicle access shall be shown on plans and meet the criteria of 1007.01(C).

Please review the “General Standards” of 1015.01 to ensure that all parking facilities comply.

Motor vehicle parking shall meet the standards of Section 1015.02 as appropriate per the project design. Please note that parking is based on the use of the building, not the underlying zoning.

- Industrial, Manufacturing, and Processing Facilities:
  - 0-24,999 square feet: 1.5 spots per 1,000 square feet
  - 25,000-49,999 square feet: 1.42 spots per 1,000 square feet

Development shall include 1 bike parking space per 10,000 square feet. This may be accommodated by an indoor hanging rack or other such facility.

Off-street loading berths will be required, per 1015.04. Please review these standards to ensure project compliance.

- Industrial Uses: 5,000 to 16,000 square feet: 1 dedicated loading berth
- Dimensional Standards: 60 feet X 12 feet by 14 feet high

#### 6. ZDO Section 1009 - Landscaping

**If the site already has adequate landscaping which addresses the general provisions as provided per 1009.01, this should be indicated and illustrated in the Design Review application.**

This area shall not include landscaping in adjacent rights-of-way.

The requirements of landscaping, screening and buffering, landscape strips, and outdoor recreation areas set in 1009 apply regardless of whether those areas exceed 15% of the site area.

Surface parking and loading area landscaping will be required per 1009.03(B).

Required screening and buffering shall be demonstrated to comply with the requirements of 1009.04.

The project design shall comply with the landscaping strip requirements of 1009.06(C).

Fences and walls shall comply with the standards of 1009.07.

Graded areas shall be revegetated to ensure erosion control, per 1009.09.

All landscaped areas and new plantings shall be selected, installed, and maintained per the standards of 1009.10.

→ Any outdoor storage areas will need to be screened

7. ZDO Section 1010 - Signs

All signs must meet standards of ZDO Subsection 1010.06 (Commercial Signs in Commercial and Industrial Districts), where applicable.

8. ZDO Section 1021 - Refuse and Recycling Standards

Please indicate location and dimensions and design of recycling and solid waste areas on plans and include site plans and elevation drawings which demonstrate compliance with the pertinent standards listed in ZDO Section 1021.

These include general design standards, the design of enclosures, gates, and receptacles, vehicle access, and requirements for the placement of signs.

**For information on hauling and capacity requirements, please contact Emily Murkland of Clackamas County's Sustainability and Solid Waste program and the local trash/recycling hauler.**



DAN JOHNSON  
DIRECTOR

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

**All information is considered informal, based on current Zoning and Development Ordinance requirements, current Roadway Standards requirements, and current Comprehensive Plan requirements. The information presented here is subject to change as revisions are made to the aforementioned documents and in the formal Conditional Use Process. Prior to the submittal of a Conditional Use application, the applicant is encouraged to contact staff to insure that these pre-application comments reflect the current standards.**

FILE NO. ZPAC0024-21

PROJECT: Industrial Development Related to CLT Production

LEGAL: 34E05 04100

DATE: March 24, 2021

Engineering staff: Kenneth Kent 503-742-4673  
[kenken@co.clackamas.or.us](mailto:kenken@co.clackamas.or.us)

## **SECTION 1 - REQUIREMENTS**

1. A **Development Permit** will be required from the County Engineering Section prior to initiation of construction. The applicant shall pay the minimum Permit fee deposit (\$1,600) for commercial/industrial/multi-family development. The plan review and inspection fee is based upon 8.83 percent of the estimated costs for public street frontage improvements and 5 percent of the estimate costs of the onsite transportation improvements. These plans shall be signed and stamped by a Professional Engineer registered in the State of Oregon or shall comply with requirements acceptable to the Engineering Division.
2. A **Traffic Impact Study is required:**
  - a. Comply with Section 295 of the Clackamas County Roadway Standards. Contact Christian Snuffin for questions regarding traffic study preparation. Phone: 503-742-4716 Email: CSnuffin@clackamas.us.
  - b. Provide site trip generation and trip distribution for both weekday a.m. and p.m. peak hours considering the reasonable highest use of (1) existing zoning, and (2) proposed zoning.
  - c. Perform traffic operations analysis at the following intersections: (1) Site access to Riverside Way, and (2) Riverside Way at Eagle Creek Rd. Analysis at Eagle Creek Rd /Currin Rd, and Eagle Creek Rd / Wildcat Mountain Rd may be required if the number of new site trips through either of these intersections exceed 20 vehicles during the peak hour. Analysis will need to be performed for the a.m. and p.m. peak hours for existing zoning and proposed zoning.

Exhibit 1

Z0155-21-M, Z0156-21-CP, Z0157-21-ZAP

future year (2035) traffic conditions. A 2% linear annual growth rate should be applied to determine future year background traffic volumes.

- d. Provide a crash history and safety analysis at all study area intersections. Identify any safety issues and recommended mitigations. Look at vehicular and truck circulation on the site and between the site access to Riverside Way and the intersection of Riverside Way and Eagle Creek Rd. Evaluate safety and operations of the skewed approach of Riverside Way at Eagle Creek Rd. Consider the safety and operational impacts of closing the skewed approach.

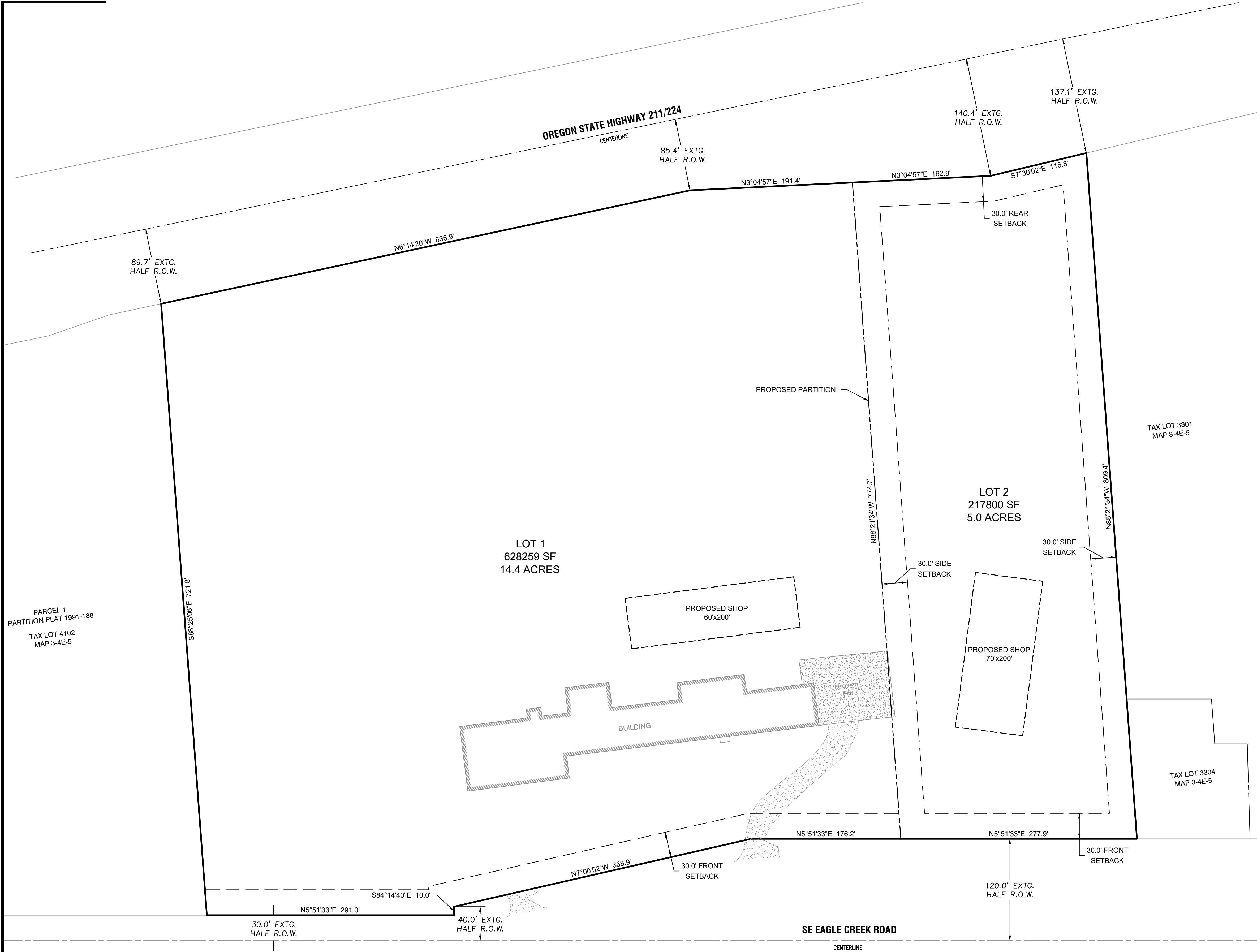
3. **SE Eagle Creek Road/SE Riverside Way Access:**

- a. The existing skew in the intersection of SE Riverside Way with SE Eagle Creek Road does not meet current standards. With development of the proposed site, closure of the south approach of SE Riverside Way will be required.
- b. A minimum 28-foot wide by 20-foot long paved driveway approach to each parcel will be required. Additional width is permitted to allow for truck turning. The addition of gravel shoulder may be needed on SE Riverside Way adjacent to the proposed driveway to facilitate truck maneuvering in and out of the site.

4. **On-Site Circulation and Parking:**

- a. Applicant shall provide adequate on site circulation for the parking and maneuvering of all vehicles anticipated to use the site.
  - b. All parking and maneuvering areas shall be screened gravel or better, constructed per Standard Drawing R100.
  - c. Parking spaces shall meet minimum and maximum *ZDO* section 1015 requirements, both in number and dimensions. The plans shall list the number of parking spaces required and the number of parking spaces provided. The applicant shall label all compact, carpool, handicap, and loading berth spaces on the plans. **Identify proposed parking spaces for the building on north parcel.**
  - d. All 90-degree parking spaces require a minimum of 24 feet of back up maneuvering room.
  - e. Loading spaces shall be provided and shall be afforded adequate maneuvering room.
  - f. The paths traced by the extremities of the anticipated large vehicles (garbage and recycling trucks, fire apparatus, delivery trucks), including off-tracking shall be shown on the site plan to insure adequate turning radii are provided for the large vehicles maneuvering on site.
  - g. An on-site turnaround, or through circulation which meets the requirements of the local Fire is required.
  - h. Applicant shall design and construct paved ADA parking spaces, as required by the Building Division, including a hard surface path to the building entrance.
  - i. If curbs are proposed they shall typically be type "C", or curb and gutter if curb line slope is less than one percent, if they carry, direct or channel surface water. Alternative curbs will be considered when it is determined by the Clackamas County Department of Transportation and Development that type "C" curbs or curb and gutter are not appropriate. Extruded curbs for carrying, directing or channeling surface water, or used as a vehicle wheel stop, shall not be allowed.
  - j. Applicant shall provide and implement a signing plan for on-site parking and circulation.
  - k. **STORM DRAINAGE:** Provide storm management plan for new impervious surface, per Roadway Standards Chapter 4.
5. Written approval from the Estacada Fire District #69 for the planned access, circulation and water source supply will be required.

P:\20658-EAGLE CREEK TIMBER\CAD\DD\PARTITION PLAN.DWG



LEGEND	
	PROJECT BOUNDARY
	EXISTING RIGHT OF WAY
	EXISTING RIGHT OF WAY CENTERLINE
	EXISTING LOT LINE
	PROPOSED LOT LINE
	PROPOSED SETBACK LINE
	PROPOSED BUILDING

SITE STATISTICS	
SITE ADDRESS	25720 SE EAGLE CREEK ROAD
PARCEL NUMBER	00927046
TAX MAP	3-4E-5
JURISDICTION	CITY OF EAGLE CREEK
NET SIZE	19.4 ACRES
EXISTING ZONING	RRFF-5
PROPOSED ZONING	RI

LOT 1 SETBACKS	
FRONT	30 FT
SIDE	0 FT
REAR	0 FT

LOT 2 SETBACKS	
FRONT	30 FT
SIDE	30 FT*
REAR	30 FT*

\* ADD 5 FT FOR EACH 10 FT INCREASE IN BUILDING HEIGHT OVER 35 FT.

PROPOSED LOTS DIMENSIONS	
LOT 1	628,259 SF (14.4 AC)
LOT 2	217,800 (5 AC)

PRELIMINARY

PUBLISH DATE  
2021-02-24  
ISSUED FOR  
LAND USE  
REVISIONS

EAGLE CREEK MASS TIMBER  
PARTITION PLAN  
25720 SE EAGLE CREEK ROAD  
EAGLE CREEK, OREGON

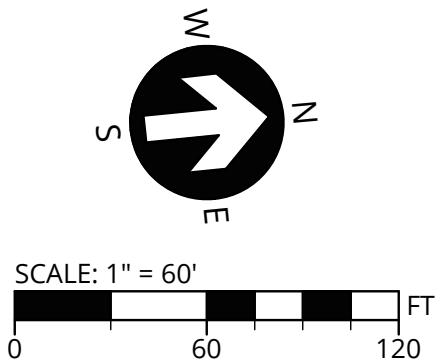
3J CONSULTING

CIVIL ENGINEERING  
WATER RESOURCES  
COMMUNITY PLANNING

9600 SW NIMBUS AVE., SUITE 100; BEAVERTON, OR 97008

PROJECT INFORMATION  
3J PROJECT # | 20658  
TAX LOT(S) | 34E05 04100  
LAND USE # | TBD  
DESIGNED BY | KMK  
CHECKED BY | BMO

SHEET NUMBER  
20155-21-M-2  
20156-21-CP; 20157-21-ZAP  
Page 407 of 747



Know what's below.  
Call before you dig.

20155-21-M-2

Exhibit 1  
C100



PORTION OF R. POSEY TRACT  
JOHN B. CHILES D.L.C.  
T3S, R4E.

40.0 ACRES

NYTHood Physcoop  
Coop. Trust

REGISTERED  
OREGON  
LAND SURVEYOR

*Walter E. Malone*

EXPIRATION DATE  
DECEMBER 31, 1996  
245

DEPT. OF THE  
LAND SURVEYOR  
ALBANY, N. Y.  
PAID

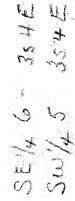
Mr. Hood Placed Co-op. Road

PRICE \$ 453  
SCALE 1" = 200'  
SEC. 5 T 3 S R 4 E W. M.  
Feb. 955

Exhibit 1  
CP; Z0157-21-ZAP  
Page 408 of 747



EGBERT, OLCOTT D.L.C.



**From:** Wonsley, Shelby <SWonsley@clackamas.us>  
**Sent:** Monday, March 29, 2021 10:51 AM  
**To:** Carlos Callava  
**Subject:** RE: Septic Statement of Feasibility Determination Request  
**Attachments:** Site Evaluation Guide 2020.pdf; SEPTIC APPLICATION 2019 FILLABLE.pdf; PLOT PLAN SOIL EVAL 2019.pdf; Notice Authorizing Representative Fillable.pdf; Septic Program Credit Card Authorization\_1120.pdf

Good morning,

Please see the attached application material to apply for a Site Evaluation. The test pits are required to be dug on the property before applying for the permit. The permit fee is \$835.00 and we are currently running 6-8 weeks out for inspection. The Site Evaluation will need to be approved before the partition can be approved.

Applications can be sent to [soilsconcern@clackamas.us](mailto:soilsconcern@clackamas.us) for processing.

Sincerely,

**Shelby Wonsley**

Permit Technician  
Septic & Onsite Wastewater Systems Program  
Department of Transportation & Development  
Clackamas County

---

**From:** Carlos Callava <[carlos.callava@3j-consulting.com](mailto:carlos.callava@3j-consulting.com)>  
**Sent:** Monday, March 29, 2021 9:58 AM  
**To:** Wonsley, Shelby <[SWonsley@clackamas.us](mailto:SWonsley@clackamas.us)>  
**Subject:** RE: Septic Statement of Feasibility Determination Request

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

---

Hi Shelby,

Thanks for your email. I think I understand. One question – how do we proceed with obtaining a new septic site evaluation for the southern lot? Does the site evaluation need to occur after the lots have been created resulting from the partition? Or can it happen before the lots are created? Essentially, my questions are how and when to obtain a site eval for the southerly lot.

Thanks for your helpfulness!

**Carlos Callava** | Planner | **3J Consulting**  
O: 503.946.9365 x.246

---

**From:** Wonsley, Shelby <[SWonsley@clackamas.us](mailto:SWonsley@clackamas.us)>  
**Sent:** Friday, March 26, 2021 2:24 PM  
**To:** Carlos Callava <[carlos.callava@3j-consulting.com](mailto:carlos.callava@3j-consulting.com)>  
**Subject:** RE: Septic Statement of Feasibility Determination Request

Hi Carlos,

We cannot sign off on the partition until a new septic Site Evaluation is approved for the southern lot created by the partition. Based on the notes we provided at the pre-app meeting the northern lot has septic approval from the 1980's, but not the southern lot. The feasibility form you have provided is something that is typically signed by the sewer provider. The approved Site Evaluations would be our version of the feasibility document you are wanting signed.

The short answer here is that we cannot approve this until each lot created by the partition has septic approval.

Sincerely,

**Shelby Wonsley**  
Permit Technician  
Septic & Onsite Wastewater Systems Program  
Department of Transportation & Development  
Clackamas County

---

**From:** Carlos Callava <[carlos.callava@3j-consulting.com](mailto:carlos.callava@3j-consulting.com)>  
**Sent:** Friday, March 26, 2021 9:26 AM  
**To:** SoilsConcern <[SoilsConcern@clackamas.us](mailto:SoilsConcern@clackamas.us)>  
**Subject:** Septic Statement of Feasibility Determination Request

Hello,

We are working with an applicant to rezone and partition a 19.4 acre parcel with an address of 25720 SE Eagle Creek Road in rural Clackamas County. The subject site has a parcel number of 00927046 and is located on Tax Map 3-4E-5.

The Planning Department of the County requires a statement of feasibility to be signed by the septic/surface water district for land use review. I've attached the required form.

Please note that no development is being proposed at this time, only the rezone from RRFF-5 to RI and partition into two separate lots. A different land use application will be required by the County at a subsequent stage for the project design review process. I've attached the site plan for the proposal for your reference.

Please let me know if you have any questions or require additional information.

Thank you,

**Carlos Callava** | Planner | **3J Consulting**

9600 SW Nimbus Ave, Suite 100 | Beaverton, OR 97008

O: 503.946.9365 x.246

[carlos.callava@3j-consulting.com](mailto:carlos.callava@3j-consulting.com)

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---

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

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06-S-90

06-S-90

06-S-90

(POSEY)

(R.R. FROM - ABOUT 100')

C.P.L. =  $S. 89^{\circ} 43' E$ , 1038.9'

To Cor. =  $N. 58^{\circ} 09' W$ , 1733.03' FROM 10" WELL

TIE =  $S. 89^{\circ} 42' W$

FENCE

10' FIRE BREAK RIDGE

24" DITCH (WATER 8'-DEEP)

2 BANK-ADDITION

10" PROPOSED WELL

PROPOSED 5 AC. POND (27,800')

(N. 89° 23' W.) 544.5'

PORTLAND TRACTION CO.  
FENCE

POLE # 214

STK. B.M.

ELV. 100.0' (MID)

53.43 53.43

0100

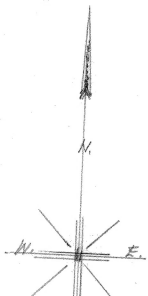
1/2

1/2

1/2

1/2

1/2



(JOHN B. CHILES D.L.C.)

PRELIMINARY SURVEY TO SHOW LEVELS, ETC.  
E.V. PRENTICE MACH. CO.  
IN. SEC. 5, T. 33, R. 4 E, W. 1 M.  
CLACKAMAS COUNTY, ORE.

SCALE 1" = 100' - REVISION 1955

BY FRANK D. TALBOT, PROFESSIONAL ENGINEER

NOV 6 1942

CLACKAMAS COUNTY, ORE.

CLACKAMAS COUNTY, ORE.

CLACKAMAS COUNTY, ORE.

20155-21-M; 20156-21-CP; 20157-21-ZAP

Page 414 of 747

Exhibit 1

11/1/56  
5 PRINTS TO  
PREN. MACH. CO.

(AREA = 826,975')

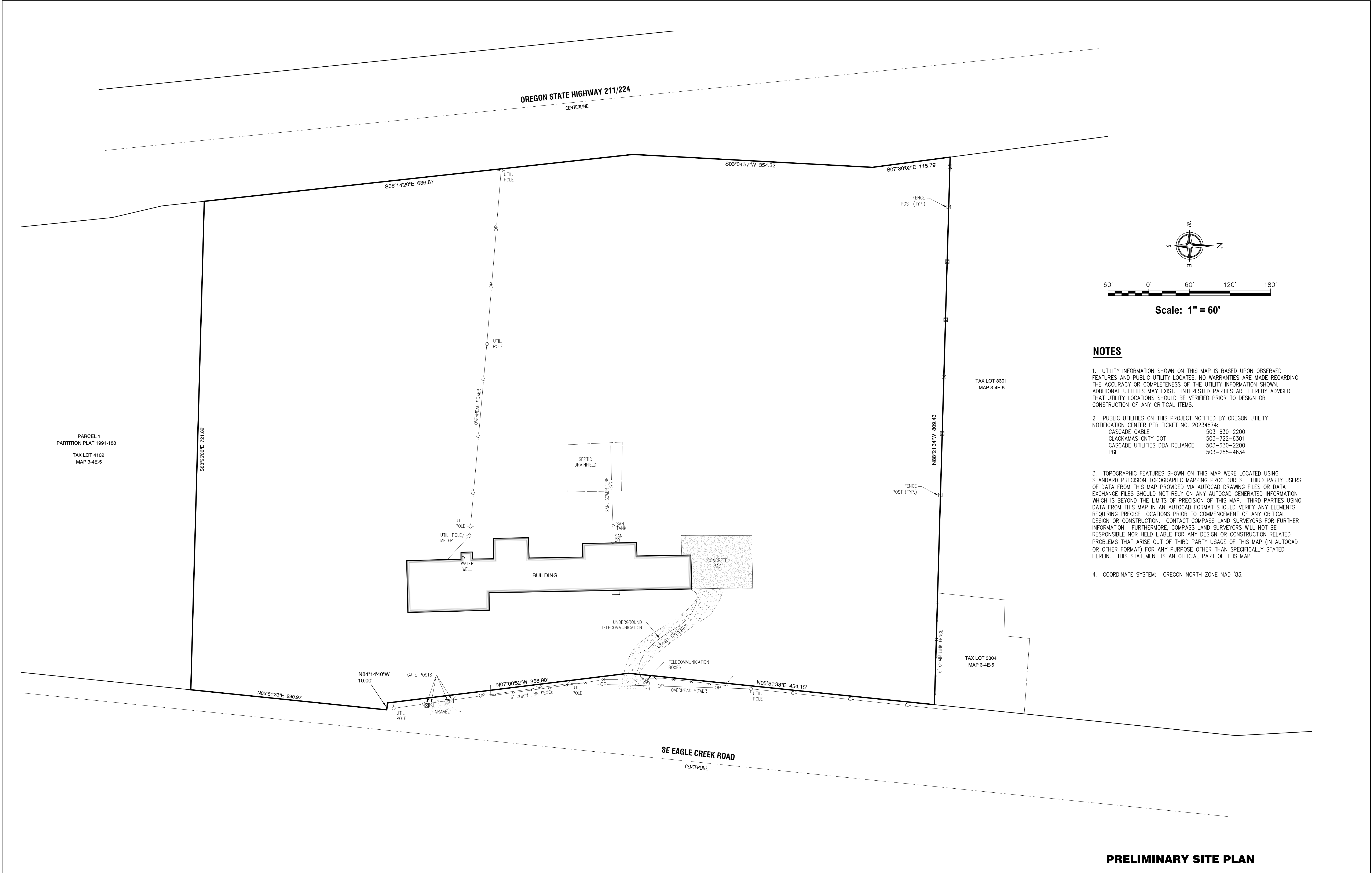
NOV 6 1942

CLACKAMAS COUNTY, ORE.

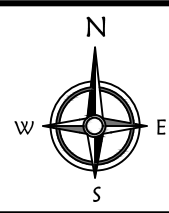
CLACKAMAS COUNTY, ORE.

CLACKAMAS COUNTY, ORE.





			DRAWN	MMM	CHECK	DH
			SCALE	1" = 60'	DATE	10/08/2020
DATE	NO.	REVISION	PLAN	6382 Prelim Site.dwg		

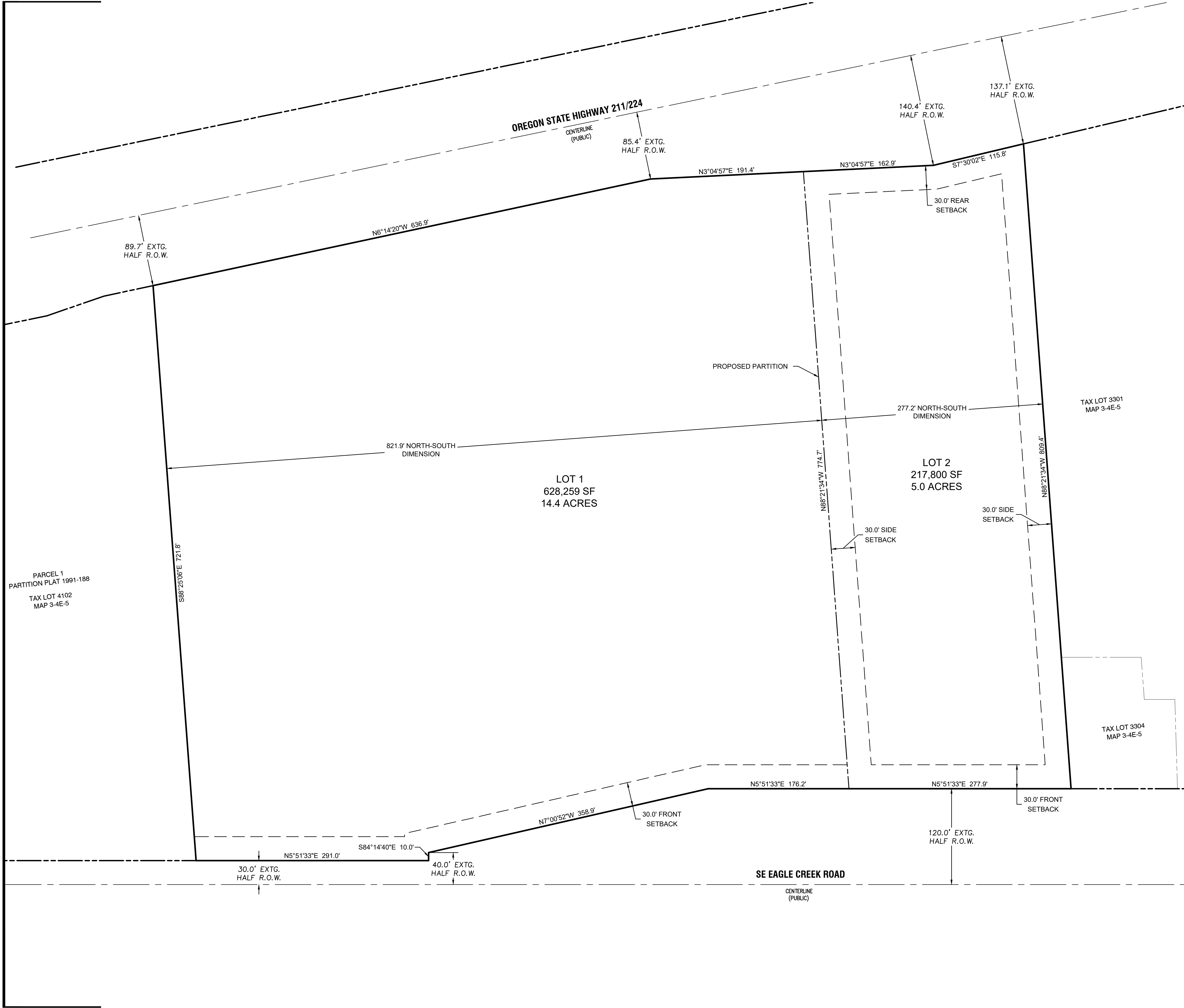


**COMPASS** Land Surveyors  
4107 SE International Way, Suite 705  
Milwaukie, Oregon 97222 503-653-9093

**CARPENTRY PLUS, INC.**  
37396 RUBEN LANE, UNIT D  
SANDY, OREGON 97055

**25720 SE EAGLE CREEK RD, EAGLE CREEK, OREGON**  
**TAX LOT 4100, MAP 3-4E-5**  
**CLACKAMAS COUNTY, OREGON**

P:\20658-EAGLE CREEK TIMBER\CAD\DD\20658-C040-TENTATIVE PLAT.DWG



LEGEND	
	PROJECT BOUNDARY
	EXISTING RIGHT OF WAY
	EXISTING RIGHT OF WAY CENTERLINE
	EXISTING LOT LINE
	PROPOSED LOT LINE
	PROPOSED SETBACK LINE

SITE STATISTICS	
SITE ADDRESS	25720 SE EAGLE CREEK ROAD
PARCEL NUMBER	00927046
TAX MAP	3-4E-5
JURISDICTION	CITY OF EAGLE CREEK
NET SIZE	19.4 ACRES
EXISTING ZONING	RRFF-5
PROPOSED ZONING	RI

LOT 1 SETBACKS	
FRONT	30 FT
SIDE	0 FT
REAR	0 FT

LOT 2 SETBACKS	
FRONT	30 FT
SIDE	30 FT*
REAR	30 FT*

\* ADD 5 FT FOR EACH 10 FT INCREASE IN BUILDING HEIGHT OVER 35 FT.

PROPOSED LOTS DIMENSIONS	
LOT 1	628,259 SF (14.4 AC)
LOT 2	217,800 (5 AC)

PRELIMINARY

PUBLISH DATE  
2021-04-06  
ISSUED FOR  
LAND USE  
REVISIONS

EAGLE CREEK MASS TIMBER  
PARTITION PLAN  
25720 SE EAGLE CREEK ROAD  
EAGLE CREEK, OREGON

3J CONSULTING

CIVIL ENGINEERING  
WATER RESOURCES  
COMMUNITY PLANNING

9600 SW NIMBUS AVE., SUITE 100; BEAVERTON, OR 97008

PROJECT INFORMATION	
3J PROJECT #	20658
TAX LOT(S)	34E05 04100
LAND USE #	TBD
DESIGNED BY	KMK
CHECKED BY	BMO

SHEET NUMBER  
**C040**  
156-21-CP; 20157-21-ZAP  
Page 416 of 747

SCALE: 1" = 60'

0 60 120

Know what's below.  
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lancaster  
**mabley**

## Eagle Creek Zone Change

### Transportation Impact Study Eagle Creek, Oregon

Date:  
October 16, 2020

Prepared for:  
Russ Brotnov, Carpentry Plus, Inc.

Prepared by:  
Melissa Webb, PE  
Daniel Stumpf, PE

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## Appendix B

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## Executive Summary

1. The proposed project involves the change in zoning of a property, from *Rural Residential Farm Forest 5-Acre* (RRFF-5) to *Rural Industrial* (RI), located at 25720 SE Eagle Creek Road in unincorporated Clackamas County, Oregon.
2. The trip generation calculations show that under the existing RRFF-5 zone, the subject site could reasonably generate up to 2 morning peak hour trips, 3 evening peak hour trips, and 28 average weekday trips. Under the proposed RI zone, the site could reasonably generate up to 28 morning peak hour trips, 25 evening peak hour trips, and 198 average weekday trips. Accordingly, the net change in trip generation potential of the site after the proposed rezone is projected to increase by 26 morning peak hour trips, 22 evening peak hour trips, and 170 average weekday trips.
3. No significant trends or crash patterns were identified at any of the study intersections that are indicative of safety concerns. Accordingly, no safety mitigation is recommended per the crash data analysis.
4. Adequate sight distance is available at the site access to ensure safe and efficient operation of the access intersection.
5. Left-turn lane warrants are not projected to be met at the study intersections under any of the analysis scenarios.
6. Due to insufficient main and side street traffic volumes, traffic signal warrants are not projected to be met at the study intersections under any of the analysis scenarios.
7. All study intersections are currently operating acceptably per Clackamas County standards and are projected to continue operating acceptably through the 2035 planning horizon, regardless of the potential increase in site trip generation upon rezoning the site or with the potential closure of skewed intersection leg of SE Riverside Way at SE Eagle Creek Road. No operational mitigation is necessary or recommended at these intersections.
8. Based on an examination of safety and operation following the potential closure of the skewed segment of SE Riverside Way that intersects SE Eagle Creek Road, all study intersections are projected to operate within acceptable levels of capacity. Potential 95<sup>th</sup> percentile queues at the study intersections are not expected to extend back to or impede turning movements at adjacent study intersections along SE Eagle Creek Road. Regarding safety, southbound egressing heavy vehicles (i.e. semi-trucks) may need to encroach on the northbound travel lane in order to conduct the turning movement.
9. The proposed zone change will not degrade the performance of any existing or planned transportation facility below acceptable jurisdictional standards. Accordingly, the Transportation Planning Rule is satisfied.

# Project Description

## Introduction

The proposed project involves the change in zoning of a property, from *Rural Residential Farm Forest 5-Acre* (RRFF-5) to *Rural Industrial* (RI), located at 25720 SE Eagle Creek Road in unincorporated Clackamas County, Oregon.

Based on correspondence with Clackamas County staff, this report includes safety and capacity/level of service analyses at the following intersections:

1. Existing site access along SE Riverside Way (potential site access location);
2. SE Eagle Creek Road at SE Eagle Cliff Lane; and
3. SE Riverside Way at SE Eagle Creek Road.

The report includes an analysis of traffic conditions under existing conditions and at the 2035 planning horizon, with and without the proposed zone change. The report also includes analyses that addresses the Transportation Planning Rule (TPR).

The purpose of this study is to determine whether the transportation system within the vicinity of the site is capable of safely and efficiently supporting the proposed change in zoning and to determine any mitigation that may be necessary to do so. Detailed information on traffic counts, trip generation calculations, safety analyses, and level of service calculations are included in the appendix to this report.

## Location Description

The project site is located east of Highway 224 and west of SE Eagle Creek Road, outside of the Urban Growth Boundary in Clackamas County, Oregon. The site includes one tax lot (lot 34E0501400), which encompasses an approximate total of 18.02 acres. The lot has one driveway located along SE Riverside Way, which connects to SE Eagle Creek Road. Figure 1 presents an aerial image of the nearby vicinity with the subject property outlined in yellow.





Figure 1: Project Location (image from Google Earth)

**Vicinity Streets**

The proposed development is expected to impact three roadways near the site. Table 1 provides a description of each of the vicinity roadways.

**Table 1: Vicinity Roadway Descriptions**

Street Name	Functional Classification	Cross-Section	Speed (MPH)	Curbs & Sidewalks	On-Street Parking	Bicycle Facilities
SE Eagle Creek Road	Minor Arterial	2 Lanes	55 (Statutory)	None	None	None
SE Riverside Way	Local Road	2 Lanes	25 (Statutory)	None	None	None
SE Eagle Cliff Lane	Local Road	2 Lanes	10 (Posted)	None	None	None

Table Notes: Functional Classification provided by the Clackamas County Transportation System Plan (December 2013)



## Study Intersections

Based on coordination with Clackamas County staff, three intersections were identified for analysis. A summarized description of the study intersections is provided in Table 2.

**Table 2: Study Intersection Descriptions**

Number	Intersection	Geometry	Traffic Control	Phasing/Stopped Approaches
1	Site Access at SE Riverside Way	Four-Legged	None	All Approaches Operate Under Yield Control
2	SE Eagle Creek Road at SE Eagle Cliff Lane	Four-Legged	Stop-Controlled	WB Stop-Controlled, EB Approach Operates Under Stop Control
3	SE Riverside Way at SE Eagle Creek Road	Four-Legged	Stop-Controlled	EB/WB Stop-Controlled

## Transit

The project site is located near one transit line that has stops within a quarter-mile walking/biking distance from the site.

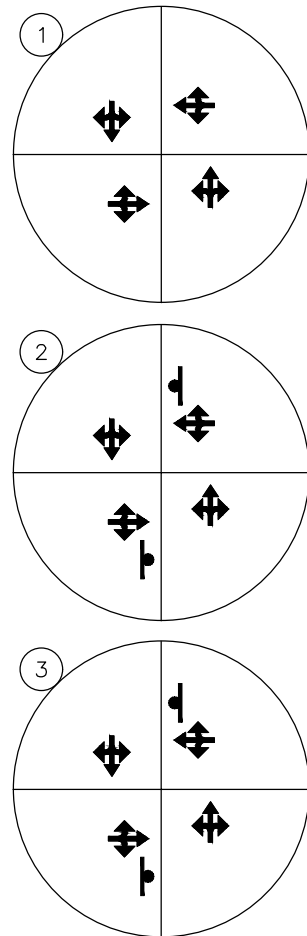
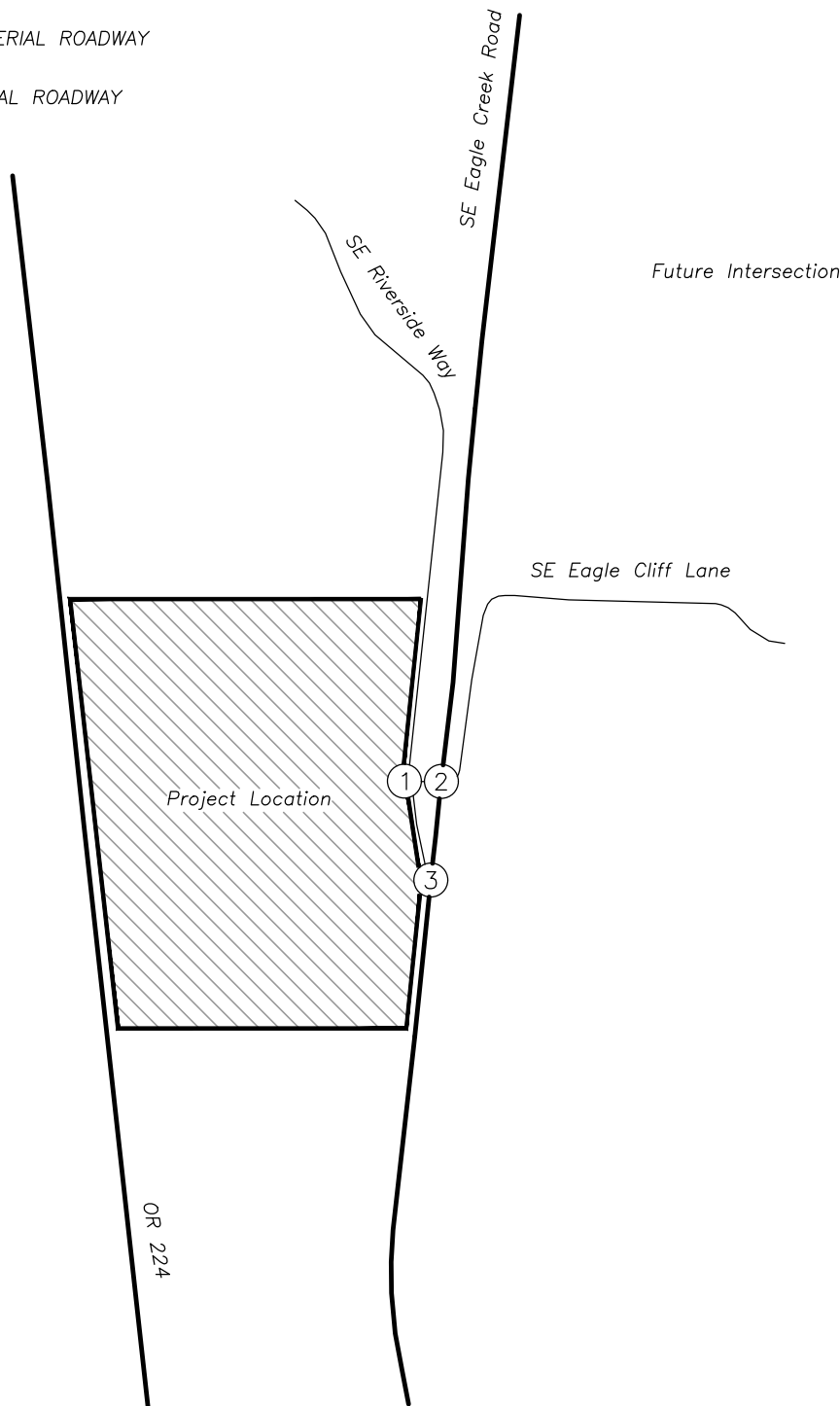
TriMet bus line #30 – *Estacada* provides service between Estacada and Clackamas Town Center along SE Eagle Creek Road, Highway 224, Highway 212, and 82<sup>nd</sup> Drive. On weekdays, line 30 also provides one morning rush-hour trip to Milwaukie, which continues to Portland City Center, and one evening rush-hour trip from Portland City Center to Milwaukie, which then continues to Estacada.

The nearest stops to the site are located near the intersection of SE Riverside Way at SE Eagle Creek Road. Weekday service is scheduled from approximately 4:30 AM to 9:20 PM and has headways of approximately 30 to 60 minutes. Weekend service is scheduled from approximately 8:30 AM to 7:20 PM and has headways of approximately 60 to 70 minutes.

A vicinity map showing the project site, vicinity streets, and study intersection configurations is shown in Figure 2.

LEGEND

- STUDY INTERSECTION
- └ STOP SIGN/APPROACH
- ▨ PROJECT SITE
- ARTERIAL ROADWAY
- LOCAL ROADWAY



## Site Trips

The subject site is currently zoned as *Rural Residential Farm Forest 5-Acre* (RRFF-5) and is proposed for a change in zoning to *Rural Industrial* (RI). To determine the potential impacts of the proposed change in zoning, reasonable “worst-case” development scenarios for the existing and proposed zones were determined utilizing data for the most traffic-intensive uses permitted within each zone.

### Trip Generation – Proposed Zone Change

#### Existing RRFF-5 Zone

To determine the reasonable “worst-case” development scenario under the existing zoning, Clackamas County Zoning and Development Ordinance Section 316 was referenced and compared to land uses provided within the *Trip Generation Manual*<sup>1</sup>. Based on an assessment of permitted uses under the RRFF-5 zone, data from land use code 210, *Single-Family Detached Housing*, was used based on the number of dwelling units.

Upon inspection of Table 316-2: *Dimensional Standards in the Rural Residential and Future Urban Residential Zoning Districts*, the RRFF-5 zone has a minimum average lot size of five acres for all lots or parcels in a subdivision.

Since the subject site encompasses approximately 18 acres, it is assumed the worst-case trip generation under this zone would be generated by three single-family homes.

#### Proposed RI Zone

To determine the reasonable “worst-case” development scenario under the proposed zoning, Clackamas County Zoning and Development Code Section 604 was referenced and compared to land uses provided within the *Trip Generation Manual*. Based on an assessment of permitted uses under the RI zone, data from land use 110, *General Light Industrial*, was used based on the gross floor area of the building.

Per Table 604-2 – *Dimensional Standards in the RI District*, there is no minimum lot size for the zone, but the maximum building floor space per “Industrial Use in an Unincorporated Community” is 40,000 square feet. A building this size could reasonably fit on the 18.02-acre parcel, and allow space for landscaping, setbacks, parking, etc.

#### Analysis Results

The trip generation calculations show that under the existing RRFF-5 zone, the subject site could reasonably generate up to 2 morning peak hour trips, 3 evening peak hour trips, and 28 average weekday trips. Under the proposed RI zone, the site could reasonably generate up to 28 morning peak hour trips, 25 evening peak hour trips, and 198 average weekday trips. Accordingly, the net change in trip generation potential of the site after the proposed rezone is projected to increase by 26 morning peak hour trips, 22 evening peak hour trips, and 170 average weekday trips.

The trip generation estimates are summarized in

Table 3. Detailed trip generation calculations are included in the attached technical appendix (see Appendix B).

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<sup>1</sup> Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 10<sup>th</sup> Edition, 2017.

Table 3: Trip Comparison Summary

Land Use	ITE Code	Size/Rate	Morning Peak Hour			Evening Peak Hour			Weekday
			In	Out	Total	In	Out	Total	Total
<u>Existing RRFF-5 Zone</u>									
Single-Family Detached Housing	210	3 units	1	1	2	2	1	3	28
<u>Proposed RI Zone</u>									
General Light Industrial	110	40,000 SF	25	3	28	3	22	25	198
Net New Site Trips			24	2	26	1	21	22	170

## Trip Distribution

The directional distribution of site trips to and from the proposed project site was estimated based on locations of likely trip origins and destinations, locations of major transportation facilities in the site vicinity, and existing travel patterns at the study intersections. The following trip distribution was estimated and used for analysis:

- Approximately 60 percent of site trips will travel to/from the north along SE Eagle Creek Road
- Approximately 40 percent of site trips will travel to/from the south along SE Eagle Creek Road

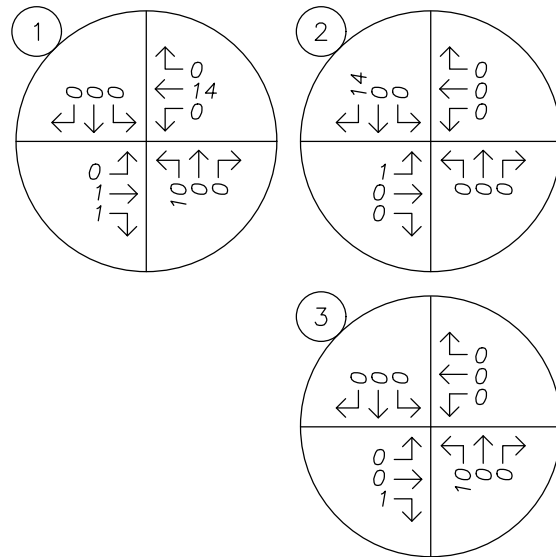
The trip distribution and assignment for the total site trips generated during the morning and evening peak hours is shown in Figure 3.

# LEGEND

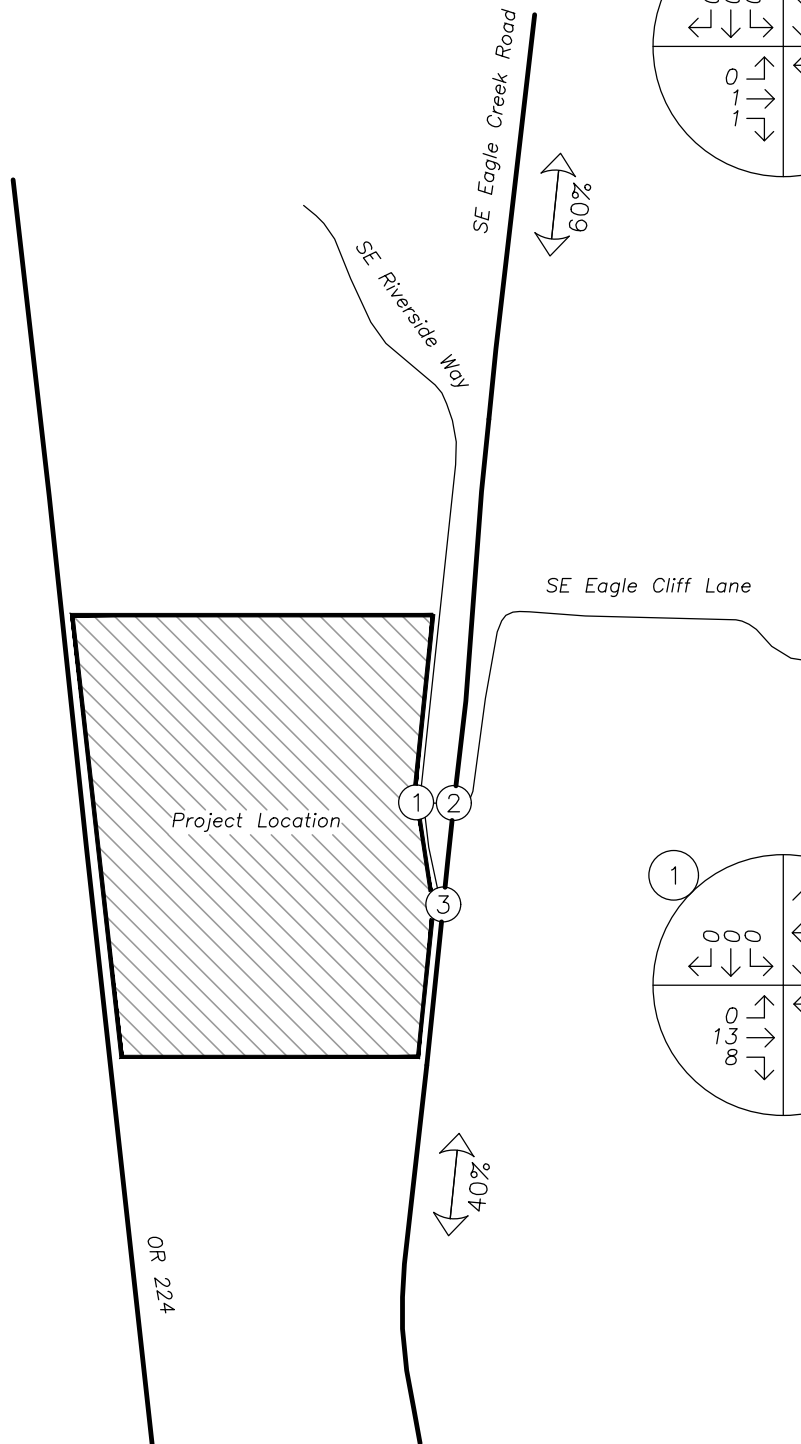
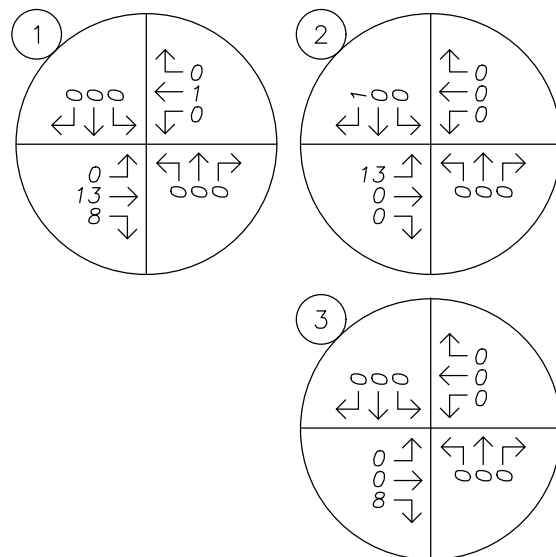
XX%  
PERCENT OF PROJECT TRIPS

TRIP GENERATION			
	IN	OUT	TOTAL
AM	24	2	26
PM	1	21	22

AM PEAK HOUR



PM PEAK HOUR



no scale



## Traffic Volumes

### Existing Conditions

Due to the ongoing COVID-19 pandemic, traffic volumes throughout Clackamas County have been depressed significantly relative to normal conditions. With guidance from Clackamas County staff, a method for data collection and adjusting traffic counts to account for the influence of COVID-19 was determined. The following methodology was used for collecting and adjusting traffic counts to estimate traffic conditions at the study intersections without the influence of COVID-19:

- Existing Counts: Traffic counts were conducted at the study intersections along SE Eagle Creek Road on Tuesday, October 6<sup>th</sup>, 2020, from 7:00 AM to 9:00 AM and from 4:00 PM to 6:00 PM. Data was used from each intersection's respective morning and evening peak hours. Additionally, 24-hour tube counts were collected along SE Eagle Creek Road at a location just south of SE Wildcat Mountain Road, where Clackamas County collects average daily traffic (ADT) counts (the last count year was 2018). The 24-hour tube counts were collected on Wednesday, October 7<sup>th</sup>, 2020.
- COVID-19 Adjustment Factor: A COVID-19 adjustment factor was calculated by first growing the historical 2018 ADT counts to reflect year 2020 traffic conditions without the influence of COVID-19 by applying a two percent per year compounded growth factor to the counts over a two-year period. Based on the difference between the grown ADT and the 24-hour tube counts collected, an adjustment factor will be calculated. This factor is intended to estimate normal traffic conditions without impacts from the COVID-19 virus (i.e. normal commuter patterns, businesses and schools open, etc). A COVID-19 adjustment factor of 1.16 was calculated and applied to the peak period intersection counts as a whole.

Traffic volumes at for the site access intersection (intersection 1 on the vicinity map) were estimated by assuming a combination of existing site trip generation and volume balancing with the other two study intersections along SE Eagle Creek Road. Existing traffic volumes traveling to/from the site were determined by assuming site trip generation would approximately match trip generation associated within the reasonable worst-case development scenario under the existing RRFF-5 zone (refer to the *Site Trips* section of this report). All site trips were assumed to travel to/from SE Eagle Creek Road. Traffic volumes along SE Riverside Way were subsequently balanced with the study intersections along SE Eagle Creek Road.

Figure 4 shows the existing COVID-19-adjusted traffic volumes at the study intersections during the morning and evening peak hours.



## Year 2035 Planning Horizon Conditions

To provide analysis of the impact of the proposed change in zoning on the nearby transportation facilities, an estimate of future traffic volumes is required. A growth rate must be applied to recorded and adjusted traffic volumes in order to calculate future volumes. Based on input from Clackamas County staff, a linear growth rate of two percent per year was applied to the COVID-19-adjusted volumes over a 15-year period to determine year 2035 planning horizon volumes.

**Error! Reference source not found.** shows the projected year 2035 planning horizon volumes during the morning and evening peak hours.

## Year 2035 Planning Horizon with Zone Change Conditions

The net change in the peak hour trip generation potential of the site, as calculated within the *Site Trips* section, were added to the projected year 2035 planning horizon traffic volumes to obtain the expected 2035 planning horizon volumes with the zone change implemented.

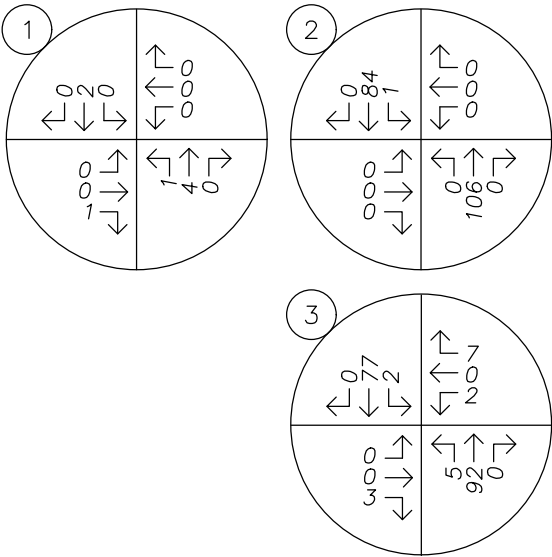
Figure 6 shows year 2035 planning horizon plus zone change traffic volumes for the morning and evening peak hours, which includes site trips generated by the proposed zone change.

## Year 2035 Planning Horizon with Zone Change Conditions & Road Closure

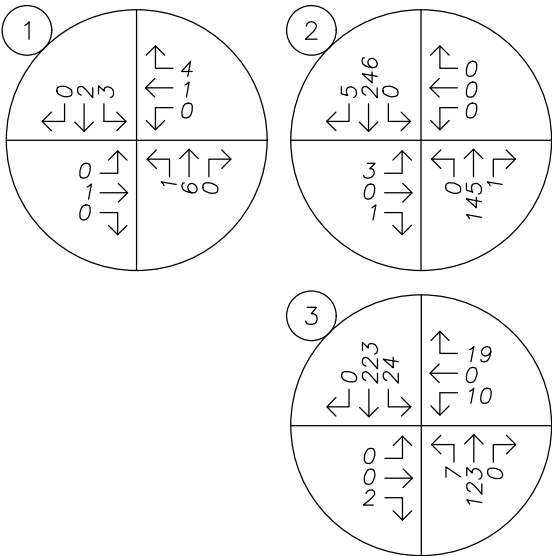
Clackamas County staff have indicated the skewed segment of SE Riverside Way that intersects SE Eagle Creek Road (intersection 3) does not meet current standards and closure of the segment will be required following development of the site. Accordingly, traffic volumes utilizing the skewed segment of SE Riverside Way under the year 2035 planning horizon with the zone change implemented were rerouted north to the adjacent intersection (intersection 2)

Figure 7 shows year 2035 planning horizon plus zone change traffic volumes for the morning and evening peak hours assuming that the skewed approach of SE Riverside Way at SE Eagle Creek Road is closed.

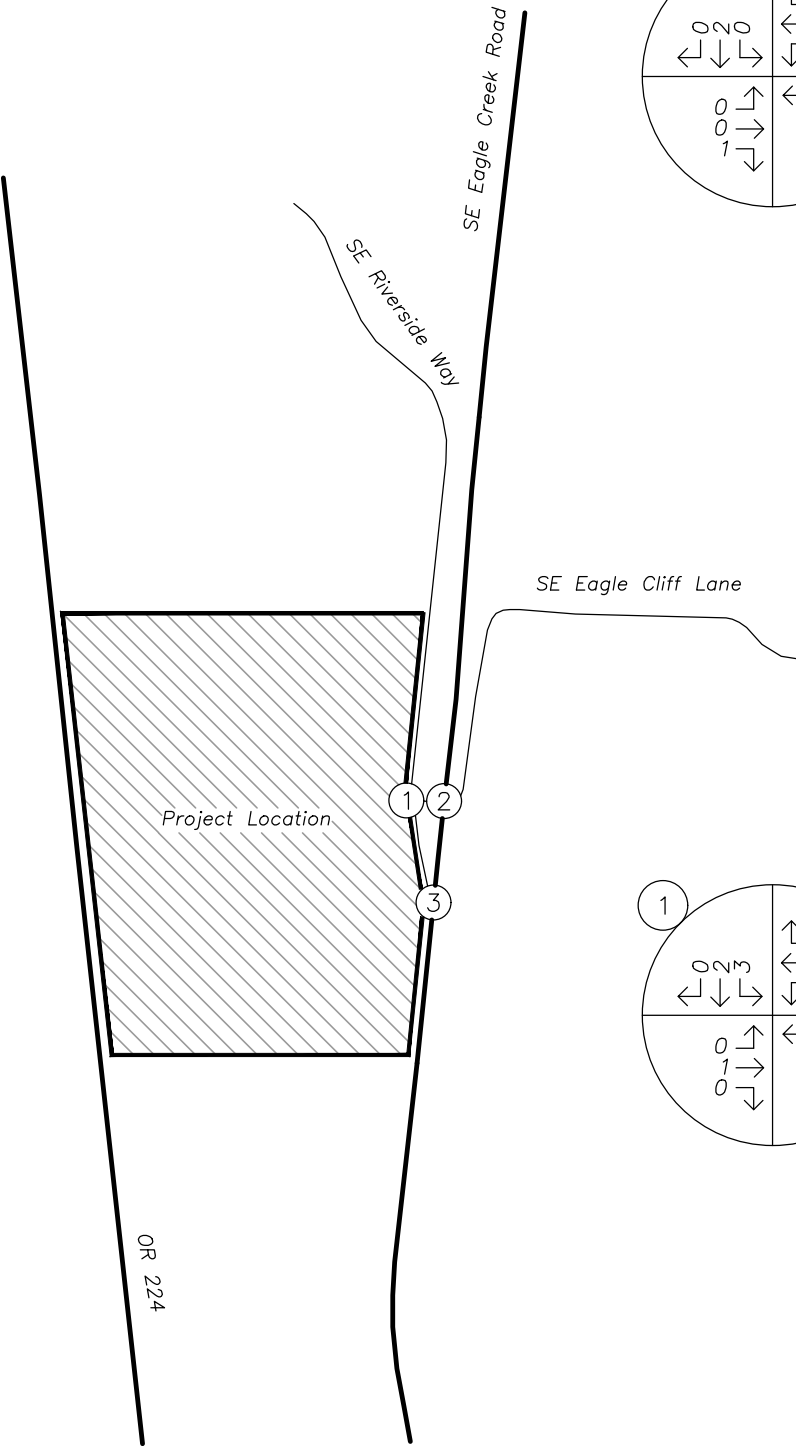
AM PEAK HOUR



PM PEAK HOUR

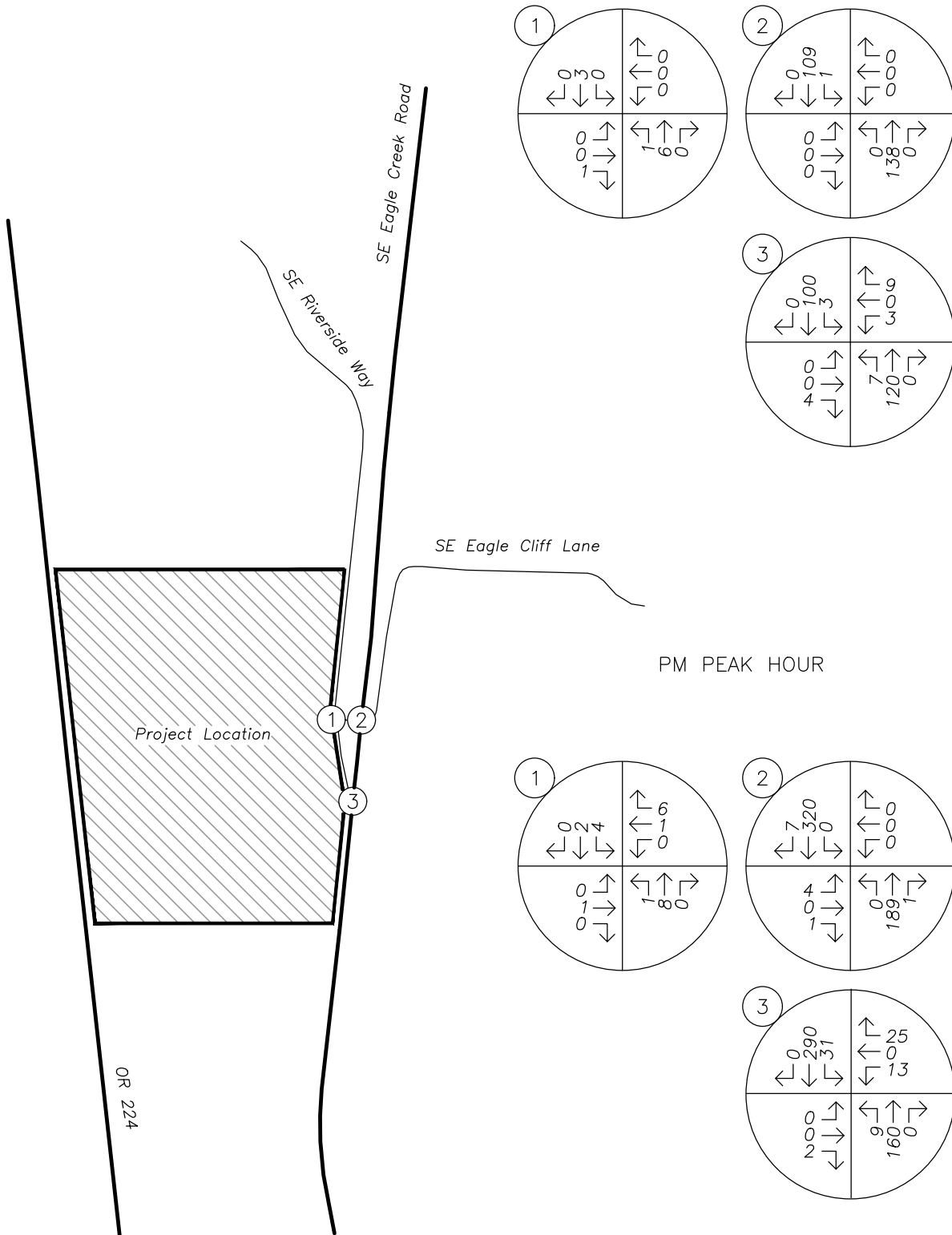


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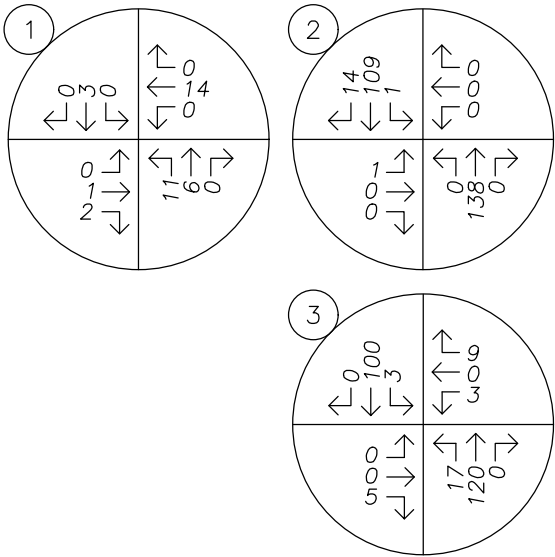


GROWTH RATE: 2.0 PERCENT PER YEAR LINEAR

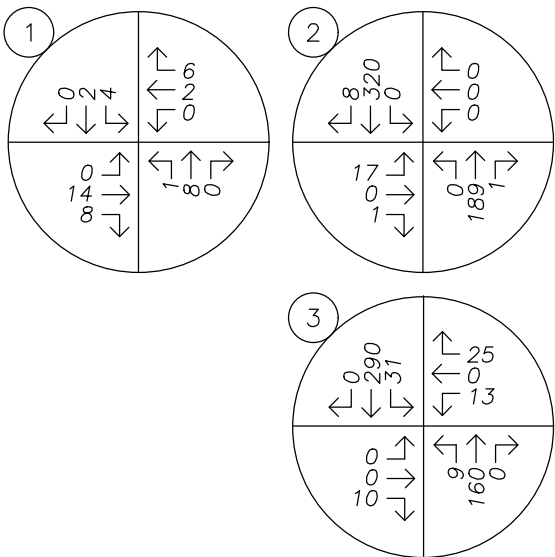
AM PEAK HOUR



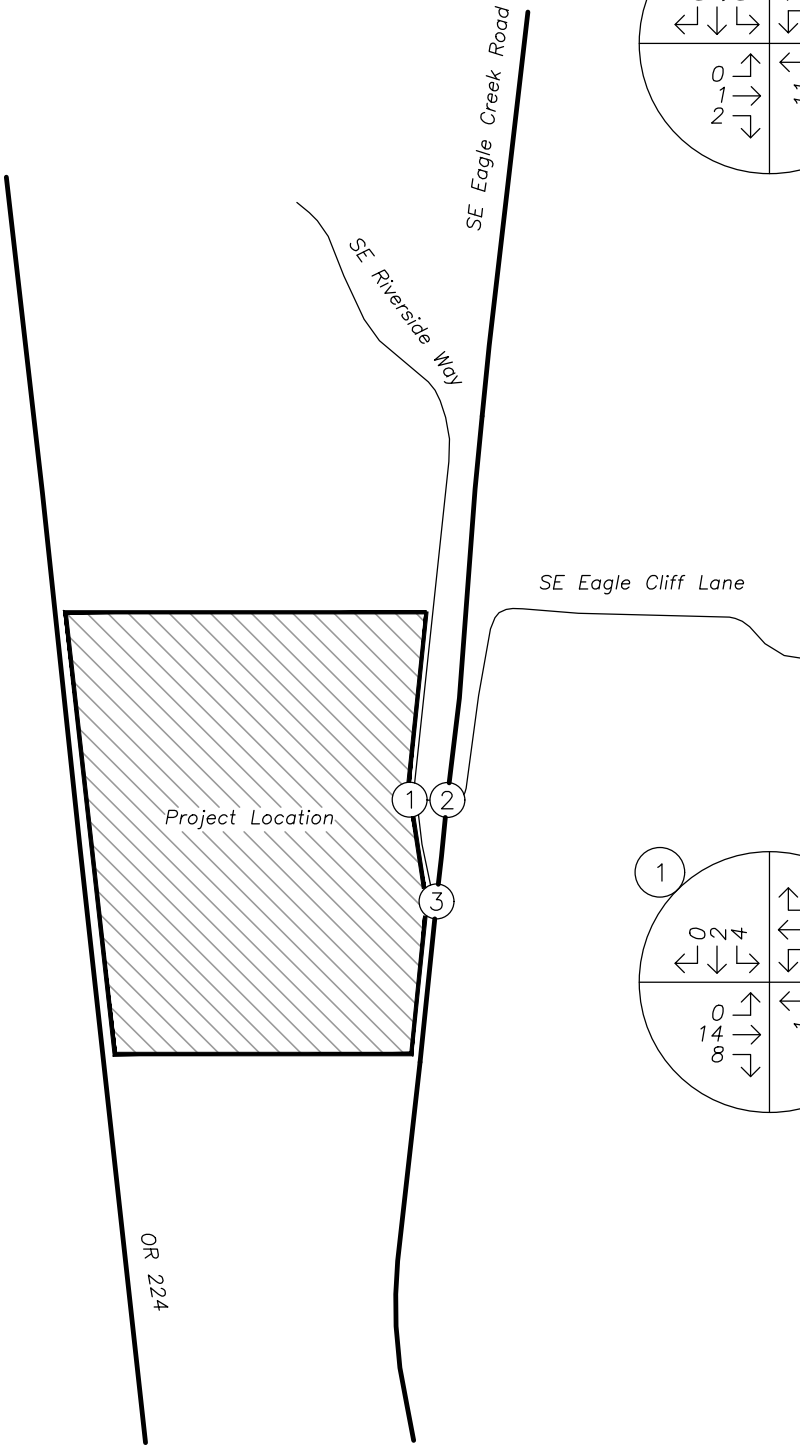
AM PEAK HOUR



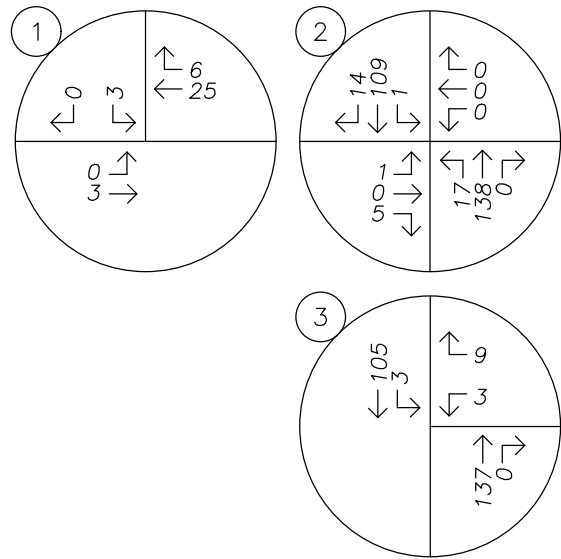
PM PEAK HOUR



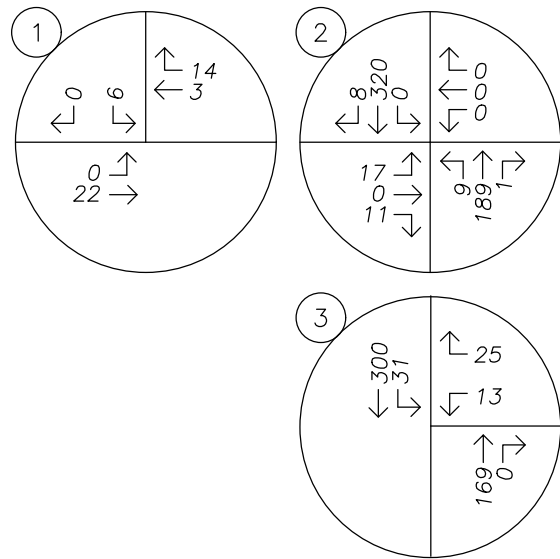
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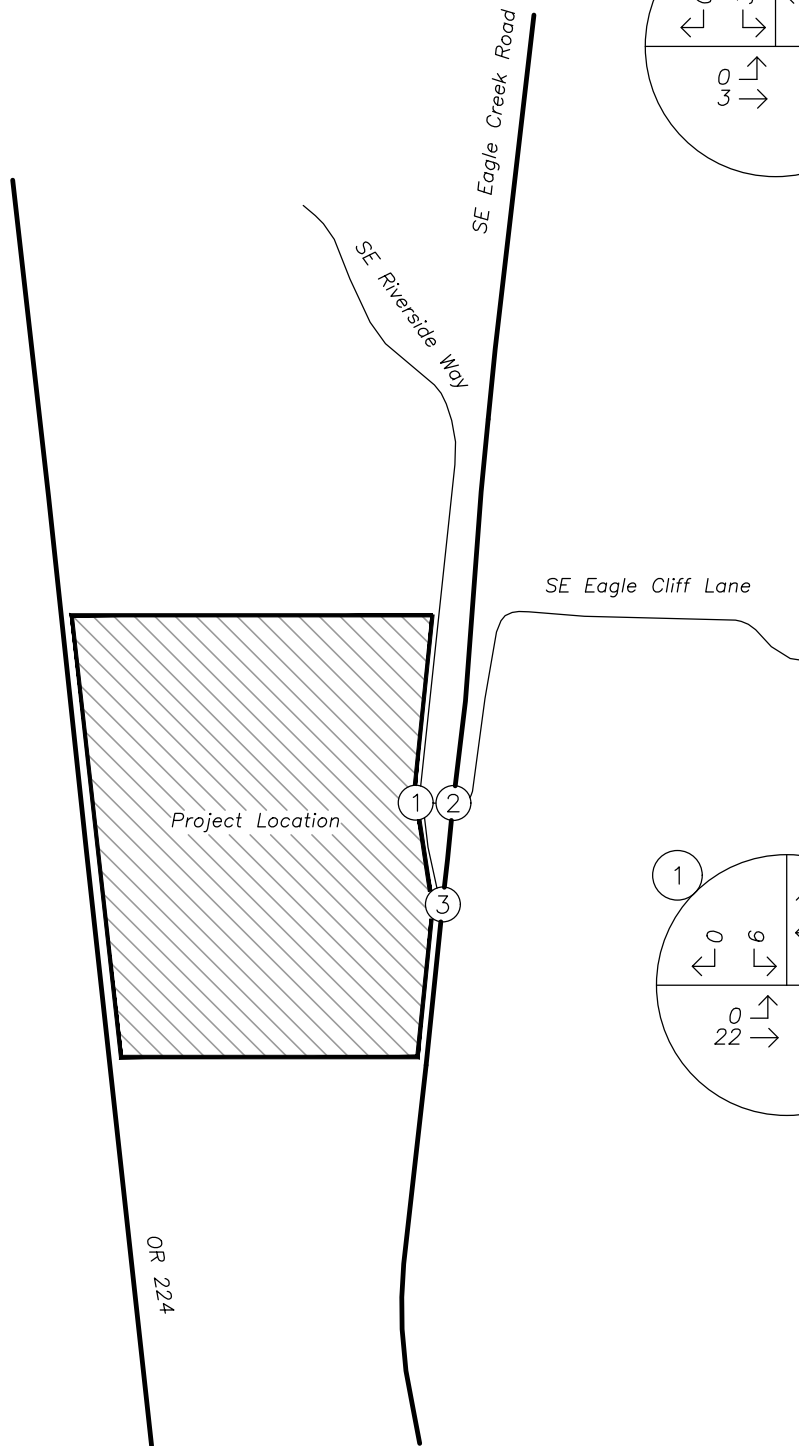
AM PEAK HOUR



PM PEAK HOUR



no scale



# Safety Analysis

## Crash History Review

Using data obtained from ODOT's Crash Data System, a review of approximately five years of the most recent available crash history (January 2014 through December 2018) was performed at the study intersections. The crash data was evaluated based on the number of crashes, the type of collisions, and the severity of the collisions.

Based on a review of available crash data, there were no reported crashes at the study intersections during the analysis period. Accordingly, no significant trends or crash patterns were identified at any of the study intersections that are indicative of safety concerns. No safety mitigation is recommended per the crash data analysis.

## Sight Distance Evaluation

Sight distances were measured and evaluated at the proposed site access location along SE Riverside Way in accordance with the standards established in *A Policy on Geometric Design of Highways and Streets*<sup>2</sup> as well as per *Clackamas County Roadway Standards*. According to AASHTO, the driver's eye is assumed to be 14.5 feet from the near edge of the nearest travel lane of the intersecting street and at a height of 3.5 feet above the minor street approach pavement. The driver's eye height along the major-street approach is assumed to be 3.5 feet above the cross-street pavement.

Based on the statutory speed of 25 mph along SE Riverside Way, the minimum recommended intersection sight distance is 280 feet to the north and south of the proposed access. The intersection sight distances to the north of the proposed access along SE Riverside Way were measured to be in excess of 300 feet. To the south, sight distances were measured back to the intersection with SE Eagle Creek Road.

Based on the above measurements, adequate sight distance is available at the site access to ensure safe and efficient operation of the access intersection.

## Vehicle and Truck Circulation

At the direction of Clackamas County staff, a turning movement analysis was conducted to demonstrate expected vehicle types traveling to/from the site can safely and efficiently access the property. The turning movement analysis was conducted using AutoTurn software and referencing an AASHTO "WB-67" design vehicle. The "WB-67" design vehicle is considered one of the larger tractor-trailer style commercial vehicles currently on the transportation system and which may potentially access the site. Diagrams depicting analysis scenarios are included within the appendix to this report and are listed below:

- Figure A – Skewed SE Riverside Way Segment - Ingress from South;
- Figure B – Skewed SE Riverside Way Segment – Egress to South;

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<sup>2</sup> American Association of State Highway and Transportation Officials (AASHTO), *A Policy on Geometric Design of Highways and Streets*, 6<sup>th</sup> Edition, 2011.

- Figure C – SE Riverside Way opposite SE Eagle Cliff Lane - Ingress from North;
- Figure D – SE Riverside Way opposite SE Eagle Cliff Lane - Egress to North;
- Figure E – SE Riverside Way opposite SE Eagle Cliff Lane - Ingress from South;
- Figure F – SE Riverside Way opposite SE Eagle Cliff Lane - Egress to South.

Based on the turning movement analysis (see Appendix D for figures), no issues were found for Figures A through E. Regarding Figure F, in order for the design vehicle to conduct a right-turn onto southbound SE Eagle Creek Road without colliding into a stop sign/mailboxes on the southwestern corner of the intersection, the vehicle would need to encroach onto the northbound travel lane to conduct a wide turning maneuver.

## Warrant Analysis

Left-turn lane and traffic signal warrants were evaluated for the intersection of SE Eagle Creek Road at SE Eagle Cliff Lane under the 2035 planning horizon with the zone change implemented and the skewed segment of SE Riverside Way closed. Assuming the closure of the SE Riverside Way segment occurs, all traffic from the skewed segment will reroute through the intersection of SE Eagle Creek Road at SE Eagle Cliff Lane. Therefore, if warrants are not met at this intersection under this scenario, it's expected warrants will not be met at the other study intersections, or this intersection, under any of the other analysis scenarios.

### Left-Turn Lane Warrants

A left-turn refuge lane is primarily a safety consideration for the major-street, removing left-turn vehicles from the through traffic stream. The left-turn lane warrants used were developed from the *National Cooperative Highway Research Project's (NCHRP) Report 457*. Turn lane warrants were evaluated based on the number of advancing and opposing vehicles as well as the number of turning vehicles, the travel speed, and the number of through lanes.

