



CLACKAMAS COUNTY BOARD OF COMMISSIONERS
2051 Kaen Road, Oregon City
BCC Hearing Room - 4th Floor

LAND USE HEARING
December 14, 2022
10:00 AM

The item will not begin before time noted. Interested parties may appear and be heard during the testimony phase of any hearing at the above address. If a hearing is set for decision only, the evidence phase has been completed, so interested parties may no longer be heard. Applications or comments may be inspected, and calls or correspondence directed to: Planning & Zoning Division, 150 Beaver Creek Road, Oregon City, OR 97045, (503) 742-4500.

HEARING

File No.: Z0354-22-CP & Z0356-22-ZAP

Applicants: Joanne Schaber

Proposal: Z0354-22-CP and Z0356-22-ZAP includes a proposal to change the Comprehensive Plan designation of a site from Agriculture (AG) to Forest (F), with a corresponding zone change from Exclusive Farm Use (EFU) to Timber (TBR) or Ag/Forest (AG/F). The subject property is approximately 14.85 acres with no situs address (Assessor's Map 42E09, tax lot 1300). It is located near 14781 S. Buckner Creek Road and approximately one mile northeast of the unincorporated community of Mulino. No new construction or land uses are proposed in this application.

Staff Contact: Martha Fritzie, Principal Planner; MFritzie@clackamas.us; 503-742-4529



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

File Number: Z0354-22-CP and Z0356-22-ZAP, *Schaber Comprehensive Plan map amendment and zone change*

Staff Contact: Martha Fritzie, Planning and Zoning Division, mfritzie@clackamas.us

Board of County Commissioners Hearing Date: December 14, 2022

PROPOSAL:

Z0354-22-CP and Z0356-22-ZAP includes a proposal to change the Comprehensive Plan designation of a site from Agriculture (AG) to Forest (F), with a corresponding zone change from Exclusive Farm Use (EFU) to Timber (TBR), or Ag/Forest (AG/F). The subject property is approximately 14.85 acres, with no situs address (Assessor's Map 42E09, tax lot 1300); it is located near 14781 S Buckner Creek Road and approximately one mile northeast of the unincorporated community of Mulino.

No new construction or land uses are proposed in this application. Rather, the Applicant is effectively seeking to change the zoning of the property to reflect the predominant use on the property for several decades and to potentially qualify the property for a forest dwelling in the future. If the designations are changed, the property may qualify for a dwelling under the Forest Template Test (FTT) (see Exhibit 1, Application for preliminary FTT assessment). Approval of such a dwelling would require a separate land use application that would be submitted and reviewed in the future.

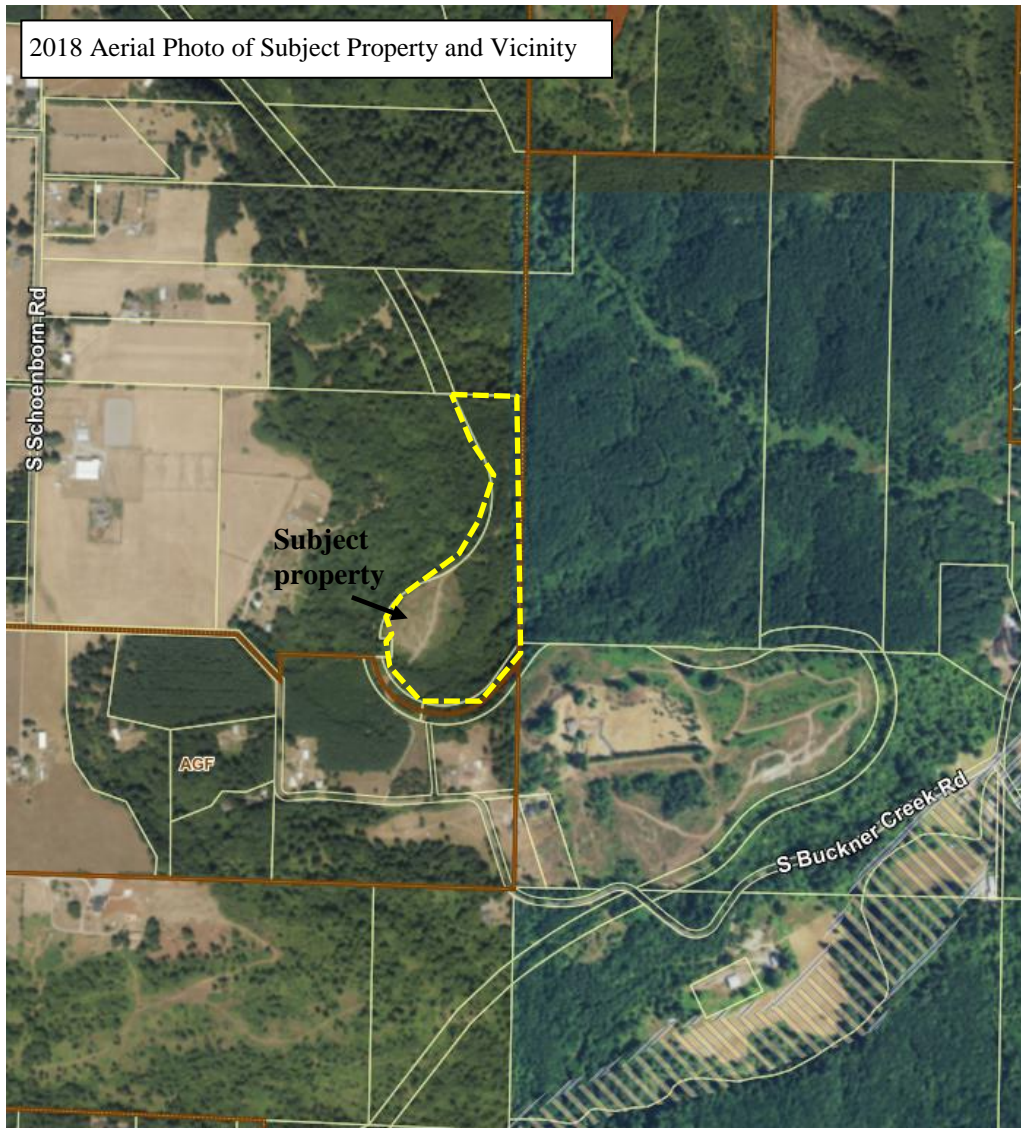
Background:

The subject site is approximately 14.85 acres, with a current Clackamas County Comprehensive Plan (Plan) land use designation of Agriculture (AG) and located in the Exclusive Farm Use (EFU) zoning district. It is located in a predominantly rural area, with an established rural agricultural and forestry character and pattern of development. Surrounding properties are generally over 10 acres in size and range up to over 70 acres; surrounding properties contain varying levels of both agricultural and forestry related activities and development. Many of the surrounding properties also contain a residence.

The subject tax lot is an irregular shape, most closely resembling a teardrop. It contains gently sloping topography within the southwest and middle portions of the site and contains steeper slopes on the eastern and north portions of the site. Although the applicant notes that slopes "*at the building site*" are less than 10%; based mapped contours, there are slopes that exceed 20%

on some portions of the site and the property has been described in the traffic analysis memorandum as having “*relatively rough terrain.*”

The Applicant states that “*the majority of the parcel is in timber production and natural forests*” and aerial photography indicates that this is indeed true and that the site, despite being zoned EFU, has been forested, not farmed for several decades (see Exhibit 2, maps).



The subject property contains no structures. There are no mapped principal rivers, river and stream conservation areas, or floodplain present on the subject site. The Applicant identifies two spring-fed streams on the property – one a year-round stream and one seasonal. While these are not streams that are protected under the county’s ZDO provisions, they are the water features that have been identified as wetlands. The Department of State Lands (DSL) Statewide Wetland Inventory identifies a small riverine wetland within the southernmost portion of the property. DSL has reviewed the subject property and Comprehensive Plan/zone change proposal and noted no concerns (see Exhibit 3).

Based on mapped soil types, the subject site is considered (under state law) to be “low-value” farmland. The site is comprised of Class 4 (78D, Saum silt loam) and Class 6 (92F, Xerochrepts with Haploxerolls, very steep) soils, with each soil type covering roughly half of the subject site. These soils, however, have relatively high average wood production capabilities and, based on information from the Oregon Department of Forestry, are rated at 138 cubic feet/acre/year and 145 cubic feet/acre/year, respectively.

Based on the findings and analysis detailed in the Planning Commission Staff report (attached), Staff finds that the subject site meets all the applicable criteria for a Comprehensive Plan map amendment to the Forest (F) designation and for a zone change to the Timber (TBR) zoning designation.

RELATED PRIOR BCC ACTION:

None

PLANNING COMMISSION ACTION:

A public hearing was held on November 14, 2022, for Planning Commission consideration of the application and the staff recommendation. Staff’s recommendation, with its findings on relevant approval criteria, is attached, along with draft minutes of the Planning Commission hearing.

The Applicant was the parties who provided testimony at the Planning Commission hearing. A neighbor did speak, but did not provide testimony specific to this proposal and noted that they were primarily just interested to learn about the process.

The Planning Commission voted unanimously to recommend approval of Z0354-22-CP and Z0356-22-ZAP.

CPO AND HAMLET RECOMMENDATIONS:

The local CPO is the Hamlet of Mulino, who was provided notice of this application. The CPO has not commented.

SIGNIFICANT ISSUES:

At its November 14 hearing, the Planning Commission asked several questions of staff and the Applicant, but noted that the application was fairly straight-forward. No significant issues were identified or discussed.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the Comprehensive Plan Map amendment (File No. Z0354-22-CP) from Agriculture (AG) to Forest (F) and the corresponding zone change (File No. Z0356-22-ZAP) of the subject property from Exclusive Farm Use (EFU) to Timber (TBR), subject to the

following two conditions:

1. The Clackamas County *Non-Urban Area Land Use Map* (Map 4-7a) shall be amended to identify the subject property (Tax Lot 42E09-01300) as being in the Forest (F) Plan designation.
2. The Clackamas County *Non-Urban Area Zoning Map* shall be amended to identify the subject property as being in the Timber (TBR) zoning district.

Z0354-22-CP & Z0356-22-ZAP

SCHABER COMP. PLAN MAP
AMENDMENT & ZONE CHANGE



Public Hearing, Board of County Commissioners
December 14, 2022, 10:00 AM

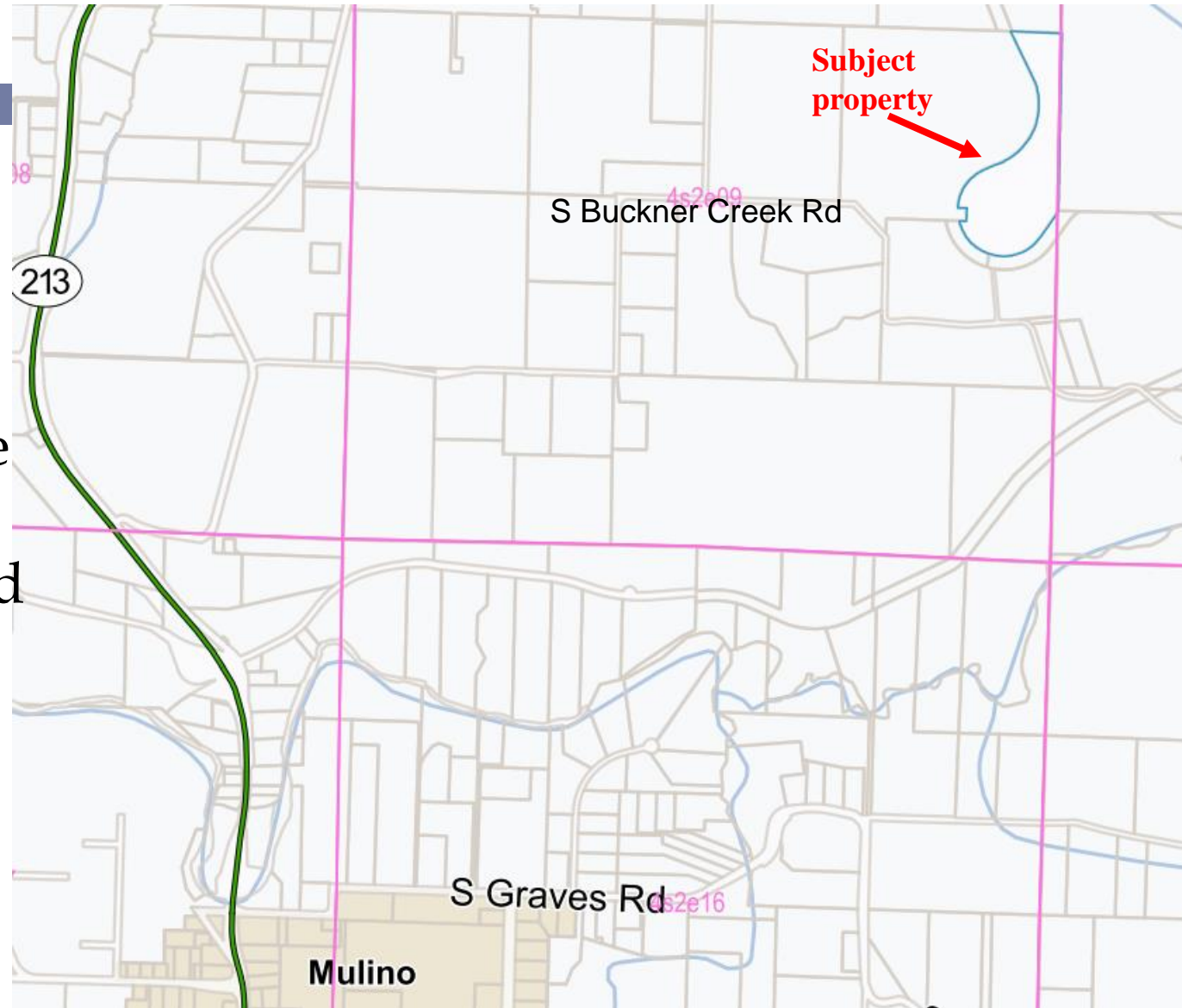
PROPOSAL

- Change Comprehensive Plan designation from Agriculture (AG) to Forest (F)
- Change zoning designation from Exclusive Farm Use (EFU) to Timber (TBR) or Ag/Forest (AGF)*
- Comp Plan/zone change would not authorize any development

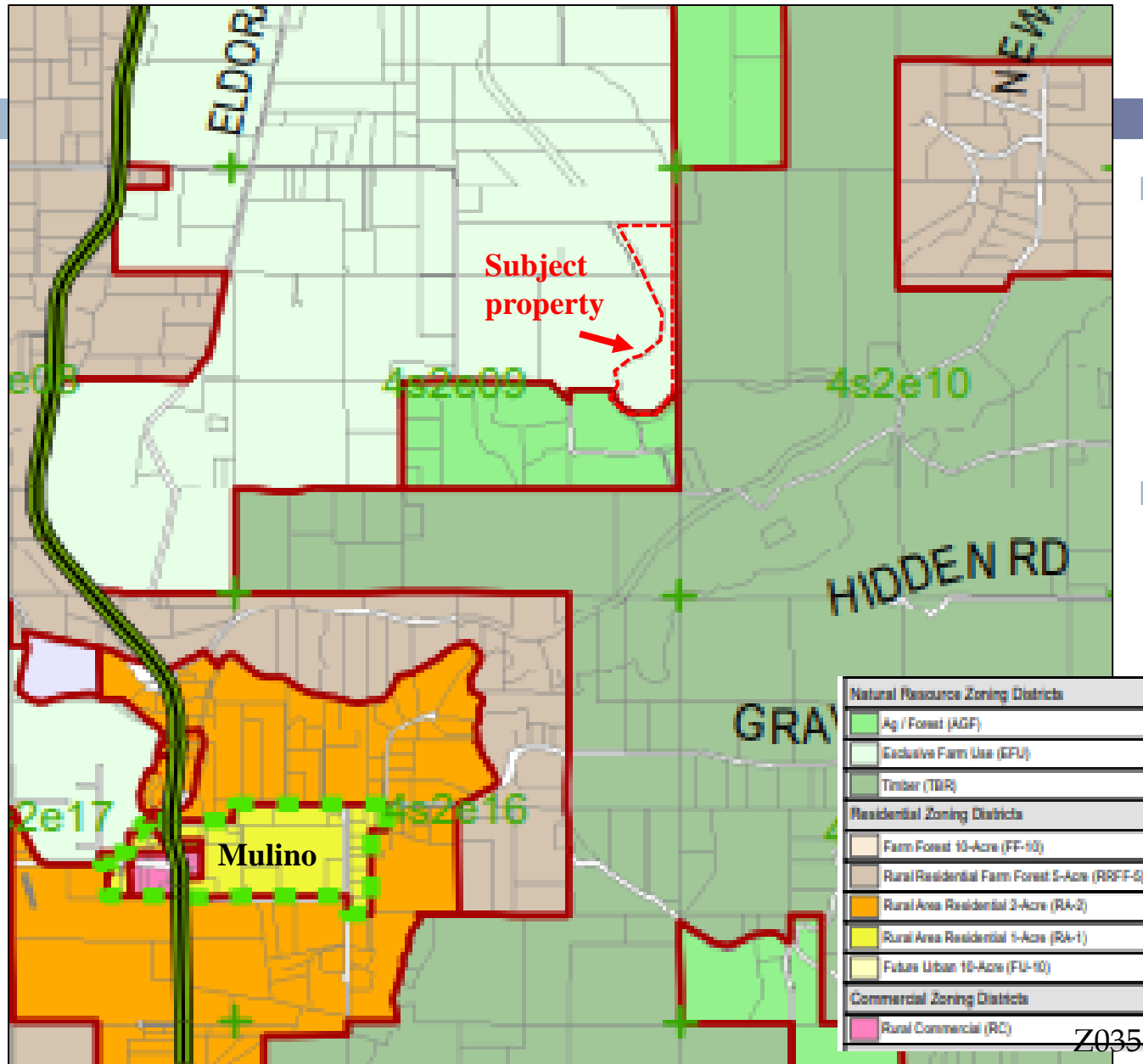
* Both TBR and AG/F implement the Forest (F) Comp Plan designation

SITE LOCATION

- 42E09 01300
- 14.85 acres
- Approx. 1 mile northeast of unincorporated community of Mulino

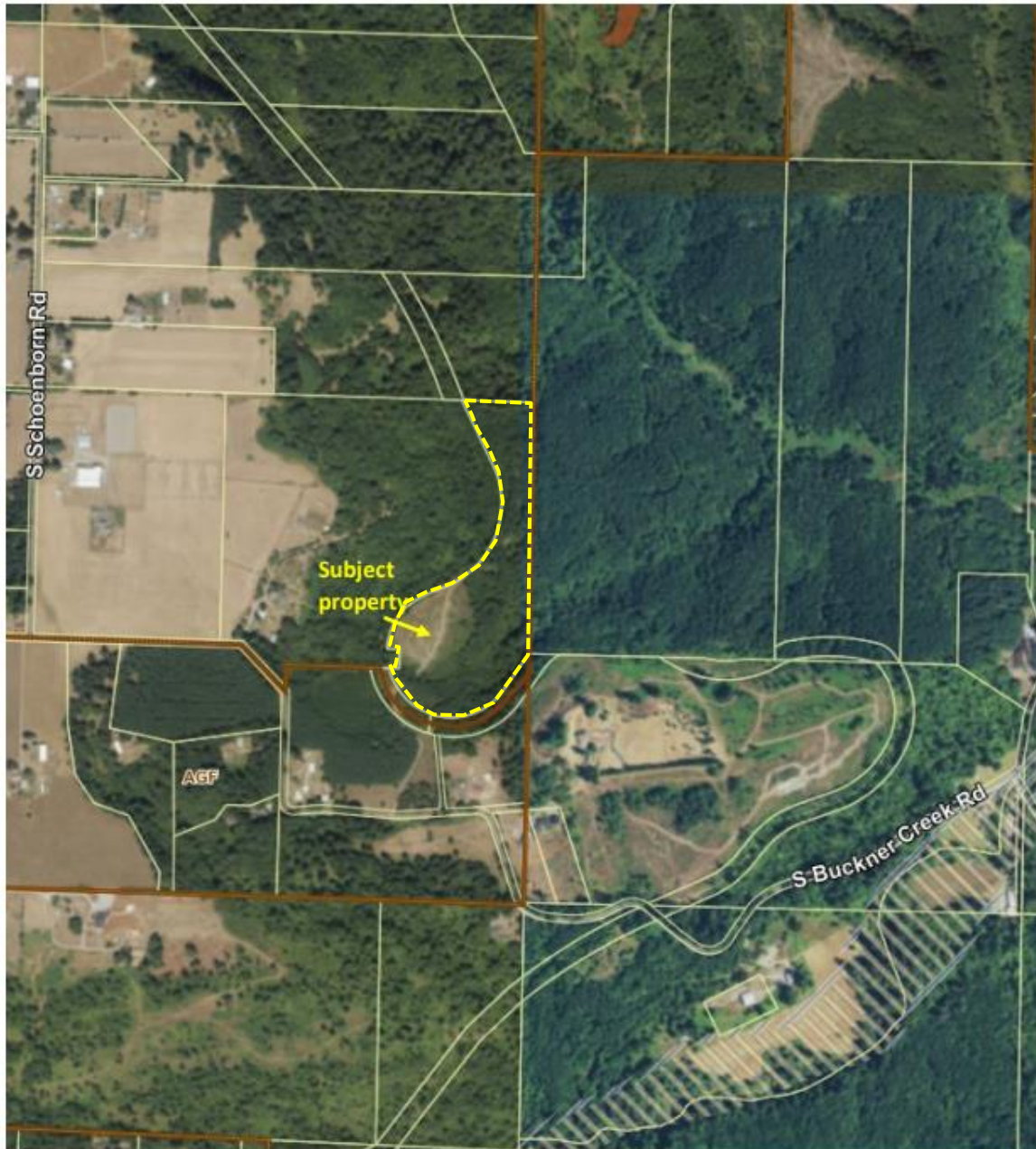


ZONING AND SURROUNDING AREA



- Subject property zoning:
 - ▣ EFU
- Surrounding zoning:
 - ▣ TBR, east
 - ▣ AG/F, south
 - ▣ EFU, west and north