Due to insufficient main and side street traffic volumes, left-turn lane warrants are not projected to be met at the study intersection of SE Eagle Creek Road at SE Eagle Cliff Lane under any of the analysis scenarios.

### Preliminary Traffic Signal Warrants

Preliminary traffic signal warrants were examined for the unsignalized, stop-controlled study intersection of SE Eagle Creek Road at SE Eagle Cliff Lane to determine whether the installation of a new traffic signal will be warranted at the intersection. Due to insufficient main and side street traffic volumes, traffic signal warrants are not projected to be met at the study intersection under any of the analysis scenarios.

Detailed warrant analyses for each applicable study intersection are included in the technical appendix to this report (see Appendix E).



## Operational Analysis

### Intersection Capacity Analysis

A capacity and delay analysis were conducted for each of the study intersections per the unsignalized intersection analysis methodologies in the *Highway Capacity Manual* (HCM)<sup>3</sup>. Intersections are generally evaluated based on the average control delay experienced by vehicles and are assigned a grade according to their operation. The level of service (LOS) of an intersection can range from LOS A, which indicates very little or no delay experienced by vehicles, to LOS F, which indicates a high degree of congestion and delay. The volume-to-capacity (v/c) ratio is a measure that compares the traffic volumes (demand) against the available capacity of an intersection.

### Performance Standards

For county roadways and intersections outside of cities in rural areas, the *Clackamas County Comprehensive Plan*<sup>4</sup> Table 5-2b specifies that road segments and unsignalized intersections shall operate at a LOS E or better.

### Delay & Capacity Analysis

Although the site access intersection at SE Riverside Way operates under yield control, the HCM 6<sup>th</sup> Edition methodology, utilizing TrafficWare (Synchro) software does not report operation of this type of intersection control. Therefore, the intersection was modeled assuming operation under all-way stop-controls.

The LOS, delay, and v/c results of the capacity analysis are shown in Table 4 for the morning and evening peak hours. Detailed calculations as well as tables showing the relationship between delay and LOS are included in the appendix to this report (see Appendix F).

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<sup>3</sup> Transportation Research Board, *Highway Capacity Manual 6<sup>th</sup> Edition*, 2016.

<sup>4</sup> Clackamas County, *Clackamas County Comprehensive Plan*, January 18, 2017

Table 4: Capacity Analysis Summary

Intersection & Condition	AM Peak Hour			PM Peak Hour		
	LOS	Delay (s)	V/C	LOS	Delay (s)	V/C
<b>1. Site Access at SE Riverside Way</b>						
2020 Existing Conditions	A	7	<0.01	A	7	0.01
2035 Planning Horizon Conditions	A	7	0.01	A	7	0.01
2035 Planning Horizon plus Zone Change Conditions	A	7	0.02	A	7	0.03
<b>2. SE Eagle Creek Road at SE Eagle Cliff Lane</b>						
2020 Existing Conditions	A	10	<0.01	B	12	0.01
2035 Planning Horizon Conditions	B	10	<0.01	B	13	0.02
2035 Planning Horizon plus Zone Change Conditions	B	10	<0.01	B	14	0.05
<b>3. SE Riverside Way at SE Eagle Creek Road</b>						
2020 Existing Conditions	A	9	0.02	B	11	0.05
2035 Planning Horizon Conditions	A	10	0.02	B	12	0.07
2035 Planning Horizon plus Zone Change Conditions	A	10	0.02	B	11	0.07

Table Notes:

All study intersections are currently operating acceptably per Clackamas County standards and are projected to continue operating acceptably through the 2035 planning horizon, regardless of the potential increase in site trip generation upon rezoning the site. No operational mitigation is necessary or recommended at these intersections.

## Safety and Operation Following Roadway Closure

The intersection of SE Riverside Way at SE Eagle Creek Road is currently a four-legged intersection with the eastbound leg being skewed and oriented to run parallel to SE Eagle Creek Road. Clackamas County staff has indicated that the existing skew does not meet current standards and that with future development of the proposed site, closure of the eastbound approach of SE Riverside Way will be required.

### Safety

As shown in the *Vehicle and Truck Circulation* section, the skewed SE Riverside Way segment can serve ingress and egress truck traffic when traveling to/from the south. Trucks cannot conduct these types of turning movements at this intersection to/from the north; however, this turning movement can occur at the intersection of SE Eagle Creek Road at SE Eagle Cliff Lane.

If the skewed segment were closed, truck traffic traveling between the site and to/from the south along SE Eagle Creek Road would need to conduct this movement at the intersection of SE Eagle Creek Road at SE Eagle Cliff Lane. Site ingress and egress trucks can conduct this maneuver while staying within the paved/gravel areas of the existing roads; however, site egressing traffic would need to encroach on the northbound travel lane in order to conduct this movement.

### Capacity Impacts of Road Closure

In order to determine the capacity impacts of closing the skewed approach of SE Riverside Way, an analysis of the 2035 planning horizon analysis with the zone change scenario was conducted assuming that the portion of SE Riverside Way south of the project site was closed. It was assumed that the site access intersection as well as the intersection of SE Riverside Way at SE Eagle Creek Road would be converted to three-legged intersections. Site trips traveling to and from the south along SE Eagle Creek Road would access the site via SE Eagle Cliff Lane.

The LOS, delay, and v/c results of the capacity analysis are shown in Table 5 for the morning and evening peak hours, assuming the closure of the skewed approach on SE Riverside Way.

Table 5: Capacity Analysis Summary (with Road Closure)

Intersection & Condition	AM Peak Hour			PM Peak Hour		
	LOS	Delay (s)	V/C	LOS	Delay (s)	V/C
<b>1. Site Access at SE Riverside Way</b>						
2035 Planning Horizon plus Zone Change Conditions with Road Closure	A	7	0.04	A	7	0.03
<b>2. SE Eagle Creek Road at SE Eagle Cliff Lane</b>						
2035 Planning Horizon plus Zone Change Conditions with Road Closure	B	10	0.01	B	13	0.07
<b>3. SE Riverside Way at SE Eagle Creek Road</b>						
2035 Planning Horizon plus Zone Change Conditions with Road Closure	A	10	0.02	B	11	0.06

With the proposed road closure, all study intersections are projected to continue operating acceptably through the 2035 planning horizon, regardless of the potential increase in site trip generation upon rezoning the site. No operational mitigation is necessary or recommended at these intersections.

### Queuing Analysis

A queuing analysis was conducted for the study intersections to determine whether rerouted trips from the skewed segment of SE Riverside Way to the intersection of SE Eagle Creek Road at SE Eagle Cliff Lane will cause extended queuing that impacts the adjacent study intersection to the south and vice versa. The queue lengths were projected based on the results of a Synchro/SimTraffic simulation, with the reported values based on the 95<sup>th</sup> percentile queue lengths. The 95<sup>th</sup> percentile queue is a statistical measurement and means there is a 5 percent chance that the queue may exceed this length during the analysis period; however, given this is a probability, the 95<sup>th</sup> percentile queue length may theoretically never be met or observed in the field.

The projected 95<sup>th</sup> percentile queue lengths from the simulation are as follows for the morning and evening peak hours:

- At the intersection of SE Eagle Creek Road at SE Eagle Cliff Lane, the longest northbound 95<sup>th</sup> percentile queue during either peak hour was projected to be 19 feet (a maximum queue of 45 feet) during the morning peak hour.
- At the intersection of SE Riverside Way at SE Eagle Creek Road, the longest southbound 95<sup>th</sup> percentile queue during either peak hour was projected to be 26 feet (a maximum queue of 44 feet) during the evening peak hour.

The distance between the intersections of SE Eagle Creek Road at SE Eagle Cliff Lane and SE Riverside Way at SE Eagle Creek Road is approximately 175 feet. The projected queues at either intersection are not projected to extend back to the adjacent study intersection and block minor-street turning movements. Detailed queuing analysis worksheets are included in the technical appendix to this report (see Appendix F).

## Transportation Planning Rule

The Transportation Planning Rule (TPR) is in place to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land-use regulations. The applicable elements of the TPR are each quoted directly below, with responses following.

### 660-012-0060 Plan and Land Use Regulation Amendments

1. *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
  - (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
  - (b) *Change standards implementing a functional classification system; or*
  - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
    - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
    - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
    - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

Response: Based on the analysis findings in this report, subsections (a) and (b) are not triggered since the proposed zone change will not impact or alter the functional classification of any existing or planned facility, and the proposal does not include a change to any functional classification standards.

By the 2035 planning horizon, all study intersections are projected to operate within acceptable Clackamas County standards. Therefore, the proposed zone change will not degrade the performance of any existing or planned transportation facility below acceptable jurisdictional standards. Accordingly, the Transportation Planning Rule is satisfied.

## Conclusions

No significant trends or crash patterns were identified at any of the study intersections that are indicative of safety concerns. Accordingly, no safety mitigation is recommended per the crash data analysis.

Adequate sight distance is available at the site access to ensure safe and efficient operation of the access intersection.

Left-turn lane warrants are not projected to be met at the study intersections under any of the analysis scenarios.

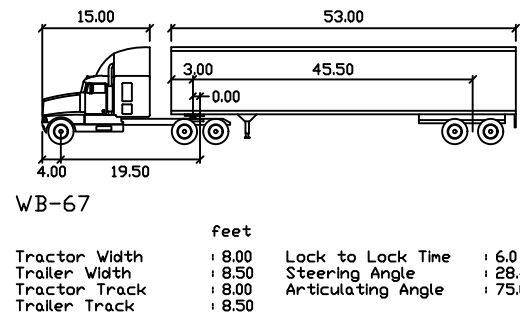
Due to insufficient main and side street traffic volumes, traffic signal warrants are not projected to be met at the study intersections under any of the analysis scenarios.

All study intersections are currently operating acceptably per Clackamas County standards and are projected to continue operating acceptably through the 2035 planning horizon, regardless of the potential increase in site trip generation upon rezoning the site or with the potential closure of skewed intersection leg of SE Riverside Way at SE Eagle Creek Road. No operational mitigation is necessary or recommended at these intersections.

Based on an examination of safety and operation following the potential closure of the skewed segment of SE Riverside Way that intersects SE Eagle Creek Road, all study intersections are projected to operate within acceptable levels of capacity. Potential 95<sup>th</sup> percentile queues at the study intersections are not expected to extend back to or impede turning movements at adjacent study intersections along SE Eagle Creek Road. Regarding safety, southbound egressing heavy vehicles (i.e. semi-trucks) may need to encroach on the northbound travel lane in order to conduct the turning movement.

The proposed zone change will not degrade the performance of any existing or planned transportation facility below acceptable jurisdictional standards. Accordingly, the Transportation Planning Rule is satisfied.



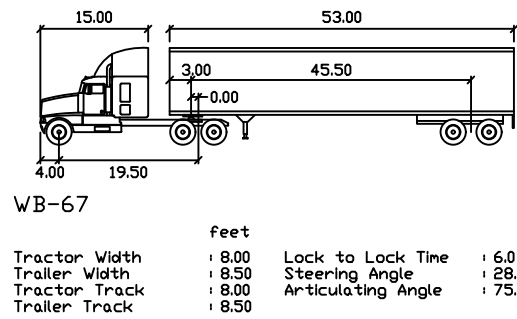


# TURNING MOVEMENT ANALYSIS

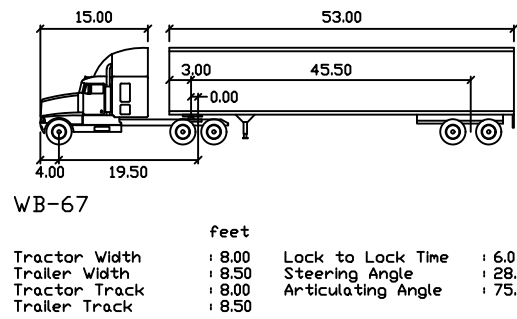
Skewed SE Riverside Way Segment - Ingress from South  
 "WB-67" Design Vehicle

Figure A  
 Eagle Creek Zone Change  
 10/15/2020







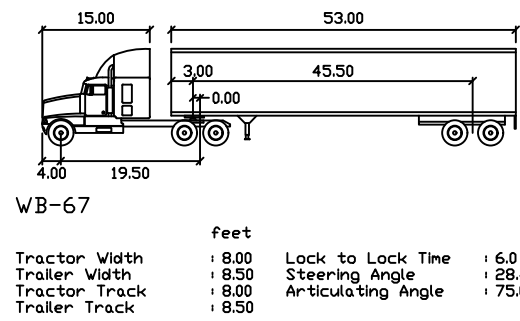


# TURNING MOVEMENT ANALYSIS

SE Riverside Way opposite SE Eagle Cliff Lane - Ingress from North  
 "WB-67" Design Vehicle

Figure C  
 Eagle Creek Zone Change  
 10/15/2020



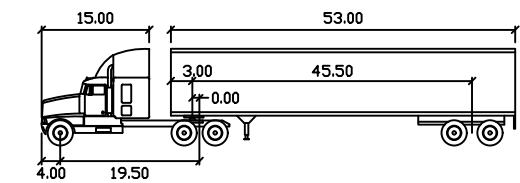


# TURNING MOVEMENT ANALYSIS

SE Riverside Way opposite SE Eagle Cliff Lane - Egress to North  
 "WB-67" Design Vehicle

Figure D  
 Eagle Creek Zone Change  
 10/15/2020





WB-67

	feet		
Tractor Width	: 8.00	Lock to Lock Time	: 6.0
Trailer Width	: 8.50	Steering Angle	: 28.4
Tractor Track	: 8.00	Articulating Angle	: 75.0
Trailer Track	: 8.50		



# TURNING MOVEMENT ANALYSIS

SE Riverside Way opposite SE Eagle Cliff Lane - Ingress from South

"WB-67" Design Vehicle

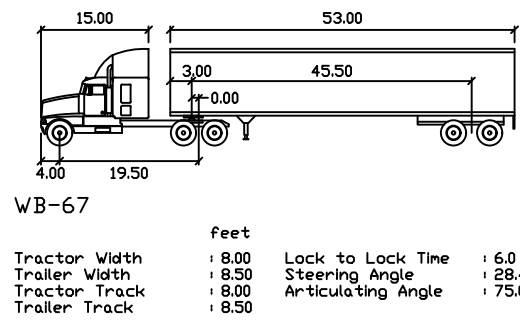
Figure E  
Eagle Creek Zone Change  
10/15/2020

lanaster  
mobley



Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP





# TURNING MOVEMENT ANALYSIS

SE Riverside Way opposite SE Eagle Cliff Lane - Egress to South  
 "WB-67" Design Vehicle

Figure F  
 Eagle Creek Zone Change  
 10/15/2020



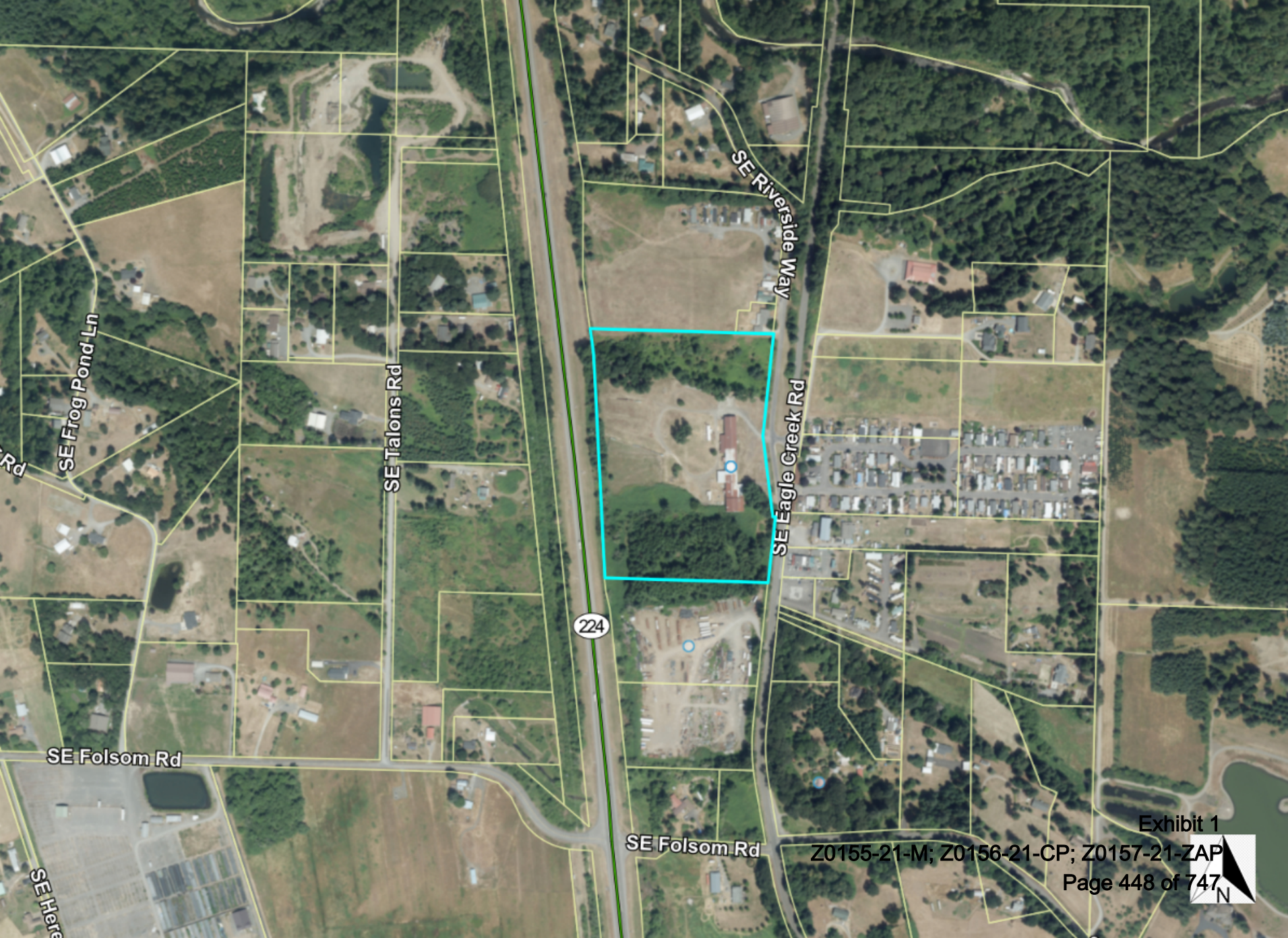


Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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STATE ENGINEER  
Salem, Oregon

CLAC  
015738

# Well Record

STATE WELL NO. 3/4-5L(1)  
COUNTY Clackamas  
APPLICATION NO. G-260

OWNER: Mt. Hood Hardboard & Plywood Corp. MAILING ADDRESS: \_\_\_\_\_

LOCATION OF WELL: Owner's No. \_\_\_\_\_ CITY AND STATE: \_\_\_\_\_

NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sec. 5 T. 3 N. S., R. 4 W. W.M.

Bearing and distance from section or subdivision  
corner s 58° 09' E 1733' from W $\frac{1}{4}$  cor. Sec. 5

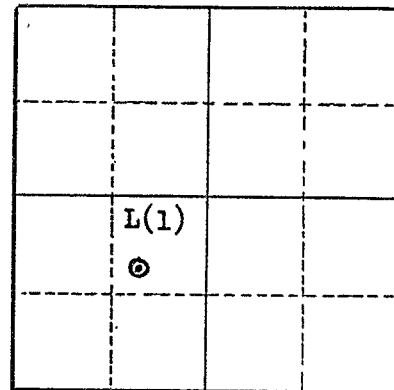
Altitude at well \_\_\_\_\_

TYPE OF WELL: Drilled Date Constructed Jan-Feb 56

Depth drilled 275 Depth cased 195

## CASING RECORD:

10 inch set from 0 to 195 feet



Section 5

## FINISH:

open end casing

## AQUIFERS:

small gravel from 190 to 200 feet

## WATER LEVEL:

90 feet below land surface, February 1956

PUMPING EQUIPMENT: Type \_\_\_\_\_ H.P. \_\_\_\_\_  
Capacity \_\_\_\_\_ G.P.M. \_\_\_\_\_

## WELL TESTS:

Drawdown 55 ft. after 2 hours pumping 105 G.P.M.

Drawdown 80 ft. after 10 hours pumping 120 G.P.M.

USE OF WATER Log pond Temp. \_\_\_\_\_ °F. \_\_\_\_\_, 19\_\_\_\_

SOURCE OF INFORMATION Well drillers report

DRILLER or DIGGER steinman Brothers

## ADDITIONAL DATA:

Log x Water Level Measurements \_\_\_\_\_ Chemical Analysis \_\_\_\_\_ Aquifer Test \_\_\_\_\_

## REMARKS:

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP



State Well No. 3/4-5L(1)  
County Clackamas  
Application No. G-260

Owner: Mt. Hood Hardboard & Plywood Corp. Owner's No. \_\_\_\_\_

Driller: Steinman Bros. Date Drilled Jan-Feb 1956

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

**From:** STEVENSON Christine \* DSL <christine.stevenson@dsl.state.or.us>  
**Sent:** Monday, March 29, 2021 10:49 AM  
**To:** Carlos Callava  
**Subject:** RE: Wetland Determination Request Form - Clackamas County Industrial Property Rezone/Partition

Carlos,

I'll take a look and I'll also look into the jurisdiction of the log pond. Based on the soils in that area, it may have been partly constructed in a wetland or jurisdictional stream which would make it a JD feature.

Chris

Chris Stevenson  
Oregon Department of State Lands  
Jurisdictional Coordinator  
(503) 798-7622 (cell)



---

**From:** Carlos Callava <[carlos.callava@3j-consulting.com](mailto:carlos.callava@3j-consulting.com)>  
**Sent:** Monday, March 29, 2021 10:29 AM  
**To:** [christine.stevenson@state.or.us](mailto:christine.stevenson@state.or.us)  
**Subject:** Wetland Determination Request Form - Clackamas County Industrial Property Rezone/Partition

Greetings Christine,

We are assisting a client with the entitlements process for a rezone and 2 lot partition in rural Clackamas County. The subject site address is 25720 SE Eagle Creek Road. I was given your email by Melissa Ahrens at Clackamas County Planning regarding assessing potential wetland impacts resulting from the application.

She would like us to incorporate DSL's response into our narrative findings.

I have attached the Wetlands Determination Request and the attachments requested in that document.

Please feel free to reach out with any questions or needs.

Thank you!

**Carlos Callava** | Planner | **3J Consulting**

9600 SW Nimbus Ave, Suite 100 | Beaverton, OR 97008

O: 503.946.9365 x.246

[carlos.callava@3j-consulting.com](mailto:carlos.callava@3j-consulting.com)

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**CIVIL ENGINEERING** | **WATER RESOURCES** | **COMMUNITY PLANNING**

*Named one of the **100 Best Companies** to work for in Oregon!*

# LAND USE FILES

FILE # 20202-91-C

## LEGAL DESCRIPTION:

T 3 S R 4 E

SEC. 5, TAX LOT 4102, w.m.

MAP ✓

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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Date Application Filed 2-14-91  
APPLICATION NOTICE-DATE MAILED  
Neighborhood Group \_\_\_\_\_  
Property Owners 3-11-91 \_\_\_\_\_  
Newspapers 11 \_\_\_\_\_  
Applicant 11 \_\_\_\_\_  
Attorney \_\_\_\_\_  
Others 4 \_\_\_\_\_  
Staff Recommendation Sent 3-29-91  
H.O. Hearing April 3, 1991  
Decision \_\_\_\_\_  
Decision Date \_\_\_\_\_  
Appeal Deadline \_\_\_\_\_  
Date Appeal Filed \_\_\_\_\_  
APPEAL NOTICE-DATE MAILED  
Neighborhood Group \_\_\_\_\_  
Property Owners \_\_\_\_\_  
Newspapers \_\_\_\_\_  
Applicant \_\_\_\_\_  
Attorney \_\_\_\_\_  
Others \_\_\_\_\_  
Estimated Cost-Transcript \_\_\_\_\_  
Estimated Fee Received \_\_\_\_\_  
Cost of Transcript \_\_\_\_\_  
Additional Fee Received \_\_\_\_\_  
Refund Sent \_\_\_\_\_  
Transcript Mailed to \_\_\_\_\_  
\_\_\_\_\_  
File Sent to BCC \_\_\_\_\_  
BCC Hearing \_\_\_\_\_  
Decision \_\_\_\_\_  
Decision Date \_\_\_\_\_  
Cont'd Hearing Date \_\_\_\_\_  
Decision \_\_\_\_\_  
PW-19 CCP PW-19



# CLACKAMAS COUNTY

## Department of Transportation & Development

WINSTON KURTH  
EXECUTIVE DIRECTOR

RICHARD DOPP  
DIRECTOR  
OPERATIONS & ADMINISTRATION

TOM VANDERZANDEN  
DIRECTOR  
PLANNING & DEVELOPMENT

NAME: Steve Mueller  
FILE NO.: Z0202-91-C  
REPORT AUTHOR: Doug McClain  
HEARING DATE: April 3, 1991  
REPORT DATE: March 27, 1991

### PLANNING STAFF REPORT/RECOMMENDATION

#### TO HEARINGS OFFICER

#### FACTS

##### GENERAL INFORMATION

Applicant: Steve Mueller; 28739 S.E. Crest; Eagle Creek, OR 97022

Owner(s): Same

Proposal: Construct three buildings to allow sales, repair, and storage of farm and forest equipment, and to establish a portable sawmill and wood yard.

Location: Between State Highway 211 and S.E. Eagle Creek Road, approximately 400 feet north of S.E. Folsom Road; Eagle Creek area.

Legal Description: T3S, R4E, Section 5, Tax Lot(s) 4102, W.M.

Comprehensive Plan Designation: Rural

Zone: RRF-5; Rural Residential Farm Forest 5-Acre District

#### RECOMMENDATION

Approval

#### CONCLUSIONS

##### I. Introduction

This application requests approval allowing development of three buildings to be used for the repair, storage, and sale of farm and forest equipment, and as a portable sawmill and wood yard. The applicant is moving an existing business from a previously approved site (see File No. 487-86-C, Exhibit 3). The subject site was issued **Exhibit 1**

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

April 3, 1991 CLACKAMAS COUNTY HEARINGS OFFICER AGENDA

Clackamas County Department of Transportation and Development; Conference Room A, 902 Abernethy Road; Oregon City, OR 97045

Items will not begin before time noted, but may begin later depending on the length of preceding items. Interested parties may appear and be heard at the hearing at the above address. Applications may be inspected at, and calls or correspondence directed to, the Planning Division office at the above address.

The following item has been withdrawn by the applicant:

9:00 AM File: Z0044-91-FM, Remand; Farm Management Plan; Portland City Temple/Big Sky Ranch/Claude Pike

Proposal: Establish a dwelling in conjunction with a commercial farm use.

Location: Off the east side of Springwater Rd., approx. 1/2 mile south of Bakers Ferry Rd.; Redland area.

HO - Denied the following item:

9:00 AM File: Z0023-91-ST/Z0213-91-A; Temporary Permit Appeal; Stanley Wigowsky

Proposal: Appealing staff denial of a request to use a mobile home as a residence for a couple with a financial hardship.

Location: West side of S. Meridian Rd., approx. 3/8 mile north of S. Sconce Rd.; Hubbard area.

Legal Description: T5S, R1W, Section 1, Tax Lot 2201

HO - Approved the following item:

9:30 AM File: Z0202-91-C; Conditional Use; Steve Mueller

Proposal: Construct three buildings to allow sales, repair, and storage of farm and forest equipment, and to establish a portable sawmill and wood yard.

Location: Between State Hwy. 211 and S.E. Eagle Creek Rd., approx. 400 ft. north of S.E. Folsom Rd.; Eagle Creek area.

Legal Description: T3S, R4E, Section 5, Tax Lot 4102

HO - Left record open on the following item thru April 24th - Continued for decision only to May 8, 1991:

10:30 AM File: Z1378-90-FORM/Z0224-91-A; Forest Management Appeal; Realm Enterprises

Appellant: Fischers Mill-Viola Neighborhood Group

Proposal: Appealing staff approval of a forest management plan allowing a residence to be developed in conjunction with a forest use.

Location: Northwest of the Buckner Creek/Gard Rd. intersection, Clarkes area.

Legal Description: T4S, R3E, Section 7, Tax Lot 1200

HO Continued the following item for hearing to May 15, 1991 at 9:00 a.m.:

1:30 PM File: Z0150-91-SL/Country View; Subdivision; Otak, Inc.

Proposal: Develop a 298 unit planned unit development; 61 units are proposed to be common-wall.

Location: North and west sides of S.E. Mather Rd., west of S.E. 122nd Ave.; Sunnyside area.

Legal Description: T2S, R2E, Section 3, Tax Lot 1100; T2S, R2E, Section 3C, Tax Lot 200; T2S, R2E, Section 3AB, Tax Lot 300

Legal Description: T2S, R3E, Section 29, Tax Lots 700, 701, 702

HO - Approved the following item:

9:00 AM File: Z0165-91-C; Conditional Use; Daioh International U.S.A. Corp./The Oregon Golf Club

Proposal: Relocate portions of access road and clubhouse parking, relocate maintenance facility, add rainshelters, pumphouse, snack bar, swimming pool, bathhouse, and tennis courts.

Location: East side of S.W. Pete's Mt. Rd., at its intersection with S.W. Shaeffer Rd.; Pete's Mountain area.

Legal Description: T3S, R1E, Section 3, Tax Lot 1000

0403/agenda:mp

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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RICHARD F. CRIST  
Land Use Hearings Officer  
18734 Upper Midhill Drive  
West Linn, Oregon 97068  
(503) 636-9256

FINDINGS AND DECISION OF THE HEARINGS OFFICER

File No.: Z-0202-91-C

Applicant: Steve Mueller, 28739 SE Crest, Eagle Creek, OR 97022

Proposal: To construct three buildings to allow sales, repair and storage of farm and forest equipment, and to establish a portable sawmill and wood yard.

Planning Division Recommendation: Approval.

Staff Representative: Doug McClain

Public Hearing: A public hearing was held at the Clackamas County Department of Transportation and Development (DTD), 902 Abernethy Road, Oregon City, Oregon on April 3, 1991 at 9:30 a.m., at which time testimony and other evidence was received, the record was closed, and an oral decision was announced approving the application, subject to certain conditions.

Speaking in Support of Request:

1. Steve Mueller, 28739 SE Crest, Eagle Creek, OR 97022

Community Planning Organization Response: There is no active CPO serving this area of Clackamas County.

Speaking in Opposition to Request: None.

FINDINGS:

A. Subject Property:

1. Legal Description: Tax Lot 4102, Section 5, T3S, R4E, W.M., Clackamas County, Oregon

2. Location: Between State Highway 211 and SE Eagle Creek Road, approximately 400 feet north of SE Folsom Road, Eagle Creek area.

3. Zone: RRFF-5, Rural Residential Farm Forest 5 Acre District

4. Comprehensive Plan Designation: Rural

5. Site Description: The subject property is approximately 12 acres. It is currently undeveloped. Most of the site is covered with gravel.

B. Vicinity Information: This area contains a mixture of agricultural

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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# CLACKAMAS COUNTY

## Department of Transportation & Development

WINSTON KURTH  
EXECUTIVE DIRECTOR

RICHARD DOPP  
DIRECTOR  
OPERATIONS & ADMINISTRATION

TOM VANDERZANDEN  
DIRECTOR  
PLANNING & DEVELOPMENT

NAME: Donald Mueller  
FILE NO.: 487-86-C  
REPORT AUTHOR: Gary Naylor  
HEARING DATE: February 18, 1987  
REPORT DATE: February 11, 1987

### PLANNING STAFF REPORT/RECOMMENDATION

TO HEARINGS OFFICER

EX #3

#### FACTS

##### GENERAL INFORMATION

Applicant: Donald Mueller; 29820 S.E. Eagle Creek Road; Estacada, OR 97023

Owner(s): Same

Proposal: To establish a farm and forest equipment sales and repair business and a firewood sales yard on the property.

Location: Southeast corner intersection State Highways 211 & 224 and Heiple Road; Estacada area.

Legal Description: T3S, R4E, Section 8, Tax Lot(s) 2900, W.M.

Comprehensive Plan Designation: Rural

Zone: RRF-5, Rural Residential Farm/Forest, 5 acre minimum lot size

#### RECOMMENDATION

#### CONCLUSIONS

Subsection 309.05A states conditional uses may be allowed in the RRF-5 zoning district when the proposal satisfies the applicable provisions of Section 800 and the criteria under Section 1203. The Planning Division staff has reviewed this proposal with respect to these provisions and criteria and finds that:

1. Subsection 801.03 of the Zoning and Development Ordinance lists the information that must be submitted for a complete application. This

Exhibit 1

20155-21-M; 20156-21-CP; 20157-21-ZAP



## ESTACADA RURAL FIRE DISTRICT

261 S.E. Fifth Avenue  
P.O. Box 608  
Estacada, OR 97023

Business Phone: 630-7712  
Emergency: 9-1-1

January 6, 1994

Mr. Steve Mueller  
Crest Develop Co.  
30820 S.E. Heiple Rd.  
Estacada, OR 97023

Steve;

*Included herein are Fire District requirements for the proposed development of a 4,000 square foot equipment repair and storage type building on your parcel located between Hwy. 224 and Eagle Creek Hwy. south of the old plywood mill property.*

- 1. Development of this one mentioned building will not require development of water supply for fire protection at this time. However, your original plans submitted in 1991 indicated three buildings plus a portable sawmill. Any future development of additional buildings on this site may require you to provide a water supply system to meet fire flow requirements prior to the issuance of building permits.*
- 2. Provide address numbers visible from the road. Minimum three inch numbers on contrasting background.*
- 3. Provide all weather access road capable of supporting fifty thousand pounds.*
- 4. Fire extinguishers will be required. The number and type will be determined at the time of occupancy.*

*If you have any further questions please call me.*

Sincerely,

John R. McAdoo  
Fire Marshal

cc: Clackamas County Planning Staff - File # Z0202-91-C

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

MAKE TUESDAY "DETECTOR TEST" DAY

Page 459 of 747

and rural residential uses. There is also a small rural commercial development located to the northeast of the subject property.

C. Service Considerations: Water will be provided by private well. Sewage disposal will be handled on-site. Fire protection is provided by Estacada Fire District No. 69.

D. Land Use Ordinance Considerations:

1. Section 309 of the Clackamas County Zoning and Development Ordinance (ZDO) controls land uses in the RRFF-5 zoning district. Subsection 309.05 provides that certain uses may be permitted as a conditional use where the application satisfies the criteria under Section 1203 of the ZDO, the applicable standards under Section 800 of the ZDO and any other requirements of the ZDO. The Hearings Officer has reviewed the entire record made as a part of this proceeding, and Findings based on that record with regard to each of the criteria above described will be discussed below.

2. This application satisfies each of the criteria under Section 1203 of the ZDO, as follows:

a. The proposed use is listed as a conditional use in the underlying zoning district. Subsection 309.05(A)(9) of the ZDO lists commercial or processing activities which are in conjunction with timber and farm uses as a conditional use in the RRFF-5 zoning district. The applicant proposes to sell, store and repair farm and timber equipment, and will be conducting a portable sawmill and wood yard. The applicant is proposing to move his existing business from a nearby parcel. These uses have previously received conditional use approval (See File #487-86-C), and are activities in conjunction with farm and timber uses.

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

The property has been previously gravelled for log storage, making it suitable for the proposed uses. The site is level and open, with no natural features or improvements which limit its suitability for the proposed uses.

c. The site and the proposed development are timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

Regarding the transportation system, the property abuts both State Highway 211 and Eagle Creek Road. The information provided by the County staff is that the traffic expected to be generated by the proposed uses can be easily accommodated by these roads. This information is not contested, and is accepted by the Hearings Officer.

Responses from the local fire district and the County's Soils Division indicated that appropriately facilities can be provided on-site, without any impact on public facilities and services.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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Conditions of approval will require approval of the means of sewage disposal for the property and adequate provision for fire-fighting water and emergency vehicle access.

d. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying zoning district.

The subject property and the immediate surrounding area are zoned RRRF-5. The primary uses of that district are set forth in subsection 309.03 of the ZDO, and included herein by this reference. They include generally rural residential uses, and limited farm or forest uses.

The subject property is isolated from adjoining lots and is affected by State Highway 211 and Eagle Creek Road. There are no nearby homesites. The conditions of approval will include design review, which will assist in providing visual mitigation. With this visual mitigation, there are no identified impacts on adjacent properties which would limit or preclude permitted primary uses.

e. The proposal satisfies the Goals and Policies of the Comprehensive Plan (Plan) for Clackamas County which apply to the proposed use.

As stated above, the subject property is designated Rural by the Plan. No specific Goals of Policies of the Rural Section of the Land Use Element of the Plan have been identified as applicable to this application.

3. Subsection 801.03 of the ZDO lists the information which must be submitted for a complete conditional use application. This application contains a description of the proposed use and specific reasons for the request, a vicinity map, a site plan of the property, including existing and proposed improvements, a building profile, and information addressing the criteria under Section 1203 of the ZDO. This provision is satisfied.

4. No other provisions of the ZDO or the Plan have been identified as applicable to this application, and no other provisions of the ZDO or the Plan are found to be applicable.

5. The Hearings Officer specifically finds that the applicant can meet each of the conditions of approval.

DECISION: Approval, subject to the following conditions:

1. The applicant shall provide an adequate source of fire-fighting water, consistent with the requirements of Estacada Fire District No. 69. Prior to establishing the use or issuance of any building permits, the applicant must provide a letter from the fire district substantiating compliance with their requirements for fire-fighting water and emergency vehicle access.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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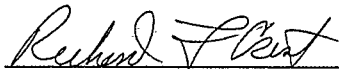
2. Approval is subject to the limitations imposed by the County Soils Division. Currently, the use must generate no more than 200 gallons per day, which is the maximum allowed by the current holding tank approval.

3. Approval is limited to the specific use described in the application, to the extent it is consistent with the conditions of approval.

4. Design review approval is necessary. Consideration shall be given to visual mitigation of the proposed uses.

5. Approval is subject to the conditions of approval. Noncompliance with any condition constitutes a violation of this permit and shall be sufficient cause for revocation of this permit.

DATED and FILED this 23rd day of April, 1991.



Richard F. Crist  
Hearings Officer

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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CERTIFICATE OF MAILING

I hereby certify that I did this day mail a true copy of the Findings and Decision of the Hearings Officer in File No. Z0202-91-C, postage prepaid, to the below listed persons at the address shown:

Steve Mueller  
28739 SE Crest  
Eagle Creek, OR 97022

Dated this 23rd day of April, 1991.

  
\_\_\_\_\_  
Richard F. Crist  
Hearings Officer

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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conditional use permit allowing a portable sawmill to be established on the site (File No. 169-82-C). The property historically has been used in conjunction with a plywood veneer mill and for log storage. The site appears to be ideally situated for the proposed use. Its current condition makes it virtually useless for any residential or other primary activity allowed in the RRFF-5 district. There are no features which would limit the proposal, and its proximity to Highway 211 reduces any impact on the surrounding community.

## II. Section 1203

This request is subject to the provisions of Section 1203, which establish the criteria for review and approval of a conditional use. These criteria are met as follows:

- A. 1203.01A: The uses described in the application are listed as a conditional use in the RRFF-5 district. Subsection 309.05A9 lists commercial or processing activities that are in conjunction with timber and farm uses as a conditional use. In this case, the applicant sells, stores, and repairs farm and forest equipment, and will be conducting a portable sawmill and wood yard. These are uses in conjunction with farm and forest activities.
- B. 1203.01B: The characteristics of the site are suitable for the proposed use. The property has been gravelled for log storage, making it suitable for the proposed use. The site is level and open, with no natural features or other impediments to the proposed development.
- C. 1203.01C: Development as proposed is timely. Responses from the fire district and Soils Division indicate that appropriate facilities can be provided. The property has convenient access to State Highway 211. Traffic generated by this use can easily be accommodated by the highway.
- D. 1203.01D: Approval of this application will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for primary uses listed in the underlying RRFF-5 zone. The property is isolated from adjoining lots and affected by Highway 211 and S.E. Eagle Creek Road. There are no nearby homesites. The conditions of approval will include design review, which will assist in providing visual mitigation. There is a rural commercial zone located adjacent to the property on the northeast.

## III. Section 800

This request is consistent with the submittal requirements of Section 800. There are no particular standards applicable to the proposed use.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

#### IV. Comprehensive Plan

This application is consistent with the Comprehensive Plan, which designates the property Rural. As previously indicated, approval of this request will not interfere with rural residential uses in the immediate area. There are no other goals or policies directly applicable to the application.

#### Conditions of Approval:

1. The applicant shall provide an adequate source of fire-fighting water, consistent with the requirements of the Estacada Fire Department. Prior to establishing the use or issuance of any building permits, the applicant must provide a letter from the fire district substantiating compliance with their conditions.
2. Approval is subject to the limitations imposed by the County Soils Division. Currently, the use must generate no more than 200 gallons per day, which is the maximum allowed by the current holding tank approval.
3. Approval is limited to the specific use described in the application, which includes a site plan and building profile.
4. Design review approval is necessary.
5. Approval is subject to the above stated conditions. Failure to comply with all conditions will be cause for revocation of the permit.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

## FINDINGS

### ZONING ORDINANCE CONSIDERATIONS

This application is subject to Section I203.

### PLAN CONSIDERATIONS

The Comprehensive Plan designates this area Rural. Appropriate goals and policies are discussed in this report.

### SITE DESCRIPTION

The subject property consists of approximately 12 acres. It is currently undeveloped. Most of the site is covered with gravel.

### VICINITY DATA

Surrounding Conditions: This area contains a mixture of agricultural and rural residential uses. There is also a small rural commercial development located to the northeast of the property.

Service Considerations: Water will be provided by private well, and sewage disposal is on-site, by means of a holding tank. Estacada Fire District No. 69 provides fire protection for this area.

### RESPONSES REQUESTED

1. City of Estacada
2. Estacada Fire District
3. Soils Division

### RESPONSES RECEIVED

1. Estacada Fire District indicates that access roads and premises identification must be provided consistent with their standards, and that an adequate water supply for fire protection must be established.
2. Soils Division indicates that the site is approved for a holding tank of up to 200 gallons per day only.

### EXHIBITS

1. Site plan
2. Building profiles
3. Decision, File 487-86-C
4. Response from fire department

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

5. Response from Soils Division

6. Photos of the site

THE HEARINGS OFFICER IS AN INDEPENDENT DECISION MAKER. HE WILL MAKE A DECISION BASED ON THE INFORMATION PRESENTED AT THE PUBLIC HEARING. IF YOU CANNOT ATTEND THE HEARING, PLEASE NOTIFY THE PLANNING DIVISION AS SOON AS POSSIBLE. WE WILL ADVISE THE HEARINGS OFFICER AND A POSTPONEMENT OF YOUR APPLICATION MAY BE CONSIDERED. IF YOU DO NOT ATTEND THE HEARING AND THE HEARINGS OFFICER HAS NOT BEEN ADVISED OF YOUR ABSENCE, THE APPLICATION MAY BE HEARD IN YOUR ABSENCE.

0403/103/dmc

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

NOTICE OF PUBLIC HEARING  
CLACKAMAS COUNTY HEARINGS OFFICER

HEARING DATE: April 3, 1991

TIME: This item will not begin before 9:30 a.m. However, it may begin later depending on the length of preceding items.

PLACE: Clackamas County Department of Transportation and Development; Conference Room A, 902 Abernethy Road; Oregon City, Oregon 97045

TO: Property owners within 350 feet

Subject: Conditional Use

File No.: Z0202-91-C

Applicant: Steve Mueller; 28739 S.E. Crest; Eagle Creek, OR 97022

Owner of Property: Same

Proposal: Construct three buildings to allow sales, repair, and storage of farm and forest equipment, and to establish a portable sawmill and wood yard.

Ordinance Criteria: Section 1203

Location: Between State Highway 211 and S.E. Eagle Creek Road, approximately 400 feet north of S.E. Folsom Road; Eagle Creek area.

Legal Description: T3S, R4E, Section 5, Tax Lot 4102, W.M.

Total Area Involved: Approximately 12 acres

Zoning: RRFF-5; Rural Residential Farm Forest, 5-Acre District

Citizens Planning Organization For Area: Eagle Creek-Barton Community Action Council, Inc.

This organization is currently inactive. If you are interested in becoming involved in land use planning in your area, call Clackamas County Public Affairs, 655-8520.

Planning Division Staff Contact: Doug McClain

All interested citizens are invited to attend the hearing. An agenda will be provided at the hearing. Testimony and evidence should address those criteria identified above and any other criteria relevant to the application. Failure to raise an issue at the hearing, or by letter, or failure to provide sufficient specificity to afford the Hearings Officer an opportunity to respond to an issue precludes appeal to the Land Use Board of Appeals based on that issue. The following procedural rules have been established to allow an orderly hearing.

1. The length of time given to individuals speaking for or against an item will be determined by the Hearings Officer prior to the item being considered.
2. A spokesperson representing each side of an issue is encouraged.
3. Only specifically relevant testimony to the item being considered will be allowed.

A staff report for the application will be available seven (7) days prior to the hearing. The staff report, applicable criteria, application, and all documents and evidence relied on by the applicant are available for inspection and may be purchased at reasonable cost at the Clackamas County Planning Division, 902 Abernethy Road, Oregon City, Oregon 97045 (655-8521). Direct all calls and written correspondence to the Planning Division.

To receive written notification of the Hearings Officer's decision, provide the Planning Division with a stamped, self-addressed envelope indicating the application file number.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

0403/501/dmc:mp

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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

In the Matter of a Conditional Use  
for Donald Mueller

Applicant: Donald Mueller  
29820 S.E. Eagle Creek Rd.  
Estacada, Oregon 97023

ORDER NO: 87-537

File No: 487-86-C

This matter coming regularly before the Board of County Commissioners, acting as hearings officer, and it appearing that Donald Mueller made application for a Conditional Use on property described as T3S, R4E, Section 8, Tax Lot(s) 2900, W.M. and generally located on the southeast corner intersection State Highways 211 & 224 and Heiple Road; Estacada area; and

It further appearing that Planning staff, by its report dated February 11, 1987, has recommended approval of the application; and

It further appearing that pursuant to provisions of the Clackamas County Zoning and Development Ordinance, the Board of County Commissioners ordered a hearing on the above matter be held on February 18, 1987, in the County Courthouse Annex, 906 Main Street, Oregon City, Oregon, to afford the general public an opportunity to be heard, and that a notice of said hearing was published in a newspaper of general circulation in the County more than ten (10) days prior to the date of said hearing; and

It further appearing that a hearing was held at the above-stated time and place, in which testimony and evidence were presented and a decision made thereon.

Based upon the evidence and testimony presented at said hearing, this Board makes the following findings:

1. The applicant requests approval of a Conditional Use to allow establishment of an equipment sales and repair business and a firewood sale lot on a 2.8 acre parcel zoned RRFF-5.
2. This complies with the applicable provisions of the Zoning and Development Ordinance for the reasons stated in the Planning Staff Report/Recommendation, which is hereby adopted as the findings and conclusions of this Board.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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

In the Matter of a Conditional Use  
for Donald Mueller

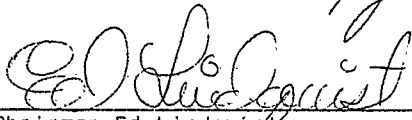
Applicant: Donald Mueller  
29820 S.E. Eagle Creek Rd.  
Estacada, Oregon 97023

ORDER NO: 87-537  
page 2

File No: 487-86-C

NOW, THEREFORE, IT IS HEREBY ORDERED the  
requested Conditional Use is granted subject to the conditions of approval  
stated in the Planning Staff Report/ Recommendation.

DATED this 13<sup>th</sup> day of May, 1987.

  
Chairman Ed Lindquist

  
Commissioner Dale Harlan

\_\_\_\_\_  
Commissioner Darlene Hooley

*m.g.*



application contains a description of the proposed use and specific reason for the request, a vicinity map, a site plan of the property including existing and proposed improvements, a building profile, and information addressing the criteria under Section 1203, as required by Subsection 801.03.

2. Section 1203 of the Zoning and Development Ordinance lists five criteria that must be satisfied in order to allow a conditional use. The staff has reviewed this proposal with respect to these criteria and finds that:

- a. The use is listed as a conditional use in the underlying district. Specifically, Subsection 309.05A9 lists commercial or processing activities that are in conjunction with timber and farm uses as a conditional use. This criteria is met.
- b. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features. The property is large enough to contain both a farm and forest equipment sales and repair business and firewood yard sales business, and the shape of the property does not appear to restrict the proper functioning of these businesses.

The property is suitably located adjacent to State Highway 211 & 224, which is the major arterial serving Estacada and this area of Clackamas County. There is also good sight-distance at the proposed access point onto Heiple Road.

Regarding the topography, the level terrain makes this property suitable for development. There are no improvements on the property except for a wire perimeter fence, and the only natural feature is Currin Creek, which forms the eastern boundary of the property. These man-made and natural features have no bearing on the suitability of this site. This criteria is met.

- c. The site and proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use. Regarding the transportation system, the subject property is adjacent to State Highway 211 & 224 and has almost direct access onto this highway. It also has very convenient access to Eagle Creek Road, which is a closeby arterial. The traffic generated by the proposed use can easily be accommodated by these arterials.

Regarding the public facilities and services, water will be provided by on-site well and sewage disposal by septic tank and drainfield. There is no evidence in the file indicating adequate public facilities cannot be constructed to serve the proposed business. The Estacada Fire District has no problem with this proposal, subject to provision of access for fire apparatus. This criteria is met.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP  
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- d. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district. The subject property and immediate area to the east and south is zoned RRFF-5 and developed with a contractor's storage buildings and yard; a tree farm; and a bark dust, lumber, and nursery stock sales business. The Planning Division and Community Environment Section have no record of these existing businesses. We do not know if they are nonconforming uses. Anyway, there are no closeby residences, and the visual, noise, and traffic impacts are directed toward the state highway and the beforementioned closeby businesses. In summary, it appears the proposed use is in character with the surrounding area, and its impacts do not rise to the level of substantially limiting, impairing, or precluding the use of surrounding properties for the primary uses listed in the RRFF-5 zoning district. This criteria is met.
- e. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use. The Rural section of the Comprehensive Plan contains a pertinent goal which refers to perpetuating the rural atmosphere while maintaining and improving the quality of air, water, and land resources. As previously stated, the subject property is within an immediate area developed with several businesses adjacent to a major highway. Development of the subject property with a firewood sales yard and farm and forest equipment repair and sales business, which are the type of businesses found in rural areas, does not harm the rural atmosphere of this particular area. Further, with implementation of the recommended conditions of approval, the quality of air, water, and land resources will be maintained. This criteria is met.

Conditions of Approval:

1. Submission of an application to the Planning Division for Design Review approval. This condition directs the Design Review staff to:
  - a. Require a buffer area of natural vegetation between Currin Creek and the proposed development.
  - b. Require a sight-obscurating fence around the portion of the property developed with the business.
  - c. Require all areas used for parking and maneuvering of vehicles be surfaced with screened gravel.
2. Department of Transportation and Development approval of the subsurface sewage disposal system.
3. Department of Transportation and Development approval of a building permit.

Exhibit 1

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4. Department of Transportation and Development and State Highway Division approval of the driveway access onto Heiple Road.
5. Estacada Fire District approval of the interior access for use by fire apparatus.
6. Wood wastes shall not accumulate on the subject property. They shall be removed to a suitable disposal site.
7. This permit is granted for a farm and forest equipment sales and repair business and a firewood yard sales business only.
8. This permit is granted for a period of two (2) years from the date of decision and will automatically be rescinded in the event that no building has taken place through a valid building permit within that time period.
9. This permit is granted to the conditions of approval. Noncompliance with those conditions constitutes a violation of this permit and could be cause for revoking this permit.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

## FINDINGS

### ZONING ORDINANCE CONSIDERATIONS

Section 309, Subsection 801.03, and Section 1203

### PLAN CONSIDERATIONS

Rural Section

### SITE DESCRIPTION

The subject property is approximately 2.83 acres in size. It is relatively level and has been cleared of timber. A small creek forms its eastern boundary. There is a wire fence along the north and west perimeter of the property.

### VICINITY DATA

Surrounding Conditions: The subject property is bordered on the north across Heiple Road by farm use, on the east by a contractor's business, on the south by a tree farm, and on the west by State Highway 211 & 224.

Service Considerations: Water is provided by on-site well, sewage disposal will be provided by septic tank and drainfield, and fire protection by Estacada Fire District No. 69.

### RESPONSES REQUESTED

1. Estacada Fire District No. 69
2. County Chief Soils Scientist
3. County Development Coordinator
4. County Traffic Specialist
5. County Community Environment Administrator
6. State Highway Division

### RESPONSES RECEIVED

1. Estacada Fire District No. 69: Insure access for fire apparatus in accordance with U.F.C. Section 10.207.
2. County Chief Soils Scientist: Prior to approval of this development, a soil test for on-site sewage disposal must be completed and approved. The applicant should contact our office as soon as possible.
3. County Development Coordinator: The proposal for development of the Mueller Property, Tax Lot 2900, may necessitate an involvement of the Oregon State Highway Division. The property has frontage onto Highway 211.

**Exhibit 1**

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

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Road, a County roadway; however, because of a drainageway and bridge, access is necessary onto the state highway acquired right-of-way adjoining Highway 211-224.

4. County Traffic Specialist: Access should be limited to Heiple Road.
5. County Community Environment Administrator: This property and Mueller had a solid waste violation. It was resolved in 1985. But specific condition needs to be applied to prevent this situation from reoccurring. A 6-8 foot sight-obscuring fence should be constructed around the portion of the property that is used for storage or operating. No storage or operation should occur outside the proposed buildings or the fenced enclosure.
6. State Highway Division: Our records show that this property has an access to Heiple Road opposite engineering station HR2+10.

#### EXHIBITS

1. Display map
2. Aerial photo
3. Site plan
4. Building profile

THE HEARINGS OFFICER IS AN INDEPENDENT DECISION MAKER. HE WILL MAKE A DECISION BASED ON THE INFORMATION PRESENTED AT THE PUBLIC HEARING. IF YOU CANNOT ATTEND THE HEARING, PLEASE NOTIFY THE PLANNING DIVISION AS SOON AS POSSIBLE. WE WILL ADVISE THE HEARINGS OFFICER AND A POSTPONEMENT OF YOUR APPLICATION MAY BE CONSIDERED. IF YOU DO NOT ATTEND THE HEARING AND THE HEARINGS OFFICER HAS NOT BEEN ADVISED OF YOUR ABSENCE, THE APPLICATION MAY BE HEARD IN YOUR ABSENCE.

0218/103-3/gn:mp

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

AFFIDAVIT OF NOTICE

STATE OF OREGON  
COUNTY OF CLACKAMAS

I, Deborah Bell,  
(name)

OSI depose and say that I provided for  
(title)  
mailing the Notice of Hearing for file number 20202-91-C,  
a copy of said notice being marked Exhibit "A" and hereto attached;  
that I requested said notice to be mailed to those property owners  
listed in Exhibit "B," hereto attached, in accordance with Oregon  
Laws Chapter 761, Section 10a.

By Deborah E. Bell, Affiant

Subscribed and sworn to before me this 11th day of  
March, 19 91.

[Signature]  
Notary Public for Oregon

My commission expires 9/29/97.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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# CLACKAMAS COUNTY

Department of Transportation & Development

WINSTON KURTH  
EXECUTIVE DIRECTOR

RICHARD DOPP  
DIRECTOR  
OPERATIONS & ADMINISTRATION

TOM VANDERZANDEN  
DIRECTOR  
PLANNING & DEVELOPMENT

March 11, 1991

Clackamas County News  
P.O. Box 548  
Estacada, OR 97023

RE: Hearings Officer Agenda, April 3, 1991

Dear Sir or Madam:

Enclosed is a copy of the Clackamas County Hearings Officer agenda for April 3, 1991. Please publish all items contained in said agenda on March 20, 1991.

Please return two (2) copies of the Affidavit of Publication together with your statement. When submitting your statement, please refer to Purchase Order No. 67139. Thank you.

Sincerely,

*Debbie Bell*

Debbie Bell, Secretary  
Planning and Economic Development Division

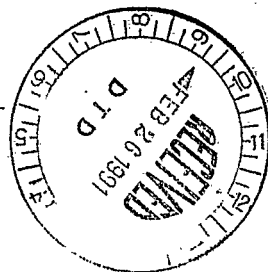
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Enclosure

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP



NOTICE OF APPLICATION FOR  
ADMINISTRATIVE ACTION



TO: Estacada Fire District #69

DATE: February 21, 1991

FROM: Clackamas County Planning Division  
902 Abernethy Road  
Oregon City, Oregon 97045  
Phone No. 655-8521

FILE NUMBER & NAME: Z0202-91-C - Steve Mueller

TYPE OF APPLICATION: Conditional Use to construct three buildings to allow sales, repair and storage of farm and forest equipment and to establish a portable sawmill and wood yard.

ZONING: RRFF-5, Rural Residential Farm Forest 5 Acre District

CONTACT PERSON: Doug McClain

5284  
The Planning Division would like your comments on the attached application. The application is subject to Section 1203 of the County Zoning and Development Ordinance. If you do not have a copy of the current ordinance, copies of specific sections are available at the Planning Division office. Please contact us if you need ordinance sections to review this application. Please indicate any information which would assist the county in acting on this application. Comments received by March 20, 1991 will be considered in the Planning Division decision on this application. If more information is needed, please call the Planning Division.  
PLEASE RETURN THIS FORM ONLY.

Recommendation: 1. Provide fire department access road in accordance with standards on file with Clackamas County.

2. Provide premises identification in accordance with U.F.C., Article 10, Sec. 10.208.

3. Provide water supply for fire protection. Minimum capacity of 500 gallons per minute for no less than 20 minutes. This could be provided through a standpipe at the mill pond or a 10,000 gallon storage tank on the premises.

John R. McClellan  
Signature

Asst Chief, Fire Prevention Officer  
Position

Discuss with Fire Dept.

Exhibit 1

Please return to address Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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NOTICE OF APPLICATION FOR  
ADMINISTRATIVE ACTION

TO: Soils - Dick Polson

DATE: February 21, 1991

FROM: Clackamas County Planning Division  
902 Abernethy Road  
Oregon City, Oregon 97045  
Phone No. 655-8521

FILE NUMBER & NAME: Z0202-91-C - Steve Mueller

TYPE OF APPLICATION: Conditional Use to construct three buildings to allow sales, repair and storage of farm and forest equipment and to establish a portable sawmill and wood yard.

ZONING: RRFF-5, Rural Residential Farm Forest 5 Acre District

CONTACT PERSON: Doug McClain

The Planning Division would like your comments on the attached application. The application is subject to Section 1203 of the County Zoning and Development Ordinance. If you do not have a copy of the current ordinance, copies of specific sections are available at the Planning Division office. Please contact us if you need ordinance sections to review this application. Please indicate any information which would assist the county in acting on this application. Comments received by March 20, 1991 will be considered in the Planning Division decision on this application. If more information is needed, please call the Planning Division. PLEASE RETURN THIS FORM ONLY.

Recommendation:

*Approved for holding tank  
up to 200 gpd only*

*W H Deal*  
Signature

*Paul Beckett*  
Position

Please return to address above.

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

Exhibit 1

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CONDITIONAL USE

CLACKAMAS COUNTY DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
PLANNING AND ECONOMIC DEVELOPMENT DIVISION  
902 Abernethy Road, Oregon City, Oregon 97045  
Phone: 655-8521

The following information must be submitted with all applications for Conditional Use. Applications not containing this information are incomplete and cannot be accepted.

- A. Completed application form (attached)
- B. Application fee \$395.00
- C. A vicinity map showing the relationship of the proposed use to the surrounding area
- D. Site plan of subject property, drawn to scale, showing the following information: (see attached example)
  - 1. Property dimensions
  - 2. Size of property (square feet or acres)
  - 3. Roads adjacent to property and road names
  - 4. Access to property from nearest public, county or state road
  - 5. Identification, location and distance from property lines of existing and proposed improvements
- E. Building profile, drawn to scale, or proposed structures
- F. Detailed written description of the proposed use and the specific reasons for requesting a conditional use. The description of the proposed use shall include:
  - 1. Number of people associated with the use such as employees, students, congregation or clients. up to 9
  - 2. Days and hours of operation 6 days 8-8
  - 3. Buildings, vehicles, equipment and materials associated with the use 3 commercial buildings, heavy forest equipment, farm tractors  
lumber and logs Trucks and trailers
- G. For specific submittal requirements see applicable portion section 800 (copy available upon request).
- H. A Conditional Use requires county approval. Approval will be granted only if all of the criteria listed in subsection 1203.01 of the Clackamas County Zoning and Development Ordinance are satisfied (copy subsection available upon request), and any criteria listed in the specific zoning district are satisfied. The following questions are intended to obtain the information needed to satisfy the criteria of subsection 1203.01. Please answer each question as thoroughly as possible.
  - 1. Where is the use listed as a conditional use in the underlying zoning district?  
  
RRFF-5 309.05 9  
commercial or processing activities that are in conjunction with timber and farm uses.

(continued on back) **Exhibit 1**

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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2. Are the characteristics of the site suitable for the proposed use? Why is its size, shape, location, topography, and the existence of improvements and natural features appropriate for what you are proposing?

Property has highway exposure with a secondary service road for access.

Property shares an existing log pond on tax lot 4100.  
Tax lot 4100 and 4102 are the site of an old venner mill.

Approx. 20,000 yards of pit run rock have been placed on the property for log storage.

There is an existing 80x150 asphalt pad .

There is existing R C zoning across the old Eagle Creek highway

3. Is the proposed development timely, considering the adequacy of the transportation system, public facilities, and services? Explain why access, roads, sewers, water and other public services are capable of serving the proposed use?

There are 2 existing entrances on to the old Eagle Creek Hi-way.

Subsurface sewage will be by holding tank

Water service by private well

There will be no additional services required

4. Will the proposed use alter the character of the surrounding area in a manner which substantially limits or impairs the use of the surrounding property for the primary uses listed in the underlying district? Explain why this proposal will not adversely impact or disrupt the surrounding area?

This property was developed for this type of use and was part of a plywood venner mill in the 1960 and 1970's.

There was a conditional permit issued in 1982 File # 169-82-C

5. Does the proposal satisfy the goals and policies of the Comprehensive Plan which apply to the proposed use? (copy applicable goals and policies available upon request)

The property has an historic use

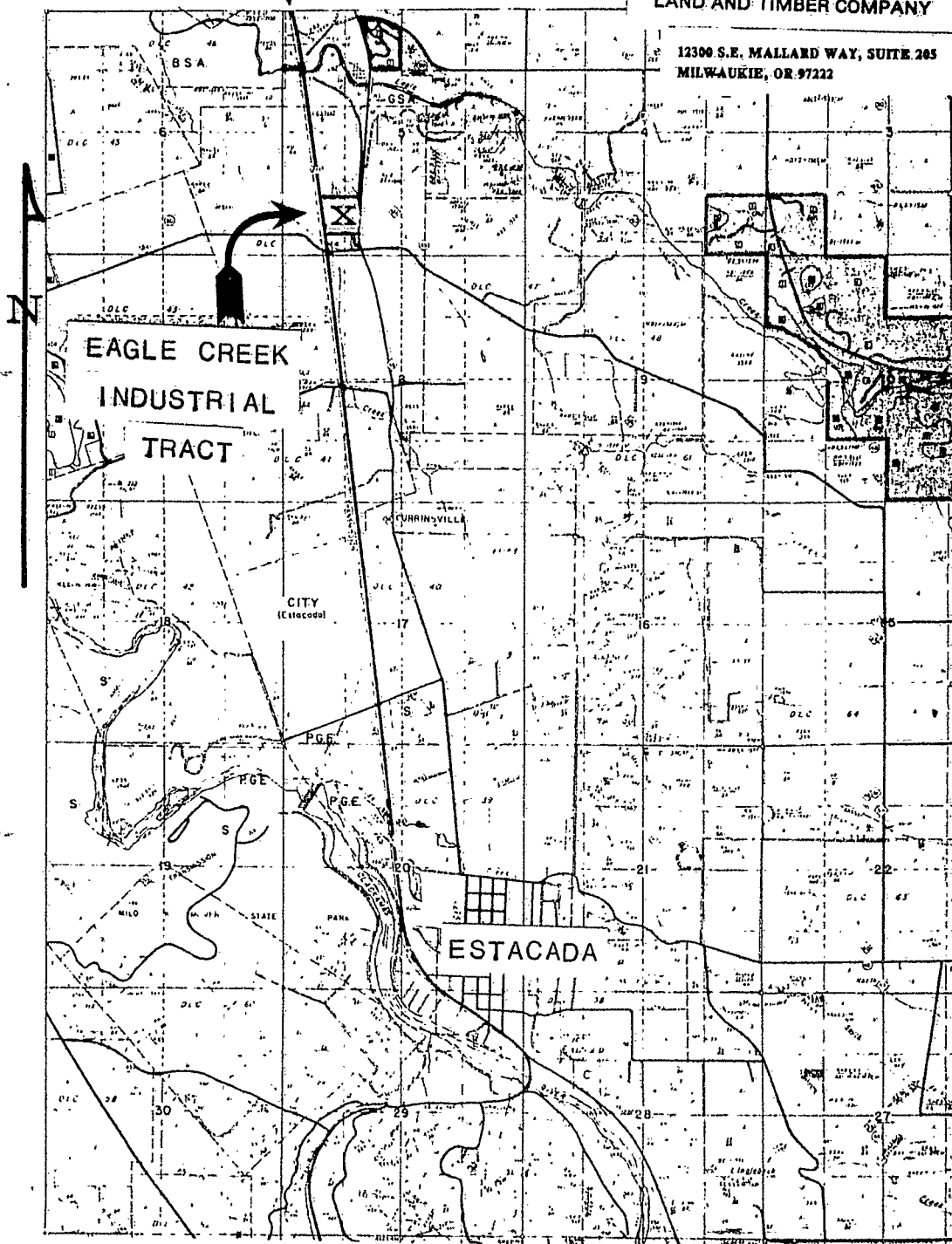
The proposed use does not fundamentally change, the use is within the guidelines set for this zone.

1

7

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12300 S.E. MALLARD WAY, SUITE 205  
MILWAUKIE, OR 97222



## Exhibit 1

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

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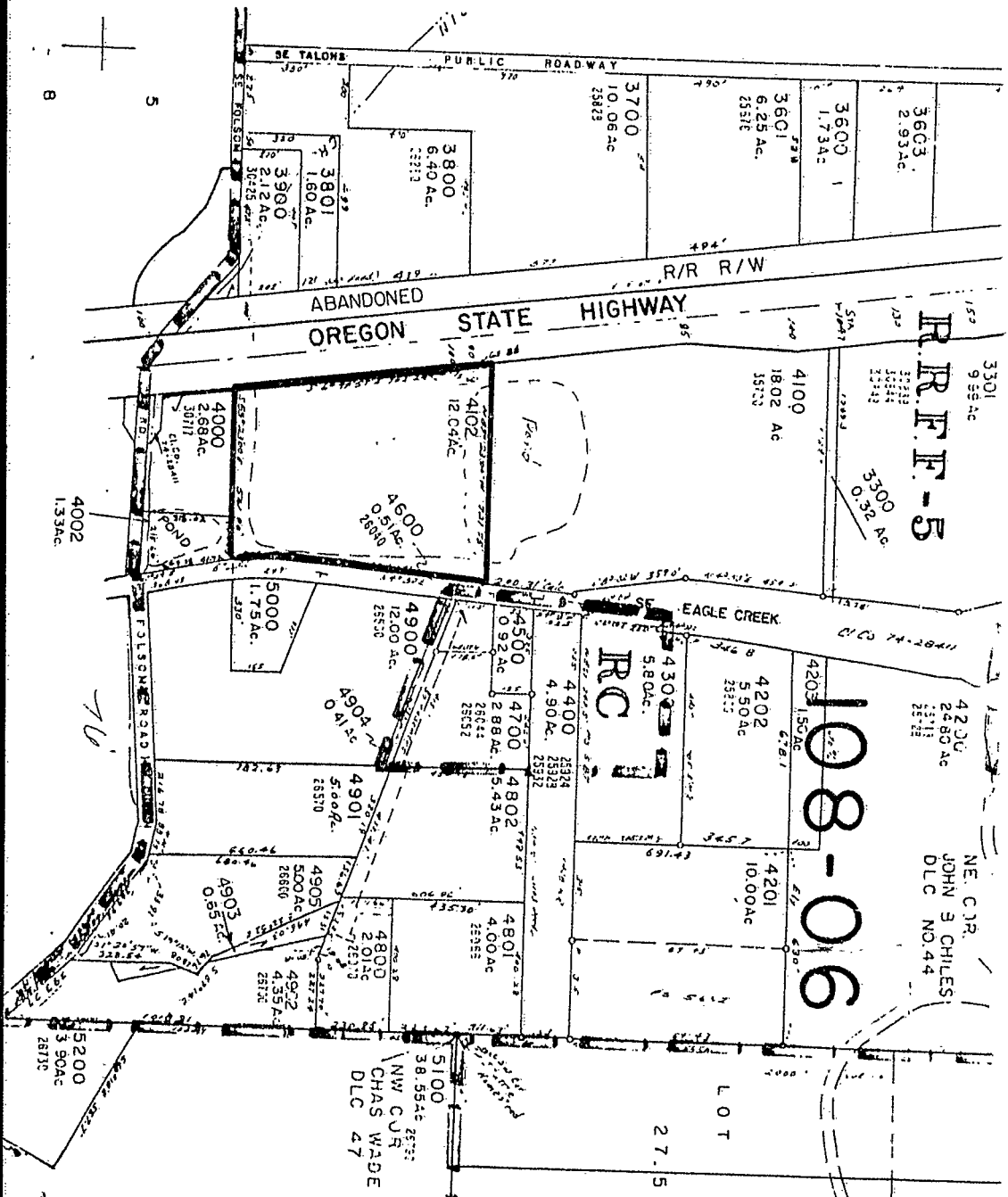


Exhibit 1

20155-21-M; 20156-21-CP; 20157-21-ZAP





CX #1

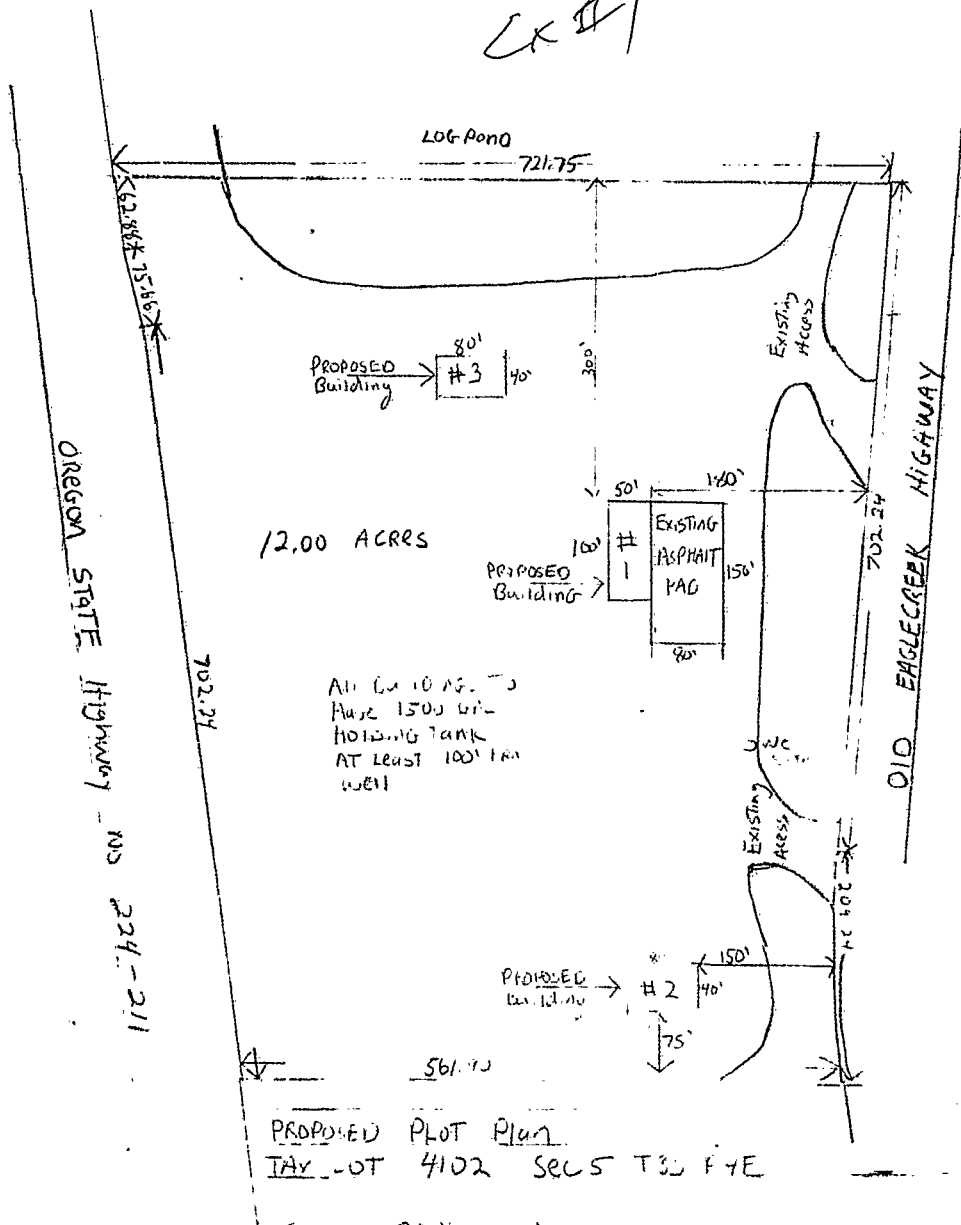
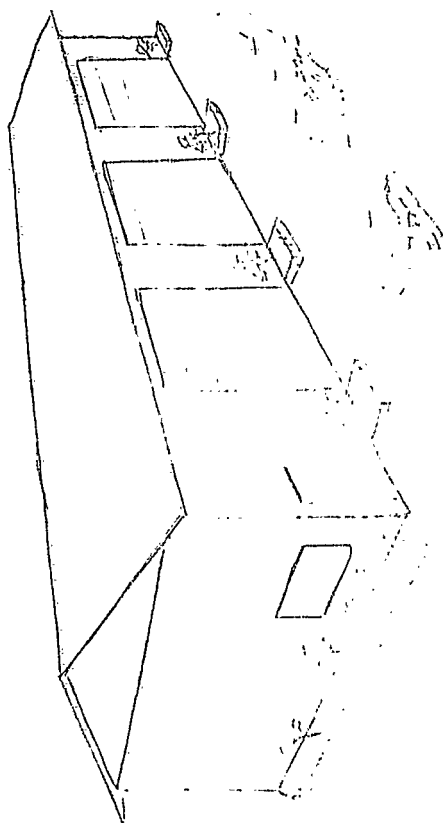


Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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Ex #2

Typical Building Profile

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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## *Crest Development Company*

BUILDERS - EXCAVATING  
28739 SE CREST  
EAGLE CREEK, OREGON 97022  
(503) 630-6963 FAX (503) 630-6909

TO: Clackamas County Planning Division

SUBJECT: Addendum to Conditional use application  
Tax Lot 4102 Sec 5 T3S R4E

Our Company is in the Forest and Farm Excavating and Construction business.  
We also sell and lease Equipment.

Partial Customer list:

Mt. Hood National Forest  
Umatilla National Forest  
Siuslaw National Forest  
Deschutes National Forest  
Umpqua National Forest  
Pacific Forest Consultants  
Park Forest Products  
and a number of private farmers.

I service roads, campgrounds, dig stumps, pile slash and build small structures and bridges in the forest.

During the course of business I have access to salvage timber to process in the portable sawmill. This use would be somewhat limited, averaging 2 loads of logs a week. I have recently sold tax lot 2900 Sec 8 T3S R4E where I had established similar uses.

Thank You,

Steve Mueller

File No: Z0202-91  
Type: ZC

CONDITIONAL USE

Page : 1 of 2  
Date : 02/14/91  
Time : 14:23

Status: PENDING

DatesReceived 02/14/91 Decision  
Final Expires

Applicant: CREST DEVELOPMENT CO  
Address: 28739 SE CREST  
City/Zip: EAGLE CREEK OR 97022  
Phone: 630-6963

Parcel No: 34E05 -04102 Owner: TIMES MIRROR LAND&TBR CO  
Site Address:

Title: CREST DEVELOPMENT CO/RRFF-5  
Proposed Use: REPAIR/STORAGE/SALES FOR. EQUIP/SAWMILL

Const: OTH  
Val by: 0 No. of Units: 0  
DCP Staff Reviewer: GN

Contiguous Parcels: NONE  
Comm Planning Organization  
Water Supply:

Private Well (Y/N) Y

Fee description	Units	Fee/Unit	Ext fee	Data
Standard Fee			395.00	
*** Fees Required ***	*** Fees Collected & Credits ***			
Fees:	395.00			
Adjustments:	.00			
Total Fees:	395.00			
	Receipt No.	Date	Payment	
	001A0037	02/14/91	395.00	
	Total Credits:		.00	
	Total Payments:		395.00	
	Balance Due:		.00	

Desc/date Act Inspector Comments  
Route To Staff Reviewer

\*\* No Entries \*\*

Notice of Distribution

\*\* No Entries \*\*

Comments Received

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

\*\* No Entries \*\*

Exhibit 1

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File No: Z0202-91  
Type: ZC

Page : 2 of 2  
Date : 02/14/91  
Time : 14:23

CONDITIONAL USE

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Desc/date	Act	Inspector	Comments
Hearing-Date-Continued-Action			
04/03/91	HR	HO	SET FOR HEARING
Staff Report (7 Days)			
Final (file closed)			** No Entries **
			** No Entries **
			** No Entries **
			** No Entries **

# LAND USE FILES

FILE # 20578-91-M

## LEGAL DESCRIPTION:

T3 S R4 E

SEC. 5 TAX LOT 4002, w.m.