AERIAL VIEW (2018)



- No structures
- Small area logged, rest forested
- 2 “spring-fed” streams/wetlands
- Some steep slopes, “relatively rough terrain”
- No other protected resource areas
- Soils: 78D (Class 4) & 92F (Class 6)

PUBLIC COMMENT

- Notice sent 10/10/22
- Only comment was from DSL, no expected impacts to wetland on site
- CPO: Hamlet of Mulino, no comment

RELEVANT POLICIES AND CRITERIA

Statewide Planning (SWP) Goals

- Goals 3 (Agriculture) & 4 (Forest Lands)
- Goal 12 (Transportation)

Zoning & Development Ordinance (ZDO)

- Section 1202 (Zone Change)
- Section 1307 (Procedures)

County Comprehensive Plan Goals & Policies

- Chapter 2 (Citizen Involvement)
- Chapter 3 (Natural Resources and Energy)
- Chapter 4 (Land Use)
- Chapter 5 (Transportation)
- Chapter 11 (The Planning Process)

ZDO SECTION 1202.03, ZONE CHANGES

Four main criteria

- A. Must be consistent with applicable goals and policies of the Comprehensive Plan
- B. Must demonstrate that any needed public services are available and sufficient for development under new zoning designation
- C. Transportation system adequacy
- D. Transportation system safety

ZDO FINDINGS, 1202.03(A)

- ▣ Chapters 2, 11: procedural
- ▣ Chapter 5: transportation system adequacy
- ▣ Chapter 3: wetlands policy
 - *3.F.1 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.....*
 - Policy adopted so that the County would review significant developments - including zone changes - to assure consistency with Goal 5 for wetland resources

WETLANDS



- Statewide Wetlands Inventory (SWI)
- Dept. State Lands (DSL): no wetland impacts anticipated as part of the proposal (Exhibit 3)
- Applicant: any future development will avoid notes two streams identified on property (one seasonal and one year-round)

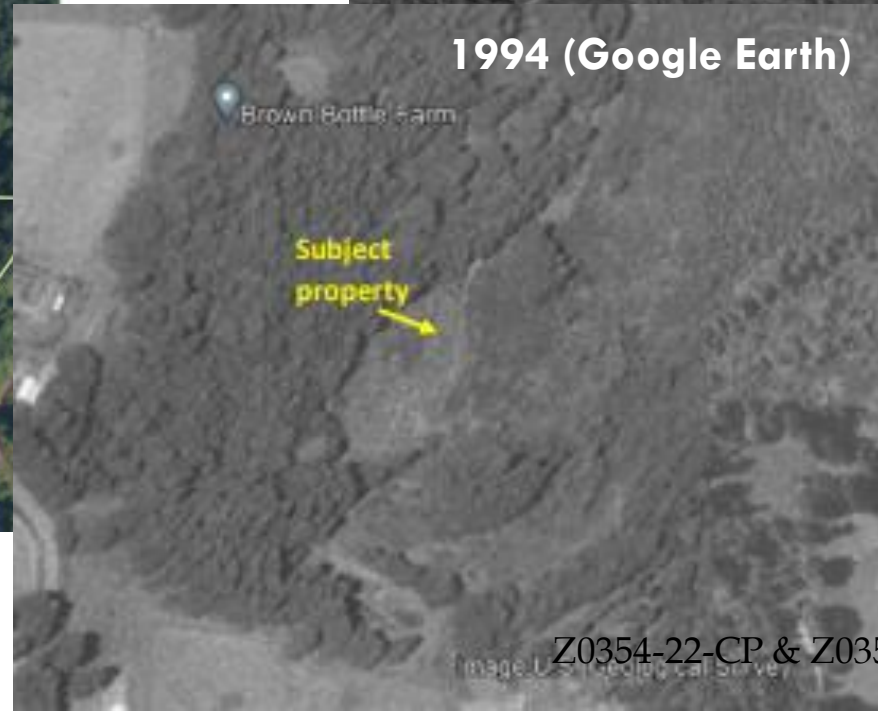
ZDO FINDINGS, 1202.03(A)

- Chapter 4: definitions & policies for the application of an Agriculture or Forest designation
 - Policies 4.NN.1 and 4.OO.1
 - Reflect definitions in SWP Goals 3 & 4

AGRICULTURAL OR FOREST LAND?

Agriculture	Forest
Predominantly Class 1-4 soils	Existing and potential forest lands
Other lands suitable for farm use due to soil fertility, grazing, irrigation, land use patterns, etc.	Other lands needed for watershed protection, wildlife and fish habitat, and recreation
Generally parcels of 20 acres or larger	Predominantly capable of generating at least 85 cubic feet of timber per acre per year
Primarily in agricultural use	Generally in forest uses
Necessary to permit farming or prevent conflicts on adjacent lands	Forested areas which buffer more intense from less intense uses

AERIAL VIEWS



ZDO FINDINGS, 1202.03(A)

- Subject site characteristics
 - “Low value” agricultural soils, Class 4 and Class 6
 - Timber production potential of 135-148 cubic feet per acre per year (based on soil types)
 - Currently forested
 - Aerial photos indicate forested for at least several decades. Does not appear to have ever been in farm production
 - 2 stream/wetland areas; some steep slopes; and “relatively rough terrain”
- Subject site meets criteria for Forest Plan designation

ZDO FINDINGS, 1202.03(A)

- Chapter 4: also contains policy for determining TBR or AG/F zoning designation
 - *The TBR zoning district shall be applied to areas predominantly in forest use.*
 - *The AG/F zoning district shall be applied to areas having such a mixture of agricultural and forest uses that neither Statewide Planning Goal 3 nor Goal 4 applies alone.*
- Subject site meets criteria for TBR zoning designation

ZDO FINDINGS, 1202.03(C) & (D)

- Traffic study submitted by applicant
 - Proposed zone change not expected to generate a significant volume of traffic, *small increase*
 - Will not have a significant effect on the transportation system
 - Expected to have *minimal impact on the operability and safety of surrounding system*
- Transportation Engineering staff concurs with conclusion of traffic study

CONCLUSION & RECOMMENDATION

- Proposal meets all applicable criteria for a Forest (F) designation
- Proposal meets all applicable criteria for a Timber (TBR) zoning designation
- Staff recommends approval of Z0354-22-CP & Z0356-22-ZAP, subject to recommended Conditions of Approval

PC HEARING

- Public hearing November 14, 2022
- No testimony
- PC recommended approval of Z0354-22-CP & Z0356-22-ZAP, subject to recommended Conditions of Approval
 - ▣ No significant issues
 - ▣ Unanimous vote



THANK YOU



Martha Fritzie, (503) 742-4529, mfritzie@clackamas.us



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

REPORT DATE: November 7, 2022

HEARING DATE: November 14, 2022 (Agenda Item Time: 6:30 pm)

PLANNING FILE NOS.: Z0354-22-CP and Z0356-22-ZAP

PROPOSAL: A Comprehensive Plan Map amendment to change the land use plan designation of the subject property from Agriculture (AG) to Forest (F), with a corresponding zone change of the subject property from Exclusive Farm Use (EFU) to Timber (TBR) or Ag/Forest (AG/F). See Exhibit 1 for submitted application.

STAFF CONTACT(S): Martha Fritzie, (503) 742-4529, mfritzie@clackamas.us

LOCATION: T4S, R2E, Section 09 Tax Lot 01300 W.M.; located near 14781 S Buckner Creek Road and approximately one mile northeast of the unincorporated community of Mulino; no site address

APPLICANT(S): Joanne (Joni) Schaber

OWNER(S): Cayla D Schaber

TOTAL AREA: Approximately 14.85 acres

ZONING: Exclusive Farm Use (EFU) District)

COMPREHENSIVE PLAN DESIGNATION: Agriculture

COMMUNITY PLANNING ORGANIZATION: Hamlet of Mulino; David Knight,
chairmulinohamlet@gmail.com

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 2, 3, 4, 5, and 11; and Clackamas County Zoning and Development Ordinance (ZDO) Section 1202.

I. STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the Comprehensive Plan Map amendment (File No. Z0354-22-CP) from Agriculture (AG) to Forest (F) and the corresponding zone change (File No. Z0356-22-ZAP) of the subject property from Exclusive Farm Use (EFU) to Timber (TBR).

1. The Clackamas County *Non-Urban Area Land Use Map* (Map 4-7a) shall be amended to identify the subject property (Tax Lot 42E09-01300) as being in the Forest (F) Plan designation.
2. The Clackamas County *Non-Urban Area Zoning Map* shall be amended to identify the subject property as being in the Timber (TBR) zoning district.
3. The approval of the application granted by this decision concerns only the applicable criteria for this decision. The decision does not include any conclusions by the county concerning whether the activities allowed will or will not come in conflict with the provisions of the federal Endangered Species Act (ESA). This decision should not be construed to or represented to authorize any activity that will conflict with or violate the ESA. It is the applicant, in coordination if necessary with the federal agencies responsibility for the administration and enforcement of the ESA, who must ensure that the approved activities are designed, constructed, operated and maintained in a manner that complies with the ESA.

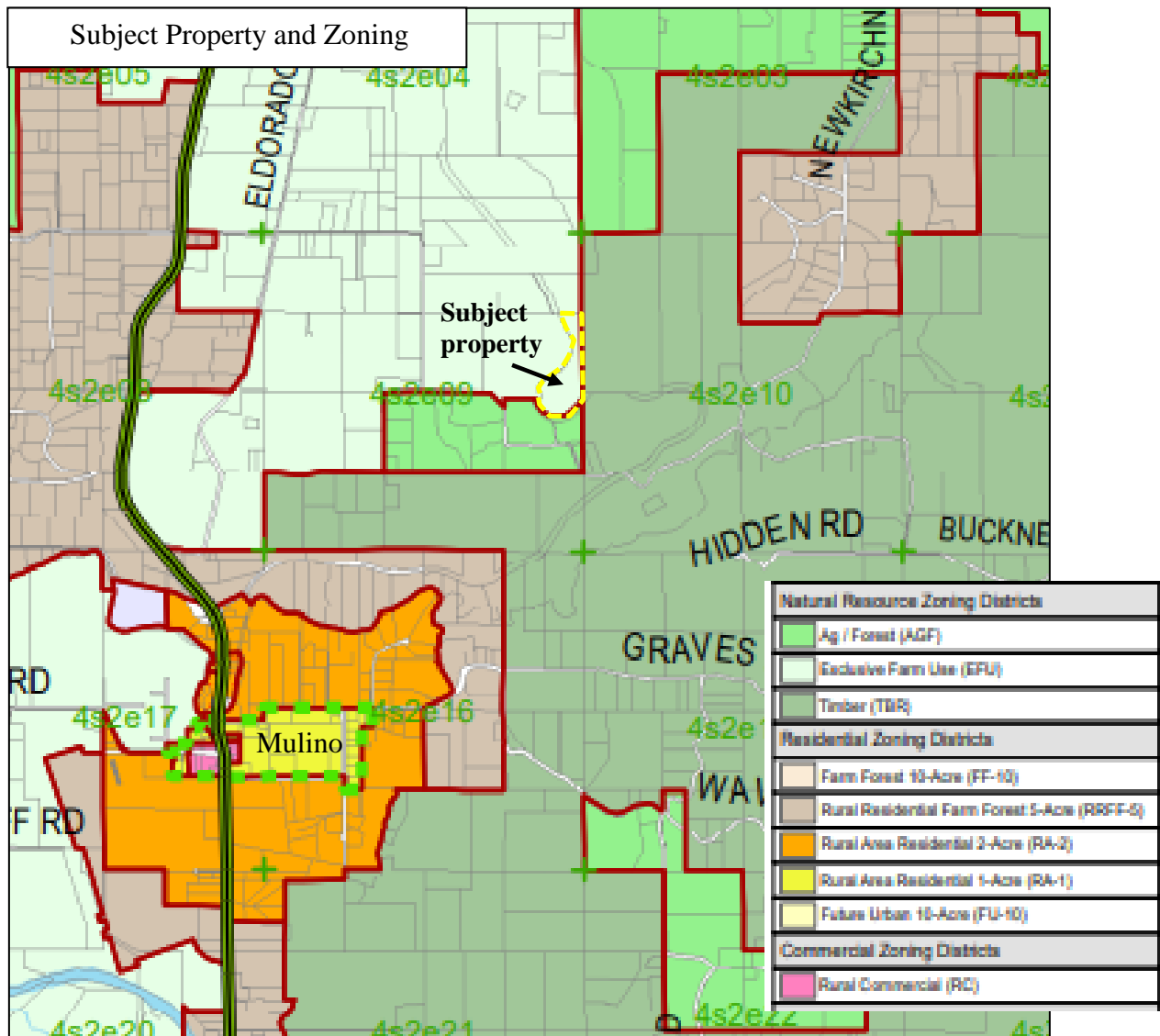
II. BACKGROUND

The subject property is tax lot 1300 of Assessor's Map 42E09 with no situs address; it is located near 14781 S Buckner Creek Road and approximately one mile northeast of the unincorporated community of Mulino. (see Assessor's Map, Exhibit 2). The subject site is approximately 14.85 acres, with a current Clackamas County Comprehensive Plan (Plan) land use designation of Agriculture (AG) and located in the Exclusive Farm Use (EFU) zoning district.

Subject property and surrounding area: The subject property is located in a predominantly rural area, with an established rural agricultural and forestry character and pattern of development. Surrounding properties are generally over 10 acres in size and range up to over 70 acres; surrounding properties contain varying levels of both agricultural and forestry related activities and development.

- Immediately east of the subject site are properties zoned Timber (TBR), including several large parcels owned by Port Blakely Tree Farms that appear to be in commercial timber production.
- Immediately north and west of the subject site are properties zoned EFU. Many of the properties to the west and northwest appear to contain cultivated fields and are actively being farmed, but properties to the north and immediately west of the subject site appear forested.
- Immediately south of the subject site are properties within a mixed farm-forest zoning district, Ag/Forest (AG/F); these properties do appear to contain a mix of farms and forested areas.

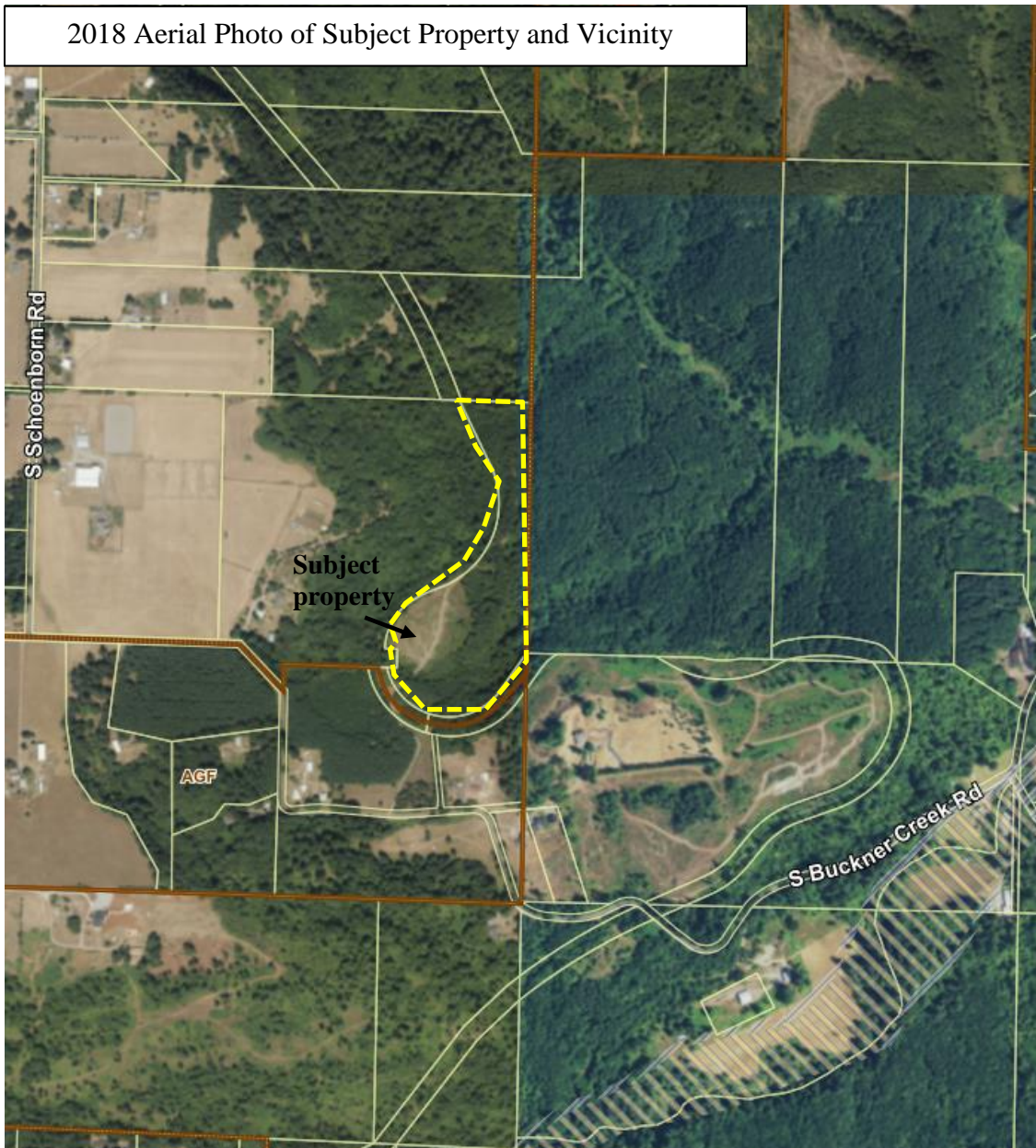
Many of the properties in the vicinity of the subject site also contain a residence (see aerial photos on pages 4 and 5, below and in Exhibit 2).



The subject taxlot is an irregular shape, most closely resembling a teardrop. It contains gently sloping topography within the southwest and middle portions of the site and contains steeper slopes on the eastern and north portions of the site. Although the applicant notes that slopes “at the building site” are less than 10%; based mapped contours, there are slopes that exceed 20% on some portions of the site and the property has been described in the traffic analysis memorandum as having “*relatively rough terrain.*”

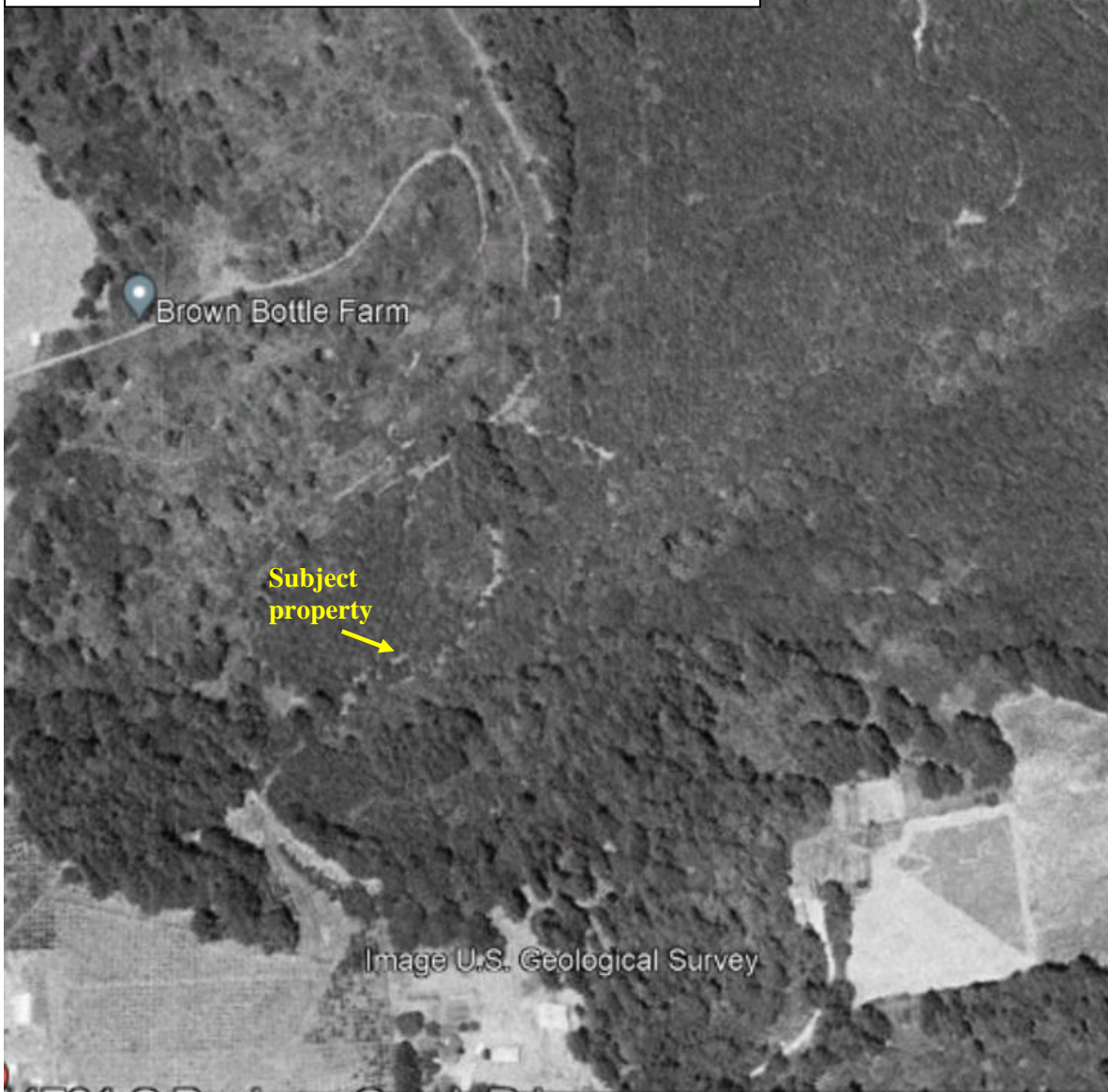
The Applicant notes that “the majority of the parcel is in timber production and natural forests” and aerial photography indicates that this is indeed true and that the site, despite being zoned EFU, has been forested, not farmed for several decades (see Exhibit 2).

2018 Aerial Photo of Subject Property and Vicinity



Source: Clackamas County GIS, PlanMap

2000 Aerial Photo of Subject Property and Vicinity



Source: Google Earth

The subject property contains no structures. There are no mapped principal rivers, river and stream conservation areas, or floodplain present on the subject site. The Applicant identifies two spring-fed streams on the property – one a year-round stream and one seasonal. While these are not streams that are protected under the county’s ZDO provisions, they are the water features that have been identified as wetlands. The Department of State Lands (DSL) Statewide Wetland Inventory identifies a small riverine wetland within the southernmost portion of the property. DSL has reviewed the subject property and Comprehensive Plan/zone change proposal and provided feedback (see Exhibit 3).

Soils: Based on mapped soil types, the subject site is considered (under state law) to be “low-value” farmland. The site is comprised of Class 4 (78D, Saum silt loam) and Class 6 (92F, Xerochrepts with

Haploxerolls, very steep) soils, with each soil type covering roughly half of the subject site. These soils, however, have relatively high average wood production capabilities and, based on information from the Oregon Department of Forestry, are rated at 138 cubic feet/acre/year and 145 cubic feet/acre/year, respectively.

Proposal: The Applicants' proposal is to change the Comprehensive Plan designation from Agriculture (AG) to Forest (F), with a corresponding zone change from Exclusive Farm Use (EFU) to Timber (TBR), or Ag/Forest (AG/F). **No new construction or land uses are proposed in this application.** Rather, the Applicant is effectively seeking to change the zoning of the property to reflect the predominant use on the property for several decades and to potentially qualify the property for a forest dwelling in the future. If the designations are changed, the property may qualify for a dwelling under the Forest Template Test (FTT) (see Exhibit 1, Application for preliminary FTT assessment). Approval of such a dwelling would require a separate land use application that would be submitted and reviewed in the future.

Two public hearings on the current proposal to change the Comprehensive Plan and zoning designations are scheduled: one before the Planning Commission on November 14, 2022, and another before the Board of County Commissioners (BCC) on December 14, 2022. The Planning Commission makes a recommendation to the BCC, who will ultimately decide whether the proposal is approved.

Service providers:

1. **Sewer:** The subject property is not located within a public or private sewer district. Septic systems would be required for any future development.
2. **Water:** The subject property is not located within a public or private water district. On-site wells would be required for any future development.
3. **Fire Protection:** Molalla RFPD #73

Noticing: This application has been processed consistent with the legal noticing requirements in Section 1307, *Procedures*, of the County's Zoning and Development Ordinance (ZDO) and with state noticing requirements. Specifically, the County has provided notice to interested agencies, local governments and property owners within 1/2-mile of the subject property consistent with State law and Section 1307 of the ZDO. The notification to property owners, public notices and hearings ensures an opportunity for citizens to participate in the land use process.

Responses received: To date, the only response received has been from the Oregon Dept. of State Lands (DSL), in response to Wetland Land Use Notification for subject site; DSL notes that no wetland impacts are anticipated as part of the proposal (see Exhibit 3).

III. COMPREHENSIVE PLAN DESIGNATION AND ZONE CHANGE FINDINGS AND DECLARATIONS

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 1202, *Zone Changes* and 1307, *Procedures*.

Staff have reviewed these provisions and the Applicant's preliminary findings in conjunction with this proposal. Compliance with the applicable regulations found in each is discussed below.

A. 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, 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); property owners within a half mile of the subject property; the area's active CPO; the Molalla Fire District; and the County's Transportation Engineering Division and Onsite Wastewater Program. Notice of the application and its public hearings has also been published in the newspaper and on County websites.

Before the Board of County Commissioners (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 Map and the property's zoning designation would not change the County's land use planning process. Even under the Applicant's 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, nor is an exception required for this proposal.

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 subject site is currently zoned EFU and is subject to Goal 3. The Applicant's proposal would not change any allowed uses in the EFU zoning district within the county; rather it proposes to identify the subject property as forest land (a Goal 4 resource), rather than agricultural land (a Goal 3 resource).

Oregon Administrative Rules, Chapter 660, Division 33, which implements Goal 3 defines "agricultural land" as follows.

OAR 660-033-0020: (1)(a) "Agricultural Land" as defined in Goal 3 includes:

(A) Lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils in Western Oregon and I-VI soils in Eastern Oregon;

(B) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; and

(C) Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.

(b) Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed;

As defined, agricultural lands are not required to contain only Class 1 through 4 soils, but land with other soil types may be included if it is suitable for farming or if it is adjacent to or intermingled with lands with Class 1 through 4 soils. The subject property contains Class 4 and Class 6 soils; areas with relative steep slopes and it and the properties immediately surrounding it are forested, not used for agricultural production. For these and other reasons discussed in more detail in Section III.C of this Staff report, Staff finds that the subject site does not meet the definition of "agricultural land" under Goal 3 and, as such, is not required to be designated under Goal 3 for agricultural use.

The relevant requirements of Statewide Planning Goal 3 are satisfied.

GOAL 4 – FOREST LANDS

Goal 4 requires the County to identify forest lands, designate it as such on Comprehensive Plan maps, and zone it consistently with State rules. The Applicant's proposal does not propose a change in any allowed land uses in its forest zoning districts (i.e., Ag/Forest and Timber Districts); rather it proposes to include the subject property within a forest zoning district. The proposal would change the subject site from agricultural to forest land, which would be subject to Goal 4. OAR Chapter 660, Division 6, which implements Goal 4, defines "forest lands" as follows.

OAR 660-006-0005: (7) "Forest lands" as defined in Goal 4 are those lands acknowledged as forest lands, or, in the case of a plan amendment, forest lands shall include:

(a) Lands that are suitable for commercial forest uses, including adjacent or nearby lands which are necessary to permit forest operations or practices; and

(b) Other forested lands that maintain soil, air, water and fish and wildlife resources.

The Rules further state that:

OAR 660-006-0010: (2) Where a plan amendment is proposed:

(a) Lands suitable for commercial forest uses shall be identified using a mapping of average annual wood production capability by cubic foot per acre (cf/ac) as reported by the USDA Natural Resources Conservation Service... Where NRCS data are not available or are shown to be inaccurate, other site productivity data may be used to identify forest land, in the following order of priority:

(A) Oregon Department of Revenue western Oregon site class maps;

(B) USDA Forest Service plant association guides; or

(C) Other information determined by the State Forester to be of comparable quality.

As noted previously and discussed in more in the Section III.C of this Staff report, the subject property contains soils that are considered “low value” for agricultural purposes, but have relatively high wood production capabilities, with ratings of 138 and 145 cubic feet/acre/year. These ratings are based on soil types and were established for Clackamas County based on information provided by the Oregon Department of Forestry.

In addition, the subject site and surrounding properties are forested, with a large commercial forest operation located on the adjacent parcels to the east. As such, Staff finds that the subject site better meets the definition of “forest lands” than the current designation of “agriculture” and, therefore, it is appropriate for this land to be designated as “forest land” under 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.

The Applicant states that there are two streams on the property – one seasonal and one year-round – and these water features are identified as riverine wetlands in the inventory provided by the OR Department of State Lands (DSL). DSL was notified of the proposal and provided comments in which no concerns were identified and it was noted that the proposed future development appears outside of any wetlands or waters (see Exhibit 3).

In addition, 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 on or near any stream or 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 TBR zoning would be evaluated for consistency with the County's existing regulations protecting air, water, and land resources quality. The need for any specific stormwater management system improvements will be evaluated during the development process required ahead of any actual development of the subject property.

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.

The subject property is also not in a mapped flood hazard area and has no mapped mass-movement or soil hazard areas, but may have slopes that exceed 20% on some portions of the property. Again, approval of this application would not itself authorize any development. The submitted application materials do not indicate an intent to develop on any of the steep slope areas in the future; however, any future development of the subject property would have to comply with any applicable natural hazard protection regulations, including steep slope reviews.

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.

Statewide Planning Goal 8 is not applicable.

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.

Statewide Planning Goal 9 is not applicable.

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.

Statewide Planning Goal 10 is not applicable.

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 Applicant does not propose to extend sewer or water services to the subject property. 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 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 analysis (TA) memorandum, prepared by a licensed engineering firm, Lancaster Mobley, and dated May 6, 2022. The submitted TA addresses TPR requirements and includes a comparison of the reasonable worst-case traffic impacts caused by potential development under the property's current EFU zoning to the reasonable worst-case traffic impacts of future development under the proposed TBR zoning. Key findings from the TA include:

- *The subject site is approximately 14.87 acres in a rural area with relatively rough terrain. Due to these geographical and topographical features, a majority of the non-farm uses set out in ORS 215.283(2) are unreasonable for development on the site. As such, the TA found that for the purposes of the analysis the site, under the EFU zoning, is considered generally undevelopable and accordingly is projected to generate a nominal number of trips.*
- Under the proposed TBR or AG/F zoning, the TA found that the reasonable "worst-case" development scenario may include the construction of one single-family detached house.
- Under the existing EFU zoning, the subject site is expected to generate a nominal number of trips and *under the proposed TBR or AG/F zoning, the subject site could reasonable generate up to one morning peak hour trip, one evening peak hour trip, and ten average weekday trips.*
- The impacts of the Applicant's proposal are too small to affect or alter the functional classification of any existing or planned transportation facility or to degrade the performance of any nearby transportation facility.
- *Accordingly, the Transportation Planning Rule and Clackamas County general approval criteria are satisfied and no mitigation is necessary or recommended in conjunction with the proposed zone change.*

Notice of this application, including its TA, was provided to the County's Transportation Engineering (TE) Division. TE staff has indicated via email (see Exhibit 4) that they concur with the analysis and conclusions found in the TA. As such, Staff finds the proposal consistent with the requirements of the TPR.

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 Applicant's proposal would not change any policy or implementing regulation regarding energy conservation.

Statewide Planning Goal 13 is not applicable.

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.

Statewide Planning Goal 14 is not applicable.

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 Applicant's proposal would not change any existing, State-acknowledged County Comprehensive Plan policy or implementing regulation regarding the Willamette River Greenway.

Statewide Planning Goal 15 is not applicable.

GOAL 16 – ESTUARINE RESOURCES; GOAL 17 – COASTAL SHORELANDS; GOAL 18 – BEACHES AND DUNES; GOAL 19 – OCEAN RESOURCES

Statewide Planning Goals 16 through 19 are not applicable to Clackamas County.

B. 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.

C. 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. Staff has reviewed each chapter of the Comprehensive Plan. In this section of the report and recommendation, Staff provides written findings as to how the Applicant's proposal is consistent with those chapters, goals, and policies that were found to be applicable to this specific proposal.

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 2.A.1 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 has provided notice to interested agencies, local governments and property owners within ½ mile of the subject property consistent with State law and Section 1307 of the ZDO. The notification to property owners, public notices and hearings ensures an opportunity for citizens to participate in the land use process.

This application is consistent with Chapter 2.

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.

The subject property does not contain any distinctive resource areas, natural hazards, or mineral/aggregate resources.

As discussed previously, the subject property does contains a wetland identified in the Department of State Lands (DSL) Wetland Inventory and therefore the following policy in Chapter 3 is applicable to the subject proposal.

Policy 3.F.1 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).

Policy 3.F.1 was included in the acknowledged Comprehensive Plan in order to comply with Statewide Planning Goal 5, for wetland resources. Outside of the Urban Growth Boundary (except in the Mt. Hood area) the federal wetland inventory is so general (just based on aerial fly overs) that it has not been possible to determine the exact location, quality, or quantity of wetlands. The County has not had the resources in order to develop more in depth or County specific wetland mapping. As such, policy 3.F.1 was adopted so that the County would review significant developments- including zone changes- to assure consistency with Goal 5 for wetland resources.

Because the DSL Statewide Wetland Inventory identified wetlands on site, notice the proposed Comp Plan/zone change was sent to DSL for their review and comment. DSL staff responded with an advisory document (Exhibit 3) indicating that no wetlands impacts were anticipated as part of the proposed Comprehensive Plan and zone change or subsequent possible development of one dwelling. DSL notes, *the proposed...dwelling appears outside of any wetland or waters. There is an existing gravel road servicing the location. Best Management Practices for erosion and sediment control are recommended due to the multiple sides of the site surrounded by streams.*

Any future on site building permit would be noticed to DSL and any proposed removal or fill of the wetlands exceeding 50 cubic yards would require a permit from the state.

As such, Staff finds it reasonable to conclude that the proposed Comprehensive Plan and zone change would not result in the disturbance of natural wetlands (marshes, swamps, bogs) and therefore the proposal is consistent with the Policy 3.F.1 of the Comprehensive Plan.

This application is consistent with Chapter 3.

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. Only the Land Use Policies for the each existing and proposed Land Use Plan designation would be applicable to the proposal and those are addressed below.

The subject property is currently designated Agriculture on the Comprehensive Plan Map. The proposed change to a Forest designation requires consideration of both the Agriculture and Forest policies in Chapter 4 of the Plan.

Chapter 4 defines identifies agriculture and forest lands as follows:

Agriculture

Agriculture areas are those of predominantly Class I through IV soils as identified by the United States Natural Resources Conservation Service or as identified in more detailed data; and other lands that are suitable for farm use due to soil fertility, suitability for grazing, climatic conditions, existing or future potential for irrigation, land use patterns, or accepted farming practices or are necessary to permit farming practices to be undertaken on adjacent or nearby lands.

Forest

Forest areas are composed of existing and potential forestlands that are suitable for commercial forest uses. Also included are other forested lands needed for watershed protection, wildlife and fish habitat, and recreation, lands where extreme conditions of climate, soil, and topography require maintenance of vegetative cover, and forested lands in urban and agricultural areas which provide urban buffers, wind breaks, wildlife habitat, scenic corridors, and recreational use

Chapter 4 includes the following policies that guide the designation of lands as Agriculture or Forest in the county (emphasis added).

Policy 4.NN.1 The following areas shall be designated **Agriculture:**

4.NN.1.1 Areas with predominantly Class I through IV agricultural soil as defined by the United States Natural Resources Conservation Service or identified as agricultural soil by more detailed data;

4.NN.1.2 Areas generally in parcels of 20 acres or larger;

4.NN.1.3 Areas primarily in agricultural use;

4.NN.1.4 Areas necessary to permit farming practices on adjacent lands or necessary to prevent conflicts with the continuation of agricultural uses;

4.NN.1.5 Other areas in soil classes different from NRCS I through IV when the land is suitable for farm use as defined in Oregon Revised Statutes 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farm practices.

Policy 4.OO.1 *The following areas shall be designated **Forest**:*

4.OO.1.1 Lands suitable for forest use;

4.OO.1.2 Lands predominantly capable of generating at least 85 cubic feet of timber per acre per year;

4.OO.1.3 Areas generally in forest uses;

4.OO.1.4 Areas which are environmentally sensitive or otherwise require protection (watersheds, areas subject to erosion, landslides, etc.) should be designated Forest;

4.OO.1.5 Forested areas which buffer more intense land uses from areas of less intense use may be designated Forest.

As noted previously, the subject site is currently forested and contains Class 4 and Class 6 soils, each covering roughly half the site. While these soils are considered “low-value” for agriculture, they have the capability to generate well over 85 cubic feet of timber per acre per year. Based on the mapped soils, the site is capable of generating 135 to 148 cubic feet of wood production per acre per year.

Based on aerial photography, the site does not appear to have been in farm production in at least the last 30 years and has, in fact, been largely forested during that entire period. The Applicant states that the majority of the parcel is currently in timber production and natural forest and notes that a portion of this site was logged in 2018 and a portion of the adjacent land owned by Port Blakely Timber Company was logged in 2021. It is clear that the site and surrounding areas are “suitable” for forest use and “capable” of timber production, as identified in Policies 4.OO.1.1 through 3.

In addition, the site contains two streams/wetland areas; some steeply-sloped areas; and has what has been described as “relatively rough terrain”. These areas are more suited for a Forest designation than agricultural production and more closely meet Policy 4.OO.1.4.

Within the Forest Plan designation, there are two implementing zoning districts: Timber (TBR) and Ag/Forest (AGF). Plan policy 4.OO.11 identifies the criteria for the application of each of these zoning districts.

Policy 4.OO.11 *The Timber (TBR) and Ag/Forest (AG/F) zoning districts implement the goals and policies of the Forest plan designation. The TBR zoning district shall be applied to areas predominantly in forest use. The AG/F zoning district shall be applied to areas having such a mixture of agricultural and forest uses that neither Statewide Planning Goal 3 nor Goal 4 applies alone.*

Regarding Policy 4.OO.11, Staff finds that the area is predominantly in forest use and the TBR zoning district should be applied to the subject property for the following reasons:

- Although this policy does not define or specify the area to be considered, it reasonable to conclude that it can apply to just the subject site. Evidence demonstrates that this site has been forested, not farmed or even partially farmed, over at least the last three decades.
- The subject property is forested and properties immediately adjacent to the east, north and west are also forested and include a large commercial timber operation to the east.
- While agricultural production is evident on a number of properties to the west of the subject site, those sites are currently zoned EFU and are not immediately adjacent to the subject.

As such, Staff finds the subject site is consistent with the Plan policies for the Forest (F) Plan designation and Timber (TBR) District zoning designation and that **this application is consistent with Chapter 4.**

Chapter 5 Transportation: *This Chapter outlines policies addressing all modes of transportation.*

This Chapter contains eight Sections including 1) Foundation and Framework; 2) Land Use and Transportation; 3) Active Transportation; 4) Roadways; 5) Transit; 6) Freight, Rail, Air, Pipelines and Water Transportation; 7) Finance and Funding; and 8) Transportation Projects and Plans.

The only policy found in this chapter that is relevant to this application is found in the Roadways section.

Policy 5.F.6 *Require changes in land use plan designation and zoning designation to comply with the Transportation Planning Rule [Oregon Administrative Rules (OAR) 660-012-0060]*

The applicant was required to submit a traffic study to comply with requirements of the Transportation Planning Rule (TPR), found in Oregon Administrative Rules 660-012- 0060, as well as the requirements of ZDO Section 1202.03 and Chapter 5 of the Comprehensive Plan.

The applicant submitted a Transportation Impact Analysis (TA), completed by Lancaster Mobley and dated May 6, 2022, which was completed to assess this proposal's compliance with the TPR and ZDO Sections 1202.03(C) and (D). Based on the analysis and conclusions found in this TA, Lancaster Mobley found that *the Transportation Planning Rule and Clackamas County general approval criteria are satisfied and no mitigation is necessary or recommended.*

Notice of this application, including its TA, was provided to the County's Transportation Engineering (TE) Division; TE staff has indicated via email (see Exhibit 4) that they concur with the analysis and conclusions for the TA. As such, the proposal is consistent with the requirements of the TPR.

This application is consistent with Chapter 5.

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, one policy is applicable:

Policy 11.A.1 *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 has been provided to all appropriate agencies and parties, DLCD and the Hamlet of Mulino, and advertised public hearings before the Planning Commission and the Board of County Commissioners provide an adequate opportunity for interagency coordination of this proposed Comprehensive Plan/zone change and demonstrates compliance with this policy.