MAP ✓

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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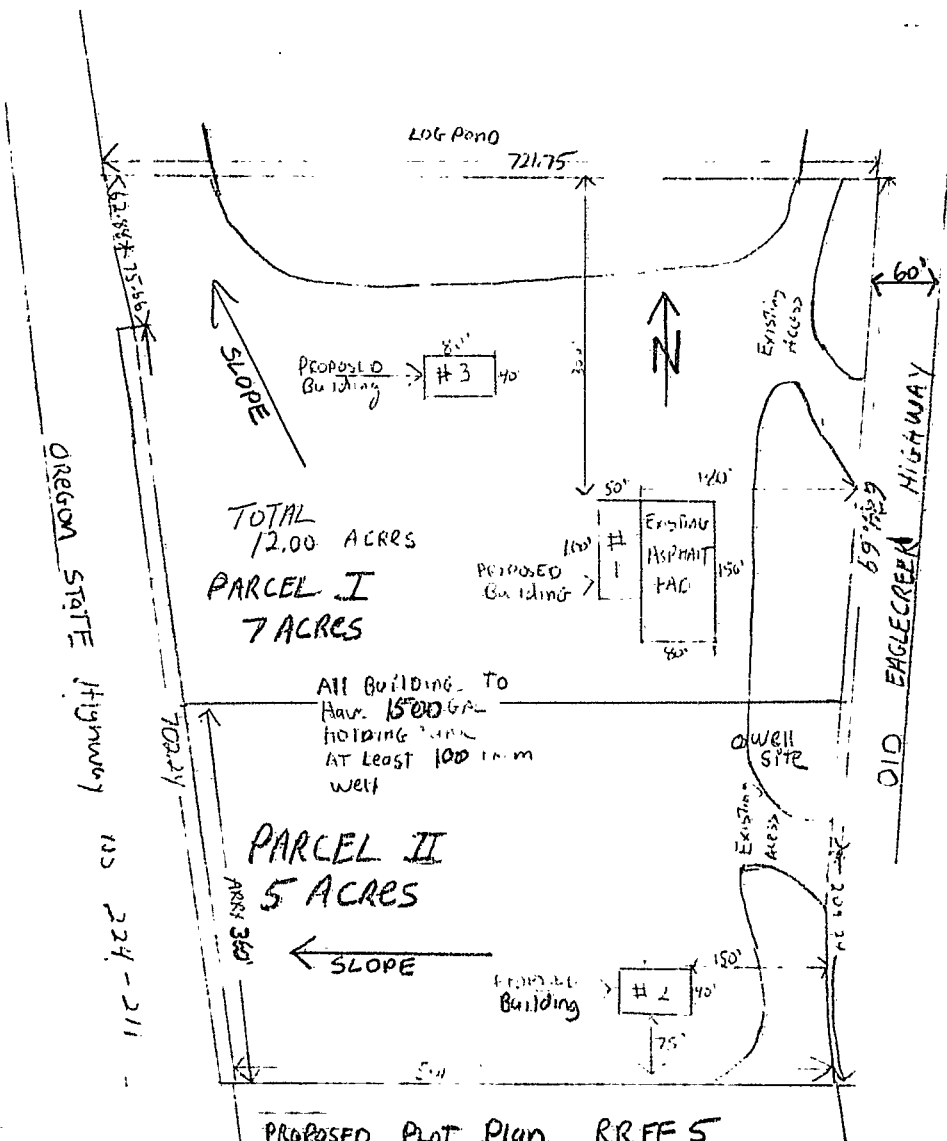


RRFF-5-309  
Minor Part-1106

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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PROPOSED Plot Plan RRFF 5  
TAX Lot 4102 SEC 5 T3S R4E  
MAY 9 1991

SCALE 3/4" = 1.00'

STEVE MUELLER 28739 SE.

CREST EAGLE CREEK OR 97022

630-6963

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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NOTICE OF DECISION ON  
MINOR PARTITION

CLACKAMAS COUNTY DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
PLANNING AND ECONOMIC DEVELOPMENT DIVISION  
902 Abernethy Road; Oregon City, Oregon 97045  
Phone: 655-8521

LAST DATE TO APPEAL: JUL 01 1991

DATE: June 21, 1991

FILE NO.: Z0578-91-M

STAFF CONTACT: Clay Glasgow

APPLICANT: Steve Mueller

OWNER OF PROPERTY: Same

LOCATION: Between S.E. Eagle Creek Road and Highway 211/224, approximately 300 feet north of S.E. Folsom Road; Eagle Creek area.

LEGAL DESCRIPTION: T3S, R4E, Section 5, Tax Lot 4102, W.M.

SITE ADDRESS: Not available

TOTAL AREA INVOLVED: Approximately 12.04 acres

PRESENT ZONING: RRFF-5; Rural Residential Farm Forest 5-Acre District

CITIZENS PLANNING ORGANIZATION: Eagle Creek-Barton CPO; c/o Chrys Poitras; 28180 S.W. Gerber Court; Eagle Creek, OR 97022; 637-6211

PROPOSAL: The applicant plans to partition the subject property into two parcels of approximately 5 acres and 7 acres each.

The Planning Division has reviewed your application for a Minor Partition. The request is consistent with the Zoning and Development Ordinance and Comprehensive Plan and is approved. Approval is subject to the conditions of approval identified below.

CONDITIONS OF APPROVAL

1. All conditions of approval shall be guaranteed or completed prior to issuance of any building permits, unless otherwise noted below.
2. Within 180 days of the date of decision, a final partition plat survey of the approved map must be submitted to this office for review. Once approved by the Planning Division, the approved partition plat will be sent to the County Surveyor for review. When approved by the Surveyor, the plat must then be filed and recorded by the County Clerk. Failure to submit the final survey will void this partition approval.
3. No parcel in an approved minor partition can be redivided through partitioning until the next calendar year following the date of final approval of the partition and the date of sale of the individual parcel. The creation of four (4) or more parcels within a calendar year requires filing of a subdivision; any parcels under the same ownership shall be counted in determining the number created.
4. All structures and uses shall conform to the requirements of the RRFF-5 zoning district.
5. A Street Construction and Encroachment Permit must be acquired from the Department of Transportation and Development, Technical Services Division. Failure to obtain this permit will void partition approval. Completion of the improvement set forth in this permit must be accomplished or a performance surety in the amount equal to the cost of the improvements must be posted prior to issuance of building permits.
6. The driveway entrance shall be paved from the property line to the existing improved surface of the roadway. Any new access taken off Highway 211 will require a permit from the State Highway Division.

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

Continued on reverse  
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7. This approval is subject to the limitations imposed by the County Soils Division. No building permits will be issued prior to the applicant satisfying all requirements from that division.
8. This approval is subject to all conditions of previous File No. Z0202-91-C (Conditional Use to allow construction of 3 buildings to allow sales, repair, and storage of farm and forest equipment, as well as establishment of a portable sawmill and wood yard).
9. Design Review shall be required prior to commencement of use or issuance of building permits.
10. A statement of water rights shall be included on the final partition plat. If there are no water rights being claimed it shall be so stated on the plat. If water rights are being claimed the applicant shall complete a "Statement of Water Rights" form (available in the Planning Division office), and mail it to the Oregon Water Resources Department for acknowledgment of these rights. The applicant should allow approximately two weeks for a response. A copy of the acknowledgment must be submitted to the Planning Division and included with the plat before the County Clerk will accept the plat for recording.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

IF YOU DISAGREE WITH THIS DECISION OR CONDITIONS, YOU MAY APPEAL THIS DECISION TO THE CLACKAMAS COUNTY HEARINGS OFFICER. THE COST OF THE APPEAL IS ONE-HALF THE ORIGINAL FILING FEE. YOUR APPEAL MUST BE RECEIVED IN THE PLANNING DIVISION OFFICE BY THE LAST DATE TO APPEAL, WHICH IS JUL 01 1991

0620/205-4/cg:mp

Date Mailed: 6-21-91  
Neighborhood Group ✓  
Property owners (250') 350' ✓  
Applicant ✓  
Attorney \_\_\_\_\_  
Others: \_\_\_\_\_

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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# MINOR PARTITION APPLICATION

DEPARTMENT OF ENVIRONMENTAL SERVICES  
902 Abernethy Road  
Phone: (503) 655-8521

CLACKAMAS COUNTY PLANNING DIVISION  
Oregon City, Oregon 97045

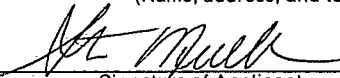
1. FEE: The fee is \$260<sup>00</sup> per application.
2. MAPS. Attach six (6) maps with all required information listed. Application cannot be processed unless all required information is furnished.
3. Building Permit Application Number, if any: \_\_\_\_\_
4. Variance Application Number, if any: \_\_\_\_\_
5. Non-Farm/Forest Application Number, if any: \_\_\_\_\_

TOWNSHIP 3S RANGE 4E SECTION 5 TAX LOT 4/102

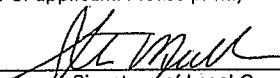
I / We hereby submit this application for approval of a minor partition, as indicated on the attached map

Steve Mueller 28739 SE CREST  
(Name, address, and telephone number of applicant. Please print.)

EAGLE CREEK OR. 97022 630-6963  
(Name, address, and telephone number of applicant. Please print.)

  
Signature of Applicant

5-9-91  
Date

  
Signature of Legal Owner

5-9-91  
Date

Date Received: 5/6/91 FOR OFFICE USE ONLY File No. 20578-91-M

Received By TC

APPR-5

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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CLACKAMAS COUNTY PLANNING DIVISION  
INFORMATION TO BE SHOWN ON MINOR PARTITION MAPS

Staff, please check each box when reviewing application. All information must be on map before accepting application.

Maps must be on 8½ x 14 inch paper, with ½-inch margin on all sides.

- ☐ 1. Legal description by Township, Range, Section and Tax Lot number.
- ☐ 2. Name, address and telephone number of applicant.
- ☐ 3. Parcel layout, with dimensions. Show any adjacent property under same ownership.
- ☐ 4. Direction of north.
- ☐ 5. All existing roads and road widths.
- ☐ 6. Number the parcels, i.e., Parcel 1, Parcel 2.
- ☐ 7. Location of well or proposed well, or name of water district.
  - a. All wells must be 100 feet from any drainfield. No drainfield can be located within 100 feet of any well.
  - b. Any parcel using an individual private well must be two (2) acres in size, unless waived by the Soils and Sanitation Department.
- ☐ 8. Type of sewage disposal: Septic tank or public sanitary sewers. Name of sewer district.
- ☐ 9. Zoning.
- ☐ 10. Size of parcel(s) in square feet or acres.
- ☐ 11. Slope of ground. (Arrows pointing down-slope.)
- ☐ 12. Setbacks of all existing buildings, septic tanks and drainfields from new property lines.
- ☐ 13. Show all utility and drainage easements.
- ☐ 14. Show any natural drainage channels. Indicate direction of flow, and whether drainage is seasonal or year around.
- ☐ 15. Map scale.
- ☐ 16. Date.
- ☐ 17. Building permit application number, if any.

444

FFU-20

NE. CR  
JOHN B CHILES  
DLC NO.44

108-606

# ARREARS

U  
M

ABANDONED  
OREGON  
STATE  
HIGHWAY

## Exhibit 1

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

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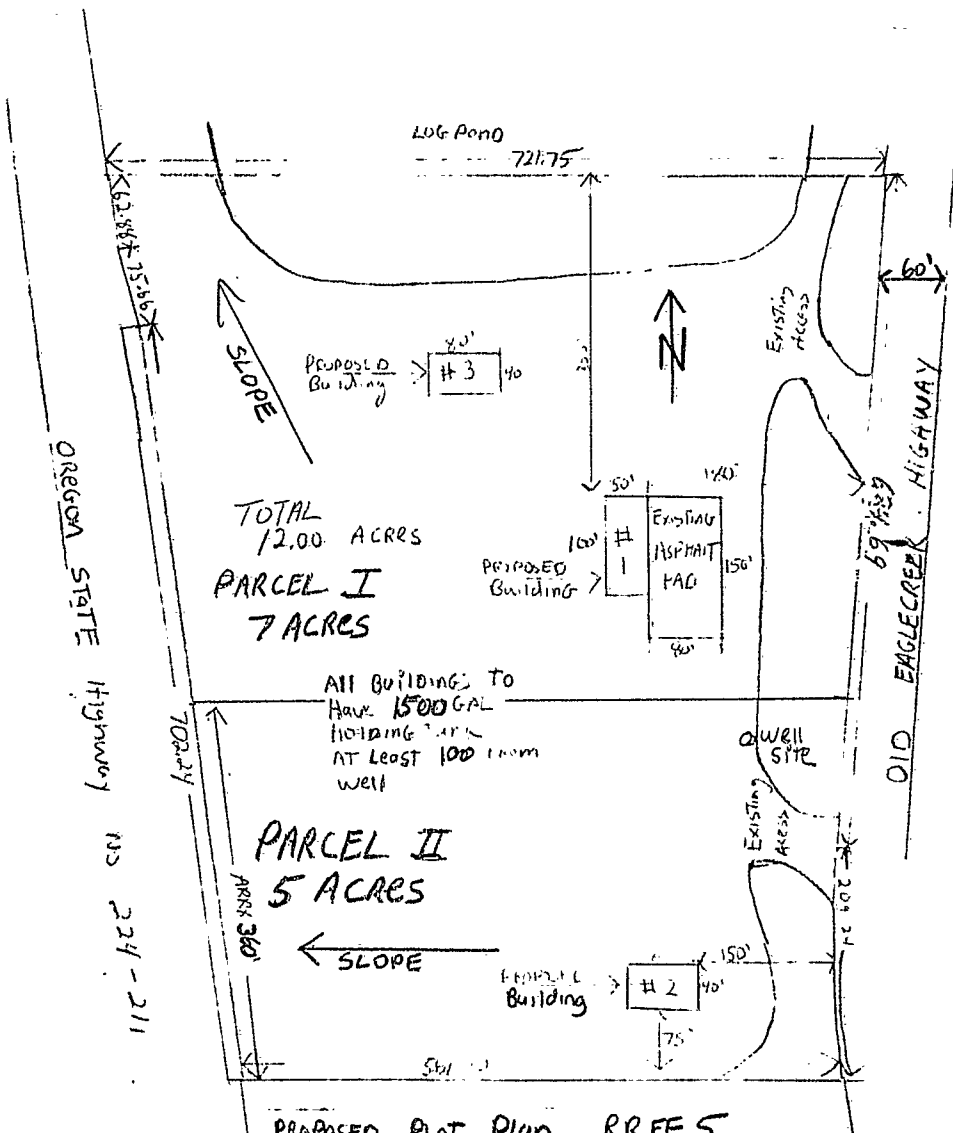


Exhibit 1

STEVE MUELLER 28739 SE.  
CREST EAGLE CREEK OR 97022  
630-6963

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP



# CLACKAMAS COUNTY

## Department of Transportation & Development

WINSTON KURTH  
EXECUTIVE DIRECTOR

RICHARD DOPP  
DIRECTOR  
OPERATIONS & ADMINISTRATION

TOM VANDERZANDEN  
DIRECTOR  
PLANNING & DEVELOPMENT

January 25, 1991

Times Mirror Land & Timber Co.  
c/o Steve Mueller  
28739 S.E. Crest  
Eagle Creek, OR 97022

SUBJECT: TAX LOT 4102, SECTION 05, T. 3S, R. 4E  
SOIL FEASIBILITY STUDY

I visited this property January 23, 1991, and examined the two soil test pits. As expected, the pits revealed fill materials consisting of soil rock and wood waste from the surface to the bottom of the pits. The natural soil was not observed to a depth of 48 inches. These conditions cannot be considered for subsurface sewage disposal so the only possibility might be a holding tank system.

Holding tanks can only be considered where the daily sewage flow is limited to 200 gallons or less. That means 13 employees total at the proposed shop building. And, for one shift only. No industrial wastes and no shower facilities. If the buildings require showers, only five employees total could be considered for both shop buildings.

Further investigation and detailed holding tank design is necessary to ensure a solid stable base to site the holding tank. Refer to the standards set forth by the Department of Environmental Quality (pages 71-84, 71-85 and 71-86) for other conditions that must be addressed.

Your application is considered denied pending the additional required information.

Call, if you have any questions. I am usually in the office between 8 and 9 a.m. or 4 and 5 p.m.

LEE A. GRIMES - Soil Scientist  
Building Services Division

/krb

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

RICHARD F. CRIST  
Land Use Hearings Officer  
18734 Upper Midhill Drive  
West Linn, Oregon 97068  
(503) 636-9256

FINDINGS AND DECISION OF THE HEARINGS OFFICER

File No.: Z-0202-91-C

Applicant: Steve Mueller, 28739 SE Crest, Eagle Creek, OR 97022

Proposal: To construct three buildings to allow sales, repair and storage of farm and forest equipment, and to establish a portable sawmill and wood yard.

Planning Division Recommendation: Approval.

Staff Representative: Doug McClain

Public Hearing: A public hearing was held at the Clackamas County Department of Transportation and Development (DTD), 902 Abernethy Road, Oregon City, Oregon on April 3, 1991 at 9:30 a.m., at which time testimony and other evidence was received, the record was closed, and an oral decision was announced approving the application, subject to certain conditions.

Speaking in Support of Request:

1. Steve Mueller, 28739 SE Crest, Eagle Creek, OR 97022

Community Planning Organization Response: There is no active CPO serving this area of Clackamas County.

Speaking in Opposition to Request: None.

FINDINGS:

A. Subject Property:

1. Legal Description: Tax Lot 4102, Section 5, T3S, R4E, W.M., Clackamas County, Oregon
2. Location: Between State Highway 211 and SE Eagle Creek Road, approximately 400 feet north of SE Folsom Road, Eagle Creek area.
3. Zone: RRRF-5, Rural Residential Farm Forest 5 Acre District
4. Comprehensive Plan Designation: Rural
5. Site Description: The subject property is approximately 12 acres. It is currently undeveloped. Most of the site is covered with gravel.

B. Vicinity Information: This area contains a mixture of agricultural

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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and rural residential uses. There is also a small rural commercial development located to the northeast of the subject property.

C. Service Considerations: Water will be provided by private well. Sewage disposal will be handled on-site. Fire protection is provided by Estacada Fire District No. 69.

D. Land Use Ordinance Considerations:

1. Section 309 of the Clackamas County Zoning and Development Ordinance (ZDO) controls land uses in the RREF-5 zoning district. Subsection 309.05 provides that certain uses may be permitted as a conditional use where the application satisfies the criteria under Section 1203 of the ZDO, the applicable standards under Section 800 of the ZDO and any other requirements of the ZDO. The Hearings Officer has reviewed the entire record made as a part of this proceeding, and Findings based on that record with regard to each of the criteria above described will be discussed below.

2. This application satisfies each of the criteria under Section 1203 of the ZDO, as follows:

a. The proposed use is listed as a conditional use in the underlying zoning district. Subsection 309.05(A)(9) of the ZDO lists commercial or processing activities which are in conjunction with timber and farm uses as a conditional use in the RREF-5 zoning district. The applicant proposes to sell, store and repair farm and timber equipment, and will be conducting a portable sawmill and wood yard. The applicant is proposing to move his existing business from a nearby parcel. These uses have previously received conditional use approval (See File #487-86-C), and are activities in conjunction with farm and timber uses.

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

The property has been previously gravelled for log storage, making it suitable for the proposed uses. The site is level and open, with no natural features or improvements which limit its suitability for the proposed uses.

c. The site and the proposed development are timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

Regarding the transportation system, the property abuts both State Highway 211 and Eagle Creek Road. The information provided by the County staff is that the traffic expected to be generated by the proposed uses can be easily accommodated by these roads. This information is not contested, and is accepted by the Hearings Officer.

Responses from the local fire district and the County's Soils Division indicated that appropriately facilities can be provided on-site, without any impact on public facilities and services.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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Conditions of approval will require approval of the means of sewage disposal for the property and adequate provision for fire-fighting water and emergency vehicle access.

d. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying zoning district.

The subject property and the immediate surrounding area are zoned RRFF-5. The primary uses of that district are set forth in subsection 309.03 of the ZDO, and included herein by this reference. They include generally rural residential uses, and limited farm or forest uses.

The subject property is isolated from adjoining lots and is affected by State Highway 211 and Eagle Creek Road. There are no nearby homesites. The conditions of approval will include design review, which will assist in providing visual mitigation. With this visual mitigation, there are no identified impacts on adjacent properties which would limit or preclude permitted primary uses.

e. The proposal satisfies the Goals and Policies of the Comprehensive Plan (Plan) for Clackamas County which apply to the proposed use.

As stated above, the subject property is designated Rural by the Plan. No specific Goals or Policies of the Rural Section of the Land Use Element of the Plan have been identified as applicable to this application.

3. Subsection 801.03 of the ZDO lists the information which must be submitted for a complete conditional use application. This application contains a description of the proposed use and specific reasons for the request, a vicinity map, a site plan of the property, including existing and proposed improvements, a building profile, and information addressing the criteria under Section 1203 of the ZDO. This provision is satisfied.

4. No other provisions of the ZDO or the Plan have been identified as applicable to this application, and no other provisions of the ZDO or the Plan are found to be applicable.

5. The Hearings Officer specifically finds that the applicant can meet each of the conditions of approval.

DECISION: Approval, subject to the following conditions:

1. The applicant shall provide an adequate source of fire-fighting water, consistent with the requirements of Estacada Fire District No. 69. Prior to establishing the use or issuance of any building permits, the applicant must provide a letter from the fire district substantiating compliance with their requirements for fire-fighting water and emergency vehicle access.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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2. Approval is subject to the limitations imposed by the County Soils Division. Currently, the use must generate no more than 200 gallons per day, which is the maximum allowed by the current holding tank approval.
3. Approval is limited to the specific use described in the application, to the extent it is consistent with the conditions of approval.
4. Design review approval is necessary. Consideration shall be given to visual mitigation of the proposed uses.
5. Approval is subject to the conditions of approval. Noncompliance with any condition constitutes a violation of this permit and shall be sufficient cause for revocation of this permit.

DATED and FILED this 23rd day of April, 1991.

Richard F. Crist  
Richard F. Crist  
Hearings Officer

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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File No: Z0578-91  
Type: ZM

Page : 1 of 2  
Date : 05/10/91  
Time : 15:33

MINOR PARTITION

Status: PENDING

Dates Received 05/10/91      Decision  
Final                      Expires

Applicant: MUELLER STEVE  
Address: 28739 SE CREST  
City/Zip: EAGLE CREEK OR      97022  
Phone: 630-6963  
Parcel No: 34E05 -04102      Owner: TIMES MIRROR LAND&TBR CO  
Site Address:

Title: MINOR PARTITION\2 LOTS\RRFF-5  
Proposed Use: SFR\RURAL

Const: OTH  
Val by:                      0 No. of Units:      2  
EFTC                      Staff Reviewer: JB

No of Proposed Lots:      2  
Comm Planning Organization  
Water Supply:  
Private Well      (Y/N) Y  
Septic      (Y/N) Y

Fee description	Units	Fee/Unit	Ext fee	Data
Standard Fee			260.00	
*** Fees Required ***	***	Fees Collected & Credits		***
	Receipt No.	Date	Payment	
		05/10/91	260.00	
		05/10/91	260.00	
	DOUBLE ENTRY	05/10/91	-260.00	
Fees:	260.00			
Adjustments:	.00	Total Credits:	.00	
Total Fees:	260.00	Total Payments:	260.00	
		Balance Due:	.00	
Desc/date	Act	Inspector	Comments	
Routed To	Staff	Reviewer		

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP



File No: Z0578-91  
Type: ZM

MINOR PARTITION

Page : 2 of 2  
Date : 05/10/91  
Time : 15:33

---

Desc/date	Act Inspector	Comments
20 Day Pending-Waiting	Comment	** No Entries **
Notice of Staff Decision		** No Entries **
10 Day Appeal Period		** No Entries **

# PLANNING DIVISION

## LAND USE FILES

FILE NUMBER: ZO 716-02-CP

LEGAL DESCRIPTION:

T 3 S, R 4 E, SECTION 05

TAX LOT(S) 4102, 4103



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Main/Coastal Fax: (503) 378-6033

Director's/Rural Fax: (503) 378-5518

TGM/Urban Fax: (503) 378-2687

Web Address: <http://www.lcd.state.or.us>

### NOTICE OF ADOPTED AMENDMENT

November 20, 2003



TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Larry French, Plan Amendment Program Specialist

SUBJECT: Clackamas County Plan Amendment  
DLCD File Number 010-03

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 28, 2003

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, Rural Coordinator  
Gary Fish, Regional Representative

[Redacted]

<paa> ya/

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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# FORM 2

## DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision  
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

Jurisdiction: CLATSOP COUNTY Local File No.: Z0716-02-CP / Z0717-02-Z  
(If no number, use none)

Date of Adoption: 11-6-03 Date Mailed: 11-13-03  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 7-15-03

☐ Comprehensive Plan Text Amendment ☒ Comprehensive Plan Map Amendment  
☐ Land Use Regulation Amendment ☒ Zoning Map Amendment  
☐ New Land Use Regulation ☐ Other: \_\_\_\_\_  
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

CHANGED THE COMPREHENSIVE PLAN AND ZONE.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

SAME

Plan Map Changed from: RURAL to RURAL INDUSTRIAL

Zone Map Changed from: RREF-5 to RI (RURAL INDUSTRIAL)

Location: 26175 S. EAGLE CRK RD., EAGLE CRK. OREGON Acres Involved: 12.0

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: None

Was an Exception Adopted? Yes: ☒ No: ☒

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: ☒ No: ☐

If no, do the Statewide Planning Goals apply. Yes: ☐ No: ☐

If no, did The Emergency Circumstances Require immediate adoption. Yes: ☐ No: ☐

Affected State or Federal Agencies, Local Governments or Special Districts: NONE

Local Contact: GARY HEWITT Area Code + Phone Number: 503-353-4519

Address: 9101 SE SUNNY BROOK BLVD. City: CLACKAMAS

Zip Code+4: 97015 Email Address: garyh@co.clackamas.or.us

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST DEPT OF  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

NOV 17 2003  
LAND CONSERVATION  
AND DEVELOPMENT

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

## CCP-PW25 (3/94)

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

In the Matter of a Comprehensive  
Plan and Zone Change  
for Steve Mueller/C & J  
Investments.

ORDER NO. <sup>230</sup>~~221~~ 2003-          

File No.: Z0716-02-CP/Z0717-02-Z

This matter coming regularly before the Board of County Commissioners, and it appearing that Steve Mueller and C & J Investments made application for a Comprehensive Plan map amendment and zone change on property described as T3S, R4E, Section 05, W.M., Tax Lots 4102 and 4103 located at 26175 S. Eagle Creek Road, Eagle Creek, Oregon; and

It further appearing that planning staff, by its report dated September 2, 2003, has recommended approval of the application; and

It further appearing that the Planning Commission at its September 8, 2003, has recommended approval of the application; and

It further appearing that after appropriate notice a public hearing was held before the Board of County Commissioners in the County Courthouse Annex at 906 Main Street, Oregon City, OR, on October 15, 2003; in which testimony and evidence were presented, and that a preliminary decision was made by the Board on October 15, 2003.

Based upon the evidence and testimony presented, this Board makes the following findings:

1. The applicant requests approval of a Comprehensive Plan map amendment from Rural to Rural Industrial and zone change from RRFF-5 to RI for a 12-acre parcel in the Eagle Creek area.
2. This request complies with the applicable provisions of the Comprehensive Plan and Zoning and Development Ordinance for the reasons stated in the Planning Staff Report/Recommendation, which is hereby adopted as findings and conclusions of this Board.
3. This approval is consistent with all applicable Statewide Planning Goals.

NOW, THEREFORE, IT IS HEREBY ORDERED that the requested Comprehensive Plan amendment and zone change are granted.

DATED this 6<sup>th</sup> day of November, 2003.

BOARD OF COUNTY COMMISSIONERS

Bill Kennemer  
Bill Kennemer, Chair

Millicent Morrison  
Millicent Morrison, Recording Secretary

Exhibit 1  
Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP





**SUMMARY**

**FILE NO.:** Z0716-02-CP / Z0717-02-Z

**APPLICANT:** Steve Mueller

**PROPOSAL:** Comprehensive Plan map amendment from Rural to Rural Industrial.  
Corresponding zone change from RRFF-5 to Rural Industrial.

**STAFF RECOMMENDATION TO THE PLANNING COMMISSION:** Approval of the  
Comprehensive Plan map amendment and zone change.

**CPO RECOMMENDATION:** The property is located in the Eagle Creek - Barton CPO. The  
CPO recommended approval of the application (See Exhibit 7).

**SIGNIFICANT ISSUES:** There appear to be no significant issues associated with this request.

**PLANNING COMMISSION ACTION:** The Planning Commission recommended approval of  
the Comprehensive Plan map amendment and zone change based on the findings and conclusions  
in the staff report.

**PLANNING STAFF:** Gary Hewitt, 503-353-4519. I will be out of the office from October 6<sup>th</sup>  
through the 13<sup>th</sup>. If you have questions during that time, please call Doug McClain at 353-4502.



APPROVED 9-29-03  
Date

DEPARTMENT OF  
TRANSPORTATION AND DEVELOPMENT

Sunnybrook Service Center

PLANNING COMMISSION  
MINUTES  
SEPTEMBER 8, 2003

MEMBERS PRESENT: Jo Shapland, Len Waldemar, Sara Hicks, Norm Andreen, Ron Johnson, Terry Hauck

AUDIENCE: 8

STAFF: Gary Hewitt, Erlien Kittelson

Chair Johnson opened the hearing at 6:38 pm. He explained the agenda to the audience. The first hearing is a continuation. Chair Johnson explained he was not here for the first hearing but has reviewed all the file and is fully briefed and able to make a fair and just decision in the matter before him.

Z0007-03-CP, Z0008-03-Z, Walker/Jean MacKay hearing continued. Mr. Hewitt refreshed the commission at their request.

Under the Physically Developed Exception the following facts were found. Approximately 40% of the subject property consists of pasture land. There are no physical structures on the site. There are no public services serving the site. The underground natural gas line does not impact the property to the extent that grasses for grazing could not be continued. The pond is considered farm use.

Under the Irrevocably Committed Exception the following facts were found. The parcel size is substantially similar to area properties but small than those in the EFU designation. None of the slopes substantially limit the ability for farm use. Soils type is High Value, Class 2 and 3, suitable for farming. The property is accessible to other EFU properties to the west. Those properties to the west are still farmed. There is no evidence that the number of dwellings in the area will prohibit farming of the property.

The Comprehensive Plan review found that of the 11 policies, 3 were met, 5 were not met and 3 were not applicable.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

The Zone Change review found the application satisfied 3 of the 4 applicable criteria. Of note was that Engineering, after review with Mr. Walker, found that the wrong driveway was reviewed. Mr. Hixson, Traffic Engineer found that with some removal of vegetation, the sight distance could be met. Additionally, there would be no failing intersections in the area of influence.

Staff recommendation remains as a denial of the Exceptions, Comp. Plan and Zone Change.

Chair Johnson said it is RRFF-5 that the application is requesting. Mr. Hewitt concurred. He received no rebuttal information from Mr. Walker.

## REBUTTAL

Frank Walker, Walker and Assoc. PO Box 7170 Salem 97303. Page 28 of original submittal he made it clear it was an irrevocably committed exception. It is a vacant piece of property. The emphasis is that the land is irrevocably committed because of its relationship to the other properties. The relationship to the farms in the area. Soils – he has 27 photos that show that the staff report is not accurate. It is a tangled mass of vegetation of boulders and outcropping of rocks are very difficult to deal with managing land. There is no one single factor that describes the property. That is why there is a lot of pictures. 40% is in pastureland, but 60% is rock, stream, riparian, and topography (steep).

Commissioner Hauck said if you have Class II and III soil then it is what it is, Class II and III soils. The slope and other characteristics though interesting have no bearing on this review to the extent Mr. Walker was eluding to. Mr. Walker said there is a whole host of factors in which soils is just one that the State criteria identification section asks to look at. Chair Johnson said the argument is walking on both sides of the street. Mr. Walker said OAR 660 said they can use soils as a determinate. OAR 660 identification of farmland, they open up more than just soils. Site characteristics and then soil characteristics and the relationship to the farm enterprise. You have to look at the site characteristics. Chair Johnson said his argument is focused too much on this. He ask if Mr. Walker would describe the surrounding area a little more. Mr. Walker said soils are grossly overmapped.

Comm. Hauck said it is problematic that it is improperly mapped based on some photos and that the Commission is to buy into what he said solely based on Mr. Walker's statements. Comm. Hauck said it is natural resource land. Mr. Walker is mixing apples and oranges. Other evidence is needed. Comm. Andreen asked why they didn't get a soils evaluation that could have been submitted as evidence. Mr. Walker said it is expensive and his clients had spent in excess of \$30,000 to partition this property and try to seek development. Mr. Walker has done soils mapping in the past. Mr. Walker then showed a large aerial photo of the surrounding areas to the Commission. He pointed to the area pasture land, animal grazing, rural residential designation to the south, some timber land, hay, all of which surrounds the subject property.

Properties and their relationship to the economy in the area is addressed in the OAR. Grass hay has never been grown for profit. This property is cut off from other properties and can only be accessed from the south. There is an isolated piece that can be farmed and it has never been farmed. It does not contribute to the economy of the area. If it is to be used for farm use then it should maintain products that processors could depend on. Could this be farmed with other properties? Questioned if ever farmed with the intent of farming. Walker responded, yes for pasture and hay. The hay taken off has been taken off with the land to the south. Other than that Mr. MacKay gave hay away to a neighbor. No real relationship to this property and other farm uses in the area. Burden of proof based on parcel size that the land is irrevocably not committed to farm use. Pointed out that nursery stock and Christmas trees farming is within a mile of the subject property. Meets minimum parcel size for this zone, but asking for 10 acre parcel sizes. One parcel that has less usable land (1.19 acres). Mr. Walker showed Exhibit #20 (a picture of a boulder).

Comm. Hauck said he was confused. Are they asking for 10 acre or RRFF-5. Mr. Walker said RRFF-10 instead of RRFF-5. The applicant meant to say FF-10 is what they wanted to change to.

He has additional photos to show to the Commission. This will be Exhibit #21 (three photos). Exhibit #22 will have 27 photos showing the land, rock outcroppings and vegetation. The transportation sight distance was resolved. It was measured from the wrong driveway. Mr. Walker feels this parcel is predominantly land with difficult terrain with a long history of not being farmed and is not intended to make profit.

Comm. Hicks asked about neighboring properties being completely farmable. Does he have soils analysis on these properties? Mr. Walker said he had his own field observations. An area north of the farm has a lot of rocks also. Those parcels did not have the size of outcroppings that this property has. Most of the area is in livestock, pasture, sheep on Mueller Road.

#### NEITHER PROPONENT OR OPPONENT

Dawn Klein, residing at 14020 S. Mueller. She and Anne owns the property north of the applicant a 15 acres piece and another to the west of the applicant at 5 acres. They use both their properties for farm use. Closer to the creek it is more difficult to use, cultivating or planting. Don't know soil types. 9 acres in good pasture hay. The applicant has been gracious, in allowing her to cut his hay from the property. Mr. Hewitt asked how they get to the subject property? Her map shows how the properties join. It is different than the County map. This map will become Exhibit # 23. She accesses the subject property from the north, across the creek. There is a small road that allows access from her 15 acres to Mr. MacKay's property. She was concerned about testifying but felt compelled to do so after listening to all the discussion.

Chair Johnson asked about periodic flooding and high water conditions. She said in the winter months it gets high around the pond area, but further west towards her property it does not get that high. It is a seasonal situation.

#### REBUTTAL

Mr. Walker shared that he had spoke with Dawn this afternoon by telephone. The size of their operation is sufficient to sustain sheep. The subject property has a much smaller usable area. It is cojoined with timber land. Comm. Andreen asked about tax deferral for farming? The applicant said yes, in that the subject property has been receiving a tax deferral for farm use.

#### DELIBERATION

Comm. Waldemar said in the past we had people who give us soils classification (i.e. Class II or III). It hasn't been allowed to be challenged

from the SCS Soils Atlas. The applicant did not prepare a soils analysis. It is not our job to determine soils classifications. Comm. Hauck said he is not predisposed to change the zoning based on evidence of soils classifications that Mr. Walker stated. Mr. Walker's expertise is not enough to convince Comm. Andreen. He realizes that this property has not had an attempt to farm but no evidence has been made available to prove this. The photos do not show if the land could not be improved to be farmed. Comm. Hicks said there was contradictions in the Jory soils document, i.e. difficult to farm, not suited for homesites, not being able to access. The neighbor said there was access. Comm. Shapland finds the documentation on the soils a secondary issue. They took a farm tax deferral for numerous years thereby claiming the land is suitable for farming. Comm. Hauck said EFU is automatically deferred. He doesn't give credibility to that argument. Chair Johnson said there were three or four weaknesses. The property itself, the commercial farm use argument was a weak argument (something could be gained from the property). He won't support an application to approve.

Chair Johnson moved that the application of Darrell and Jean MacKay the exception to Goal 3 be denied and the comp. plan, zone change from EFU to FF-10 based upon the evidence and testimony received tonight. Seconded Comm. Hauck VOTE: Unanimous

**Z0716-03-CP, Z0717-03-Z, Steve Mueller, C & F Investments Group**

Staff Gary Hewitt presented the staff application to the Planning Commission. This is a request for a Comp. Plan and Zone Change. The applicant has provided information that because of the properties historical use as Industrial land in conjunction with an old mill site operation, the property should be considered Industrial property rather than Rural Residential property.

The property is located off Eagle Creek Road, approximately 130 feet north of the intersection of SE Folsom Road and Eagle Creek Road. The property is also approximately 1 and 1/3<sup>rd</sup> miles from the City of Estacada to the south, an incorporated city. The property is also approximately 1.8 miles from the rural community of Eagle Creek. The subject property is a 12 acre parcel. The property has historically had storage of logs, use of a hog fuel chipper and most recently a portable saw mill and wood yard.

Mr. Hewitt referred to the applicant's Exhibit "F", or staff exhibit 2, 35 of 71. The site has been built up with rip-rap to assist in the long term storage of heavy products such as lumber in both the hog fuel and milling operations. The property is relatively flat. The southern portion of the old pond is to the north of tax lot 4102, the northern lot.

In Section 1 of the staff report, staff made note that on page 3 in the conclusion that this is only a 3 step process and not a 4 step as mentioned. The applicant must demonstrate that the property is in compliance with the applicable goals and policies of the Comp. Plan, the Zone Change criteria and OAR 660-004-0040, the Rural Residential Rule.

In Section 2 staff presented the findings of the Comp. Plan review in that the Comp. Plan Policies are found in Chapter 4 of the Land Use Section under the Rural Communities Section, Policies 19.0 and 20.0.

Policy 19.0 refers to the type of the plan designation that may be reviewed, that of Nonurban area that would provide industry that are not labor intensive, fit in the rural character within the rural developed land, facilities and services.

Staff referenced that in Section 1, the services to the subject property are not provided by a service provider. All the necessary elements in this regard will be from on-site methods. An important note was that if an on-site sewage method were to be implemented it will more than likely be a storage tank type facility governed by DEQ as referenced in Exhibit 2, 37 of 71, that more investigation would be warranted to ascertain whether this can take place at this location. Exhibit 12, as introduced speaks to this issue. This will be taken up in the potential future development of the site. There is a feasible solution. It is a development issue, not a land use issue.

Policy 20.0 refers to what the property must meet in order to become Rural Industrial property by meeting the first criteria or all of the other criteria. The first criteria is those areas that have an historical commitment to industrial uses. Staff found that the subject property had been used historically for industrial uses. A lumber company was established on the property in 1955, a plywood plant in 1966, a plywood equipment and sales use in 1978, a log storage with a portable chipper for hog fuel in 1982 and most recently as a sales, repair and storage site of farm and forest machinery in conjunction with a portable saw mill and wood yard in 1991.



Based on the applicant meeting the first criteria, staff found that the Comprehensive Plan designation of Rural Industrial is appropriate for the subject property.

In Section 3 of the staff report a review of the Zone Change criterion found the application satisfied 5 of the 5 applicable criteria in Section 1202 for a zone change.

In Section 4 of the staff report staff found that the Rural Residential Rule did not apply to the application as found in OAR 660-004-0040(1) and (2)(a) in that the application is exempt from the rule based on the proposed plan for the land is to create an industrial use and thus no urbanization is taking place.

Based on the findings and conclusions found in the staff report, staff made a recommendation that the Planning Commission recommend approval of the Comprehensive Plan Amendment to Rural Industrial and Zone change to Rural Industrial.

Comm. Andreen said the CPO brought up the fact that the traffic study used some intersections that were not in conjunction with the property. Mr. Hewitt said the State report made their own study looking for sight distance problems. They determine there is no impact on a State road or the State Highway Rural Road Program. Interestingly enough Folsom, the road approximately 130 feet south of the property was the road they studied.

Comm. Hicks asked about how many feet is adjacent to the roadway in front of the property. Mr. Hewitt figured approximately 800 feet on Eagle Creek Road.

## APPLICANT

Steve Mueller, residing at 25404 S. McQueen Road, Estacada, OR. Tax Lot 4102 is the lot he owns. A mother and brother owns the other tax lots. He had an argument prepared that he probably doesn't need to mention. They have been searching for something to do with this property. The CPO unanimously approved this proposal. Will Reed, a neighbor, was also recently approved for a home occupation and was in favor of this application, though the Commission could only take his word on this fact.

Mr. Reed lives south of this property. Mr. Mueller had newspaper clippings if the Commission wanted to see them. He had color photos of the riprap. This will be Exhibit #13. The originals are in the application as photocopies. They were passed around to the commission. He felt is the proper use of the property. He sees a small industrial rural businesses there is a need out there.

Comm. Shapland asked what is the distance to the next rural industrial site? Next door (to the north) is the mill and old buildings and (further north) Eagle Foundry. The City of Estacada has indicated this as an industrial area.

Comm. Hicks asked about sewage and water in the future depending on intensity of the business. She is a bit concerned. Mr. Mueller said it has a well on the site. The intensity of the use of the zone could be compromised by the services on-site (according to Comm. Hicks). Mr. Hewitt said 13 employees with a holding tank is what the County Soils recommended. Comm. Hicks said some uses may require a higher water use. Mr. Hewitt said that if there were a more intensive use with water that the recommendation from Soils was a maximum of 5 employees, greatly restricting the future intensive use of the property. Mr. Mueller said any of the uses will have to get a permit. State Water Resources will review and permit any industrial water uses on the site according to Mr. Hewitt.

Mr. Mueller stated that Exhibit #7 CPO letter said 13 to 0 in support of this application.

## DELIBERATION

Chair Johnson said this seems like a clean case for historical commitment. Comm. Hauck said he feels good about this application. The County is lacking in Industrial properties and this is not residential land. It is a good proposal and application. He made a motion that Z0716-03-CP, Z0717-03-Z, be recommended to the BCC for approval of the Comp. Plan Map from Rural to Rural Industrial and a corresponding zone change for the reasons set forth in the staff report and information set forth therein and information set forth this evening. Seconded Comm. Hicks

Comm. Hicks thanked the applicant for bringing industrial business to the outer areas of the County. Comm. Hauck said it was a very appropriate use for this site. VOTE: Unanimous

#### MINUTES

July 7, 2003, could not be voted on due to lack of quorum, not all the present Comm. members were present at that meeting.

Meeting adjourned 8:30 pm



NAME: Steve Mueller  
FILE NO.: Z0716-02-CP/Z0717-02-Z  
REPORT AUTHOR: Gary Hewitt  
HEARING DATE: September 8, 2003  
REPORT DATE: September 2, 2003

**PLANNING STAFF REPORT/RECOMMENDATION  
TO THE PLANNING COMMISSION**

**FACTS**

**GENERAL INFORMATION**

Applicant: Steve Mueller/C&F Investments Group LLC  
Owner: Steve Mueller, 30820 SE Heiple Road, Estacada, Oregon, 97023  
Legal Description: T3S, R4E, Section 05, W.M, Tax Lot 4102 & 4103  
Location: 26175 S. Eagle Creek Road, Eagle Creek, Oregon  
Total Area Involved: 12.00 Acres  
Comprehensive Plan Designation: Rural  
Current Zone: Rural Residential Farm Forest – 5 Acre (RRFF-5)  
Proposal: Comprehensive Plan Map amendment from Rural to Rural Industrial and a Zone Change from RRFF-5 to Rural Industrial (RI).

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**SECTION 1**

**BACKGROUND INFORMATION, SITE AND AREA DESCRIPTION AND SERVICES**

**Background Information:**

The subject property was first zoned on June 20, 1973 as Rural (Agricultural) Residential – 1 Acre and subsequently changed on June 31, 1978 to its current zone of Rural Residential Farm Forest – 5 Acre zoning district.

Exhibit 1

The applicant has provided that Diamond Lumber Company was established on the "site" in 1955. The "site" at that time included 38.66 acres (See applicant's Exhibit A, page 5) which is now at least tax lots 4100, 4102 and 4103, part of 3301 and part of the current State Highway. The site was later purchased by Milwaukie Plywood Corporation in 1966. In 1971 ODOT purchased approximately 8.60 acres of the 38.66 acre parcel. In 1978 the new 30.06 acre site was purchased by Plywood Equipment Panel Sales, Inc. and used primarily for equipment rebuilding and storage.

In 1982, 12 southern acres of the 30.06 acres was purchased by Publishers Paper Company. The subject property became a 12 acre storage lot for logs and use of a portable chipper to make hog fuel through a Conditional Use Permit, Planning File No. 169-82-C (See applicant's Exhibit B/Staff Exhibit 11).

In 1991 the 12 acre subject property was purchased by the current owner, Steve Mueller. This was the 12 acres to the south of original tax lot 4100 back in 1955, not to include the existing large plant building and only the southern portion of the old pond. Mr. Mueller obtained approval through Planning File No. Z0202-91-C to construct three buildings to allow sales, repair and storage of farm and forest equipment, and to establish a portable sawmill and wood yard. Staff finds that there is evidence that something was on-site but was not permanently placed, evidenced by a current 2003 aerial photo. If three buildings were placed in 1991 they do not show up in the 2003 aerial photo. There is evidence that areas of the subject property were cleared and have not grown back to date. The remainder of the Conditional Use approval was for a portable sawmill and wood yard which has been removed.

In 1992 Mr. Mueller completed a division of the subject property in its current configuration of 5 acres (tax lot 4103) and 7 acres (tax lot 4102) through approval of Planning File No. Z0578-91-M, Minor Partition under the RRFF-5 zoning district.

The subject site is currently sectioned off (See applicant's Exhibit F) with large areas or strips of rip rap used historically for log storage and turn around areas with an asphalt pad for the portable mill site and previously for the hog fuel chipper. Also, to the north of tax lot 4102 is the very southern portion of the old mill pond.

**Site Description:** The property is approximately half way between the City of Estacada and the rural community of Eagle Creek.

**Surrounding Conditions:** The area surrounding the subject property is a mix of Rural Commercial uses, a nonconforming mobile home park, and rural residential uses.

**Service Providers:**

1. **Sewer:** The property is not located within a public or private sewer district. Sewage disposal will need to be accommodated by an on-site sewerage disposal system.

2. **Water:** The property is not located within a public or private water district. Water will need to be accommodated by a well.
3. **Surface Water:** The property is not located within a public or private surface water management district. Surface water management is subject to Section 1008 of the ZDO, as administered by the Engineering Division of the Clackamas County Department of Transportation and Development (DTD).
4. **Fire Protection:** The property is located within the Estacada Rural Fire District.

**Responses Requested:**

1. City of Estacada
2. Estacada School District
3. Estacada Fire District
4. Valley View Airport, Public Use Airport
5. Traffic Engineering, Joe Marek
6. Water Environment Services Soils Division
7. Oregon Department of Transportation
8. Oregon Department of Aviation
9. Oregon Department of Division of State Lands
10. Department of Land Conservation and Development
11. Property Owners Within 500 Feet of The Subject Property
12. Eagle Creek CPO, Chair Judy Koliass

**Exhibits:** See Exhibit List following the last page of this report.

**RECOMMENDATION**

Approval of a Comprehensive Plan Amendment from Rural to Rural Industrial and a Zone Change from RRFF-5 to RI.

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**CONCLUSIONS AND FINDINGS**

The evaluation of this application involves four steps. In order to approve this application the applicant must; 1.) Demonstrate compliance with the applicable goals and policies of the Comprehensive Plan (CP) and; 2.) Demonstrate compliance with the criteria for a zone change in Section 1202 of the Clackamas County Zoning and Development Ordinance (ZDO) and; 3.) Demonstrate compliance with OAR 660-004-0040.

## SECTION 2

### COMPREHENSIVE PLAN REVIEW

1. ***Comprehensive Plan Policies: The Comprehensive Plan Map change is subject to an evaluation of the Rural Industrial Policies of the Comprehensive Plan. These Sections of the Comprehensive Plan must be evaluated to determine which policies are most appropriate and applicable to the subject property. Staff has reviewed the Comprehensive Plan with respect to this application and makes the following findings:***
  - A. ***Applicable Rural Industrial Policies: Policy 19.0 and 20.0 of the Rural Industrial element of the Comprehensive Plan identifies what areas shall be designated Rural Industrial areas. All the policies do not have to be met in order to designate the property Agriculture.***
  - B. ***Policy 19.0 – Rural Industrial: Policy 19.0 of the Rural Industrial element of the Comprehensive Plan identifies what areas shall be designated for industries which are not labor-intensive and are consistent with rural character, rural development and rural facilities and services.***

Detailed sewage disposal information is provided in the applicant's supplemental application materials (See applicant's Exhibit G). This information demonstrates that the property is limited to an on-site holding tank for proper sewage disposal in respect to on-site functions with a maximum of 13 employees, working one shift only. Additionally, this will serve only those employees with no on-site industrial waste and shower facilities. If the industrial use requires showers, only 5 employees will be allowed for any use on the subject property, working one shift only.

This soils analysis has limited the use of the subject property thus requiring a less intensive use than would normally be allowed if a full on-site septic system were available.

As mentioned in the Service Providers section above, water and septic will be supplied by on-site methods. The property is subject to surface water runoff to the extent required by Section 1008 of the ZDO. Fire service is supplied by the local Estacada Fire District.

Staff finds that if the property were to be used for industrial uses, based on the limitations of septic availability, the use could not be labor intensive. There is no negative findings in relation to the rural character, development



and facilities that would place an industrial uses beyond the rural uses already established in the area.

**This policy is met.**

**C. Policy 20.0 – Rural Industrial: The Rural Industrial (RI) Zoning District implements the Rural Industrial Plan designation. Areas may be designated Rural Industrial when either the first, or all of the other criteria are met:**

**1. Policy 20.0(a): Areas having an historical commitment to industrial uses.**

The subject property is currently developed with large areas of rip rap to facilitate the long term storage of logs or other heavy such storage uses. The area has large areas for turning around also with rip rap for all weather use. The property has been historically committed and utilized for storage of logs, machinery and hog fuel uses, all industrial type uses. (See applicant's Exhibit B and C)

**This policy is met.**

**2. Policy 20.0(b): Areas located within Rural Communities..**

The subject property is not located within a rural community.

**This policy is not met.**

**3. Policy 20.0(c): Sites having direct access to a street of at least an arterial classification.**

The subject property is adjacent to Eagle Creek Road, a "minor" arterial roadway, within the major transportation corridor of Highway 224. (See Exhibit 3)

**This policy is met.**

- 2. Comprehensive Plan Policy Conclusions:** Based on the above findings, the Comprehensive Plan designation of Rural Industrial is appropriate to the subject property.

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## SECTION 3

### ZONE CHANGE CRITERIA

1. ***Zone Change Criteria: Section 1202.01 of the ZDO outlines three (5) criteria for a zone change:***

- A. ***1202.01(A): Approval of the request is consistent with the Comprehensive Plan.***

Based on the evaluation of the criteria in Section 2 of this report, staff finds approval of the request is consistent with the Comprehensive Plan.

**This criterion is met.**

- B. ***1202.01(B): If development has a need for public sanitary sewer, surface water management and/or water service, a zone change may be approved if development under the new zoning designation can be accommodated with the implementation of service providers' existing capital improvement plans. The cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered.***

Sewer: The subject property is not located within a public sanitary sewer district. No public sewer is present in the area, nor will sewer be extended to serve new development on the subject property. Sewage disposal will need to be accommodated by individual on-site sewage disposal systems. The applicant has mentioned that sewage disposal could be made available through the use of a holding tank suitable for small scale industrial activities (See applicant's Exhibit G)

Surface Water: The subject property is not located within a public surface water management district.

Water: The subject property is not located within a local water district. Domestic water will be provided by on-site wells.

The subject property is not located within a public sanitary, surface water management or water district. Because of this finding there is no impact to service providers and adjacent properties.

**This criterion is met.**

C. **1202.01(C): The zone change will not impact the transportation system such that a roadway as planned in the 20-Year Capital Improvement Plan:**

- 1.) **1202.01(C)(1): Must be redesigned or increased to a higher functional classification in order to maintain the minimum acceptable performance evaluation Level-of-Service standard identified by the Comprehensive Plan.**

Review of both a County Engineering report by Robert Hixon, Traffic Engineer and ODOT Planning by Sonya Kazen, Associate Planner finds no redesign will need to take place if the zone change were allowed.

Mr. Hixon found that there is adequate sight distance to serve the subject property. Additionally, if the zone change were allowed there would be no failure of any intersections within the influence area of the proposal. (See *Exhibit 5*)

Ms. Kazen found that there will be adequate capacity to support the proposed zone change. Additionally, a Joseph Auth, Region 1 Traffic for ODOT thought there should have been a study more closely associated with the roadway connecting the property to the state highway, that of Folsom Road. His analysis found that Folsom Road fell below the volume-to-capacity ratios for Year of Opening and Future Year maximum standards as listed in the 1999 *Oregon Highway Plan*. (See *Exhibit 6*)

A similar issue was raised by the Eagle Creek-Barton CPO in that intersection closer to the subject properties should have been evaluated by Kittelson & Associates, Inc. The fact is that the County Engineering staff has evaluated the intersections associated with the proposed zone change as well as ODOT. The CPO also included a traffic accident report indicating that Folsom Road has less accidents than other local intersections such as Wildcat Mountain Drive and Eagle Creek Road with six (6) times the number of accidents when compared to Folsom Road and Eagle Creek Road.

The CPO finds that Folsom Road should have been covered in a 5 – 10 – Year Capital Improvement Plan rather than the current 20 – Year Capital Improvement Plan. This review does not cover the scope that the CPO has elected to cover. Staff does agree that good roadway networking facilitates business but this review is limited to the subject property and its immediate intersection impact to Eagle Creek Road. It is noted that the CPO did direct their comments to the appropriate County Planner by copying them to Ms. Gilevich, Sr. Planner, currently evaluating the long range transportation planning projections for the County. After the various comments on the traffic issues the CPO did have a motion by George

Suter with a second by Ralph Hatley to recommend approval of the application. The vote, finding 13 in favor of the application, with none voting against nor abstaining, passed. (*See Exhibit 7*)

**This criterion is met.**

- 2.) 1202.01(C)(2): ***Will operate at a performance evaluation Level-of-Service standard below the minimum acceptable level identified in the Comprehensive Plan.***

Again, Mr. Hixon, County Traffic Engineer has found that an evaluation of the Level-of-Service would be an "E" or better during AM and PM peak hours of typical weekdays in accordance with ZDO section 1022. Mr. Hixon also references the ODOT report by Ms. Kazen as needing no improvements or other mitigation based on the potential zone change. (*See Exhibit 5*)

**This criterion is met.**

- 3.) 1202.01(C)(3): ***For the purposes of these criteria, the cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered. The analysis shall consider a five-year period that begins with the date of the transportation impact study provided the study is dated no more than 90 days prior to the date a complete land use application is submitted. If a transportation impact study is not required or is dated more than 90 days prior to the date a complete land use application is submitted, the five-year period shall begin with the date a complete land use application is submitted.***

The applicant enlisted the services of Kittelson & Associates, Inc. to perform a traffic study and analysis that provides a 20-year future scenario. Staff does note a labeling error in table 2 of this report, in that the titles for each zone was mislabeled but corrected in the subheading in reference to RRFF-5 and R-I zoning.

The traffic study found that if the zone change were to occur, there would be no significant affect to the existing transportation facilities with the site vicinity. The report finds that any use of the property for industrial use will have a negligible effect because of the relatively slight increase in traffic volume from this site. (*See Exhibit 4*)

**This criterion is met.**

- 4.) 1202.01(C)(4): ***State transportation facilities shall be evaluated pursuant to the Oregon Highway Plan rather than the Comprehensive Plan.***

Ms. Kazen, Associate Planner ODOT finds no mitigation for the proposed zone change pursuant to the Oregon Highway Plan. The subject property has no allowed access to Highway 224.

**This criterion is not applicable.**

- D. 1202.01(D): ***Safety of the transportation system is adequate to serve the level of development anticipated by the zone change.***

As previously discussed, ODOT has found the transportation system to be adequate for the current development on the subject property. The current level of development on the subject property meet the Oregon Highway Plan (1999) for a Statewide Rural Highway classification.

A memo dated August 22, 2003 from the County Traffic Engineering and Development Division, authored by Robert Hixon, Traffic Engineer finds the sight distance to be adequate. Staff concludes there are no safety concerns in conjunction with the future development of the property which will require access from Eagle Creek Road.

**This criterion is met.**

- E. Section 1202.01(E): ***Development based on a zone change granted pursuant to this section shall be subject to 1022.***

This is not an approval criterion applicable to a zone change application. Rather, this is only an informational statement to notify the applicant that any future development proposal must comply with the Concurrency standards in Section 1022 of the ZDO.

1. **Conclusions:** Staff finds this application satisfies (5) of the (5) criteria in Section 1202 for a zone change.

## SECTION 4

### GOAL 14: RURAL RESIDENTIAL RULE

1. ***On June 9, 2000 the Land Conservation and Development Commission adopted new Oregon Administrative Rules that apply to land zoned for rural residential use. The new rule is OAR 660-004-0040 - Application of Goal 14***

***(Urbanization) to Rural Residential Areas. This OAR was adopted to address the Curry County Supreme Court decision and to clarify Statewide Goal 14, which prohibits urban use of rural land.***

2. ***The relevant provisions of this OAR to consider in the evaluation of this issue are listed below:***
  - a. ***OAR 660-004-0040(1): The purpose of this rule is to specify how Statewide Planning Goal 14, Urbanization, applies to rural lands in acknowledged exception areas planned for residential uses.***
  - b. ***OAR 660-004-0040(2)(c): This rule does not apply to types of land listed in (A) through (H) of this subsection:***
  - c. ***OAR 660-004-0040(2)(c)(H): land planned and zoned primarily for rural industrial, commercial, or public use.***
3. This application is subject to the provisions of this OAR. The Planning Staff finds the proposed land use plan of Rural Industrial is consistent with the provisions of this rule for the following reasons:
  - a. OAR 660-004-0040 is not applicable to this application based on the plain language in OAR 660-004-0040(1) and (2)(a). Specifically, if the application for the Comprehensive Plan amendment is approved the subject property would be exempt from this rule based on the proposed plan for the land is to create a plan for industrial use, as found in "c" above and OAR 660-004-0040(2)(c)(H) as being exempt from this rule in that no urbanization is taking place.

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If this application receives a recommendation for approval from the Clackamas County Planning Commission, the recommendation should reflect a requirement that the Comprehensive Plan Map and Official Zoning Map (4-9) be amended.

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# LAND USE APPLICATION

CLACKAMAS COUNTY PLANNING DIVISION

9101 SE SUNNYBROOK BLVD., CLACKAMAS, OREGON 97015 • PHONE (503) 353-4400 • FAX (503) 353-4550

## FOR STAFF USE ONLY

☐ TEMPORARY PERMIT FOR CARE (ST)

RENEWAL \_\_\_\_\_

☐ TEMPORARY PERMIT USE NOT ALLOWED (ST)

RENEWAL \_\_\_\_\_

☐ HOME OCCUPATION (HO)

RENEWAL \_\_\_\_\_

☐ NON FARM USE (N)

☐ FARM DWELLING

☐ FOREST DWELLING

☒ ZONE CHANGE (Z)

☐ CONDITIONAL USE (C)

☐ SUBDIVISION SHORT (1-10) (SS)

☐ SUBDIVISION LONG (11+) (SL)

☐ PARTITION (M)

☐ VARIANCE (V)

☒ OTHER COMP PLAN / Zone Change

☐ OTHER \_\_\_\_\_

File No. Z071602-CP & Z0717-02-Z

Pre-app: Staff \_\_\_\_\_ Date \_\_\_\_\_

Date Received: 10-4-02 Fee \$3412

Hearing Date: \_\_\_\_\_

Staff Member: MM

Zone: RREF-5

Comp. Plan: RURAL

Flex Lot Involved: ☐ YES ☐ NO

Violation # None

CPO Eagle Creek

DV009502  
PR170502

## APPLICANT INFORMATION

PLEASE TYPE OR PRINT IN BLACK INK ONLY

WHAT IS PROPOSED Comp Plan Change and Rezone from RREF-5 to R.I.

NAME OF APPLICANT Mueller Steve C & J INV. GRP LLC  
LAST FIRST

MAILING ADDRESS 30820 SE Heiple CITY Estacada ST OR ZIP 97023

APPLICANT IS: ☒ LEGAL OWNER ☐ CONTRACT BUYER ☐ OPTION BUYER ☒ AGENT

NAME OF CONTACT PERSON (If other than applicant) \_\_\_\_\_

MAILING ADDRESS OF CONTACT \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE NUMBERS OF: APPLICANT: Wk 630-6963 Hm 936-7159 CONTACT PERSON: Wk \_\_\_\_\_ Hm \_\_\_\_\_

SITE ADDRESS 26175 S Eagle Creek Road TOTAL LAND AREA: 12 acres

☐ LEGAL DESCRIPTION: T 3S R 4E SECTION 5 TAX LOT(S) 4102m & 4103

☐ ADJACENT PROPERTIES UNDER SAME OWNERSHIP: T \_\_\_\_\_ R \_\_\_\_\_ SECTION \_\_\_\_\_ TAX LOT(S) \_\_\_\_\_

PRESENT USE OF PROPERTY: Firewood and Equipment storage

METHOD OF SEWAGE DISPOSAL: Holding Tank

WATER SUPPLY: well

OTHER PERSONS (IF ANY) TO BE MAILED NOTICES REGARDING THIS APPLICATION:

Connie Mueller P.O. Box 279 Boring, OR 97009 C & J  
NAME ADDRESS ZIP RELATIONSHIP

NAME ADDRESS ZIP RELATIONSHIP

NAME ADDRESS ZIP RELATIONSHIP

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

Steve Mueller 10/4/02 C & J INV. GRP. LLC  
OWNER'S SIGNATURE (PRINT) DATE APPLICANT'S SIGNATURE (PRINT) DATE

SIGN SIGN

☐ PLOT PLAN

☐ ASSESSOR MAP

☐ SUPPLEMENTAL FORMS CHECKED

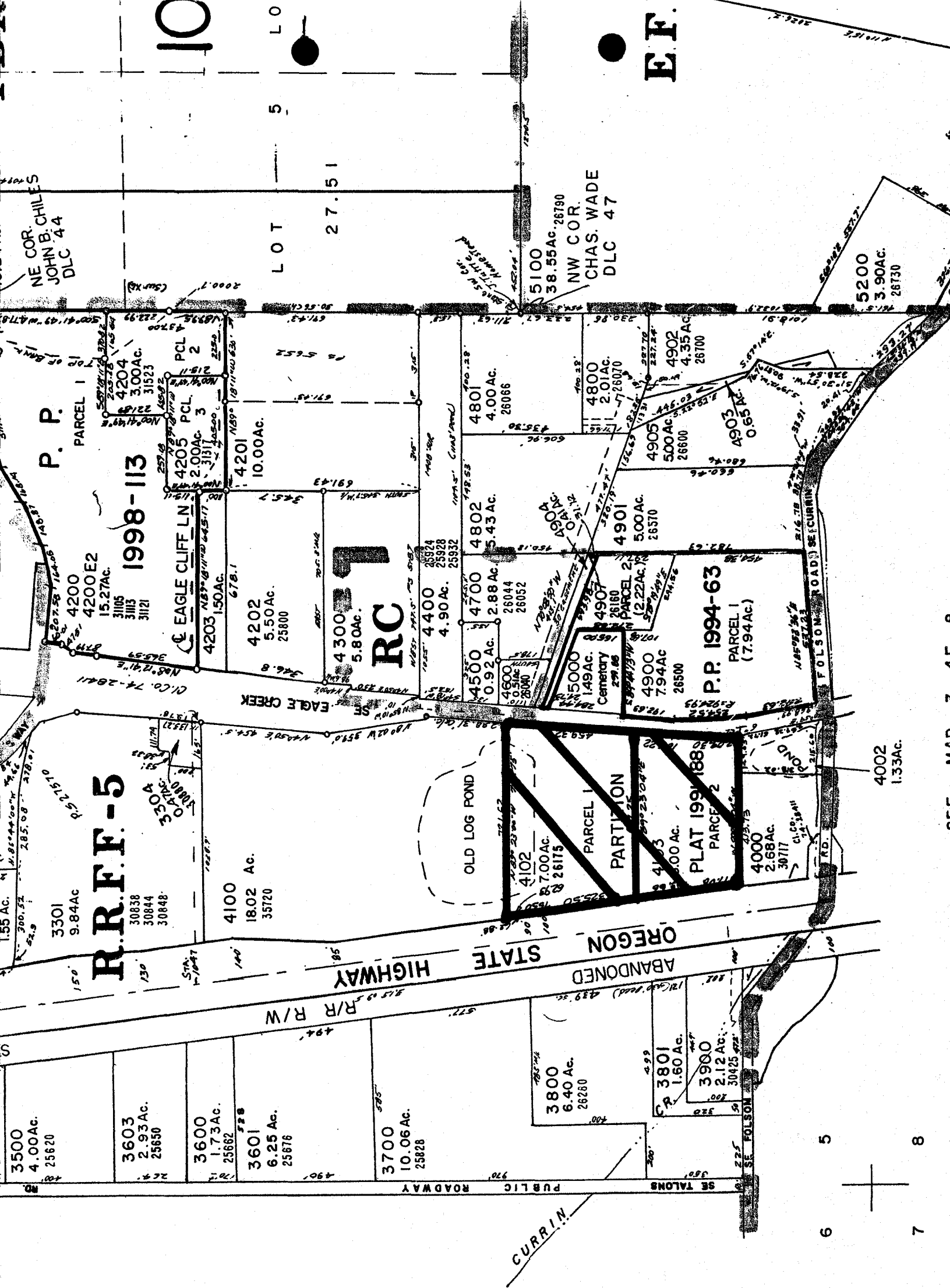
20155-21-M; 20156-21-CP; 20157-21-ZAP

EXHIBIT 1

PL10 (Rev 2/01)

Page 5 of 7





LAND USE APPLICATION  
STEVE MUELLER  
C & J INVESTMENTS

TAX LOT 4102 & 4103  
T3S R4E SEC 5  
LONG TERM HISTORICAL COMMITMENT  
COMP PLAN CHANGE & RE-ZONE  
RRFF-5 TO RI

EXHIBIT <sup>2</sup> ~~Exhibit 1~~

Z0155-21-M; Z0156-21-CP: Z0157-~~11-7A~~ <sup>7A</sup>

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FILE COPY

Z0716-02-CP / Z0717-02-2

## I. INTRODUCTION

This application is being submitted on behalf of Steve Mueller, owner of Tax lot 4102 and C&J Investments, owner of Tax lot 4103.

This is a request for comprehensive plan and zone change from RRFF-5 to RI. We have provided written documentation establishing a commitment to industrial use since 1955.

## II. PREVIOUS AND EXISTING OPERATIONS

The Diamond Lumber Company was established on the site in 1955. (See attached exhibit A, Clackamas County Assessor records). The plant was purchased in 1966 by Milwaukie Plywood Corp. In 1971 ODOT purchased 8 acres for highway 224 right of way. In 1978 the site was purchased by Plywood Equipment Panel Sales Inc. and used primarily for equipment rebuilding and storage.

In 1982 the 12 acres on which we are currently requesting a re-zone was purchased by Publisher Paper Co. At that time a conditional use permit was issued by Clackamas County for log storage and the operation of a chipper to process hog fuel. This operation continued until 1988 (see attached exhibit B).

In 1991 the parcel was purchased by Steve Mueller. At this time a conditional use permit was issued for the repair and sales of farm and forest equipment and a small sawmill and firewood sales yard (see exhibit C, the conditional permit and also exhibit D, assessors note maintaining the spot industrial use).

In 1992 the parcel was divided into a 5 acres tax lot 4103 and a 7 acre tax lot 4102. At that time C&J Investments purchased tax lot 4103.

The property has been primarily used for the storage of equipment and firewood sales at different times until the present.

## III. LAND USE ISSUES

The 12 acre site consists of 2 tax lots and is located about halfway between Estacada and Eagle Creek. The property fronts on Highway 224 and the old Eagle creek Road. The property meets the criteria of having an historical commitment to industrial use. The site was utilized as a green veneer peeling plant from 1955 to 1977. From 1978 until present the site has been used for storing and rebuilding equipment and firewood sales and log storage.

The property has been irrevocably committed to industrial use. For 42 years the site has seen heavy vehicle traffic, log storage and equipment storage. The site has been cut and filled. There are approximately 20,000 yards of rip rap rock base on the site. There is an 80x150 8" thick asphalt pad for the chipper.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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(See exhibit E, site photo). In addition, two other metal reinforced concrete foundations (see exhibit F, site plan). Due to high compaction and filling there is no site available for a subsurface sewage system. A holding tank suitable for small scale industrial activities would have to be used for sewage disposal (See exhibit G, soil feasibility study).

The property clearly has an historical commitment to industrial use. This is consistent with the comprehensive plan. The zone change can be approved. The rural industrial zone is intended to encourage industry.

#### IV. PUBLIC SERVICES

The site fronts highway 224. No access is allowed there. Both parcels have an existing access onto the old Eagle Creek Road, which is classified as a major arterial collector. Water will be provided by a drilled well on site. Sanitary sewer will be provided by a holding tank. Police service is provided by Clackamas county Sheriff. Fire protection is provided by Estacada Rural Fire Dept.

#### V. ECONOMICS

The re-zone does comply with county's stated policy of retention and expansion of business. The City of Estacada has identified this area as a future growth area for job creation in the metro region 2040 plan (see attached exhibit H).

#### VI. ENVIRONMENTAL

The Oregon D.E.Q. under an agreement with U.S. environmental protection agency has completed a preliminary assessment of the Old Milwaukiee Plywood site in 1988. Based on that assessment no further action was required. No contamination of any kind was found at that time (see exhibit I). In 1992 a level II environmental site assessment was prepared by Fetrow engineering Inc. was completed at the request of Steve Mueller. No known contaminants were found or suspected (see exhibit J).

This is an excellent opportunity to return an environmentally sound and historically committed industrial parcel to the county inventory of rural industrial acreage (see exhibit K).

#### VII. SUMMARY

This application for a zone and plan change meets all relevant approval. There will be minimal social impacts. The site is bordered by State Highway 224 on the west and the old Eagle Creek Road on the east. Plywood Panel

Exhibit 1  
Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

EXHIBIT  
Page 537 of 747

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Sales has 18 acres to the north with large industrial type buildings and equipment storage. There is one single family residence adjoining the south boundary on the corner of Highway 224 and Folsom Road.

To the east of the parcel there is an area of R.C. zoning with and bar and restaurant, mobile home court and a florist (see assessors map, exhibit L). In addition there are two additional mobile home courts within a ¼ mile of the site (see aerial photos, exhibit M).

The impact on surrounding properties will be minimal. The allowed uses in the R.I. zone and conditional use in the RRFF-5 zone are similar in scope and intensity.

## POLICIES

### Policy 19.0

Nonurban industrial plan designations and zoning districts may be applied in nonurban areas to provide for industries which are not labor-intensive and are consistent with rural character, rural development and rural facilities and services.

- Finding:**
1. The site is rural in character.
  2. The site can be developed with existing services.
  3. All plans for development will be reviewed by Clackamas County.

### Policy 20.0

The Rural Industrial (RI) Zoning District implements the Rural Industrial Plan designation. Areas may be designated Rural Industrial when either the first, or all of the other criteria are met:

A. Areas having an historical commitment to industrial uses.

**Finding:** The site has a historical commitment dating to 1955.  
See assessors notes, exhibit A and D.

B. Areas located within Rural Communities.

**Finding:** Not applicable. The site is not located in a rural community.

C. Sites having direct access to a street of at least an arterial classification.

**Finding:** The site has two existing direct access's to old Eagle Creek Road, a major arterial collector.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

EXHIBIT 2  
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## EXHIBITS

- A. Assessors notes – 1955
- B. Publishers Paper – Conditional Permit  
File #169-82-C
- C. Steve – Conditional Permit  
File #Z-0202-91-C
- D. Board of Equalization  
Tax Year 1991-92
- E. Site Photos
- F. Site Plan
- G. Soil Feasibility
- H. Estacada 2040 Plan
- I. D.E.Q. Site Assessment
- J. Level II Site Assessment
- K. Testimonial-Interested Party
- L. Assessors Map
- M. Aerial Photo

TO Clackamas

HWY. 224



**TIMES MIRROR**  
LAND AND TIMBER COMPANY

12300 S.E. MALLARD WAY, SUITE 205  
MILWAUKIE, OR 97222

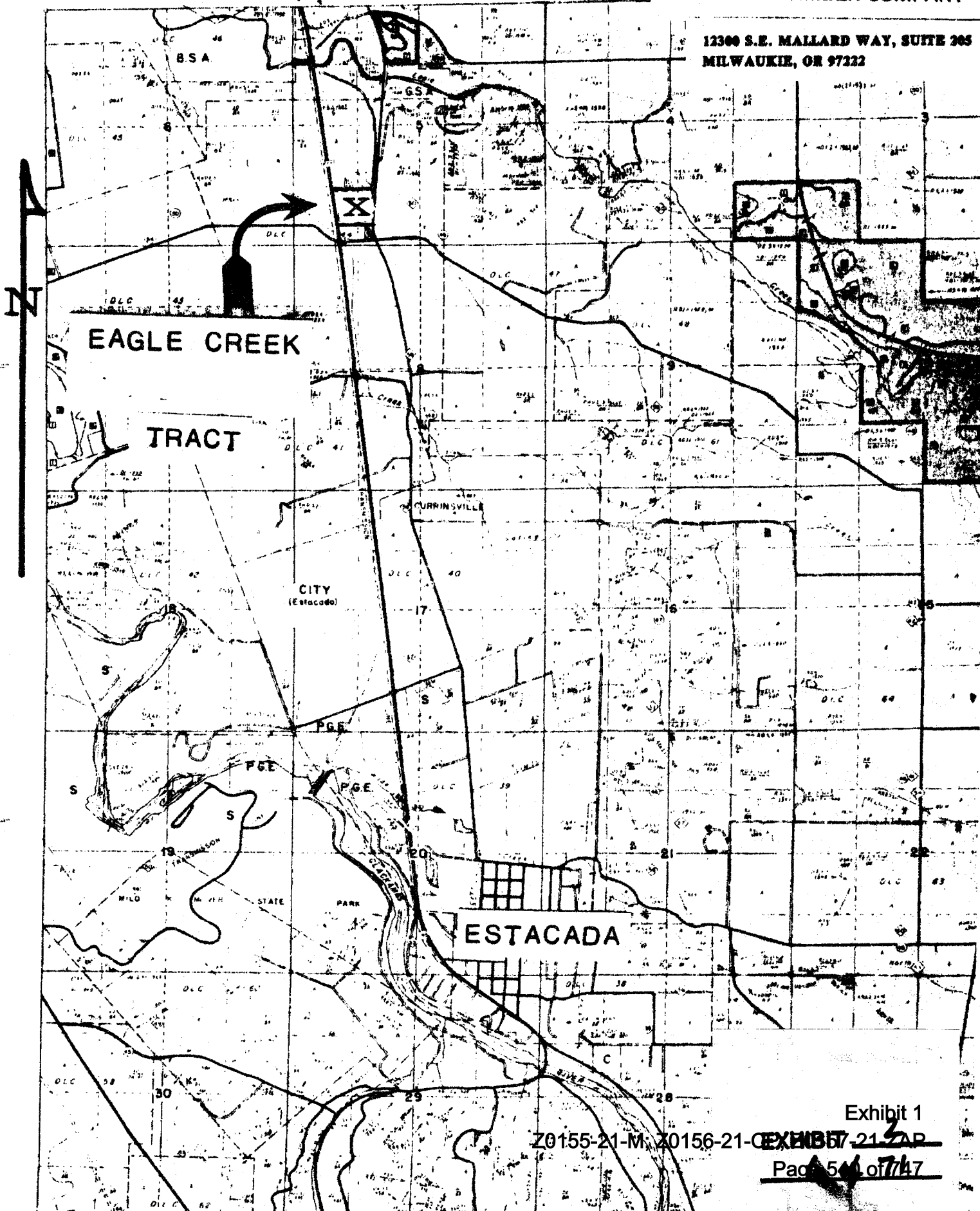


Exhibit 1

20155-21-M, 20156-21-~~EXHIBIT~~ 21-ZAP

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# EXHIBIT A

T.L. 1-2-2 JOHN O. CHILDS  
 (73A) 34E5 4100  
 Milwaukee Plywood Corp

42936-2-2  
 Account Number  
 10845  
 Code Number  
 301-720-00-02-66-00  
 INDUSTRIAL  
 Type of Property

VALUATION SUMMARY OF REAL PROPERTY

Year	LAND			TIMBER		IMPROVEMENTS		TOTALS			Appraisal O.R. (Initial) And J. V. No.
	Acres	Appraised Value	Assessed Value	Appraised Value	Assessed Value	Appraised Value	Assessed Value	Appraised Value	%	Assessed Value	
1928											
1929											
1930											
1931											
1932											
1933											
1934											
1935											
1936	31.66	18,660				191,700		210,360			OWS
1937	31.66	18,600 <sup>RD</sup>				187,400		206,000			OWS
1938	31.66	18,600				253,900		272,500			OWS
1939	31.66	18,600				246,100					OWS
1940	31.66	18,600				224,700					OWS
1941	31.66	27,900				254,400					OWS
1942	31.66	27,900				234,700					OWS
1943	31.66	27,900				215,000					OWS
1944	31.66	22,550				243,900					OWS
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EXHIBIT A

1921

CLACKAMAS

ESTRADA - NORTH

12-3-65

CODE 108-6

ACCT. 42986

ROY GOULD, PRESIDENT, BOX 142, TILLAMOOK,

CHARLES KINGSLEY, PLANT MGR.

THE DIAMOND LBR. CO., A GREEN VENEER PLANT, WAS ESTABLISHED IN 1955-56 AS THE MT. HOOD PLYWOOD CO.-OP. FINANCIAL DIFFICULTIES AROSE; PRENTICE EQUIPMENT CO. TOOK OVER 1 MONTH AFTER COMPANY STARTED OPERATION. DIAMOND LBR. CO. PURCHASED THE PLANT IN 1957; HAS OPERATED SINCE THEN ON A 2 SHIFT BASIS.

LAYOUT OF PLANT IS CONVENTIONAL AND APPEARS TO BE EFFICIENT IN TERMS OF MATERIAL FLOW. AS TO 30 EMPLOYEES PER SHIFT. MILLSITE IS ADEQUATE IN SIZE & SERVED BY AN ALL WEATHER ROAD. CONDITION OF BLDGS. & MACHINERY IS GOOD; INDICATES AN ADEQUATE MAINTENANCE PROGRAM.

TIMBER SUPPLY COMES FROM PUBLIC LANDS & OPEN MARKET PURCHASES. MARKETS ARE LOCAL, CHIEFLY VAN-PLY AT ALBANY & SOME TO MILWAUKIE.