This policy is met; this application is consistent with Chapter 11.

D. Clackamas County Zoning and Development Ordinance (ZDO)

Staff has reviewed the relevant Sections of the ZDO in conjunction with this proposal and makes the following findings and conclusions.

Section 1202.02, Submittal Requirements

Subsection 1202.02 of the ZDO lists the information that must be included in a complete application for a Zone Change.

The application was submitted on July 22, 2022. The application was deemed complete on August 18, 2022. As such, the 150-day deadline established by state law for processing this application is January 15, 2022.

Section 1202.03, General Approval Criteria

Section 1202.01 states that a zone change may be allowed, after a hearing conducted pursuant to Section 1307, if the applicants provide evidence substantiating the following criteria found in Subsection 1202.03 are met.

1202.03(A): *The proposed zone change is consistent with the applicable goals and policies of the Comprehensive Plan.*

Findings against the relevant Comprehensive Plan policies are detailed in the Section III.C of this Staff Report (pages 13 to 18, above). Based on those findings and findings provided by the applicant, staff finds that the proposed zone change is compliant with all relevant goals and policies in the Comprehensive Plan and, therefore, **is consistent with ZDO Subsection 1202.03(A).**

1202.03(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.*

The subject property is not located in a public sanitary sewer district and onsite septic systems would be required for new development requiring sewage disposal. The subject property is not located in a public water district and onsite wells would be required for new development.

The proposed zone change can be found compliant with 1202.03(B).

1202.03(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.*

ZDO Subsections 1202.03(C)(1)-(7) define what is meant by an “adequate” transportation system. The Applicant’s submitted TA, 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. The County’s Transportation Engineering (TE) Division has reviewed the TA and concurs with its findings (Exhibit 4).

The proposed zone change can be found compliant with 1202.03(C).

1202.03(D): *Safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.*

The applicant’s TA concludes, and TE staff agrees, that the incremental increase in trips will adversely affect the safety of the transportation system: “... *the proposed zone change is projected to generate a net increase of one morning peak hour, one evening peak hour, and 10 daily trips. Per the OHP [Oregon Highway Plan], this level of trip generation may be considered a “small increase” in traffic that will not cause further degradation of the nearby transportation facilities. Therefore the proposed zone change is expected to have minimal impact on the operability and safety of the surrounding system.*”

The proposed zone change can be found compliant with 1202.03(D).

IV. CONCLUSION

Staff finds that the proposed Forest (F) Plan designation and Timber (TBR) zoning district are consistent with State law; all applicable goals and policies in the Comprehensive Plan; and all applicable ZDO criteria.

**PLANNING COMMISSION
DRAFT MINUTES**

August 22, 2022

Meeting held via Zoom meeting online

Commissioners present: Tammy Stevens, Gerald Murphy, Brian Pasko, Louise Lopes, Michael Wilson, Kevin Moss.
Commissioners absent: Tom Peterson, Carrie Pak, Steven Schroedl
Staff present: Martha Fritzie, Jennifer Hughes, Darcy Renhard,

Commission Chair Murphy called the meeting to order at 6:32 pm.

General public testimony not related to agenda items: none.

Martha Fritzie presented staff's report for file numbers Z0354-22-CP and Z0356-22-ZAP. This is for a change in Comprehensive Plan designation from Agriculture (AG) to Forest (F), and a corresponding change to the zoning designation from Exclusive Farm Use (EFU) to Timber (TBR) or Ag/Forest (AGF). Neither of the proposed changes would authorize any development to the property in question.

The property is 14.85 acres in size and is located approximately 1 mile northeast of the unincorporated community of Mulino. Surrounding zoning consists of TBR to the east, AG/F to the south, and EFU to the west and north. There are no structures on the property, but there are two "spring-fed" streams. These are the only protected resource areas on the property. A small part of the property has already been logged, but the rest remains a forested area with steep slopes and rough terrain. The soils are classified as low value agricultural, but have relatively high wood production capabilities. Aerial photographs indicate that the property has been forested for at least several decades and does not appear to have ever been used for farming.

Notice was provided in accordance with State law. The only comment received was from DSL. There were no comments from the Hamlet of Mulino or from the public.

Staff finds that these applications meet all of the relevant Statewide Planning Goals, Oregon Administrative Rules Chapter 660, all ZDO criteria, and all County Comprehensive Plan Goals and Policies. Staff has also determined that the site meets the criteria for TBR zoning designation rather than AG/F since it appears primarily forested and has not been put to an agricultural use.

Any future development would be served by the onsite septic system and well. Clackamas County Transportation Engineering concurs that the transportation system is adequate to serve the development anticipated by the zone change.

The applicant, Ms. Joni Schaber, explained that they do in fact plan to build a single family dwelling on the property in the future. The home would be sited away from the two streams in order to protect and preserve them. Water and sewage services would be addressed by an onsite septic system and well.

Commissioner Pasko moved to recommend approval of Z0354-22-CP and Z0356-22-ZAP subject to the conditions of approval in the staff report. Commissioner Moss seconded. (*Ayes=6; Nays=0. Motion is passed.*)

Commissioner Pasko moved to approve the minutes from the August 22nd hearing. Commissioner Stevens seconded. (Ayes=5: *Pasko, Stevens, Murphy, Wilson, Lopes*; Abstain=1 :*Moss*; Nays=0.)

There being no further business, the meeting was adjourned at 7:25 pm.

DRAFT

Exhibit List
In The Matter Of File Nos. Z0354-22-CP & Z0356-22-ZAP

[illegible]

* Exhibits received prior to or during hearing
 ** Exhibits received during open record after hearing
 *** Oversize exhibits



**Clackamas County Planning and Zoning Division
Department of Transportation and Development**

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

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

Date of Mailing of this Notice: October 10, 2022

Notice Sent to: Applicant; property owners within 2,640 feet (half a mile) of the subject property; and applicable cities, Community Planning Organizations (CPOs), special districts, and government agencies

*Please note that the Planning Commission is holding land use public hearings virtually using the Zoom platform, and that the Board of County Commissioners is holding land use public hearings **both in person and virtually using the Zoom platform.***

PLANNING COMMISSION HEARING:

Hearing Date & Time:

Monday, November 14, 2022,
at 6:30pm

How to Attend via Zoom:

One week prior to the hearing, a Zoom link to the public hearing and details on how to observe and testify online or by telephone will be available on our website:

<https://www.clackamas.us/planning/planning-commission>

BOARD OF COUNTY COMMISSIONERS HEARING:

Hearing Date & Time:

Wednesday, December 14, 2022,
at 10:00am

In-Person Hearing Location:

BCC Hearing Room (4th Floor), 2051 Kaen Rd, Oregon City, 97045

How to Attend via Zoom:

One week prior to the hearing, a Zoom link to the public hearing and details on how to observe and testify online or by telephone will be available on our website:

www.clackamas.us/meetings/bcc/landuse

Planning File Numbers: Z0354-22-CP; and Z0356-22-ZAP

Applicant(s): Joanne (Joni) Schaber

Property Owner: Cayla D Schaber

Proposal: A Comprehensive Plan Map amendment to change the land use plan designation of the subject property from Agriculture (AG) to Forest (F), with a corresponding zone change of the subject property from Exclusive Farm Use (EFU) to Timber (TBR) or Ag/Forest (AG/F).

Subject Tax Lot: T4S, R2E, Section 09 Tax Lot 01300 W.M.

Situs Address: no situs

Location of Subject Property: Approximately 480 feet north of S Buckner Creek Rd. and one mile east of Hwy 213 in Mulino, Oregon

Area of Subject Property: Approximately 14.85 acres

Current Zoning: Exclusive Farm Use (EFU) District

Approval Criteria: Statewide Planning Goals; Oregon Administrative Rules Chapter 660, Division 18; Clackamas County Comprehensive Plan Chapters 2, 3, 4, 5, and 11; and Clackamas County Zoning and Development Ordinance (ZDO) Sections 202, 1202, and 1307

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.

HOW TO OBTAIN ADDITIONAL INFORMATION

Staff Contact: Martha Fritzie, Principal Planner (Tel: 503-742-4529, Email: mfritzie@clackamas.us)

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

1. Emailing or calling the staff contact Martha Fritzie (see above);
2. Visiting the Planning & Zoning Division, at the address shown at the top of the first page of this notice, during regular business hours, which are Monday-Thursday, 8:00am to 4:00pm; or
3. Going to this Clackamas County website: www.clackamas.us/planning/zdoproposed.html

Community Planning Organization for Your Area:

The following recognized Community Planning Organization (CPO) has been notified of this application and may develop a recommendation. You are welcome to contact the CPO and attend their meeting on this matter, if one is planned. If this CPO currently is inactive and you are interested in becoming involved in land use planning in your area, please contact the Community Involvement Office at 503-655-8552. **CPO: Hamlet of Mulino, PO Box 853, Mulino OR 97042 (David Knight: chairmulinohamlet@gmail.com)**

HOW TO SUBMIT TESTIMONY ON THIS APPLICATION

- All interested parties are invited to attend the Zoom hearings remotely online or by telephone, and to attend the Board of County Commissioners hearing in person. They will be provided with an opportunity to testify orally, if they so choose. One week prior to each hearing, additional instructions will be available online as explained on the first page of this notice.
- Written testimony received by **October 31, 2022**, will be considered by staff prior to the issuance of the staff report and recommendation on this application. However, written testimony will continue to be accepted until the record closes, which may occur as soon as the conclusion of the Board of County Commissioners' hearing.
- Written testimony may be submitted by email, fax, regular mail, or hand delivery. Please include the case file numbers (Z0354-22-CP and Z0356-22-ZAP) on all correspondence and address written testimony to the staff contact who is handling this matter (Martha Fritzie).
- Testimony, arguments, and evidence must be directed toward the approval criteria identified on the first page of this notice. Failure to raise an issue at the hearing or by letter prior to the close of the record, or failure to provide statements or evidence sufficient to afford the Board of County Commissioners and the parties involved an opportunity to respond to the issue, precludes an appeal to the Oregon Land Use Board of Appeals based on that issue.
- Written notice of the Board of County Commissioners' decision will be mailed to you **if you submit a written request and provide a valid mailing address**.

PROCEDURE FOR THE CONDUCT OF THE HEARINGS

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

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

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

503-742-4545: ¿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

Z0354-22-CP & Z0356-22-ZAP

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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:

**COMPREHENSIVE PLAN MAP AMENDMENT
& ZONE CHANGE**

Application Fee: \$14,920

(+ \$150 if an expanded notification area is required by ZDO Section 1307)

Staff Initials:

File Number:

APPLICANT INFORMATION

Applicant name: Cayla Schaber	Applicant email: cayla.diane.schaber@gmail.com	Applicant phone: 503-351-9233
Applicant mailing address: 14781 S Buckner Creek Rd	City: Mulino	State: OR ZIP: 97042
Contact person name (if other than applicant): Joni Schaber	Contact person email: joni.schaber@cascadehassonsir.com	Contact person phone: 503-351-9233
Contact person mailing address: same	City:	State: ZIP:

PROPOSAL

Brief description of proposal: Request to change zoning from EFU to TBR. Applicant wishes to build a single family residence through Forest Dwelling Template Test.	Pre-application conference file number: ZPAC 0159-21
------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------

SITE INFORMATION

Site address: Tax Lot 1300 N/T 14781 Buckner Creek Rd	Comprehensive Plan designation: AGR	Zoning district: AGF
Map and tax lot #: Township: 4S Range: 2E Section: 09 Tax Lot: 1300 Township: Range: Section: Tax Lot: Township: Range: Section: Tax Lot:	Land area: 14.85 ACRES	
Adjacent properties under same ownership: Township: Range: Section: Tax Lot: Township: Range: Section: Tax Lot:		

Printed names of all property owners: Cayla Schaber	Signatures of all property owners: 	Date(s): 8-15-22
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: 8-15-22

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

STAFF USE ONLY

REC'D 07/22/22
Z0354-22

Staff Initials:

File Number:

Land use application for:

COMPREHENSIVE PLAN MAP AMENDMENT & ZONE CHANGE

Application Fee: \$14,920

(+ \$150 if an expanded notification area is required by ZDO Section 1307)

APPLICANT INFORMATION

Applicant name: Joanne (Joni) Schaber	Applicant email: joni.schaber@cascadehassonsir.com	Applicant phone: 503-351-9233	
Applicant mailing address: 14781 Buckner Creek Rd	City: Mulino	State: OR	ZIP: 97042
Contact person name (if other than applicant): same	Contact person email:	Contact person phone:	
Contact person mailing address:	City:	State:	ZIP:

PROPOSAL

Brief description of proposal: Request to change zone from EFU to TBR. Applicant wishes to build residential home with Timber Template test.	Pre-application conference file number: ZPAC 0159-21
-------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------

SITE INFORMATION

Site address: TAX LOT 1300 N/T 14781 Buckner Creek Rd	Comprehensive Plan designation: AGR	Zoning district: AGF
Map and tax lot #: Township: <u>4S</u> Range: <u>2E</u> Section: <u>09</u> Tax Lot: <u>1300</u> Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____	Land area: 14.85 acres	
Adjacent properties under same ownership: Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____		

Printed names of all property owners: Joanne Schaber	Signatures of all property owners: 	Date(s): 7-19-22
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:

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 \$14,920, plus a \$150 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**

D. Answer the following questions:

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

Requested Plan designation: _____Timber_____

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

Requested zoning district: _____TBR_____

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:

_____AGF_____

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:

Vicinity MAP



VICINITY MAP

BUCKNER CREEK RD.

OWNER: PRIEM

OWNER:
Joanne Schaber

PROPOSED
EASEMENT
ACCESS

S Buckner Creek Rd

OWNER:
Gayla Schaber

OWNER:
Gayla Schaber

OWNER:
Joanne Schaber

OWNER: Wilson

PROPOSED
HOMESITE

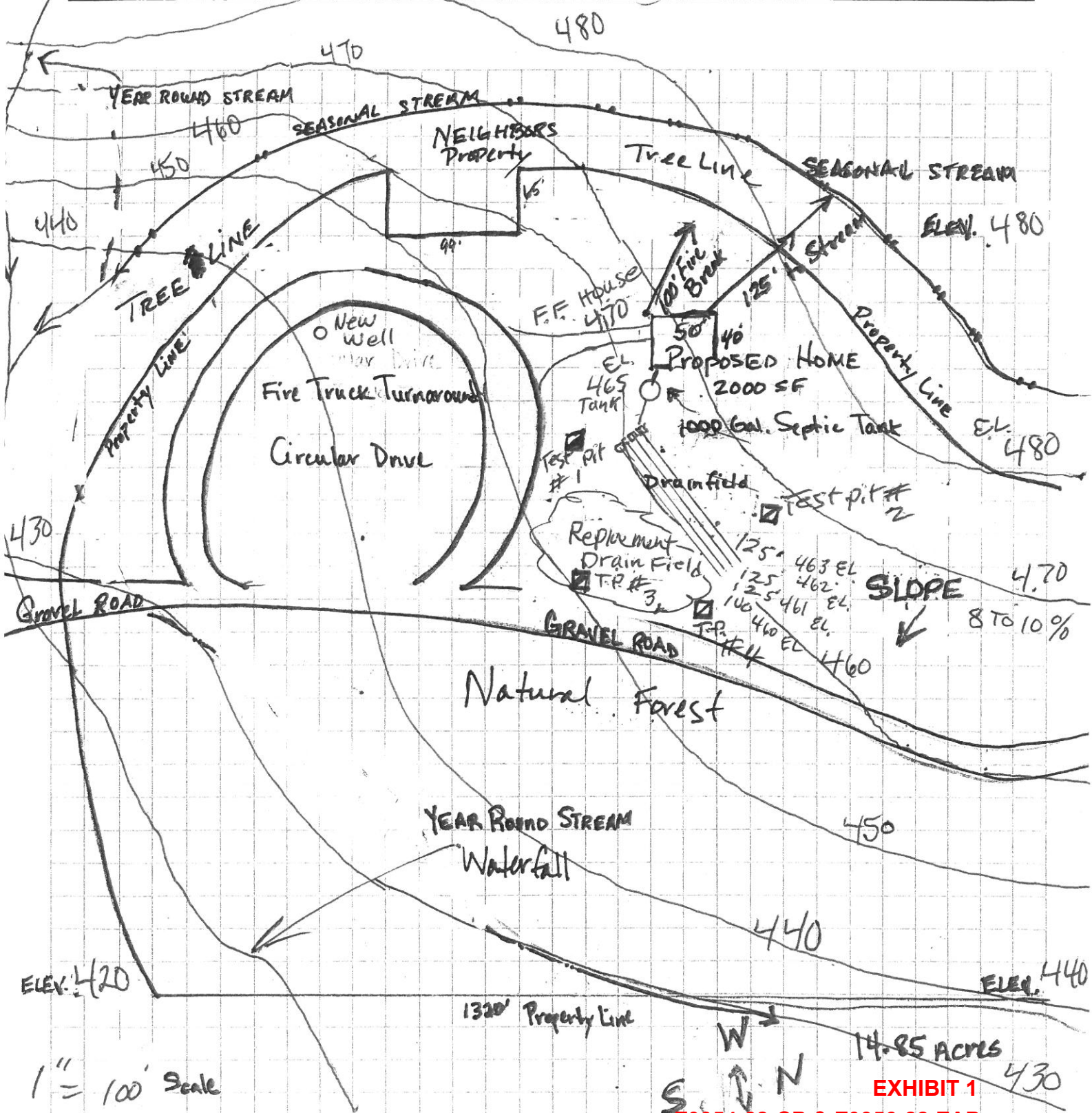
Z0354-22-CP & Z0356-22-ZAP

EXHIBIT 1

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SITE PLAN

Township 04S Range 02E Section 09 Tax Lot 1300
 Address: NT 14781 S. Buckner Creek Rd, Mulino, OR.



1" = 100' Scale

W
S
N
E
 EXHIBIT 1
 20354-22-CP & 20356-22-ZAP
 Page 9 of 40
 14.85 ACRES
 430
 440
 450
 460
 470
 480
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 410
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 380
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ONSITE WASTEWATER PROGRAM APPLICATION

APPLICATION TYPE

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

SITE INFORMATION

Property Owner: Joanne Schaber

Address: 14781 Buckner Creek Rd, Mulino OR 97042

Property Owner Email Address: joni@hasson.com

Parcel / Tax Map: 04S 02E Sect 9 Tax Lot 1300

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

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

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

INSTALLER INFORMATION

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

Licensed Installer: _____ Telephone: (____) _____ - _____

DEQ License #: _____ Expiration Date: _____/_____/_____

Maintenance Provider: _____ Certificate #: _____

Installer Email Address: _____

PROJECT DESCRIPTION

Current Number of Bedrooms: 0 OR Gallons per day: _____ Proposed Number of Bedrooms: 4 OR Gallons per day: _____

Description of Work: New residential septic system for 2000sf home

APPLICANT

Applicant Name: Joanne Schaber Telephone: (503) 351 - 9233

Mailing Address: 14781 S Buckner Creek Rd, Mulino OR 97042

Email Address: joni@hasson.com

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

Owner or Authorized Representative Signature: Joanne Schaber **EXHIBIT 1** **Z0354-22-CP & Z0356-22-ZAP** / _____

SOIL EVALUATION PLOT PLAN

Applicant JOANNE SCHABER
Township 04S Range 02E Section 09 Tax Lot 1300
Address N/T 14781 Buckner Creek Rd, Mulino OR 97042

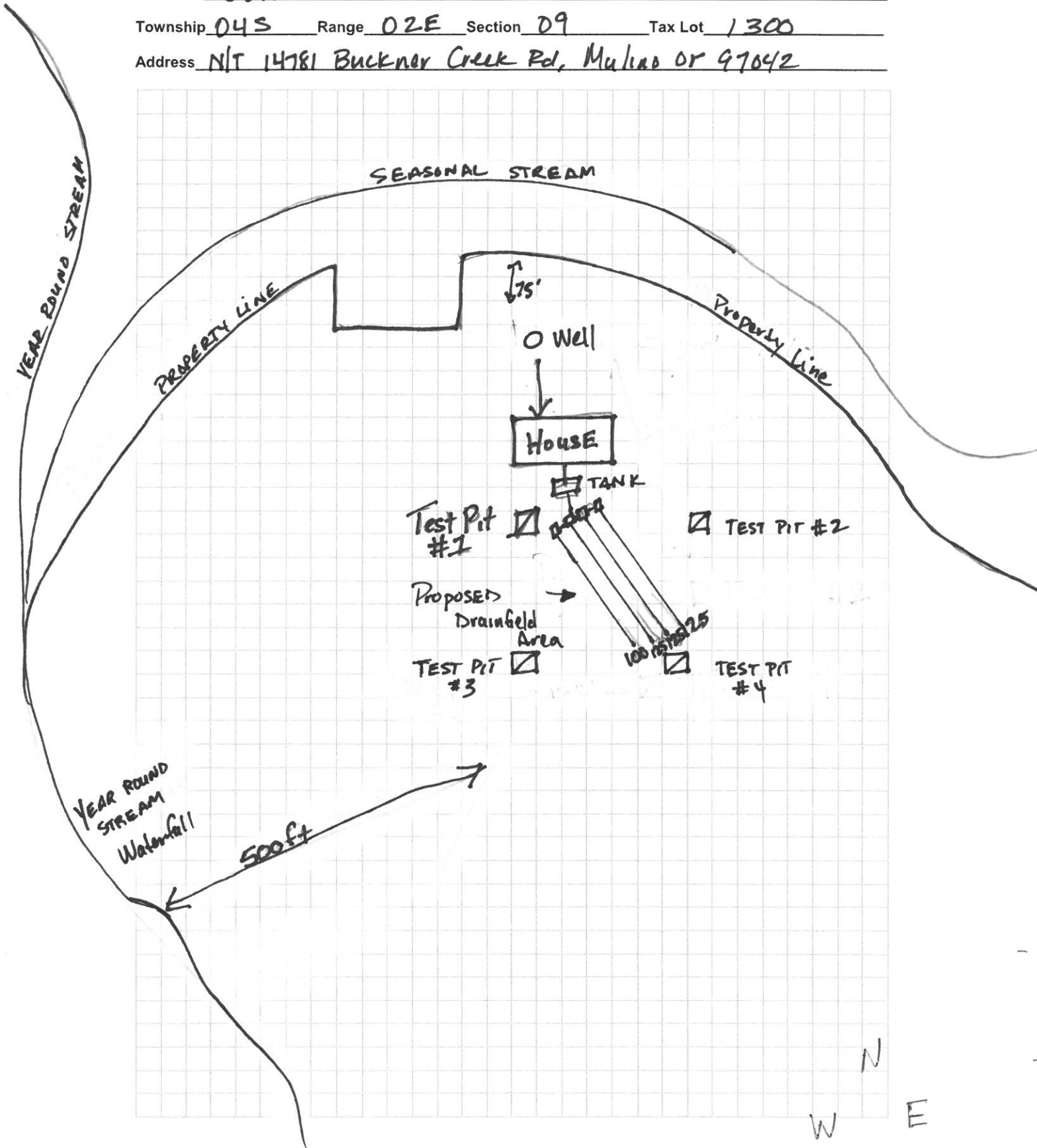


EXHIBIT 1

Z0354-22-CP & Z0356-22-ZAP

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Memorandum

To: Joni Schaber, The Hasson Company
From: Myla Cross
Date: May 6, 2022
Subject: 14781 S Buckner Creek Road – Zone Change Analysis



Introduction

This memorandum discusses the traffic and transportation considerations around the proposed zone change for the property located on a single property (tax lot 42E09-01300) near 14781 S Buckner Creek Road in unincorporated Clackamas County, Oregon. The approximately 14.87-acre site is zoned *Exclusive Farm Use* (EFU) under existing conditions. The applicant proposes to change the current EFU zoning to *Timber* (TBR) or *Agriculture/Forest District* (AGF), in order to construct a forest dwelling. A map of the site vicinity, with the project site outlined in blue, is shown in Figure 1.

This transportation study assesses the impact of the potential increase in trips due to the proposed zone change. Zone changes in Oregon are subject to the state's Transportation Planning Rule (TPR), and approval criteria for Zone Changes in Clackamas County are specified by *Clackamas County Zoning and Development Ordinance* Section 12.02. Accordingly, this report addresses the proposal's compliance with the TPR.



Figure 1: Project Location (image from Clackamas Maps)

Trip Generation

Since a change in zoning is proposed, the State of Oregon's Transportation Planning Rule and Clackamas County code require a comparison of the reasonable worst-case development under the existing zoning designation to the reasonable worst-case development under the proposed zoning designation. This comparative analysis will yield a potential net increase in trip generation, which serves as the basis for potential traffic impacts associated with the change in zoning.

Existing Zoning

Per Section 401.07(A), the minimum lot size under EFU zoning is 80 acres, however, non-farm use land divisions less than 80 acres can be approved for the following uses, if the parcel for the use is not larger than the minimum size necessary for the use:

- Fire service facility
- Non-farm uses, except dwellings, set out in ORS 215.283(2).

The subject site is approximately 14.87 acres in a rural area with relatively rough terrain. Due to these geographical and topographical features, a majority of the non-farm uses set out in ORS 215.283(2) are unreasonable for development on the site. Operations such as timber harvest, mining or processing minerals could take place at the site, but these activities are temporary in nature (e.g. seasonal) and may not generate consistent trips day-to-day or year-round. Additionally, such operations could still occur under the proposed TBR or AGF zoning whereby a comparison of site trip generation utilizing these land uses would yield a zero net increase in the trip generation potential of the site. Because there are no reasonable land uses that could develop on-site under the existing zoning, aside from the aforementioned temporary operations, for the purposes of this analysis the site will be considered generally undevelopable and accordingly is projected to generate a nominal number of trips.

Proposed Zoning

To determine a reasonable worst-case development scenario under the proposed TBR or AGF zoning, the County's Zoning and Development Ordinance Sections 406 and 407 were referenced. Taking into consideration the above development assumptions related to timber harvest, mining or processing minerals, the reasonable worst-case development scenario under the proposed zoning may include the construction of one single-family detached house.

To estimate the trip generation potential of the site under the proposed TBR or AGF zoning trip rates from the *Trip Generation Manual*¹ were used. Data from land use code 210, *Single-Family Detached Housing*, was used to estimate trip generation based on the number of dwelling units.

Analysis Results

The trip generation calculations show that under the existing EFU zoning, the subject site is expected to generate a nominal number of morning peak hour, evening peak hour, and average weekday trips. Under the proposed TBR or AGF zoning, the subject site could reasonably generate up to one morning peak hour trip, one evening peak hour trip, and ten average weekday trips. Accordingly, the net change in the trip generation potential of the site after the proposed zone change is projected to increase by one morning peak hour trip, one evening peak hour trip, and ten average weekday trips.

¹ Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 11th Edition, 2021.



The trip generation estimates are summarized in Table 1, and detailed trip generation calculations are included in the appendix to this letter.

Table 1: Trip Generation Summary

Land Use	ITE Code	Size	Morning Peak Hour			Evening Peak Hour			Weekday Total
			Enter	Exit	Total	Enter	Exit	Total	
Existing Zoning									
Undevelopable Land	-	-	0	0	0	0	0	0	0
Proposed Zoning									
Single-Family Detached Housing	210	1 DU	0	1	1	1	0	1	10
Net Difference			0	1	1	1	1	1	10

Transportation Planning Rule Adherence

Zone changes in the State of Oregon must adhere to the Transportation Planning Rule (TPR), which aims to ensure that the transportation system can support possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable section of the TPR is quoted directly in italics below, with a response directly following.

660-012-0060

- (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.*

Subsections (a) and (b) are not triggered because 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. Within the study area, S Buckner Creek Road is classified as a local roadway and will not change because of the proposed zone change, and neither will any other existing or planned facility.

Regarding Subsection (c), the Oregon Department of Transportation (ODOT) defines a threshold at which a project would “significantly affect” a transportation facility in relation to mobility targets. This threshold is detailed in the Oregon Highway Plan² (OHP) Action 1F.5, with the relevant sections quoted below:

If an amendment subject to OAR 660-012-0060 increases the volume to capacity ratio further, or degrades the performance of a facility so that it does not meet an adopted mobility target at the planning horizon, it will significantly affect the facility unless it falls within the thresholds listed below for a small increase in traffic.

...

In applying “avoid further degradation” for state highway facilities already operating above the mobility targets in Table 6 or Table 7 or those otherwise approved by the Oregon Transportation Commission, or facilities projected to be above the mobility targets at the planning horizon, a small increase in traffic does not cause “further degradation” of the facility.

The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes as follows:

- *Any proposed amendment that does not increase the average daily trips by more than 400.*

As described in the *Trip Generation* section, the projected daily net increase in the traffic intensity of the site, which could potentially occur due to the proposed zone change, will be ten trips. This daily trip generation is within the 400-trip impact threshold that is considered a “small increase” in traffic; therefore, the zone change will not cause further degradation of the nearby transportation facilities.

Satisfaction of Approval Criteria

Section 1202.03 of the Clackamas County Zoning and Development Ordinance lists the general approval criteria for zone changes. Subsections 1202.03(C) and 1202.03(D) require the surrounding transportation system is adequate and will remain adequate to support the proposed zone change in regards to the system’s operability and safety.

As discussed in the *Trip Generation* section, the proposed zone change is projected to generate a net increase of one morning peak hour, one evening peak hour, and ten daily trips. Per the OHP, this level of trip generation may be considered a “small increase” in traffic that will not cause further degradation of the nearby transportation facilities. Therefore, the proposed zone change is expected to have a minimal impact on the operability and safety of the surrounding transportation system.

² Oregon Department of Transportation, 1999 *Oregon Highway Plan*, 1999.



Conclusion

The subject property is proposed for a zone change from *Exclusive Farm Use* (EFU) to *Timber* (TBR) or *Agriculture/Forest District* (AGF). The net change in the trip generation potential of the site after the proposed zone change is projected to increase by one morning peak hour trip, one evening peak hour trip, and ten average weekday trips.

The proposed zone change will not cause further degradation of the nearby transportation facilities. Accordingly, the Transportation Planning Rule and Clackamas County general approval criteria are satisfied and no mitigation is necessary or recommended in conjunction with the proposed zone change.

If you have any questions or concerns regarding this analysis or need further assistance, please don't hesitate to contact us.



Appendix





TRIP GENERATION CALCULATIONS
Source: Trip Generation Manual, 11th Edition

Land Use: Single-Family Detached Housing
Land Use Code: 210
Land Use Subcategory: All Sites
Setting/Location: General Urban/Suburban
Variable: Dwelling Units
Trip Type: Vehicle
Variable Quantity: 1

WARNING: Variable Quantity is less than Minimum Survey Size for Peak Hours

AM PEAK HOUR

Trip Rate: 0.7

	Enter	Exit	Total
Directional Split	26%	74%	
Trip Ends	0	1	1

PM PEAK HOUR

Trip Rate: 0.94

	Enter	Exit	Total
Directional Split	63%	37%	
Trip Ends	1	0	1

WEEKDAY

Trip Rate: 9.43

	Enter	Exit	Total
Directional Split	50%	50%	
Trip Ends	5	5	10

SATURDAY

Trip Rate: 9.48

	Enter	Exit	Total
Directional Split	50%	50%	
Trip Ends	5	5	10

Narrative: The applicant believes the zone change and subsequent home site request is consistent with Chapter 3 of the Comprehensive Plan. There is no impact to nearby rivers. This property has 2 spring fed streams. One is year round and has 25 foot water fall that flows year around across this property into the valley behind. The 2nd stream is seasonal drying up in the late summer months. It feeds into the same waterfall. These streams will be undisturbed by construction. There are no wetlands on the parcel. The majority of the parcel is in timber production and natural forests. The home site is 100 to 500 feet from streams and will be 100% off grid solar panels, back up batteries and propane generator with high efficiency appliances, High R rating insulation, metal roof and high grade windows. Applicant feels the over all plan for this project is consistent with the Comprehensive plan for Natural Resources and Energy.

Water Resources: Water supply to the home will be from one groundwater domestic use well with minimum 5 gals per minute. In addition a 5000 gal rainwater storage tank will be installed for irrigation and fire safety. Slope of the building site is less than 10% grade. No major drainage or excavation expected. Grading Plan indicates the dugout and fill estimates. The site was logged in 2018. Further tree removal is not necessary.

Agricultural/Forests: This property is consistent with the forest goals of the comprehensive plan. Predominantly planted with Doug Fir. Cedar and other natural forest exist outside the cleared building site. Wildlife habitat is undisturbed in the natural areas on the Plot Plan. its our intent to continue to protect and maintain the natural resources and environmentally sensitive areas, wildlife habitat and continue to maintain conditions that will further the growth of marketable timber on the property.

Mineral Resources: N/A No known mineral resources exist on the property.

Wildlife and Distinctive Resource Areas: There are diverse wildlife habitats on this 14.85 acre parcel that are natural and have been undisturbed for. We are providing wildlife habitat from the Firs to the blackberry bushes, and we onintue to monitor and maintain against invasive species. Streams and waterfalls create natural habitat for small and large wildlife. None of the natural habitat on this parcel with be greatly distubed by this application.

Natural Hazards This change will not increase the natural hazards. Natural hazards considered in the home design to include fire safety measures including metal roof, 100 feet of fire buffer safety zone around home, 5000 gallons stored water tanks. Gentle sloping at less than 10% grade. No hazards know from landslides or floods.

Energy Sources: The highest energy conservation measures are included in the home design. 100% dependence on solar panels, back up batteries & propane generator. This is accomplished by building the home with the highest efficiency appliances, fixtures, propane heat and cooking. This is an excellent location for solar production.

Noise/Air Quality: No additional noise or air quality concerns for this application.

NARRATIVE APPLICABLE ZONING AND DEVELOPMENT ORDINANCE ZDO AND COMPREHENSIVE PLAN STANDARDS

Applicant believes the zone change is consistent with the requirements of the Comprehensive Plan Amendment have been met, see below. The applicant is requesting zone change from EFU to TBR. The purpose for the request is to build a single family residence. Forest Dwelling Template Test was completed and is attached. Traffic impact & impact to the public services is negligible. Traffic analysis indicates 2 cars added to the system and no public services for utilities will be impacted as the property will be served by onsite septic systems and on site well water for domestic use.

- Current zone is EFU
- Request to Change zone to TBR **Application attached**
- Proposed use is permitted per **Section 406 Timber District**. Forest Dwelling Template permitted use as per Table 406-1, **406.05 (A)(3)** requires landowner and landowner agrees to record a document prohibiting landowner from pursuing a claim for relief for cause of action alleging injury from forest practices on adjoining properties. This property abutts land currently owned and logged by Port Blakely Timber Com. That land was logged in 2021. **406.05(A) (5)** requires long term road access. Easement access to be recorded from Buckner Creek Rd.
- The predominant use on this property as of **January 1, 1993 was timber. Forest Dwelling Test Template completed and attached.**
- Zoning Change and Comprehensive Plan Amendment application is attached with corresponding documentation as outlined in the **Pre-Application Conference Summary** and **ZDO requirements**.

APPLICABLE COMPREHENSIVE PLAN CRITERIA

Chapter 4

4.PP Forest Policies. 1. The following areas shall be designated Forest: 1.1 Lands suitable for forest use; **This property is predominantly forest. The area cleared for a home site was logged by the previous owner around 2018.** 1.2 Land is capable of generating at least 85 cubic feet of timber per acre,per year. **Per Pre-App Summary the property is capable of producing between 138 and 145 cu ft/yr. Soils are 92 and 78.** 1.3 Areas generally in forest uses. **The area in general is timber. This property abuts land owned and operated by Port Blakely Timber Co. and was recently logged in 2021.**

Chapter 5

Need to demonstrate a negligible impact to the transportation system. **See the attached traffic analysis from Lancaster Mobley.**

Chapter 3 of Comprehensive Plan

Policy 25.3 Zone Change is consistent with Chapter 3 Natural Resources and Energy of the Comprehensive Plan.

The property has little to no negative impact on the natural resources and the environment. The property had been logged prior to my ownership. Future plans include planting high oxygen producing trees, rare or threatened species, and food forests. The homesite, as noted on the plat map, indicates it to be 100 feet from and 500 feet from natural streams. The planned home is to be a minimal impact sustainable built home, with solar panels, onsite sewage disposal and onsite well. **Applications for Septic attached. See traffic analysis.**

Section 1000 of the ZDO Compliance attached.

SECTION 1001 General Provisions The purpose for the zone change request from EFU to TBR is for the ability to build one single family multi generational home on a 14.85 acre parcel. The property has been logged by the previous owner and the home would be built with no major tree removal. The owners intend to be good stewards of the land by planting trees and food forests. The land appears to be a good candidate for standard on site sewage system, an on site well and solar panels. The roof will be metal and sustainable products will be used, like straw, clay and recycled product materials with proper fire breaks and attention to wildfire prevention.

SECTION 1002 Protection of Natural Resources **Approximate 10% slope. Grading Plan Attached** Minimal Impact to the natural resources. The property is already cleared for the homesite and any outbuildings . Natural vegetation and forest will stay in place as the property naturally slopes away from the homesite towards the year round stream. The homesite is over 500 feet from the year round stream.

SECTION 1003 Hazards to Safety Landscaping Plan is attached. Hazard Safety has been addressed with a minimum 100 ft Fire Break between the home and the tree line. A well and 5,000 gallons of rain water storage are part of the home design for additional fire safety along with fire resistant plantings and hardscape.

SECTION 1004 Historic Protection. N/A

SECTION 1005 Site & Building Design. Plot Plan, Architectural Design Attached

SECTION 1006 Utilities **Standard Onsite Septic system application is attached with Test pit plot plan** WATER SUPPLY to be provided by new well see **Plot Plan** for proposed location. POWER provided via Solar panels and back up batteries and generators. High efficiencies in the home design to require less consumption.

SECTION 1007 Roads and Connectivity. Lancaster Mobley Traffic Analysis attached. A negligible impact will be made to the current traffic patterns. Impact estimated at 2 cars.

SECTION 1009 Landscaping Landscaping Plan Attached

SECTION 1010 Signs & SECTION 1011 Open Space & Parks Not Applicable

SECTION 1012 Lot size Density. Not applicable to AG/F, EFU or TBR zones. The request is for one single family home on a **14.85 acre lot**

SECTION 1013 THRU 1021 NOT APPLICABLE.

CHECKLIST CRITERIA: SECTION 1102.02

The following is attached per requirements of **1102.02 Design Review**

1. NARRATIVE See ZDO Chapter 3 Compliance
2. VICINITY MAP
3. EXISTING CONDITIONS MAP
4. PROPOSED SITE PLAN
5. GRADING PLAN
6. ARCHITECTURAL PLANS
7. LANDSCAPING PLAN

Narrative: The applicant believes the zone change and subsequent home site request is consistent with Chapter 3 of the Comprehensive Plan. There is no impact to nearby rivers. This property has 2 spring fed streams. One is year round and has 25 foot water fall that flows year around across this property into the valley behind. The 2nd stream is seasonal drying up in the late summer months. It feeds into the same waterfall. These streams will be undisturbed by construction. There are no wetlands on the parcel. The majority of the parcel is in timber production and natural forests. The home site is 100 to 500 feet from streams and will be 100% off grid solar panels, back up batteries and propane generator with high efficiency appliances, High R rating insulation, metal roof and high grade windows. Applicant feels the over all plan for this project is consistent with the Comprehensive plan for Natural Resources and Energy.

Water Resources: Water supply to the home will be from one groundwater domestic use well with minimum 5 gals per minute. In addition a 5000 gal rainwater storage tank will be installed for irrigation and fire safety. Slope of the building site is less than 10% grade. No major drainage or excavation expected. Grading Plan indicates the dugout and fill estimates. The site was logged in 2018. Further tree removal is not necessary.

Agricultural/Forests: This property is consistent with the forest goals of the comprehensive plan. Predominantly planted with Doug Fir. Cedar and other natural forest exist outside the cleared building site. Wildlife habitat is undisturbed in the natural areas on the Plot Plan. its our intent to continue to protect and maintain the natural resources and environmentally sensitive areas, wildlife habitat and continue to maintain conditions that will further the growth of marketable timber on the property.

Mineral Resources: N/A No known mineral resources exist on the property.