MR. KINGSLEY PROVIDED THE INFORMATION MADE AVAILABLE. HE DID NOT SUPPLY US INCOME OR SALES DATA AS IT WAS NOT AVAILABLE TO HIM AT THIS TIME. IN PREPARING THE APPRAISAL THE COST APPROACH WAS THEREFORE UTILIZED. ALL STRUCTURES, MACHINERY & EQUIPMENT HAVE BEEN EXAMINED, MEASURED & DEGRADED IN DETAIL TO ARRIVE AT A REPLACEMENT COST. NEW. DEPRECIATION ESTIMATED ON THE BASIS OF PHYSICAL DETERIORATION & FUNCTIONAL OBSOLESCENCE, USING AGE LIFE, OBSERVATION & COMPARISON WITH INDUSTRY STANDARDS AS A CRITERIA FOR ESTIMATING THE DEPRECIATION FACTORS EMPLOYED. ECONOMIC CONSIDERATION HAS BEEN CONSIDERED BUT THERE WAS NO EVIDENCE TO INDICATE THIS MILL'S ECONOMIC STATUS IS BEING ADVERSELY AFFECTED BY EXTERNAL FORCES OUTSIDE OF MANAGEMENT'S CONTROL.

COUNTY  
RESPONSIBILITY

THIS APPRAISAL RELATES ONLY TO THE PLANT SITE & REAL

William P. and Clara  
Ensigns Ltd. Inc.  
CLACKAMAS ESTABLISHMENT

1-5-65  
1-25-65

PROPERTY IMPROVEMENTS, I.E. STRUCTURES, MACHINERY & EQUIPMENT. EXCLUDED ARE THE LAND & PERSONAL PROPERTY, I.E. OFFICE FURNITURE & EQUIPMENT, MOBILE EQUIPMENT & INVENTORIES. ON THE BASIS OF CONSIDERATIONS ENUMERATED IN THIS APPRAISAL THE ESTIMATES OF TCV. ARE SUMMARIZED AS FOLLOWS:

REAL PROPERTY IMPROVEMENTS

BUILDINGS & STRUCTURES  
MACHINERY & EQUIPMENT

Physical Depreciation

5735

117,150

Total physical dep. value

122,885

Minus 20% obsolescence

24,577

198,308

TOTAL ROUNDED MARKET VALUE 199,180

ENSIGN & VEDDER

3455 100 LAND APPRAISAL

108-6 DIAMOND LUMBER CO. 629 714  
42936 PO BOX 193  
-2-2 TELLANDOR, ONE.

JOHN B. CHILES S.L.C. 345  
TAX LOT 1-2-2  
30.00 ACRES, 30.00  
30.00

108-06 42936-2-2  
CITY MAP 834803 04100  
50% INCREASE APPLIED TO  
PER COMPLY WITH ORS 308.232  
APPRAISER JS DATE 1-1-70  
TRAD APPRAISED VALUE 22,980  
DATE 1-1-70

COMPUTATION

USE	BASIC UNIT VALUE	ADJUSTED UNIT VALUE	TOTAL VALUE
COMMERCIAL	2.00	4000	4000
NEIGHBORHOOD COML	32.98	77234	77234
LT INDUSTRIAL	5	400	400
MT INDUSTRIAL			
AGRICULTURAL			

AREA IMPROVEMENTS

IMPROVEMENT	VALUE
SIDEWALKS	
CURBS	
STREET	
WATER	
SEWER	
ELECTRICITY	

SITE ADJUSTMENTS

ADJUSTMENT	VALUE
ROAD TYPE 6.0	
MT TO ALL WITH PD	
MT TO MPT CENTER	
TOPOGRAPHY	
VIEW	

STANDARD DEPTH 28.66  
EFFECTIVE DEPTH

28.66 TOTAL ACRES 30.00  
SUB TOTAL "A" 28334  
(TRANSFER TO VALUE SUMMARY) 28334

CODE 108-6  
ACCT. 42936  
ROY GOULD,  
CHARLES M.

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DIAMOND L  
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THIS APP

OFFICIAL RECORD OF DESCRIPTIONS  
OF REAL PROPERTY 42936-2-2  
CLACKAMAS COUNTY ASSESSOR

3 7E 5 4100 108-23 108-206

MAP	NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	NO. 21	NO. 22	NO. 23	NO. 24	NO. 25	NO. 26	NO. 27	NO. 28	NO. 29	NO. 30	NO. 31	NO. 32	NO. 33	NO. 34	NO. 35	NO. 36	NO. 37	NO. 38	NO. 39	NO. 40	NO. 41	NO. 42	NO. 43	NO. 44	NO. 45	NO. 46	NO. 47	NO. 48	NO. 49	NO. 50	NO. 51	NO. 52	NO. 53	NO. 54	NO. 55	NO. 56	NO. 57	NO. 58	NO. 59	NO. 60	NO. 61	NO. 62	NO. 63	NO. 64	NO. 65	NO. 66	NO. 67	NO. 68	NO. 69	NO. 70	NO. 71	NO. 72	NO. 73	NO. 74	NO. 75	NO. 76	NO. 77	NO. 78	NO. 79	NO. 80	NO. 81	NO. 82	NO. 83	NO. 84	NO. 85	NO. 86	NO. 87	NO. 88	NO. 89	NO. 90	NO. 91	NO. 92	NO. 93	NO. 94	NO. 95	NO. 96	NO. 97	NO. 98	NO. 99	NO. 100
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ACCOUNT NUMBER

FORMERLY PART OF T.L. NO.

Date of Entry on this Card DEED RECORD VOL PG. ACRES REMAINING

Diamond Lumber Co 537 622 38.66  
 Milwaukee Plywood Corp 553 178 30.06  
 Exc State Hwy 8.60 AC 5-12-71 71 3442 Posted  
 Milwaukee Plywood Corp 6-17-74 74 1384  
 Walter E. Heller Western Incorporated 5-9-78 78 1714  
 PLYWOOD EQUIP. SALES, INC. 11-7-78 78 4226  
 Exc 74 4102 -12.04 11-23-82 82 31102 18.02  
 Right to use 2221 4225  
 FORMATION TRI-CO-MET TRAN DIST 8-9-91  
 ORD #174 DATE 6/27/90 1991-92 ROLL

PARTITION PLAT 1991-188

OFFICIAL RECORD OF DESCRIPTIONS  
OF REAL PROPERTY  
CLACKAMAS COUNTY ASSESSOR

1154098

3	4E	5		4102	108-23	108-06
TR S.	RGE.	SEC.	1/4 1/16	TAX LOT	TYPE	SPEC. INT. IN REAL PROP.
MAP NUMBER				NUMBER	CODE AREA NUMBER	
82-83				ROLL		

FORMERLY PART OF T.L. NO. 4100

	Date of Entry on this Card	DEED VOL	PG.	ACRES REMAINING
PUBLISHERS PAPER CO	11-23-82	82	31102	12.04
Times Mirror Land and Timber Co.	AUG 18 1986		LTR	
	4-10-91	91	12371	00' POSTED
MUELLER, STEVE E.	05-01-91	91	17905	
Partition Plat 1991-188 Parcels 1 & 2	12-16-91			
Ac. Chg. by Partition Plat - 0.04 AC	12-16-91			12.00
Exc. T.L. 4103 - 5.00	05-18-92	92	28405	7.00
	01-10-97		LTR	ADD CHG POSTED

MINOR PARTITION 20578-91-M

FORMATION TRI-CO-MET TRAN DIST  
ORD #174 DATE 6/27/90 1991-92 ROLL

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**KEY NO.**

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						REAL		

108-023

FORMERLY PART OF T.L. NO. 4102

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AREA

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on this Card**

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MUELLER, STEVE E

~~90 MUELLER, CONNIE AND MUELLER, JEFF~~

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28405

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# EXHIBIT B

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

In the matter of a Conditional Use  
Application of PUBLISHERS' PAPER CO.,  
4000 Kruse Way Place, Lake Oswego,  
OR 97034

ORDER NO. 82-2152

File No. 169-82-C

This matter coming regularly before the Board of County Commissioners, acting as Hearings Officer, and it appearing that Publishers' Paper Company, 4000 Kruse Way Place, Lake Oswego, Oregon 97034, made application for a Conditional Use on property described as T3S, R4E, Section 5, part of Tax Lot 4100, W.M., Clackamas County, State of Oregon, and generally located on the west side of Eagle Creek Road, approximately 400 feet north of Currin Road, Eagle Creek area; and

It further appearing to the Board that the Planning staff by its report dated October 7, 1982, recommended approval of the application; and

It further appearing that pursuant to provisions of the Clackamas County Zoning and Development Ordinance, the Board of County Commissioners ordered a hearing on the above matter be held on the 13th day of October, 1982, at the hour of 9:25 a.m., in the County Courthouse Annex, 906 Main Street, Oregon City, Oregon, to afford the general public an opportunity to be heard, and that a notice of said hearing was published in a newspaper of general circulation in the County more than ten (10) days prior to the date of said hearing; and

It further appearing that a hearing was held at the above-stated time and place, which testimony and evidence were presented and a decision made thereon.

Based upon the testimony received and no one having appeared in opposition, this Board finds that the application meets all relevant criteria set forth in the Clackamas County Zoning and Development Ordinance, and hereby adopts as its findings the staff findings set forth in the planning staff report dated October 7, 1982.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application be approved, subject to the conditions set forth in said staff recommendation.  
DATED this 26 day of October, 1982 and entered NUNC PRO TUNC as of October 13, 1982.

  
Chairman Ralph Groener

  
Commissioner Robert Schumacher

BCC

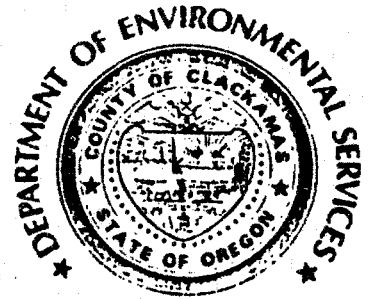
Commissioner Stan Skoko

**EXHIBIT**

Z0155-21-M; Z0156-21-CF; Z0157-21-ZAP

Exhibit 1

EXHIBIT 2  
Page 530 of 747  
16 of 71



PLANNING DIVISION

JOHN C. MCINTYRE      DOMINIC T. MANCINI  
Director      Planning Director

NAME: Publishers Paper Co.  
FILE NO.: 169-82-C  
REPORT AUTHOR: Campbell Kintz  
HEARING DATE: October 13, 1982  
REPORT DATE: October 7, 1982

PLANNING STAFF REPORT/RECOMMENDATION

TO HEARINGS OFFICER

FACTS

GENERAL INFORMATION

Applicant: Publishers Paper Co. 4000 Kruse Way Place, Lake Oswego 97034

Owner(s): Plywood Equipment Sales, Inc.

Proposal: To store logs and to use a portable chipper to make hog fuel.

Location: West side of Eagle Creek Rd. approximately 400 feet north of Currin Road; Eagle Creek area.

Legal Description: T3S, R4E, Section 5, part of Tax Lot 4100, W.M.

Zone: RRFF-5, Rural Residential Farm Forest 5 acre minimum lot size.

SITE DESCRIPTION

The property is the site of a former veneer mill. There is a pond on the property. There is a large building on the other side of the pond from the site for the facility proposed by the applicant.

VICINITY DATA

Surrounding Conditions: There is a mix a residential and commercial uses in the area. The property is surrounded by southeast Eagle Creek Road on the east and State Hwy. 211 on the west.

Service Considerations: This use will not require any additional services.

RESPONSES REQUESTED

1. Estacada Fire District

2. Eagle Creek - Barron Neighborhood Group
3. <sup>County</sup> D.E.S., Traffic Operations Engineer
4. D.E.S., Operations Division
5. State Highway Division

#### EXHIBITS

1. Zoning Ordinance considerations
2. Selected comments from the Comprehensive Plan
3. Display map
4. Aerial photograph
5. Site plan
6. Photographs of site
7. Photographs of portable chipper
8. Noise study
9. Highway Division comments
10. Traffic Operations Engineer comments
11. Operations Division comments

#### FINDINGS

##### ZONING ORDINANCE CONSIDERATIONS

See Exhibit No. 1

##### PLAN CONSIDERATIONS

Comprehensive Plan Map Designation: Rural

Selected Comments from the Comprehensive Plan: See Exhibit No. 2

#### RESPONSES RECEIVED

1. Operations Division stated if approved, approval should be subject to the following conditions:
  - a. An entrance permit must be obtained for the proposed additional entrance.

- b. The entrance must be paved from the edge of the existing pavement to the right-of-way line. ✓
- c. The applicant must provide adequate storm drainage.
- d. The applicant must keep the mud and debris off the county roadway.
2. Traffic Operations Engineer stated he had no objections to the request. Site distance and access location shall be determined through an encroachment permit.
3. State Highway Division stated no direct access to Hwy. 211 shall be allowed. ✓

#### CONCLUSIONS

- A. The applicant is seeking a conditional use permit for a portable chipper. This request is subject to Sections 309 and 1203 of the Clackamas County Zoning and Development Ordinance. The Planning Division staff finds:
  1. The proposed use is an allowed use in the zoning district. Subsection 309.05A(9) states commercial or processing activities that are in conjunction with timber and farm uses are allowed conditional uses in the RRFF-5 zoning district. The portable chipper will be used for processing activity that is in conjunction with a timber use.
  2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features. The site of the filled log pond which is part of the site of the former veneer mill. No substantial improvements are needed to make the site usable for the proposed use. The site is flat and has easy access to major roads. It is located in an area characterized by a mix of uses. The noise study submitted by the applicant show that it is in an area where the noise generated by the use will be consistent with what is in the area now. The use will be consistent with the historic use on the site.
  3. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use. The only public facility that will be used by the site is the public roads. The roads are adequate to handle the proposed use.
  4. 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 listed in the underlying district. As previously stated, the noise generated by the proposed use will not be above the ambient noise level in the area. The amount of traffic generated by the use will not be substantial in comparison to the amount of traffic in the area already. The use is consistent with the mix of uses found in the area.

Exhibit 1

Z0155-21-M; Z0156-21-CR; Z0157-21-ZAP

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5. The proposal satisfies the goals and policies of the Comprehensive Plan that apply to the proposed use. There are no specific plan policies that apply to the proposed use. There are some general plan policies that may be considered applicable. The Comprehensive Plan encourages the development of forest related industries, particularly those doing secondary wood processing. Approval of the request will not interfere with the character of the area in which the property is located.

#### RECOMMENDATION

The Planning Division staff recommends approval subject to the following conditions:

1. Approval of a minor partition to divide the property.
2. Compliance with the conditions of approval recommended by the Operations Division in comments to this file.
3. The chipper shall be located at least 50 feet from all property lines.
4. The applicant shall provide on-site parking subject to Design Review approval.
5. The facility shall be screened from view from off the property. The applicant will not need to provide any additional screening if vegetation on the property is adequate to screen the facility. If it is not, the applicant shall provide such screening as required by Design Review.
6. Approval is subject to the above stated conditions and failure to comply with them shall be cause for revocation of approval.

THE HEARINGS OFFICER IS AN INDEPENDENT DECISION MAKER. HE WILL MAKE A DECISION BASED ON THE INFORMATION PRESENTED AT THE PUBLIC HEARING. IF YOU CANNOT ATTEND THE HEARING, PLEASE NOTIFY THE PLANNING DIVISION AS SOON AS POSSIBLE. WE WILL ADVISE THE HEARINGS OFFICER AND A POSTPONEMENT OF YOUR APPLICATION MAY BE CONSIDERED. IF YOU DO NOT ATTEND THE HEARING AND THE HEARINGS OFFICER HAS NOT BEEN ADVISED OF YOUR ABSENCE, THE APPLICATION MAY BE HEARD IN YOUR ABSENCE.

CK:elk  
4/10-13



# EXHIBIT C

26175

RICHARD F. CRIST  
Land Use Hearings Officer  
18734 Upper Midhill Drive  
West Linn, Oregon 97068  
(503) 636-9256

FINDINGS AND DECISION OF THE HEARINGS OFFICER

File No.: Z-0202-91-C

Applicant: Steve Mueller, 28739 SE Crest, Eagle Creek, OR 97022

Proposal: To construct three buildings to allow sales, repair and storage of farm and forest equipment, and to establish a portable sawmill and wood yard.

Planning Division Recommendation: Approval.

Staff Representative: Doug McClain

Public Hearing: A public hearing was held at the Clackamas County Department of Transportation and Development (DTD), 902 Abernethy Road, Oregon City, Oregon on April 3, 1991 at 9:30 a.m., at which time testimony and other evidence was received, the record was closed, and an oral decision was announced approving the application, subject to certain conditions.

Speaking in Support of Request:

1. Steve Mueller, 28739 SE Crest, Eagle Creek, OR 97022

Community Planning Organization Response: There is no active CPO serving this area of Clackamas County.

Speaking in Opposition to Request: None.

FINDINGS:

A. Subject Property:

1. Legal Description: Tax Lot 4102, Section 5, T3S, R4E, W.M., Clackamas County, Oregon
2. Location: Between State Highway 211 and SE Eagle Creek Road, approximately 400 feet north of SE Folsom Road, Eagle Creek area.
3. Zone: RRFF-5, Rural Residential Farm Forest 5 Acre District
4. Comprehensive Plan Designation: Rural
5. Site Description: The subject property is approximately 12 acres. It is currently undeveloped. Most of the site is covered with gravel.

B. Vicinity Information: This area contains a mixture of agricultural

EXHIBIT C

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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and rural residential uses. There is also a small rural commercial development located to the northeast of the subject property.

C. Service Considerations: Water will be provided by private well. Sewage disposal will be handled on-site. Fire protection is provided by Estacada Fire District No. 69.

D. Land Use Ordinance Considerations:

1. Section 309 of the Clackamas County Zoning and Development Ordinance (ZDO) controls land uses in the RFFF-5 zoning district. Subsection 309.05 provides that certain uses may be permitted as a conditional use where the application satisfies the criteria under Section 1203 of the ZDO, the applicable standards under Section 800 of the ZDO and any other requirements of the ZDO. The Hearings Officer has reviewed the entire record made as a part of this proceeding, and Findings based on that record with regard to each of the criteria above described will be discussed below.

2. This application satisfies each of the criteria under Section 1203 of the ZDO, as follows:

a. The proposed use is listed as a conditional use in the underlying zoning district. Subsection 309.05(A)(9) of the ZDO lists commercial or processing activities which are in conjunction with timber and farm uses as a conditional use in the RFFF-5 zoning district. The applicant proposes to sell, store and repair farm and timber equipment, and will be conducting a portable sawmill and wood yard. The applicant is proposing to move his existing business from a nearby parcel. These uses have previously received conditional use approval (See File #487-86-C), and are activities in conjunction with farm and timber uses.

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

The property has been previously gravelled for log storage, making it suitable for the proposed uses. The site is level and open, with no natural features or improvements which limit its suitability for the proposed uses.

c. The site and the proposed development are timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

Regarding the transportation system, the property abuts both State Highway 211 and Eagle Creek Road. The information provided by the County staff is that the traffic expected to be generated by the proposed uses can be easily accommodated by these roads. This information is not contested, and is accepted by the Hearings Officer.

Responses from the local fire district and the County's Soils Division indicated that appropriately facilities can be provided on-site, without any impact on public facilities and services.

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Conditions of approval will require approval of the means of sewage disposal for the property and adequate provision for fire-fighting water and emergency vehicle access.

d. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying zoning district.

The subject property and the immediate surrounding area are zoned RRFF-5. The primary uses of that district are set forth in subsection 309.03 of the ZDO, and included herein by this reference. They include generally rural residential uses, and limited farm or forest uses.

The subject property is isolated from adjoining lots and is affected by State Highway 211 and Eagle Creek Road. There are no nearby homesites. The conditions of approval will include design review, which will assist in providing visual mitigation. With this visual mitigation, there are no identified impacts on adjacent properties which would limit or preclude permitted primary uses.

e. The proposal satisfies the Goals and Policies of the Comprehensive Plan (Plan) for Clackamas County which apply to the proposed use.

As stated above, the subject property is designated Rural by the Plan. No specific Goals or Policies of the Rural Section of the Land Use Element of the Plan have been identified as applicable to this application.

3. Subsection 801.03 of the ZDO lists the information which must be submitted for a complete conditional use application. This application contains a description of the proposed use and specific reasons for the request, a vicinity map, a site plan of the property, including existing and proposed improvements, a building profile, and information addressing the criteria under Section 1203 of the ZDO. This provision is satisfied.

4. No other provisions of the ZDO or the Plan have been identified as applicable to this application, and no other provisions of the ZDO or the Plan are found to be applicable.

5. The Hearings Officer specifically finds that the applicant can meet each of the conditions of approval.

**DECISION:** Approval, subject to the following conditions:

1. The applicant shall provide an adequate source of fire-fighting water, consistent with the requirements of Estacada Fire District No. 69. Prior to establishing the use or issuance of any building permits, the applicant must provide a letter from the fire district substantiating compliance with their requirements for fire-fighting water and emergency vehicle access.

2. Approval is subject to the limitations imposed by the County Soils Division. Currently, the use must generate no more than 200 gallons per day, which is the maximum allowed by the current holding tank approval.
3. Approval is limited to the specific use described in the application, to the extent it is consistent with the conditions of approval.
4. Design review approval is necessary. Consideration shall be given to visual mitigation of the proposed uses.
5. Approval is subject to the conditions of approval. Noncompliance with any condition constitutes a violation of this permit and shall be sufficient cause for revocation of this permit.

DATED and FILED this 23rd day of April, 1991.

by RICHARD F. CRIST  
Richard F. Crist  
Hearings Officer

# EXHIBIT D

# BOARD OF EQUALIZATION INFORMATION SHEET

TAX YEAR 1991-92

MAP # 3 4E 05 4102

B/E APPEAL #91- 00981

N. HOOD # E 205

LAND CLASSIFICATION:

CODE # 108-006 AREA 02

COMMERCIAL: From 301-310

MOBILE HOME X-                     

RESIDENTIAL: To 401-310

PERS. PROP. #                     

SPEC. ASSESSED:                     

## REAL MARKET VALUE

LAND	IMPROV.	MOBILE HOME	PERS. PROP.	TOTAL
<u>83,140</u>	<u>8850</u>			<u>91,990</u>

## ASSESSORS RECOMMENDATION

SUSTAIN:                                      DECREASE: X

## NEW RECOMMENDED VALUE

LAND	IMPROV	MOBILE HOME	PERS. PROP.	TOTAL
<u>46,830</u>	<u>6410</u>			<u>53,240</u>

REMARKS

This site was owned by Publishers & WAS A SPOT INDUSTRIAL site. IT IS ZONED R R F F 5. JUST PURCHASED BY PETITIONER FOR \$55,000. HAS JUST BEEN REAPPRAISED FOR AREA 02 (1992). Recommend reduction TO TCV FOR 92 (\$53,240).

## COMPARABLES

1.                                      3.                                       
2.                                      4.                                     

APPRAISER: J. White

**EXHIBIT**  
**D**

Exhibit 1

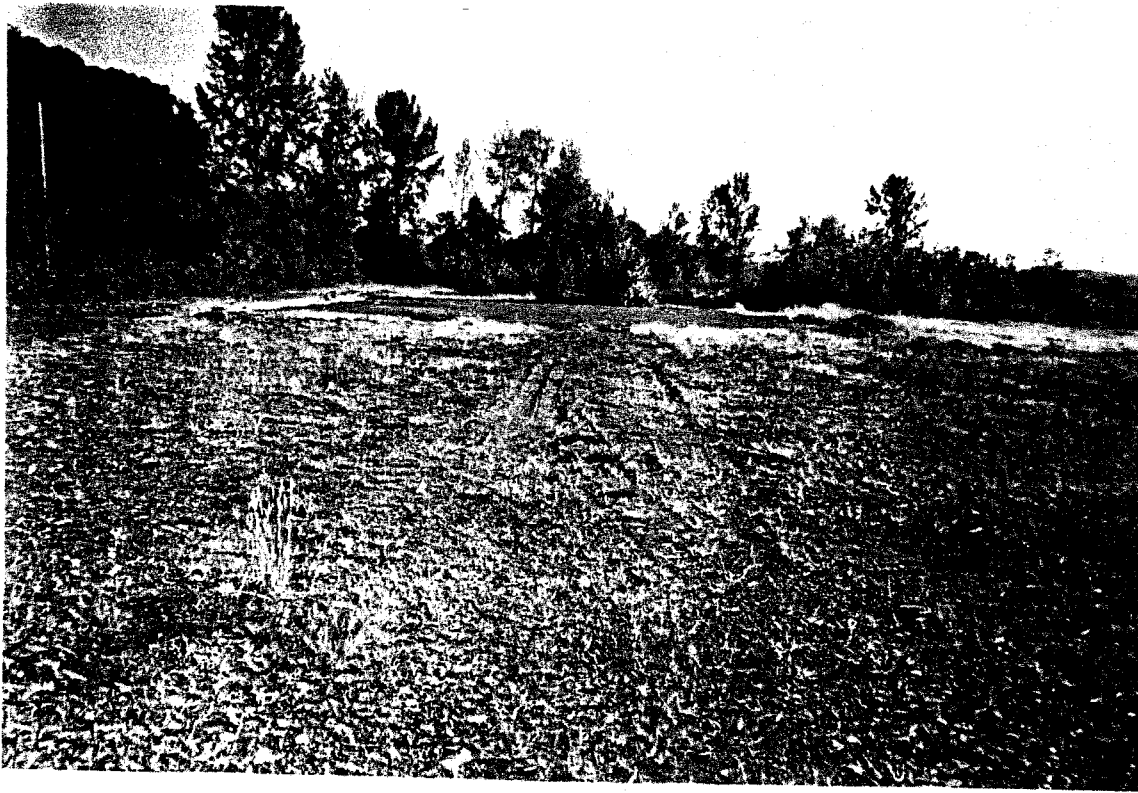
20155-21-M; 20156-21-CP; 20157-21-ZAP

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27.4.71



# EXHIBIT E



ASphalt Chipper Pad



Exhibit 1

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# CONCRETE Foundations



Exhibit 1

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RIP RAP LOG Bays

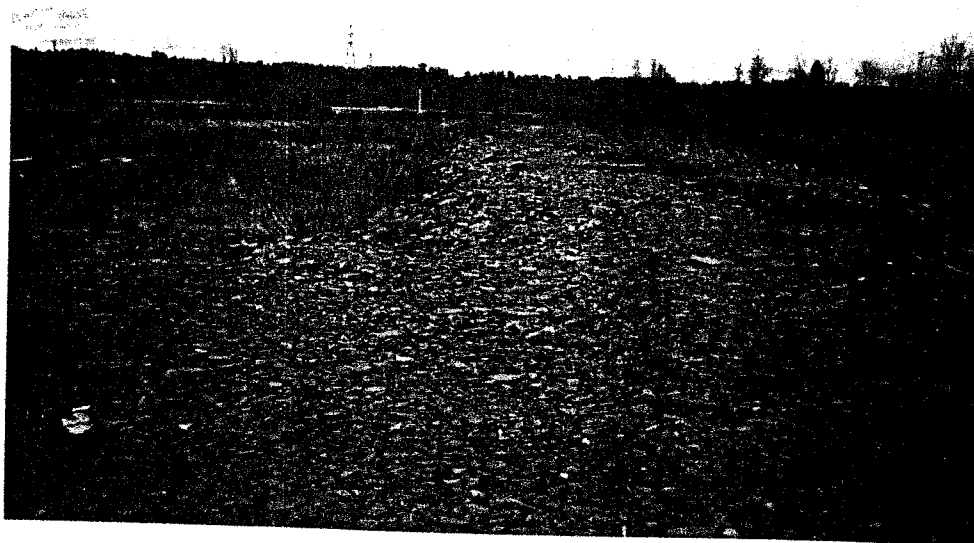


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RIP RAP LOG BAYS



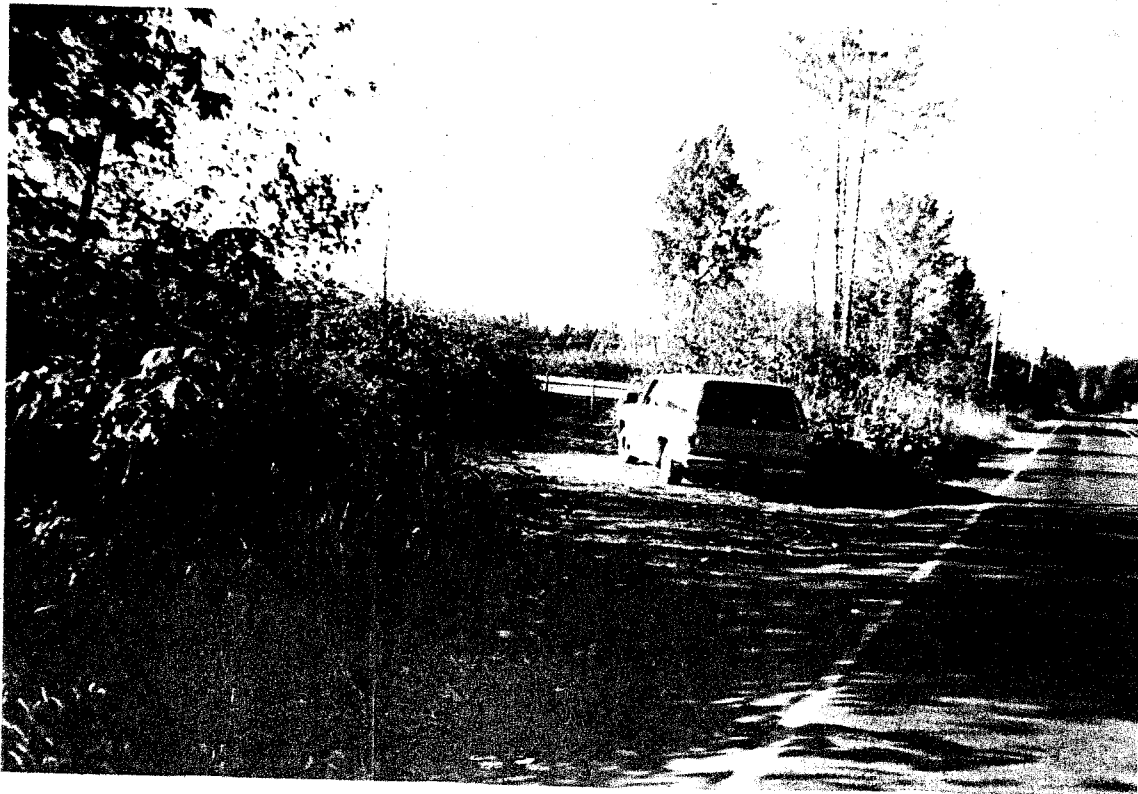
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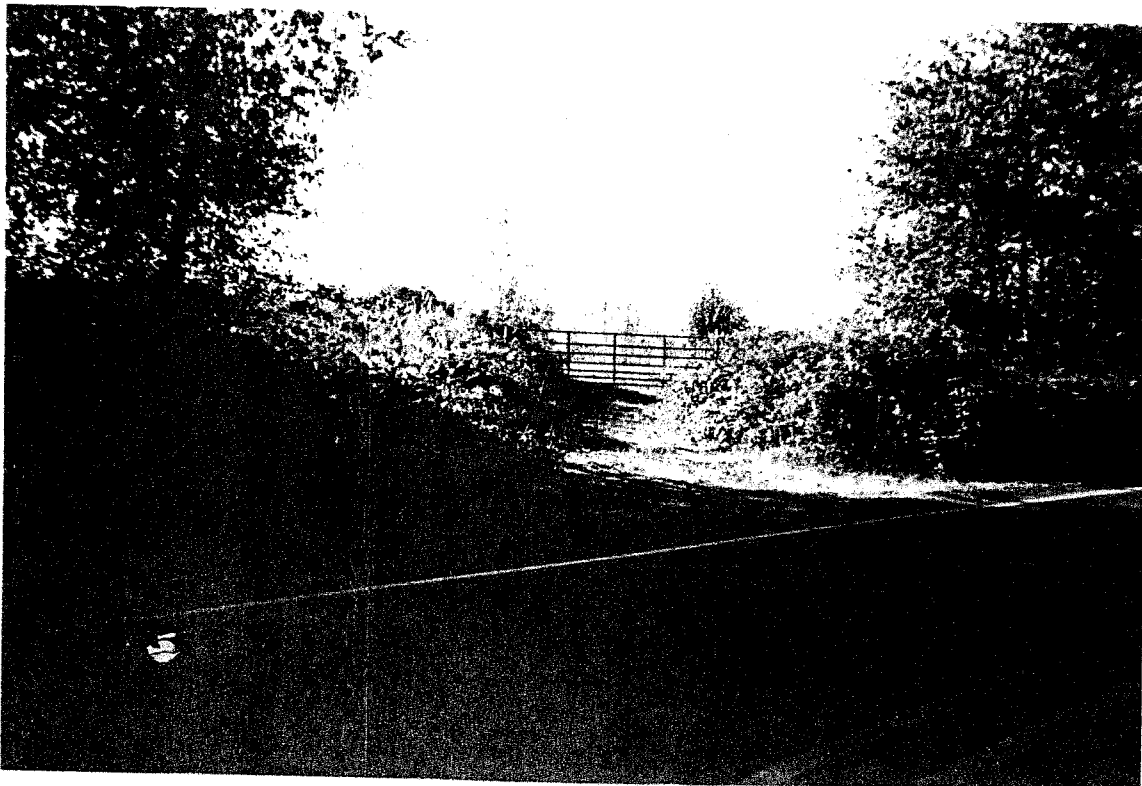
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32471

TWO EXISTING



EAGLE CREEK ROAD



ACCESS

Exhibit 1

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# EXHIBIT F



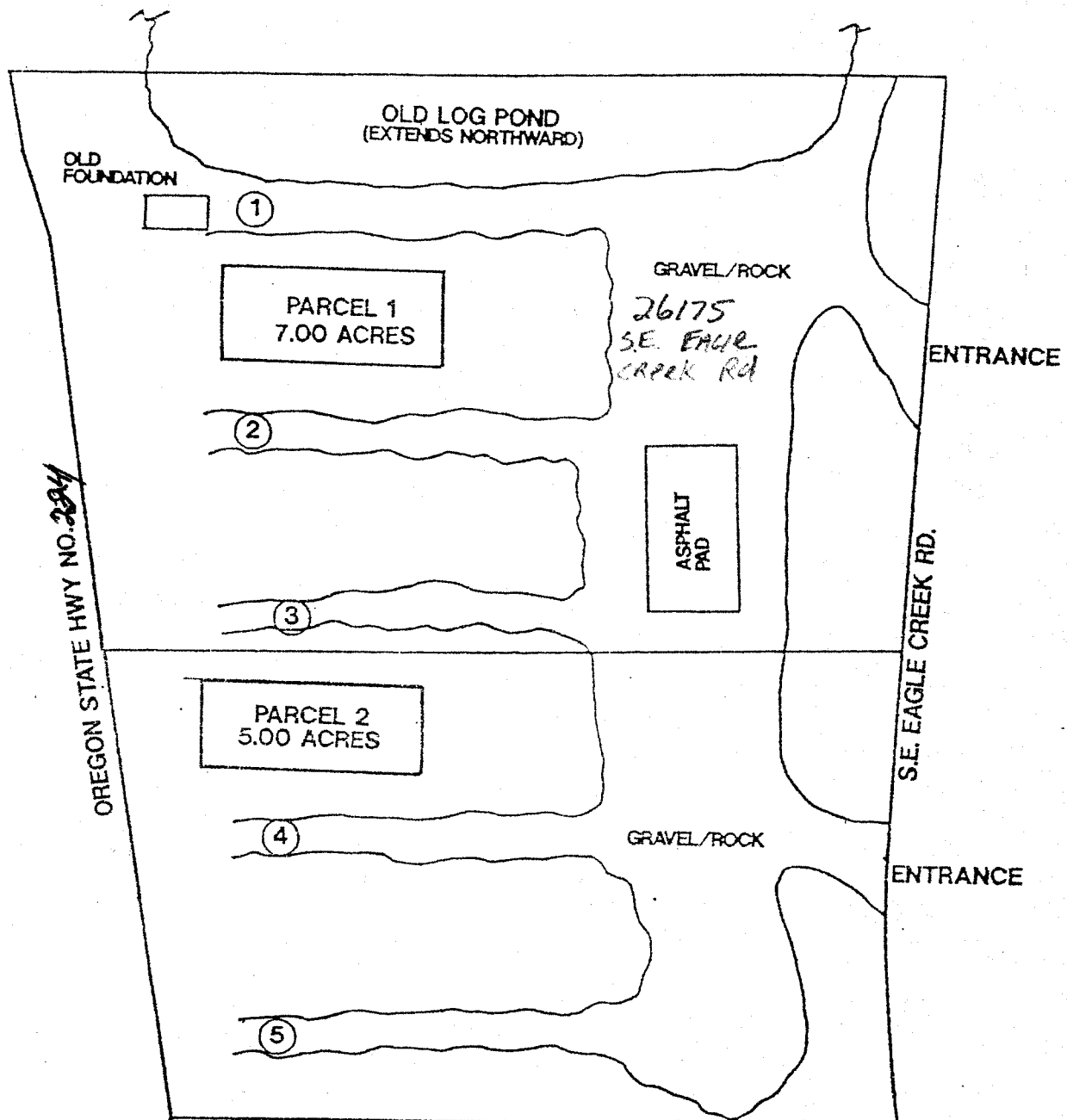


FIGURE 2: SITE MAP OF SUBJECT PROPERTY  
CREST DEVELOPMENT PROPERTY  
PREVIOUS SITE OF MILL POND  
N.T.S.



FETROW  
ENGINEERING, INC.

890 PROMONTORY PL. SE SALEM, OR 97302  
2535B PRAIRIE RD EUGENE, OR 97402  
12300 SE MALLARD WAY, SUITE 205 MILWAUKIE, OR 97222

**EXHIBIT F**

Exhibit

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# EXHIBIT G

Exhibit 1

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COPY

January 25, 1991

Times Mirror Land & Timber Co.  
c/o Steve Mueller  
28739 S.E. Crest  
Eagle Creek, OR 97022

SUBJECT: TAX LOT 4102, SECTION 05, T. 3S, R. 4E  
SOIL FEASIBILITY STUDY

I visited this property January 23, 1991, and examined the two soil test pits. As expected, the pits revealed fill materials consisting of soil rock and wood waste from the surface to the bottom of the pits. The natural soil was not observed to a depth of 48 inches. These conditions cannot be considered for subsurface sewage disposal so the only possibility might be a holding tank system.

Holding tanks can only be considered where the daily sewage flow is limited to 200 gallons or less. That means 13 employees total at the proposed shop building. And, for one shift only. No industrial wastes and no shower facilities. If the buildings require showers, only five employees total could be considered for both shop buildings.

Further investigation and detailed holding tank design is necessary to ensure a solid stable base to site the holding tank. Refer to the standards set forth by the Department of Environmental Quality (pages 71-84, 71-85 and 71-86) for other conditions that must be addressed.

Your application is considered denied pending the additional required information.

Call, if you have any questions. I am usually in the office between 8 and 9 a.m. or 4 and 5 p.m.

LEE A. GRIMES - Soil Scientist  
Building Services Division

/krb

EXHIBIT G.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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# EXHIBIT H



PHONE (503) 630-8270 • FAX (503) 630-8280  
475 S.E. MAIN • P.O. BOX 958 • ESTACADA, OREGON 97023-0958

October 28, 1994

Region 2040  
600 N.E. Grand Avenue  
Portland, OR. 97232-2736

Dear Planning Committee of the Metro Council,

Thank you for the opportunity to respond to the recommended alternative decision of the Region 2040 plan. The Estacada City Council and Planning Commission, in a joint meeting, developed the following comments that they would like entered into the written testimony.

The 2040 growth concept is primarily an issue that will affect the metropolitan area. The people of Estacada would prefer that Metro stay in the metro area and within the existing established metro boundary. As a neighboring community, we can see the impacts on Estacada occurring with the recommended alternative decisions that are being proposed in the 2040 growth concept plan and some of the recommendations conflict with our future planning.

Estacada is developing its own plan for its future and is in the process of a community wide strategic planning process. Due to the loss of jobs in the timber industry, Estacada is developing into a rural bedroom community for the surrounding communities. Whereas in 1980, 80% of the people worked within 10 minutes of Estacada with only 15% commuting to Portland, in 1990 only 16% worked within 10 minutes of Estacada and 44% commuted an average of 30 to 50 minutes to work.

As recommended in the 2040 growth concept plan, the City Council and Planning Commission would like to see a strong balance between housing and jobs provided in our local community, thus cutting down on commuter traffic, pollution and provide jobs where people live. We have identified Hwy. 224 to the Hwy. 211 turnoff to Sandy as a corridor for future development.

**EXHIBIT**

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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From the existing city limits to this area will be the future industrial and commercial area. It is our intention to work on partnerships to provide the infrastructure and develop jobs in this area.

Our vision includes not only the city limits and the urban growth boundary, but what we consider our future "transportation corridor" and "urban reserves". This includes the development of the corridor to Eagle Creek for jobs and services. We recommend that generalized future land use plans be developed for the "neighboring cities" to insure that the Region 2040 plan does not conflict with a local community's vision. We want to make sure that Metro's adoption of the Region 2040 plan serves as a guide and does not mandate to the County or the City of Estacada property zoning directly located outside the existing urban growth boundary.

Estacada wants to increase local employment with family wage jobs, retain our downtown commercial area as the core of our community and discourage strip mall development along Highway 224. Property currently designated exclusive farmland and forestry should be reviewed to uncover marginal farmland versus prime farmland in the corridor area of Eagle Creek and appropriate zoning applied to the property. In addition, we want to protect the Clackamas River and Eagle Creek drainage areas. We would like to maintain the scenic beauty of the Clackamas River with a visual buffer between the river and any development. We would prefer homes be developed on available property with river views, and a buffer zone between the housing and any proposed commercial or industrial development along Highway 224.

One of the perceptions that Estacadians hear from metropolitan people is that Estacada is "way out there" or "at the end of the road." We know that we are a quick escape for Portlanders wanting to get out into the country, enjoy the river, and that we are the "gateway to the Clackamas River recreation area." But we don't want to be land locked as a rural reserve playground for Portlanders wishing to "get out to the country." Estacadians need to live here, and survive here. We are going to retain our own local control and continue in the direction that we determine.

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

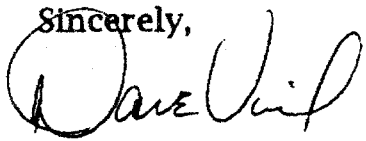
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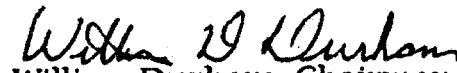
Region 2040  
October 28, 1994  
Page 3

If we could work in a collaborative regional process to apply the pattern outlined in the Region 2040 plan to the neighboring cities to include their city limits, urban growth boundaries, transportation corridors, urban and rural reserve areas, it would truly be a regional decision.

Sincerely,



Dave Vail, Mayor  
Estacada City Council



William Durham, Chairman  
Planning Commission

cc. Board of County Commissioners  
Clackamas County Planning Commissioners  
Clackamas County Transportation & Economic Development  
Clackamas County Development Agency  
Estacada Area CPO  
Eagle Creek Area CPO



# EXHIBIT I

# EXHIBIT I.

July 15, 1988

Don Rigby  
P.O. Box 06370  
Portland, OR 97206

Re: Old Milwaukie Plywood and Veneer Co.

Dear Mr. Rigby:

The Oregon Department of Environmental Quality (DEQ) has completed a preliminary assessment of the Old Milwaukie Plywood and Veneer Co. site under an agreement with the U.S. Environmental Protection Agency (EPA). A copy of the report without the attachments is enclosed. A preliminary assessment is an initial assessment of available information about a site to establish whether there are sufficient human health and/or environmental concerns to warrant a more extensive review.

Based on the preliminary assessment, DEQ does not anticipate further action at this site unless additional information becomes available which warrants investigation. EPA concurs with the DEQ finding and with the recommendations listed on page 3.

Please feel free to submit information to us which you believe would make our report more complete.

If you have further questions, I may be reached at (503)229-6790.

Sincerely,

Christy Smith  
Site Assessment Section Supervisor  
Environmental Cleanup Division

CS:m  
SM1690  
Enclosure  
cc: Al Goodman, EPA-000  
Deborah Flood, EPA-Region X

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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## INTRODUCTION

Pursuant to Cooperative Agreement V000332-01, Amendment 2 between the U.S. Environmental Protection Agency (EPA) and the Oregon Department of Environmental Quality (DEQ), the DEQ conducted a Preliminary Assessment (PA) of the site known as Old Milwaukie Plywood & Veneer Company, OR D980979082. PAs are intended generally to identify potential hazards at a site, identify sites that require emergency action, and to establish priorities for sites requiring in-depth investigations (Site Inspections). The PA is based on readily available information about the site and is not a full investigation or characterization of the site.

The Old Milwaukie Plywood & Veneer Co. PA was conducted to identify potential public health and/or environmental threats related to the site. The PA is based on data derived from the sources listed in "J" below. Information gathered during the PA is summarized in the attached EPA form 2070-12 (see Attachment I).

## INFORMATION OBTAINED DURING THE PA

### A. GENERAL SITE DATA

Site Name: Old Milwaukie Plywood & Veneer Co.

Location: 25720 S.E. Eagle Creek Road  
Eagle Creek, Oregon 97022

Operator: Panel Equipment Sales, Inc.

Contact: Don Rigby  
6803 S.E. Johnson Creek Blvd.  
Portland, Oregon 97202

Telephone: (503) 771-5565

Owner: Edward J. Bennett, PC - Registered Agent  
851 S.W. 6th Avenue, Suite 1500  
Portland, Oregon 97204

Contact: - see Owner above.

Telephone: (209) 224-6440

### B. SITE DESCRIPTION

The Old Milwaukie Plywood & Veneer Company facility is located just outside of the Clackamas County community of Eagle Creek (see Attachment II). The site was a plywood veneer manufacturer. Logs were "peeled" into thin layers of wood called veneer. Veneer production is a mechanical operation that does not

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require the use of any chemical substances. The veneer was then shipped to other facilities where adhesives and waterproofing agents were applied to assemble the plywood sheets. The only site visits or inspections by DEQ officials were related to air and noise pollution compliance related to the facility's dryer operations. The old log ponds were utilized for solid waste disposal (see Attachment III). The only debris permitted to go into the ponds was wood debris (see Attachment IV). The ponds were later covered with two to three feet of crushed rock (see Attachment V). Filling of the landfill was completed in late 1973.

#### C. OWNERSHIP INFORMATION

Information on site ownership was obtained during the site discovery investigation (see Attachment VI). The current owner has changed their name from Plywood Equipment Sales to Panel Equipment Sales. The nature of their business, plywood and veneer manufacturing equipment, has remained the same. Available information regarding the owner is listed above in Section A. of this PA.

#### D. WASTE AND CONTAMINANT TYPES, QUANTITIES & CHARACTERISTICS

Based on information in the files, the site has not been visited by DEQ or EPA officials in more than ten years. The actual site conditions are not known.

There are no known or suspected contaminants at this site.

#### E. SITE HISTORY AND POTENTIAL PROBLEMS

The exact dates of operation of the facility were not able to be determined from a review of the files. The company's name may have indicated that plywood manufacturing was taking place at the facility which was not the case. Plywood manufacturers use an assortment of glues, adhesives, resins and wood preservatives that may have left contamination at the site. This site was strictly mechanical log peeler operation that produced the thin sheets of wood (veneer) that are later laminated into plywood.

The site apparently went out of business in the mid-1970's. The property was bought at a liquidation sale by the present owners. The property is used to store plywood and veneer manufacturing equipment (see Attachment VII).

#### F. PHYSICAL AND DEMOGRAPHIC INFORMATION

The site is located in rural Clackamas County, Oregon. Within a one mile radius is the community of Eagle Creek, Goose Creek,

several residences and the Eagle Crest Mobile Home Park. There is no central water supply system in this area. Therefore, it can be assumed that there are numerous wells that supply domestic and irrigation water to the residents.

G. CONTAMINANT MOBILIZATION, PATHWAYS AND RISK

There are no known or suspected contaminants at this site.

H. PRIORITY ASSESSMENT

Based on the known and suspected contaminants at this site, a no further action recommendation is made and that no site inspection (SI) needs to be performed at this site.

I. FOLLOW-UP RECOMMENDATIONS

None.

J. REFERENCES

ATTACHMENT I - EPA Form 2070-12 "Potential Hazardous Waste Site Preliminary Assessment".

ATTACHMENT II - Location map, excerpt from USGS 7.5 minute series topographic map, Gladstone quadrangle, 1961.

ATTACHMENT III - Excerpt from a Columbia-Willamette Air Pollution Authority air contaminant discharge permit for particulate from the wood dryer, dated May 1, 1973

ATTACHMENT IV - Letter from Diarmuid O'Scannlain, DEQ, dated October 25, 1973, to Raymond Mosbrucker, Milwaukie Plywood Corporation.

ATTACHMENT V - Clackamas County property tax information dated October 3, 1985.

ATTACHMENT VI - Handwritten note with maps from Ray Mosbrucker, Milwaukie Plywood Company, undated, to Peter Wong, DEQ.

ATTACHMENT VII - Telephone memo of conversation between Bill Renfro, DEQ, and Don Rigby, Panel Equipment Sales, Inc.

OTHER REFERENCES:

1. DEQ CERCLIS files.
2. DEQ NW Region files.
3. EPA Oregon Operations Office files.

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POTENTIAL HAZARDOUS WASTE SITE  
PRELIMINARY ASSESSMENT  
PART 1 - SITE INFORMATION AND ASSESSMENT

I. IDENTIFICATION

01 STATE 02 SITE NUMBER  
OR D 980979002

II. SITE NAME AND LOCATION

01 SITE NAME (Legal, common, or descriptive name of site)

Old Milwaukee Plywood and Veneer Co.

02 STREET, ROUTE NO., OR SPECIFIC LOCATION IDENTIFIER

25720 S.E. Eagle Creek Rd.

03 CITY

Eagle Creek

04 STATE

05 ZIP CODE

06 COUNTY

07 COUNTY CODE

08 COUNTY DIST

OR

97022

Clackamas

005

05

09 COORDINATES LATITUDE

LONGITUDE

45 21 54.0

122 20 42.0

Township 2S Range 4E Section 29

10 DIRECTIONS TO SITE (Starting from nearest public road)

Travel to st. Highway 224, turn right onto Hwy 224. travel to Durrin Rd., turn left (East) onto Durrin Rd. Travel short distance to Eagle Creek Rd., turn left (North) onto Eagle Creek Rd. The site is on the left (West) side of Eagle Creek Rd., (c

III. RESPONSIBLE PARTIES

(Across from Eagle Crest Mobile Home Park)

01 OWNER (if known)

Panel Equipment Sales Inc.

02 STREET (Business, mailing, residential)

25720 S.E. Eagle Creek Rd.

03 CITY

Eagle Creek

04 STATE

05 ZIP CODE

06 TELEPHONE NUMBER

OR

97220

503 771-5565

07 OPERATOR (if known and different from owner)

Edward J. Bennett (Registered Agent)

08 STREET (Business, mailing, residential)

851 S.W. 6th, Suite 1500

09 CITY

Portland

10 STATE

11 ZIP CODE

12 TELEPHONE NUMBER

OR

97204

503 224-6440

13 TYPE OF OWNERSHIP (Check one)

☐ A. PRIVATE ☐ B. FEDERAL:

(Agency name)

☐ C. STATE

☐ D. COUNTY

☐ E. MUNICIPAL

☒ F. OTHER: Corporation

(Specify)

☐ G. UNKNOWN

14 OWNER/OPERATOR NOTIFICATION ON FILE (Check all that apply)

☐ A. RCRA 3001 DATE RECEIVED:

MONTH DAY YEAR

☐ B. UNCONTROLLED WASTE SITE (RCRA 105(c)) DATE RECEIVED:

MONTH DAY YEAR

☒ C. NONE

IV. CHARACTERIZATION OF POTENTIAL HAZARD

01 ON SITE INSPECTION

☐ YES

DATE

MONTH DAY YEAR

☒ NO

BY (Check all that apply)

☐ A. EPA

☐ B. EPA CONTRACTOR

☐ C. STATE

☐ D. OTHER CONTRACTOR

☐ E. LOCAL HEALTH OFFICIAL

☐ F. OTHER:

(Specify)

CONTRACTOR NAME(S):

02 SITE STATUS (Check one)

☒ A. ACTIVE

☐ B. INACTIVE

☐ C. UNKNOWN

03 YEARS OF OPERATION

BEGINNING YEAR

ENDING YEAR

☒ UNKNOWN

04 DESCRIPTION OF SUBSTANCES POSSIBLY PRESENT, KNOWN, OR ALLEGED

No known or suspected.

05 DESCRIPTION OF POTENTIAL HAZARD TO ENVIRONMENT AND/OR POPULATION

No known or suspected. Site used for equipment / inventory storage only.

V. PRIORITY ASSESSMENT

01 PRIORITY FOR INSPECTION (Check one. If high or medium is checked, complete Part 2 - Waste information and Part 3 - Description of hazardous conditions and incidents)

☐ A. HIGH

(Inspection required promptly)

☐ B. MEDIUM

(Inspection required)

☐ C. LOW

(Inspection time available basis)

☒ D. NONE

(No further action needed, complete current disposition form)

VI. INFORMATION AVAILABLE FROM

01 CONTACT

Mary Wahl

02 OF (Agency Organization)

DEQ - Remedial Action Section

03 TELEPHONE NUMBER

503 229-5072

04 PERSON RESPONSIBLE FOR ASSESSMENT

Bill Renfroe

05 AGENCY

DEQ

06 ORGANIZATION

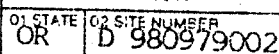
Remedial Action

07 TELEPHONE NUMBER

503 229-6900

08 DATE

09 30, 87



☐ I. HIGHLY VOLATILE  
☐ J. EXPLOSIVE  
☐ K. REACTIVE  
☐ L. INCOMPATIBLE  
☒ M. NOT APPLICABLE

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POTENTIAL HAZARDOUS WASTE SITE  
PRELIMINARY ASSESSMENT  
PART 3 - DESCRIPTION OF HAZARDOUS CONDITIONS AND INCIDENTS

I. IDENTIFICATION

01 STATE 02 SITE NUMBER  
OR D 980979002

II. HAZARDOUS CONDITIONS AND INCIDENTS

01 ☐ A. GROUNDWATER CONTAMINATION

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

02 ☐ OBSERVED (DATE \_\_\_\_\_)

04 NARRATIVE DESCRIPTION

☐ POTENTIAL

☐ ALLEGED

No known or suspected.

01 ☐ B. SURFACE WATER CONTAMINATION

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

02 ☐ OBSERVED (DATE \_\_\_\_\_)

04 NARRATIVE DESCRIPTION

☐ POTENTIAL

☐ ALLEGED

No known or suspected.

01 ☐ C. CONTAMINATION OF AIR

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

02 ☐ OBSERVED (DATE \_\_\_\_\_)

04 NARRATIVE DESCRIPTION

☐ POTENTIAL

☐ ALLEGED

No known or suspected.

01 ☐ D. FIRE/EXPLOSIVE CONDITIONS

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

02 ☐ OBSERVED (DATE \_\_\_\_\_)

04 NARRATIVE DESCRIPTION

☐ POTENTIAL

☐ ALLEGED

No known or suspected.

01 ☐ E. DIRECT CONTACT

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

02 ☐ OBSERVED (DATE \_\_\_\_\_)

04 NARRATIVE DESCRIPTION

☐ POTENTIAL

☐ ALLEGED

No known or suspected.

01 ☐ F. CONTAMINATION OF SOIL

03 AREA POTENTIALLY AFFECTED: \_\_\_\_\_  
(Acres)

02 ☐ OBSERVED (DATE \_\_\_\_\_)

04 NARRATIVE DESCRIPTION

☐ POTENTIAL

☐ ALLEGED

No known or suspected.

01 ☐ G. DRINKING WATER CONTAMINATION

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

02 ☐ OBSERVED (DATE \_\_\_\_\_)

04 NARRATIVE DESCRIPTION

☐ POTENTIAL

☐ ALLEGED

No known or suspected.

01 ☐ H. WORKER EXPOSURE/INJURY

03 WORKERS POTENTIALLY AFFECTED: \_\_\_\_\_

02 ☐ OBSERVED (DATE \_\_\_\_\_)

04 NARRATIVE DESCRIPTION

☐ POTENTIAL

☐ ALLEGED

No known or suspected.

01 ☐ I. POPULATION EXPOSURE/INJURY

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

02 ☐ OBSERVED (DATE \_\_\_\_\_)

04 NARRATIVE DESCRIPTION

☐ POTENTIAL

☐ ALLEGED

No known or suspected.



POTENTIAL HAZARDOUS WASTE SITE  
PRELIMINARY ASSESSMENT  
PART 3 - DESCRIPTION OF HAZARDOUS CONDITIONS AND INCIDENTS

I. IDENTIFICATION

01 STATE 02 SITE NUMBER

OR ID 980979002

II. HAZARDOUS CONDITIONS AND INCIDENTS (Continued)

01 ☐ J. DAMAGE TO FLORA  
04 NARRATIVE DESCRIPTION

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☐ POTENTIAL ☐ ALLEGED

No known or suspected.

01 ☐ K. DAMAGE TO FAUNA  
04 NARRATIVE DESCRIPTION (Include name(s) of species)

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☐ POTENTIAL ☐ ALLEGED

No known or suspected.

01 ☐ L. CONTAMINATION OF FOOD CHAIN  
04 NARRATIVE DESCRIPTION

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☐ POTENTIAL ☐ ALLEGED

No known or suspected.

01 ☐ M. UNSTABLE CONTAINMENT OF WASTES  
(Spills, runoff, standing liquids, leaking drums)

03 POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_  
04 NARRATIVE DESCRIPTION

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☐ POTENTIAL ☐ ALLEGED

No known or suspected.

01 ☐ N. DAMAGE TO OFFSITE PROPERTY  
04 NARRATIVE DESCRIPTION

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☐ POTENTIAL ☐ ALLEGED

No known or suspected.

01 ☐ O. CONTAMINATION OF SEWERS, STORM DRAINS, WWTPs  
04 NARRATIVE DESCRIPTION

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☐ POTENTIAL ☐ ALLEGED

No known or suspected.

01 ☐ P. ILLEGAL/UNAUTHORIZED DUMPING  
04 NARRATIVE DESCRIPTION

02 ☐ OBSERVED (DATE: \_\_\_\_\_) ☐ POTENTIAL ☐ ALLEGED

No known or suspected.

05 DESCRIPTION OF ANY OTHER KNOWN, POTENTIAL, OR ALLEGED HAZARDS

No known or suspected.

III. TOTAL POPULATION POTENTIALLY AFFECTED: \_\_\_\_\_

IV. COMMENTS

Plant produced veneer by peeling logs. No chemicals used on-site.

V. SOURCES OF INFORMATION (Cite specific references, e. g., state files, sample analysis, reports)

See previous references.

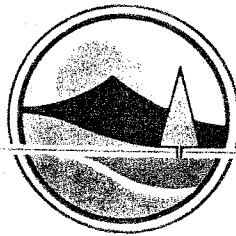
# EXHIBIT J

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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LEVEL II ENVIRONMENTAL  
SITE ASSESSMENT REPORT

PREPARED FOR

STEVE MUELLER  
EAGLE CREEK PROPERTY  
OLD LOG POND SITE

*Exhibit J*

PREPARED BY

FETROW ENGINEERING, INC.  
12300 S.E. MALLARD WAY, SUITE 205  
MILWAUKIE, OREGON 97222  
(503)652-1526

Exhibit 1

APRIL 1992 Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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## SECTION 1.00 INTRODUCTION

This report presents the results of a Level I Environmental Site Assessment performed by Fetrow Engineering, Inc. (FEI) at the subject property, a 12.0 acre parcel of relatively undeveloped land owned by Mr. Steve Mueller of Crest Development Company. The subject property, which was previously part of a log pond, is located approximately three miles north of Estacada, Oregon, immediately between State Highway 211 and Eagle Creek Road, north of Folsom Road, as shown on Figure 1.

The purpose of this report is to provide an assessment of the current environmental conditions at the subject property prior to a potential sale of the southern five acre portion of the site. This report is not intended to satisfy the formal requirements of a Preliminary Assessment as required by DEQ at sites having experienced a confirmed release of a hazardous substance that poses a significant threat to public health or the environment (OAR 340-122-426), nor is it intended to establish the environmental compliance of the subject property with respect to state or federal environmental regulations. A copy of the Scope of Services for this assessment is included as Appendix A.

The professional services of FEI have been rendered using the degree of care and skill ordinarily exercised under similar circumstances by reputable environmental engineering and consulting firms. No other warranty, expressed or implied, is made.

## SECTION 2.00 SITE DESCRIPTION AND PHYSICAL SETTING

The subject property is an approximately 12.0 acre parcel of land located in Township 3 South, Range 4 West, Section 5, in the unincorporated community of Eagle Creek in Clackamas County, approximately three miles north of Estacada, Oregon, immediately between State Highway 211 and Eagle Creek Road, as shown on Figure 1. The subject property is further identified as Clackamas County Tax Account Number 4102. The subject property is in an area comprised generally of rural residential areas, and farm and pasture land.

The subject property is a predominantly flat piece of land. The northern approximately two-thirds of the subject property was once part of the log pond which is now contained predominantly on the property located adjacent to the north boundary. The section of log pond on this site, with the exception of approximately eight-tenths of an acre at the northern boundary, was back-filled with bark and wood waste and was capped with two to three feet of rock in late 1973. An asphalt pad and parallel rock road beds (numbered 1 through 5 on Figure 2) were installed by Publishers Paper to facilitate log storage and the use of a portable chipper (which was never operated). There are no building improvements.

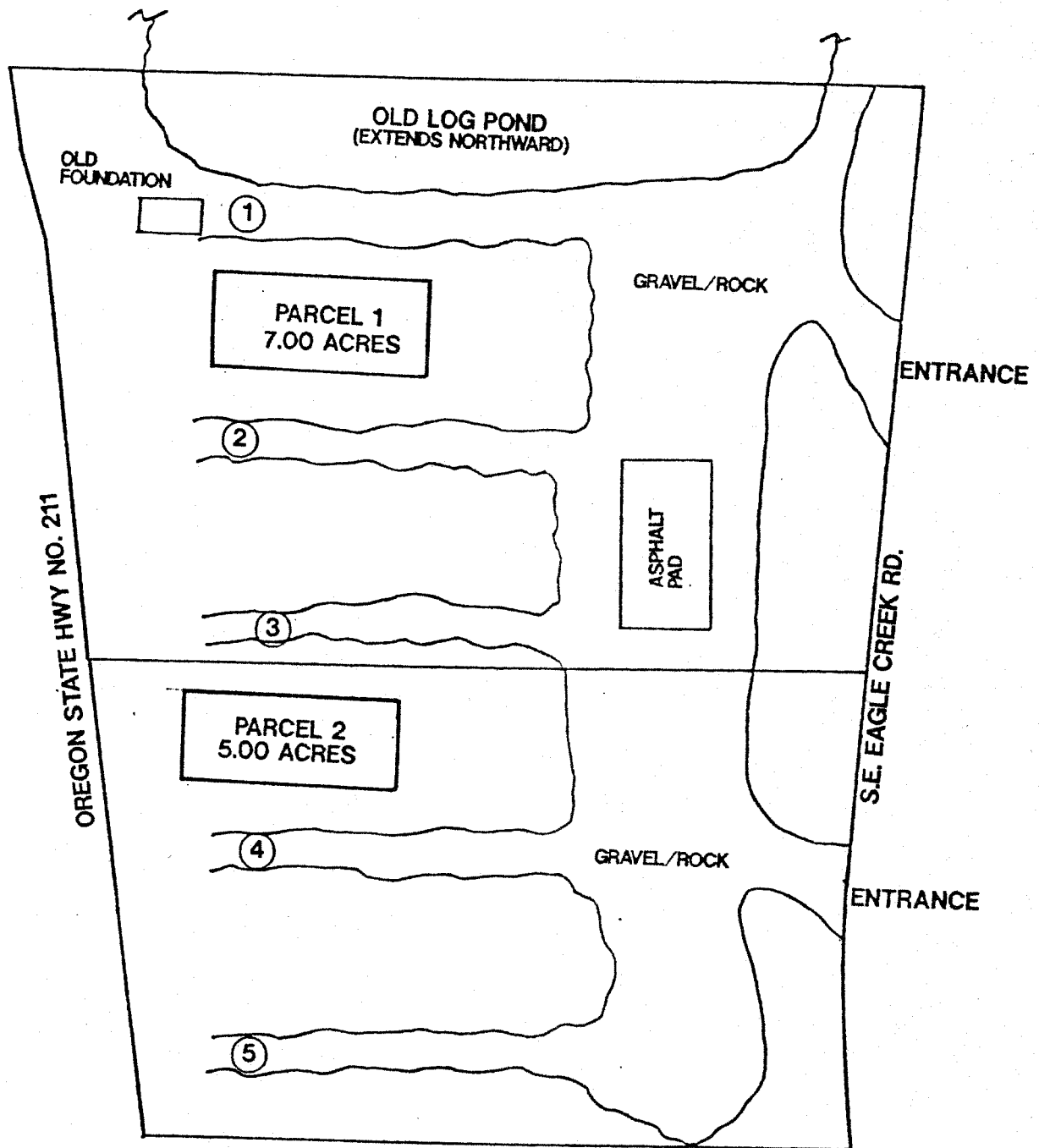


FIGURE 2: SITE MAP OF SUBJECT PROPERTY  
CREST DEVELOPMENT PROPERTY  
PREVIOUS SITE OF MILL POND  
N.T.S.



**FETROW  
ENGINEERING, INC.**

890 PROMONTORY PL. SE SALEM, OR 97302  
2535B PRAIRIE RD EUGENE, OR 97402  
12300 SE MALLARD WAY, SUITE 205 MILWAUKIE, OR 97222

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

Exhibit 1

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As shown on Figure 2, the site is bounded on the north by an inoperative plywood veneer mill and the log pond which once extended onto much of this property. To the east is Eagle Creek Road, across which lie a mobile home park, rural residential areas and pasture land. There are two access roads to the site from Eagle Creek Road, one near the southern boundary and one just south of the log pond. A rural residential area and land overgrown with brambles lie to the south of the site, and a marshy ditch bounds the site on the west. State Highway 211 follows the ditch along the west boundary, and west of the highway lie largely undeveloped fields. Figure 2 shows a plan view of the subject property. Appendix E contains site photographs.

### SECTION 3.00 REGIONAL CLIMATE, GEOLOGY, AND HYDROGEOLOGY

The subject property is located in northwestern Oregon in Clackamas County. The geographic area has a temperate marine climate characterized by wet winters and dry summers. Precipitation occurs primarily in the form of rain, with almost half of the annual rainfall of about 37 inches falling in the months of November, December, and January.

The site is located in the southwest quarter of the southwest quarter of Section 5, Township 3 South, Range 4 East, in the eastern side of the Willamette Valley. The site topography is generally flat with a slight slope to the west. The Clackamas River is located approximately two miles west and Eagle Creek is approximately one-quarter mile north. The expected water table depth is within twenty feet of the ground surface and the water table groundwater flow direction is assumed to be to the north at a relatively slow rate. During site sampling activities, groundwater was encountered at approximately 9 feet below the ground surface.

The deposits forming the surface soils have been derived over the last three to five million years. In times past, the elevation of the land surface was lower and streams such as the ancestral Willamette river and its tributaries deposited broad, flat floodplains. Within the last few million years, regional uplift has occurred raising the general elevation of the land. The streams have responded by renewed down-cutting and have incised their channels into the older floodplains, leaving terraces at elevations above current high water to mark earlier floodplain locations.

The surface and near-surface soils in the area consist of stream terrace and floodplain deposits. According to the soil map of Clackamas County, the soil type is Wapato silty clay loam. This type of soil contains clay in sufficient quantity to retard drainage.



## SECTION 4.00 DATA COLLECTION AND REVIEW

Data collection and review consisted of a search of public records and available site data, as well as conversations with knowledgeable individuals, to help determine the past history and usage of the site, and to assess whether or not any environmentally undesirable activities may have occurred at the site.

### 4.10 SITE HISTORY REVIEW

#### 4.11 Ownership and Operations History

For the purposes of this assessment, Mr. Mueller did not feel a formal chain of title was needed. As such, FEI did not perform one. Available information from public files, interviews with Mr. Mueller of Crest Development and Mr. Ray Luthy of Times Mirror Land and Timber Company, a previous owner of the site, and observations of historical aerial photographs (summarized in Section 4.12) indicate the following ownership and operational history of the subject property.

The subject property was once part of a larger piece of land which was owned by Old Milwaukie Plywood and Veneer Company (OMPV). OMPV built a veneer mill at the northern end of this larger property in 1955. This mill peeled logs into thin sheets for plywood manufacture. This was a strictly mechanical operation requiring no chemicals or adhesives, and the veneer was shipped to another site for actual plywood production (see appendix B). During this period, the subject property contained approximately the southern one-half of the OMPV log pond. In 1973, OMPV filled this portion of the log pond, with the exception of eight-tenths of an acre on the northern boundary, with bark and wood waste from the veneer operation and capped it with approximately two to three feet of rock and soil. This area was intended for log storage.

In 1977, the land of which the subject property was a part was purchased by Panel Equipment Sales, Incorporated (PES). PES used the site for storage of plywood and veneer manufacturing equipment inventory. The veneer mill north of the pond remained inoperative. In 1982, the land was partitioned into two separate parcels and the southern lot, which is the subject property, was purchased by Publishers Paper Company as a prospective site for a hog fuel production facility. Publishers Paper developed the subject property to store logs and operate a portable chipper. An asphalt pad, approximately eighty feet wide and one hundred and fifty feet long, was installed to support the chipper, which was never operated. Five rock road beds (labeled 1 through 5 on Figure 2) were built above grade to provide access to log storage areas. The road beds are approximately forty feet wide and vary in length. Figure 2 shows their approximate locations. The site was not developed further, and in 1986, ownership was transferred to Times

Mirror Land and Timber Company (TMLT).

The subject property was purchased by Mr. Steve Mueller in April, 1991, and it was partitioned into two parcels, five acres to the south and seven acres to the north, in December, 1991. Since purchase by Mr. Mueller, no activities have been conducted at the site.

#### 4.12 Aerial Photograph Review

Historical aerial photographs of the subject property from 1945 to 1977 were reviewed at the University of Oregon Map Library in Eugene, Oregon. Copies of photos reviewed are included in Appendix C. Photo observations are summarized below.

- 1945 The subject property appears as a cultivated or grassy field bordered by trees.
- 1948 No differences are evident from 1945 photograph observations.
- 1956 The subject property has been further divided into several fields. The Old Milwaukie Plywood and Veneer Mill is in place north of the property and a portion of the log pond appears to be excavated, but not filled with water. Some small buildings and access from Folsom Road are present south of the property.
- 1963 The veneer mill log pond covers most of the subject property. More activity is apparent south of the site on Folsom Road.
- 1970 The log pond does not appear to have changed in size. Most of the trees bordering the property are gone. The buildings south of the property are still present.
- 1977 The portion of the log pond on the subject property has been filled and does not appear to be in use.

#### 4.20 AGENCY FILES

##### 4.21 U.S. Environmental Protection Agency (U.S. EPA)

There is no listing for the subject property, nor any other properties in the vicinity of Eagle Creek, Oregon on the U.S. EPA Region 10 Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) List, which tracks activities conducted at sites in the Federal Superfund Program.

There are no listings for the subject property or any properties in the vicinity of Eagle Creek, Oregon on the Federal National Priority List.

Exhibit 1

#### 4.22 Oregon Department of Environmental Quality (DEQ)

##### 4.22.1 DEQ Site Assessment Database

According to the DEQ Site Assessment Database, the subject property is not listed by the DEQ as a site where a suspected or confirmed release of a hazardous material has occurred.

A Preliminary Assessment (PA) was conducted on the site by the DEQ Remedial Action Section in 1987. No known or suspected contaminants were identified by the PA. No further action was recommended by DEQ, and EPA Region 10 concurred with this recommendation (see Appendix B).

##### 4.22.2 DEQ Environmental Cleanup Division (DEQ ECD)

The subject property is not listed by DEQ ECD on either its Confirmed Release List or its Site Inventory, nor are any other sites in the Eagle Creek vicinity.

##### 4.22.3 DEQ Underground Storage Tank Lists

The subject property is not listed on DEQ's list of Registered Underground Storage Tanks.

The subject property is not listed on DEQ's Leaking Underground Storage Tank List. Four sites in the vicinity of Eagle Creek are on the list. Their status is as follows:

Carignan Trucking - This site is approximately three miles north of the subject property (down-gradient in terms of groundwater flow). The tank has been removed, and the site has been cleaned up to DEQ's satisfaction.

Battles Logging - This site is approximately two miles north (down-gradient) of the subject property. The tank has been removed, and the site has been cleaned up to DEQ's satisfaction.

Eagle Foundry Company - This site is approximately one mile north (down-gradient) of the subject property. The tank has been removed, and the site has been cleaned up to DEQ's satisfaction.

Former Eagle Creek Service Station - This site is northeast (approximately down-gradient) of the subject property, directly across Eagle Creek Road, and is currently operated as the Eagle Creek Tavern. The tank has been removed, and the site has been cleaned up to DEQ's satisfaction.

#### 4.22.4 DEQ Hazardous and Solid Waste Division

The subject property is not listed by DEQ as a generator of hazardous waste, nor was the OMPV veneer mill facility located on the adjacent property ever listed as a hazardous waste generator.

#### 4.22.5 DEQ Northwest Region

No file exists on the subject property under the name of the owner, nor under the name of any previous owner.

#### 4.23 CLACKAMAS COUNTY AND ESTACADA PUBLIC AGENCY FILES

Although the subject property is located in the community of Eagle Creek, the City of Estacada provides Police and Fire services to the general area. Neither the Estacada Police Department, nor the Estacada Fire Department had any records or knowledge of activities or events of environmental interest at the subject property.

Neither the Clackamas County Sheriff's Department, nor the Clackamas County Public Health Division had any records or knowledge of activities of environmental interest at the subject property.

The Clackamas County Department of Transportation and Development Planning Division had the following records available regarding the site:

In 1982, a Conditional Use Permit was granted to Publishers Paper Company for log storage and portable chipper operation.

In January 1991, a soil feasibility study was conducted in order to determine if the site could support subsurface sewage disposal. The soil was declared unsuitable for this purpose.

In May 1991, a Violation Notice was issued to Times Mirror Land and Timber Company for accumulation of solid waste on the subject property, "to include waste tires, discarded clothing, rubbish, garbage, and miscellaneous debris". The file on this violation expired due to elapsed time, but the issue was not resolved.

#### 4.30 SURFACE WATER AND SOIL SAMPLING AND ANALYSIS

Two composite soil samples and one water grab sample were collected at the subject property and were analyzed for phenols (EPA Method 625/8270) in order to determine whether any contaminants exist at

the site that might be related to the past operations of the Old Milwaukie Plywood and Veneer Mill or due to the material used to fill the southern portion of the log pond.

The water sample was collected at the southeast corner of the existing log pond at depths ranging from the surface to approximately six inches below surface. One soil sample was collected from the bottom of the existing pond by scraping away approximately six inches of soft sediment which appeared to have been deposited relatively recently, and boring with a hand auger to a depth of approximately twelve inches below this level into the pond bottom. The sample collected was a composite of this approximate twelve inch deep soil boring. The other soil sample was collected from the approximate bottom of the filled portion of the log pond. A backhoe was used to dig in two locations approximately one hundred feet apart near the center of the filled portion of the pond. The backhoe encountered an approximately three foot cap of mixed dirt, gravel, and river-rock over approximately five feet of wood, bark, and veneer waste. Immediately below the wood waste, a grey, clay-like soil was encountered which appeared to have been the original pond bottom. Groundwater was present approximately one foot below this clay-like soil. A composite sample was collected from material removed from both holes at depths ranging from approximately zero to twelve inches below the old pond bottom (eight to nine feet below ground level).

The analytical results show that no phenolic contamination was present in detectable concentrations in either of the composite soil samples or in the water grab sample (see Appendix D).

## SECTION 5.00 SITE SURVEY

A walkover survey of the subject property was conducted on March 25, 1992 by Tom Kosmalski of FEI. Mr. Steve Mueller of Crest Development Company was present during the initial stages of the walkover to provide information on historical and current activities at the site. Mr Ray Luthy of Times Mirror Land and Timber Company was interviewed by telephone regarding the same information. The walkover and interviews provided the following information.

### 5.10 SITE DESCRIPTION AND PHYSICAL SETTING

The subject property is an approximately 12.0 acre parcel of relatively undeveloped land located in Township 3 South, Range 4 East, Section 5, in the unincorporated community of Eagle Creek in Clackamas County, approximately three miles north of Estacada, Oregon. The site is immediately east of State Highway 211 and north of Folsom Road, as shown on Figure 1. The subject property

is further identified as Clackamas County Tax Account Number 4102. The subject property is in an area comprised generally of rural residential areas, and farm and pasture land.

The subject property is a predominantly flat piece of land, which was once part of a log pond now contained predominantly in the property adjacent to the north boundary. An asphalt pad, eighty feet wide by one hundred and fifty feet long, and a series of parallel, rock road beds were built on the property to support log storage and a portable chipper operation. As shown on Figure 2, the remainder of the original log pond and an inoperative veneer mill adjoin the property on the northern boundary. Eight-tenths of an acre of the log pond is still within the subject property. To the east, the property is bounded by Eagle Creek Road, and beyond the road lie rural areas and open fields. Land overgrown with brambles, rural residential sites, and Folsom Road lie south of the subject property. A marshy ditch follows the western edge of the property, and beyond the ditch is State Highway 211. Across the highway lie undeveloped fields. Figure 2 shows a plan view of the subject property. Appendix E contains site photographs.

#### 5.20 ELECTRICAL EQUIPMENT

No in-service or scrap electrical equipment was observed on the subject property.

#### 5.30 WASTES PRESENT

One pile of waste tires and one pile of discarded clothing and debris were observed on the east-central portion of the subject property. Photographs are included in Appendix E.

No wastes hazardous in nature were observed anywhere on the site.

No 55-gallon drums of any kind were observed anywhere on the site.

No evidence was observed of past spills of hazardous materials.

No scrap insulation of any kind was observed on the subject property.

A large portion of the site shows signs of disturbed soil, apparently as a result of the pond filling operations, and the construction of five rock road beds which cover approximately four acres. No areas of disturbed soil that would specifically indicate the potential presence of buried waste were observed.

Three empty dumpsters and some scrap equipment were observed on the asphalt pad in the east-central portion of the site. Photographs are included in Appendix E.

An empty portable fuel tank and some stored piping were observed in the south-east corner of the site. Photographs are included in appendix E.

Part of an old concrete foundation with steel base-plates was observed on the north-west portion of the site. This seemed to indicate the past location of some type of mechanical equipment. Photographs are included in appendix E.

#### 5.40 UNDERGROUND TANKS

Nothing indicating the possible presence of underground tanks was observed on the subject property. Mr. Mueller and Mr. Luthy stated that to their knowledge no underground storage tanks had ever been located at the site.

#### 5.50 VEGETATION

No signs of distressed vegetation that might indicate potential contamination were observed on the subject property. Vegetation in the form of brambles, underbrush, and deciduous trees was plentiful across the site and bordering the existing log pond.

#### 5.60 STAINED SOIL

No stained soil or visible evidence of contamination was observed on the subject property.

#### 5.70 EVIDENCE AND KNOWLEDGE OF HAZARDOUS MATERIALS

No hazardous materials were observed onsite.