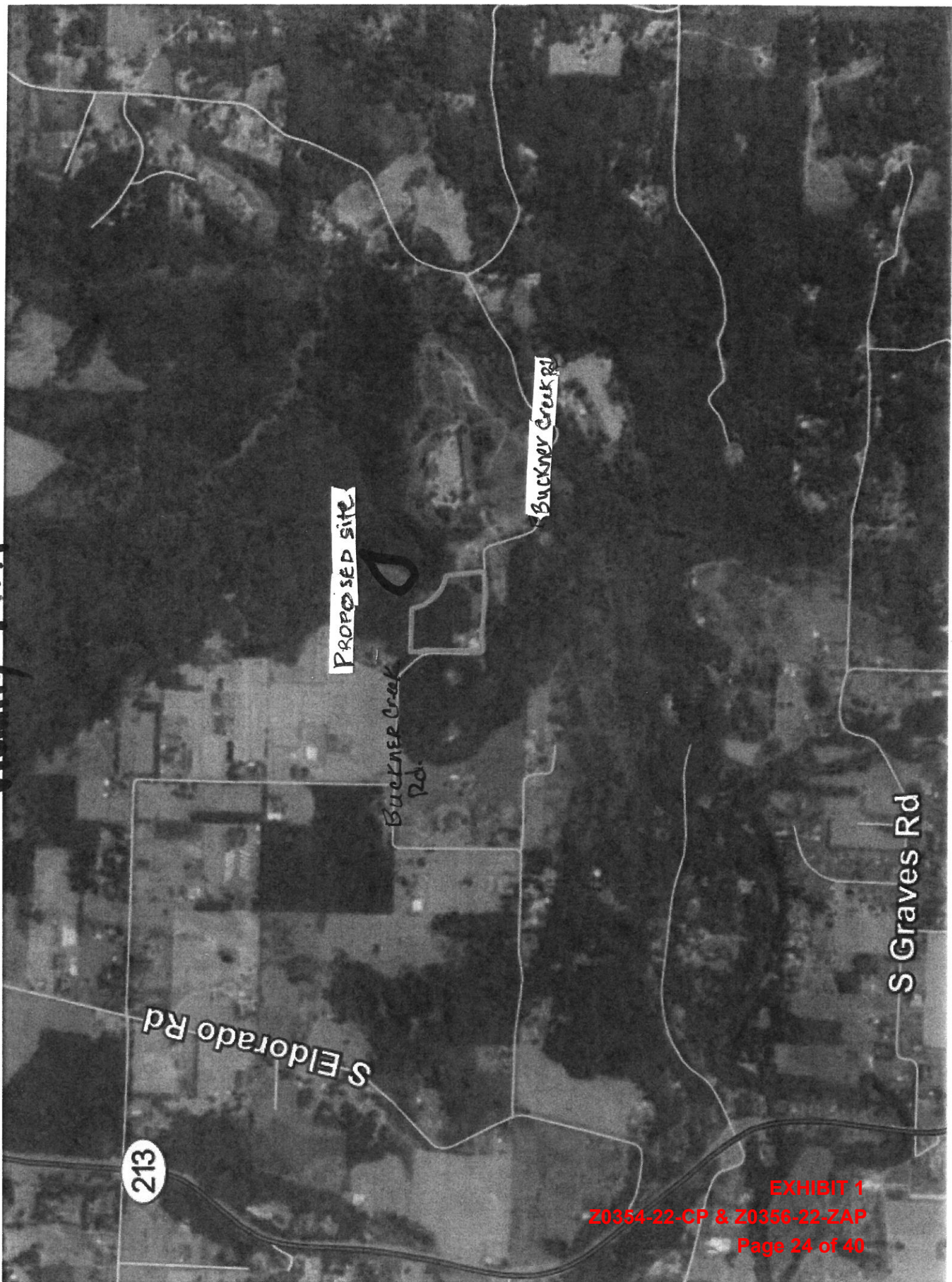
Wildlife and Distinctive Resource Areas: There are diverse wildlife habitats on this 14.85 acre parcel that are natural and have been undisturbed for. We are providing wildlife habitat from the Firs to the blackberry bushes, and we onintue to monitor and maintain against invasive species. Streams and waterfalls create natural habitat for small and large wildlife. None of the natural habitat on this parcel with be greatly distubed by this application.

Natural Hazards This change will not increase the natural hazards. Natural hazards considered in the home design to include fire safety measures including metal roof, 100 feet of fire buffer safety zone around home, 5000 gallons stored water tanks. Gentle sloping at less than 10% grade. No hazards know from landslides or floods.

Energy Sources: The highest energy conservation measures are included in the home design. 100% dependence on solar panels, back up batteries & propane generator. This is accomplished by building the home with the highest efficiency appliances, fixtures, propane heat and cooking. This is an excellent location for solar production.

Noise/Air Quality: No additional noise or air quality concerns for this application.

VICINITY MAP



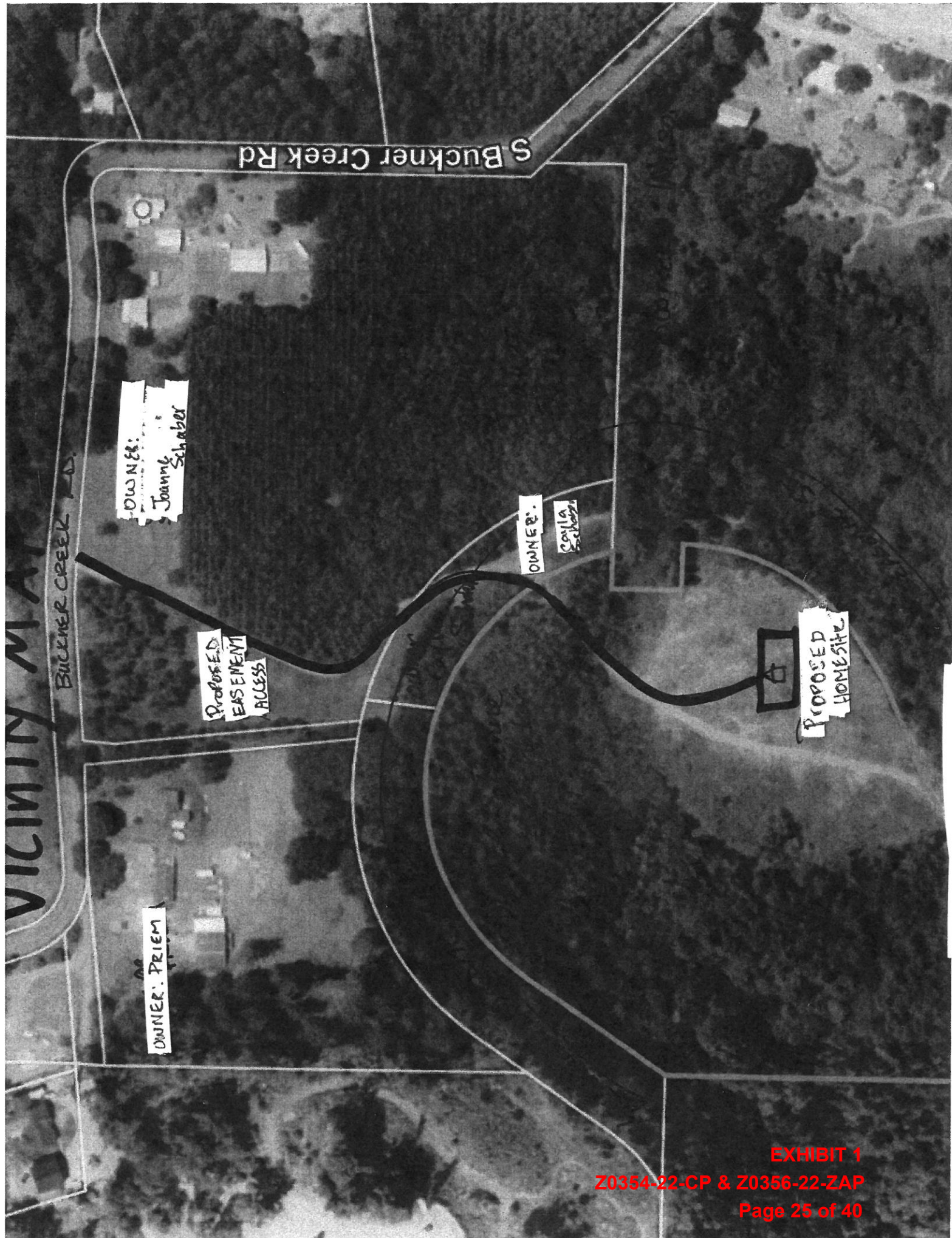
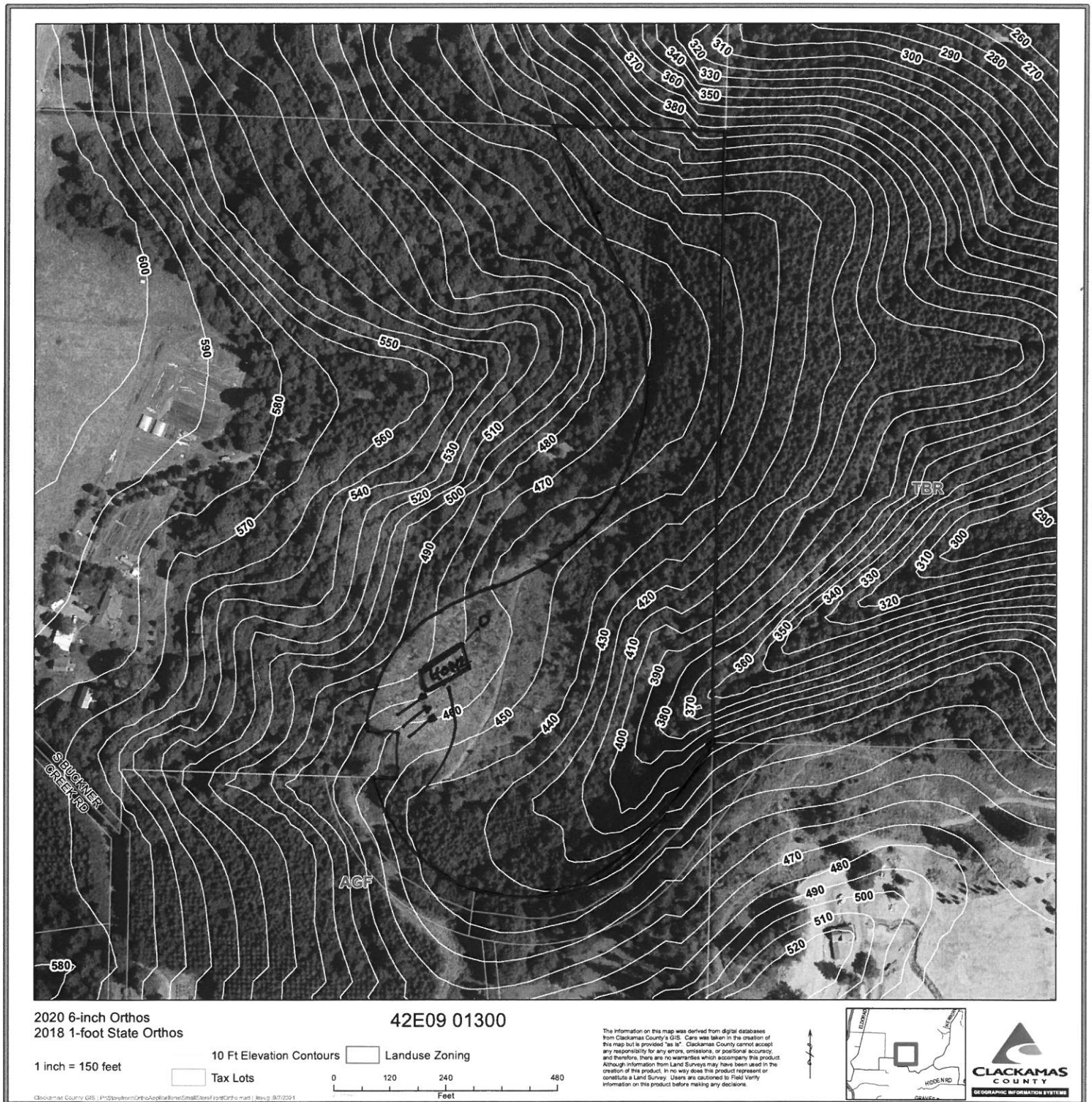


EXHIBIT 1

Z0354-22-CP & Z0356-22-ZAP

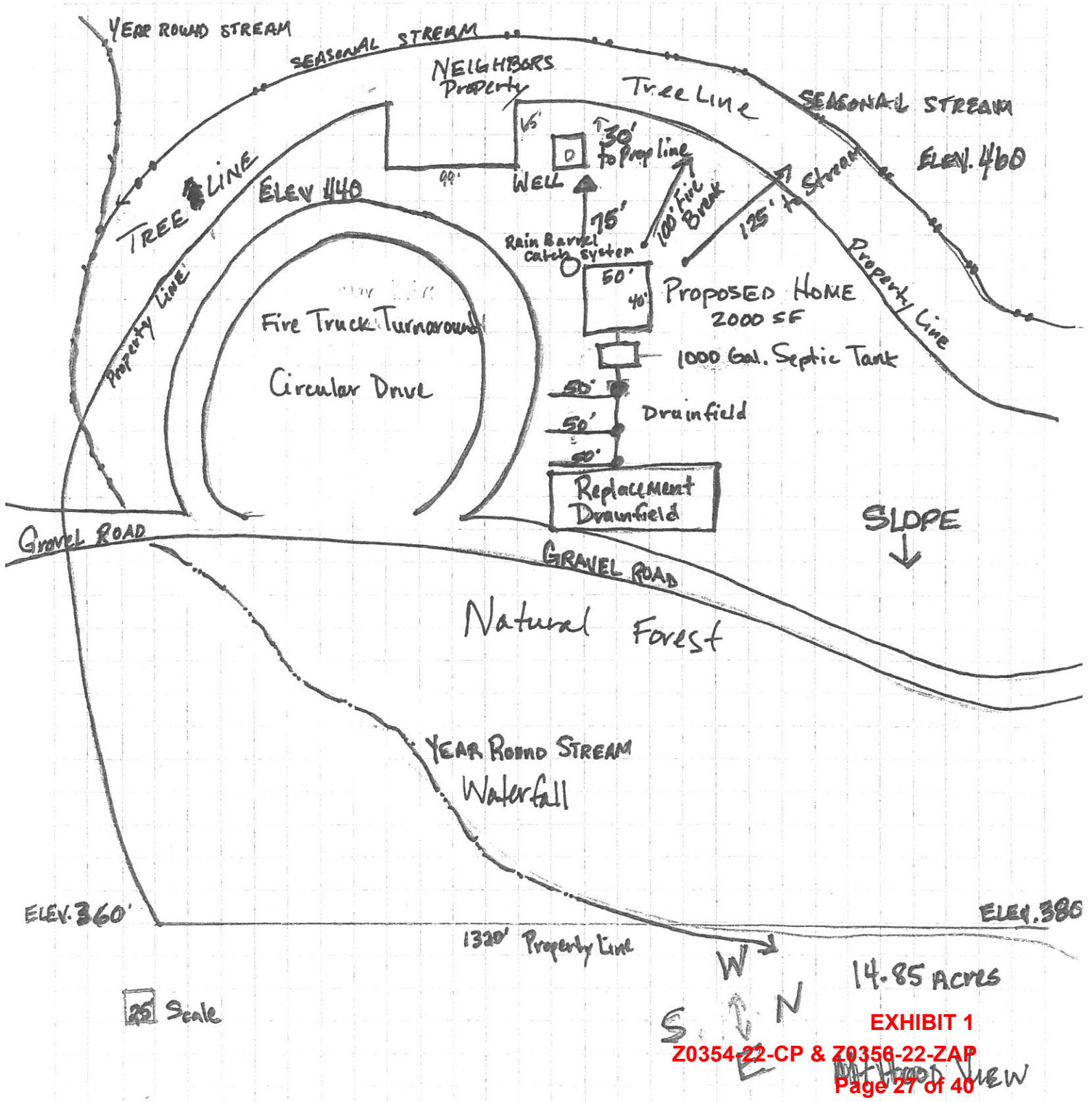
Page 25 of 40



Existing Conditions Map

PLOT PLAN

Township 04S Range 02E Section 09 Tax Lot 1300
 Address: NT 14781 S. Buckner Creek Rd, Mulino, OR.

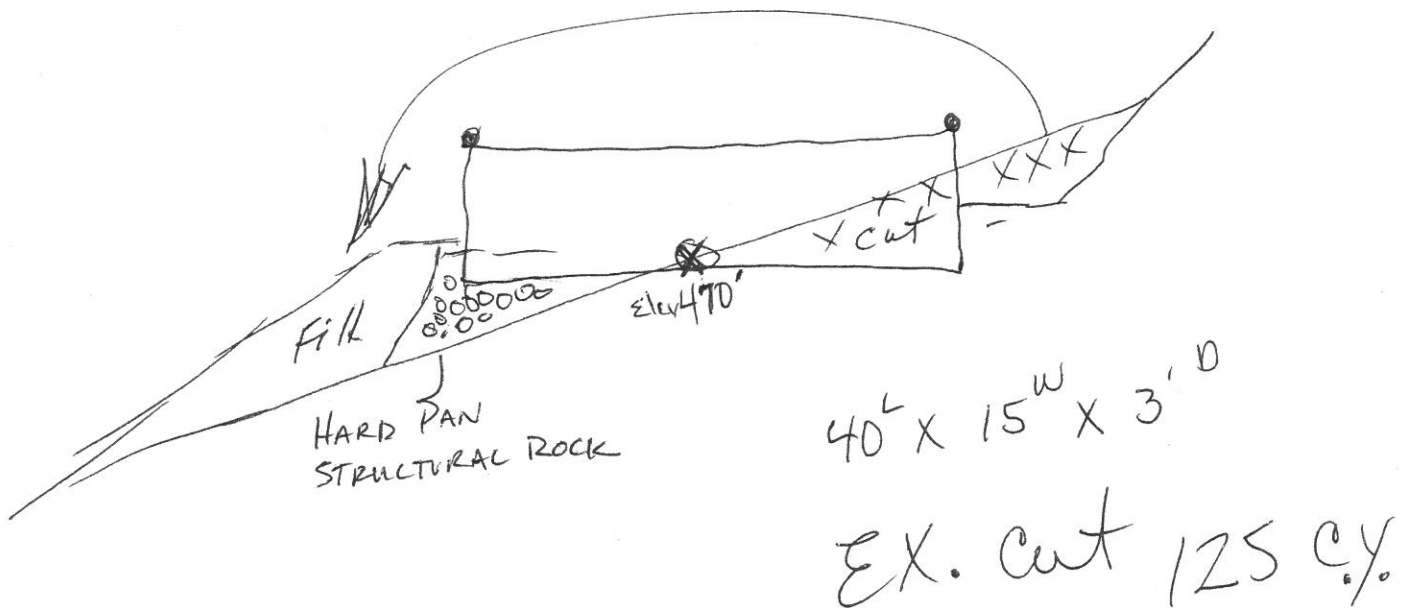


GRADING PLAN

The gentle slope of this site provides for a minimal non invasive grading plan. Approximately 125 cubic yards of material to be removed from bank cut to fill.

40' L X 15' W X 3' D = 125 cubic yards.

GRADING PLOT PLAN




ORGANICFORMS DESIGN

775 Faith Street Ashland OR 97520
cell 541.301.1643
chris@organicformsdesign.com

WEBB RESIDENCE
3-25-2014

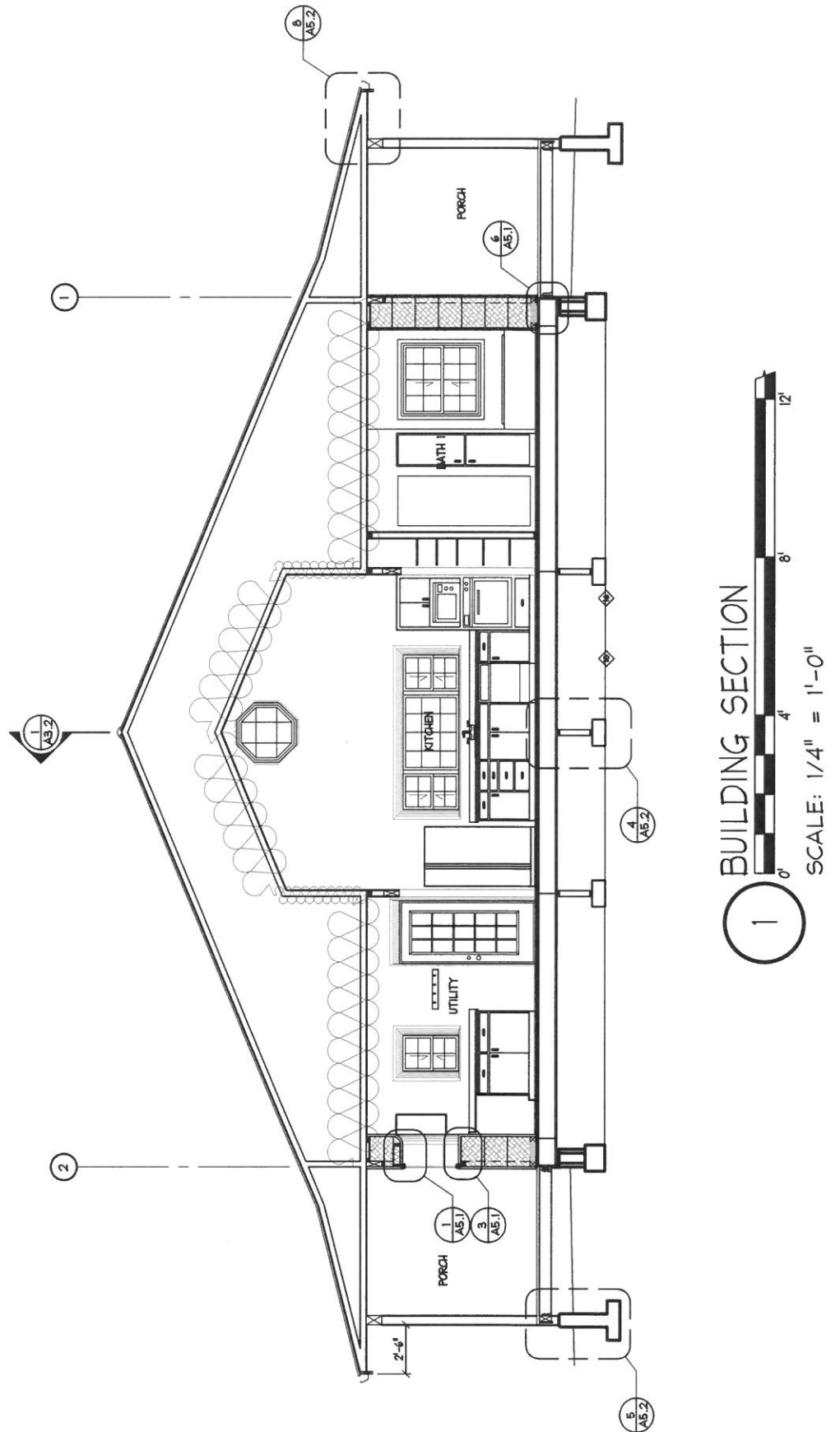


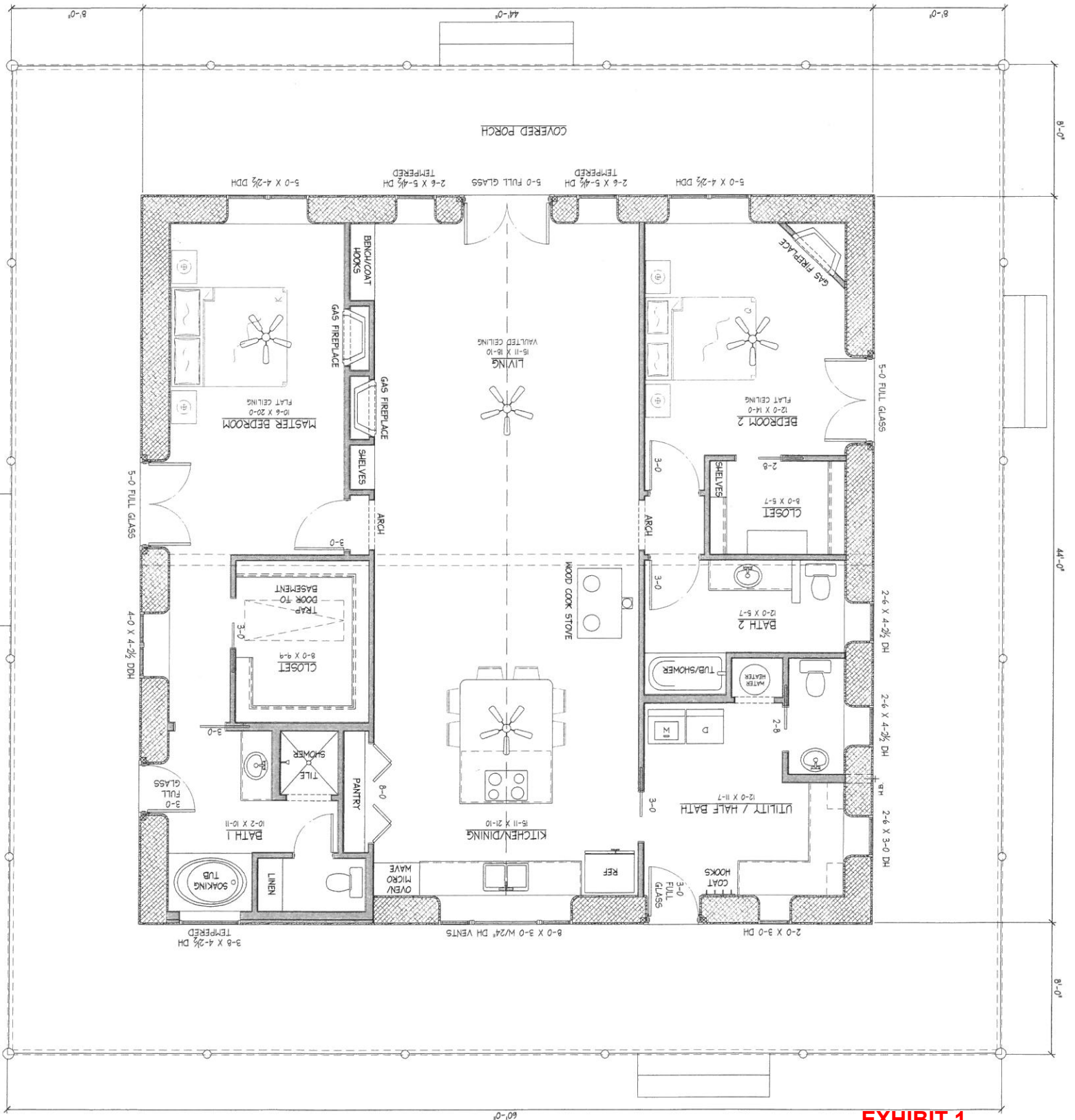
 NORTH ELEVATION
0' 8' 16' 24'
SCALE: 1/8" = 1'-0"

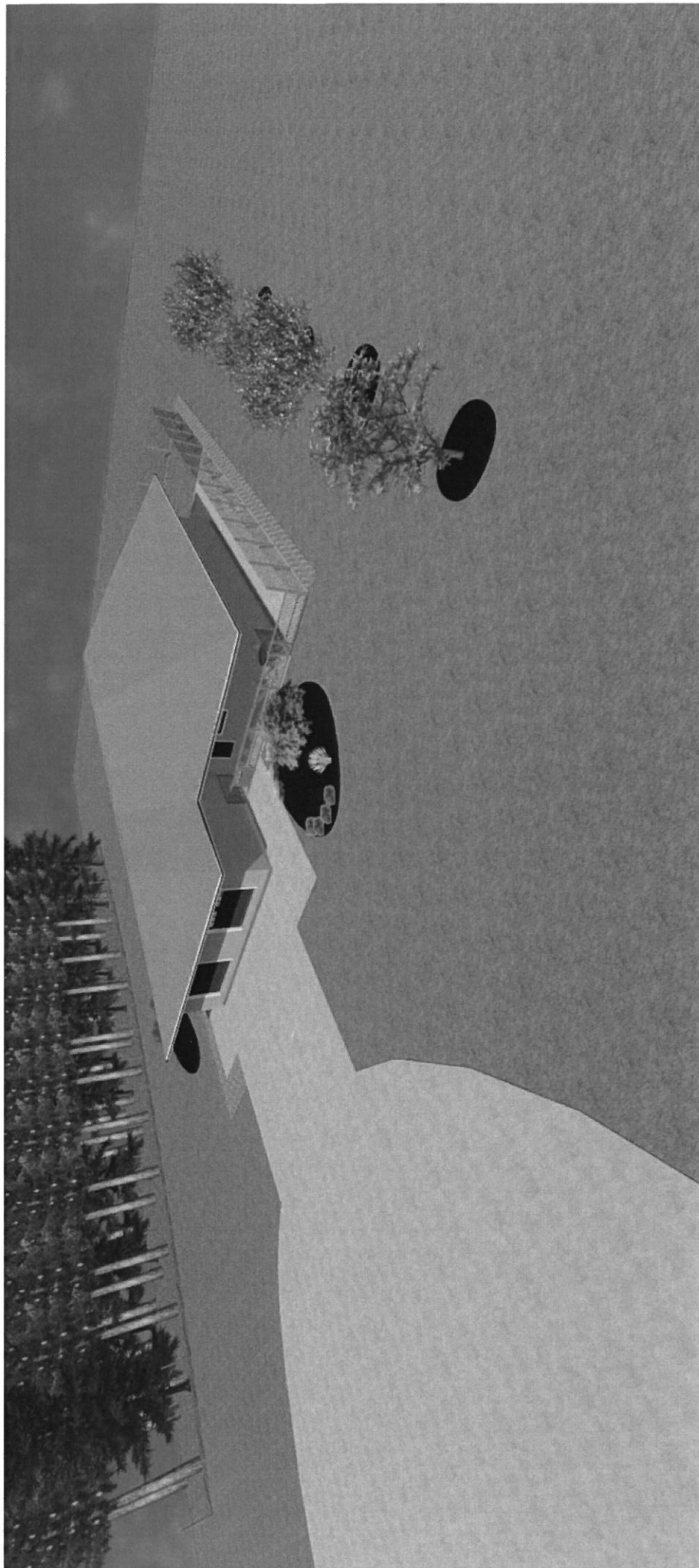


 WEST ELEVATION
0' 8' 16' 24'
SCALE: 1/8" = 1'-0"

T.O. PLATE
ELEV. 8'-6 1/2"
PLATE HEIGHT BASED ON
14" HIGH STRAW BALE
7-14" BALES = 8'-6 1/2"
7-15" BALES = 9'-1 1/2"
6-16" BALES = 8'-4 1/2"
7-16" BALES = 9'-0 1/2"
T.O. SUB FLOOR
ELEV. 0'-0"
T.O. DECK
ELEV. -0'-1"
T.O. GRADE
ELEV. ± -1'-9"







Landscaping Plan



PLANNING & ZONING DIVISION

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

October 22, 2021

RE: Forest Template Test Feasibility Mapping – ZINFO 0261-21

Please find the results of the staff analysis for ZINFO 0261-21 attached including, two maps, a spreadsheet and an aerial image from 1994. The analysis indicates that there were 7 homes built before 1993, on parcels within the 160 acre Template and that there are 11 legal lots of record that are less than 80 acres in size.

The property with tax lot number 42E09 01300 is currently zoned Exclusive Farm Use (EFU) and a Forest Template Test Dwelling is not a pathway for residential development in the EFU Zoning District per ZDO 401. However, you indicated in an email dated, October 13, 2021, that you were requesting a Forest Template Test Feasibility Mapping to help determine if you would pursue a future request for a zone change.

The analysis of the ownership for 42E09 01300 indicates you own three contiguous lots that are considered one tract of land per definition of a tract in ZDO 202. The criteria that is reviewed to determine if a forest dwelling is approvable includes ZDO 406.05(D) 3(a) which states "The tract on which the dwelling will be sited does not include a dwelling." Tax lot 42E09 02100 contains a dwelling. Therefore, if tax lots 42E09 01300 and 02100 are no longer in the same ownership, they are no longer in a "tract" and 406.05 3(a) is met. Additionally, the Oregon Revised Statutes has allowed the county to approve one additional dwelling until November 1, 2023 if the property was part of a tract that already had a dwelling on Jan 1, 2019 (ORS 215.750).

Therefore, in addition to a zone change, separating the ownership of 42E09 02100 and 42E09 01300 would be needed before submitting a land use application for a Forest Template Test Dwelling prior to November 1, 2023.

Sincerely,

Joy Fields, AICP, Sr. Planner

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

STAFF USE ONLY

Staff Initials:

File Number:

GENERAL LAND USE APPLICATION

Application Fee: \$ _____

APPLICANT INFORMATION

Applicant name: Joanne M Schaber	Applicant email: joni@hasson.com	Applicant phone: 503-351-9233
Applicant mailing address: 14781 S Buckner Creek Rd	City: Mulno	State: OR ZIP: 97042
Contact person name (if other than applicant): same as applicant	Contact person email:	Contact person phone:
Contact person mailing address:	City:	State: ZIP:

PROPOSAL

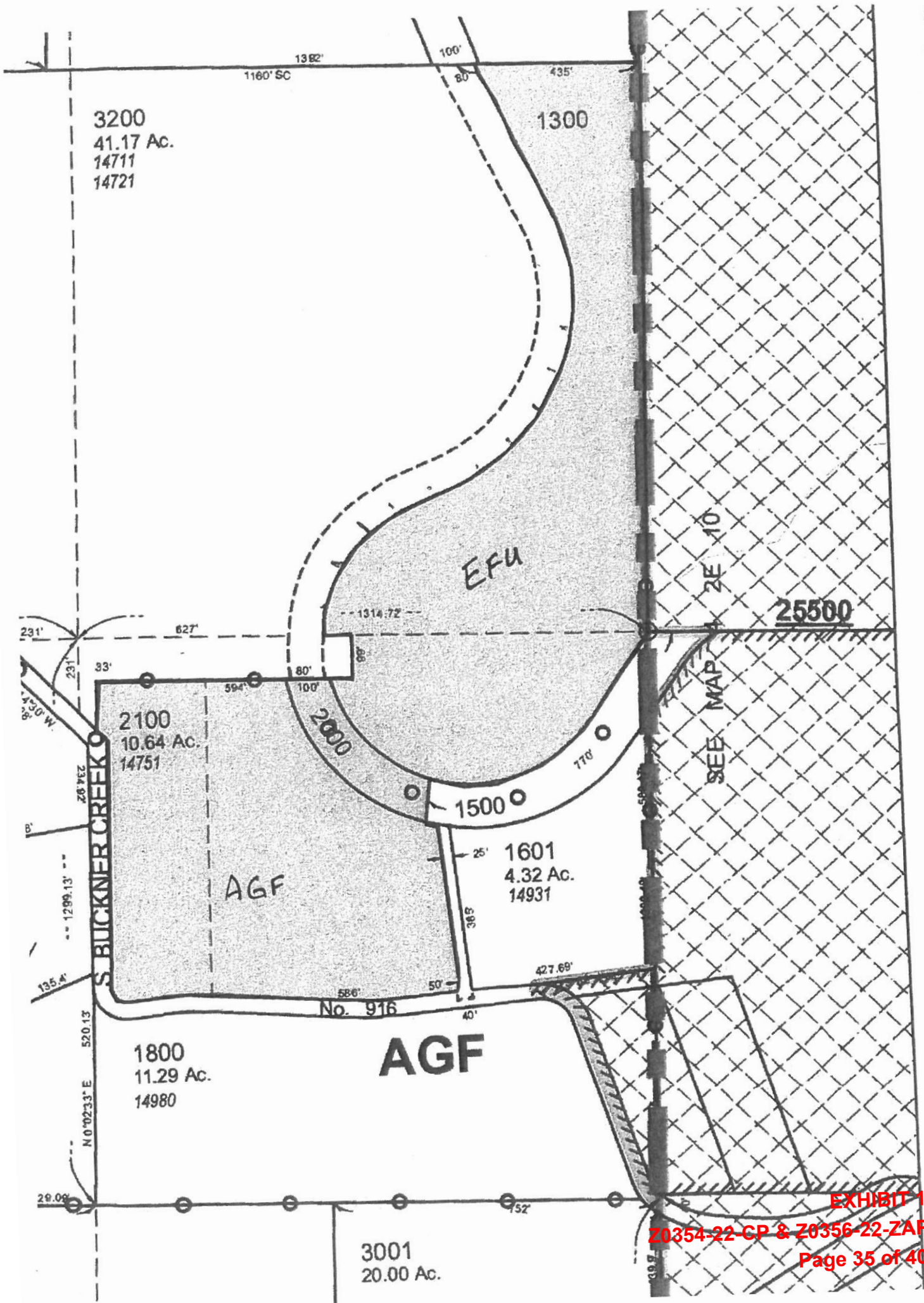
Brief description of proposal:
Forest Dwelling template test feasibility map

SITE INFORMATION

Site address:	Comprehensive Plan designation:	Zoning district: EFU
Map and tax lot #: Township: 04S Range: 02E Section: 09 Tax Lot: 1300 Township: Range: Section: Tax Lot: Township: Range: Section: Tax Lot:	Land area: 14.85 acres	
Adjacent properties under same ownership: Township: 04S Range: 02E Section: 09 Tax Lot: 2100 Township: 04s Range: 02e Section: 09 Tax Lot: 2000		

Printed names of all property owners: Joanne M Schaber	Signatures of all property owners: DocuSigned by: <i>Joni Schaber</i> 3E0977B914964F2...	Date(s): 10/12/2021 5:15 PM PDT
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: DocuSigned by: <i>Joni Schaber</i> 3E0977B914964F2	Date: 10/12/2021 5:15 PM PDT	

EXHIBIT 1





Geographic Information Systems
166 Warner-Milne Rd
Oregon City, OR 97045

Property Report

SCHABER JOANNE M
17762 SE HOWARD ST
MILWAUKEE, OR 97222

Location Map:



Site Address: **NO SITUS**
Taxlot: **42E09 01300**
Land Value: **409541**
Building Value: **0**
Total Value: **409541**

Est. Acres: **14.87**
Year Built:
Sale Date: **05/14/2018**
Sale Amount: **\$56000**
Sale Type: **X**

Land Class:

660

Building Class:

Neighborhood:

Mulino all other

Taxcode Districts:

Site

UGB:

Flood Zone:

OUT

Not Available

Zoning Designation(s):

Zone

EFU

Overlaid:

N/A

Acres:

14.87

Fire: **Molalla RFPD #72**
Park: **N/A**
School: **Molalla River**
Sewer: **N/A**
Water: **N/A**
Cable: **n/a**
CPO: **Mulino**
Garb/Recyc: **Molalla Sanitary**
City/County: **Clackamas Co.**

EXHIBIT 1

Z0354-22-CP & Z0356-22-ZAP

Page 36 of 40

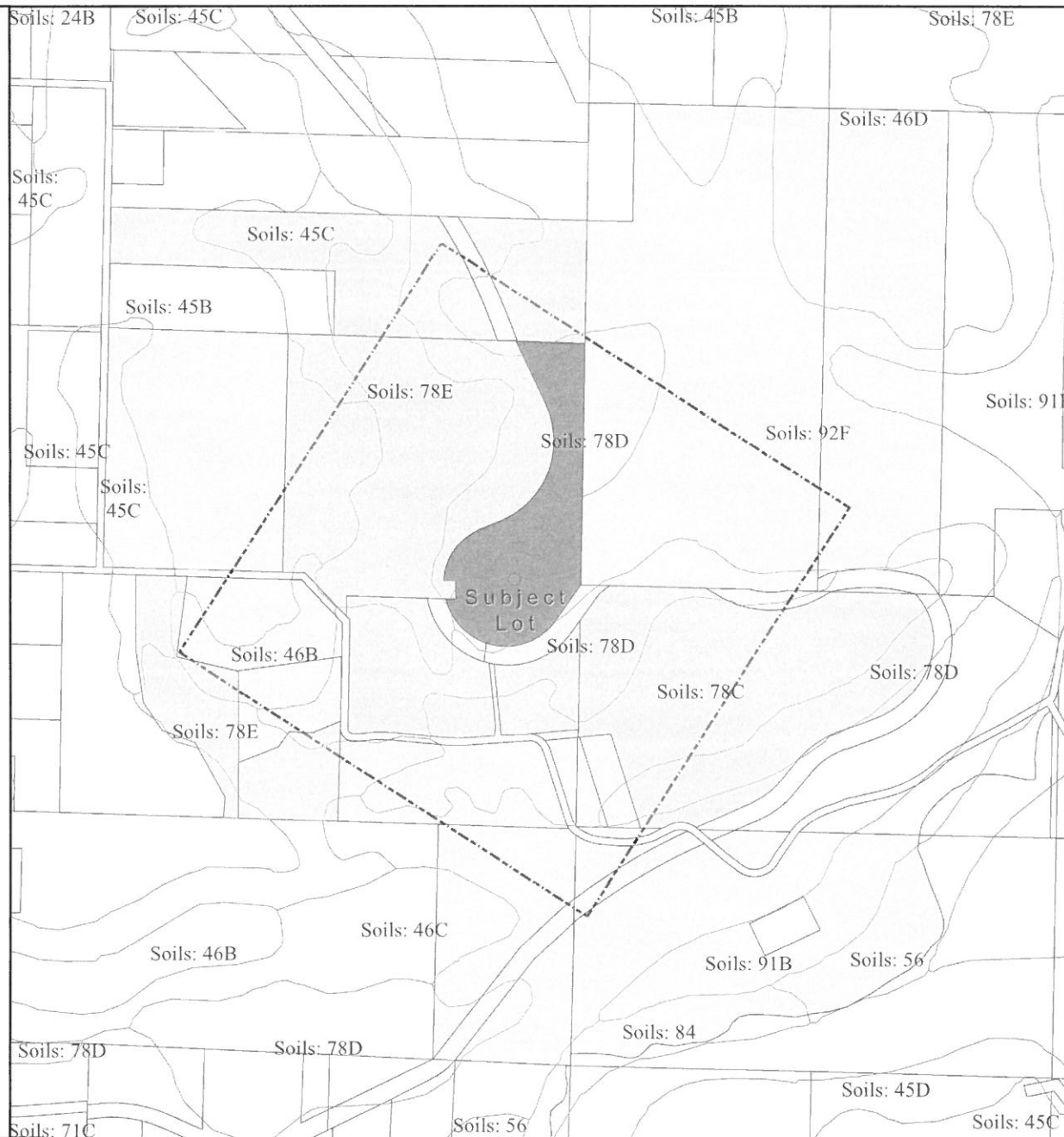
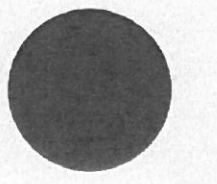
Forest Template Test Analysis for T4S R2E Sect. 09 Tax Lot 1300

- Subject Lot Centroid
- Subject Lot
- 160 Acre Template
- Parcels with Homes Built Before 1993
- Lots within Template
- Soils

Map & Taxlot: 42E09 01300

Parcel Number: 01026730
Map Acres: 14.87
Map Symbol - UniqueID - ClassID:
* 78D-N/A-4E | Approx Acres: 7.41
* 78E-N/A-6E | Approx Acres: 0.01
* 92F-N/A-6E, 6E | Approx Acres: 7.46
Percent of High Value Soils: 0.00
Percent of Low Value Soils: 100.01
Soil Count: 3
[Link to PlanMap](#)

Predominant Soil Type



RE: 42E09 01300
ZONING: EFU
TRACT: Part of a tract now, or on Jan.1, 2019
SOILS: Predominant soils capable of producing 85 cu ft./acre/year

ANALYSIS:
A 160 acre square template was centered on the centroid of the subject lot of record and rotated to the most advantageous position.
The template touches at least 11 lots of record created before January 1, 1993. Based on the soil type of the subject property, there must be 11 lots of record created before January 1, 1993. The Forest Template Test Analysis appears to show this criteria satisfies this performance standard.