Interviews with Mr. Mueller and Mr. Luthy indicated that no hazardous materials have been used on the subject property in the past.

#### 5.80 WATER MANAGEMENT

Drinking water can only be supplied to the subject property by well. Fire water is supplied by tankers from the Estacada Fire Department in the area of the subject property.

No water supply wells are located on the site.

Sewer service is not available and there are no septic tanks at the site.

Stormwater runoff is drained from the subject property via infiltration and some surface flow to ditches on the east and the



west boundaries, along the public roadways, and into the existing log pond. The ditches flow to Eagle Creek, approximately one-quarter mile north, and Eagle Creek flows to the Clackamas River, approximately two miles west.

There was no standing water observed at the site, and no odors, oily sheens, or discolorations were observed on the pond surface.

No drains, catch basins, or culverts were observed on site. Mr. Mueller and Mr. Luthy indicated that no drainage improvements had ever been installed on the site.

#### 5.90 POLLUTION CONTROL AND PREVENTION DEVICES

No pollution control and prevention devices were observed on the subject property.

### SECTION 6.00 CONCLUSIONS AND RECOMMENDATIONS

#### 6.10 CONCLUSIONS

1. The subject property appears to be a relatively undeveloped piece of land that was part of a log pond from some time prior to 1963 until 1973. This portion of the log pond was filled with bark and wood waste and capped with two to three feet of soil and rock. An asphalt pad and a series of parallel rock road beds were built on the site for log storage and a portable chipper operation. These operations were discontinued in 1988. Since then, the site has been inactive.
2. In order to confirm that operations of the veneer mill on the adjacent property and filling of the southern portion of the log pond have not negatively impacted the subject property, two soil and one water sample were collected from the existing pond and the area previously covered by the pond and analyzed for phenolic contaminants. The analytical results show that no phenolic contamination was present in detectable concentrations in either of the composite soil samples or in the water grab sample (see Appendix D). This indicates that neither historic operations of the veneer mill on the adjacent property nor filling of part of the old log pond have negatively impacted the subject property (see Section 4.30 for further discussion).
3. One pile of waste tires, one pile of debris, three empty dumpsters and some scrap equipment were observed on the east-central portion of the site.

4. No other items of environmentally related concern were identified at the subject property.

#### 6.20 RECOMMENDATIONS

1. Consideration should be given to removing the tires, debris, and scrap from site.

#### SECTION 7.00 LIMITATIONS

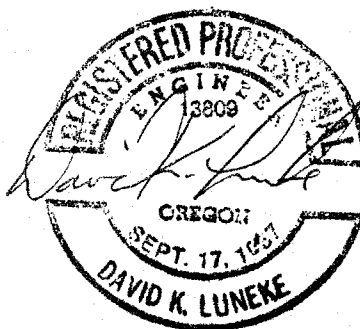
1. The conclusions and recommendations made in this report are based only on the observations made during the field investigation, and data provided by others. The accuracy of conclusions drawn from this information is inherently based on the accuracy of information provided. No attempt was made to check the compliance of the owner of the subject property with federal, state or local laws and regulations.
2. The findings and conclusions of this assessment must not be considered as scientific certainties, but rather as our professional opinion concerning the significance of the data gathered during this Level I Environmental Site Assessment.
3. The status of the log pond with respect to wetland classification has not been determined as part of this report. Such a determination may be made in the future, should it ever be desired to fill the remaining portion of the log pond on the subject property.

Respectfully Submitted,

FETROW ENGINEERING, INC.

*Thomas J. Kosmalski*  
THOMAS J. KOSMALSKI  
Project Manager

*David K. Luneke*  
DAVID K. LUNEKE, P.E.  
President



# EXHIBIT K

**COLUMBIA RIVER STAPLE & LUMBER WRAP, INC****P.O. Box 5004 Aloha, Or. 97007, 503-628-0193 - Fax 503-628-3314****Date: 9/26/02****TO: Clackamas County****FROM: Mark Burlingame****RE: Rural Industrial Property**

To whom it may concern,

Columbia River Staple is looking to relocate our business to rural Industrial property close to the Estacada Eagle Creek area. Steve Muller has a piece of property we are very interested in but it falls under conditional farm or forest use. Even though we built our business around the Timber and Farm industry we can't justify taking a chance with a piece of property limited to local Timber and Farm business. We sell our products all over the U.S and Canada and plan on expanding to other countries as well.

Columbia River Staple is a family owned corporation in Washington County employing 4 people at this time. We distribute staples, nails and lumber wrap we import from Germany, Canada and Spain as well as Plastic fasteners from Japan. We also buy staples from a number of companies here in the U.S. We have a small machine shop we use for R&D prototype work, and tool repair.

We consider ourselves a small cottage industry and would really like to relocate to Clackamas County but it is almost impossible to find rural industrial property that meets our needs.

Regards,  
Mark Burlingame

*Exhibit K.*

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZP

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**KITTELSON & ASSOCIATES, INC.**

**TRANSPORTATION PLANNING/TRAFFIC ENGINEERING**

610 SW ALDER, SUITE 700 • PORTLAND, OR 97205 • (503) 228-5230 • FAX (503) 273-8169

June 4, 2003

Project #: 5725.0

Steve Mueller  
Crest Development Company  
30820 SE Heiple Road  
Estacada, OR 97023

***RE: Transportation Impact Analysis of Proposed Zone Change – Clackamas County, OR***

Dear Steve,

This study evaluates the near and long-term transportation impacts associated with the proposed rezone of two separate tax lot parcels, 4103, which is 5 acres, and 4102, which is 7 acres. Both land parcels are located near Estacada, Oregon in unincorporated Clackamas County on SE Eagle Creek Road. The current land use designation for these properties is Rural Residential Farm/Forest Service (RRFF-5). Under the proposed zone change, Tax Lots 4102 and 4103 would be zoned as Rural Industrial (RI).

This study addresses the requirements of Oregon's Transportation Planning Rule (TPR) dealing with plan amendments (OAR 660-012-0060). Specifically, if a land use amendment would "significantly affect" a transportation facility – in this case, by reducing the performance of a transportation facility below the minimum accepted level identified in the transportation system plan – the facility must be improved to support the proposed land use or the proposed land use must be limited or modified to be consistent with the planned facility performance. This letter documents the findings, conclusions, and recommendations for the proposed zone change.

**SCOPE OF THE REPORT**

This analysis determines the traffic-related impacts associated with the proposed zone change. The study was prepared in accordance with the requirements of the Transportation Planning Rule for analyzing the long-term transportation impacts of zone changes (OAR 660-012-0060). The study intersections and overall study area for this project were selected based on direction provided by officials within Clackamas County and a review of the existing and future transportation system.

This report addresses the following issues:

- Existing land use and transportation system conditions;
- Trip generation estimates for the weekday p.m. peak periods resulting from reasonable maximum development scenarios for the combined 12 acres under the existing RRFF-5 designation and the proposed RI zoning scenario

- Qualitatively forecast 20-year future total traffic conditions assuming a reasonable maximum build out of the combined 12-acre sites under the existing RRFF-5 zoning designation, proposed RI zoning scenario, and other area growth; and
- Conclusions and recommendations.

## EXISTING CONDITIONS

### Site Conditions and Adjacent Land Uses

The two proposed zone change sites, Tax Lots 4102 and 4103, are located adjacent to one another, and are both currently zoned as RRFF-5 in unincorporated Clackamas County. Currently, these lots are primarily being used for storage of farm and forestry equipment and firewood sales. In previous years the sites have served various farming and forest-related uses. The lot is surrounded by a variety of land uses, across the street there is some R-C zoning that includes a florist and a bar and restaurant. There are three mobile home parks within ½ mile of the site that comprises approximately 150 units.

### Roadway Facilities

The two properties are located between SE Eagle Creek Road and Oregon State Highway 224. This study focuses on SE Eagle Creek Road within the site vicinity, because it provides sole access to the subject properties via the existing driveways. No access exists or is proposed onto Highway 224 in conjunction with these two sites. According to the Clackamas County Transportation System Plan, Eagle Creek Road is classified as a Minor Arterial Collector. This two-lane roadway acts as parallel collector for Highway 212-224.

## FUTURE CONDITIONS ANALYSIS

The future conditions analysis evaluates future traffic conditions under both existing and proposed land use scenarios, and identifies how the traffic impacts of the proposed rezone may differ from those of the existing zoning in both the near-term and the 20-year future scenario. The impacts of traffic generated by the proposed rezone during weekday p.m. peak periods was examined as follows:

- Potential land uses within the existing RRFF-5 zone designation were reviewed and reasonable maximum development scenarios for the site were estimated.
- Daily and weekday peak hour site-generated trips were estimated for reasonable maximum development of the combined 12 acres for both sites under the RRFF-5 zoning.
- Potential land uses within the proposed R-I zoning scenario were reviewed and reasonable maximum development scenarios for the site were estimated.
- Daily and weekday peak hour site-generated trips were estimated for reasonable maximum development of each of the subject sites at 5 and 7 acres, proposed for rezone under the R-I zoning.
- Operational levels at the study intersection were reviewed under the 20-year forecast traffic conditions for both the RRFF-5 and R-I zoning scenarios.

### Zoning Scenarios

The proposed land use action would include the rezone of the combined 12 acres of land from *Rural Residential Farm/Forest Service (RRFF-5)* to *Rural Industrial (R-I)*. For the purposes of this analysis, the following reasonable maximum development scenarios were used to compare



the traffic impacts of the existing RRFF-5 zoning designation to those of the proposed R-I zoning scenario.

#### Existing Zoning

Clackamas County's Comprehensive Plan was reviewed to determine allowed uses in the RRFF-5 zone and to develop a reasonable worst-case scenario from a trip generation perspective. From the list of allowed uses within the RRFF-5 zone, each of the 5 and 7-acre sites were assigned as a single-family home as this land use type was considered the most realistic land use given the surrounding area's characteristics. Based on the allowable development scenario and lot coverage of one home per 5-acres of land, it was determined that a worst-case scenario of a single family home that could be developed on each of the 5 and 7-acre sites respectively.

#### Proposed Zoning

The proposed zoning scenario assumes that the combined 12 acres of RRFF-5 zoned land would be rezoned R-I zoned land. Of all the permitted uses, general light industrial was found to be most compatible with this site, while still producing the worst-case trip generation scenario. After accounting for building setbacks, parking areas, and landscaping requirements, it was found that a total of 10,000 square-feet of light industrial building(s) could be developed on each of these properties.

#### **Trip Generation**

Estimated daily weekday p.m. peak hour vehicle trip ends for the two zoning scenarios (existing and proposed) were derived from empirical observations at other similar developments. These observations are summarized in the standard reference manual, *Trip Generation*, 6<sup>th</sup> Edition, published by the Institute of Transportation Engineers, 1997 (Reference 4). Table 1 shows the estimated daily and weekday p.m. peak hour trip generation characteristics for the existing and proposed zoning designations.

**Table 2**  
**Trip Generation Characteristics\***

Land Use	ITE Code	Size	Daily Trips	PM Peak Hour		
				Total	In	Out
Existing C-1 Zoning						
RRFF-5 Zoning assuming a Single-Family Home	210	2 units	20	2	2	0
Proposed R-3 Zoning						
R-I Zoning assuming Light Industrial	110	20,000 sq ft	140	20	5	15
Net Trip Change			+120	+18	+3	+15

\* Characteristics shown are for both sites combined due to the same assumed land-uses

Under the existing zoning, the site would generate approximately 20 daily weekday trips on the adjacent street system. Under the proposed R-I zoning scenario, the site could generate up to 120 net new daily trips on the adjacent street system. Of these trips, approximately 20 trips would occur during the weekday p.m. peak hour. Consequently, reasonable worst-case development of the site under the proposed R-I zoning could result in a small increase in trips. The analysis assumes that as identified in the Comprehensive Plan, each parcel can develop one building of a

maximum of 10,000 square feet. While this may slightly understate the existing development of this particular land parcel if subdivided, it represents what would be allowable under the R-I zoning.

**Future Traffic Operations with Existing RRFF-5 Zoning Designation**

The City of Estacada and Clackamas County Transportation System Plans were consulted for a qualitative review of the traffic operations within the site vicinity. Most intersections along SE Eagle Creek Road currently operate at acceptable levels of service and will likely remain so in future years. This proposed zone change will result in a net slight increase in traffic volumes on the order of approximately 20 trips in the p.m. peak hour on SE Eagle Creek Road. Because this increase in trips is relatively small compared to existing traffic on SE Eagle Creek Road, the change in traffic operations due to this zone change is negligible.

**Summary**

Based on the results of the trip generation analysis, the proposed zone change can occur without significantly affecting the transportation facilities within the site vicinity. Also, the proposed zone change will not significantly affect the transportation system, as it will not degrade traffic operations beyond the existing zoning designation. As such, the TPR requirements for plan amendments are satisfied.

I trust that this analysis provides you the analysis necessary to evaluate the affect of the proposed zone change. If I can assist you further, please don't hesitate to call.

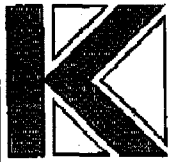
Sincerely,

KITTELSON & ASSOCIATES, INC.



Peter Koonce, P.E.  
Senior Engineer

## FAX TRANSMITTAL



**Kittelson & Associates, Inc.**  
 Transportation Planning/Traffic Engineering  
 610 SW Alder, Suite 700 • Portland, OR 97205  
 Telephone: (503) 228-5230  
 FAX: (503) 273-8169  
 E-mail:

THIS IS PAGE 1 OF 4 PAGE(S)

## FROM:

Peter Lubrich

## COPIES SENT TO:

## FAX:

DATE: Jul 3, 2003

PROJECT #: 5725

## PROJECT

NAME: Rivermill Road Rezone

## PLEASE DELIVER AT ONCE TO:

NAME: Mike McCallister

OF: Clackamas County  
 9101 SE Sunnybrook Blvd  
 Clackamas, OR 97015

FAX: 503 353 4550

☐ Original to follow by mail

**IN CASE OF INCOMPLETE TRANSMISSION PLEASE CALL OUR CONFIRMATION NUMBER: (503) 228-5230**

**SUBJECT:**

Traffic Count Results for Eagle Creek Rd/River Mill Rd Intersection

**COMMENTS:**

Dear Mike:

Attached are the results for the turning movement count at intersection Eagle Creek Rd. / River Mill Rd in Estacada.

Please review the results at your convenience.

If you have any comments or concerns, please contact either Peter Koonce or me at (503) 228-5230.

Sincerely

Peter Lubrich

H:\projfile\5725\corresp\070703fax.doc

**NOTICE:** This communication may be privileged or contain a client confidence. It is a private message to the person named above. **DO NOT PERMIT ACCESS BY ANY OTHER PERSON.** If the intended recipient is not currently or expected at the location where this message was received, please telephone us immediately at the confirmation number above, and mail all pages of this transmission to us at the address above.

Exhibit 1

Z0155-21-M; Z0156-21-M-~~EXHIBIT 17-21-2AP~~

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Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)
*****
Intersection #1 Eagle Creek Rd / River Mill Rd
*****
Average Delay (sec/veh):      9.7      Worst Case Level Of Service:      A
*****
Approach:      North Bound      South Bound      East Bound      West Bound
Movement:      L - T - R      L - T - R      L - T - R      L - T - R
-----
Control:      Uncontrolled      Uncontrolled      Stop Sign      Stop Sign
Rights:      Include      Include      Include      Include
Lanes:      0 1 0 0 0      0 0 0 1 0      0 0 1 0 0      0 0 0 0 0
-----
Volume Module:
Base Vol:      42  93  0      0 119  14      18  0  78      0  0  0
Growth Adj:  1.00 1.00 1.00  1.00 1.00 1.00  1.00 1.00 1.00  1.00 1.00 1.00
Initial Bse:  42  93  0      0 119  14      18  0  78      0  0  0
Added Vol:      0  0  0      0  0  0      0  0  0      0  0  0
PasserByVol:  0  0  0      0  0  0      0  0  0      0  0  0
Initial Fut:  42  93  0      0 119  14      18  0  78      0  0  0
User Adj:      1.00 1.00 1.00  1.00 1.00 1.00  1.00 1.00 1.00  1.00 1.00 1.00
PHF Adj:      0.96 0.96 0.96  0.96 0.96 0.96  0.96 0.96 0.96  0.96 0.96 0.96
PHF Volume:    44  97  0      0 124  15      19  0  81      0  0  0
Reduct Vol:      0  0  0      0  0  0      0  0  0      0  0  0
Final Vol.:    44  97  0      0 124  15      19  0  81      0  0  0
Critical Gap Module:
Critical Gp:  4.1 xxxxx xxxxxx xxxxxx xxxxx xxxxxx  6.4 xxxxx  6.2 xxxxxx xxxxx xxxxxx
FollowUpTim:  2.2 xxxxx xxxxxx xxxxxx xxxxx xxxxxx  3.5 xxxxx  3.3 xxxxxx xxxxx xxxxxx
-----
Capacity Module:
Conflict Vol:  139 xxxxx xxxxxx xxxxx xxxxx xxxxxx  316 xxxxx  131 xxxxx xxxxx xxxxxx
Potent Cap.:  1458 xxxxx xxxxxx xxxxx xxxxx xxxxxx  682 xxxxx  924 xxxxx xxxxx xxxxxx
Move Cap.:    1458 xxxxx xxxxxx xxxxx xxxxx xxxxxx  666 xxxxx  924 xxxxx xxxxx xxxxxx
-----
Level Of Service Module:
Stopped Del:  7.5 xxxxx xxxxxx xxxxxx xxxxx xxxxxx xxxxxx xxxxx xxxxxx xxxxxx xxxxx xxxxxx
LOS by Move:  A * * * * *
Movement:      LT - LTR - RT      LT - LTR - RT      LT - LTR - RT      LT - LTR - RT
Shared Cap.:  xxxxx xxxxx xxxxxx xxxxx xxxxx xxxxxx xxxxx 861 xxxxxx xxxxx xxxxx xxxxxx
Shrd StpDel:  7.5 xxxxx xxxxxx xxxxxx xxxxx xxxxxx xxxxxx 9.7 xxxxxx xxxxx xxxxx xxxxxx
Shared LOS:    A * * * * *
ApproachDel:   xxxxxx      xxxxxx      9.7      xxxxxx
ApproachLOS:   * * * * *

```

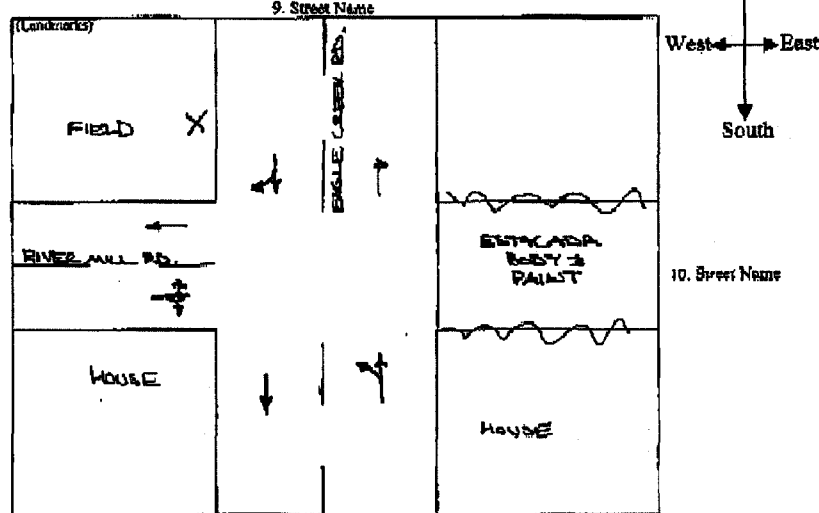
Traffix 7.5.1115 (c) 2001 Dowling Assoc. Licensed to DOWLING ASSOCIATES, INC.

Quality Counts, LLC  
16285 SW 85<sup>th</sup> Avenue, Ste. 105  
Tigard, OR 97224  
(503) 620-4242  
(503) 630-8471

### Counters Check List

1. Counter Name: ADINA TIRRELL 6. Jamar Counter #: T-2511  
2. Date: 6-25-03 7. Battery Check: OK  
3. Count Time: Start 4pm End 6pm 8. Site # (8 digit): 10010801  
4. Intersection: Eagle Creek Rd / River Mill Rd  
5. Weather Conditions: SUNNY X = Counters location during count

#### Counters (Hand Written) Diagram of Intersection



11. Enter Landmarks.  
12. Enter Lane Configurations.  
13. Traffic Control (stop light, etc...) STOP SIGN ON RIVER MILL RD  
14. Special Street Issues (accident, construction, pothole, comments, etc...)

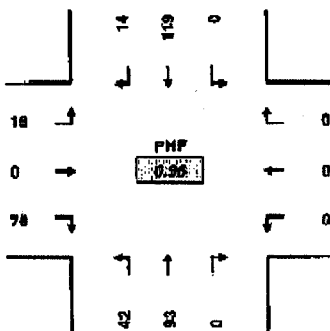
0017031T ..... 00RCLTYC000A1SLC ..... 60727/2003 15:14 FAX 15098204545

INTERSECTION: Eagle Creek Rd - Cascada Body-  
PROJECT ID#: 5921  
QC JOB #: 10007102

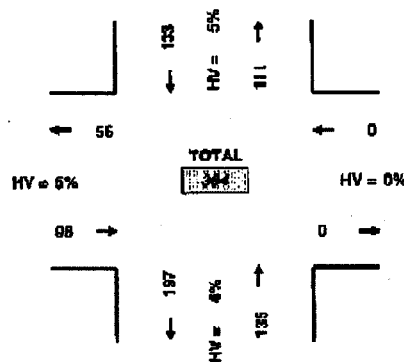
START TIME: 4:00 PM  
END TIME: 6:00 PM  
DATE: 8/25/2003

**QUALITY COUNTS**  
16285 SW 83rd Avenue, Ste. 105  
Tigard, OR 97224  
Phone: 503-620-4242  
Fax: 503-620-4546  
email: jrw@qualitycounts.net  
www.qualitycounts.net

PEAK HOUR TURNING MOVEMENTS



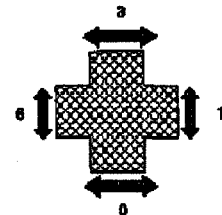
PEAK HOUR LINK VOLUMES



PEAK HOUR: 5:00 PM TO 5:00 PM

PEAK 15 MINUTES: 5:15 PM TO 5:30 PM

PEAK HOUR PED CROSSING VOLUMES



5-MINUTE COUNT PERIOD BEGINNING AT	Eagle Creek Rd- (Southbound)			Cascada Body- (Westbound)			Eagle Creek Rd- (Northbound)			River Mill Rd- (Eastbound)			Crosswalk Usage (Peds By Approach)				TOTAL	
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	North	East	South	West	Veh	Peds
4:00 PM	1	12	0	0	0	0	0	8	1	5	0	2	0	0	0	0	29	0
4:05 PM	2	13	0	0	0	0	0	12	1	3	0	0	0	0	1	0	31	1
4:10 PM	0	12	0	0	0	0	0	7	3	3	0	1	0	0	0	0	25	0
4:15 PM	1	18	0	0	0	0	0	14	1	2	0	0	0	0	1	0	36	1
4:20 PM	1	9	0	0	0	0	0	9	2	4	0	0	0	0	0	0	25	0
4:25 PM	1	6	0	0	0	0	0	5	0	4	0	0	0	0	0	0	16	0
4:30 PM	1	10	0	0	0	0	0	5	1	4	0	2	0	0	0	0	23	0
4:35 PM	1	10	0	0	0	0	0	12	1	6	0	0	0	0	0	0	30	0
4:40 PM	0	8	0	0	0	0	0	16	5	4	0	1	0	0	0	0	34	0
4:45 PM	2	10	0	0	0	0	0	11	2	5	0	3	2	0	0	0	39	2
4:50 PM	0	11	0	0	0	0	0	5	2	7	0	4	0	0	0	0	29	0
4:55 PM	0	9	0	0	0	0	0	12	1	7	0	1	0	0	0	0	29	0
5:00 PM	0	9	0	0	0	0	0	11	2	2	0	1	0	0	0	0	25	0
5:05 PM	0	12	0	0	0	0	0	11	2	9	0	1	0	0	0	0	36	0
5:10 PM	2	4	0	0	0	0	0	10	2	9	0	3	0	0	0	0	31	0
5:15 PM	0	9	0	0	0	0	0	7	4	6	0	2	0	0	0	1	27	1
5:20 PM	1	12	0	0	0	0	0	6	5	7	0	1	0	0	0	0	32	0
5:25 PM	0	12	0	0	0	0	0	4	4	4	0	1	0	0	0	0	25	0
5:30 PM	1	15	0	0	0	0	0	7	2	5	0	3	0	0	0	0	33	0
5:35 PM	2	11	0	0	0	0	0	11	3	7	0	2	0	0	0	0	36	0
5:40 PM	0	8	0	0	0	0	0	3	6	7	0	1	0	0	0	0	25	0
5:45 PM	3	4	0	0	0	0	0	5	2	10	0	1	0	0	0	0	25	5
5:50 PM	2	6	0	0	0	0	0	7	4	6	0	1	3	1	0	0	26	4
5:55 PM	2	17	0	0	0	0	0	11	6	5	0	1	0	0	0	0	42	0
HOURLY TOTALS	Southbound			Westbound			Northbound			Eastbound			Pedestrians By Approach				TOTAL	
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	West	East	North	South	Veh	Peds
4:00 PM	10	127	0	0	0	0	0	118	20	54	0	14	2	0	2	0	341	4
4:15 PM	10	115	0	0	0	0	0	121	21	63	0	16	2	0	1	0	348	3
4:30 PM	8	115	0	0	0	0	0	110	31	60	0	20	2	0	0	1	353	3
4:45 PM	9	121	0	0	0	0	0	98	35	74	0	23	2	0	0	1	350	3
5:00 PM	14	119	0	0	0	0	0	83	42	78	0	18	3	1	0	0	363	10

Exhibit 1

Z0155-21-M; Z0156-21-M; Z0157-21-M; Z0158-21-M; Z0159-21-M; Z0160-21-M; Z0161-21-M; Z0162-21-M; Z0163-21-M; Z0164-21-M; Z0165-21-M; Z0166-21-M; Z0167-21-M; Z0168-21-M; Z0169-21-M; Z0170-21-M; Z0171-21-M; Z0172-21-M; Z0173-21-M; Z0174-21-M; Z0175-21-M; Z0176-21-M; Z0177-21-M; Z0178-21-M; Z0179-21-M; Z0180-21-M; Z0181-21-M; Z0182-21-M; Z0183-21-M; Z0184-21-M; Z0185-21-M; Z0186-21-M; Z0187-21-M; Z0188-21-M; Z0189-21-M; Z0190-21-M; Z0191-21-M; Z0192-21-M; Z0193-21-M; Z0194-21-M; Z0195-21-M; Z0196-21-M; Z0197-21-M; Z0198-21-M; Z0199-21-M; Z0200-21-M; Z0201-21-M; Z0202-21-M; Z0203-21-M; Z0204-21-M; Z0205-21-M; Z0206-21-M; Z0207-21-M; Z0208-21-M; Z0209-21-M; Z0210-21-M; Z0211-21-M; Z0212-21-M; Z0213-21-M; Z0214-21-M; Z0215-21-M; Z0216-21-M; Z0217-21-M; Z0218-21-M; Z0219-21-M; Z0220-21-M; Z0221-21-M; Z0222-21-M; Z0223-21-M; Z0224-21-M; Z0225-21-M; Z0226-21-M; Z0227-21-M; Z0228-21-M; Z0229-21-M; Z0230-21-M; Z0231-21-M; Z0232-21-M; Z0233-21-M; Z0234-21-M; Z0235-21-M; Z0236-21-M; Z0237-21-M; Z0238-21-M; 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## Memorandum

**TO:** Mike McCallister  
**FROM:** Traffic Engineering and Development Review, Robert Hixson  
**DATE:** August 22, 2003  
**RE:** Z0716-02-CP and Z0717-02-Z, Mueller  
T3S., R4E., Section 5, Tax Lots 4102 and 4103

*Robert Hixson*

Traffic Engineering and Development Review staff have visited the site and reviewed this application for a Comprehensive Plan amendment and zone change. We have the following comments:

### Facts and Findings:

The request is for a Comprehensive Plan amendment from Rural to Rural Industrial and a zone change from Rural Residential Farm Forest 5-Acre (RRFF-5) to Rural Industrial (RI) for property located west of Eagle Creek Road, east of Highway 224, and north of Folsom Road.

Eagle Creek Road, along the applicant's frontage, is an approximately 24-foot wide, paved roadway with an approximately three-foot wide gravel shoulder along the applicant's Eagle Creek Road frontage. Eagle Creek Road is classified as a minor arterial, striped with double yellow centerline and white fog edge lines. In addition, Eagle Creek Road is not posted for speed and is therefore governed by the "Basic Rule" which allows speeds up to 55 miles per hour. The pavement condition of Eagle Creek Road is generally good and conducive to higher speeds.

The applicant has approximately 830 feet of frontage along Eagle Creek Road where a driveway or driveways could be located. Access to the State Highway would not be allowed. Additionally, access spacing is a minimum of 600 feet on minor arterials. Therefore, a maximum of two driveways could potentially be constructed to serve the property. Most of Eagle Creek Road along the applicant's frontage is straight and level. At the southern end of the property, and also farther to the south, Eagle Creek Road curves gently to the east.

Exhibit 9-55 from the American Association of State Highway and Transportation Officials (AASHTO) "A Policy on Geometric Design of Highways and Streets", establishes intersection sight distance standards used by Clackamas County. Intersection sight distance for a rural industrial driveway intersecting a minor arterial is measured from a point 15 feet back from the edge of the travel lane at an eye height of 3.5 feet to an object height of 3.5 feet.



For a speed of 55 miles per hour, 610 feet of intersection sight distance is required both to the north and south for drivers exiting a site driveway, entering onto Eagle Creek Road. For the intersection sight distance to be considered adequate, an object 3.5 feet in height must be able to be seen by an observer with an eye height of 3.5 feet for the entire 610 feet. If there are any sections of roadway along the 610-foot length where the 3.5-foot high object can not be seen by the observer, the intersection sight distance is not considered adequate.

The subject properties appear to be served by two existing substandard driveways. However, specific driveway locations have not been proposed for access if this application is approved. Since Eagle Creek Road, adjacent to the applicant's frontage, is mostly straight and level and the applicant has approximately 830 feet of frontage, staff is confident that one or possibly two driveways with adequate intersection sight distance, meeting access spacing requirements, could be constructed that would meet County standards. Vegetation along the applicant's frontage, mostly within the limits of the right-of-way, would be the main sight obstruction that would limit intersection sight distance for any proposed driveways. Since and sight restrictive vegetation would be either on the applicant's property or in the right-of-way, the trimming or maintenance of vegetation to maintain minimum intersection sight distance is feasible for the applicant to accomplish.

The zone change criteria requires that the safety of the transportation system is adequate to serve the level of development anticipated by the zone change. The feasibility of the applicant's ability to provide adequate safety of the transportation system has been confirmed by the staff field visit that revealed safe access could be provided to the site.

In regards to capacity of the transportation system, County staff is confident that there will be no capacity problems at any approved site driveways with Eagle Creek Road or other intersections within the influence area of the proposal with the addition of site generated traffic resulting from the proposed zone change. All intersections within the influence area of this proposal would operate at level of service "E" or better during the AM and PM peak hours of typical weekdays in accordance with ZDO section 1022. ODOT has also commented on this application, found the transportation system to be adequate and recommends no improvements or other mitigation as a result of the potential approval of this request.

#### **CONCLUSIONS:**

1. Adequate intersection sight distance is feasible to achieve along the applicant's Eagle Creek Road frontage.
2. The addition of traffic to the transportation system as a result of the zone change will not result in the failure of any intersections within the influence area of the proposal.

3. If the zone change is approved, the next step in the process is likely a development application. Any such request will be considered on its merits including access adequacy and the ability to properly manage surface water and maintain water quality. The local Fire District must also approve the planned access, circulation, fire lanes and water source supply. Additionally, a right-of-way dedication, bike lane construction, driveway construction, other on and off site improvements, and the granting of a sign, slope, and utility easement may be required with a development application. Such considerations are not timely as part of the zone change and must be made as part of a separate development application. Approval of the zone change will not insure that a particular use will be approved or that there will not be additional access and drainage improvements required of the applicant.

**Recommended Condition of Approval:**

1. The applicant shall provide adequate intersection sight distance at the intersection of any site driveways with Eagle Creek Road. In addition, no plantings at maturity, retaining walls, embankments, fences or any other objects shall be allowed to obstruct vehicular sight distance. Minimum intersection sight distance, at any site driveway intersections with Eagle Creek Road shall be 610 feet, and shall be measured from a point 15 feet back from the edge of the travel lane. (AASHTO Exhibit 9-55 and *Roadway Standards* Table 2-8)

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# Oregon

Theodore R. Kulongoski, Governor

## Department of Transportation

Region 1  
123 NW Flanders  
Portland, OR 97209-4037  
(503) 731-8200  
FAX (503) 731-8259

July 31, 2003

PLA9-2C -171  
ODOT Case No: 1768

Clackamas County  
Department of Transportation & Development  
9101 SE Sunnybrook Blvd.  
Clackamas, OR 97015

Attn: Mike McCallister, Sr. Planner

Re: **Z0716-02-CP; Z0717-02-Z: Mueller/C&F Investments**  
OR 224 and Folsom Road

Dear Mr. McCallister,

We have reviewed the applicant's proposal for a comprehensive plan and zoning map amendment from rural to rural industrial for a 12 acre site in rural Clackamas County. Traffic from the site will enter and leave the area via OR 224. ODOT has permitting authority for this facility<sup>1</sup> and an interest in ensuring that the proposed land use is compatible with its safe and efficient operation.

### ODOT Standards

According to the Oregon Highway Plan (1999), OR 224 is classified a District Rural highway. The posted speed in this section is 45 miles per hour. Based on speed and classification, the access spacing standard is 500 ft. The mobility standard is 0.8 volume to capacity (v/c) ratio.

### ODOT Review & Recommendations

Based on our review of the traffic impact analysis and our additional calculations it appears there will be adequate capacity to support the proposed zone change. *Please see the attached technical review by Joseph Auth, Traffic Analyst, ODOT Region 1.*

Unfortunately, the County did not advise the applicant to analyze impacts to the affected state highway. Because ODOT did not participate in the traffic study scoping, the traffic study was not conducted according to the methods specified in the *Oregon Highway Plan, Action 1F.2*. The Clackamas ZDO 1202.01 *Zone Change* states that impacts of zone changes on state highways shall be evaluated according to *Oregon Highway Plan* requirements.

We request that in the future the County communicate with us earlier in the development review process regarding traffic study scoping for proposals that may affect state

<sup>1</sup> OAR 734-051 website: [http://arcweb.sos.state.or.us/rules/OARS\\_700/OAR\\_734/734\\_051.html](http://arcweb.sos.state.or.us/rules/OARS_700/OAR_734/734_051.html)

highway facilities. This will result in time and cost savings for the applicant, as well as the Department.

Please let me know if you have questions regarding this letter. Thank you.

Sincerely,

  
Sonya Kazer, Assoc. Planner

Cc: Joseph Auth, Traffic, ODOT Region 1  
Chris Christofferson, Clackamas DTD

Date: August 1, 2003

To: Sonya Kazen, Planning

From: Joseph Auth, Region 1 Traffic

RE: Proposed Zone Change to Rural Industrial – Clackamas County

Upon review of the Traffic Impact Analysis for the proposed zone change from Rural Residential Farm / Forest Service to Rural Industrial (completed by Kittelson & Associates, June 2003), I have the following comments regarding the completeness of the analysis.

The Transportation Impact Analysis (TIA) included a statement on the existing conditions with the generated trips. For ODOT purposes, zone changes require a future year analysis. The TIA shall include Year of Opening conditions and Year of Planning Horizon for Transportation System Plan or 15 years, whichever is greater. Clackamas County's TSP has a planning horizon less than 15 years, so a future year analysis of 2018 will be required.

In addition, the TIA does not specify a trip distribution from the two parcels. The TIA also does not provide operational analysis documentation to support the statement on the existing conditions with generated trips.

I decided to conduct my own analysis on how the zone change will impact the closest state highway intersection near these two parcels. Using the intersection of Oregon 224 and SE Folsom Road, I assume a worst-case scenario that all the generated trips from these two parcels will use this intersection.

The analysis used the traffic counts from the SE Talon Road Quarry TIA (completed by Kittelson & Associates, April 2001) and the Highway Capacity Software (HCS) for unsignalized intersections. I assume one-third of trips from the parcels will travel to/from the Estacada direction on OR 224 and two-thirds of the trips will travel to/from the Portland direction. Adding the trips with traffic counts and the SE Talon Road Quarry trips, the intersection has a Year of Opening volume-to-capacity ratio of 0.12.

A linear growth factor of 2.3% was applied for OR 224 based on State Highway Inventory Reports 2018. From the characteristics of the vicinity, a linear growth factor of 1.00% was assigned by assumption to SE Folsom Road. Applying these factors on the counts from the SE Talon Road Quarry TIA and then added the potential trips, the intersection operates at a volume-to-capacity ratio of 0.37 in 2018.

The volume-to-capacity ratios for Year of Opening and Future Year fall below the maximum standard listed in the 1999 *Oregon Highway Plan*. Analyzing turn-lane warrants, the northbound right-turn movement does not meet criteria for a lane in 2018. According to the 95% Queue Length in the HCS of one car length, the existing southbound left-turn lane does not need lengthening.

In conclusion, Region 1 Traffic recommends no transportation mitigation for these two proposed zone changes.

If you have any questions, feel free to contact me. I can be reached at (503) 731-8225.

# Eagle Creek-Barton Community Planning Organization

PO Box 101 Eagle Creek, Oregon 97022

Mike McCallister  
Clackamas County Planning Division  
9101 SE Sunnybrook Blvd  
Clackamas, Oregon 97015

August 15, 2003

RE: ZO716-02-CP & ZO717-02-Z Steve & Connie Mueller

The Eagle Creek-Barton CPO reviewed files ZO716-02-CP & ZO717-02-Z at our regular meeting August 14, 2003. Notice for this meeting was made by publication in the Estacada's Clackamas County Newspaper. Fourteen people signed the attendance register.

We discussed ZDO 1022 Concurrency, ZDO 1202 Zone Change and the Comprehensive Plan Section Rural Industrial 19.0 and 20.0 a-c.

The information supplied to the CPO indicates that for the most part there has been a commitment to industrial uses at this location since 1955. This meets Rural Industrial 20.0 a. *Areas having an historical commitment to industrial uses.*

The traffic study dated June 4, 2003 conducted by Kittleson & Associates, Inc analyzed the intersection at SE Eagle Creek Road and SE River Mill Road. The Kittleson report indicates the study location was determined by County personnel. The question, however – why were the intersections nearest to the proposed development not considered for testing? The intersections of SE Eagle Creek Road/SE Currin & Folsom Rd, SE Folsom Road and SE HWY 224, SE Eagle Creek Road/SE Wildcat Mt. Dr., SE Wildcat Mt. Dr./SE HWY 224 and SE HWY 211/SE HWY 224 are all closer to this site and should be part of the change review requirement. The traffic study also does not discuss the fact that the Board of County Commissioners has expanded the Home Occupation Ordinance to include increased vehicle trips to and from locations. At the nearest intersection to this proposal there are two major home occupations and a possible third that is supposed to be in the application process. This means that three corners will have major home occupations that can generate up to 30 vehicle trips each for a total of 90 trips.

The CPO receives monthly crime reports for our area from the Clackamas County Sheriff's department. These reports list the types of accidents and the locations. I have summarized these accidents. The Summary for January 2002 through July 31, 2003 is attached. These are only the accidents that are report to the Sheriff's office. Many accidents go unreported for various reasons. Additionally there are other sources such as the State Police for further accident information. The point is that the 60 accidents shown in this synopsis is a conservative number.

ZDO1202.01 D *Safety of the transportation system is adequate to serve the level of development anticipated by this zone change.* We have two areas that need improvements for safety in a timely manner. Unfortunately these two areas have been demoted on the proposed Capital Improvement Plan. See attached Table 9 of the Clackamas County 20 – Year Capital Improvement Plan, 2002-2022. The suggested improvements for safety have been moved from a 5-10 year plan onto the 10-20 year plan. This is not acceptable. Map # 239 Eagle Creek Road from Keegan Road to Currin Road need to have a safety analysis at Wildcat Mt. Drive and widen the lanes and shoulders to County standards. Map # 240 Eagle Creek Road from Currin/Folsom to Duss Road needs to have the horizontal curve along Eagle Creek Road removed or decreased and the

Exhibit 1

Z0155-21-M; Z0156-21-CP, Z0157-21-ZAP

Page 6175747



intersection relocated. The lanes and shoulders need to be widened to County standards and the speed zone needs to be investigated south of Currin Road.

The Members all agree that we need businesses in our area to provide jobs locally. However the safety of the community is the priority. We request that the map items #239 and 240 be moved to the 5 year capital improvement plan. We believe that this is Concurrency. We need jobs in the community and we need safe intersections to handle the increased traffic generated by these jobs.

With the above stated comments, George Suter made a *Motion*, seconded by Ralph Hately to recommend approval of the Comprehensive Plan Amendment and the Zone change from Rural Residential Farm Forest 5 acre to Rural Industrial subject to the Comprehensive Plan Rural Industrial 19.0, 20.0 a, ZDO 1202D and ZDO1022 Concurrency. 13 yes, 0 no, 0 abstain. The *Motion* passed.

Submitted by Judy Kolias, President



C: Shari Gilevich

Attachments

Purple  
Minor Arterial

TABLE 9  
Clackamas County 20-Year Capital Improvement Plan, 2002-2022

Page 8 of 9

Exhibit 1  
619 9445

Map #	Project	Section	Description	Project Type (1)	Right of Way Cost Estimate	Construction Cost Estimate	Total Estimate
<b>LONG TERM 10 - 20 YEARS</b>							
239	Eagle Creek Rd.	Keegan Rd. to Currin Rd.	Perform additional safety analysis at Wildcat Mountain Dr., widen lanes and shoulders to county standards.	S	\$0	\$3,016,440	\$3,016,440
240	Eagle Creek Rd.	Currin Rd. to Duus Rd.	Remove or decrease horizontal curve along Eagle Creek Rd. / relocate intersection. Widen lanes and shoulders to county standards, investigate speed zone south of Currin.	S	\$230,400	\$2,982,193	\$3,212,593
241	Coupland Rd.	Eagle Creek - Divers Rd.	Reconstruct & widen (rural)	R	\$595,140	\$1,117,250	\$1,712,390
242	Mattoon Rd.	Fischers Mill - Redland Rd.	Widen lanes and shoulders to county standards, remove or decrease vertical curves, remove or decrease horizontal curves north of Redland Rd.	S/R	\$3,250,380	\$3,435,650	\$6,686,030
243	Fellows Rd.	Redland - Lower Highland Rd.	Reconstruct & widen (rural)	R	\$2,243,220	\$4,518,050	\$6,761,270
244	Ridge Rd.	L. Highland - Redland Rd.	Reconstruct & widen (rural)	R	\$3,021,480	\$6,151,950	\$9,173,430
245	Redland Rd.	Henric - Springwater Rd.	Reconstruct & widen (rural)	R	\$1,907,500	\$16,346,730	\$18,254,230
246	Lower Highland Rd.	Beavercreek Rd. - Fellows Rd.	Reconstruct & widen (rural)	R	\$3,158,820	\$5,917,610	\$9,076,430
247	Unger Rd.	Beavercreek - Hwy 211	Reconstruct & widen (rural)	R	\$1,022,420	\$6,480,050	\$7,502,470
250	Beavercreek Rd.	Beavercreek Rd/Williams Rd. intersection	Remove or decrease vertical curve along Beavercreek Rd. / relocate intersection.	S	\$34,000	\$772,000	\$806,000
251	Central Point Rd.	Partlow Rd. - Mulino Rd.	Widen 2/3 lanes smooth curves	C	\$76,300	\$4,218,300	\$4,294,600
252	New Era Rd.	Central Point Rd. to Penman Rd.	Perform additional safety analysis.	S			
253	Casto Rd.	Spangler - Central Point Rd.	Reconstruct & widen (rural)	R	\$808,780	\$1,427,900	\$2,236,680
254	Spangler Rd.	Casto - Beavercreek	Reconstruct & widen (rural)	R	\$2,426,340	\$4,142,000	\$6,568,340
255	Kamrath Rd.	Carus Rd. to Spangler Rd.	Perform additional safety analysis at Carus Rd. Widen lanes & shoulders to county standards, remove or decrease horizontal curves north of Spangler Rd.	S	\$145,513	\$1,383,026	\$1,528,539
256	Ladd Hill Rd.	Wilsonville Rd. - Wash Co. Ling.	Reconstruct & widen (rural)	R	\$625,660	\$5,369,340	\$5,995,000
257	Wilsonville Rd.	Wilsonville Rd/Ladd Hill Rd. intersection	Remove bank, remove or decrease horizontal curve along Wilsonville Rd. / relocate intersection.	S	\$180,000	\$1,632,960	\$1,812,960
258	Wilsonville Rd.	Wilsonville Rd / Edminston Rd. intersection	Remove bank, remove or decrease horizontal curve along Wilsonville Rd. / relocate intersection.	S	\$180,000	\$1,632,960	\$1,812,960
259	Denbrook Rd.	Railroad crossing west of Boones Ferry Rd	Add / upgrade railroad crossing	RR xing	\$0	\$550,000	\$550,000
260	Boones Ferry Rd.	Boones Ferry / Butteville Rd. intersection	Remove bank, remove /decrease horizontal curve.	S	\$224,000	\$1,451,500	\$1,675,500
269	Knights Bridge Rd.	Knights Bridge/Barlow Rd. intersection	Install traffic signal and WB left-turn lane.	C	\$0	\$810,000	\$810,000
270	Holly/Territorial Rd.	Logging Rd. to Canby Ferry	Bike Lanes	B		\$1,312,500	\$1,312,500
271	Territorial Rd.	99E - Holly	Reconstruct & widen (rural)	R	\$885,080	\$2,003,420	\$2,888,500
274	Township Rd.	Railroad crossing between Redwood and Walnut	Construct new railroad crossing	RR xing	\$0	\$550,000	\$550,000
275	Township Rd.	Central Point - Canby City Limit.	Reconstruct & widen (rural)	R	\$1,037,680	\$2,772,960	\$3,810,640
276	Berg Parkway	99E - Ivy	New 2 lane extension	C	\$686,700	\$1,111,800	\$1,798,500
277	Mulino Rd.	Mulino/13th Ave. intersection	Relocate intersection to south away from railroad trestle, change of stop control to 13th Ave.	S	\$276,000	\$1,043,280	\$1,319,280
278	Mulino Rd.	Ivy St. to Hwy 213	Widen to 3 lanes.	C	\$2,868,880	\$3,753,960	\$6,622,840
279	Lone Elder Rd.	Lone Elder/Barlow intersection	Left turn lanes	C	\$0	\$1,312,500	\$1,312,500
280	Canby-Marquam Hwy.	Canby-Marquam Hwy / Lone Elder Rd. int.	Installation of NB left-turn lane, SB right-turn lane.	C	\$15,000	\$279,700	\$294,700
281	Graves Rd. (6562)	Bridge	Reconstruct and widen - 32' (18x160)	Bridge	\$0	\$844,800	\$844,800

(1) Project Type: C: Capacity; S: Safety; R: Reconstruction; B: Bikeways; Ped: Pedestrian; RR xing: Railroad crossing; BLVD: Boulevard

Summary of Traffic Accidents at Selected Intersections						
January 2002 - July 2003						
Eagle Creek, Oregon						
	Date	Location	Hit/Run no injury	Injury	No injury	Injury unknown
1	5/22/2002	Eagle Creek Road	1			
2	12/3/2002	Eagle Creek Road	1			
3	7/5/2002	Eagle Creek Road	1			
4	3/1/2003	Eagle Creek Rd/HWY 211		1		
5	10/3/2003	Eagle Creek Rd/Wildcat Mt Dr		1		
6	2/23/2002	Eagle Creek Rd/Wildcat Mt Dr		1		
7	6/1/2002	Eagle Creek Inn		1		
8	10/20/2002	Eagle Creek Rd/ Folsom Rd		1		
9	2/1/2003	Eagle Creek Rd/Wild cat Mt Dr			1	
10	7/13/2003	Eagle Creek Rd/Wildcat Mt Dr			1	
11	4/29/2003	Eagle Creek Road			1	
12	12/18/2002	Eagle Creek Rd/River Mill Rd			1	
13	10/15/2002	Eagle Creek Rd/Currinville Store			1	
14	10/31/2002	Eagle Creek Rd/Wildcat Mt Dr			1	
15	9/7/2002	Eagle Creek Rd/Folsom Rd			1	
16	8/3/2003	Eagle Creek Rd/ Currinville MHP			1	
17	1/24/2002	Eagle Creek Rd/Wildcat Mt Dr			1	
18	6/13/2003	Eagle Creek Rd/Wildcat Mt Dr				1
19	5/25/2003	Eagle Creek Rd/River Mill				1
20	4/2/2003	Eagle Creek Rd/River Mill				1
21	3/22/2003	Eagle Creek Rd/Currin Rd				1
22	3/5/2003	Eagle Creek Rd/Folsom Rd				1
23	2/19/2003	Folsom Rd				1
24	1/11/2003	Eagle Creek Rd/Wildcat Mt Dr				1
25	12/23/2002	Eagle Creek Rd/Wildcat Mt Dr				1
26	12/5/2002	Folsom Rd				1
27	11/23/2002	Eagle Creek Road				1
28	10/31/2002	Eagle Creek Rd/Wildcat Mt Dr				1
29	6/12/2002	Eagle Creek Rd/Currinville Store				1
30	6/29/2002	Eagle Creek Road				1
31	5/15/2002	Eagle Creek Rd/Wildcat Mt Dr				1
32	1/30/2002	Eagle Creek Rd/HWY 211				1
33	1/14/2002	Eagle Creek Rd/Wildcat Mt Dr				1
34	1/24/2002	Eagle Creek Rd/Wildcat Mt Dr				1
3	3/4/2002	Eagle Creek Rd/Wildcat Mt Dr				1
36	1/20/2003	HWY 211/HWY 224		1		
37	6/30/2002	HWY 211/HWY 224		1		
38	11/12/2003	Eagle Creek Store		1		
39	11/8/2003	HWY 211/HWY 224		1		
40	2/17/2003	Heiple Rd/HWY 224			1	
41	5/2/2003	Heiple Rd/HWY 224			1	
42	5/2/2003	HWY 211/HWY 224			1	
43	12/24/2002	Eagle Creek Store			1	
44	11/12/2003	Eagle Creek Store			1	
45	9/22/2002	HWY 211/HWY 224			1	
46	2/17/2002	MP 17 EC			1	
47	2/1/2003	Heiple Rd/HWY 224				1
48	2/17/2003	Heiple Rd/HWY 224				1





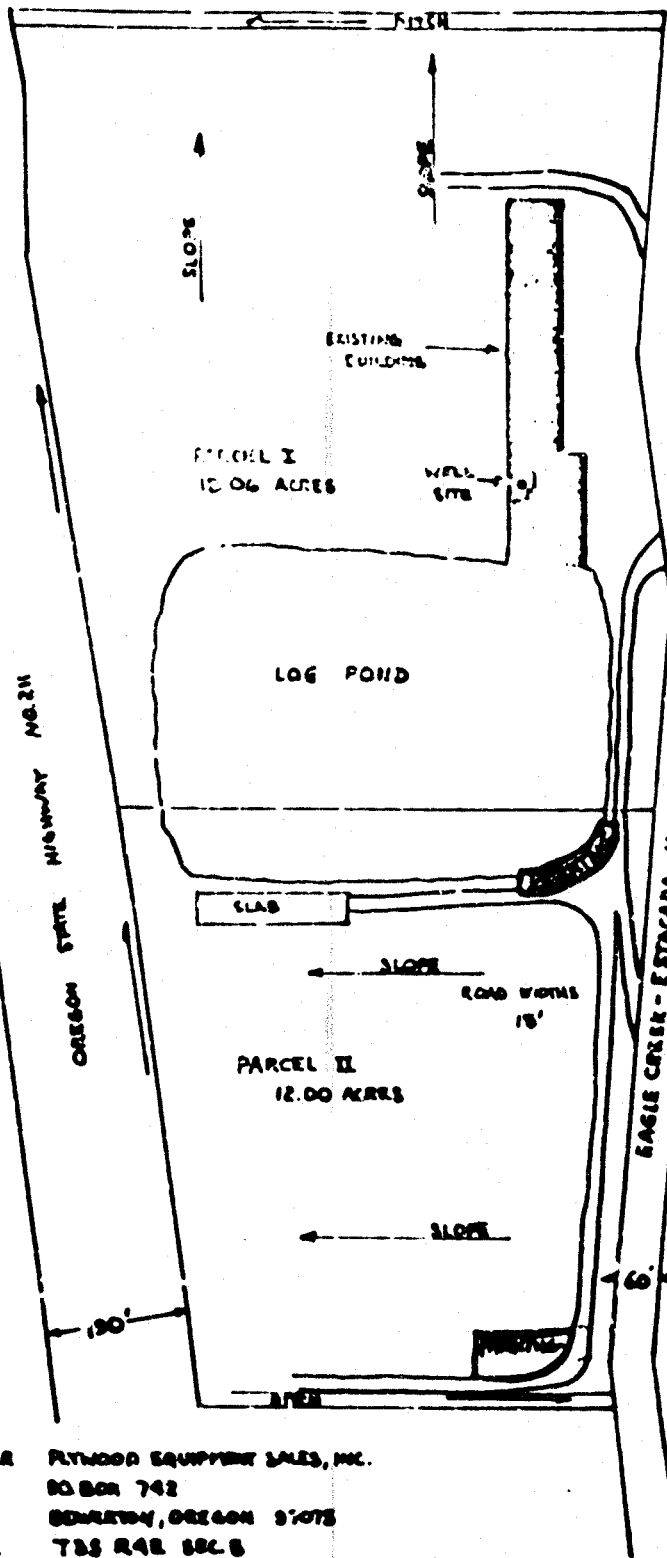
Z0155-21-M; Z0156-21-M; Z0157-21-ZAP





NO. 211 & 224

Z0155-21-M, Z0155-21-M, Z0155-21-M



ONSITE PARKING  
FOR 3105 VEHICLES  
REVISED 10/29/02 L.L.

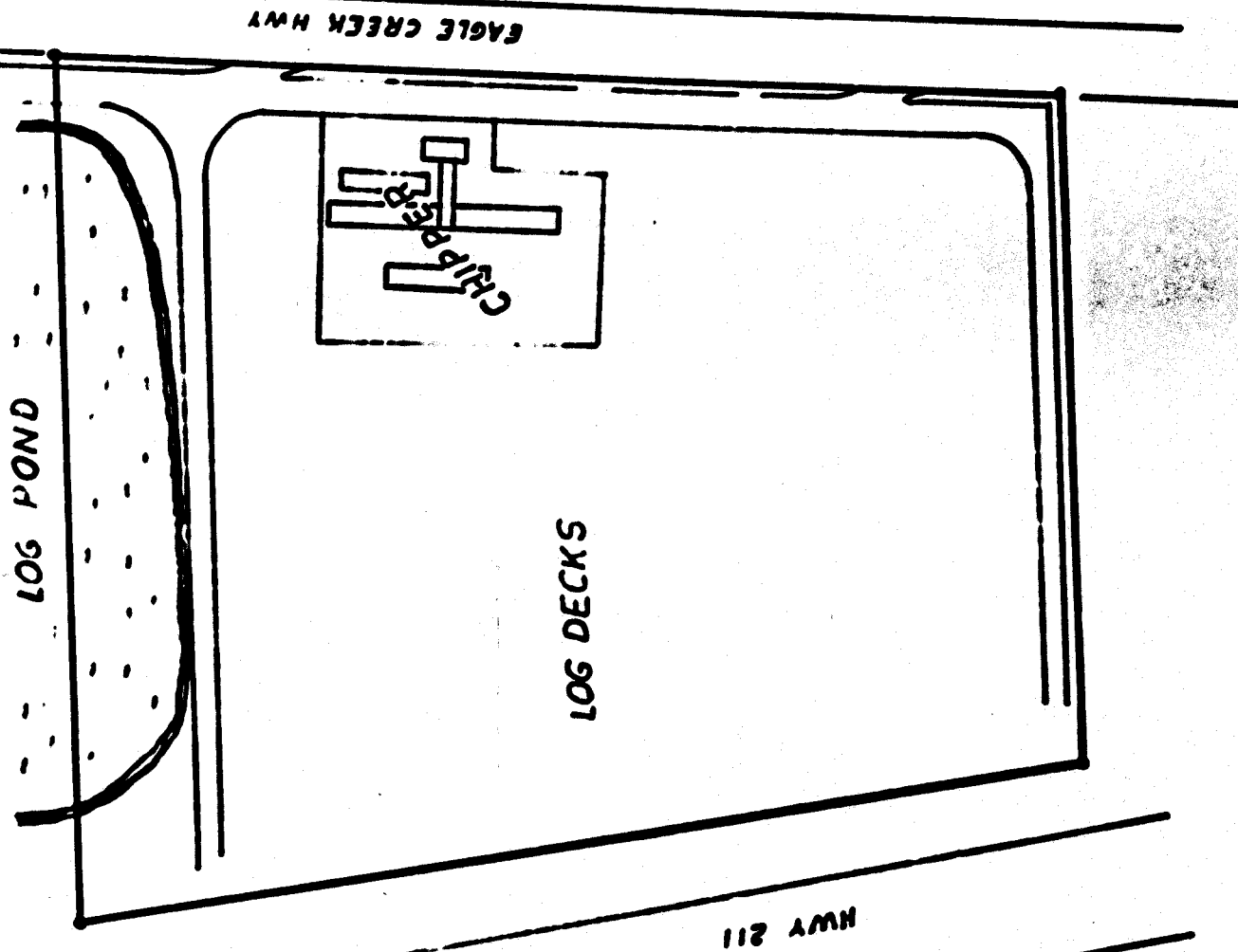
SCALE: 1" = 200'  
BY J.R. ESKRIDGE

OWNER: FLYWOOD EQUIPMENT SALES, INC.  
BOX 742  
SEASIDE, OREGON 97138  
LOCAL: TBS R42 82C 8  
TAX LOT 4100  
AGE: SEPTEMBER 20, 1981  
ORING: RPPF-8  
REASE: 30.06 ACRES

PUBLISHERS PAPER CO.  
PROPOSED CHIP MANUFAC  
FACILITY

SEC. 5 T3S R4E TAX LOT 4100  
JULY 16, 1982 ESKR1D6

SCALE: 1 in = 100 ft.





NOTICE OF APPLICATION FOR  
PUBLIC HEARINGS

Please  
return spiral  
book -  
Erleen

DATE: July 23, 2003

TO: W.E.S. Soils Division

FROM: Clackamas County Planning Division  
9101 SE Sunnybrook Blvd.  
Clackamas, OR 97015  
Phone No. (503) 353-4500, (503) 353-4501

HEARING DATES: Planning Commission, September 8, 2003; Board of County Commissioners, October 15, 2003

FILE NUMBER & NAME: Z0716-02-CP, Z0717-02-Z, Steve and Connie Mueller/C & J Investments

PROPOSAL: Comprehensive Plan Map amendment from Rural to Rural Industrial. Corresponding zone change from Rural Residential Farm Forest - 5 acres district (RRFF-5) to Rural Industrial (RI).

ZONING: RRFF-5

CONTACT PERSON: Mike McCallister, 503-353-4522

SEP 8 - 2003

The Planning Division would like your comments on the attached application. The application is subject to the County Zoning and Development Ordinance **Section 1202, and the Rural and Rural Industrial Chapters of the Comprehensive Plan**. If you do not have a copy of the current ordinance, copies of specific sections are available at the Planning Division office or our Web site at [www.co.clackamas.or.us](http://www.co.clackamas.or.us). Please indicate any information which would assist the county in acting on this application. Also, please identify the process of arriving at this recommendation such as a vote of the Executive Board or membership, and report numerically any vote taken. Comments received by **August 13, 2003**, will be included with the application. If more information is needed, please call the Planning Division. **PLEASE RETURN THIS FORM ONLY.**

Recommendation: Denial ~~to~~ SEE letter dated 1-25-91 Refers to Further investigation. Holding tank are currently under DEQ Regulation and any industrial waste would require Perm. from DEQ

Signature

Position

Please return to address above.

Exhibit 1  
Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

EXHIBIT

Page 626 of 747



**AFFIDAVIT OF NOTICE**

**STATE OF OREGON**

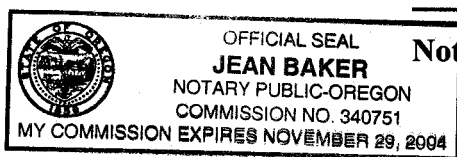
**COUNTY OF CLACKAMAS**

I, Erlie Kittelson, Administrative Assistant, depose and say that I provided for mailing the Notice of Hearing for file number Z0716-02-CP, Z0717-02-Z, in accordance with Oregon Laws Chapter 761, Section 10a, and Sections 1302, 1303 and 1305 of the Clackamas County Zoning and Development Ordinance.

By Erlie Kittelson, Affiant

Subscribed and sworn to before me this 23<sup>rd</sup> day of July

Jean Baker



Notary Public for Oregon

Exhibit 1

# FORM 1

## DLCD NOTICE OF PROPOSED AMENDMENT

This form must be received by DLCD at least 45 days prior to the first evidentiary hearing  
per ORS 197.610, OAR Chapter 660 - Division 18  
and Senate Bill 543 and effective on June 30, 1999.  
(See reverse side for submittal requirements)

Jurisdiction: CLACKAMAS COUNTY Local File No.: 20716-02-CP  
20717-02-Z  
(If no number, use none)

Date of First Evidentiary Hearing: 9/8/03 Date of Final Hearing: 10/15/03  
(Must be filled in) (Must be filled in)

Date this proposal was sent or mailed: 7-15-03  
(Date mailed or sent to DLCD)

Has this proposal previously been submitted to DLCD? Yes:      No: X Date:     

     Comprehensive Plan Text Amendment X Comprehensive Plan Map Amendment  
     Land Use Regulation Amendment X Zoning Map Amendment  
     New Land Use Regulation      Other:     

(Please Specify Type of Action)

Briefly summarize the proposal. Do not use technical terms. Do not write "See Attached."

COMPREHENSIVE PLAN MAP AMENDMENT FROM RURAL  
TO RURAL INDUSTRIAL. CORRESPONDING ZONE CHANGE  
FROM RRFF-5 TO RI

Plan Map Changed from: RURAL to RURAL INDUSTRIAL  
Zone Map Changed from: RRFF-5 to RI

Location: EAGLE CREEK/ESTACADA Acres Involved: 12 ACRES

Specified Change in Density: Current: 5 ACRES Proposed: N/A

Applicable Statewide Planning Goals: 2, 9, 10, 11, 12

Is an Exception Proposed? Yes:      No: X

Affected State or Federal Agencies, Local Governments or Special Districts: CITY OF ESTACADA,  
ESTACADA SCHOOL DISTRICT, ODOT, DIV OF STATE LANDS, ESTACADA FIRE DISTRICT

Local Contact: MIKE McALLISTER Area Code + Phone Number: 503-353-4522

Address: 9101 SE SUNNYBROOK BLVD

City: CLACKAMAS OR Zip Code + 4: 97015 Exhibit 1

DLCD No.:                      20155-21-M, 20156-21-CP, 20157-21-ZAP

DLCD No.:

## **SUBMITTAL REQUIREMENTS**

**This form must be received by DLCD at least 45 days prior to the first evidentiary hearing per ORS 197.610, OAR Chapter 660 - Division 18 and Senate Bill 543 and effective on June 30, 1999.**

1. **Send this Form and TWO (2) Copies of the Proposed Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Unless exempt by ORS 197.610 (2), proposed amendments must be received at the DLCD's **SALEM OFFICE** at least **FORTY-FIVE (45) days before the first evidentiary hearing on the proposal**. The first evidentiary hearing is usually the first public hearing held by the jurisdiction's planning commission on the proposal.
3. Submittal of proposed amendments shall include the text of the amendment and any other information the local government believes is necessary to advise DLCD of the proposal. "Text" means the specific language being added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal is not adequate.
4. Submittal of proposed "map" amendments must include a map of the affected area showing existing and proposed plan and zone designations. The map should be on 8-1/2 x 11 inch paper. A legal description, tax account number, address or general description is not adequate.
5. Submittal of proposed amendments which involve a goal exception must include the proposed language of the exception.
6. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

NOTICE OF PUBLIC HEARING

Clackamas County Planning Commission, 6:30 p.m., September 8, 2003, Sunnybrook Service Center, 9101 SE Sunnybrook Blvd., Clackamas, Oregon 97015.

Clackamas County Board of Commissioners, 9:30 a.m., October 15, 2003, Courthouse Annex, 906 Main St., Oregon City OR 97045.

TO: Property Owners within 500 feet

Subject: Comprehensive Plan Map Amendment and Zone Change

File No.: Z0716-02-CP, Z0717-02-Z

Applicant: Steve and Connie Mueller/ C & J Investments

Owner of Property: Same

Proposal: Comprehensive Plan Map amendment from Rural to Rural Industrial. Corresponding zone change from Rural Residential Farm Forest – 5 acre district (RRFF-5) to Rural Industrial (RI).

Ordinance Criteria: Sections 1202 of the Clackamas County Zoning and Development Ordinance. Policies in the Rural Section and Rural Industrial Section of the Clackamas County Comprehensive Plan.

Location: Between Eagle Creek Road and State Hwy. 224, approximately 300 feet north of the Eagle Creek Road/Currin Road intersection.

Site Address: 26175 S. Eagle Creek Road

Legal Description: T3S, R4E, Section 5, Tax Lots 4102, and 4103, WM

Total Area Involved: Approximately 12 acres

Zoning: Rural Residential Farm Forest- 5 acre district (RRFF-5)

Citizens Planning Organization For Area: Eagle Creek-Barton CPO, PO Box 101, Eagle Creek, Judy Koliass, 503-775-6508

Planning Division Staff Contact: Mike McCallister, 503-353-4522

All interested citizens are invited to attend the hearing. An agenda will be provided at the hearing. Testimony and evidence should address those criteria identified above and any other criteria relevant to the application. Failure to raise an issue at the hearing, or by letter, or failure to provide sufficient specificity to afford the Board of County Commissioners an opportunity to respond to an issue precludes appeal to the Land Use Board of Appeals based on that issue. The following procedural rules have been established to allow an orderly hearing.

1. The length of time given to individuals speaking for or against an item will be determined by the chairperson prior to the item being considered.
2. A spokesperson representing each side of an issue is encouraged.
3. Only specifically relevant testimony to the item being considered will be allowed.

A staff report for the application will be available seven (7) days prior to the hearing. The staff report, applicable criteria, application, and all documents and evidence relied on by the applicant are available for inspection and may be purchased at reasonable cost at the Sunnybrook Service Center, 9101 SE Sunnybrook Blvd., Clackamas, Oregon 97015, (503-353-4500). Direct all calls and written correspondence to the Planning Division.

To receive a copy of the final decision of the Board of County Commissioners, provide the Planning Division with a written request indicating the application file number.

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR , OR SELLER: ORS CHAPTER 215  
REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY  
FORWARDED TO THE PURCHASER.**



Planning and Zoning  
Development Services Building  
150 Beavercreek Road Oregon City, OR 97045  
Phone: (503) 742-4500 fax: (503) 742-4550  
e-mail: [zoninginfo@co.clackamas.or.us](mailto:zoninginfo@co.clackamas.or.us)  
Web: <http://www.clackamas.us/planning/>

**Meeting Minutes: Eagle Creek Mass Timber Project Pre-application Meeting**

**ZPAC0013-20**

**February 20<sup>th</sup>, 2020**

**1-2:30 PM**

**Attendees-**

**Clackamas County Planning staff:**

Melissa Ahrens- Development Review Coordination  
Glen Hamburg- Main Planning Contact  
Anthony Riederer- Design Review  
Ben Blessing- Partition

**Clackamas County Septic Staff:**

Aaron Dennis

**Clackamas County Engineering staff:**

Sally Curran- Development Review Coordination  
Ken Kent- Engineering Permit Contact  
Wendi Coryell- SDC fees

**Clackamas County Building Staff:**

Richard Carlson- Development Review Coordination

**Clackamas County Business & Economic Development Staff:** Sam Dickie

**Applicant Team-** Russ Brotnov, Stefan Schneider, Jason Fehlman

**Project Introduction**

**Applicant** explained background of project and purpose for current proposal.

**Glen Hamburg (Planning):** Asked applicant to clarify if they would be processing raw timber.

**Applicant:** No, we would be using pre-milled materials.

**G.H (Planning):** Explained to meeting group that the applicant is proposing to re-use the existing building on-site and that planning would be handling multiple permit applications to facilitate the proposed project.

**Melissa Ahrens (Planning):** Explained that the proposed project qualifies for assistance from the County's Development Review Coordination Team to streamline all County permitting and project timelines, then handed out process map for role of Development Review Coordination Team.

**Planning Permit Process**

**G.H.(Planning):** Explained different permit processing needs for planning (Comprehensive Plan Amendment/Zone Change, partition, Design Review), handed out copy of relevant Zoning and Development Ordinance sections to applicant team, and explained what each Planning application would generally need to contain/address. Specifically, the applicant has two options when it comes to the Comp plan/zone change (with potential pros and cons of each approach specified in handout G.H. provided to applicant team and attached again with these notes):

(1) Show site meets definition of 'Abandoned or Diminished Mill Site'.

(2) Show an historic commitment to an industrial uses in areas proposed for rezoning.



Planning and Zoning  
Development Services Building  
150 Beavercreek Road Oregon City, OR 97045  
Phone: (503) 742-4500 fax: (503) 742-4550  
e-mail: [zoninginfo@co.clackamas.or.us](mailto:zoninginfo@co.clackamas.or.us)  
Web: <http://www.clackamas.us/planning/>

Additionally, moving forward, there are different tracks available to the applicant for planning permit processing: the Comp/plan zone change application can be processed concurrently with or separately from the partition application. If processed concurrently, the partition would be decided on by the Board of County Commissioners; if processed separately, the partition application would be decided on by staff and would be appealable to the Hearings Officer. Up and downsides of each approach discussed.

#### *Partition*

**Ben Blessing (Planning):** Once the property is zoned RI there is no minimum lot size for RI so you can make sure that it accommodates the proposed buildings. Coordination with septic will be important for ensuring that proposed parcels can accommodate septic needs for new/remodeled buildings.

Reiterated that partition can be submitted separately or combined with Comp plan/zone change. Ben will also be available to assist with wetland regulations. Wetlands on site regulated by DSL.

**G.H. (Planning):** Would the old logging pond on site still be considered a wetland?

**B.B. (planning):** Per the state it is likely, we would probably want to see a wetland delineations as part of the permit processing

**M.A (Planning):** Protection of wetland/stream resources likely a standard of review for approval of the comp plan/zone change so we would review it in that context also.

**B.B (Planning):** Time frame for partition would be 6-8 weeks after submittal, assuming no appeal. After approval applicant would start plat approval, engineering-septic permitting, surveying etc. Full completion of the partition can be 6mos- 1 year total.

**G.H. (Planning):** So you may save some time submitting all planning application concurrently

**Ken Kent (Engineering):** The plat would need to be recorded first before building permit submittal/full engineering review.

**G.H (planning):** Also, you can't have the amount of proposed square footage on just one parcel so timing of partition will be important for other department review and planning permitting

#### *Design Review*

**Anthony Riederer (planning):** For Design Review, another pre-application conference will be required. We would invite service providers, relevant County staff. Offered a possible phasing approach for the project through Design Review approval, although Planning management would need to weigh in on this if applicant wanted to pursue. Historic Commitment seems like the best option for Comp Plan/zone change in terms of uses allowed/Design Review approval.

**Applicant:** we would like to build the building on partition site first

**G.H. (Planning):** Clarified that if the property is zoned RI, there would be a 30-foot front setback, but otherwise no setbacks required from side/rear lot lines shared with other non-residential properties (there is a residential property to the north of the subject property). Fee schedule for Planning would be as follows:

\$6,510 comp plan/zone change

\$2,600 partition

.384% of construction cost Design Review





Planning and Zoning  
Development Services Building  
150 Beavercreek Road Oregon City, OR 97045  
Phone: (503) 742-4500 fax: (503) 742-4550  
e-mail: [zoninginfo@co.clackamas.or.us](mailto:zoninginfo@co.clackamas.or.us)  
Web: <http://www.clackamas.us/planning/>

(Note: these fees do not include anticipated fee increases taking effect July 2020 or extraneous costs for application submittal requirements)

#### Engineering

**K.K. (Engineering):** For the Partition Engineering would only be minimally involved and would be focused on property lines, easement. No Right of Way dedication required. For stormwater, engineering would be more involved once Design Review occurs. Engineering will be primarily looking at traffic impacts through the traffic study. Engineering staff do not see any major traffic changes resulting from proposed project given current road capacity. Engineering would want to see the skewed access off Eagle Creek Rd. closed as part of proposed project. Could be possibility of ROW vacation if they disconnect from Eagle Creek rd. What is the anticipated truck traffic?

**Applicant:** A truck a day, generally.

**Sally Curran (Engineering):** We wouldn't anticipate that to have a significant traffic impact. For Design Review however, we would be looking at parking and truck loading etc. Including circulation, fire safety/access, parking space requirements (per County Zoning and Development Ordinance). ADA space requirements would come from building codes.

**K.K (engineering):** As part of the Design Review we would want to see plans for a wider driveway, ADA parking, stormwater management/parking lot drainage, possible shoulder rock addition along roadway. A stormwater management plan would be required.

**S.C (Engineering):** For safety, you may want to widen the driveway and add rock along the shoulder. When it comes to completing engineering requirements, we would be adding conditions of approval to the land use approvals but you would still need a separate Engineering Development Permit. Fee is based on the cost of development. 8.3% of cost estimate for ROW improvements and 5% of cost estimate for on property improvements. A 1200C permit will be required if site disturbance exceeds 1 acre. This would be through state DEQ. If under 1 acre then an erosion control permit is required from Engineering- fee is \$460. Stormwater permit is \$710.

#### Building Codes

**Richard Carlson (Building):** The buildings sound like F1 for production, S1 for storage, and B1 for office. As far as fire suppression it is mostly up to the fire marshal. Likely that the larger building would need fire suppression. The excise tax would be offset even if you tear down the building and rebuild in place. \$1/sq. ft. for building fees- structural engineering review. Fire safety, electrical, plumbing review are another \$1/sq. ft. Existing building is old and has likely never been inspected.

**Applicant:** Would we need to meet seismic standards?

**R.C. (building):** No, there is no change of use so we would not be requiring seismic upgrades

**G. H. (Planning):** There are some breaks from building in the existing code but you would want your engineer to help figure that out.

**R. C. (Building):** Fire suppression costs depend on the type of use as laid out in the Oregon Structural Code Ch.9, cost per use shown.



Planning and Zoning  
Development Services Building  
150 Beavercreek Road Oregon City, OR 97045  
Phone: (503) 742-4500 fax: (503) 742-4550  
e-mail: [zoninginfo@co.clackamas.or.us](mailto:zoninginfo@co.clackamas.or.us)  
Web: <http://www.clackamas.us/planning/>

**Applicant:** If we are changing part of existing building (3,000 sq. ft.) to office do we have to meet current code for the entire building?

**R.C. (Building):** No, only the office part or 'new use' areas would need to be brought up to current code.

#### Septic

**Aaron Dennis (Septic):** Site evaluations are only available from the 1980s for the NE corner of the triangle area of property. Since property is being divided, Septic would need one evaluation per legal lot (created by partition), as required by state law. If zoned Rural Industrial then we have a holding tank option, with holding tank limits are 15gal/day/employee shift- up to 195 gallon maximum. Over (generally) 200 gallons then state needs to approve holding tank. Soils are fairly decent on the north end of the property, but very wet down by the pond.

**G.H. (Planning):** We would need to understand the septic capacity for the Comp Plan amendment/zone change application and we will also need a septic feasibility statement for the partition application.

**A.D. (septic):** Right, we already have a historical evaluation that will stand for the north property, but would need a new septic evaluation for a southern lot (created by partition).

#### Systems Development Charges, fees, etc.

**Wendi Coryell (Engineering):** Good news for Systems Development Charges (SDC) fees is that unless you were to substantially change the building no SDC fees are required. Use is categorized as industrial manufacturing warehouse. An installment plan is available and total fee estimate provided to applicant in meeting. After July 1, 2020, fees may change, estimates based on current fees only.

# Comprehensive Plan Map Amendment + Zone Change Notes

## ZPAC0013-20

*Narrative must address:*

- Applicable Statewide Planning Goals (e.g., Goals 1, 2, 9, 12, and 14)
- Applicable Clackamas County Comprehensive Plan provisions, including 4.MM
- Zoning and Development Ordinance (ZDO) Section 1202
- If pursuing abandoned or diminished mill site provision, ORS 197.719

*Provision Pros and Cons:*

Historical Commitment (4.MM.3.1)	Abandoned/Diminished Mill Site (4.MM.3.2)
<ul style="list-style-type: none"> <li>▪ Per Table 604-2, the cumulative <b>maximum building floor space</b> per industrial use in the RI District would be 39,500 square feet; however, per Footnote 6 to Table 604-2, no maximum applies to the “<i>primary processing of raw materials</i> produced in rural areas” (rural areas include the Rural Industrial zoning district)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Must include evidence that the <i>subject property</i> had a “facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp, and paper” that <b>closed after January 1, 1980, or that has been operating at less than 25% of capacity since January 1, 2003</b></li> <li>▪ Only the <b>portion of the property</b> that was “improved for the processing or manufacturing of wood products” can be zoned RI; the remainder would stay RRFF-5</li> <li>▪ ORS 197.719(6)(b) would prohibit the portion of the property zoned RI under this provision from being used for any <b>retail, commercial, or residential development</b>, uses which may otherwise occur in the RI District according to the criteria in ZDO Section 604</li> </ul>
<ul style="list-style-type: none"> <li>▪ Mill closure dates and current operating capacity not relevant</li> <li>▪ More of the subject property <i>may</i> be eligible for rezoning</li> <li>▪ Areas rezoned RI are eligible for all of the uses in Table 604-1, including <b>retail, commercial, and residential uses</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Maximum building floor space</b> per industrial use, as listed in Table 604-2, would not apply in areas of abandoned or diminished mill site</li> </ul>

*General points:*

- Partition application could be processed concurrent with or after and separate from, application for Comprehensive Plan Map Amendment + Zone Change. If processed concurrently, partition application will be decided on by BCC; if submitted after, the partition application would be decided on by staff and would be appealable to the County's Hearings Officer.
- A separate Design Review pre-application meeting will likely be needed prior to submitting Design Review application.
- Hood River County appears to have approved a zone change under the abandoned/diminished mill site provision for the Cardinal Glass Industrial facility at the "Lower Hanel Mill Site". If this provision is of interest, it may be worth contacting them to understand whether/how they zoned the entire parcel for industrial use (i.e., what arguments they made consistent with ORS 197.719(6)(b)).
- The 2002 re-zone of what are now Tax Lots 34E05-04102 and 34E05-04102 (to the south of the subject property) were done under the historical commitment provision. It allowed for the rezone of those entire parcels.
- Certain other zone change applications approved by the BCC that were made under the historical commitment provision did not allow for the rezone of the entirety of the relevant parcels, but rather excluded areas that were used for dwellings (e.g., in Z0490-13-CP) or that were geographically/topographically separated from the areas historically committed to industrial areas.

# Eagle Creek Mass Timber Project Pre-Application Meeting Participants

February 20, 2020 (ZPAC0013-20)

Name	Organization	Project Role	Contact Phone	Email
Glen Hamburg	County Planning	Main Planning contact, and contact for Comp Plan amendment +zone change requirements	503-742-4523	ghamburg@clackamas.us
Ben Blessing	County Planning	Contact for partition requirements	503-742-4521	bblessing@clackamas.us
Anthony Riederer	County Planning	Contact for design review requirements	503-742-4528	ariederer@clackamas.us
Melissa Ahrens	County Planning	Development Review Coordination Committee contact	503-742-4519	mahrens@clackamas.us
Sally Curran	County Engineering	Development Review Coordination Committee contact and contact for Engineering permits/requirements	503-742-4711	scurran@clackamas.us
Ken Kent	County Engineering	Contact for Engineering permits/requirements	503-742-4673	kenken@clackamas.us
Wendi Coryell	County Engineering	Transportation System Development Charges (SDCs) contact	503-742-4657	wednicor@clackamas.us
Richard Carlson	County Building Codes Division	Contact for Building Code requirements	503-742-4769	richardcar@clackamas.us
Aaron Dennis	County Septic	Contact for septic requirements	503-742-4614	adennis@clackamas.us
Sam Dicke	County Economic Development	Economic Development contact	503-742-4367	sdicke@clackamas.us
Stefan Schneider	CutMyTimber	Prospective applicant	206-910-1320	stefan@cutmytimber.com
Jason Fehlman	Carpentry Plus Inc.	Prospective applicant	503-593-4770	jason@carpentryplusinc.com
Russ Brotnov	Carpentry Plus Inc.	Prospective applicant	503-708-3611	russ@carpentryplusinc.com

**All information is considered informal, based on current Zoning and Development Ordinance requirements, current Roadway Standards requirements, and current Comprehensive Plan requirements. The information presented here is subject to change as revisions are made to the aforementioned documents and in the formal Conditional Use Process. Prior to the submittal of a Conditional Use application, the applicant is encouraged to contact staff to insure that these pre-application comments reflect the current standards.**

FILE NO. ZPAC0013-20

PROJECT: Industrial Development Related to CLT Production

LEGAL: 34E05 04100

DATE: February 20, 2020

Engineering staff: Kenneth Kent 503-742-4673  
[kenken@co.clackamas.or.us](mailto:kenken@co.clackamas.or.us)

## **SECTION 1 - REQUIREMENTS**

1. A **Development Permit** will be required from the County Engineering Section prior to initiation of construction. The applicant shall pay the minimum Permit fee deposit (\$1,600) for commercial/industrial/multi-family development. The plan review and inspection fee is based upon 8.83 percent of the estimated costs for public street frontage improvements and 5 percent of the estimate costs of the onsite transportation improvements. These plans shall be signed and stamped by a Professional Engineer registered in the State of Oregon or shall comply with requirements acceptable to the Engineering Division.
2. A **Traffic Impact Study is required:**
  - a. Comply with Section 295 of the Clackamas County Roadway Standards. Contact Christian Snuffin for questions regarding traffic study preparation. Phone: 503-742-4716 Email: [CSnuffin@clackamas.us](mailto:CSnuffin@clackamas.us).
  - b. Provide site trip generation and trip distribution for both weekday a.m. and p.m. peak hours considering the reasonable highest use of (1) existing zoning, and (2) proposed zoning.
  - c. Perform traffic operations analysis at the following intersections: (1) Site access to Riverside Way, and (2) Riverside Way at Eagle Creek Rd. Analysis at Eagle Creek Rd / Currin Rd, and Eagle Creek Rd / Wildcat Mountain Rd may be required if the number of new site trips through either of these intersections exceed 20 vehicles during the peak hour. Analysis will need to be performed for the a.m. and p.m. peak hours for existing zoning and proposed zoning scenarios under current year and future year (2035) traffic conditions. A 2% linear annual growth rate should be applied to determine future year background traffic volumes.
  - d. Provide a crash history and safety analysis at all study area intersections. Identify any safety issues and recommended mitigations. Look at vehicular and truck circulation on the site and between the site access to Riverside Way and the intersection of Riverside Way and Eagle Creek Rd. Evaluate safety and operations of the skewed approach of Riverside Way at Eagle Creek Rd. Consider the safety and operational impacts of closing the skewed approach.

3. **SE Eagle Creek Road/SF Riverside Way Access:**

- a. The existing skew in the intersection of SE Riverside Way with SE Eagle Creek Road does not meet current standards. With development of the proposed site, closure of the south approach of SE Riverside Way will be required.
- b. A minimum 28-foot wide by 20-foot long paved driveway approach to each parcel will be required. Additional width is permitted to allow for truck turning.

4. **On-Site Circulation and Parking:**

- a. Applicant shall provide adequate on site circulation for the parking and maneuvering of all vehicles anticipated to use the site.
  - b. All parking and maneuvering areas shall be screened gravel or better, constructed per Standard Drawing R100.
  - c. Parking spaces shall meet minimum and maximum *ZDO* section 1015 requirements, both in number and dimensions. The plans shall list the number of parking spaces required and the number of parking spaces provided. The applicant shall label all compact, carpool, handicap, and loading berth spaces on the plans. **Identify proposed parking spaces for the building on north parcel.**
  - d. All 90-degree parking spaces require a minimum of 24 feet of back up maneuvering room.
  - e. Loading spaces shall be provided and shall be afforded adequate maneuvering room.
  - f. The paths traced by the extremities of the anticipated large vehicles (garbage and recycling trucks, fire apparatus, delivery trucks), including off-tracking shall be shown on the site plan to insure adequate turning radii are provided for the large vehicles maneuvering on site.
  - g. An on-site turnaround, or through circulation which meets the requirements of the local Fire is required.
  - h. Applicant shall design and construct paved ADA parking spaces, as required by the Building Division, including a hard surface path to the building entrance.
  - i. If curbs are proposed they shall typically be type "C", or curb and gutter if curb line slope is less than one percent, if they carry, direct or channel surface water. Alternative curbs will be considered when it is determined by the Clackamas County Department of Transportation and Development that type "C" curbs or curb and gutter are not appropriate. Extruded curbs for carrying, directing or channeling surface water, or used as a vehicle wheel stop, shall not be allowed.
  - j. Applicant shall provide and implement a signing plan for on-site parking and circulation.
  - k. **STORM DRAINAGE:** Provide storm management plan for new impervious surface, per Roadway Standards Chapter 4.
5. Written approval from the Estacada Fire District #69 for the planned access, circulation and water source supply will be required.

## RURAL INDUSTRIAL

### GOALS

- To provide for the continuation of industrial uses in non-urban areas having an historical commitment to such uses.
- To provide for the industrial redevelopment of abandoned or diminished mill sites.
- To implement the goals and policies of this Plan for industrial development in Unincorporated Communities.

### **4.MM. Rural Industrial Policies**

4.MM.1. The Rural Industrial plan designation may be applied in non-urban areas to provide for industrial uses that are not labor-intensive and are consistent with rural character, rural development, and rural facilities and services.

4.MM.2. The Rural Industrial (RI) zoning district implements the Rural Industrial plan designation.

4.MM.3. Areas may be designated Rural Industrial when the first, the second, or both of the other criteria are met:

4.MM.3.1. Areas shall have an historical commitment to industrial uses; or (

4.MM.3.2. The site shall be an abandoned or diminished mill site, as defined in the Zoning and Development Ordinance, provided that only the portion of the site that was improved for the processing or manufacturing of wood products may be designated Rural Industrial; or

4.MM.3.3. Areas shall be located within an Unincorporated Community; and

4.MM.3.4. The site shall have direct access to a road of at least an arterial classification.



**MILL SITE, ABANDONED OR DIMINISHED:** A mill, plant, or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp, and paper, that is located outside of urban growth boundaries; was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and contains or contained permanent buildings used in the production or manufacturing of wood products.

**MIXED USE:** A mix of uses located within a single building, such as retail on the first floor and residential or office uses on the upper floors.

**MOBILE HOME:** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy by one family, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976 and met the construction requirements of Oregon mobile home law in effect at the time of construction.

**MOBILE VENDING UNIT:** A vehicle that is used in selling and dispensing goods or services to the customer. Notwithstanding this definition, a mobile vending unit shall not be used in selling and dispensing marijuana items. As used in this definition, a vehicle is motorized or non-motorized transportation equipment containing an axle and intended for use on public roads, including, but not limited to, a car, van, pickup, motorcycle, recreational vehicle, bus, truck, detached trailer, or a truck tractor with no more than one trailer.

**MOTEL:** A building or series of buildings in which lodging only is offered for compensation and which may have more than five sleeping rooms or units for this purpose and which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each rental unit designed primarily for automobile tourists and transient persons. The term includes auto courts, tourist courts, tourist homes, and motor lodges.

**NATIVE PLANTS:** Any indigenous or resident species currently or historically found in the Willamette Valley.

**NATURAL AREA:** An area of land or water that has substantially retained its character and functions as an important habitat for plant and animal life.

**NONCONFORMING DEVELOPMENT:** An element of development, such as landscaping, parking, height, signage, or setbacks that was created in conformance with development regulations which, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable regulations.

**NONCONFORMING USE:** A use of any building, structure or land allowed by right when established or that obtained a required land use approval when established but, due to a change in the zone or zoning regulations, is now prohibited in the zone.

\*1002.04 (B) Structural Setback  
River or perennial  
stream site invest. req.  
\* 1001.02 (B) SFR applicability  
for 1002.04 (B)

## Wetlands

- 25.0 For areas that are outside both the Metropolitan Service District Boundary and the Portland Metropolitan Urban Growth Boundary, prevent disturbance of natural wetlands (marshes, swamps, bogs) associated with river and stream corridors. Adjacent development shall not substantially alter normal levels or rates of runoff into and from wetlands. Site analysis and review procedures specified in the Open Space and Floodplains section of the Land Use chapter shall apply. (See Wildlife Habitats and Distinctive Resource Areas of this chapter).
- 25.1 Develop guidelines for compatible uses on wetlands and their peripheries, and for wetland restoration. Table III-1 shall be used as a guide. Wetland restoration decisions shall be made on a site-specific basis.
- 25.2 The County recognizes the U.S. Department of the Interior, Fish and Wildlife Service National Wetlands Inventory as a resource document for wetland identification in the County. Individual site development of inventoried lands will be reviewed for compliance with wetlands policies.
- 25.3 The County has insufficient information as to location, quality, and quantity of wetland resources outside of the Mt. Hood urban area and the Portland Metropolitan Urban Growth Boundary to develop a management program at this time. If such information becomes available, the County shall evaluate wetland resources pursuant to Goal 5 and OAR Chapter 660, Division 16, prior to the next Periodic Review. In the interim, the County will review all conditional use, subdivision, and zone change applications and commercial and industrial development proposals to assure consistency with Section 1000 of the Zoning and Development Ordinance and goals and policies of Chapter 3 of the Plan.

## Groundwater

- 26.0 Cooperate with appropriate state and federal agencies to inventory and catalog groundwater resources and their uses to assess groundwater potentials and establish management criteria and priorities to protect and maintain this natural asset.
- 27.0 Investigate the feasibility of maintaining or subsidizing a groundwater testing service, available to the County's citizens (upon request for a nominal fee) to assist in assuring adequate well water quality.

- 17.8 Encourage new public access points to minimize trespass and vandalism on private property. Emphasis shall be directed to the area from Gladstone to Milwaukie.
- 18.0 Cooperate with the State Water Resources Department and other appropriate agencies to implement the Willamette River Basin Plan.

#### **Habitat Conservation Areas**

- 19.0 For areas that are inside the Metropolitan Service District (Metro) Boundary or the Portland Metropolitan Urban Growth Boundary, designate Habitat Conservation Areas as required by Title 13 of the Metro Urban Growth Management Functional Plan, a Statewide Planning Goal 5 program for riparian corridors, wetlands, and wildlife habitat.
- 20.0 Regulate development in Habitat Conservation Areas, and on parcels that contain Habitat Conservation Areas, in a manner consistent with Metro's acknowledged Goal 5 inventory, significance determination, and Economic, Social, Environmental, and Energy analysis.
- 21.0 Implement Habitat Conservation Area regulations by adopting by reference Metro's Habitat Conservation Areas Map, establishing an overlay zoning district, and applying development standards consistent with Metro's Habitat Conservation Areas model ordinance.

#### **Water Quality Resource Areas**

- 22.0 For areas that are inside the Metropolitan Service District (Metro) Boundary or the Portland Metropolitan Urban Growth Boundary, designate Water Quality Resource Areas as required by Title 3 of the Metro Urban Growth Management Functional Plan, a Statewide Planning Goal 6 program for water quality.
- 23.0 Regulate development in Water Quality Resource Areas by adopting by reference Metro's Water Quality Resource Areas Map, establishing an overlay zoning district, and applying development standards consistent with Metro's Water Quality Resource Areas model ordinance.
- 24.0 Use Metro's Water Quality Resource Areas Map as a reference document, but rely on the text of the Zoning and Development Ordinance to establish criteria for the identification of protected water resources and the location of the boundaries of Water Quality Resource Areas.



RECEIVED

JAN 30 2020

**Pre-Application Conference Request Form**The following information is required for a pre-application conference. Clackamas County Planning & Zoning Division**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:**

Russ Brotnov

**Mailing Address:** 29513 S. Hillockburn Rd. **City/State/Zip:** Estacada, OR 97023**E-Mail:** russ@carpentryplusinc.com **Phone:** 503-708-3611**Contact Information:** ☐ **Owner** ☐ **Architect** ☐ **Engineer** ☐ **Other****Contact's/Applicant's Name:****Mailing Address:** \_\_\_\_\_ **City/State/Zip:** \_\_\_\_\_**E-Mail:** \_\_\_\_\_ **Phone:** \_\_\_\_\_**Property Information****Property Address:**25720 SE Eagle Creek Rd., Eagle Creek, OR 97022**Legal Description:** T 3 S, R 4 E/W/Q, Section 5 Tax Lot(s) 4100

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

**Project Description:**Zone change from RRFF-5 to RI, to allow under utilized mill site to meet growin need for Mass Timber market.**Current Zoning:** RRFF-5**Existing Bldg. Square Footage:** 28,000 sf.**Building Valuation:** \_\_\_\_\_**Proposed New Square Footage:** 29,000 sf.**Partitions/Subdivisions**☒ **Number of Lots:** 2☐ **Measure 49:** \_\_\_\_\_**Multifamily Development:**☐ **Studio** (# Units): \_\_\_\_\_ Square Feet☐ **One Bedroom** (# Units): \_\_\_\_\_ Square Feet☐ **Two Bedroom** (# Units): \_\_\_\_\_ Square Feet☐ **Three Bedroom** (# Units): \_\_\_\_\_ Square Feet**Exhibit 1****Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**



**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 3,000 sf.☐ Residential☐ Commercial☒ Industrial 26,000 sf.☐ Institutional☐ Zone ChangeNumber of employees/students/occupants: 18☒ Days of operation: 6 daysEstimated hours of daily operation: 7 am - 5 pmIs 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.
12. ☐ Preliminary site utility plan.

**Exhibit 1****Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

**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:

- 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](http://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:

Please see attached

**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

01/29/2020

Russ Brotnov

Applicant Name, Printed

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

# Questions for Pre-App

1. Rural Industrial 4.MM.3.2 Under the abandoned mill provisions. Records show that mill was sold in 1978 to Plywood Equipment Sales company. In 1982 Conditional Use permit was granted for log storage, hog fuel processing, in 1987 a Minor Modification was granted for Log storage and portable sawmill operation. Does this meet requirements?
- 2.What is the fire suppression requirements?
- 3.What is the sewer system expectations
- 4.Can the wetland area be restored to a pond?
- 5.Can culverts be placed in drainage ditch for access roads within property?
- 6.Historical photos show use of the property north of the drainage ditch for industrial purposes in 1970 through 1976, does this allow for its inclusion in the industrial zoning?
- 7.What public improvements should be expected?
- 8.What should the expected timeline for approval be for
  - Zoning change
  - subdivision of parcel
  - Permits for
  - Office inside of existing structure
  - new warehouses approximately 12-14k sf each.

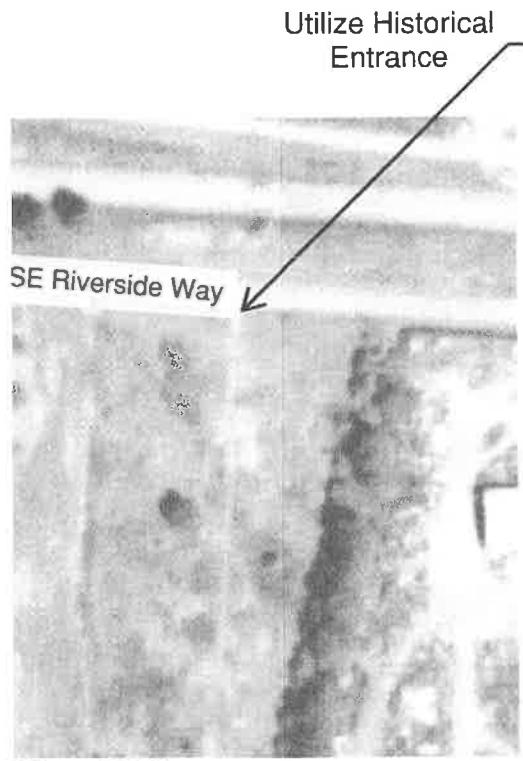
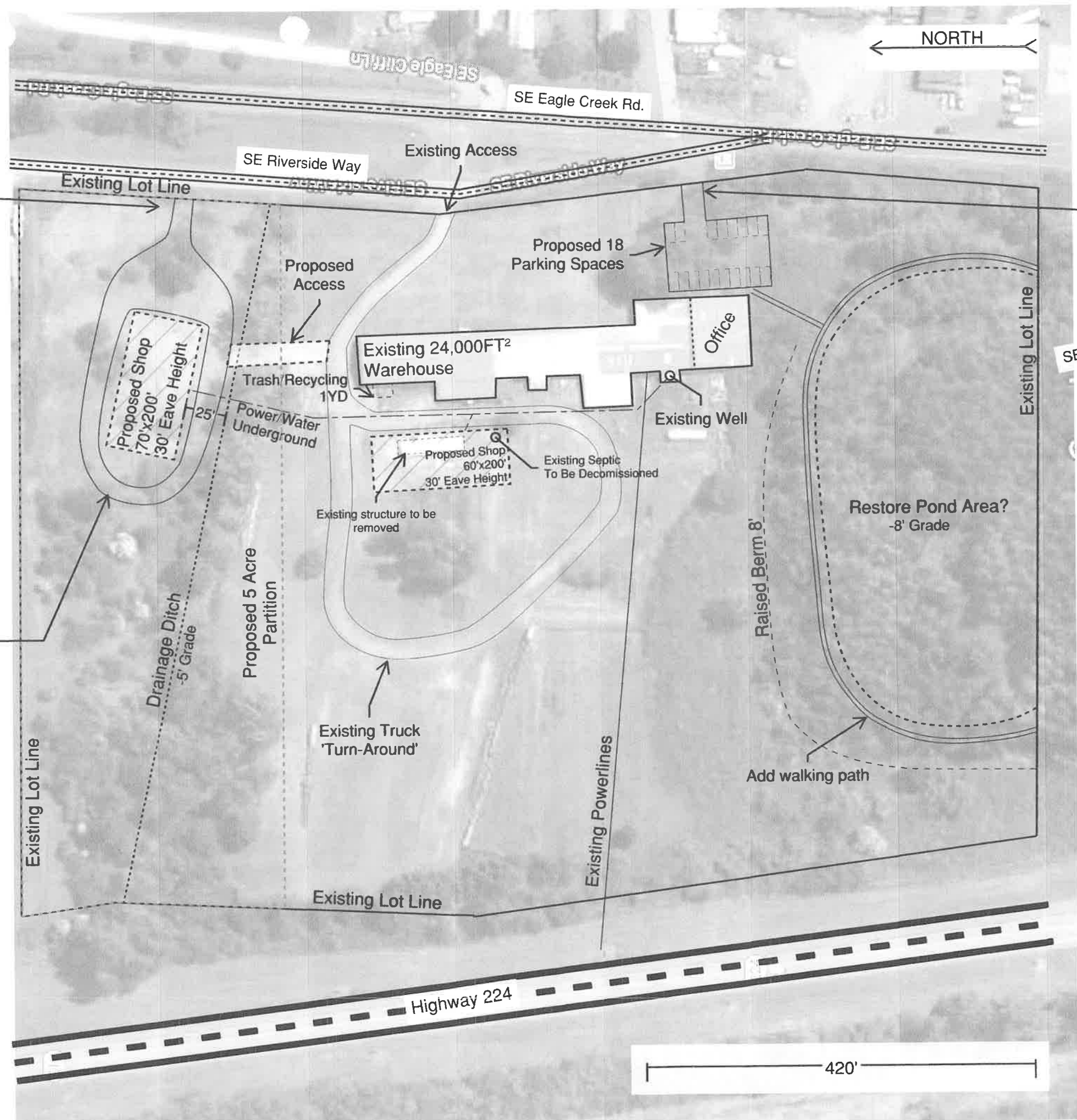


25720 SE Eagle Creek Rd.  
Eagle Creek, 97022

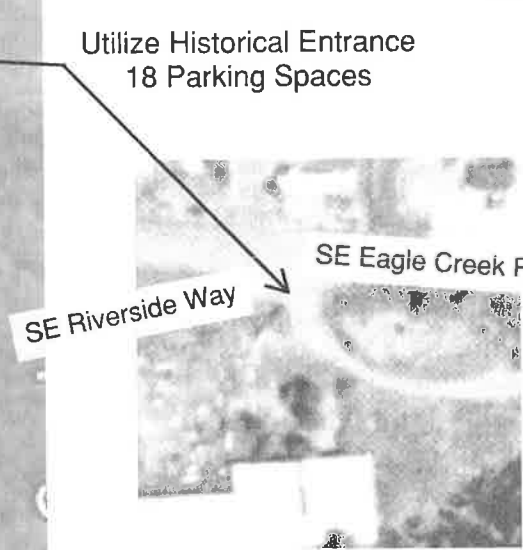
Tax Lot: 34E05 04100  
Parcel: 00927046

Est. Total Acres: 19.03

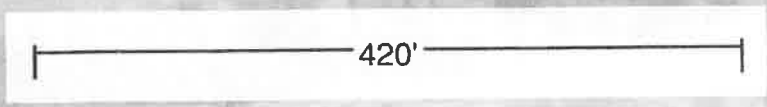
Site Conditions: Flat



Circa 1989 -  
Not To Scale



Circa 1989 -  
Not To Scale





This map was prepared for  
assessment purpose only.

SECTION 5 T.3S. R.4E. W.M.  
CLACKAMAS COUNTY

D. L. C.  
CHAS. A. WADE NO. 47  
JOHN B. CHILES NO. 44  
EGBERT OLCOTT NO. 46

3 4E 5

1"=400'  
SEE MAP 2 4E 32

24500

CANCELLED

3200  
2301  
4101  
3101  
1701  
1802  
1501  
3302  
3303  
1790  
1600  
2100  
2000  
30071  
302  
306  
3602  
4001  
4906  
4200E  
1690  
3300  
700  
4903  
4296  
4802  
2800

25500

SEE MAP 3 4E 4

26500

3 4E 5

BOOK 32

## Hamburg, Glen

---

**From:** Ahrens, Melissa  
**Sent:** Thursday, January 30, 2020 5:46 PM  
**To:** Carlson, Richard; Curran, Sally; Englebert, Erik  
**Cc:** Bell, Cheryl; Hamburg, Glen  
**Subject:** RE: Development Review Coordination Team: Eagle Creek Mass Timber Project  
**Attachments:** ZPAC0013-20 Pre-App Request Form.pdf

Please see attachment for additional information about this project. Thanks!

### Melissa Ahrens

#### Senior Planner

Clackamas County Planning and Zoning Division  
150 Beavercreek Road  
Oregon City, OR 97045  
[MAhrens@co.clackamas.or.us](mailto:MAhrens@co.clackamas.or.us)  
Direct Ph: 503-742-4519 | Fax: 503-742-4550

*The Planning and Zoning Division public service/permits lobby is open Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Friday from 8:00 a.m. to 3:00 p.m. The public service telephone line at 503-742-4500 and email account at [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us) are staffed Monday through Friday from 8:00 a.m. to 5:00 p.m.*

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

---

**From:** Ahrens, Melissa  
**Sent:** Thursday, January 30, 2020 5:45 PM  
**To:** Carlson, Richard <[richardcar@clackamas.us](mailto:richardcar@clackamas.us)>; Curran, Sally <[SCurran@co.clackamas.or.us](mailto:SCurran@co.clackamas.or.us)>; Englebert, Erik <[EEnglebert@clackamas.us](mailto:EEnglebert@clackamas.us)>  
**Cc:** Bell, Cheryl <[CBell@clackamas.us](mailto:CBell@clackamas.us)>; Hamburg, Glen <[GHamburg@clackamas.us](mailto:GHamburg@clackamas.us)>  
**Subject:** Development Review Coordination Team: Eagle Creek Mass Timber Project

Hello Team,

Glen Hamburg, a Senior Planner here in the Planning department, gave me the heads up about an upcoming project that (per Jennifer Hughes) will require the Development Review Coordination Team's involvement. It is a large scale Mass Timber industrial development near Estacada off Eagle Creek Road. Glen has summarized the project below. Apparently, Economic Development staff have been involved with this one already and a 'pre' pre-app meeting has already been held. As such, at this point, we would just want to make sure we can all attend the formal pre-application meeting that Glen has tentatively scheduled for Thursday February 20<sup>th</sup> from 1:00-2:30pm. Could you please get back to me ASAP and let me know your availability for this pre-app meeting? Thank you!

Melissa

This is a pre-application conference for a property at 25720 SE Eagle Creek Rd (Tax Lot 34E05 01400). In order for multiple entities to use the property for industrial activities associated with mass timber (CLT) production, the pre-applicant is considering the following:

**Exhibit 1**

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

**Page 651 of 747**

1. A Comprehensive Plan Map amendment and **zone change** from *Rural Residential Farm Forest 5-Acre* (RRFF-5) to *Rural Industrial* (RI)
2. A two-parcel **partition**
3. **Design Review** for the renovation of an existing 24,000 ft<sup>2</sup> warehouse, two proposed shops, and a parking area

We can use your expertise at the pre-app particularly to address these concerns:

**Engineering:**

- Scoping the TPR traffic study necessary for the zone change
- Determining the number and location of allowable driveways for resulting parcels
- Identifying any frontage improvements that will be needed

**Building Codes:**

- Explaining what will be required to use the existing warehouse for CLT-related industrial activities
- Explaining how the two new proposed buildings might need to be constructed to be used for similar purposes

**Soils:**

- Explaining septic system requirements for the uses, considering the potential two-parcel partition

**Fire District:**

- Explaining buildings' fire suppression requirements
- Outlining emergency vehicle access and turn-around requirements

**Planning:**

- (Glen Hamburg) Explaining the requirements for the Comprehensive Plan Map amendment and zone change
- (Ben Blessing) Explaining the partition process and the requirements for the two-parcel partition in the prospective RI District
- (Anthony Riederer) Introducing the Design Review process and highlighting key requirements related to building design, landscaping, parking areas, etc.

Melissa Ahrens

Senior Planner

Clackamas County Planning and Zoning Division

150 Beavercreek Road

Oregon City, OR 97045

[MAhrens@co.clackamas.or.us](mailto:MAhrens@co.clackamas.or.us)

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

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

Page 652 of 747



## Hamburg, Glen

---

**From:** Hamburg, Glen  
**Sent:** Friday, February 7, 2020 7:41 AM  
**To:** 'Russ Brotnov'  
**Subject:** RE: Eagle Creek Property

Good morning Russ,

We of course have a pre-application conference scheduled for **1:00-2:30 on Thursday, February 20**, and will be able to address questions in greater detail then. In the meantime, here are some initial thoughts (in red below) on the two specific questions you asked last week.

---

1. Rural Industrial 4.MM.3.2 Under the abandoned mill provisions. Records show that mill was sold in 1978 to Plywood Equipment Sales company. In 1982 Conditional Use permit was granted for log storage, hog fuel processing, in 1987 a Minor Modification was granted for Log storage and portable sawmill operation. Does this meet requirements?

Firstly, note that the 1982 conditional use permit (File No. 169-82-C) and the 1987 modification to that permit (letter dated July 2, 1987) were for new (i.e., post-1980) mill-related operations on what is now a separate lot of record (Tax Lot 34E05-04102), not the property you are not looking to do a zone change for.

Comprehensive Plan Policy 4.MM.3.2 provides an opportunity to zone an “abandoned or diminished mill site”, as defined in the Zoning and Development Ordinance (ZDO), as Rural Industrial (RI). ZDO Section 202 defines “mill site, abandoned or diminished” as:

*A mill, plant, or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp, and paper, that:*

- 1. Is located outside of urban growth boundaries;*
- 2. Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and*
- 3. Contains or contained permanent buildings used in the production or manufacturing of wood products.*

The subject property is located outside of an urban growth boundary and does appear to contain (or at least to have once contained) a permanent building used in the production of wood products; so, two of the three above requirements for being classified as an “abandoned or diminished mill site” may be able to be met.

However, Staff doesn't know when mill operations on the subject property closed, nor do we know the percentage of the capacity at which any currently-functioning mill has been operating since January 1, 2003. These details are something that the applicant for the zone change under Policy 4.MM.3.2 will need to provide evidence for. Demonstrating ongoing but reduced capacity will require the applicant to explain what the total operating capacity of the mill was previously, as well as the operating levels currently and since January 1, 2003. To be clear, the “operations” we're referring to are the processing and manufacturing of wood products (i.e., not just unrelated storage); I'm not sure

Exhibit F  
20155-21-M; 20156-21-CP; 20157-21-ZAP

whether the subject property has been used for any processing or ...anufacturing of wood products since 2003.

Importantly, only the portion of the property that was “improved for the processing or manufacturing of wood products” can be zoned RI under Policy 4.MM.3.2. A zone change under this policy may not allow you to rezone all of the subject property to RI unless you can show that all of the property was “improved for the processing or manufacturing of wood products”.