The template includes at least 6 dwellings built prior to 1993. Based on the soil type the template must have 5 dwellings that predate 1993. The Forest Template Test Analysis study appears to show this criteria satisfies this performance standard.

No further research was conducted.

CONCLUSION:
The Forest Template Test Analysis indicates this property meets the performance standards to satisfy the template feasibility for number of parcels and dwellings that predate 1993 as required in Subsection 406.05(D)(3)(f). This analysis is not a final land use decision. The remainder of the criterion for a Forest Template Test Dwelling must be reviewed via a Land Use Application prior to any final decision.

Date: 10/22/2021

Drawn By: Joy Fields.
File No. ZINFO0261-21

File Path:
S:\Planning\CAD-GIS\GIS\Template Test



The information provided was derived from digital databases from Clackamas County GIS. Although we strive to provide the best data we can, we sometimes use data developed by jurisdictions outside Clackamas County. Therefore, Clackamas County cannot accept any responsibility for any errors, omissions, or potential liability, and therefore, there are no warranties which accompany this product. Although information from Land Surveys may have been used in the production of this product, in no way does this product represent or constitute a Land Survey. Users are strongly cautioned to verify all information before making any decision.

Page 9 of 40
EXHIBIT 1
Z0354-22-CP & Z0556-22-ZAP

Forest Template Test Analysis for T4S R2E Sect. 09 Tax Lot 1300

- Subject Lot Centroid
- Subject Lot
- 160 Acre Template
- Tract Ownership Check
- Parcels with Homes Built Before 1993

Map & Taxlot: 42E09 01300

Parcel Number: 01026730
Map Acres: 14.87
Map Symbol - UniqueID - ClassID:
* 78D-N/A-4E | Approx Acres: 7.41
* 78E-N/A-6E | Approx Acres: 0.01
* 92F-N/A-6E, 6E | Approx Acres: 7.46
Percent of High Value Soils: 0.00
Percent of Low Value Soils: 100.01
Soil Count: 3
[Link to PlanMap](#)

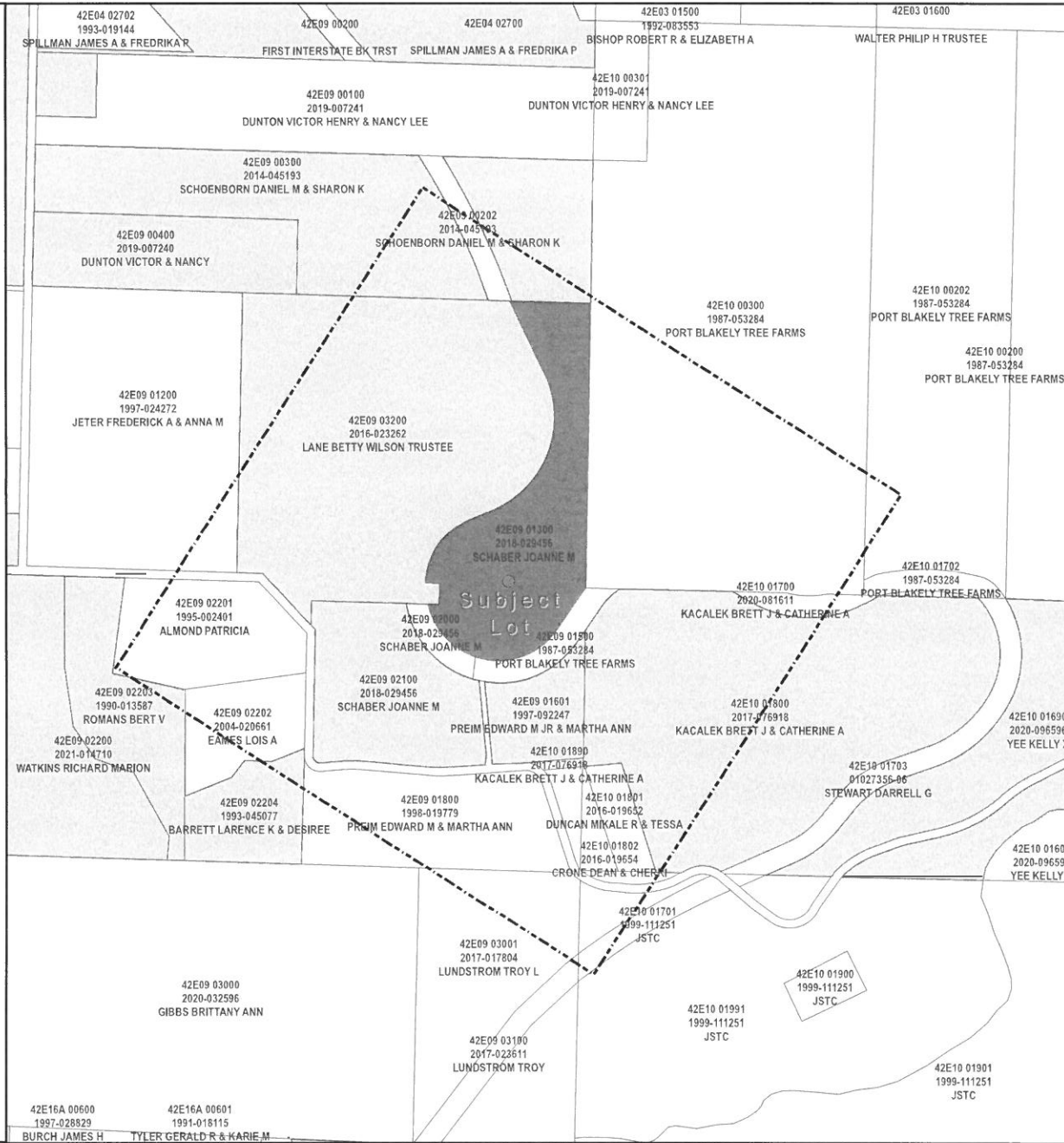
Predominant Soil Type



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Feet
0 250 500 750 1,000

20354-22-CP & Z0562-XZAP
Page 68 of 68
EXHIBIT 1



RE: 42E09 01300
ZONING: EFU
TRACT: Part of a tract now, or on Jan. 1, 1919
SOILS: Predominant soils capable of producing 85 cu ft./acre/year

ANALYSIS:
A 160 acre square template was centered on the centroid of the subject lot of record and rotated to the most advantageous position.
The template touches at least 11 lots of record created before January 1, 1993. Based on the soil type of the subject property, there must be 11 lots of record created before January 1, 1993. The Forest Template Test Analysis appears to show this criteria satisfies this performance standard.

The template includes at least 6 dwellings built prior to 1993. Based on the soil type the template must have 5 dwellings that predate 1993. The Forest Template Test Analysis study appears to show this criteria satisfies this performance standard.

No further research was conducted.

CONCLUSION:
The Forest Template Test Analysis indicates this property meets the performance standards to satisfy the template feasibility for number of parcels and dwellings that predate 1993 as required in Subsection 406.05(D)(3)(f). This analysis is not a final land use decision. The remainder of the criterion for a Forest Template Test Dwelling must be reviewed via a Land Use Application prior to any final decision.

Date: 10/22/2021

Drawn By: Joy Fields.
File No. ZINFO0261-21

File Path:
S:\Planning\CAD-GIS\GIS\Template Test



Lot	Tax Lot Number	Situs	Acres	Year Built	Lot of Record before 1993
1	42E09 02204	14780 S BUCKNER CREEK RD	5.100	1984	Yes
2	42E09 02202	14762 S BUCKNER CREEK RD	4.780	0	TBD
3	42E09 02201	NO SITUS	8.730	0	Yes
4	42E09 02203	14582 S BUCKNER CREEK RD	9.730	1978	TBD
5	42E09 01200	25300 S SCHOENBORN RD	28.950	2000	Yes
6	42E10 01801	14937 S BUCKNER CREEK RD	2.000	2016	TBD
7	42E09 03001	15000 S BUCKNER CREEK RD	20.000	0	Yes
8	42E09 01601	14931 S BUCKNER CREEK RD	4.320	1905	Yes
9	42E09 02000	NO SITUS	0.820	0	Yes
10	42E09 02100	14781 S BUCKNER CREEK RD	10.640	1935	Yes
11	42E09 01500	NO SITUS	2.000	0	TBD
12	42E09 03200	14711 S BUCKNER CREEK RD	41.170	1952	Yes
13	42E09 00202	NO SITUS	1.680	0	TBD
14	42E09 00300	25178 S SCHOENBORN RD	26.440	1974	TBD
15	42E09 01300	NO SITUS	14.850	0	Yes
16	42E09 01800	14980 S BUCKNER CREEK RD	11.290	0	TBD
17	42E09 03100	NO SITUS	2.480	0	
18	42E10 01700	NO SITUS	1.000	0	combined with 300
19	42E10 00300	NO SITUS	76.560	0	combined with 1700
20	42E10 00202	NO SITUS	38.850	0	combined with 1702 for a total of about 40 acres
21	42E10 01991	15180 S BUCKNER CREEK RD	39.500	0	combined with 1701, 1900, and 1901 + 42E15B
22	42E10 01701	NO SITUS	1.770	0	combined with 1991, 1900, and 1901 + 42E15B lots
23	42E10 01890	14941 S BUCKNER CREEK RD	0.200	0	TBD
24	42E10 01892	14935 S BUCKNER CREEK RD	1.000	0	TBD
25	42E10 01802	14935 S BUCKNER CREEK RD	1.000	2016	TBD
26	42E10 01800	14951 S BUCKNER CREEK RD	40.600	1971	combined with 1600

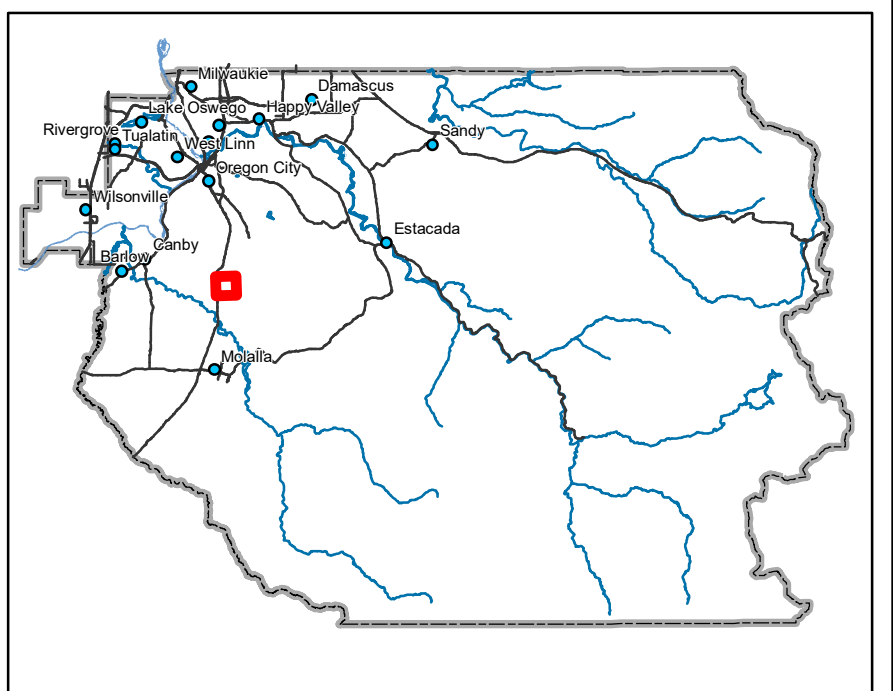


SECTION 9 T.4S. R.2E. W.M.
CLACKAMAS COUNTY
1" = 400'

Cancelled Taxlots

201
301
1290
1400
1700
1900
2903
2905
1600

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

7/23/2019

EXHIBIT 2
Z0354-22-CP & Z0356-22-ZAP
4 2 E 09

Aerial photos of subject site (42E09-01300) and vicinity



2018 aerial, PlanMap (County GIS)

Aerial photos of subject site (42E09-01300) and vicinity



2010 aerial, Google Earth

Aerial photos of subject site (42E09-01300) and vicinity



2000 aerial, Google Earth|

Aerial photos of subject site (42E09-01300) and vicinity



1994 aerial, Google Earth

Archived: Monday, November 7, 2022 8:37:11 AM
From: Daniel.Evans@dsl.oregon.gov
Sent: Fri, 4 Nov 2022 16:19:06
To: Fritzie, Martha
Subject: WN2022-0986 Response to Local Case File #Z0354-22-CP & Z0356-22-ZA
Importance: Normal
Attachments:
[Wetland Land Use Notice.pdf](#)
[Wetland Land Use Notice Response.pdf](#)

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

We have completed our review of the Wetland Land Use Notification that was prepared for Joni Schaber - Cayla Schaber The WLUN form was submitted to the Department for review/response and given the file number WN2022-0986

The results and conclusions from that review are explained in the attached pdf documents. If the attached documents are illegible or difficult to open, you may contact the Department and request paper copies. Otherwise, please review the attachments carefully and direct any questions or comments to Jurisdiction Coordinator, Daniel Evans at 503-986-5271 or Daniel.Evans@dsl.oregon.gov. Thank you for your interest in the project.

Additional resources that may be helpful:

[DSL Coordinator List](#)

[R/F Fee Schedule](#)

Aquatic Resource Management Program
Oregon Department of State Lands
775 Summer St. NE, Ste. 100
Salem, OR 97301-1279
Fax: (503) 378-4844
www.oregon.gov/dsl



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN# *

WN2022-0986

Responsible Jurisdiction

Staff Contact

Martha Fritzie

Jurisdiction Type

County

Municipality

Clackamas

Local case file #

Z0354-22-CP & Z0356-22-ZA

County

Clackamas

Activity Location

Township

04S

Range

02E

Section

09

QQ section

Tax Lot(s)

1300

Street Address

14781 Buckner Creek Rd

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Clackamas

Latitude

45.237829

Longitude

-122.560928

Wetland/Waterway/Other Water Features

☒ There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

☒ The National Wetlands Inventory shows wetland, waterway or other water features on the property

Your Activity

☒ A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

Applicable Oregon Removal-Fill Permit Requirement(s)

☒ A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

EXHIBIT 3

20354-22-CP & 20356-22-ZAP

Page 2 of 6

Closing Information



Additional Comments

The proposed template forest dwelling appears outside of any wetlands or waters. There is an existing gravel road servicing the location. Best Management Practices for erosion and sediment control are recommended due to multiple sides of the site surrounded by streams.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

11/4/2022

Response by:

Daniel Evans

Response Phone:

503-986-5271



Wetland Land Use Notification

OREGON DEPARTMENT OF STATE LANDS

775 Summer Street NE, Suite 100, Salem, OR 97301-1279

Phone: (503) 986-5200

This form is to be completed by planning department staff for mapped wetlands and waterways.

* Required Field (?) Tool Tips

Responsible Jurisdiction

* ☐ City of ☒ County of **Municipality*** Clackamas **Date*** 10/10/2022

Staff Contact

First Name* Martha **Last Name*** Fritzie
Phone* 503-742-4529 **Email*** mfritzie@clackamas.us

Applicant

First Name* Joni **Last Name*** Schaber

Applicant Organization Name

(if applicable)

Mailing Address*

Street Address

14781 S Buckner Creek Rd

Address Line 2

City

Mulino

Postal / Zip Code

97042

State

OR

Country

United States

Phone **Email (?)**
joni.schaber@cascadehassonsir.com

Is the Property Owner name and address the same as the Applicant?*

☒ No ☐ Yes

Property Owner

First Name* Cayla **Last Name*** Schaber

Property Owner Organization Name

(if applicable)

EXHIBIT 3
Z0354-22-CP & Z0356-22-ZAP
Page 4 of 6

Mailing Address (If different than Applicant Address)

Street Address

14781 S Buckner Creek Rd

Address Line 2

City

Mulino

Postal / Zip Code

97042

State

OR

Country

USA

Phone

Email (?)

cayla.diane.schaber@gmail.com

Activity Location



Township * (?)

04S

Range * (?)

02E

Section * (?)

09

Quarter-quarter Section (?)

Tax Lot(s) *

1300

You can enter multiple tax lot numbers within this field. i.e. 100, 200, 300, etc.

To add additional tax map and lot information, please click the "add" button below.

Address

Street Address

14781 Buckner Creek Rd

Address Line 2

City

State

Postal / Zip Code

Country

County *

Clackamas

Adjacent Waterbody

Proposed Activity



Prior to submitting, please ensure proposed activity will involve physical alterations to the land and/or new construction or expansion of footprint of existing structures.

Local Case File # * (?)

Z0354-22-CP & Z0356-22-ZA

Zoning

EFU

Proposed

☐ Building Permit (new structures)

☐ Grading Permit

☐ Site Plan Approval

☒ Other (please describe)

Comp Plan/Zone change

☐ Conditional use Permit

☐ Planned Unit Development

☐ Subdivision

Applicant's Project Description and Planner's Comments: *

Comprehensive Plan map change from Agriculture (AG) to Forest (F) and corresponding zone change from Exclusive Farm Use (EFU) to Timber (TBR) or Ag/Forest (AG/F).

Required attachments with site marked: Tax map and legible, scaled site plan map. (?)

Z0354-22 SUBMITTED APPLICATION FINAL.pdf

13.24MB

Additional Attachments

Date

10/10/2022

Archived: Monday, November 7, 2022 11:39:07 AM
From: Snuffin, Christian
Sent: Mon, 7 Nov 2022 11:02:32
To: Fritzie, Martha
Subject: RE: Comp Plan/Zone Change (Z0354-22-CP/ Z0356-22-ZAP)
Importance: Normal

Hi Martha,

I reviewed the applicant's zone change analysis memorandum, prepared by Lancaster Mobley and dated May 6, 2022. I agree with the memo's conclusions that the number of expected trips (one morning peak hour trip, one evening peak hour trip, and ten daily trips) will not cause significant effect to the transportation system. Therefore, no mitigation is required to meet Transportation Planning Rule criteria.

Christian Snuffin, PE, PTOE | Senior Traffic Engineer
Clackamas County Department of Transportation and Development | Transportation Safety
150 Beavercreek Road | Oregon City, OR 97045 | 503-680-5623
csnuffin@clackamas.us
www.drivetozero.org

My work hours are M-F 8:00-4:30
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Were you happy with the service you received today?



From: Fritzie, Martha
Sent: Monday, November 7, 2022 8:23 AM
To: Snuffin, Christian <CSnuffin@clackamas.us>
Subject: RE: Comp Plan/Zone Change (Z0354-22-CP/ Z0356-22-ZAP)

Hi Christian. I need to get my staff report out for this Comp Plan/zone change application and am wondering if you have any comments. Even if the comment is simply that you agree with the conclusions of the traffic analysis, having that would be very helpful.

Thanks,
Martha

Martha Fritzie, Principal Planner
Clackamas County DTD | Planning & Zoning Division
150 Beavercreek Road | Oregon City, OR 97045
mfritzie@clackamas.us
(503) 742-4529

Working hours 7:30am to 6:00pm | Monday – Thursday

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From: Snuffin, Christian <CSnuffin@clackamas.us>
Sent: Friday, August 12, 2022 4:43 PM
To: Fritzie, Martha <MFritzie@clackamas.us>
Subject: RE: Comp Plan/Zone Change (Z0354-22-CP/ Z0356-22-ZAP)

Hi Martha,

The zone change analysis submitted by the applicant, prepared by Lancaster Mobley and dated May 6, 2022, provides sufficient information to address the TPR as well as ZDO Section 1202.03(D). Thanks!

Christian Snuffin, PE, PTOE | Senior Traffic Engineer
Clackamas County Department of Transportation and Development | Transportation Safety
150 Beavercreek Road | Oregon City, OR 97045 | 503-680-5623
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From: Fritzie, Martha
Sent: Thursday, August 11, 2022 3:48 PM
To: Snuffin, Christian <CSnuffin@clackamas.us>
Subject: Comp Plan/Zone Change (Z0354-22-CP/ Z0356-22-ZAP)

Hi Christian. We have received the attached Comp Plan/Zone Change application and I am working on the completeness review for this one. They did provide a traffic study and the Comp Plan/Zone Change is between Ag and Forest designations, so I am not really sure there are any real differences in traffic generation (I obviously have not read the traffic study yet). Like the last one, I doubt it will cause a problem with TPR compliance, but for the completeness review, I have the same two questions:

- (1) Is this traffic study sufficient to address the TPR (whether or not you agree with the conclusion); and
- (2) Is there sufficient information in here to address the safety of the system (per ZDO 1202.03(D))?

Please take a look and let me know. I am most readily available on my cell (503) 984-0993 if you need to reach me.

Thanks!
Martha

Martha Fritzie, Principal Planner
Clackamas County DTD | Planning & Zoning Division
150 Beavercreek Road | Oregon City, OR 97045
mfritzie@clackamas.us
(503) 742-4529

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