In addition to industrial uses, the RI District normally allows for certain commercial retail uses, accessory “caretaker” dwellings, and other uses, as listed in [ZDO Section 604](#). However, state law, specifically [ORS 197.719\(6\)\(b\)](#), prohibits a property that is rezoned to RI under this abandoned/diminished mill site provision from being used for “retail, commercial or residential development”, meaning that if you were to pursue a zone change to RI according to the abandoned/diminished mill site provision in Policy 4.MM.3.2, you wouldn’t be able to use the property for all of the uses normally allowed in the RI District. Perhaps you don’t intend to use the property for any of these types of uses yourself, but that restriction will “ride with the property”, no matter who owns it.

Rather than pursuing a zone change under the abandoned or diminished mill site provision in 4.MM.3.2, **it *may* be easier to show an “historical commitment to industrial uses”** under Policy 4.MM.3.1, particularly if you’re not able to demonstrate when mill operations on the subject property closed or what the current operating capacity of a mill there is compared to historic levels. The “historical commitment” pathway isn’t tied to any specific dates or operating levels. It just requires you to show that the area you want to rezone has an historical commitment to some industrial use (e.g., milling, wholesaling, associated storage). Going this route would also allow the property to be used for those retail, commercial, and residential uses normally allowed in the RI District by Section 604. We can discuss this further during the pre-application conference.

2. Historical photos show use of the property north of the drainage ditch used for industrial purposes in 1970 through 1976, does this allow for its inclusion in the industrial zoning?

We can’t make this determination before consideration of a formal application. However, if an application can sufficiently demonstrate that the area north of the drainage ditch has an “historical commitment to industrial uses”, it may qualify. The 1970s aerial photos we provided could help, but the applicant will need to explain what is in those photos and how long that area was used for certain industrial uses. The property’s current owner, the broker, neighbors, and/or the successful applicants of the RRFF-5 > RI zone change of the property to the south may be able to provide some useful information on that.

---

### Glen Hamburg

Senior Planner  
Clackamas County Planning & Zoning  
150 Beavercreek Rd  
Oregon City, OR 97045  
Tel: 503.742.4523  
General Schedule: Tuesday-Friday, 7am-5:30pm



---

**From:** Fritzie, Martha

**Sent:** Thursday, January 30, 2020 9:00 AM

**To:** Dicke, Samuel <[SDicke@clackamas.us](mailto:SDicke@clackamas.us)>; Russ@carpentryplusinc.com; Hamburg, Glen <[GHamburg@clackamas.us](mailto:GHamburg@clackamas.us)>

**Subject:** RE: Eagle Creek Property

Hi Russ. Glen Hamburg is going to give you a call to discuss your questions. Although I will be involved, Glen will actually be taking the lead on your land use application so I want to be sure you are getting answers directly from him.

Martha

\*\*\*\*\*

Martha Fritzie, Senior Planner

Clackamas County DTD | Planning & Zoning Division

150 Beaver Creek Road | Oregon City, OR 97045

(503) 742-4529

Office hours 8:00am to 6:00pm | Monday - Thursday

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---

**From:** Martha Fritzie [<mailto:mertnix@comcast.net>]

**Sent:** Wednesday, January 29, 2020 5:09 PM

**To:** Fritzie, Martha <[MFritzie@clackamas.us](mailto:MFritzie@clackamas.us)>

**Subject:** Fwd: Eagle Creek Property

Sent from my iPhone

Begin forwarded message:

**From:** "Dicke, Samuel" <[SDicke@clackamas.us](mailto:SDicke@clackamas.us)>

**Date:** January 29, 2020 at 1:46:39 PM PST

**To:** Martha Fritzie <[mertnix@comcast.net](mailto:mertnix@comcast.net)>

**Subject:** FW: Eagle Creek Property

Hey Martha,

Got this question from Russ with Carpentry Plus, he was wondering if these would essentially prove the case that the case that this was an abandoned log mill? He also was wondering if you would be available to speak about it for a few minutes!

Let me know your thoughts!



Thanks again,  
Sam

---

**From:** Russ Brotnov <[Russ@carpentryplusinc.com](mailto:Russ@carpentryplusinc.com)>  
**Sent:** Wednesday, January 29, 2020 1:43 PM  
**To:** Dicke, Samuel <[SDicke@clackamas.us](mailto:SDicke@clackamas.us)>  
**Subject:** Re: Eagle Creek Property

Thanks for the call Samuel.

Here is a couple questions that would be a great help if we could get some clarity on.

1. Rural Industrial 4.MM.3.2 Under the abandoned mill provisions. Records show that mill was sold in 1978 to Plywood Equipment Sales company. In 1982 Conditional Use permit was granted for log storage, hog fuel processing, in 1987 a Minor Modification was granted for Log storage and portable sawmill operation. Does this meet requirements?
2. Historical photos show use of the property north of the drainage ditch used for industrial purposes in 1970 through 1976, does this allow for its inclusion in the industrial zoning?

Thank you,  
Russ Brotnov  
CEO//Carpentry Plus Inc  
503.708.3611

---

**From:** Dicke, Samuel <[SDicke@clackamas.us](mailto:SDicke@clackamas.us)>  
**Sent:** Wednesday, January 29, 2020 11:49:28 AM  
**To:** Russ Brotnov <[Russ@carpentryplusinc.com](mailto:Russ@carpentryplusinc.com)>  
**Subject:** RE: Eagle Creek Property

Hi Russ,

I just spoke with our planning director. Because the pre-application is sent to about 6 different agencies, they tend to take some time getting schedule. I was told it would be about 2 weeks until everyone has had a chance to review and submit comments back. It would be great to get you guys in next week, but given the current work load, and coordinating multiple peoples schedules, I would plan on mid-February before the meeting. In addition, I was told to submit all of those documents Glen and Martha provided in the pre-app and the presentation (attached here) to help speed the process along.

Thank you,  
Sam

---

**From:** Russ Brotnov <[Russ@carpentryplusinc.com](mailto:Russ@carpentryplusinc.com)>  
**Sent:** Wednesday, January 29, 2020 8:09 AM  
**To:** Dicke, Samuel <[SDicke@clackamas.us](mailto:SDicke@clackamas.us)>  
**Subject:** Re: Eagle Creek Property

Good morning Samuel,  
Monday or Tuesday would be best.

We are submitting our Pre-App today. I know it's a stretch, but can we do our Pre-app meeting next week? Friday is or deadline for a non-refundable deposit on the property. I appreciate your help!

Thank you,  
Russ Brotnov  
CEO//Carpentry Plus Inc.  
503.708.3611

---

**From:** Dicke, Samuel <[SDicke@clackamas.us](mailto:SDicke@clackamas.us)>  
**Sent:** Tuesday, January 28, 2020 1:55:18 PM  
**To:** Russ Brotnov <[Russ@carpentryplusinc.com](mailto:Russ@carpentryplusinc.com)>  
**Subject:** Re: Eagle Creek Property

Hi Russ,

Given the timeframe and getting MacKenzie on board, I think we will need a bit more time to get them set up. We are having a call with them tomorrow to finalize the scope of work, and then we will be able to move forward. How does next week for you work? We are happy to meet out in Sandy at your shop, and then move down to Eagle Creek to look at the site.

Thanks,  
Sam

Sent from my iPad

On Jan 24, 2020, at 10:22 AM, Russ Brotnov <[Russ@carpentryplusinc.com](mailto:Russ@carpentryplusinc.com)> wrote:

Good morning Samuel,  
Here is the form for grant.  
Please push this along.

Thank you,  
Russ Brotnov  
CEO//Carpentry Plus Inc  
503.708.3611

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---

---

Spam Email

Phishing Email

## Hamburg, Glen

---

**From:** Russ Brotnov <Russ@carpentryplusinc.com>  
**Sent:** Tuesday, February 4, 2020 2:08 PM  
**To:** Hamburg, Glen  
**Subject:** Re: Eagle Creek Property

Good afternoon Glen,  
I understand your situation and appreciate your feedback.  
Look forward to hearing from you.

Thank you,  
Russ Brotnov  
CEO//Carpentry Plus Inc.  
503.708.3611

---

**From:** Hamburg, Glen <GHamburg@clackamas.us>  
**Sent:** Tuesday, February 4, 2020 1:56 PM  
**To:** Russ Brotnov  
**Subject:** RE: Eagle Creek Property

Hi Russ,

I haven't overlooked your messages and am currently drafting a response.

I won't be able to say whether any particular case does or does not satisfy the approval criteria for a zone change before seeing (and publically noticing) a complete, formal application. Indeed, it will ultimately be up to the Board of County Commissioners to decide whether the approval criteria are met.

However, I hope to have some general thoughts to you in the next couple days and certainly will at our pre-application conference scheduled for **1:00pm on February 20<sup>th</sup>**.

Thanks for your patience,

**Glen Hamburg**

Senior Planner  
Clackamas County Planning & Zoning  
150 Beavercreek Rd  
Oregon City, OR 97045  
Tel: 503.742.4523  
General Schedule: Tuesday-Friday, 7am-5:30pm



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**Sent:** Tuesday, February 4, 2020 8:22 AM  
**To:** Hamburg, Glen <[GHamburg@clackamas.us](mailto:GHamburg@clackamas.us)>  
**Subject:** Fwd: Eagle Creek Property

Good morning Glen,

Hope you had a great weekend!

I was wanting to follow up on our conversation from last week.

This Friday we have a large non refundable deposit due on the property and I was hoping to have your feedback before I committed the funds. Is that a possibility?

Thanks for your help!

Thank you,  
Russ Brotnov  
CEO//Carpentry Plus Inc.  
503.708.3611

---

**From:** Russ Brotnov <[Russ@carpentryplusinc.com](mailto:Russ@carpentryplusinc.com)>  
**Sent:** Wednesday, January 29, 2020 1:42:46 PM  
**To:** Dicke, Samuel <[SDicke@clackamas.us](mailto:SDicke@clackamas.us)>  
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**Subject:** RE: Eagle Creek Property

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**Exhibit 1**

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

**Page 660 of 747**

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503.708.3611

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**Exhibit 1**  
**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

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---

Spam Email

Phishing Email



# LAND USE APPLICATION RESEARCH FORM

File No: ZPAC0013-20 Planner: Glen Hamburg  
 Zone: Current: RPPF-5 Lot of Record: Yes ☒ No ☐  
 Legal Description: T 3 S, R 4 E, Section 05, W.M. Tax Lot(s) 4100

Other Land Use Applications: History Files ☒ Accela ☐ Rolodex ☐ Microfilm ☐ AppXtender ☒  
 and File Numbers: ENCU-8-74, C-169-82  
(See also Z 0202-91-C; Z 0578-91-M; Z 0716-02-CP)

Y N File # (if applicable) and comments:

UGMA/IGA:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<del>One-Mile Rule:</del>	<input type="checkbox"/>	<input type="checkbox"/>	N/A
Measure 49	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Open Space 1011 <small>(see Comp Plan Map 4-6)</small>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Flood Hazard Dev 703	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
RSCA/PRCA 704	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Willamette RG 705	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
HCAD 706	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Historic Overlay 707	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
MAO 708	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
WQRAD 709	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport 712 or 713	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Slopes, 20 – 35%, >35% <small>(see 1002)</small>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Landslide Hazards: <small>(see 1002/1003)</small>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Buffers CCSD1/SWMAcc	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Ground Water Limited	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
NWI - Wetlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Tree Removal 1002.03	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Big Game W. R.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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September 2<sup>nd</sup>, 2021

Melissa Ahrens  
Senior Planner  
Clackamas County Planning and Zoning Division  
150 Beaver Creek Road  
Oregon City, OR 97045  
MAhrens@co.clackamas.or.us

Partition, Comp Plan Amendment and Rezone Regarding 25720 SE Eagle Creek Road

Dear Melissa,

3J Consulting has reviewed the County's April 27<sup>th</sup>, 2021 Incompleteness Determination letter regarding the Comp Plan Amendment, Rezone, and 2-Lot Partition of 25720 SE Eagle Creek Road in Clackamas County, Oregon (Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP). A revised land use application addressing the County's comments has been submitted with this letter to the County. The submittal materials have been revised to reflect the information requested in order to initiate the County's formal review of the application. A summary of the key issues raised by staff have been provided below with a response from the applicant following each item.

1. Findings demonstrating adequate on-site water service. It appears that a well is located on the property per the well records submitted with the application, however, it is unclear if the well has the capacity to serve industrial uses proposed in the Comprehensive Plan Amendment and Zone change. Pursuant to the requirements of Statewide Goal 6, Section 1307.07(C)(1)(c) of the Zoning and Development Ordinance (ZDO), Chapter 3, and Chapter 4 of the County's Comprehensive Plan, and Zoning and Development Ordinance Section 1105.02(A), please submit information regarding the status and location of the well(s), including the following:
  - a. Please provide qualitative and quantitative information regarding the anticipated industrial use's water requirements. The well record appears to be from the 1950's and the Gallons per minute is listed as 105-120 GPM, or 15,200 to 172,800 gallons per day. Is there an anticipated Gallon Per Day range the industrial use is expected to require? Please confirm if the existing well can provide all of the water required by the proposed industrial businesses on each future property.
  - b. The use of the water on the well record is listed as only for the 'Log Pond' and not any industrial buildings. Additionally, the water rights permit from the state (G-168) attached only authorizes .1 cubic ft. per second of water usage for 'log pond maintenance'. As such, is there a more current record/well log or communication from the State Department of Water resources that can demonstrate that the well could be used for the proposed industrial uses? Would the current .1 cubic foot per second water right be adequate for the proposed industrial uses or would additional state permitting be required?

**Applicants Response:** The Northern lot will have 4-5 employees and the southern lot will have 10-12. Water usage will be limited to only office consumption, and there will be no irrigation or industry activities conducted on the premises that would require a heavier water supply. The well itself is located on the southern legal lot, and the northern lot will use an easement to gain access to this well. The location of the well, well radius, and easement have been marked on the revised



plans submitted concurrently with this letter. Additionally, pump and well flow tests were conducted on the well – documents pertaining thereto have been provided concurrently with this letter. Well sample results have also been provided to provide the County with as much detail as possible regarding the subject well. All documents pertaining to well water are included in Appendix “A” If the location or width of the well easement shown must be modified to meet County standards, the Applicant anticipates that this change can be must via a condition of approval.

2. Septic feasibility. There were communication records with the septic department submitted with the application, however, for a complete application we would need site evaluations from the septic department. Specifically, as communicated during the pre-app meeting, site evaluations are only available from the 1980s for the NE corner of the triangle area of the property. Since the property is being divided, we would need one evaluation per legal lot (created by partition), as required by state law. As such, to comply with the submittal requirements of ZDO Section 1307.07(C)(1)(c) and 1105.02(B), please submit a site evaluation from the County’s septic department demonstrating septic feasibility on site for the proposed industrial use for each property proposed in the partition.

**Applicants Response:**

Lot #1: Onsite Wastewater Systems program staff completed an evaluation for the southern property, which is attached within Appendix “B”. The approval area for septic is centrally located on the southern lot to be created from the partition.

Lot #2: Per pre-application conference notes regarding the subject proposal dated February 20<sup>th</sup>, 2020 (ZPAC0013-20), Aaron Dennis with County Septic indicated that a valid historical evaluation already exists for the northern parcel. The Applicant obtained this document from Aaron Dennis and has been submitted within Appendix “B” as well.

Septic

**Aaron Dennis (Septic):** Site evaluations are only available from the 1980s for the NE corner of the triangle area of property. Since property is being divided, Septic would need one evaluation per legal lot (created by partition), as required by state law. If zoned Rural Industrial then we have a holding tank option, with holding tank limits are 15gal/day/employee shift- up to 195 gallon maximum. Over (generally) 200 gallons then state needs to approve holding tank. Soils are fairly decent on the north end of the property, but very wet down by the pond.

**G.H. (Planning):** We would need to understand the septic capacity for the Comp Plan amendment/zone change application and we will also need a septic feasibility statement for the partition application.

**A.D. (septic):** Right, we already have a historical evaluation that will stand for the north property, but would need a new septic evaluation for a southern lot (created by partition).

Figure 1: Excerpt from ZPAC0013-20 Notes

Sheet #C200 of the revised plans provided in Appendix “E” show a) the location of the proposed septic drainfield from the recent site evaluation on Lot 1; and b) the location of the septic drainfield test locations from the historical evaluation on Lot 2.

3. On Site Surfacewater management statement of feasibility. Please submit a signed statement of surfacewater management feasibility from County engineering staff per the requirements of ZDO section 1105.02 (B).

**Applicants Response:** A statement of feasibility regarding onsite surface water has been obtained from County engineering staff per the requirements of ZDO section 1105.02(B). It has been submitted alongside this memo as Appendix "C".


4. Wetland Delineation. The property contains regulatory wetlands onsite per the offsite wetland determination' from DSL submitted with the application, however, this is a preliminary determination and it states that a wetland delineation by a qualified consultant would be required by the state prior to development. Given the presence of regulatory wetland in the area of the log pond and possibly in a drainage channel on site, a wetland delineation by a qualified consultant would be required to complete the partition application per the requirements of 1105.02(A) 14 and 20 and the Comp. Plan Amendment Zone Change Applications per Policy 25 of Chapter 3 and ZDO Section 1307.07(C)(1)(c).

**Applicants Response:** A preliminary wetland delineation report is being submitted alongside this memo. Per email correspondence, the County will accept a preliminary wetland delineation report to be submitted concurrently with submittal to the Department of State Lands to meet their review requirements. This report has been provided as Appendix "D".

5. Revised Preliminary Plat Site Plan. The proposed site plan needs to be revised to show the location of the existing and proposed septic systems as verified by Septic Statements of Feasibility/Site Evaluations, the 100' well radius and proposed location of the access for the new lot, and the delineated wetlands based on No. 4 above, per the submittal requirements of 1105.02(A).

**Applicants Response:** The preliminary plat/site plan has been revised to show all of the above-mentioned items. It has been submitted alongside this memo as Appendix "E".

Sincerely,



Carlos Callava

Planner

3J Consulting, Inc.



**Clackamas County Planning and Zoning Division  
Department of Transportation and Development**

Development Services Building  
150 Beaver Creek Road | Oregon City, OR 97045  
503-742-4500 | [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us)  
[www.clackamas.us/planning](http://www.clackamas.us/planning)

## **NOTICE OF INCOMPLETE APPLICATION**

FILE NUMBER: Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP  
APPLICATION TYPE: Comprehensive Plan Amendment/Zone Change  
STAFF CONTACT: [Mahrens@clackamas.us](mailto:Mahrens@clackamas.us); 503-742-4519  
DATE OF APPLICATION SUBMITTAL: April 7th, 2021  
180 DAYS FROM DATE OF APPLICATION SUBMITTAL: October 4th, 2021  
DATE DEEMED INCOMPLETE : April 27<sup>th</sup>, 2021  
DATE OF CERTIFIED MAILING OF THIS NOTICE: April 29<sup>th</sup>, 2021

---

### **MISSING INFORMATION REQUIRED FOR A COMPLETE APPLICATION:**

1. Findings demonstrating adequate on-site water service. It appears that a well is located on the property per the well records submitted with the application, however, it is unclear if the well has the capacity to serve industrial uses proposed in the Comprehensive Plan Amendment and Zone change. Pursuant to the requirements of Statewide Goal 6, Section 1307.07(C)(1)(c) of the Zoning and Development Ordinance (ZDO), Chapter 3, and Chapter 4 of the County's Comprehensive Plan, and Zoning and Development Ordinance Section 1105.02(A), please submit information regarding the status and location of the well(s), including the following:
  - a. Please provide qualitative and quantitative information regarding the anticipated industrial use's water requirements. The well record appears to be from the 1950's and the Gallons per minute is listed as 105-120 GPM, or 15,200 to 172,800 gallons per day. Is there an anticipated Gallon Per Day range the industrial use is expected to require? Please confirm if the existing well can provide all of the water required by the proposed industrial businesses on each future property.
  - b. The use of the water on the well record is listed as only for the 'Log Pond' and not any industrial buildings. Additionally, the water rights permit from the state (G-168) attached only authorizes .1 cubic ft. per second of water usage for 'log pond maintenance'. As such, is there a more current record/well log or communication from the State Department of Water resources that can demonstrate that the well could be used for the proposed industrial uses? Would the current .1 cubic foot per second water right be adequate for the proposed industrial uses or would additional state permitting be required?
2. Septic feasibility. There were communication records with the septic department submitted with the application, however, for a complete application we would need site evaluations from the septic department. Specifically, as communicated during the pre-app meeting, site evaluations are only available from the 1980s for the NE corner of the triangle area of the property. Since the property is being divided, we would need one evaluation per legal lot (created by partition), as required by state law. As such, to comply with the submittal requirements of ZDO Section

1307.07(C)(1)(c) and 1105.02(B), please submit a site evaluation from the County's septic department demonstrating septic feasibility on site for the proposed industrial use for each property proposed in the partition.

3. On Site Surfacewater management statement of feasibility. Please submit a signed statement of surfacewater management feasibility from County engineering staff per the requirements of ZDO section 1105.02 (B).
4. Wetland Delineation. The property contains regulatory wetlands onsite per the offsite wetland determination' from DSL submitted with the application, however, this is a preliminary determination and it states that a wetland delineation by a qualified consultant would be required by the state prior to development. Given the presence of regulatory wetland in the area of the log pond and possibly in a drainage channel on site, a wetland delineation by a qualified consultant would be required to complete the partition application per the requirements of 1105.02(A) 14 and 20 and the Comp. Plan Amendment Zone Change Applications per Policy 25 of Chapter 3 and ZDO Section 1307.07(C)(1)(c).
5. Revised Preliminary Plat Site Plan. The proposed site plan needs to be revised to show the location of the existing and proposed septic systems as verified by Septic Statements of Feasibility/Site Evaluations, the 100' well radius and proposed location of the access for the new lot, and the delineated wetlands based on No. 4 above, per the submittal requirements of 1105.02(A).

### **IMPORTANT**

**Your application will be deemed complete, if, within 180 days of the date the application was first submitted, 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.**

**If any one of these options is chosen within 180 days of the date of the initial submittal, approval or denial of your application will be subject to the relevant criteria in effect on the date the application was first submitted.**

## NOTICE

Your application will be considered Void if, on the 181<sup>st</sup> day after the date the application was first submitted, you have been mailed this notice and have not provided the information requested in Options 1 – 3 above. In this case, no further action will be taken on your application.

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

Carlos Callava

Print Name

September 1st, 2021

Date





Olsen Well Drilling & Pump

P.O. Box 505  
Gresham, OR 97030

# Invoice

Date	Invoice #
1/14/2020	873

**PAID**

Bill To

Matt Sanford  
25720 SE Eagle Creek Rd  
Eagle Creek, OR

P.O. No.	Terms	Due Date	Account #	Project
	Due on receipt	1/14/2020		
Description		Qty	Rate	Amount
Olsen Well Drilling & Pump flow tested the well located at 25720 SE Eagle Creek Rd for two hours. The static water level was 163.7 feet. The well was pumped at 18.5 gallons per minute for the full duration of the test. The water level drew down and stabilized at 173.6 feet.  The well appears to be 10" casing with 3" drop pipe. The sticker says the pump is a 2 HP 480 volt 3 phase pump installed in 1991. The pressure tank is failing and should be replaced. The water has hydrogen sulfide in it.				
Due on completion. 1.5% finance charge. Thank you for your business			<b>Total</b>	\$0.00
			<b>Payments/Credits</b>	\$0.00
			<b>Balance Due</b>	\$0.00

Phone #
503-665-3353



**Cover Letter**

Ted Pulliam Well Drilling  
Adele or Adam  
P.O. Box 505  
Gresham, OR 97030  
United States

Dear Adele or Adam,

Enclosed please find Pixis Labs analytical report for samples received as order number 20-000557 on 01/14/2020 at 13:05. Should you have any questions about this report or any other matter, please do not hesitate to contact us. We are here to help you.

Test results relate only to the parameters tested and to the samples as received by the laboratory. Test results meet all requirements of NELAP and the Pixis quality assurance plan unless otherwise noted. This report shall not be reproduced, except in full, without the written consent of this laboratory. Samples will be retained for a maximum of 30 days from the receipt date unless prior arrangements have been made.

Nitrate analysis was subcontracted to BSK Associates in Vancouver, WA. Please see attached report for results.

NOTE: Some of all of this analysis was subcontracted to BSK Associates in Vancouver, WA. BSK Associates is an ORELAP accredited laboratory.

Thank you for allowing Pixis to be of service to you, we appreciate your business.

Sincerely,

Derrick Tanner  
General Manager



**Report Number:** 20-000557/D02.R00  
**Report Date:** 01/23/2020  
**ORELAP#:** OR100028  
**Purchase Order:**  
**Project Name:** Matt Sanford  
**Project No:** 25720 SE Eagle Cree

### Sample Results

<b>Sample:</b> Tank Hose Bib	Collected: 1/14/20 11:30	Temp: 11 °C	Matrix:
Lab ID: 20-000557-0001	Received: 1/14/20 13:05	Evidence of Cooling: Y	Drinking Water

#### Method: EPA200.8

Analyte	Result	Limit	Units	LOQ	Dil.	Batch	Start/Extract	Analyzed	Notes
Arsenic	0.0033	0.010	mg/l	0.0005	1.00	2000499		01/16/20 14:07	

#### Method: SM9223BColilert18

Analyte	Result	Limit	Units	LOQ	Dil.	Batch	Start/Extract	Analyzed	Notes
E. coli	Absent	Absent	/100 mL		1.00	2000376	01/14/20 17:55	01/15/20 12:22	
Total Coliform	Absent		/100 mL		1.00	2000376	01/14/20 17:55	01/15/20 12:22	

#### Units of Measure

mg/l = Milligram per liter

/100 mL = Per 100 milliliter

#### Abbreviations

LOQ Limit of quantification



**Report Number:** 20-000557/D02.R00  
**Report Date:** 01/23/2020  
**ORELAP#:** OR100028  
**Purchase Order:**  
**Project Name:** Matt Sanford  
**Project No:** 25720 SE Eagle Cree



BSK Associates Vancouver  
2517 E. Evergreen Blvd.  
Vancouver, WA 98661  
360-750-0055 (Main)  
360-750-0057 (FAX)

**VDA0268**  
1/22/2020  
Invoice: VD00158

Mark Leed  
Pixis Laboratories  
12423 NE Whitaker Way  
Portland, OR 97230

RE: Report for VDA0268 Subcon for DW and Wastewater

Dear Mark Leed,

Thank you for using BSK Associates for your analytical testing needs. In the following pages, you will find the test results for the samples submitted to our laboratory on 1/15/2020. The results have been approved for release by our Laboratory Director as indicated by the authorizing signature below.

The samples were analyzed for the test(s) indicated on the Chain of Custody (see attached) and the results relate only to the samples analyzed. BSK certifies that the testing was performed in accordance with the quality system requirements specified in the 2009 TNI Standard. Any deviations from this standard or from the method requirements for each test procedure performed will be annotated alongside the analytical result or noted in the Case Narrative. Unless otherwise noted, the sample results are reported on an "as received" basis.

This certificate of analysis shall not be reproduced except in full, without written approval of the laboratory.

If additional clarification of any information is required, please contact your Project Manager, Debra Karlsson, at (360) 750-0055.

Thank you again for using BSK Associates. We value your business and appreciate your loyalty.

Sincerely,

Debra Karlsson, Project Manager



Accredited in Accordance with NELAP  
ORELAP #WA100008-010

*The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.*

VDA0268 FINAL 01222020 1621

[www.BSKAssociates.com](http://www.BSKAssociates.com)

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**Report Number:** 20-000557/D02.R00  
**Report Date:** 01/23/2020  
**ORELAP#:** OR100028  
**Purchase Order:**  
**Project Name:** Matt Sanford  
**Project No:** 25720 SE Eagle Cree



Case Narrative

**VDA0268**  
Subcon for DW and Wastewater

Project and Report Details		Invoice Details	
Client:	Pixis Laboratories	Invoice To:	Pixis Laboratories
Report To:	Mark Leed	Invoice Attn:	Shallah Gale
Project #:	20-000557	Project PO#:	-
Received:	1/15/2020 - 14:20		
Report Due:	1/22/2020		

Sample Receipt Conditions

Cooler: Default Cooler  
Temperature on Receipt °C : 6.6

Containers Intact  
COC/Labels Agree  
Received On Blue Ice  
Packing Material - Other  
Sample(s) were received in temperature range.  
Initial receipt at BSK-VAL

Data Qualifiers

The following qualifiers have been applied to one or more analytical results:

\*\*\*None applied\*\*\*

Report Distribution

Recipient(s)	Report Format	CC:
Mark Leed	FINAL.RPT	

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VDA0268 FINAL 01222020 1621

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**Report Number:** 20-000557/D02.R00  
**Report Date:** 01/23/2020  
**ORELAP#:** OR100028  
**Purchase Order:**  
**Project Name:** Matt Sanford  
**Project No:** 25720 SE Eagle Cree



**VDA0268**

Subcon for DW and Wastewater  
20-000557

**Certificate of Analysis**

Sample ID: VDA0268-01  
Sampled By: Client  
Sample Description: Tank Hose Bib - 20-000557

Sample Date - Time: 01/14/2020 - 11:30  
Matrix: Drinking Water  
Sample Type: Investigative

BSK Associates Vancouver  
General Chemistry

Analyte	Method	Result	RL	Units	RL Mult	Batch	Prepared	Analyzed	Qual
Nitrate as N	EPA 300.0	ND	0.50	mg/L	1	VDA0051	01/15/20 16:17	01/15/20	

*The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.*

VDA0268 FINAL 01222020 1621

[www.BSKAssociates.com](http://www.BSKAssociates.com)

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Order 20-000557-0001

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**Report Number:** 20-000557/D02.R00  
**Report Date:** 01/23/2020  
**ORELAP#:** OR100028  
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**Project Name:** Matt Sanford  
**Project No:** 25720 SE Eagle Cree



**VDA0268**  
Subcon for DW and Wastewater

BSK Associates Vancouver  
General Chemistry Quality Control Report

Analyte	Result	RL	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Date Analyzed	Qual
EPA 300.0 - Quality Control											
Batch: VDA0051										Prepared: 1/15/2020	
Prep Method: Method Specific Preparation										Analyst: PYA	
Blank (VDA0051-BLK1)											
Nitrate as N	ND	0.50	mg/L							01/15/20	
Blank Spike (VDA0051-BS1)											
Nitrate as N	2.9	0.50	mg/L	3.0	ND	98	90-110			01/15/20	
Matrix Spike (VDA0051-MS1), Source: VDA0254-01											
Nitrate as N	3.2	0.50	mg/L	3.0	ND	98	80-120			01/15/20	
Matrix Spike Dup (VDA0051-MSD1), Source: VDA0254-01											
Nitrate as N	3.2	0.50	mg/L	3.0	ND	99	80-120	1	20	01/15/20	

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

VDA0268 FINAL 01222020 1621

[www.BSKAssociates.com](http://www.BSKAssociates.com)

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Order 20-000557-0001

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**Report Number:** 20-000557/D02.R00  
**Report Date:** 01/23/2020  
**ORELAP#:** OR100028  
**Purchase Order:**  
**Project Name:** Matt Sanford  
**Project No:** 25720 SE Eagle Cree



**VDA0268**

Subcon for DW and Wastewater

## Certificate of Analysis

### Notes:

- The Chain of Custody document and Sample Integrity Sheet are part of the analytical report.
- Any remaining sample(s) for testing will be disposed of according to BSK's sample retention policy unless other arrangements are made in advance.
- All positive results for EPA Methods 504.1 and 524.2 require the analysis of a Field Reagent Blank (FRB) to confirm that the results are not a contamination error from field sampling steps. If Field Reagent Blanks were not submitted with the samples, this method requirement has not been performed.
- Samples collected by BSK Analytical Laboratories were collected in accordance with the BSK Sampling and Collection Standard Operating Procedures.
- J-value is equivalent to DNQ (Detected, not quantified) which is a trace value. A trace value is an analyte detected between the MDL and the laboratory reporting limit. This result is of an unknown data quality and is only qualitative (estimated). Baseline noise, calibration curve extrapolation below the lowest calibrator, method blank detections, and integration artifacts can all produce apparent DNQ values, which contribute to the un-reliability of these values.
- (1) - Residual chlorine and pH analysis have a 15 minute holding time for both drinking and waste water samples as defined by the EPA and 40 CFR 136. Waste water and ground water (monitoring well) samples must be field filtered to meet the 15 minute holding time for dissolved metals.
- Field tests are outside the scope of laboratory accreditation and there is no certification available for field testing.
- Summations of analytes (i.e. Total Trihalomethanes) may appear to add individual amounts incorrectly, due to rounding of analyte values occurring before or after the total value is calculated, as well as rounding of the total value.
- RL Multiplier is the factor used to adjust the reporting limit (RL) due to variations in sample preparation procedures and dilutions required for matrix interferences.
- Due to the subjective nature of the Threshold Odor Method, all characterizations of the detected odor are the opinion of the panel of analysts. The characterizations can be found in Standard Methods 2170B Figure 2170:1.
- The MCLs provided in this report (if applicable) represent the primary MCLs for that analyte.
- (2) - Formerly known as Bis(2-Chloroisopropyl) ether.

### Definitions

mg/L:	Milligrams/Liter (ppm)	MDL:	Method Detection Limit	MDA95:	Min. Detected Activity
mg/Kg:	Milligrams/Kilogram (ppm)	RL:	Reporting Limit: DL x Dilution	MPN:	Most Probable Number
µg/L:	Micrograms/Liter (ppb)	ND:	None Detected below MRL/MDL	CFU:	Colony Forming Unit
µg/Kg:	Micrograms/Kilogram (ppb)	pCi/L:	PicoCuries per Liter	Absent:	Less than 1 CFU/100mLs
%:	Percent	RL Mult:	RL Multiplier	Present:	1 or more CFU/100mLs
NR:	Non-Reportable	MCL:	Maximum Contaminant Limit	U:	The analyte was not detected at or above the reported sample quantitation limit.

Please see the individual Subcontract Lab's report for applicable certifications.

BSK is not accredited under the NELAP program for the following parameters : \*\*NA\*\*

*The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.*

VDA0268 FINAL 01222020 1621

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**Report Number:** 20-000557/D02.R00  
**Report Date:** 01/23/2020  
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**Project Name:** Matt Sanford  
**Project No:** 25720 SE Eagle Cree



**VDA0268**  
Subcon for DW and Wastewater

### Certificate of Analysis

**Certifications:** Please refer to our website for a copy of our Accredited Fields of Testing under each certification .

Fresno	2435		
State of California - ELAP	1180	State of Hawaii	4021
Los Angeles CSD	9254479	NELAP certified	4021-012
State of Nevada	CA000792020-2	State of Oregon - NELAP	4021-012
EPA - UCMR4	CA00079	State of Washington	C997-19d
San Bernardino			
State of California - ELAP	2993	Los Angeles CSD	9254478
NELAP certified	4119-004	State of Oregon - NELAP	4119-004
Vancouver			
NELAP certified	WA100008-012	State of Oregon - NELAP	WA100008-012
State of Washington	C824-19		

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**Report Date:** 01/23/2020  
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**Project Name:** Matt Sanford  
**Project No:** 25720 SE Eagle Cree

[illegible]



**Report Number:** 20-000557/D02.R00  
**Report Date:** 01/23/2020  
**ORELAP#:** OR100028  
**Purchase Order:**  
**Project Name:** Matt Sanford  
**Project No:** 25720 SE Eagle Cree

BSK Associates VAL-FL-0048-02

## Sample Integrity

BSK Bottles: Yes No Page 1 of 1



COC Info		Yes		No		NA	
Was temperature within range?		Yes		No		NA	
Chemistry $\leq 6^{\circ}\text{C}$ Micro $< 8^{\circ}\text{C}$		Yes		No		NA	
If samples were taken today, is there evidence that chilling has begun?		Yes		No		NA	
Did all bottles arrive unbroken and intact?		Yes		No		NA	
Did all bottle labels agree with COC?		Yes		No		NA	
Was sodium thiosulfate added to CN sample(s) until chlorine was no longer present?		Yes		No		NA	
250ml(A) 500ml(B) 1Liter(C) 40ml VOA(V)		Checks		1A			
Bacti Na <sub>2</sub> S <sub>2</sub> O <sub>3</sub>		—		—		—	
None (P) White Cap		—		—		—	
Cr6 (P) Lt. Green Label/Blue Cap NH <sub>4</sub> OH(NH <sub>4</sub> ) <sub>2</sub> SO <sub>4</sub> DW		Cl, pH > 8		—		—	
Cr6 (P) Pink Label/Blue Cap NH <sub>4</sub> OH(NH <sub>4</sub> ) <sub>2</sub> SO <sub>4</sub> WW		pH 9.3-9.7		—		—	
Cr6 (P) Black Label/Blue Cap NH <sub>4</sub> OH(NH <sub>4</sub> ) <sub>2</sub> SO <sub>4</sub> 7199 ***24 HOUR HOLD TIME***		pH 9.0-9.5		—		—	
HNO <sub>3</sub> (P) Red Cap or HCl (P) Purple Cap/Lt. Blue Label		—		—		—	
H <sub>2</sub> SO <sub>4</sub> (P) or (AG) Yellow Cap/Label		pH < 2		—		—	
NaOH (P) Green Cap		Cl, pH > 10		—		—	
NaOH + ZnAc (P)		pH > 9		—		—	
Dissolved Oxygen 300ml (g)		—		—		—	
None (AG) 608/8081/8082, 625, 632/8321, 8151, 8270		—		—		—	
HCl (AG) Lt. Blue Label O&G, Diesel		—		—		—	
Ascorbic, EDTA, KH <sub>2</sub> Ct (AG) Pink Label 525		—		—		—	
Na <sub>2</sub> O <sub>3</sub> S 250mL (AG) Neon Green Label 515		—		—		—	
Na <sub>2</sub> S <sub>2</sub> O <sub>3</sub> 1 Liter (Brown P) 549		—		—		—	
Na <sub>2</sub> S <sub>2</sub> O <sub>3</sub> (AG) Blue Label 548, THM, 524		—		—		—	
Na <sub>2</sub> S <sub>2</sub> O <sub>3</sub> (CG) Blue Label 504, 505, 547		—		—		—	
Na <sub>2</sub> S <sub>2</sub> O <sub>3</sub> + MCAA (CG) Orange Label 531		pH < 3		—		—	
NH <sub>4</sub> Cl (AG) Purple Label 552		—		—		—	
EDA (AG) Brown Label DBPs		—		—		—	
HCL (CG) 524.2.BTEX.Gas, MTBE, 8260/624		—		—		—	
Buffer pH 4 (CG)		—		—		—	
H <sub>3</sub> PO <sub>4</sub> (CG) Salmon Label		—		—		—	
Other:		—		—		—	
Asbestos 1Liter Plastic w/ Foil		—		—		—	
Low Level Hg / Metals Double Baggie		—		—		—	
Bottled Water		—		—		—	
Clear Glass 250mL / 500mL / 1 Liter		—		—		—	
Soil Tube Brass / Steel / Plastic		—		—		—	
Tedlar Bag / Plastic Bag		—		—		—	
Split	Container	Preservative	Date/Time/Initials	Container	Preservative	Date/Time/Initials	
	S P			S P			
Comments							

Labeled by: \_\_\_\_\_ @ \_\_\_\_\_

Page 8 of 8





**Report Number:** 20-000557/D02.R00  
**Report Date:** 01/23/2020  
**ORELAP#:** OR100028  
**Purchase Order:**  
**Project Name:** Matt Sanford  
**Project No:** 25720 SE Eagle Cree

Revision: 0.01 Control  
Revised: 12/5/2018 Effective: 0

Page 1 of 1

**Arsenic, Nitrate, and Coliform**

<b>Information from Location where Sample was Taken</b> Name: <u>Matt Sanford</u> Address: <u>25720 SE Eagle Creek Rd</u> City: <u>Eagle Creek</u> State: <u>OR</u> Zip Code: _____ Phone: _____ Cell: _____ E-Mail: _____ Fax: _____ Point Where Sample was Taken: <u>Tank house big</u> Collection Date/Time: <u>1/14/20 11:30 am</u> Collected By: <u>Adam Brooks</u>		<b>Realtor or Second Party Information</b> Company Name: <u>Olsen Well Drilling &amp; Pump Inc</u> Attention: _____ Address: _____ City: _____ State: _____ Zip Code: _____ Phone: _____ Cell: _____ E-Mail: _____ Fax: _____ <b>Send Report to:</b> <input type="checkbox"/> Home Owner <input type="checkbox"/> Realtor or Second Party
Special Instructions: <u>JP012</u>		

**ARSENIC, NITRATE, AND COLIFORM BACTERIA INSTRUCTIONS**

- Fill out the address and sample collection information at the top of the form and attach payment of \$80.00, for standard turn-around. Call our Customer Service Department for information and pricing on rush samples or sample pick-up.
- The sample must be collected from the source prior to any form of treatment, or after injection points where the treatment has been disabled or bypassed. Before collection, remove any strainers and wipe the faucet clean with an alcohol swab. Run the water for 5 minutes or until it reaches constant temperature, before collecting the sample. The Coliform test sample must be collected in the sealed, sterile bottle. Remove the sterile seal from the bottle and remove the cap, careful not to touch the inside of the bottle or cap. Do not rinse out the bottle. Fill the bottle between the 100ml and the 120ml fill lines and leave a 1-inch airspace. If the bottle is underfilled (below the 100ml line) or overfilled (above the 120ml line), the sample must be rejected.
- Fill both the Arsenic and Nitrate sample bottles.
- Arsenic, Nitrate, and Total Coliform samples must be received by the laboratory within 24 hours of sample collection. Samples must be kept on ice, between 4 ± 2°C. Samples may be rejected if sampling instructions are not followed or if the microbiological sample has leaked, is not filled properly, and/or is over 30 hours old.

<b>CHAIN OF CUSTODY:</b> Relinquished By: <u>Adam Brooks</u> Date/Time: <u>1/14/20 1:05 PM</u> Received By: <u>JMU</u> Date/Time: <u>1:05 1-14-20</u> Relinquished By: _____ Date/Time: _____ Received By: _____ Date/Time: _____	
<b>Lab Use Only</b> Client Alias: <u>OLSENWELL</u> Order Number: <u>20-000557</u> Cash \$: _____ Check \$: _____ No.: _____ Visa/MC \$: _____ <input checked="" type="checkbox"/> One (1) inch Air Space <input checked="" type="checkbox"/> Proper Container <input checked="" type="checkbox"/> Temperature 4 ± 2°C, unless sample is received on ice within 2 hours of collection Evidence of Cooling: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Temp: <u>11.4°C</u>	

\*SUBMISSION OF SAMPLES WITH TESTING REQUIREMENTS TO PIXIS LABS WILL BE UNDERSTOOD TO BE AN AGREEMENT FOR SERVICES IN ACCORDANCE WITH THE CONDITIONS LISTED ON THE BACK OF THIS FORM. BY SIGNING "RELIQUISHED BY" YOU AGREE TO THESE TERMS.

Due to capacity, CFL / Pixis Labs will outsource analysis to an approved lab. By initialing here you are accepting this subcontract AFB

12423 NE Whitaker Way Portland, OR 97230 p:503-254-1794 f:503-254-1795 www.pixislabs.com

175

# EVALUATION REPORT FOR AN ON-SITE SEWAGE DISPOSAL SYSTEM

[illegible]

The depth to distinct soil mottles, which are indicative of the natural winter permanent groundwater level ranges between 32 and 38 inches of the ground surface.



Plywood Equipment Sales, Inc.  
March 11, 1980  
Page Two

The natural land slope of the proposed area ranges from 0 to 3 percent.

This letter shall remain valid indefinitely, or until specific construction plans are submitted and approved. Technical rule changes that occur after the date of this letter will not invalidate the letter. However, if conditions on this or adjacent properties are changed or become altered in any manner which would prohibit issuance of a permit, this letter and its conditions for approval will then be considered null and void.

The soil evaluation of this property and the conditions set forth in this letter in no way waive requirements as may be set by the zoning of the area. A permit to construct a system on this property will be subject to the review and approval of the County Planning Department.

Technical information pertaining to this soil test is available upon request.

If you have any questions feel free to contact this office.

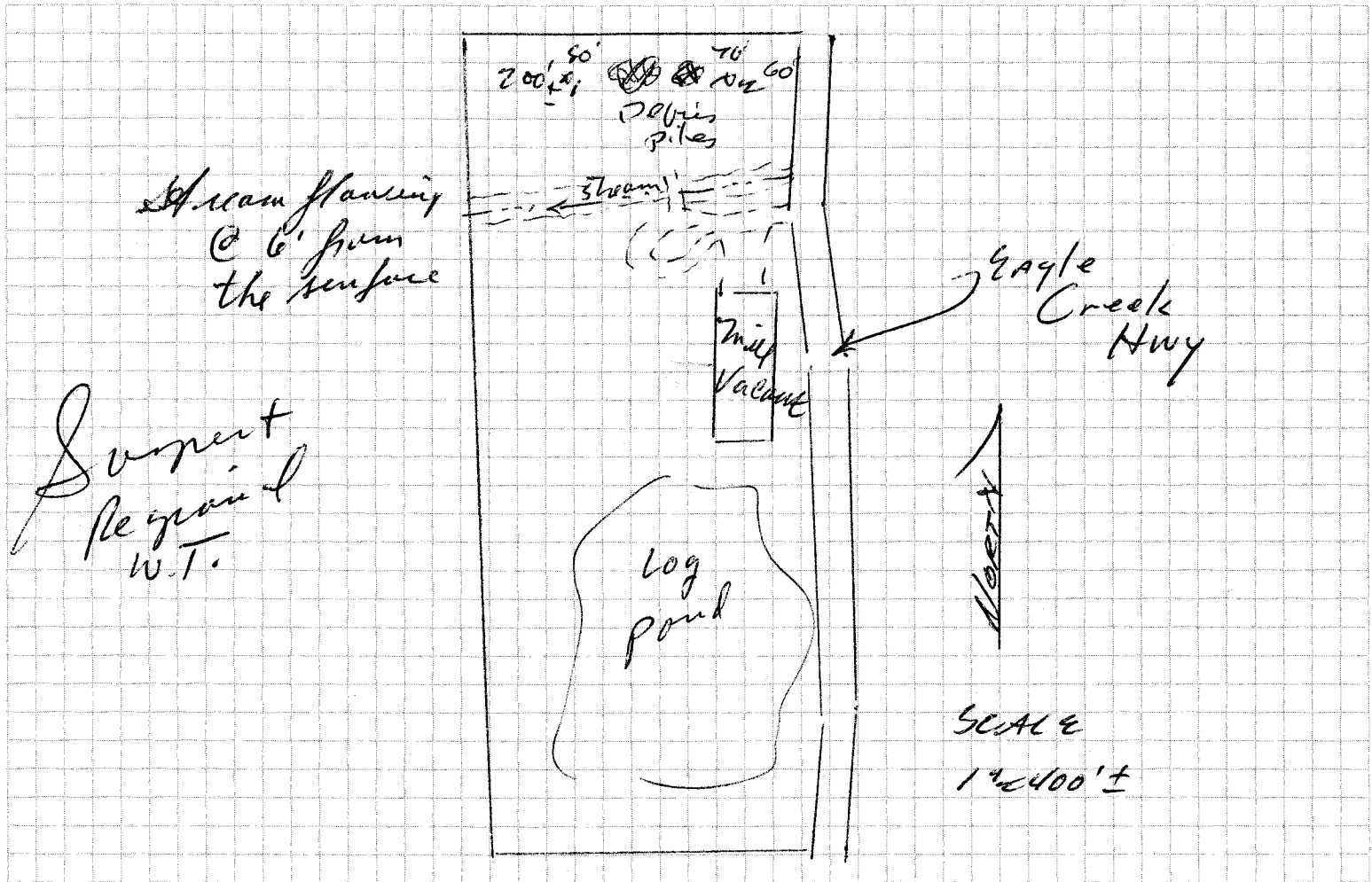
LRE A. GRIMES - Soil Scientist  
Development Services Division

/k]

# FIELD SHEET FOR SOIL TEST

Applicant Plywood Equipment Sales Inc. 30 acre well Site: ☐ Approved ☐ Denied ☐  
 Tax Lot 4100 Section 050 T. 35 R. 4E  
 Soil Scientist Grimes Sunny-wan Date 3-5-80  
Done yesterday

Test Hole No.	Texture	Mottled	Restrictive	Remarks
1. Check	<del>Surf</del> <u>PC 32"</u>		?	water @ 69" 0-3%
	<u>10m gravel</u>		may not be met.	roots @ 32"
2. Check	<del>Surf</del> <u>7 to 38"</u>		?	4' to 6' water in
	<u>13 Clay &amp; gravel PC 58"</u>		76"	Bottom of hole
				0-2%



Proposed Number of Bedrooms \_\_\_\_\_ Required Lineal Feet of Leach Line Per Bedroom \_\_\_\_\_  
 Septic Tank Capacity \_\_\_\_\_ Gallons Drainfield (Equal \_\_\_\_\_ or Serial \_\_\_\_\_) Distribution \_\_\_\_\_  
 Total Length of Lines \_\_\_\_\_ Feet Number of Lines \_\_\_\_\_ Distance Between Lines \_\_\_\_\_  
 Maximum Trench Depth \_\_\_\_\_ Inches Groundwater Interceptor Depth \_\_\_\_\_ Inches  
 Comments ok for sand filter with 6 to 12" fill after sitting

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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FEE TO BE PAID AT THE TIME  
OF APPLICATION IN ACCORDANCE  
WITH CURRENT FEE SCHEDULE

(6)

DATE RECEIVED 2-11-80

RECEIPT NO. \_\_\_\_\_

DATE HOLES WILL BE READY OR  
AREA WILL BE STAKED 50.00

~~will be done~~  
~~will be ready~~  
3/3/80

They dig (6)  
50.00

FEASIBILITY STUDY  
FOR ONE BUILDING SITE

CLACKAMAS COUNTY DEVELOPMENT SERVICES (SOIL SECTION)  
902 Abernethy Road  
Oregon City, Oregon 97045  
655-8521

Test holes are required for every lot requiring subsurface disposal of sewage. Two (2) test holes are required per proposed building site. The test holes are to characterize the proposed drainfield area and an alternate drainfield area. For large areas, the test holes should also characterize differences in the land forms (high and low areas). Test holes should not be less than two (2) feet by three (3) feet wide and four (4) feet deep and should be at least 100 feet apart. Please mark the holes in some way so they will be easy to find. Barricade the holes for safety, but leave them accessible for inspection. This office will dig the test holes for an additional \$40.00 fee if the area to be tested is clearly staked. -----Please-----No Appointments-----Our work load and schedules are such that we can not possibly meet with each applicant at his particular site.

THE FOLLOWING INFORMATION IS REQUIRED:

PLEASE PRINT

NAME: Plywood Equipment Sales, Inc.

PRESENT MAILING ADDRESS: 5250 SW ALGIN RD BOX 742 BOACRETON, ORE  
Number & Street City

OR 97075  
State Zip Code

646 4122  
Phone Number

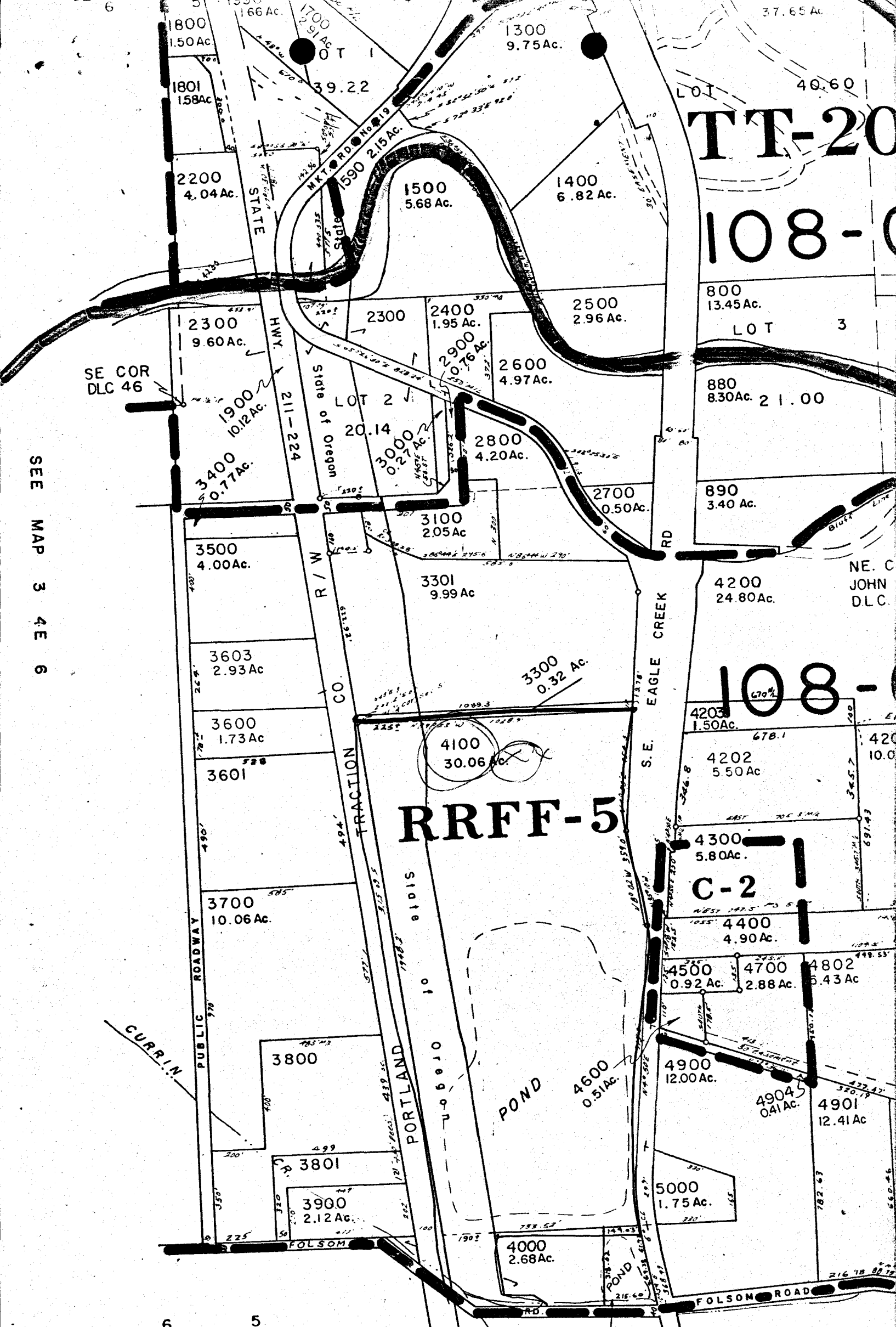
LEGAL DESCRIPTION OF PROPERTY: TAX LOT NUMBER 4100 SECTION 5  
TOWNSHIP 3 RANGE 4

NEAREST ADDRESS WITHIN 500' OF PROPERTY, IF AVAILABLE: \_\_\_\_\_

DRIVING DIRECTIONS TO THE PROPERTY AND ANY MARKS (HOUSE, SIGN, FENCE) WHICH WILL DISTINGUISH THE PROPERTY: HWYWAY 211 TO FOLSOM RD. LEFT  
TO EAGLE CREEK RD. LEFT TO  
FIRST BLDG ON LEFT SIDE (APPX 1/2 MI.)

ACRES OF LAND 30 INTENDED USE OF PROPERTY MFG. FACILITY  
NUMBER OF BEDROOMS PER UNIT \_\_\_\_\_ SOURCE OF DOMESTIC WATER WELL Exhibit 1

PLACE MAP ON THE BACK SHOWING LANDMARKS FOR HELP IN 20155-21-M; 20156-21-MB; 20157-21-ZAP  
THIS FORM MUST BE COMPLETED PRIOR TO THE INVESTIGATION. Page 686 of 747



TT-20

108-0

108-0

RRFF-5

C-2

POND

Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

SEE MAP 3 Page 687 of 747



## Hamburg, Glen

---

**From:** Dennis, Aaron  
**Sent:** Wednesday, September 22, 2021 8:48 AM  
**To:** Ahrens, Melissa  
**Cc:** Dance, Lizbeth  
**Subject:** RE: Eagle Creek Mass Timber Z0155, Z0156, Z0157-21 septic feas.

Melissa,

There is a historical septic approval at the north end of the lot that would still be valid assuming the site has not seen significant alteration in the 40+ years since it was evaluated. We recently did a site evaluation on the center area of the lot that was approved for either a repair ATT system or a holding tank (for commercial use). So assuming the approval areas fall within the two proposed lots, it appears they have meet the septic requirements.

Sincerely,

**Aaron Dennis, WWS**  
**Soils Scientist, Senior**  
**Clackamas County Septic and Onsite Wastewater Program**

*The Septic and Onsite Wastewater Division public service/permits lobby is open Monday through Thursday from 8:00 a.m. to 4:00 p.m and Friday from 8:00 a.m. to 3:00 p.m.*

Coming Soon in August 2021! We're excited to launch Development Direct -- our new one-stop digital services hub for Building Codes and Development Engineering. [Click here to learn more.](#)



---

**From:** Ahrens, Melissa <MAhrens@clackamas.us>  
**Sent:** Tuesday, September 21, 2021 4:17 PM  
**To:** Dennis, Aaron <ADennis@clackamas.us>  
**Cc:** Dance, Lizbeth <LDance@clackamas.us>  
**Subject:** Eagle Creek Mass Timber Z0155, Z0156, Z0157-21 septic feas.

Hi Aaron,

Just wanted to check in with you on the septic feasibility requirements for this project since the applicant has responded to our incomplete letter with the attached. I wanted to confirm that you are okay with them not doing a septic feasibility on each property. Please let me know your thoughts on this one when you get a chance. Thank you!

Melissa

**Melissa Ahrens**

**Senior Planner**

Clackamas County Planning and Zoning Division

150 Beavercreek Road

Oregon City, OR 97045

[MAhrens@co.clackamas.or.us](mailto:MAhrens@co.clackamas.or.us)

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

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

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





DAN JOHNSON  
DIRECTOR

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

July 30, 2021

Russ Brotnov  
russ@carpentryplusinc.com

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

**Site:** Township 3S Range 4E Section 05 Tax Lot 4100  
25720 SE Eagle Creek Rd

**Application Number:** SE028721

**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 225 gallons per day commercial facility 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 503-793-5011.

Sincerely,

Aaron Dennis, WWS  
Soil Scientist, Senior

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](http://www.clackamas.us/septic)

## General Site Evaluation Information

Please note that this approval is site specific to the area tested and does not address the feasibility of locating the system elsewhere on the property. The enclosed diagram indicates the limited area that appears suitable for this type of system. Please refer to the enclosed diagram for specifics concerning the dimensions and/or special conditions of the approved site.

Site evaluation report review. An applicant may request the Oregon Department of Environmental Quality to review a site evaluation report issued by an agent. The application for review must be submitted to the department in writing within 60 days after the site evaluation report issue date and must include the site evaluation review fee in OAR 340-071-0140(2). The department will review and approve or disapprove the site evaluation report.

This approval will remain valid until the system is installed and approved. Technical rule changes which take place after the date of this letter will not invalidate this approval, except that construction standards may be changed to meet codes applicable at the time of permit issuance. However, if conditions on this or adjacent properties are changed in any manner which would prohibit issuance of a permit because of a conflict with the applicable State rules, this approval will then be considered null and void. **Modifications to the approval area including logging, filling, cutting, or grading may render this approval invalid.** Check with this Department before conducting any of this work in the approval area.

The approval of this property and the conditions set forth in this letter in no way waives requirements as may be set by the zoning of the area. A permit to construct a system on this property will be subject to the review and approval of the County Planning Department. This Approval in no way waives any requirements set forth by other government agencies.

## 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.

### **Pretreatment:**

- Your site requires installation of a pretreatment unit. Construction details must be included in the system design plans, along with any applicable standards found in this letter and OAR 340-071-290; 340-071-295; 340-071-0302 &/or 340-071-0345, Complete design plans must be submitted for review and approved before permit issuance.
  - a. Plans must include an operation and maintenance agreement in accordance with OAR 340-071-0130 (23)
  - b. Gravelless absorption method. A minimum of 75 lineal feet of gravelless half pipe absorption trench is required with a maximum trench depth of 12 inches and a minimum trench depth of 12 inches. Trenches shall be constructed 2 foot wide on 10 foot minimum centers. Please reference OAR 340-071-0290(6) for comprehensive construction details

## **DRAINFIELD**

### **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 gallons per day shall be 225.
- A replacement system layout meeting the minimum standards contained herein is required See attached field site map for approval area locations

Although it may not be required by Oregon DEQ for your system, the Clackamas County Onsite Wastewater Systems Program strongly encourages you to have an effluent filter added to the outlet of your septic tank during construction. An effluent filter can add to the longevity of your septic system by preventing solids and non-biodegradable materials from entering and prematurely clogging the drainfield. Effluent filters can also enhance the performance of your septic tank by retaining larger solids, allowing them to undergo additional decomposition.

Contact your Wastewater Professional or County Wastewater Program staff if you would like additional information regarding effluent filters.

NOTE 1: SOME ALTERNATIVE DRAIN MEDIA PRODUCTS ALLOW FOR DIFFERENT CONSTRUCTION STANDARDS. CONSULT INSTALLERS GUIDE OR THIS OFFICE WITH QUESTIONS

NOTE 2: SOME SYSTEMS MAY REQUIRE A DIFFERENT TANK SIZE THAN INDICATED CONSULT INSTALLERS GUIDE OR THIS OFFICE WITH QUESTIONS

**TABLE 1**  
**OAR 340-071-0220**  
**MINIMUM SEPARATION DISTANCES**

Items Requiring Setback	From Subsurface Absorption Area Including Replacement Area	From Septic Tank and Other Treatment Units, Effluent Sewer and Distribution Units
1. Groundwater Supplies and Wells.	*100'	50'
2. Springs:		
• Upgradient.	50'	50'
• Downgradient.	100'	50'
**3. Surface Public Waters:		
• Year round.	100'	50'
• Seasonal.	50'	50'
4. Intermittent Streams:		
• Piped (watertight not less than 20' from any part of the onsite system).	20'	20'
• Unpiped.	50'	50'
5. Groundwater Interceptors:		
• On a slope of 3% or less.	20'	10'
• On a slope greater than 3%:		
• Upgradient.	10'	5'
• Downgradient.	50'	10'
6. Irrigation Canals:		
• Lined (watertight canal).	25'	25'
• Unlined:		
• Upgradient.	25'	25'
• Downgradient.	50'	50'
7. Manmade Cuts Down Gradient in Excess of 30 Inches (top of downslope cut):		
• Which Intersect Layers that Limit Effective Soil Depth Within 48 Inches of Surface.	50'	25'
• Which Do Not Intersect Layers that Limit Effective Soil Depth.	25'	10'
8. Downgradient Escarpments:		
• Which Intersect Layers that Limit Effective Soil Depth.	50'	10'
• Which Do Not Intersect Layers that Limit Effective Soil Depth.	25'	10'
9. Property Lines.	10'	5'
10. Water Lines.	10'	10'
11. Foundation Lines of any Building, Including Garages and Out Buildings.	10'	5'
12. Underground Utilities.	10'	—
* 50-foot setback for wells constructed with special standards granted by WRD.		
**This does not prevent stream crossings of pressure effluent sewers.		

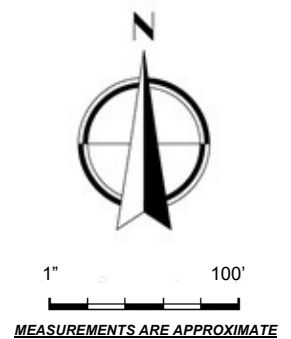
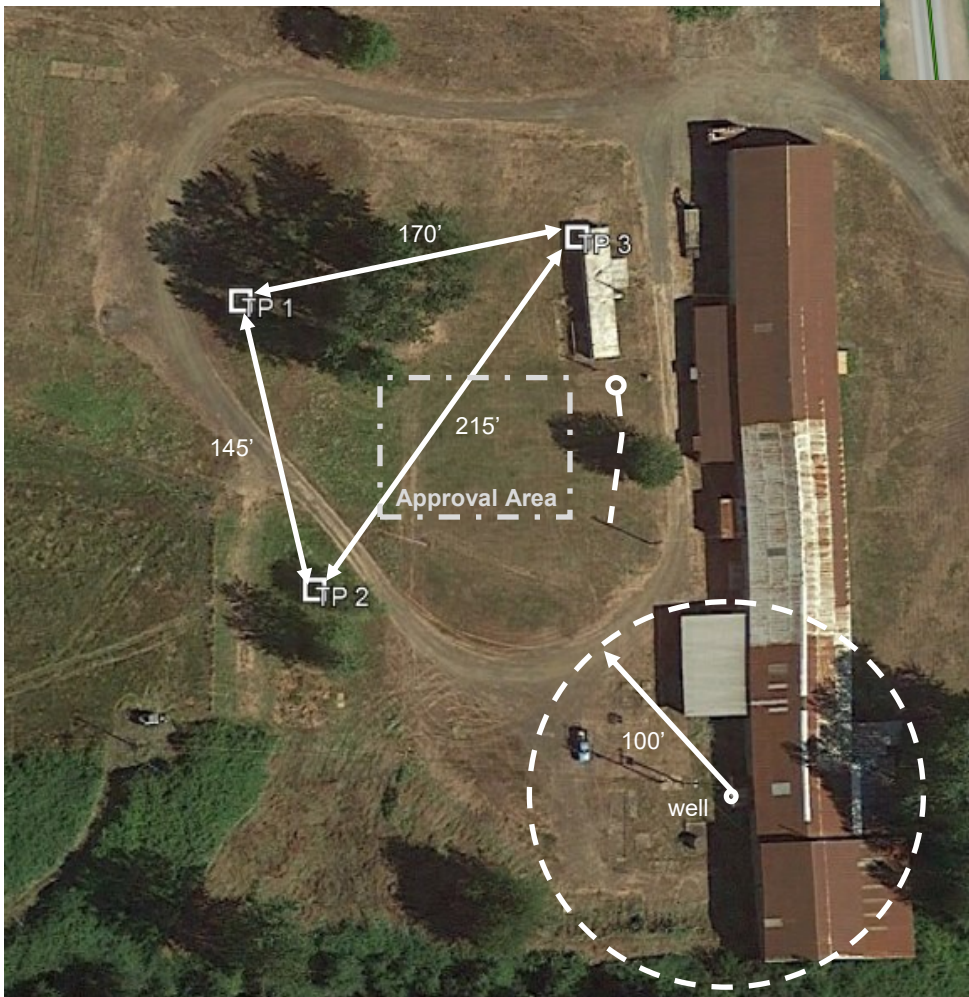


SE0 28721

Soil Scientist Aaron Dennis, WWS      Weather Sunny, 78 F      Date 28 July 2021

Willamette Series  
Soils

Perm H2O



Burial Depth 12 Max 12 Min      Groundwater Interceptor \_\_\_\_\_ Depth \_\_\_\_\_ Gravel \_\_\_\_\_      Water Supply Well

Comments: Site has see considerable alterations and soil compaction. Approval area based on aerial photos show "least" altered or affected area from past site use.

\*With DEQ authorization, a holding tank may be used in lieu of the approved system.

This system has been approved as a REASONABLE REPAIR under OAR 340-071-0215 to eliminate a public health hazard. The system does not meet all site characteristics for OAR 340-071-0220 or alternative systems.

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

Page 695 of 747



Depth	Texture	Color	Redox/Conc	Consistency (Moist)	Structure	Roots	H2O, ESD, Conditions associated with saturation, etc.
0-14	vgrSiL				Massive	2 vf-f	Track rock, gravel, fill
14-24	SiL	10yr 2/2		VFi	Massive	1 f	Compacted
24-42	SiCL	10yr 3/3	c, 2, F 10yr 4/2 rmx, 10yr 4/4 f3m	Fi	1cpr		Compacted, CAS
42-53	SiL	10yr 4/3	m, 3, D 10yr 6/1 rmx, 5yr 5/6 f3m	Fi	1cpr		CAS

0-8	vgrSiL				Massive	2 vf-f	Track rock, gravel, fill
8-21	SiL	10yr 2/2		Fr	2msbk	2 vf-m	
21-29	SiCL	10yr 3/3	c, 2, F 10yr 4/2 rmx, 10yr 4/4 f3m	Fi	2cpr	1 f-m	CAS
29-43	SiL	10yr 4/3	m, 3, D 10yr 6/1 rmx, 5yr 5/6 f3m	Fi	1cpr		CAS
43-56	vgrSCL	10yr 5/1		VFi	Massive		

0-6	vgrSiL				Massive	2 vf-f	Track rock, gravel, fill
6-19	SiL	10yr 2/2		Fr	2msbk		
19-35	SiCL	10yr 3/3	c, 2, F 10yr 4/2 rmx, 10yr 4/4 f3m	Fi	2cpr		CAS
35-47	SiL	10yr 4/3	m, 3, D 10yr 6/1 rmx, 5yr 5/6 f3m	Fi	1cpr		CAS
47-56	vgrSCL	10yr 5/1		VFi	Massive		



							Exhibit 1



## Instructions for PRELIMINARY STATEMENTS OF FEASIBILITY

### Instructions to Applicant:

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

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

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

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

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

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

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

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

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

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

Exhibit 1





**Planning and Zoning  
Department of Transportation and Development**

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

## PRELIMINARY STATEMENT OF FEASIBILITY

TO BE COMPLETED BY APPLICANT		
Applicant name: Heavy Timber Innovations, LLC, Stefan Schneider & R	Applicant email: carlos.callava@3j-consulting.com	Applicant phone: (503) 946-9365 x246
Project engineer: Brian Feeney	Project engineer email: brian.feeney@3j-consulting.com	Project engineer phone: 503.946.9365 x.205
Site address: 25720 Eagle Creek Road		
Map and tax lot #:  Township: <u>3S</u> Range: <u>4E</u> Section: <u>5</u> Tax Lot: <u>4100</u> Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____		

TO BE COMPLETED BY SERVICE PROVIDER / SURFACE WATER MANAGEMENT AUTHORITY	
Name of service provider / surface water management authority: DTD Engineering	Name and title of authorized representative: Kenneth Kent
Representative email: kenken@clackamas.us	Representative phone: 503-742-4673
Check all that apply:  <b>Water Service</b> <input type="checkbox"/> Water service, <i>including fire flows</i> , 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. <input type="checkbox"/> Water service is adequate <i>with the exception of fire flows</i> . The applicant shall provide a statement from the fire district serving the subject property that states that an alternate method of fire protection, such as an on-site water source or sprinkler system, is acceptable. <input type="checkbox"/> Adequate water service <i>cannot</i> be provided.  <b>Sanitary Sewer Service</b> <input type="checkbox"/> 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. <input type="checkbox"/> Adequate sanitary sewer service <i>cannot</i> be provided.  <b>Surface Water Management, Treatment, and Conveyance</b> <input checked="" type="checkbox"/> Adequate surface water management, treatment, and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner. <input type="checkbox"/> Adequate surface water management, treatment, and conveyance <i>cannot</i> be provided.	
Is this statement issued subject to any conditions of approval?  <input type="checkbox"/> YES, and those conditions are attached. <input type="checkbox"/> NO	
Signature of authorized representative:	Date of signature: <div style="border: 1px solid red; padding: 2px; display: inline-block;">6/7/21</div>

**Exhibit 1**

# **Wetland Delineation for 25720 SE Eagle Creek Road Eagle Creek, Clackamas County, Oregon**

(Township 3 South, Range 4 West, Section 5, Tax lot 4100)

**Prepared for**

**Stefan Schneider**  
**Heavy Timber Innovations, LLC**  
PO Box 609  
Estacada, OR 97023

**Prepared by**

Michael See, Joe Thompson, PWS  
John van Staveren  
**Pacific Habitat Services, Inc.**  
Wilsonville, Oregon 97070  
(503) 570-0800  
(503) 570-0855 FAX

PHS Project Number: 7237

**July 2021**



**Exhibit 1**

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

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## I. INTRODUCTION

Pacific Habitat Services, Inc. (PHS) conducted a wetland delineation for the property located at 25720 SE Eagle Creek Road, Eagle Creek, Clackamas County, Oregon (Township 3 South, Range 4 East, Section 5, Tax lot 4100). This report presents the results of PHS's wetland delineation within the study area. Figures, including a map depicting the location of wetlands within the study area are located in Appendix A. Data sheets documenting on-site conditions are in Appendix B. Ground-level photos of the site are located in Appendix C. A discussion of the wetland delineation methodology, provided for the client, is in Appendix D.

## II. RESULTS AND DISCUSSION

### A. Landscape Setting and Land Use

The study area is located east of Oregon Highway 211/224, and west of Eagle Creek Road and SE Riverside Way in Eagle Creek, Oregon. Land use in the vicinity of the study area includes low density residential, forest or open space, agricultural, and light industrial.

The study area consists of relatively flat topography which gently slopes to the west and north, with elevations on site between approximately 374 - 397 feet. Much of the vegetation within the study area consists of mowed grass; smaller amounts of scrub-shrub habitat is present within the southern portion of the study area, and the northern portion of the study area is a mix of young second growth forest and scrub-shrub. A small stand of trees is also present in the central portion of the study area.

Open areas were dominated by tall ryegrass (*Schedonorus arundinacea*, FAC), scrub-shrub areas were dominated by Himalayan blackberry (*Rubus armeniacus*, FAC), and forested areas were dominated by black cottonwood (*Populus balsamifera*, FAC), and sweet cherry (*Prunus avium*, FACU).

The Natural Resources Conservation Services (NRCS) mapped soils within the study area include Coburg silty clay loam, Conser silty clay loam, Wapato silty clay loam, Willamette silt loam, gravelly substratum, 0 to 3 percent slopes. All of these are considered hydric soils for Clackamas County except for the Coburg silty clay loam and Willamette silt loam. Water is also designated in the study area.

### B. Site Alterations

Historical photos of the study area show that it was used as timber product facility from the 1950s until approximately 2003. A large log pond was constructed along the southern boundary of the study area, and a ditch was excavated within the northern portion of the study area. Areas within the central portion of the study area that were previously used for log storage have been reclaimed by vegetation within the last 20 years. These areas may have also been subsequently used for hay/straw production or pastureland.

No recent fill material or deposits that would alter the location of wetlands were observed within the study area. A roadside ditch within the study area runs south to north along SE Riverside Way. This ditch eventually connects to the excavated ditch in the northern portion of the study area that flows west toward Highway 211/224, which is immediately west of the study area.

## C. Precipitation Data and Analysis

The study area was delineated on June 4, 2021; precipitation data for the months preceding this period is summarized below.

Table 1 compares the most recent monthly precipitation amounts recorded at the Eagle Creek 9 SE, OR WETS station to the average monthly precipitation recorded at this station from 1995-2020 (NRCS). For this period, March and April were well below normal, while May was within normal range.

**Table 1: Comparison of average and observed monthly precipitation in Eagle Creek, OR prior to the June 2021 delineation fieldwork.**

Month	Average Precipitation <sup>1</sup>	30% Chance Will Have		Observed Precipitation <sup>1</sup>	Percent of Normal
		Less Than Average <sup>1</sup>	More Than Average <sup>1</sup>		
March	7.14	5.37	8.34	3.59	55
April	5.85	4.74	6.66	0.99	16
May	4.39	3.04	5.23	3.12	71

Notes: 1. Source: NRCS WETS Table for Eagle Creek 9 SE, OR (<http://agacis.rcc-acis.org>)

Table 2 provides the daily precipitation total for the two weeks prior to and the day of fieldwork. During this time a total of 1.16 inches of precipitation was recorded.

**Table 2: Daily precipitation totals for two weeks prior to and including the day of fieldwork (June 4, 2021).**

Date	Precipitation (in.)	Date	Precipitation (in.)	Date	Precipitation (in.)
22-May	0.02	27-May	0.48	1-June	0.0
23-May	0	28-May	0	2-June	0.0
24-May	0	29-May	0	3-June	0.0
25-May	0.61	30-May	0	4-June	0.0
26-May	0	31-May	0.05		

PHS believes that precipitation was well below normal before and during the wetland delineation fieldwork; therefore, extra care was taken to determine the presence of wetland hydrology. The dryer than normal conditions preceding the delineation are not expected to have affected the wetland boundary because only man-made features exhibited all three wetland indicators. These features exist along somewhat steep embankments which provide a clear break between the wetland and non-wetland boundaries.

## D. Methods

PHS delineated the limits of the wetlands on the site based on the presence of wetland hydrology, hydric soils, and hydrophytic vegetation, in accordance with the Routine On-site Determination, as described in the *Corps of Engineers Wetland Delineation Manual, Wetlands Research Program Technical Report Y-87-1* (“The 1987 Manual”) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region*. PHS conducted the wetland delineation within the study area on June 4, 2021.

The entire study area was investigated for the presence of wetlands or other waters. Three features were delineated within the study area: A former log pond, and two excavated ditches. These features were identified based on presence of primary hydrology indicators as well as presence of hydric soils, and a predominance of hydrophytic plants. Other areas within the study area exhibited a predominance of hydrophytic plants; however, these areas lacked wetland hydrology indicators, and/or hydric soils and were considered to be non-wetland by PHS.

## E. Description of all Wetlands and Other Non-Wetland Waters

### Wetland A

Wetland A, encompasses much of the southern portion of the study area, and is approximately 153,812 square feet (3.53 acres) in size. Wetland A was constructed as a log pond in the 1950s to store logs for the former timber processing facility. Wetland A is surrounded by a steep berm and continues offsite to the south. The Cowardin classification is palustrine, forested, semi-permanently inundated (PFO1F), the hydrogeomorphic (HGM) classification is Depression.

Dominant plant species within Wetland A included Scouler’s Willow (*Salix scouleriana*, FACW), balsam poplar, reed canarygrass, (*Phalaris arundinacea*, FACW) and wapato (*Sagittaria latifolia*, OBL). Soils within Wetland A met the hydric soil criteria for sandy mucky mineral (S1), and depleted matrix (F3). Wetland A exhibited several indicators of wetland hydrology including surface water, high water table, saturation, algal mat, sparsely vegetated concave surface, hydrogen sulfide odor, water stained leaves, geomorphic position, and FAC-neutral test. Sample points 2 and 8 characterize Wetland A, and Sample points 1 and 9 characterize the adjacent upland.

PHS did not observe an outlet or discharge for Wetland A, and believes it to be isolated feature. In accordance with Oregon Department of State Lands administrative Rule 141-085-0515 (7)(h) artificially created wetlands constructed for log storage are not considered waters of the State and are non-jurisdictional.

### Ditch 1

Ditch 1 (0.15 acres) originates along the roadside of SE Riverside Way, it drains north along the roadway, and then flows west across the northern portion of the study area, and off site. The Cowardin classification is palustrine, emergent seasonally saturated (PEM1C), and the HGM classification is Depressional.

Ditch 1 lacked vegetation throughout much of its extent onsite. This is due to mature vegetation providing shade from the adjacent uplands. In areas that receive sufficient sunlight, hydrophytic plants were observed including *Callitriche sp* (water starwort). Excessive moisture, erosion and sedimentation have also had an effect on the plant community found within the ditch. Soils within Ditch 1 met the hydric soil criteria for redox dark surface (F6). Ditch 1 exhibited hydrology indicators of algal mats, sparsely vegetated dark surface, drainage patterns, and geomorphic position. Sample Point 6 characterizes the conditions observed within Ditch 1, and Sample point 7 characterizes the adjacent uplands.

Ditch 1 does not meet the jurisdictional ditch criteria established in OAR 141-085-0515 (8); therefore, it is PHS' opinion that Ditch 1 is not a water of the State and should be considered non-jurisdictional.

## **Ditch 2**

Ditch 2 (0.04 acres) is a roadside ditch located along SE Riverside Way, it is separated from Ditch 1 by a gravel drive and culvert. Ditch 2 could be considered an extension of Ditch 1, and was not sampled for the presence of wetland indicators. Ditch 2 meets criteria in OAR 141-085-0515(10); therefore, it is PHS' opinion that Ditch 2 is not a water of the State and should be considered non-jurisdictional.

## **F. Deviation from Local and/or National Wetland Inventories**

The study area is not included in any approved local wetland inventory. The National Wetland Inventory identifies one feature within the study area. This feature is classified as a palustrine unconsolidated bottom artificially flooded wetland (PUBK). This feature roughly corresponds to Wetland A described above. NWI maps are generated primarily on the basis of interpretation of color infrared aerial photographs (scale of 1:58,000), with limited "ground truthing" to confirm the interpretations. As such, the excavated ditch was probably overlooked due to the dense canopy cover in the area it resides.

## **G. Mapping Method**

PHS flagged the limits of the wetlands within the study area with blue flags; lime green tape was used for sample point locations. Wetlands and sample points were subsequently surveyed by Compass Land Surveying and have an accuracy of sub-centimeter.

## **H. Additional Information**

None.

## **I. Results and Conclusions**

PHS delineated a wetland and two ditches within the study area. Table 3 provides a summary of the delineated features by Cowardin and HGM classification, as well as acreages within the study area.



**Table 3: Summary of Delineated Features within the Study Area**

<b>Feature</b>	<b>Area (acre / square feet)</b>	<b>Cowardin Class</b>	<b>HGM Class</b>
Wetland A	3.53 / 153,812	PFO1F	Depression
Ditch 1	0.15 / 6,625	PEM1C	Depression
Ditch 2	0.04 / 1,925	PEM1C	Depression
<b>Wetland Total</b>	<b>3.72 / 162, 362</b>		

As stated above in Section E, Wetland A, Ditch 1 and Ditch 2 in PHS's opinion (subject to the concurrence of DSL and Corps of Engineers) are non-jurisdictional features due to the following:

**Wetland A:**

- Had no observed outlet or discharge, and is believed to be an isolated feature.
- Was created for log storage for a timber operation and meets DSL's Administrative Rule OAR 141-085-0515 (7)(h), which states, artificially created wetlands constructed for log storage are not considered waters of the State and are non-jurisdictional.

**Ditch 1:**

Does not meet the jurisdictional ditch criteria established in OAR 141-085-0515 (8) as it was:

- not created in wetland, an estuary, tidal river or other waters of the state, and
- created in upland, but does not contain food and game fish, and does not have a free and open connection to waters of the state.

**Ditch 2:**

Meets the criteria for a non-jurisdictional roadside ditch in OAR 141-085-0515(10) as it is:

- ten feet wide or less at the ordinary high water line;
- artificially created from upland or from wetlands;
- not adjacent and connected or contiguous with other wetlands; and
- does not contain food or game fish.

**J. Required Disclaimer**

This report documents the investigation, best professional judgment, and conclusions of the investigators. It is correct and complete to the best of our knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the Oregon Department of State Lands in accordance with OAR 141-090-0005 through 141-090-0055.

### III. REFERENCES

- Adamus, P.R. and D. Field. 2001 *Guidebook for Hydrogeomorphic (HGM)-based Assessment of Oregon Wetland and Riparian Sites. Willamette Valley Ecoregion, Riverine Impounding and Slopes/Flats Subclasses*. Oregon Division of State Lands, Salem, OR.
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<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>
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<https://www.fws.gov/wetlands/data/mapper.html>
- US Geologic Survey (USGS), 2020. 7.5-minute topographic map. Estacada, Oregon quadrangle.  
<https://viewer.nationalmap.gov/basic/?basemap=b1&category=ustopo&title=US%20Topo%20Download>

# Appendix A

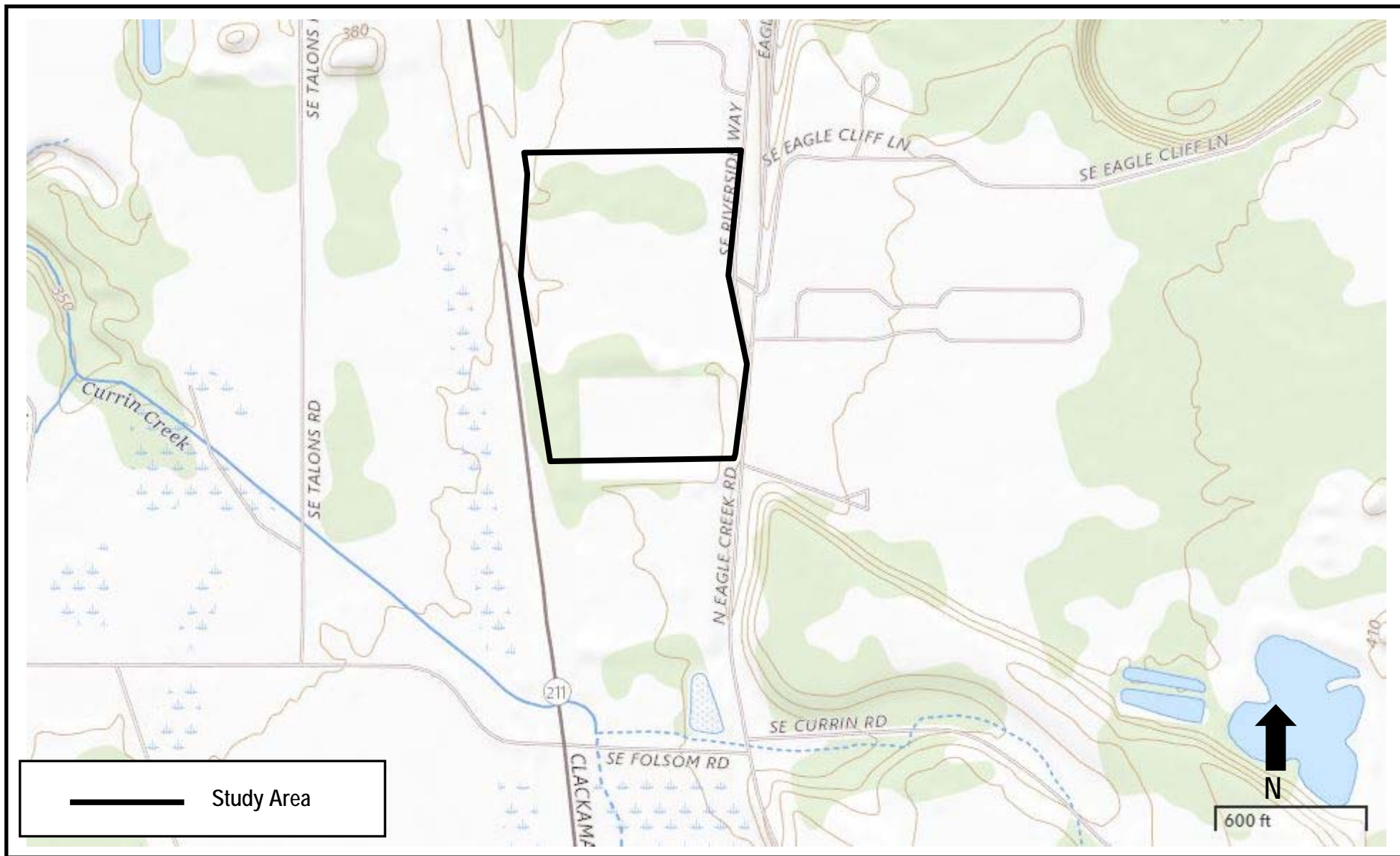
## Figures



Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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Project #7237  
7/28/2021



Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

General Location and Topography  
25720 SE Eagle Creek Road - Clackamas, Oregon  
United States Geological Survey (USGS) Estacada, Oregon 7.5 quadrangle, 2020  
(viewer.nationalmap.gov/basic)

FIGURE

1  
Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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July 28, 2021

**Wetlands**

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- 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.

National Wetlands Inventory (NWI)  
This page was produced by the NWI mapper

Project #7237  
7/28/2021



Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

National Wetland Inventory  
25720 SE Eagle Creek Road - Clackamas, Oregon  
United States Fish and Wildlife Services, Online Wetland Mapper, 2021

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

FIGURE

**2**  
**Exhibit 1**





Project #7237  
7/28/2021



Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

Soils  
25720 SE Eagle Creek Road - Clackamas, Oregon  
Natural Resources Conservation Services, Web Soil Survey, 2020  
(websoilsurvey.sc.egov.usda.gov)

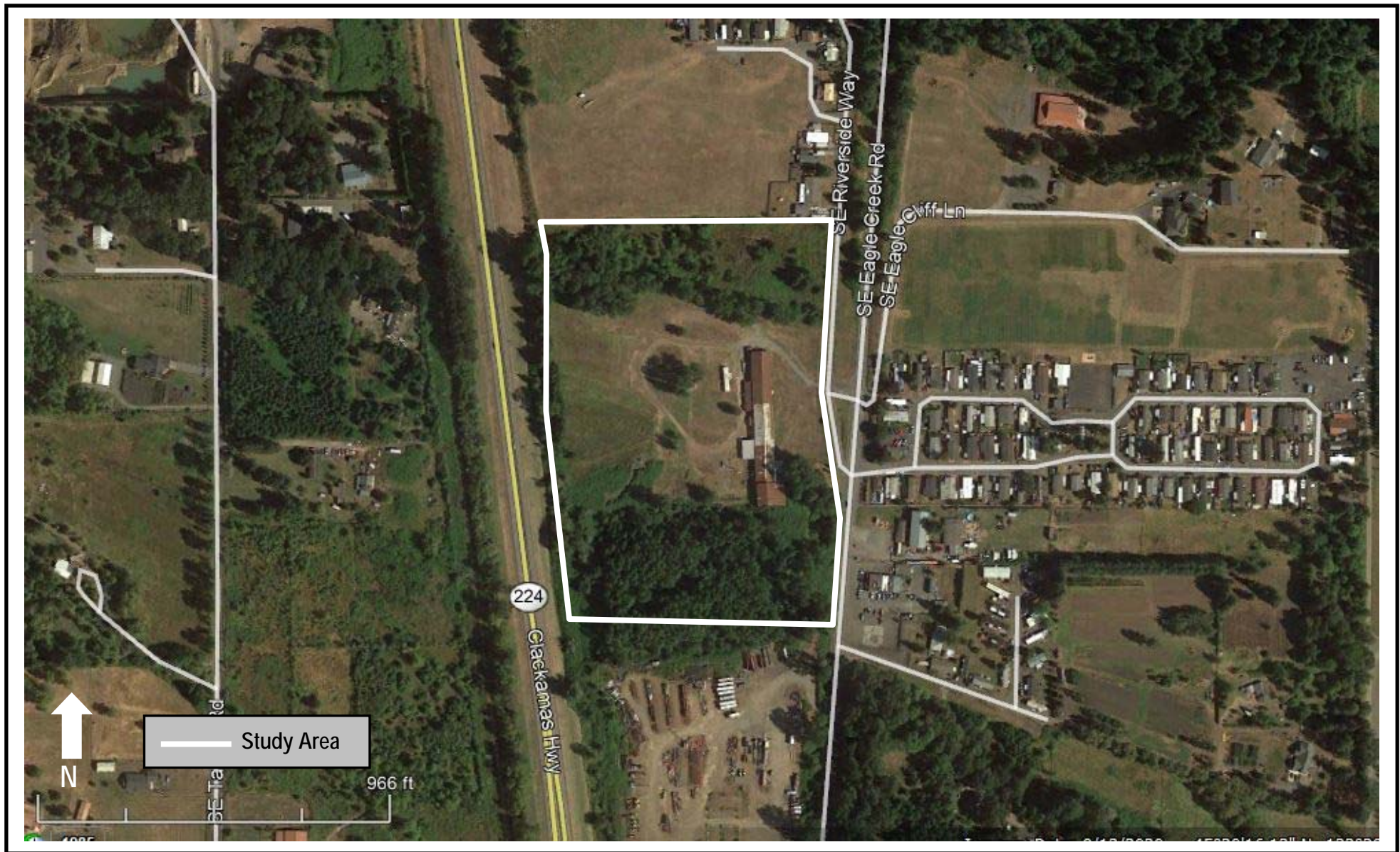
FIGURE

4  
Exhibit 1

20155-21-M, 20156-21-CP, 20157-21-ZAP

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Project #7237  
7/28/2021



Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

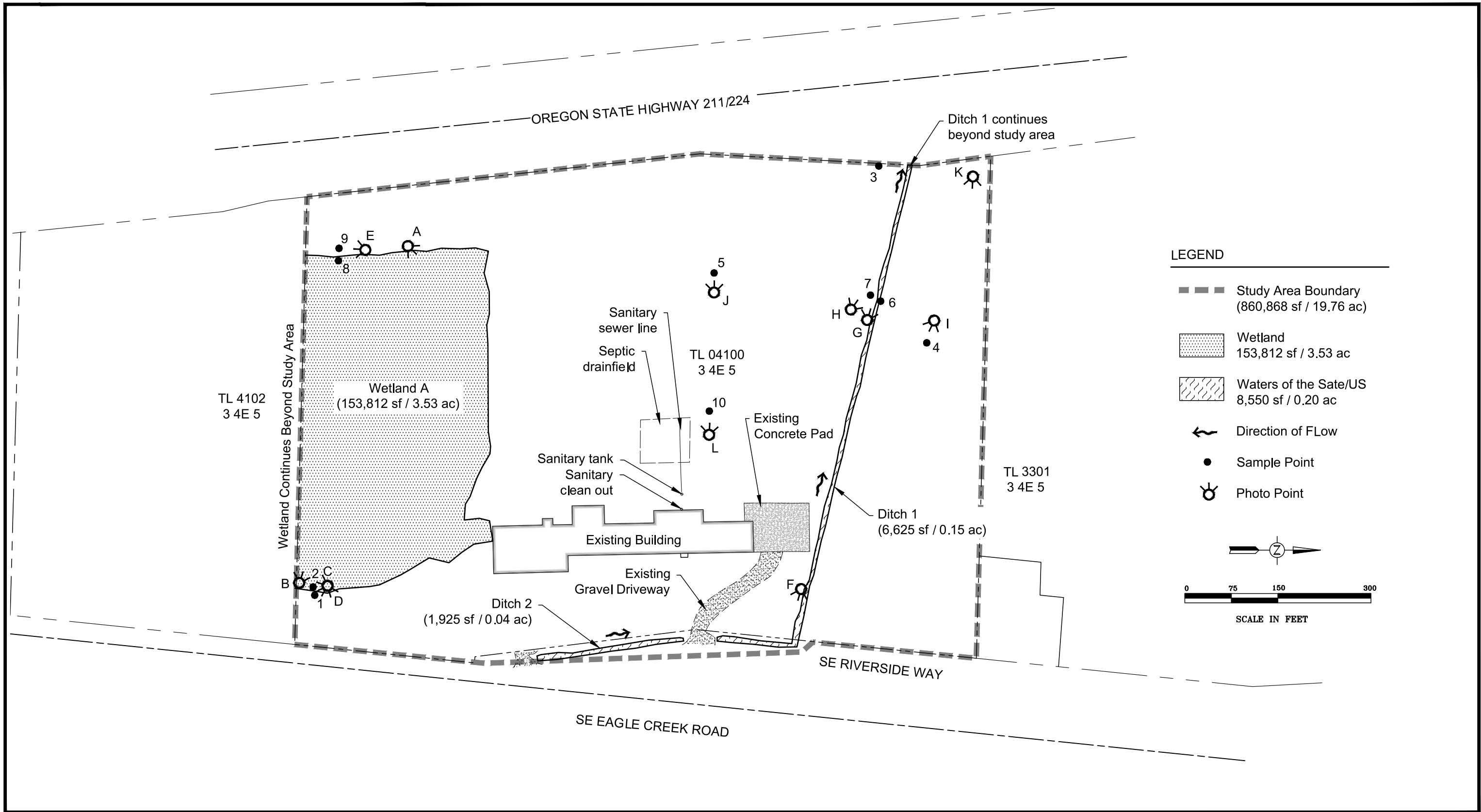
Aerial Photo  
25720 SE Eagle Creek Road - Clackamas, Oregon  
GoogleEarth, 2020

FIGURE

5  
Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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Survey provided by  
Compass Land Surveyors  
Survey and Sample point accuracy  
is sub-centimeter.

Wetland Delineation  
25720 SE Eagle Creek Road - Eagle Creek, Oregon

FIGURE  
**6**  
Exhibit

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

# Appendix B

## Wetland Determination Data Sheets



Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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## WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: 25720 SE Eagle Creek Rd City/County: Eagle Creek/Clackamas Sampling Date: 6/4/2021

Applicant/Owner: Heavy Timber Innovations State: OR Sampling Point: 1

Investigator(s): JT/MS Section, Township, Range: Section 5, Township 3 South, Range 4 East

Landform (hillslope, terrace, etc.): Slope Local relief (concave, convex, none): None Slope (%): 8%

Subregion (LRR): LRR A Lat: 45.3350 Long: -122.3465 Datum: WGS84

Soil Map Unit Name: Water NWI Classification: N/A

Are climatic/hydrologic conditions on the site typical for this time of year? Yes        No X (if no, explain in Remarks)

Are vegetation        Soil        or Hydrology        significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y

Are vegetation        Soil        or Hydrology        naturally problematic? If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>X</u>	No <u>      </u>	Is Sampled Area within a Wetland? Yes <u>      </u> No <u>X</u>
Hydric Soil Present?	Yes <u>      </u>	No <u>X</u>	
Wetland Hydrology Present?	Yes <u>      </u>	No <u>X</u>	

Remarks:  
Precipitation was approximately 82% for the water year (October 1, 2020 through June 4, 2021). Recorded precipitation for April 2021 and May 2021 totalled 4.11 inches, This is approximately 40% of normal for these two months.

## VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	
<b>Tree Stratum</b> (plot size: <u>30</u> )				<b>Dominance Test worksheet:</b>  Number of Dominant Species That are OBL, FACW, or FAC: <u>2</u> (A)  Total Number of Dominant Species Across All Strata: <u>2</u> (B)  Percent of Dominant Species That are OBL, FACW, or FAC: <u>100%</u> (A/B)
1 <u>Salix scouleriana</u>	<u>20</u>	<u>X</u>	<u>FAC</u>	
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>20</u>	= Total Cover		
<b>Sapling/Shrub Stratum</b> (plot size: <u>15</u> )				<b>Prevalence Index Worksheet:</b>  Total % Cover of <u>      </u> Multiply by: <u>      </u> OBL Species <u>      </u> x 1 = <u>0</u> FACW species <u>      </u> x 2 = <u>0</u> FAC Species <u>      </u> x 3 = <u>0</u> FACU Species <u>      </u> x 4 = <u>0</u> UPL Species <u>      </u> x 5 = <u>0</u> Column Totals <u>0</u> (A) <u>0</u> (B)  Prevalence Index =B/A = <u>#DIV/0!</u>
1 <u>Rubus armeniacus</u>	<u>100</u>	<u>X</u>	<u>FAC</u>	
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>100</u>	= Total Cover		
<b>Herb Stratum</b> (plot size: <u>      </u> )				<b>Hydrophytic Vegetation Indicators:</b>  1- Rapid Test for Hydrophytic Vegetation <u>X</u> 2- Dominance Test is >50% <u>      </u> 3-Prevalence Index is ≤ 3.0 <sup>1</sup> <u>      </u> 4-Morphological Adaptations <sup>1</sup> (provide supporting data in Remarks or on a separate sheet) <u>      </u> 5- Wetland Non-Vascular Plants <sup>1</sup> <u>      </u> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.  <b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No <u>      </u> <b>Exhibit 1</b>
1 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
5 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
6 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
7 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
8 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>0</u>	= Total Cover		
<b>Woody Vine Stratum</b> (plot size: <u>      </u> )				
1 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>0</u>	= Total Cover		
% Bare Ground in Herb Stratum <u>30</u>				
Remarks: <u>20155-21-M; 20156-21-CP; 20157-21-ZAP</u>				

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Remarks:

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## WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: 25720 SE Eagle Creek Rd City/County: Eagle Creek/Clackamas Sampling Date: 6/4/2021

Applicant/Owner: Heavy Timber Innovations State: OR Sampling Point: 2

Investigator(s): JT/MS Section, Township, Range: Section 5, Township 3 South, Range 4 East

Landform (hillslope, terrace, etc.): Depression Local relief (concave, convex, none): Concave Slope (%): 2

Subregion (LRR): LRR A Lat: 45.3350 Long: -122.3467 Datum: WGS84

Soil Map Unit Name: Water NWI Classification: PUBK

Are climatic/hydrologic conditions on the site typical for this time of year? Yes        No X (if no, explain in Remarks)

Are vegetation        Soil        or Hydrology        significantly disturbed? Are "Normal Circumstances" present? (Y/N) X

Are vegetation        Soil        or Hydrology        naturally problematic? If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>X</u>	No <u>      </u>	Is Sampled Area within a Wetland? Yes <u>X</u> No <u>      </u>
Hydric Soil Present?	Yes <u>X</u>	No <u>      </u>	
Wetland Hydrology Present?	Yes <u>X</u>	No <u>      </u>	

Remarks:  
**Precipitation was approximately 82% for the water year (October 1, 2020 through June 4, 2021). Recorded precipitation for April 2021 and May 2021 totalled 4.11 inches, This is approximately 40% of normal for these two months.**

## VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	
<b>Tree Stratum</b> (plot size: <u>30</u> )				<b>Dominance Test worksheet:</b>  Number of Dominant Species That are OBL, FACW, or FAC: <u>2</u> (A)  Total Number of Dominant Species Across All Strata: <u>2</u> (B)  Percent of Dominant Species That are OBL, FACW, or FAC: <u>100%</u> (A/B)
1 <u>Salix scouleriana</u>	<u>50</u>	<u>X</u>	<u>FAC</u>	
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>50</u>	= Total Cover		
<b>Sapling/Shrub Stratum</b> (plot size: <u>15</u> )				
1 <u>Rubus armeniacus</u>	<u>20</u>	<u>X</u>	<u>FAC</u>	
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
5 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>20</u>	= Total Cover		
<b>Herb Stratum</b> (plot size: <u>      </u> )				<b>Prevalence Index Worksheet:</b>  Total % Cover of <u>      </u> Multiply by: <u>      </u> OBL Species <u>      </u> x 1 = <u>0</u> FACW species <u>      </u> x 2 = <u>0</u> FAC Species <u>      </u> x 3 = <u>0</u> FACU Species <u>      </u> x 4 = <u>0</u> UPL Species <u>      </u> x 5 = <u>0</u> Column Totals <u>0</u> (A) <u>0</u> (B)  Prevalence Index =B/A = <u>#DIV/0!</u>
1 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
5 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
6 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
7 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
8 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>0</u>	= Total Cover		
<b>Woody Vine Stratum</b> (plot size: <u>      </u> )				
1 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>0</u>	= Total Cover		
% Bare Ground in Herb Stratum <u>      </u>				
<b>Hydrophytic Vegetation Indicators:</b> 1- Rapid Test for Hydrophytic Vegetation <u>X</u> 2- Dominance Test is >50% <u>      </u> 3-Prevalence Index is ≤ 3.0 <sup>1</sup> <u>      </u> 4-Morphological Adaptations <sup>1</sup> (provide supporting data in Remarks or on a separate sheet) <u>      </u> 5- Wetland Non-Vascular Plants <sup>1</sup> <u>      </u> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <u>      </u> <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.				
<b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No <u>      </u>				

Remarks: **20155-21-M; 20156-21-CP; 20157-21-ZAP**

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[illegible]<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Indicators for Problematic Hydric Soils<sup>3</sup>:

<input type="checkbox"/>	Histosol (A1)	<input type="checkbox"/>	Sandy Redox (S5)	<input type="checkbox"/>	2 cm Muck (A10)
<input type="checkbox"/>	Histic Epipedon (A2)	<input type="checkbox"/>	Stripped Matrix (S6)	<input type="checkbox"/>	Red Parent Material (TF2)
<input type="checkbox"/>	Black Histic (A3)	<input type="checkbox"/>	Loamy Mucky Mineral (F1)( <b>except MLRA 1</b> )	<input type="checkbox"/>	Very Shallow Dark Surface (TF12)
<input type="checkbox"/>	Hydrogen Sulfide (A4)	<input type="checkbox"/>	Loamy Gleyed Matrix (F2)	<input type="checkbox"/>	Other (explain in Remarks)
<input type="checkbox"/>	Depleted Below Dark Surface (A11)	<input type="checkbox"/>	Depleted Matrix (F3)		
<input type="checkbox"/>	Thick Dark Surface (A12)	<input type="checkbox"/>	Redox Dark Surface (F6)		
<input checked="" type="checkbox"/>	Sandy Mucky Mineral (S1)	<input type="checkbox"/>	Depleted Dark Surface (F7)		
<input type="checkbox"/>	Sandy Gleyed Matrix (S4)	<input type="checkbox"/>	Redox Depressions (F8)		

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes           X           No                                 

Primary Indicators (minimum of one required; check all that apply)

<b>X</b>	Surface Water (A1)	<b>Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)</b>		Water stained Leaves (B9)
<b>X</b>	High Water Table (A2)			<b>(MLRA1, 2, 4A, and 4B)</b>
<b>X</b>	Saturation (A3)			Drainage Patterns (B10)
	Water Marks (B1)			Dry-Season Water Table (C2)
	Sediment Deposits (B2)	<b>X</b>		Saturation Visible on Aerial Imagery (C9)
	Drift Deposits (B3)			<b>X</b> Geomorphic Position (D2)
	Algal Mat or Crust (B4)			Shallow Aquitard (D3)
	Iron Deposits (B5)			Fac-Neutral Test (D5)
	Surface Soil Cracks (B6)			Raised Ant Mounds (D6) <b>(LRR A)</b>
	Inundation Visible on Aerial Imagery (B7)			Frost-Heave Hummocks (D7)
<b>X</b>	Sparsely Vegetated Concave Surface (B8)			

Surface Water Present?	Yes	<u><b>X</b></u>	No	Depth (inches):	<u><b>0</b></u>
Water Table Present?	Yes	<u><b>X</b></u>	No	Depth (inches):	<u><b>2</b></u>
Saturation Present? (includes capillary fringe)	Yes	<u><b>X</b></u>	No	Depth (inches):	<u><b>0</b></u>

**Wetland Hydrology Present?**

Yes      X      No

Exhibit 1  
Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP  
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## WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: 25720 SE Eagle Creek Rd City/County: Eagle Creek/Clackamas Sampling Date: 6/4/2021

Applicant/Owner: Heavy Timber Innovations State: OR Sampling Point: 3

Investigator(s): JT/MS Section, Township, Range: Section 5, Township 3 South, Range 4 East

Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): None Slope (%): 0

Subregion (LRR): LRR A Lat: 45.3374 Long: -122.3495 Datum: WGS84

Soil Map Unit Name: Willamette silt loam, gravelly substratum, 0 to 3 percent slopes NWI Classification: None

Are climatic/hydrologic conditions on the site typical for this time of year? Yes        No X (if no, explain in Remarks)

Are vegetation        Soil        or Hydrology        significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y

Are vegetation        Soil        or Hydrology        naturally problematic? If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>      </u>	No <u>X</u>	Is Sampled Area within a Wetland? Yes <u>      </u> No <u>X</u>
Hydric Soil Present?	Yes <u>      </u>	No <u>X</u>	
Wetland Hydrology Present?	Yes <u>      </u>	No <u>X</u>	

Remarks:  
Precipitation was approximately 82% for the water year (October 1, 2020 through June 4, 2021). Recorded precipitation for April 2021 and May 2021 totalled 4.11 inches, This is approximately 40% of normal for these two months.

## VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	
Tree Stratum (plot size: <u>30</u> )				<b>Dominance Test worksheet:</b>
1 <u>Prunus avium</u>	<u>100</u>	<u>X</u>	<u>FACU</u>	Number of Dominant Species
2 <u>Populus balsamifera</u>	<u>30</u>	<u>X</u>	<u>FAC</u>	That are OBL, FACW, or FAC: <u>2</u> (A)
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Total Number of Dominant
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Species Across All Strata: <u>4</u> (B)
	<u>130</u>	= Total Cover		Percent of Dominant Species
Sapling/Shrub Stratum (plot size: <u>15</u> )				That are OBL, FACW, or FAC: <u>50%</u> (A/B)
1 <u>Rubus armeniacus</u>	<u>90</u>	<u>X</u>	<u>FAC</u>	<b>Prevalence Index Worksheet:</b>
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Total % Cover of
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Multiply by:
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	OBL Species <u>      </u> x 1 = <u>0</u>
5 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	FACW species <u>      </u> x 2 = <u>0</u>
	<u>90</u>	= Total Cover		FAC Species <u>120</u> x 3 = <u>360</u>
Herb Stratum (plot size: <u>5</u> )				FACU Species <u>110</u> x 4 = <u>440</u>
1 <u>Polystichum munitum</u>	<u>10</u>	<u>X</u>	<u>FACU</u>	UPL Species <u>      </u> x 5 = <u>0</u>
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Column Totals <u>230</u> (A) <u>800</u> (B)
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Prevalence Index =B/A = <u>3.48</u>
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<b>Hydrophytic Vegetation Indicators:</b>
5 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u> 1- Rapid Test for Hydrophytic Vegetation
6 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u> 2- Dominance Test is >50%
7 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u> 3-Prevalence Index is ≤ 3.0 <sup>1</sup>
8 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u> 4-Morphological Adaptations <sup>1</sup> (provide supporting
	<u>10</u>	= Total Cover		<u>      </u> data in Remarks or on a separate sheet)
Woody Vine Stratum (plot size: <u>      </u> )				<u>      </u> 5- Wetland Non-Vascular Plants <sup>1</sup>
1 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless
	<u>0</u>	= Total Cover		disturbed or problematic.
% Bare Ground in Herb Stratum <u>5</u>				<b>Hydrophytic Vegetation Present?</b> Yes <u>      </u> No <u>X</u>

Remarks: 20155-21-M; 20156-21-CP; 20157-21-ZAP

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<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Remarks:

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

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## WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: 25720 SE Eagle Creek Rd City/County: Eagle Creek/Clackamas Sampling Date: 6/4/2021

Applicant/Owner: Heavy Timber Innovations State: OR Sampling Point: 4

Investigator(s): JT/MS Section, Township, Range: Section 5, Township 3 South, Range 4 East

Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): Flat Slope (%): 0

Subregion (LRR): LRR A Lat: 45.3377 Long: -122.3481 Datum: WGS84

Soil Map Unit Name: Willamette silt loam, gravelly substratum, 0 to 3 percent slopes NWI Classification: None

Are climatic/hydrologic conditions on the site typical for this time of year? Yes        No X (if no, explain in Remarks)

Are vegetation        Soil        or Hydrology        significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y

Are vegetation        Soil        or Hydrology        naturally problematic? If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>      </u>	No <u>X</u>	Is Sampled Area within a Wetland? Yes <u>      </u> No <u>X</u>
Hydric Soil Present?	Yes <u>      </u>	No <u>X</u>	
Wetland Hydrology Present?	Yes <u>      </u>	No <u>X</u>	

Remarks:  
Precipitation was approximately 82% for the water year (October 1, 2020 through June 4, 2021). Recorded precipitation for April 2021 and May 2021 totalled 4.11 inches, This is approximately 40% of normal for these two months.

## VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	
Tree Stratum (plot size: <u>30</u> )				<b>Dominance Test worksheet:</b>
1 <u>Pseudotsuga menziesii</u>	<u>35</u>	<u>X</u>	<u>FACU</u>	Number of Dominant Species
2 <u>Prunus avium</u>	<u>25</u>	<u>X</u>	<u>FACU</u>	That are OBL, FACW, or FAC: <u>2</u> (A)
3 <u>Crataegus monogyna</u>	<u>5</u>		<u>FAC</u>	Total Number of Dominant
4 <u>      </u>				Species Across All Strata: <u>7</u> (B)
	<u>65</u>	= Total Cover		Percent of Dominant Species
Sapling/Shrub Stratum (plot size: <u>15</u> )				That are OBL, FACW, or FAC: <u>29%</u> (A/B)
1 <u>Rubus ursinus</u>	<u>60</u>	<u>X</u>	<u>FACU</u>	<b>Prevalence Index Worksheet:</b>
2 <u>Crataegus monogyna</u>	<u>15</u>	<u>X</u>	<u>FAC</u>	Total % Cover of <u>      </u> Multiply by: <u>      </u>
3 <u>Rubus armeniacus</u>	<u>10</u>		<u>FAC</u>	OBL Species <u>      </u> x 1 = <u>0</u>
4 <u>Oemleria cerasiformis</u>	<u>5</u>		<u>FACU</u>	FACW species <u>      </u> x 2 = <u>0</u>
5 <u>      </u>				FAC Species <u>      </u> x 3 = <u>0</u>
	<u>90</u>	= Total Cover		FACU Species <u>      </u> x 4 = <u>0</u>
Herb Stratum (plot size: <u>5</u> )				UPL Species <u>      </u> x 5 = <u>0</u>
1 <u>Nemophila parviflora</u>	<u>20</u>	<u>X</u>	<u>(FAC)</u>	Column Totals <u>0</u> (A) <u>0</u> (B)
2 <u>Polystichum munitum</u>	<u>15</u>	<u>X</u>	<u>FACU</u>	Prevalence Index =B/A = <u>#DIV/0!</u>
3 <u>Lapsana communis</u>	<u>15</u>	<u>X</u>	<u>FACU</u>	<b>Hydrophytic Vegetation Indicators:</b>
4 <u>Galium tinctorium</u>	<u>10</u>		<u>(FAC)</u>	<u>      </u> 1- Rapid Test for Hydrophytic Vegetation
5 <u>      </u>				<u>      </u> 2- Dominance Test is >50%
6 <u>      </u>				<u>      </u> 3-Prevalence Index is ≤ 3.0 <sup>1</sup>
7 <u>      </u>				<u>      </u> 4-Morphological Adaptations <sup>1</sup> (provide supporting
8 <u>      </u>				data in Remarks or on a separate sheet)
	<u>60</u>	= Total Cover		<u>      </u> 5- Wetland Non-Vascular Plants <sup>1</sup>
Woody Vine Stratum (plot size: <u>      </u> )				<u>      </u> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
1 <u>      </u>				<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless
2 <u>      </u>				disturbed or problematic.
	<u>0</u>	= Total Cover		<b>Hydrophytic Vegetation Present?</b> Yes <u>      </u> No <u>X</u>
% Bare Ground in Herb Stratum <u>      </u>				<b>Exhibit 1</b>

## Sampling Point: 4

[illegible]<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Indicators for Problematic Hydric Soils<sup>3</sup>:

_____ Histosol (A1)	_____ Sandy Redox (S5)	_____ 2 cm Muck (A10)
_____ Histic Epipedon (A2)	_____ Stripped Matrix (S6)	_____ Red Parent Material (TF2)
_____ Black Histic (A3)	_____ Loamy Mucky Mineral (F1) <b>(except MLRA 1)</b>	_____ Very Shallow Dark Surface (TF12)
_____ Hydrogen Sulfide (A4)	_____ Loamy Gleyed Matrix (F2)	_____ Other (explain in Remarks)
_____ Depleted Below Dark Surface (A11)	_____ Depleted Matrix (F3)	
_____ Thick Dark Surface (A12)	_____ Redox Dark Surface (F6)	
_____ Sandy Mucky Mineral (S1)	_____ Depleted Dark Surface (F7)	
_____ Sandy Gleyed Matrix (S4)	_____ Redox Depressions (F8)	

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present?	Yes	No	X
----------------------	-----	----	---

Remarks:

### Wetland Hydrology Indicators:

Secondary Indicators (2 or more required)

Surface Water (A1)	Water stained Leaves (B9) <b>(Except MLRA 1, 2, 4A, and 4B)</b>	Water stained Leaves (B9) <b>(MLRA1, 2, 4A, and 4B)</b>
High Water Table (A2)		
Saturation (A3)	Salt Crust (B11)	Drainage Patterns (B10)
Water Marks (B1)	Aquatic Invertebrates (B13)	Dry-Season Water Table (C2)
Sediment Deposits (B2)	Hydrogen Sulfide Odor (C1)	Saturation Visible on Aerial Imagery (C9)
Drift Deposits (B3)	Oxidized Rhizospheres along Living Roots (C3)	Geomorphic Position (D2)
Algal Mat or Crust (B4)	Presence of Reduced Iron (C4)	Shallow Aquitard (D3)
Iron Deposits (B5)	Recent Iron Reduction in Plowed Soils (C6)	Fac-Neutral Test (D5)
Surface Soil Cracks (B6)	Stunted or Stressed Plants (D1) <b>(LRR A)</b>	Raised Ant Mounds (D6) <b>(LRR A)</b>
Inundation Visible on Aerial Imagery (B7)	Other (Explain in Remarks)	Frost-Heave Hummocks (D7)
Sparsely Vegetated Concave Surface (B8)		

Surface Water Present?	Yes	_____	No	<b>X</b>	Depth (inches):	_____
Water Table Present?	Yes	_____	No	<b>X</b>	Depth (inches):	<b>&gt;16</b>
Saturation Present? (includes capillary fringe)	Yes	_____	No	<b>X</b>	Depth (inches):	<b>&gt;16</b>

**Wetland Hydrology Present?**

<b>Yes</b>	<b>No</b>	<b>X</b>
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Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Exhibit 1  
Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP  
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## WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: 25720 SE Eagle Creek Rd City/County: Eagle Creek/Clackamas Sampling Date: 6/4/2021

Applicant/Owner: Heavy Timber Innovations State: OR Sampling Point: 5

Investigator(s): JT/MS Section, Township, Range: Section 5, Township 3 South, Range 4 East

Landform (hillslope, terrace, etc.): Depression Local relief (concave, convex, none): Concave Slope (%): 1%

Subregion (LRR): LRR A Lat: 45.3367 Long: -122.3488 Datum: WGS84

Soil Map Unit Name: Willamette silt loam, gravelly substratum, 0 to 3 percent slopes NWI Classification: None

Are climatic/hydrologic conditions on the site typical for this time of year? Yes        No X (if no, explain in Remarks)

Are vegetation        Soil        or Hydrology        significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y

Are vegetation        Soil        or Hydrology        naturally problematic? If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>X</u>	No <u>      </u>	Is Sampled Area within a Wetland? Yes <u>      </u> No <u>X</u>
Hydric Soil Present?	Yes <u>      </u>	No <u>X</u>	
Wetland Hydrology Present?	Yes <u>      </u>	No <u>X</u>	

Remarks:  
Precipitation was approximately 82% for the water year (October 1, 2020 through June 4, 2021). Recorded precipitation for April 2021 and May 2021 totalled 4.11 inches, This is approximately 40% of normal for these two months.

## VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	
<b>Tree Stratum</b> (plot size: <u>      </u> )				<b>Dominance Test worksheet:</b>
1 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Number of Dominant Species
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	That are OBL, FACW, or FAC: <u>2</u> (A)
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Total Number of Dominant
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Species Across All Strata: <u>3</u> (B)
	<u>0</u>	= Total Cover		Percent of Dominant Species
<b>Sapling/Shrub Stratum</b> (plot size: <u>15</u> )				That are OBL, FACW, or FAC: <u>67%</u> (A/B)
1 <u>Rubus armeniacus</u>	<u>5</u>	<u>X</u>	<u>FAC</u>	<b>Prevalence Index Worksheet:</b>
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Total % Cover of <u>      </u> Multiply by:
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	OBL Species <u>      </u> x 1 = <u>0</u>
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	FACW species <u>      </u> x 2 = <u>0</u>
5 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	FAC Species <u>      </u> x 3 = <u>0</u>
	<u>5</u>	= Total Cover		FACU Species <u>      </u> x 4 = <u>0</u>
<b>Herb Stratum</b> (plot size: <u>5</u> )				UPL Species <u>      </u> x 5 = <u>0</u>
1 <u>Schedonorus arundinaceus</u>	<u>75</u>	<u>X</u>	<u>FAC</u>	Column Totals <u>0</u> (A) <u>0</u> (B)
2 <u>Leontodon saxatilis</u>	<u>20</u>	<u>X</u>	<u>FACU</u>	Prevalence Index =B/A = <u>#DIV/0!</u>
3 <u>Poa annua</u>	<u>3</u>	<u>      </u>	<u>FAC</u>	
4 <u>Leucanthemum vulgare</u>	<u>2</u>	<u>      </u>	<u>FACU</u>	
5 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
6 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
7 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
8 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>100</u>	= Total Cover		
<b>Woody Vine Stratum</b> (plot size: <u>      </u> )				<b>Hydrophytic Vegetation Indicators:</b>
1 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u> 1- Rapid Test for Hydrophytic Vegetation
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>X</u> 2- Dominance Test is >50%
	<u>0</u>	= Total Cover		<u>      </u> 3-Prevalence Index is ≤ 3.0 <sup>1</sup>
% Bare Ground in Herb Stratum <u>      </u>				<u>      </u> 4-Morphological Adaptations <sup>1</sup> (provide supporting data in Remarks or on a separate sheet)
				<u>      </u> 5- Wetland Non-Vascular Plants <sup>1</sup>
				<u>      </u> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
Remarks:				<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
				<b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No <u>      </u>

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-13	10YR 3/1	99	7.5YR 5/8	1	C	M	Silty Clay Loam	Fine

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)		Indicators for Problematic Hydric Soils <sup>3</sup> :
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1)(except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:		
Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input checked="" type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes No X

Water Table Present? Yes No X

Saturation Present? Yes No X

(includes capillary fringe)

Depth (inches):

Depth (inches): >13

Depth (inches): >13

Wetland Hydrology Present? Yes No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

## WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: 25720 SE Eagle Creek Rd City/County: Eagle Creek/Clackamas Sampling Date: 6/4/2021

Applicant/Owner: Heavy Timber Innovations State: OR Sampling Point: 6

Investigator(s): JT/MS Section, Township, Range: Section 5, Township 3 South, Range 4 East

Landform (hillslope, terrace, etc.): Ditch Local relief (concave, convex, none): Concave Slope (%): 2%

Subregion (LRR): LRR A Lat: 45.3374 Long: -122.3486 Datum: WGS84

Soil Map Unit Name: Willamette silt loam, gravelly substratum, 0 to 3 percent slopes NWI Classification: None

Are climatic/hydrologic conditions on the site typical for this time of year? Yes        No X (if no, explain in Remarks)

Are vegetation        Soil        or Hydrology        significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y

Are vegetation        Soil        or Hydrology        naturally problematic? If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present?	Yes <u>X</u>	No <u>      </u>	Is Sampled Area within a Wetland?	Yes <u>X</u>	No <u>      </u>
Hydric Soil Present?	Yes <u>X</u>	No <u>      </u>			
Wetland Hydrology Present?	Yes <u>X</u>	No <u>      </u>			

Remarks:  
**Precipitation was approximately 82% for the water year (October 1, 2020 through June 4, 2021). Recorded precipitation for April 2021 and May 2021 totalled 4.11 inches, This is approximately 40% of normal for these two months.**

**VEGETATION - Use scientific names of plants.**

	absolute % cover	Dominant Species?	Indicator Status	
<b>Tree Stratum</b> (plot size: <u>      </u> )				
1				<b>Dominance Test worksheet:</b> Number of Dominant Species That are OBL, FACW, or FAC: <u>1</u> (A)  Total Number of Dominant Species Across All Strata: <u>1</u> (B)  Percent of Dominant Species That are OBL, FACW, or FAC: <u>100%</u> (A/B)
2				
3				
4				
	<u>0</u>	= Total Cover		
<b>Sapling/Shrub Stratum</b> (plot size: <u>      </u> )				
1				<b>Prevalence Index Worksheet:</b> Total % Cover of <u>      </u> Multiply by: <u>      </u> OBL Species <u>      </u> x 1 = <u>0</u> FACW species <u>      </u> x 2 = <u>0</u> FAC Species <u>      </u> x 3 = <u>0</u> FACU Species <u>      </u> x 4 = <u>0</u> UPL Species <u>      </u> x 5 = <u>0</u> Column Totals <u>0</u> (A) <u>0</u> (B)  Prevalence Index =B/A = <u>#DIV/0!</u>
2				
3				
4				
5				
<b>Herb Stratum</b> (plot size: <u>5</u> )				
1	<u>5</u>	<u>X</u>	<u>(OBL)</u>	<b>Hydrophytic Vegetation Indicators:</b> 1- Rapid Test for Hydrophytic Vegetation <u>X</u> 2- Dominance Test is >50% 3-Prevalence Index is ≤ 3.0 <sup>1</sup> 4-Morphological Adaptations <sup>1</sup> (provide supporting data in Remarks or on a separate sheet) 5- Wetland Non-Vascular Plants <sup>1</sup> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic. <b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No <u>      </u>
2				
3				
4				
5				
6				
7				
8				
	<u>5</u>	= Total Cover		
<b>Woody Vine Stratum</b> (plot size: <u>      </u> )				
1				<b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No <u>      </u>
2				
	<u>0</u>	= Total Cover		
% Bare Ground in Herb Stratum <u>95</u>				

Remarks: 20155-21-M; 20156-21-CP; 20157-21-ZAP

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Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-6	10YR 3/2	98	10YR 3/1	2	C	M	Silty Clay Loam	Manganese
6-12	10YR 3/1	80	7.5YR 4/3	20	C	M	Silty Clay Loam	Blotchy

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)		Indicators for Problematic Hydric Soils <sup>3</sup> :
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1)(except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input checked="" type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes☒ No☐

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:		
Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input checked="" type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input checked="" type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input checked="" type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input checked="" type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input checked="" type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes☐ No☒ Depth (inches):

Water Table Present? Yes☐ No☒ Depth (inches):

Saturation Present? Yes☐ No☒ Depth (inches):

(includes capillary fringe)

Wetland Hydrology Present? Yes☒ No☐

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

## WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: 25720 SE Eagle Creek Rd City/County: Eagle Creek/Clackamas Sampling Date: 6/4/2021

Applicant/Owner: Heavy Timber Innovations State: OR Sampling Point: 7

Investigator(s): JT/MS Section, Township, Range: Section 5, Township 3 South, Range 4 East

Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): none Slope (%): 0

Subregion (LRR): LRR A Lat: 45.3374 Long: -122.3487 Datum: WGS84

Soil Map Unit Name: Willamette silt loam, gravelly substratum, 0 to 3 percent slopes NWI Classification: None

Are climatic/hydrologic conditions on the site typical for this time of year? Yes        No X (if no, explain in Remarks)

Are vegetation        Soil        or Hydrology        significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y

Are vegetation        Soil        or Hydrology        naturally problematic? If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>      </u>	No <u>X</u>	Is Sampled Area within a Wetland? Yes <u>      </u> No <u>X</u>
Hydric Soil Present?	Yes <u>      </u>	No <u>X</u>	
Wetland Hydrology Present?	Yes <u>      </u>	No <u>X</u>	

Remarks:  
Precipitation was approximately 82% for the water year (October 1, 2020 through June 4, 2021). Recorded precipitation for April 2021 and May 2021 totalled 4.11 inches, This is approximately 40% of normal for these two months.

## VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	
Tree Stratum (plot size: <u>30</u> )				<b>Dominance Test worksheet:</b>  Number of Dominant Species That are OBL, FACW, or FAC: <u>2</u> (A)  Total Number of Dominant Species Across All Strata: <u>6</u> (B)  Percent of Dominant Species That are OBL, FACW, or FAC: <u>33%</u> (A/B)
1 <u>Prunus avium</u>	<u>40</u>	<u>X</u>	<u>FACU</u>	
2 <u>Populus balsamifera</u>	<u>25</u>	<u>X</u>	<u>FAC</u>	
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>65</u>	= Total Cover		<b>Prevalence Index Worksheet:</b>  Total % Cover of <u>      </u> Multiply by: <u>      </u> OBL Species <u>      </u> x 1 = <u>0</u> FACW species <u>      </u> x 2 = <u>0</u> FAC Species <u>75</u> x 3 = <u>225</u> FACU Species <u>125</u> x 4 = <u>500</u> UPL Species <u>      </u> x 5 = <u>0</u> Column Totals <u>200</u> (A) <u>725</u> (B)  Prevalence Index =B/A = <u>3.63</u>
Sapling/Shrub Stratum (plot size: <u>      </u> )				
1 <u>Rubus armeniacus</u>	<u>50</u>	<u>X</u>	<u>FAC</u>	
2 <u>Rubus ursinus</u>	<u>45</u>	<u>X</u>	<u>FACU</u>	
3 <u>Prunus avium</u>	<u>5</u>	<u>      </u>	<u>FACU</u>	
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<b>Hydrophytic Vegetation Indicators:</b>  1- Rapid Test for Hydrophytic Vegetation 2- Dominance Test is >50% 3-Prevalence Index is ≤ 3.0 <sup>1</sup> 4-Morphological Adaptations <sup>1</sup> (provide supporting data in Remarks or on a separate sheet) 5- Wetland Non-Vascular Plants <sup>1</sup> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)  <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.  <b>Hydrophytic Vegetation Present?</b> Yes <u>      </u> No <u>X</u> <b>Exhibit 1</b>
5 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>100</u>	= Total Cover		
Herb Stratum (plot size: <u>5</u> )				
1 <u>Lapsana communis</u>	<u>15</u>	<u>X</u>	<u>FACU</u>	
2 <u>Galium aparine</u>	<u>10</u>	<u>X</u>	<u>FACU</u>	
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
5 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
6 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
7 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
8 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>25</u>	= Total Cover		
Woody Vine Stratum (plot size: <u>      </u> )				
1 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>0</u>	= Total Cover		
% Bare Ground in Herb Stratum <u>      </u>				
Remarks:				

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-14	10YR 3/2	100						

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)		Indicators for Problematic Hydric Soils <sup>3</sup> :	
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)	
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)	
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1)(except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)	
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)		
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)		
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)		
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)		

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:		
Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes No X

Water Table Present? Yes No X

Saturation Present? Yes No X

(includes capillary fringe)

Depth (inches):

Depth (inches): >14

Depth (inches): >14

Wetland Hydrology Present? Yes No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

## WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: 25720 SE Eagle Creek Rd City/County: Eagle Creek/Clackamas Sampling Date: 6/4/2021

Applicant/Owner: Heavy Timber Innovations State: OR Sampling Point: 8

Investigator(s): JT/MS Section, Township, Range: Section 5, Township 3 South, Range 4 East

Landform (hillslope, terrace, etc.): Depression Local relief (concave, convex, none): Concave Slope (%): 5%

Subregion (LRR): LRR A Lat: 45.3351 Long: -122.3488 Datum: WGS84

Soil Map Unit Name: Water NWI Classification: PUBK

Are climatic/hydrologic conditions on the site typical for this time of year? Yes        No X (if no, explain in Remarks)

Are vegetation        Soil        or Hydrology        significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y

Are vegetation        Soil        or Hydrology        naturally problematic? If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>X</u>	No <u>      </u>	Is Sampled Area within a Wetland? Yes <u>X</u> No <u>      </u>
Hydric Soil Present?	Yes <u>X</u>	No <u>      </u>	
Wetland Hydrology Present?	Yes <u>X</u>	No <u>      </u>	

Remarks:  
**Precipitation was approximately 82% for the water year (October 1, 2020 through June 4, 2021). Recorded precipitation for April 2021 and May 2021 totalled 4.11 inches, This is approximately 40% of normal for these two months.**

## VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	
<b>Tree Stratum</b> (plot size: <u>30</u> )				<b>Dominance Test worksheet:</b> Number of Dominant Species That are OBL, FACW, or FAC: <u>2</u> (A)  Total Number of Dominant Species Across All Strata: <u>2</u> (B)  Percent of Dominant Species That are OBL, FACW, or FAC: <u>100%</u> (A/B)
1	<u>40</u>	<u>X</u>	<u>FAC</u>	
2	<u>      </u>	<u>      </u>	<u>      </u>	
3	<u>      </u>	<u>      </u>	<u>      </u>	
4	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>40</u>	= Total Cover		
<b>Sapling/Shrub Stratum</b> (plot size: <u>      </u> )				<b>Prevalence Index Worksheet:</b> Total % Cover of <u>      </u> Multiply by: OBL Species <u>      </u> x 1 = <u>0</u> FACW species <u>      </u> x 2 = <u>0</u> FAC Species <u>      </u> x 3 = <u>0</u> FACU Species <u>      </u> x 4 = <u>0</u> UPL Species <u>      </u> x 5 = <u>0</u> Column Totals <u>0</u> (A) <u>0</u> (B)  Prevalence Index =B/A = <u>#DIV/0!</u>
1	<u>      </u>	<u>      </u>	<u>      </u>	
2	<u>      </u>	<u>      </u>	<u>      </u>	
3	<u>      </u>	<u>      </u>	<u>      </u>	
4	<u>      </u>	<u>      </u>	<u>      </u>	
5	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>0</u>	= Total Cover		
<b>Herb Stratum</b> (plot size: <u>5</u> )				<b>Hydrophytic Vegetation Indicators:</b> 1- Rapid Test for Hydrophytic Vegetation <u>X</u> 2- Dominance Test is >50% 3-Prevalence Index is ≤ 3.0 <sup>1</sup> 4-Morphological Adaptations <sup>1</sup> (provide supporting data in Remarks or on a separate sheet) 5- Wetland Non-Vascular Plants <sup>1</sup> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic. <b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No <u>      </u> <b>Exhibit 1</b>
1	<u>50</u>	<u>X</u>	<u>FACW</u>	
2	<u>5</u>	<u>      </u>	<u>FACW</u>	
3	<u>5</u>	<u>      </u>	<u>FACW</u>	
4	<u>      </u>	<u>      </u>	<u>      </u>	
5	<u>      </u>	<u>      </u>	<u>      </u>	
6	<u>      </u>	<u>      </u>	<u>      </u>	
7	<u>      </u>	<u>      </u>	<u>      </u>	
8	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>60</u>	= Total Cover		
<b>Woody Vine Stratum</b> (plot size: <u>      </u> )				
1	<u>      </u>	<u>      </u>	<u>      </u>	
2	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>0</u>	= Total Cover		
% Bare Ground in Herb Stratum <u>40</u>				
Remarks: <u>20155-21-M; 20156-21-CP; 20157-21-ZAP</u> <u>Page 729 of 747</u>				

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Hydric Soil Present?	Yes	X	No
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## HYDROLOGY

<input type="checkbox"/>	Surface Water (A1)	<input type="checkbox"/>	Water stained Leaves (B9) <b>(Except MLRA 1, 2, 4A, and 4B)</b>	<input checked="" type="checkbox"/>	Water stained Leaves (B9) <b>(MLRA1, 2, 4A, and 4B)</b>
<input type="checkbox"/>	High Water Table (A2)	<input type="checkbox"/>	Salt Crust (B11)	<input type="checkbox"/>	Drainage Patterns (B10)
<input type="checkbox"/>	Saturation (A3)	<input type="checkbox"/>	Aquatic Invertebrates (B13)	<input type="checkbox"/>	Dry-Season Water Table (C2)
<input type="checkbox"/>	Water Marks (B1)	<input type="checkbox"/>	Hydrogen Sulfide Odor (C1)	<input type="checkbox"/>	Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/>	Sediment Deposits (B2)	<input type="checkbox"/>	Oxidized Rhizospheres along Living Roots (C3)	<input checked="" type="checkbox"/>	Geomorphic Position (D2)
<input type="checkbox"/>	Drift Deposits (B3)	<input type="checkbox"/>	Presence of Reduced Iron (C4)	<input type="checkbox"/>	Shallow Aquitard (D3)
<input checked="" type="checkbox"/>	Algal Mat or Crust (B4)	<input type="checkbox"/>	Recent Iron Reduction in Plowed Soils (C6)	<input checked="" type="checkbox"/>	Fac-Neutral Test (D5)
<input type="checkbox"/>	Iron Deposits (B5)	<input type="checkbox"/>	Stunted or Stressed Plants (D1) <b>(LRR A)</b>	<input type="checkbox"/>	Raised Ant Mounds (D6) <b>(LRR A)</b>
<input type="checkbox"/>	Surface Soil Cracks (B6)	<input type="checkbox"/>	Other (Explain in Remarks)	<input type="checkbox"/>	Frost-Heave Hummocks (D7)
<input checked="" type="checkbox"/>	Inundation Visible on Aerial Imagery (B7)				
<input checked="" type="checkbox"/>	Sparsely Vegetated Concave Surface (B8)				

Yes      X      No

Exhibit 1  
Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP  
Page 730 of 747

## WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: 25720 SE Eagle Creek Rd City/County: Eagle Creek/Clackamas Sampling Date: 6/4/2021

Applicant/Owner: Heavy Timber Innovations State: OR Sampling Point: 9

Investigator(s): JT/MS Section, Township, Range: Section 5, Township 3 South, Range 4 East

Landform (hillslope, terrace, etc.): Berm Local relief (concave, convex, none): None Slope (%): 8%

Subregion (LRR): LRR A Lat: 45.3351 Long: -122.3489 Datum: WGS84

Soil Map Unit Name: Water NWI Classification: None

Are climatic/hydrologic conditions on the site typical for this time of year? Yes        No X (if no, explain in Remarks)

Are vegetation        Soil        or Hydrology        significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y

Are vegetation        Soil        or Hydrology        naturally problematic? If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>      </u>	No <u>X</u>	Is Sampled Area within a Wetland? Yes <u>      </u> No <u>X</u>
Hydric Soil Present?	Yes <u>X</u>	No <u>      </u>	
Wetland Hydrology Present?	Yes <u>      </u>	No <u>X</u>	

Remarks:  
Precipitation was approximately 82% for the water year (October 1, 2020 through June 4, 2021). Recorded precipitation for April 2021 and May 2021 totalled 4.11 inches, This is approximately 40% of normal for these two months.

## VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	
<b>Tree Stratum</b> (plot size: <u>      </u> )				<b>Dominance Test worksheet:</b>
1 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Number of Dominant Species
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	That are OBL, FACW, or FAC: <u>1</u> (A)
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Total Number of Dominant
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Species Across All Strata: <u>2</u> (B)
	<u>0</u>	= Total Cover		Percent of Dominant Species
<b>Sapling/Shrub Stratum</b> (plot size: <u>15</u> )				That are OBL, FACW, or FAC: <u>50%</u> (A/B)
1 <u>Rubus armeniacus</u>	<u>45</u>	<u>X</u>	<u>FAC</u>	<b>Prevalence Index Worksheet:</b>
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Total % Cover of <u>      </u> Multiply by:
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	OBL Species <u>      </u> x 1 = <u>0</u>
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	FACW species <u>1</u> x 2 = <u>2</u>
5 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	FAC Species <u>45</u> x 3 = <u>135</u>
	<u>45</u>	= Total Cover		FACU Species <u>40</u> x 4 = <u>160</u>
<b>Herb Stratum</b> (plot size: <u>5</u> )				UPL Species <u>      </u> x 5 = <u>0</u>
1 <u>Galium aparine</u>	<u>40</u>	<u>X</u>	<u>FACU</u>	Column Totals <u>86</u> (A) <u>297</u> (B)
2 <u>Epilobium ciliatum</u>	<u>1</u>	<u>      </u>	<u>FACW</u>	Prevalence Index =B/A = <u>3.45</u>
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<b>Hydrophytic Vegetation Indicators:</b>
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u> 1- Rapid Test for Hydrophytic Vegetation
5 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u> 2- Dominance Test is >50%
6 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u> 3-Prevalence Index is ≤ 3.0 <sup>1</sup>
7 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u> 4-Morphological Adaptations <sup>1</sup> (provide supporting
8 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u> data in Remarks or on a separate sheet)
	<u>41</u>	= Total Cover		<u>      </u> 5- Wetland Non-Vascular Plants <sup>1</sup>
<b>Woody Vine Stratum</b> (plot size: <u>      </u> )				<u>      </u> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
1 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	disturbed or problematic.
	<u>0</u>	= Total Cover		<b>Hydrophytic</b>
% Bare Ground in Herb Stratum <u>      </u>				<b>Vegetation</b> Yes <u>      </u> No <u>X</u>
Remarks:				<b>Present?</b> <u>Exhibit 1</u>

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-6	10YR 3/1						Silt Loam	
6-9	10YR 2/1	60					Silt Loam	
6-9	10YR 4/3	30	5YR 3/4	10	C	M	Silty Clay Loam	
9-12+	10YR 2/2	90	5YR 4/6	10	C	M	Silty Clay Loam	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)		Indicators for Problematic Hydric Soils <sup>3</sup> :
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1)(except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input checked="" type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<b>Restrictive Layer (if present):</b>	
Type: _____	
Depth (inches): _____	<b>Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>

Remarks:  
**Mixed matrix 6-9 inches depth. Soil is disturbed.**

HYDROLOGY

Wetland Hydrology Indicators:		
Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

<b>Field Observations:</b>	
Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____	<b>Wetland Hydrology Present?</b> Yes _____ No <input checked="" type="checkbox"/>
Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): <u>&gt;12</u>	
Saturation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): <u>&gt;12</u> (includes capillary fringe)	

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:  
**Sample point recorded along the slope of a log pond embankment several feet in elevation above adjacent wetland.**



## WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: 25720 SE Eagle Creek Rd City/County: Eagle Creek/Clackamas Sampling Date: 6/4/2021

Applicant/Owner: Heavy Timber Innovations State: OR Sampling Point: 10

Investigator(s): JT/MS Section, Township, Range: Section 5, Township 3 South, Range 4 East

Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): Concave Slope (%): 1

Subregion (LRR): LRR A Lat: 45.3367 Long: -122.3479 Datum: WGS84

Soil Map Unit Name: Willamette silt loam, gravelly substratum, 0 to 3 percent slopes NWI Classification: None

Are climatic/hydrologic conditions on the site typical for this time of year? Yes        No X (if no, explain in Remarks)

Are vegetation        Soil        or Hydrology        significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y

Are vegetation        Soil        or Hydrology        naturally problematic? If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>X</u>	No <u>      </u>	Is Sampled Area within a Wetland? Yes <u>      </u> No <u>X</u>
Hydric Soil Present?	Yes <u>      </u>	No <u>X</u>	
Wetland Hydrology Present?	Yes <u>      </u>	No <u>X</u>	

Remarks:  
Precipitation was approximately 82% for the water year (October 1, 2020 through June 4, 2021). Recorded precipitation for April 2021 and May 2021 totalled 4.11 inches, This is approximately 40% of normal for these two months.

## VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	
Tree Stratum (plot size: <u>30</u> )				<b>Dominance Test worksheet:</b>
1 <u>Populus balsamifera</u>	<u>65</u>	<u>X</u>	<u>FAC</u>	Number of Dominant Species
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	That are OBL, FACW, or FAC: <u>7</u> (A)
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Total Number of Dominant
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Species Across All Strata: <u>7</u> (B)
	<u>65</u>	= Total Cover		Percent of Dominant Species
Sapling/Shrub Stratum (plot size: <u>15</u> )				That are OBL, FACW, or FAC: <u>100%</u> (A/B)
1 <u>Rubus armeniacus</u>	<u>15</u>	<u>X</u>	<u>FAC</u>	<b>Prevalence Index Worksheet:</b>
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Total % Cover of
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Multiply by:
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	OBL Species <u>      </u> x 1 = <u>0</u>
5 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	FACW species <u>      </u> x 2 = <u>0</u>
	<u>15</u>	= Total Cover		FAC Species <u>      </u> x 3 = <u>0</u>
Herb Stratum (plot size: <u>5</u> )				FACU Species <u>      </u> x 4 = <u>0</u>
1 <u>Agrostis capillaris</u>	<u>25</u>	<u>X</u>	<u>FAC</u>	UPL Species <u>      </u> x 5 = <u>0</u>
2 <u>Dipsacus fullonum</u>	<u>15</u>	<u>X</u>	<u>FAC</u>	Column Totals <u>0</u> (A) <u>0</u> (B)
3 <u>Cirsium arvense</u>	<u>10</u>	<u>X</u>	<u>FAC</u>	Prevalence Index =B/A = <u>#DIV/0!</u>
4 <u>Rumex crispus</u>	<u>10</u>	<u>X</u>	<u>FAC</u>	<b>Hydrophytic Vegetation Indicators:</b>
5 <u>Trifolium repens</u>	<u>10</u>	<u>X</u>	<u>FAC</u>	1- Rapid Test for Hydrophytic Vegetation
6 <u>Triticum aestivum</u>	<u>5</u>	<u>      </u>	<u>(FAC)</u>	<u>X</u> 2- Dominance Test is >50%
7 <u>Taraxacum officinale</u>	<u>2</u>	<u>      </u>	<u>FACU</u>	3-Prevalence Index is ≤ 3.0 <sup>1</sup>
8 <u>Lolium perenne</u>	<u>2</u>	<u>      </u>	<u>FAC</u>	4-Morphological Adaptations <sup>1</sup> (provide supporting data in Remarks or on a separate sheet)
	<u>81</u>	= Total Cover		5- Wetland Non-Vascular Plants <sup>1</sup>
Woody Vine Stratum (plot size: <u>      </u> )				Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
1 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No <u>      </u>
	<u>0</u>	= Total Cover		<b>Exhibit 1</b>
% Bare Ground in Herb Stratum <u>      </u>				
Remarks: Herbs continued: Avena sativa (UPL) 2%				20155-21-M; 20156-21-CP; 20157-21-ZAP

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Hydric Soil Present?	Yes	No	X
----------------------	-----	----	---

Remarks:

Yes No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Exhibit 1  
Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP  
Page 734 of 747

# Appendix C

## Site Photos





**Photo A:**

View of western portion Wetland A,  
looking northeast.

**Photo B:**

View of eastern portion of  
Wetland A, looking west.



Project #: 7237

7/19/2021



Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

Photo documentation

25720 SE Eagle Creek Road - Eagle Creek Oregon

Photos taken June 4, 2021

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

**Exhibit I**

**Page 736 of 747**





**Photo C:**

View of Sample Point 2, and Wetland A, looking south.

**Photo D:**

View of Sample Point 1, looking east.



Project #: 7237

7/19/2021



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9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

Photo documentation

25720 SE Eagle Creek Road - Eagle Creek Oregon

Photos taken June 4, 2021

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

**Exhibit I**





**Photo E:**

View of Wetland A, and Sample Point 8 and Sample Point 9, looking south.

**Photo F:**

View of Ditch 1 within the northeastern portion of the property, looking east.



Project #: 7237

7/19/2021



Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

Photo documentation

25720 SE Eagle Creek Road - Eagle Creek Oregon

Photos taken June 4, 2021

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

**Exhibit I**

**Page 738 of 747**





**Photo G:**

View of Ditch 1, and Sample Point 6, looking west.

**Photo H:**

View of Sample Point 7 (upland), looking west.



Project #: 7237

7/19/2021



Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

Photo documentation

25720 SE Eagle Creek Road - Eagle Creek Oregon

Photos taken June 4, 2021

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

**Exhibit I**

**Page 739 of 747**





**Photo I:**

View of Sample Point 4 (upland),  
looking east.

**Photo J:**

View of Sample Point 5 (upland),  
looking west.



Project #7237

7/19/2021



Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

Photo documentation

25720 SE Eagle Creek Road - Eagle Creek Oregon

Photos taken June 4, 2021

**Exhibit I**

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

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**Photo K:**

View of mowed grass habitat within the northwestern portion of the study area, looking east

**Photo L:**

View of Sample Point 10, looking west.



Project #7237

Date



Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

Photo documentation

Eagle Creek Way - Eagle Creek Oregon

Photos taken June 4, 2021

**Exhibit I**

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

**Page 741 of 747**

# Appendix D

## Wetland Definitions and Methodology



Exhibit 1

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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# **WATERS OF THE STATE AND WETLAND DEFINITION AND CRITERIA**

## **Regulatory Jurisdiction**

Wetlands and water resources in Oregon are regulated by the Oregon Department of State Lands (DSL) under the Removal-Fill Law (ORS 196.800-196.990) and by the U.S. Army Corps of Engineers (COE) through Section 404 of the Clean Water Act.

The primary source documents for wetland delineations within Oregon is the *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)* (U.S. Army Corps of Engineers, 2010), which are required by both DSL and COE.

## **Waters of This State and Wetland Definition**

Waters of This State are defined as “all natural waterways, tidal and non-tidal bays, intermittent streams, constantly flowing streams, lakes, wetlands, that portion of the Pacific Ocean that is in the boundaries of this state, all other navigable and non-navigable bodies of water in this state and those portions of the ocean shore, as defined in ORS 390.605, where removal or fill activities are regulated under a state-assumed permit program as provided in 33 U.S.C. 1344(g) of the Federal Water Pollution Control Act, as amended.” (DSL 2014)

Wetlands are defined as “those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (DSL 2014).

## **Wetland Criteria**

Based on the above definition, three major factors characterize a wetland: hydrology, substrate, and biota.

### **Wetland Hydrology**

Wetland hydrology is related to duration of saturation, frequency of saturation, and critical depth of saturation. The 1987 manual defines wetland hydrology as inundation or saturation within a major portion of the root zone (usually above 12 inches), typically for at least 12.5% of the growing season. The wetland hydrology criterion can be met, however, if saturation within the major portion of the root zone is present for only 5% of the growing season, depending on other evidence.

The growing season is defined as the portion of the year when soil temperatures at 12.0 inches below the soil surface are higher than biological zero (41 degrees Fahrenheit, 5 degrees Celsius), but also allows approximation from frost free days, based on air temperature. The growing season for any given site or location is determined from US Natural Resources Conservation Service, (formerly Soil Conservation Service) data and information.

Wetland hydrologic indicators include the following: visual observation of inundation or saturation, watermarks, drift lines, sediment deposits, and/or oxidized rhizospheres with living roots. Oxidized rhizospheres are defined as yellowish-red zones around the roots and rhizomes of some plants that grow in frequently saturated soils. Other indicators of hydrology, including algal mats or crust, iron deposits, surface soil cracks, sparsely vegetated concave surface, salt crust, aquatic invertebrates, hydrogen sulfide odor, reduced iron, iron reduction in tilled soils, and stunted or stressed plants can also be used to determine the presence of wetland hydrology.

### Wetland Substrate (Soils)

Most wetlands are characterized by hydric soils. Hydric soils are those that are ponded, flooded, or saturated for long enough during the growing season to develop anaerobic conditions. Periodic saturation of soils causes alternation of reduced and oxidized conditions, which leads to the formation of redoximorphic features (gleying and mottling). Mineral hydric soils will be either gleyed or will have bright mottles and/or low matrix chroma. The redoximorphic feature known as gley is a result of greatly reduced soil conditions, which result in a characteristic grayish, bluish or greenish soil color. The term mottling is used to describe areas of contrasting color within a soil matrix. The soil matrix is the portion of the soil layer that has the predominant color. Soils that have brightly colored mottles and a low matrix chroma are indicative of a fluctuating water table.

Hydric soil indicators include organic content of greater than 50% by volume, and/or presence of redoximorphic features and dark soil matrix, as determined by the use of a Munsell Soil Color Chart. This chart establishes the chroma, value and hue of soils based on comparison with color chips. Mineral hydric soil must meet one of the 16 definitions for hydric soil indicators, or be classified as a “problem soil” in the Regional Supplement.

### Wetland Biota (Vegetation)

Wetland biota is defined as hydrophytic vegetation. A hydrophyte is a plant species that is capable of growing in substrates that are periodically deficient in oxygen as a result of saturated soil conditions. The U.S. Fish and Wildlife Service, in the *National List of Plant Species that Occur in Wetlands*, has established five basic groups of vegetation based on their frequency of occurrence in wetlands. These categories, referred to as the "wetland indicator status", are as follows: obligate wetland plants (OBL), facultative wetland (FACW), facultative (FAC), facultative upland (FACU), and obligate upland (UPL). Table 1 gives a definition of the plant indicator codes.

**Table 1. Description of Wetland Plant Indicator Status Codes**

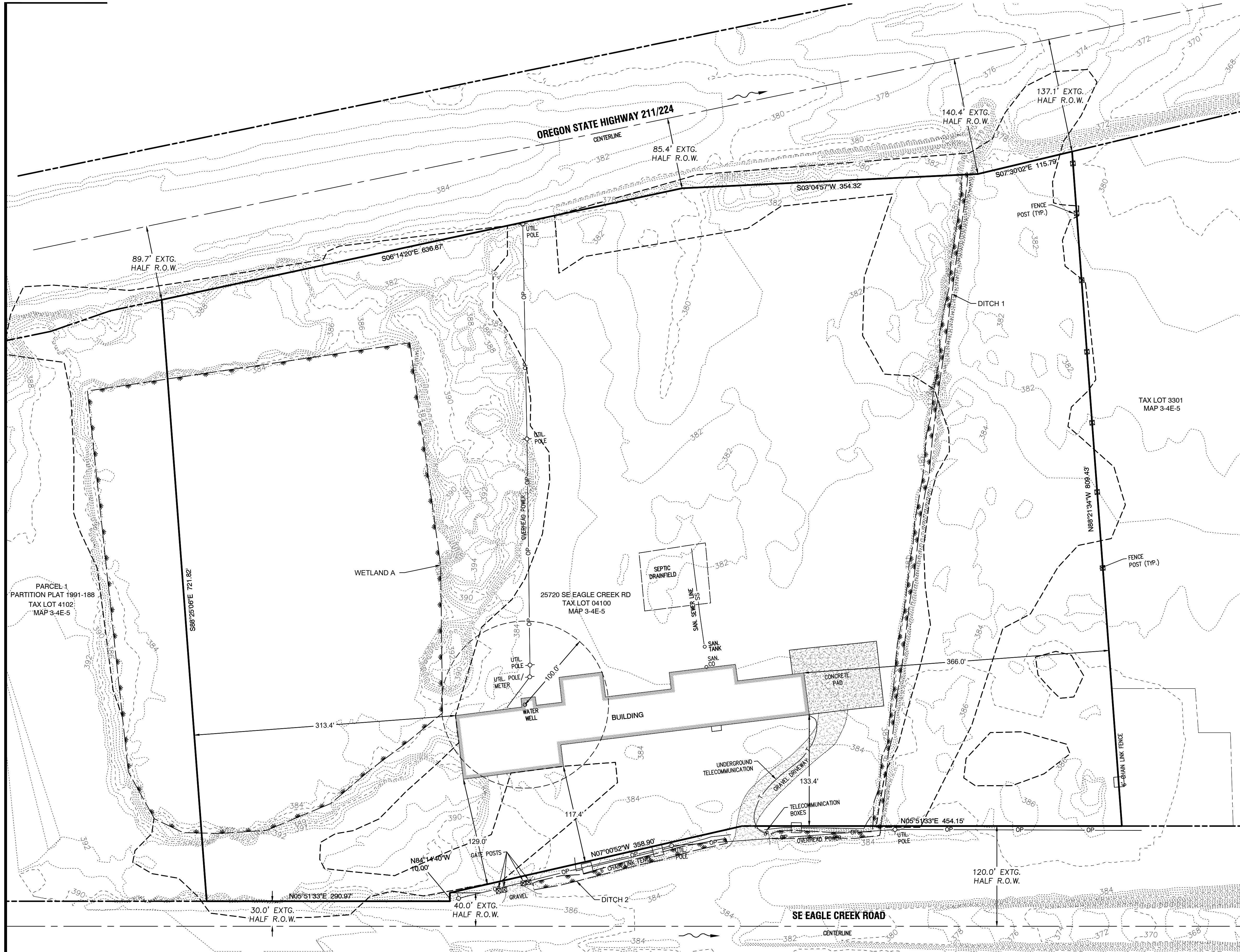
Indicator Code	Status
OBL	Obligate wetland. Plants that always occur in standing water or in saturated soils.
FACW	Facultative wetland. Plants that nearly always occur in areas of prolonged flooding or require standing water or saturated soils but may, on rare occasions, occur in non-wetlands.
FAC	Facultative. Plants that occur in a variety of habitats, including wetland and mesic to xeric non-wetland habitats but commonly occur in standing water or saturated soils.
FACU	Facultative upland. Plants that typically occur in xeric or mesic non-wetland habitats but may frequently occur in standing water or saturated soils.
UPL	Obligate upland. Plants that rarely occur in water or saturated soils.

Observations of hydrology, soils, and vegetation, were made using the "Routine On-site" delineation method as defined in the 1987 manual and the Regional Supplement for areas that were not currently in agricultural production. One-foot diameter soil pits were excavated to 20 inches and soil profiles were examined for hydric soil and wetland hydrology field indicators. In addition, a visual absolute-cover estimate of the dominant species of the plant community was performed using soil pit locations as a center of reference. Dominant plant species are based on estimates of absolute cover for herbaceous, and shrub species within a 5 foot radius of the sample point, and basal area cover for tree and woody vine species within a 30 foot radius of the sample point. Plant species in each vegetative layer, which are estimated at less than 20% of the total cover, are not considered to be dominant. The wetland indicator status is then used to determine if there is an overall dominance (greater than 50%) of wetland or upland plant species. If less than 50% of the dominant species are hydrophytic, then the prevalence index may be used to determine if the subdominant species are hydrophytic. If the prevalence index is less than or equal to 3, hydrophytic vegetation criterion is met.

During data collection, the soil profiles were examined for hydric soil and wetland hydrology field indicators. Plant species and cover were recorded. Data was recorded on standard data sheets, which contain the information specified in the 1987 Corps Manual and the Regional Supplement.



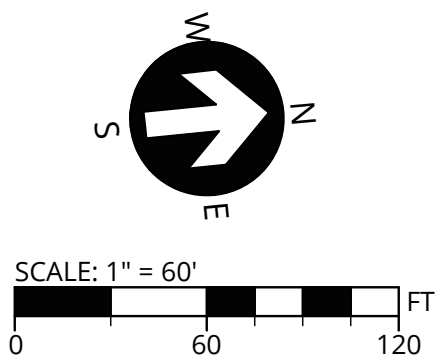
\\3JFS2016A\INTERNAL\3J\CONSULTING\COMPROJETS\20658-EAGLE CREEK TIMBER\CAD\DD\20658-C100-EXISTING CONDITIONS PLAN.DWG



LEGEND	
	PROJECT BOUNDARY
	EXISTING RIGHT OF WAY
	EXISTING RIGHT OF WAY CENTERLINE
	EXISTING LOT LINE
	APPROXIMATE WETLAND BOUNDARY
	APPROXIMATE EDGE OF TREELINE
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	APPROXIMATE AREAS OF SLOPES 20% OR GREATER
	DIRECTION OF ROAD DRAINAGE

SITE STATISTICS	
SITE ADDRESS	25720 SE EAGLE CREEK ROAD
PARCEL NUMBER	00927046
TAX LOT	04100
TAX MAP	3-4E-5
JURISDICTION	CITY OF EAGLE CREEK
NET SIZE	19.4 ACRES
EXISTING ZONING	RRFF-5

- NOTES**
- WETLAND LOCATION AS SHOWN ON THE PLAN IS APPROXIMATE. DELINEATION OF POTENTIAL ONSITE WETLAND WILL BE PROVIDED AT THE TIME OF DEVELOPMENT REVIEW.



PRELIMINARY

PUBLISH DATE  
2021-08-31  
ISSUED FOR  
LAND USE  
REVISIONS

# EAGLE CREEK MASS TIMBER EXISTING CONDITIONS PLAN

25720 SE EAGLE CREEK ROAD  
EAGLE CREEK, OREGON

3J CONSULTING

CIVIL ENGINEERING  
WATER RESOURCES  
COMMUNITY PLANNING

9600 SW NIMBUS AVE., SUITE 100, BEAVERTON, OR 97008

PROJECT INFORMATION

3J PROJECT # | 20658  
TAX LOT(S) | 34E05 04100  
LAND USE # | TBD  
DESIGNED BY | KMK  
CHECKED BY | BMO

SHEET NUMBER

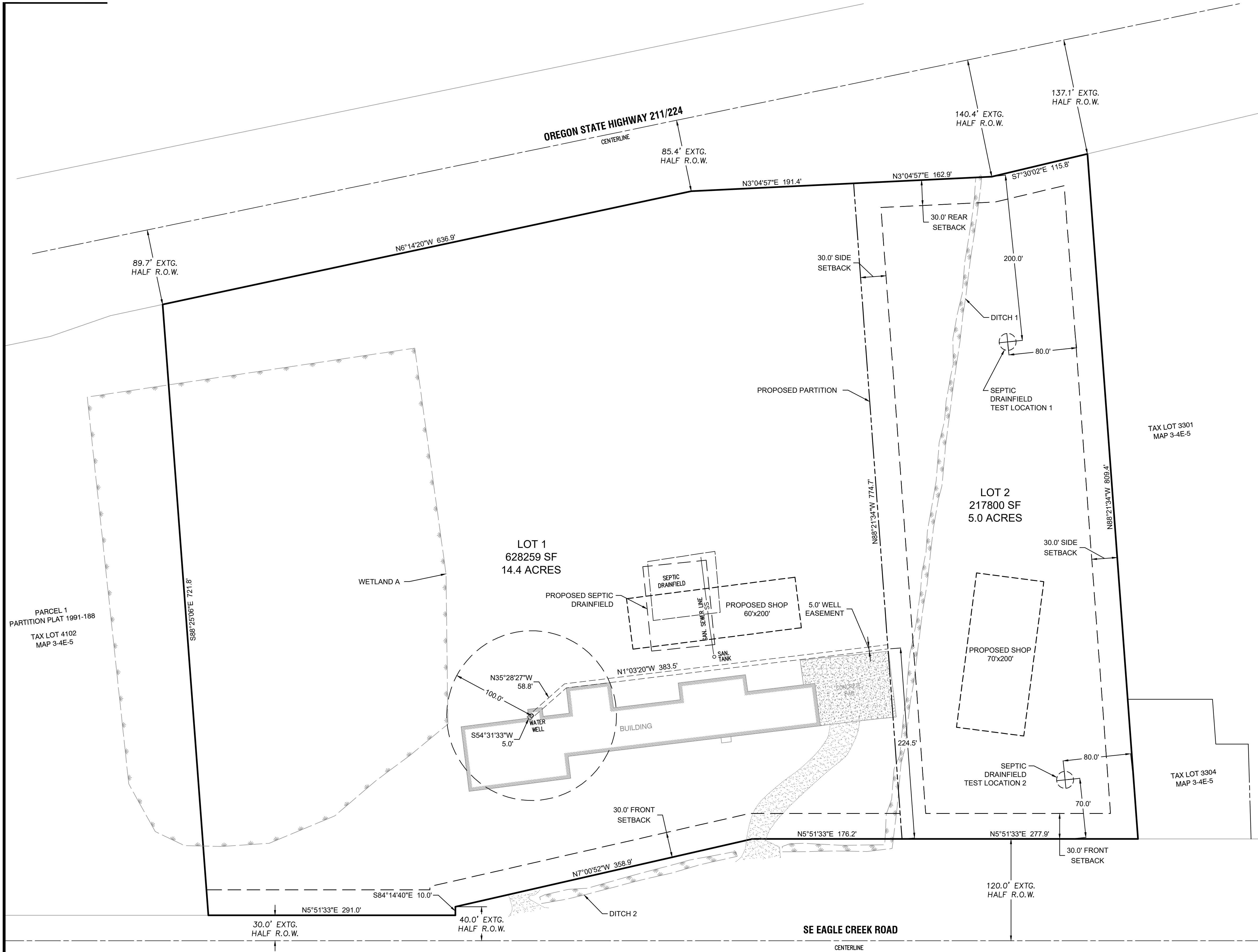
**C100**

156-21-CP; 20157-21-ZAP

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P:\20658-EAGLE CREEK TIMBER\CAD\DD\20658-C200-PARTITION PLAN.DWG



LEGEND	
	PROJECT BOUNDARY
	EXISTING RIGHT OF WAY
	EXISTING RIGHT OF WAY CENTERLINE
	EXISTING LOT LINE
	PROPOSED LOT LINE
	PROPOSED SETBACK LINE
	PROPOSED BUILDING

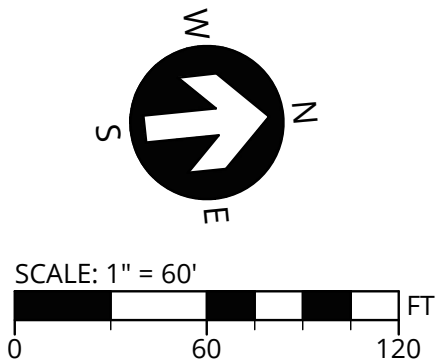
SITE STATISTICS	
SITE ADDRESS	25720 SE EAGLE CREEK ROAD
PARCEL NUMBER	00927046
TAX MAP	3-4E-5
JURISDICTION	CITY OF EAGLE CREEK
NET SIZE	19.4 ACRES
EXISTING ZONING	RRFF-5
PROPOSED ZONING	RI

LOT 1 SETBACKS	
FRONT	30 FT
SIDE	0 FT
REAR	0 FT

LOT 2 SETBACKS	
FRONT	30 FT
SIDE	30 FT*
REAR	30 FT*

\* ADD 5 FT FOR EACH 10 FT INCREASE IN BUILDING HEIGHT OVER 35 FT.

PROPOSED LOTS DIMENSIONS	
LOT 1	628,259 SF (14.4 AC)
LOT 2	217,800 (5 AC)



PRELIMINARY

PUBLISH DATE  
2021-08-31  
ISSUED FOR  
LAND USE  
REVISIONS

EAGLE CREEK MASS TIMBER  
PARTITION PLAN  
25720 SE EAGLE CREEK ROAD  
EAGLE CREEK, OREGON

3J CONSULTING

CIVIL ENGINEERING  
WATER RESOURCES  
COMMUNITY PLANNING

9600 SW NIMBUS AVE., SUITE 100; BEAVERTON, OR 97008

PROJECT INFORMATION  
3J PROJECT # | 20658  
TAX LOT(S) | 34E05 04100  
LAND USE # | TBD  
DESIGNED BY | KMK  
CHECKED BY | BMO

SHEET NUMBER  
20155-21-M-2  
156-21-CP; 20157-21-ZAP  
Page 747 of 747

**OFFSITE WETLAND DETERMINATION REPORT**  
**OREGON DEPARTMENT OF STATE LANDS**  
775 Summer Street NE, Suite 100, Salem OR 97301-1279 Phone: (503) 986-5200

**BATCH**  
**WD#: 2021-0168**

At your request, an offsite wetland determination has been conducted on the property described below.

County: Clackamas

City: Eagle Creek

Agent Name & Address: 3J Consulting, Attn: Carlos Callava 9600 SW Nimbus Ave. # 100, Beaverton, OR 97008

Township: 3S      Range: 4E      Section: 5      Q/Q:      Tax Lot(s): 4100

Project Name: Milwaulie Plywood Log Pond and associated tax lot

Site Address/Location: 25720 SE Eagle Creek Rd

- ☒ The National Wetlands Inventory or Local Wetlands Inventory shows a wetland on the property.
- ☒ The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.
- ☐ It is unlikely that there are jurisdictional wetlands or waterways on the property based upon a review of wetlands maps, the county soil survey and other information. An onsite investigation by a qualified professional is the only way to be certain that there are no wetlands.
- ☒ There may be wetlands/waterways on the property that are subject to the state Removal-Fill Law.
  - ☒ A state permit is required for  $\geq 50$  cubic yards of fill, removal, or ground alteration in the wetlands or waterways.
  - ☐ A state permit may be required for any amount of fill, removal, or other ground alteration in the Essential Salmonid Habitat and hydrologically associated wetlands.
- ☐ A DSL permit will be required if development activities impact 50 cubic yards or greater of wetlands or waterways.
- ☐ The proposed parcel division may create a lot that is largely wetland and thus create future development problems.
- ☒ A wetland delineation by a qualified wetland consultant is needed prior to site development. The wetland delineation report should be submitted to the Department of State Lands for review and approval.
- ☒ A permit may be required by the Army Corps of Engineers: (503) 808-4373
- ☐ A state permit will not be required for the proposed project because the project appears to avoid impacts to jurisdictional wetlands and/or waterways.

**Note: This report is for the state Removal-Fill Law only. City or County permits may be required for the proposed activity.**

Comments: There are hydric soils mapped immediately adjacent to the log pond. Based on this information and a review of the historical aerials, the log pond was partly constructed in wetlands or jurisdictional waters. Therefore, the pond is jurisdictional per OAR 141-085-0515(7). A drainage ditch is also apparent in the northern portion of the site. This ditch may have associated wetlands.

A wetland delineation is recommended prior to development to map all onsite resources, determine if wetlands or other waters are present onsite and to determine the jurisdiction of the northern ditch.

Determination by:  Chris Stevenson \_\_\_\_\_ Date: 4/19/2021

☐ This jurisdictional determination is valid for five years from the above date, unless new information necessitates a revision. Circumstances under which the Department may change a determination and procedures for renewal of an expired determination are found in OAR 141-090-0045 (available on our web site or upon request). The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months from the above date.

☒ **This is a preliminary jurisdictional determination and is advisory only.**

Copy To: ☒ Agent ☒ Enclosures: Milwaulie Pond History document email: carlos.callava@3j-consulting.com

☐ Liz Dance, Clackamas County Planning

**Exhibit 2**  
**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

**FOR OFFICE USE ONLY**

Entire Lot(s) Checked? ☒ Yes ☐ No      Waters Present ☒ Yes ☐ No ☐ Maybe      Request Received: 3/26/2021

LWI Area: N/A      LWI Code: N/A      Latitude: 45.336489      Longitude: -122.348073      Related DSL File # N/A

Has Wetlands? ☐ Y ☐ N ☒ Unk      ESH? ☐ Y ☒ N      Wild & Scenic? ☐ Y ☒ N      State Scenic? ☐ Y ☒ N      Coast Zone? ☐ Y ☒ N ☐ Unk

Adjacent Waterbody: Milwaulie Plywood Log Pond      NWI Quad: Estacada      ☐ Scanned      ☐ Mailings Completed      ☐ Data Entry Completed





20

87A

Coburg

25720 SE Eagle Creek Rd

Conser silty clay loam  
(Hydric)

Milwaulie Plywood Corporation Log Pond

84

Wapato SCIL  
(Hydric)

205A

STATE OF OREGON  
COUNTY OF CLACKAMAS  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That DIAMOND LUMBER CO.**

of 323 Pittock Block, Portland, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well a tributary of Eagle Creek (Clackamas River) for the purpose of maintenance of log pond

under Permit No. G-168 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 9, 1956

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.1 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within Chiles DLC 44, Section 5, T. 3 S., R. 4 E., W.M. Well is S. 58° 09' E. from W.  $\frac{1}{4}$  corner, Section 5.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to - - - - - of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

log pond  
NE $\frac{1}{4}$  SW $\frac{1}{4}$   
NW $\frac{1}{4}$  SW $\frac{1}{4}$   
SW $\frac{1}{4}$  SW $\frac{1}{4}$   
SE $\frac{1}{4}$  SW $\frac{1}{4}$   
as projected within Chiles DLC 44  
Section 5  
T. 3 S., R. 4 E., W.M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. FEBRUARY 10 1961

LEWIS A. STANLEY

State Engineer

Exhibit 3

Recorded in State Record of Water Right Certificates, Volume 110, Pages 21-M, 21-OP, 21-ZAP

Page 1 of 5

Permit No. G-168

## APPLICATION FOR A PERMIT

## To Appropriate the Ground Waters of the State of Oregon

I, **Mt. Hood Hardboard and Plywood Cooperative**  
(Name of applicant)  
 of **Estacada, Oregon**, county of **Clackamas**  
(Postoffice Address)  
 state of **OREGON**, do hereby make application for a permit to appropriate the following described ground waters of the state of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

**SEPT. 17, 1914 SALEM, OREGON (CO-OPERATIVE CORPORATION)**

1. Give name of nearest stream to which the well, tunnel or other source of water development is situated **EAGLE CREEK**

(Name of stream)

(Name of stream) **CLACKAMAS RIVER**

2. Give quantity of water which the applicant proposes to divert to beneficial use is **0.20** cubic feet per second.

**9.25**

**FOR DOMESTIC USE**

**FOR DOMESTIC USE**

**FOR DOMESTIC USE**

**1 E.**

**Coop.**

**at the**

CANAL SYSTEM OR PIPE LINE—

9. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

(b) At ..... miles from headgate: width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

(c) Length of pipe, ..... ft.; size at intake, ..... in.; in size at ..... from intake ..... in.; size at place of use ..... in.; difference in elevation between intake and place of use, ..... ft. Is grade uniform? ..... Estimated capacity ..... sec. ft.

10. If pumps are to be used, give size and type *FAIRBANKS TURBO*  
*50 GAL./MIN.*

Give horsepower and type of motor or engine to be used

11. If the location of the well, tunnel, or other development works is not adjacent to a natural stream or stream channel, give the distance to the nearest point on the stream and the difference in elevation between the stream bed and the ground surface at that point.

12. Location of area to be irrigated or place of use

Township  
North  
Range  
West



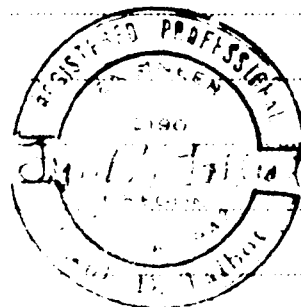
## MUNICIPAL SUPPLY—

13. To supply the city of .....  
 in ..... county, having a present population of .....  
 and an estimated population of ..... in 19.....

- ✓ 14. Estimated cost of proposed works, \$ 2300
- ✓ 15. Construction work will begin on or before JAN. 20, 1956
- ✓ 16. Construction work will be completed on or before MAR. 1, 1956
17. The water will be completely applied to the proposed use on or before MAY 1, 1956
- ✓ 18. If the ground water supply is supplemental to an existing water supply, identify any application for permit, permit, certificate or adjudicated right to appropriate water, made or held by the applicant. NONE

*[Signature]*  
 (Signature of applicant)

Remarks:



STATE OF OREGON,

PERMIT

County of Marion,

ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.2 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from a well

The use to which this water is to be applied is maintenance of log pond.

If for irrigation, this appropriation shall be limited to -- of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of one cubic foot per acre for each acre irrigated during the irrigation season of 1956.

and shall be subject to

the provisions of

the

the

detention

## Hamburg, Glen

---

**From:** Jodi Scott <jodis@westlandrealtyllc.com>  
**Sent:** Wednesday, November 3, 2021 3:10 PM  
**To:** Hamburg, Glen; Steve Mueller  
**Subject:** Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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

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Glen,

We are the owners of the mobile home park to the north, Ault Acres. As you are aware we applied for an extension on our expansion Z0032-21-TE.

We are fine with the request of the neighbor. Our request would be fencing on the property line or very serious plantings for screening purposes.

Sincerely,  
Steve Mueller  
Regan Hill Development LLC  
503-936-7159  
stevem@westlandrealtyllc.com

*Sincerely,*

*Jodi Scott  
Principal Broker*

Westland Realty  
980 NW Wade Street  
Estacada, OR 97023  
503-348-8792  
[jodis@westlandrealtyllc.com](mailto:jodis@westlandrealtyllc.com)  
[www.westlandrealtyllc.com](http://www.westlandrealtyllc.com)

## Hamburg, Glen

---

**From:** Hamburg, Glen  
**Sent:** Thursday, November 4, 2021 3:31 PM  
**To:** 'Carlos Callava'  
**Cc:** Dance, Lizbeth  
**Subject:** RE: BCC Hearing January 12 @ 10:00am?

Hi Carlos,

Roger all that. I suspect the voicemail was from my colleague Liz (CCed). We'll make sure that preference is noted in the staff report.

Kind regards,

### Glen Hamburg

Senior Planner  
Clackamas County Planning & Zoning  
150 Beavercreek Rd  
Oregon City, OR 97045  
Tel: 503.742.4523  
General Schedule: Tuesday-Friday, 7am-5:30pm



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:** Carlos Callava <carlos.callava@3j-consulting.com>  
**Sent:** Thursday, November 4, 2021 3:29 PM  
**To:** Hamburg, Glen <GHamburg@clackamas.us>  
**Cc:** Dance, Lizbeth <LDance@clackamas.us>  
**Subject:** RE: BCC Hearing January 12 @ 10:00am?

---

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

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Hey Glen,

I received a voicemail on Tuesday from someone at Planning & Zoning with a question about whether we want the staff report to be written such that the partition could be processed regardless of the outcome of the rezone hearing.

I was waiting to hear back from our clients on how they wish to proceed with this. They decided that they would want the partition to be processed regardless of the outcome of the rezone – please include language in the staff report making this possible.

**Exhibit 5**

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

**Page 1 of 3**

I didn't quite catch the name of the caller, but could you forward our response to them and thank them on my behalf?

Thanks,

**Carlos Callava** | Planner | **3J Consulting**

he/him | O: 503.946.9365 x246

---

**From:** Hamburg, Glen <[GHamburg@clackamas.us](mailto:GHamburg@clackamas.us)>  
**Sent:** Tuesday, November 2, 2021 11:18 AM  
**To:** Carlos Callava <[carlos.callava@3j-consulting.com](mailto:carlos.callava@3j-consulting.com)>  
**Cc:** Dance, Lizbeth <[LDance@clackamas.us](mailto:LDance@clackamas.us)>  
**Subject:** RE: BCC Hearing January 12 @ 10:00am?

Thanks for your flexibility, Carlos.

**Glen Hamburg**

Senior Planner  
Clackamas County Planning & Zoning  
150 Beavercreek Rd  
Oregon City, OR 97045  
Tel: 503.742.4523  
General Schedule: Tuesday-Friday, 7am-5:30pm



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**From:** Carlos Callava <[carlos.callava@3j-consulting.com](mailto:carlos.callava@3j-consulting.com)>  
**Sent:** Tuesday, November 2, 2021 11:17 AM  
**To:** Hamburg, Glen <[GHamburg@clackamas.us](mailto:GHamburg@clackamas.us)>  
**Cc:** Dance, Lizbeth <[LDance@clackamas.us](mailto:LDance@clackamas.us)>  
**Subject:** RE: BCC Hearing January 12 @ 10:00am?

---

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

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Hi Glen,

January 12 at 10:00 AM in lieu of January 5<sup>th</sup> at 9:30 AM sounds great.

Thank you,

**Carlos Callava** | Planner | **3J Consulting**

he/him | O: 503.946.9365 x246

---

**From:** Hamburg, Glen <[GHamburg@clackamas.us](mailto:GHamburg@clackamas.us)>  
**Sent:** Tuesday, November 2, 2021 10:42 AM  
**To:** Carlos Callava <[carlos.callava@3j-consulting.com](mailto:carlos.callava@3j-consulting.com)>  
**Cc:** Dance, Lizbeth <[LDance@clackamas.us](mailto:LDance@clackamas.us)>  
**Subject:** BCC Hearing January 12 @ 10:00am?

Hi Carlos,

The Board is wanting to move their public hearing on the 25720 SE Eagle Creek Rd applications from January 5 at 9:30am to **January 12 (Wednesday) at 10:00am**. Would that be OK with you and your clients? If so, we will send out revised notices of the new hearing date. The Planning Commission hearing date and time (November 22 at 6:30pm) would remain the same.

Best,

**Glen Hamburg**

Senior Planner  
Clackamas County Planning & Zoning  
150 Beavercreek Rd  
Oregon City, OR 97045  
Tel: 503.742.4523  
General Schedule: Tuesday-Friday, 7am-5:30pm



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## **MEMORANDUM**

TO: Planning Division, Lizbeth Dance and Glen Hamburg  
FROM: Development Engineering, Kenneth Kent  
DATE: November 9, 2021

RE: Z0155-21-M, Z0156-21-CP, Z0157021-ZAP, Heavy Timber  
Tax Lot No. 34E05 04100

This office has the following comments pertaining to this proposal:

### **FACTS AND FINDINGS**

1. The applicant has filed a development application for a 2-lot partition, concurrently with a Comprehensive Plan Map Amendment and a Zoning Map Amendment. The project site is an approximately 19 acre property located on SE Riverside Way and on the west side of SE Eagle Creek Road. The property includes an existing buildings that has been used for certain industrial uses in the past. The applicant is proposing to change the current zoning from Rural Residential Farm Forest 5-Acre (RRFF-5) to Rural Industrial (RI).
2. Subsequent to the proposed map amendments and partition, the applicant proposes modification to the existing buildings, construction of an additional building, as well as circulation and parking improvements. These site improvements will be addressed through a future Design Review application and with that, access, parking, on-site circulation and storm drainage requirements will be addressed.
3. SE Riverside Way Road is rural local roadway and SE Eagle Creek Road is a rural minor arterial roadway, as designated on Map 5-4b of the Clackamas County Comprehensive Plan. Per ZDO Section 1007.02, partition applications are required to dedicate public right-of-way consistent with adopted roadway sections. The existing right-of-way width varies from 60 feet at the south end of the site frontage on SE Eagle Creek Road, up to approximately 188 feet in width, where the right-of-way encompasses both SE Riverside Way and SE Eagle Creek Road. The existing right-of-way is adequate to serve the proposed partition and future development under industrial zoning.
4. The standards roadway section for a rural minor arterial roadway include an 8-foot wide public utility easement adjacent to the public right-of-way, Per Clackamas county Roadway Standards, Drawing C140. The southern approximately 290 feet of frontage is adjacent to a 60-foot wide right-of-way and warrants the standard 8-foot wide public utility easement. The remaining site frontage to the north exceeds the

**Exhibit 6**

**Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP**

**Page 1 of 3**



standards right-of-way width and additional easement width is not needed for public utilities.

5. Written approval by the Fire District will be required prior to final plat approval, verifying adequate emergency services access is available or can be provided for the proposed partition.
6. Approval of a zone change requires a finding that the transportation system is adequate and will remain adequate with approval of the zone change, per ZDO Section 1202.03(C). The applicant has submitted a Traffic Study by Lancaster Mobley, dated October 16, 2020 indicating that with the proposed zone change, there will be a net increase of 26 peak AM hour trips, 22 peak PM hour trips and 170 average weekday trips. Based on analysis of surrounding roadways and intersections, the Traffic Study finds that the zone change will not degrade the performance of any existing or planned transportation facilities below acceptable standards, satisfying ZDO Section 1202.03(C) and the Transportation Planning Rule. Engineering staff concurs with the Traffic Study findings.
7. Per ZDO subsection 1007.07, approval of a partition application requires a determination that there is adequate roadway capacity to handle the additional traffic generated by the development. With the proposed partition, no additional traffic impacts will be generated. Therefore, the County's concurrency requirements as they relate to the transportation system are met by the applicant's proposal.
8. Clackamas County is the surface water management authority for the area including the subject site. The proposal must be in conformance with Chapter 4 of the Clackamas County Roadway Standards. Positive drainage must be provided to an existing storm drainage system capable of accommodating the estimated contribution. Based existing topography on on-site improvements, the proposed parcels will be able to meet storm water standards at the time of additional site development through the Design Review process.

## **CONCLUSION**

If the Planning Section approves the request, the following conditions of approval are recommended. If the applicant is advised to or chooses to modify the proposal in terms of access location and/or design following the preparation of these comments this office requests an opportunity to review and comment on such changes prior to a decision being made.

The following items are project requirements from the Department of Transportation and Development's Development Engineering Division. These conditions of approval are not intended to include every engineering requirement necessary for the successful completion of this project, but are provided to illustrate to the applicant specific details regarding the required improvements that may prove helpful in determining the cost and scope of the project. These conditions are based upon the requirements detailed in the County's Comprehensive Plan (Comp Plan), the County's Zoning and Development Ordinance (ZDO) and the County's *Roadway Standards*. Additional requirements

beyond those stated in the conditions of approval may be required. The applicant may discuss the requirements of the project with staff at any time.

The requirements specifically required by the Comp Plan and the ZDO cannot be modified by the Development Engineering Division. However, the requirements detailed in these conditions of approval, derived from the Development Standards, are based upon nationally accepted standards and engineering judgment and may be modified pursuant to Section 170 of the Roadway Standards. The applicant is required to provide sufficient justification to staff in any request. Staff shall determine if a modification is warranted.

**RECOMMENDED CONDITIONS OF APPROVAL:**

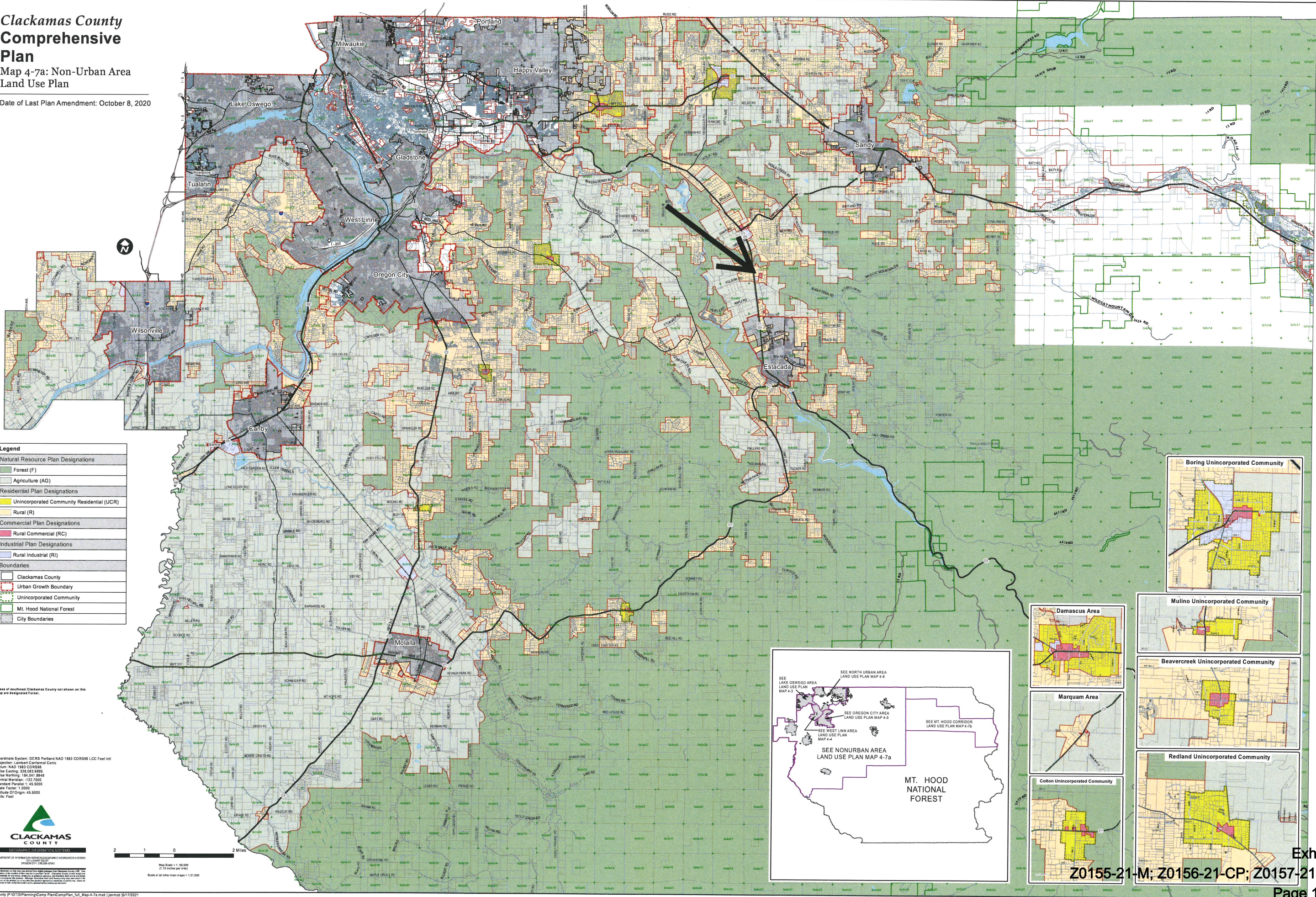
1. The applicant shall grant an 8-foot wide public easement for signs, slopes and public utilities along the south approximately 290 feet of frontage on SE Eagle Creek Road where the existing right-of-way is 60 feet in width.
2. Access for Parcels 1 and 2 shall meet the following requirements, prior to final plat approval:
  - a. A minimum 24-foot wide, perpetual common access and utility easement shall be provided from SE Riverside Way to Parcel 2. The easement width shall be clear and unobstructed.
  - b. Written verification shall be provided from the Fire District indicating that adequate emergency access is available or can be provided to the proposed parcels.
3. The applicant's attorney and/or surveyor or engineer shall provide written verification that all proposed lots have legal access and utility easements as required prior to recording of the plat.
4. All existing and proposed easements shall be shown on the final plat.



Clackamas County  
Comprehensive  
Plan

Map 4-7a: Non-Urban Area  
Land Use Plan

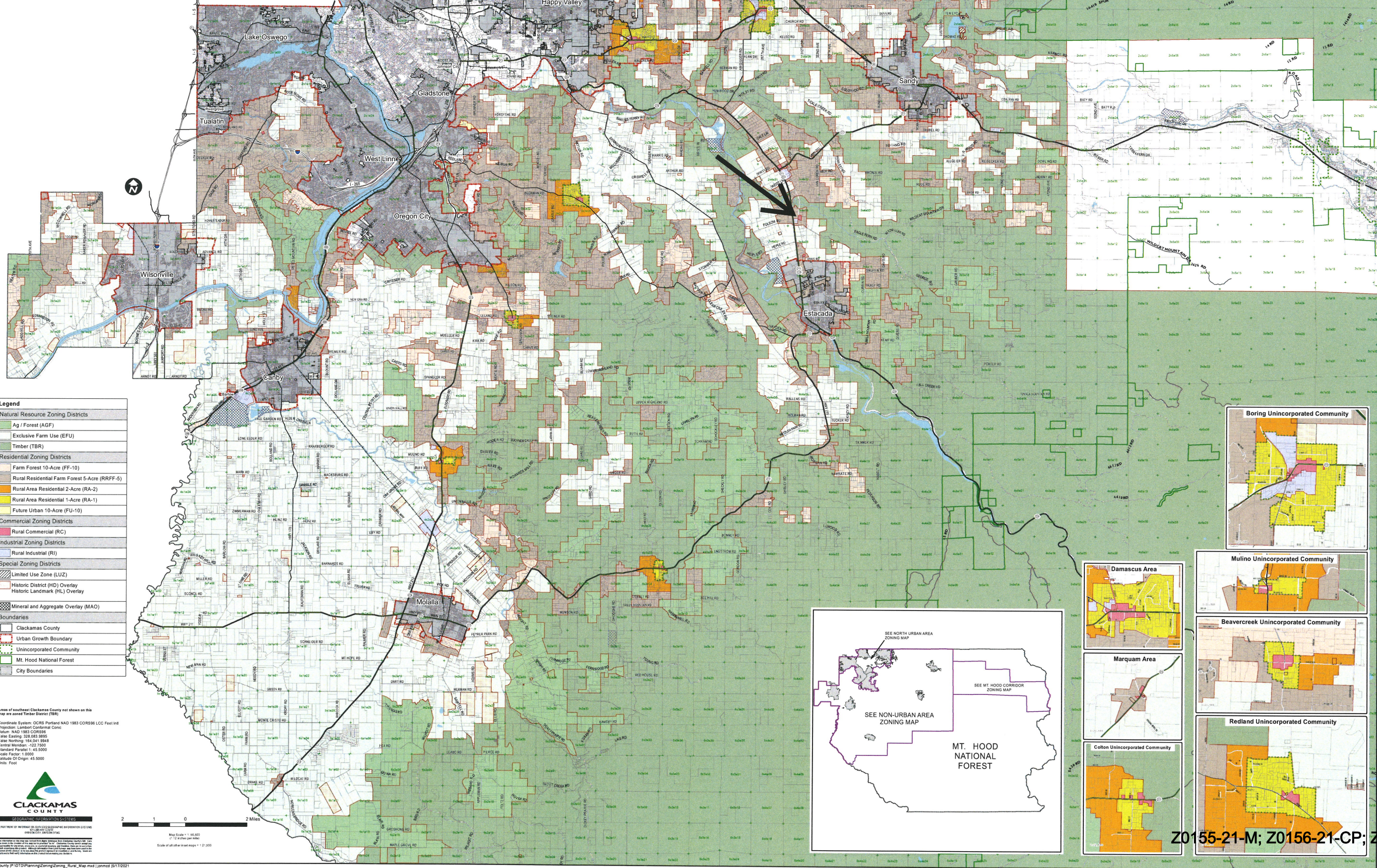
Date of Last Plan Amendment: October 8, 2020





# Clackamas County Non-Urban Area Zoning

Date of Last Zone Change: January 31, 2021









# Comprehensive Plan Amendment and Rezone

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25720 Eagle Creek Road, Eagle Creek, OR 97022

November 22<sup>nd</sup>, 2022

Exhibit 10  
Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

Page 1 of 8



## Site Description

- 19.03 Acres
- Current Zoning: RRFF-5
- Current Comprehensive Plan Designation: Rural
- Existing Use: Unutilized
- Existing 24,000 sq. ft. warehouse structure
- Surrounding Zoning:
  - West: RRFF-5 (across Hwy 224)
  - East: RC, RRFF-5
  - South: RI
  - North: RRFF-5

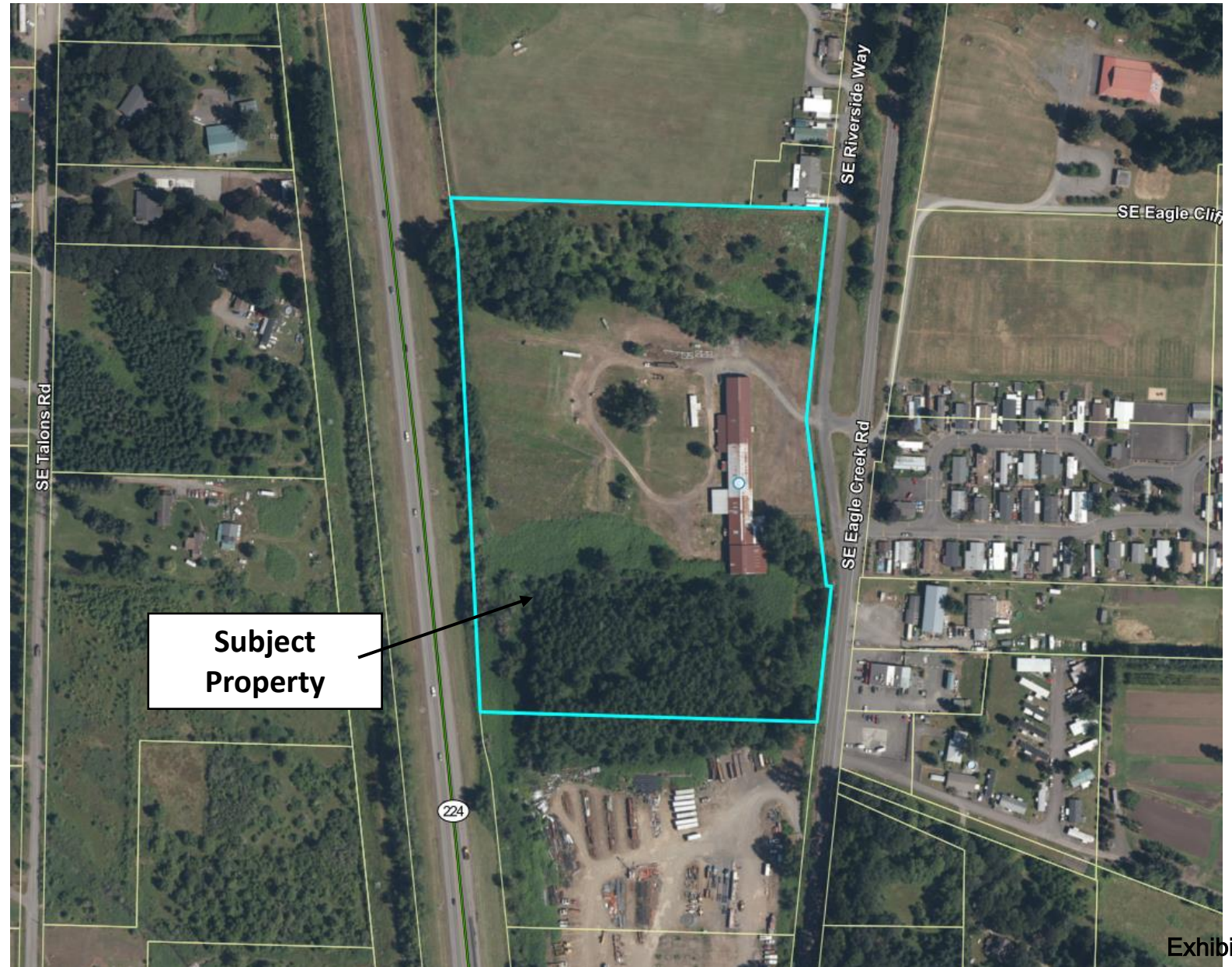


Exhibit 10

20155-21-M; 20156-21-CP; 20157-21-ZAP

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# Proposal

- Rezone change from RRFF-5 to RI
- Partition into two lots
- Comprehensive Plan Designation change from Rural to Rural Industrial
- Reuse of lumber mill structure onsite
- Eventual development of two additional structures
- Separate land use process required for building development and subsequent use.

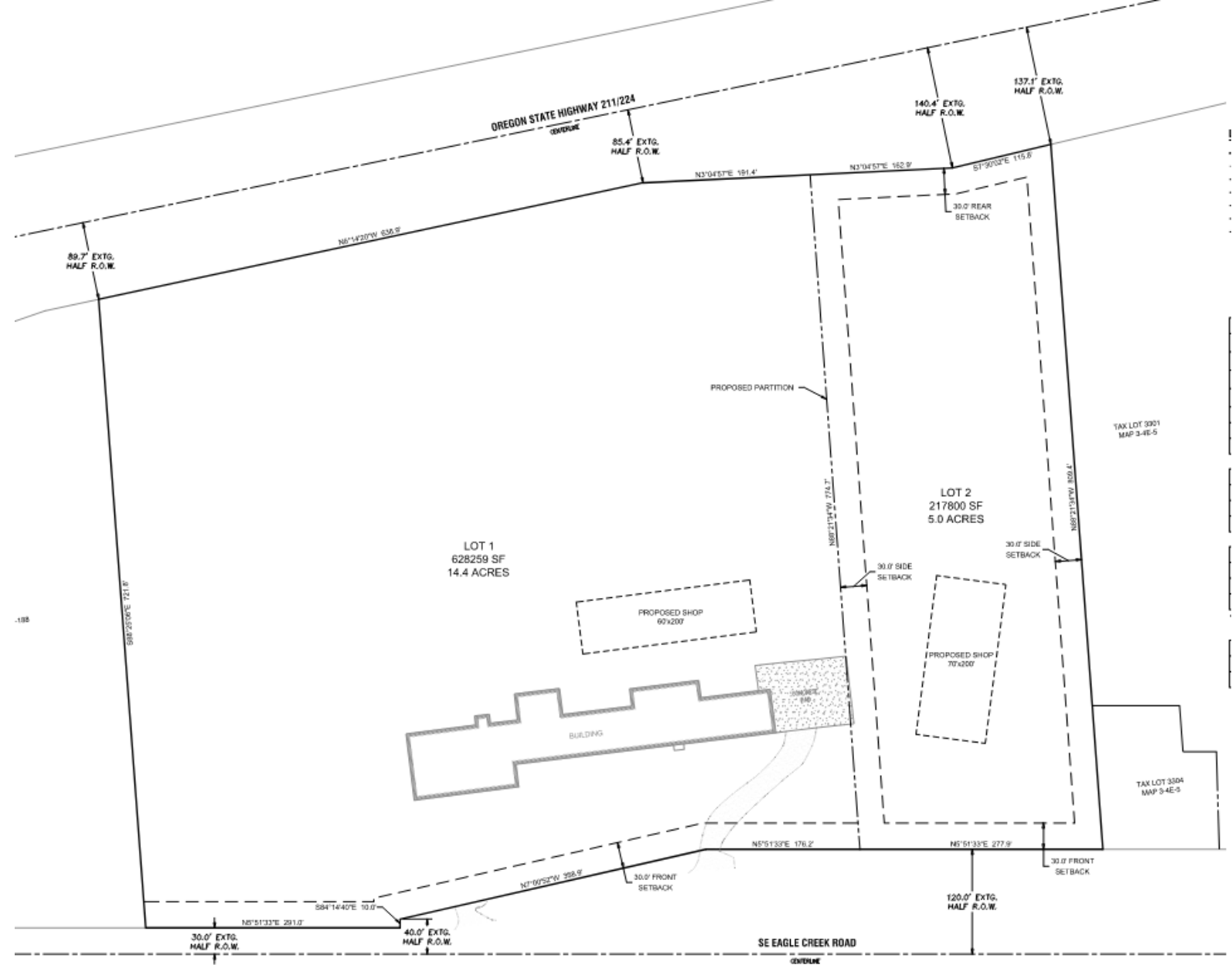


Exhibit 10

20155-21-M; 20156-21-CP; 20157-21-ZAP

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# Approval Criteria

- Statewide Planning Goals
- Clackamas County Zoning and Development Ordinance (ZDO)
  - RI District
  - Development Standards
  - Development Review Process
  - Zone Changes
- Clackamas County Comprehensive Plan
  - Rural Industrial Policies





Figure 1, 1970



Figure 2, 1976



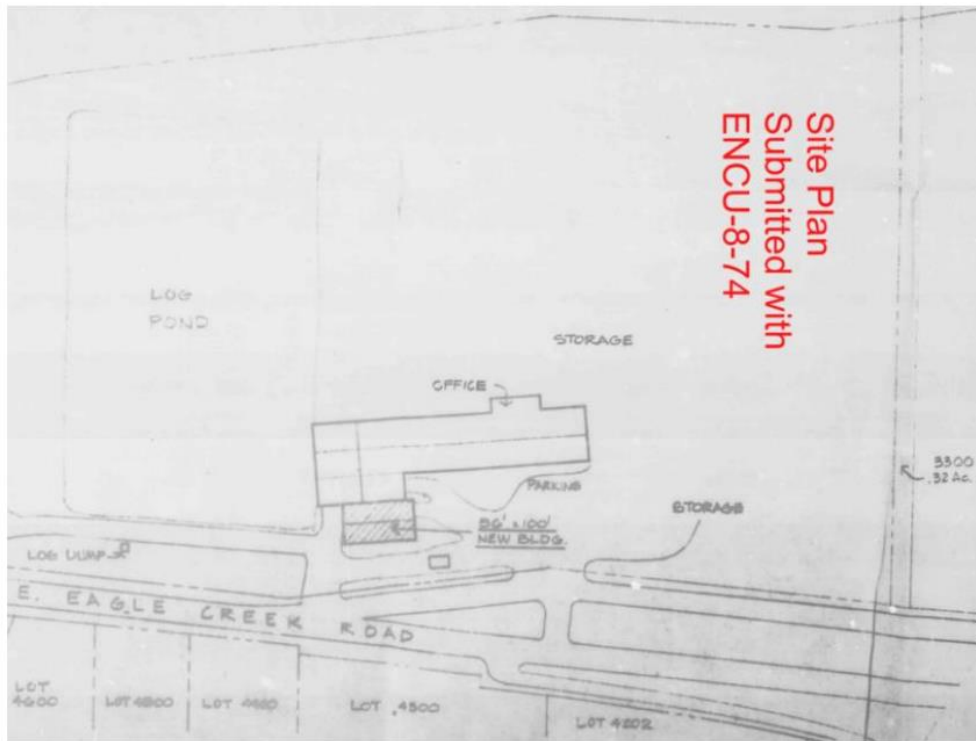


Figure 3



Figure 6, showing storage building underneath tree foliage in background of photo

Exhibit 10

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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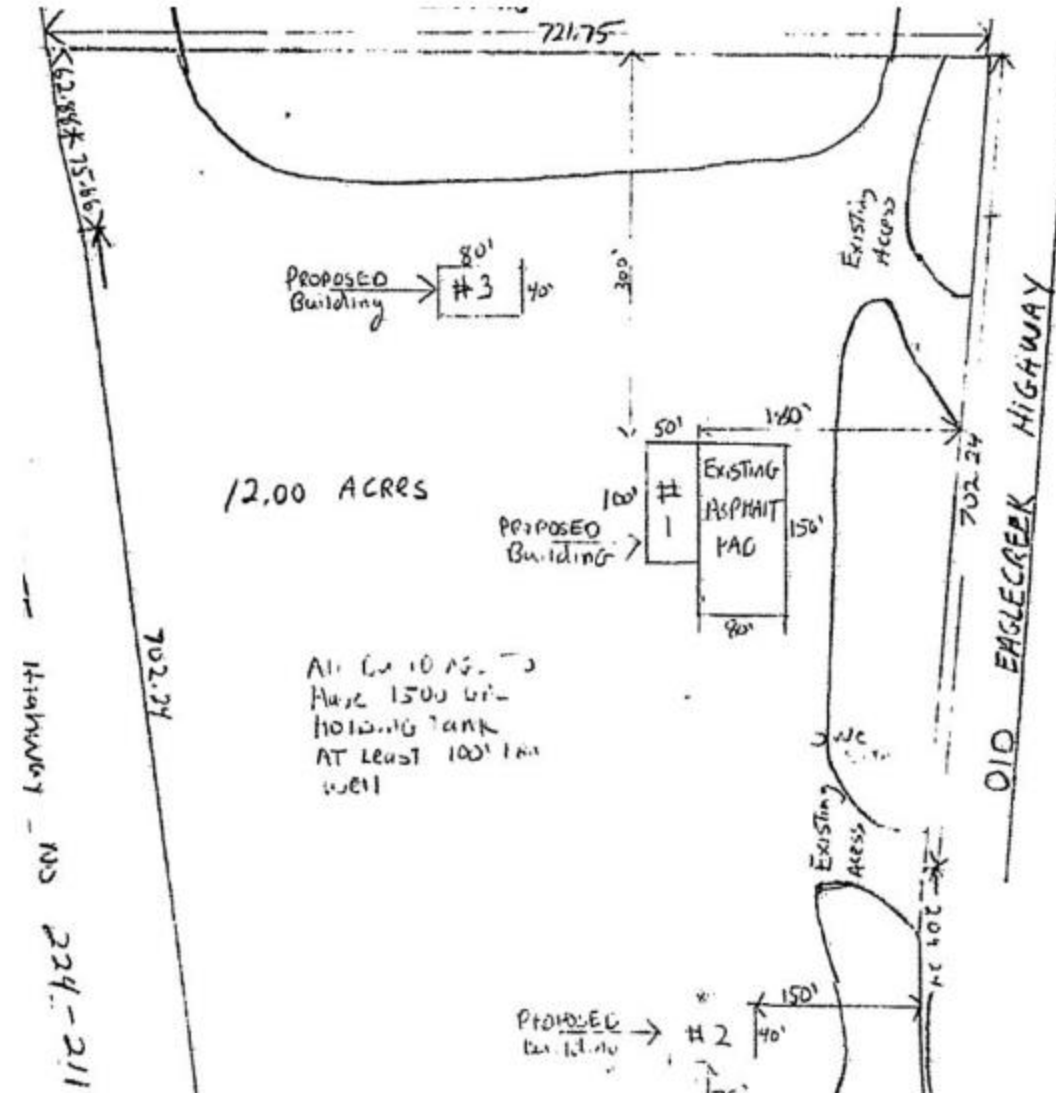


Figure 5, excerpt from 1993 Conditional Use Permit Z0202-91-C.

# THANK YOU

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Exhibit 10

Z0155-21-M; Z0156-21-CP; Z0157-21-ZAP

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November 22<sup>nd</sup>, 2022