



**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 LAND USE APPLICATION IN YOUR AREA

Date of Mailing of this Notice: 03/28/2024

Notice Mailed To: Property owners within 750 feet of the subject property
Community Planning Organizations (CPO)
Interested Agencies

File Number: Z0109-24

Application Type: Forest - Template Test

Proposal: FOREST DWELLING - The applicant requests approval for a Forest Template Test Dwelling to establish a new single family dwelling based on the density of residential development and parcelization of land in the immediate surrounding area. The dwelling is proposed in the central area of tax lot 100 to replace a previous home that no longer has the qualities of a dwelling.

Applicable Zoning and Development Ordinance (ZDO) Criteria: In order to be approved, this proposal must comply with ZDO Sections 202, 406, 1307. The ZDO criteria for evaluating this application can be viewed at <https://www.clackamas.us/planning/zdo.html>

Applicant: REYES, JOSE

Property Owner: LINCOLN LOAN CO

Site Address: 18400 S DILLMAN RD
OREGON CITY, OR 97045

Location: 18400 S DILLMAN RD

Assessor's Map and Tax Lot: 33E07B 00100

Zoning: TBR-TIMBER

Staff Contact: Joy Fields

E-mail: JFields@clackamas.us

File Number: Z0109-24

Community Planning Organization: The following recognized Community Planning Organization (CPO) has been notified of this application. This organization may develop a recommendation. You are welcome to contact the CPO and attend their meeting on this matter, if one is planned.

REDLAND-VIOLA-FISCHER'S CPO
WARD LANCE 503-631-2550
LANCECWARD@AOL.COM

If this CPO is currently inactive and you are interested in becoming involved in land use planning in your area, please contact Clackamas County Community Engagement at communityinvolvement@clackamas.us. In some cases where there is an inactive CPO, a nearby active CPO may review the application. To determine if that applies to this application, call or email the staff contact.

How to Review this Application: A copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost. Copies may be purchased at the rate of \$2.00 per page for 8 1/2" 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 sq ft with a \$5.00 minimum for large format documents. You may view or obtain these materials:

- Online at <https://accela.clackamas.us/citizenaccess/>. After selecting the Planning tab enter the file number to search. Select File Number and then select Attachments from the dropdown list, where you will find the submitted application; or
- By emailing or calling the staff contact.

Decision Process: Following the closing of the comment period, a written decision on this application will be made and a copy will be mailed to you. If you disagree with the decision, you may appeal to the Land Use Hearings Officer, who will conduct a public hearing. There is a \$250 appeal fee.

How to Comment on this Application:

To ensure your comments are considered prior to issuance of the decision, they must be received within 20 days of the date of this notice. Comments may be submitted by email to the staff contact or by regular mail to the address at the top of this notice. Please include the file number on all correspondence, and focus your comments on the approval criteria identified above or other criteria that you believe apply to the decision.

Comments:

Your Name/Organization

Telephone Number

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at least three (3) business days before the meeting at 503-742-4545 or DRenhard@clackamas.us.

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



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

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

TYPE II OR III LAND USE APPLICATION

DEEMED COMPLETE

ORIGINAL DATE SUBMITTED:	<input type="text" value="03/14/24"/>
FILE NUMBER:	<input type="text" value="Z0109-24-FTT"/>
APPLICATION TYPE:	<input type="text" value="FOREST DWELLING"/>

The Planning and Zoning Division staff deemed this application complete for the purposes of Oregon Revised Statutes (ORS) 215.427 on:

Staff Name

Title

Comments:

Check one:

The subject property is located inside an urban growth boundary. The 120-day deadline for final action on the application pursuant to ORS 215.427(1) is:

The subject property is not located inside an urban growth boundary. The 150-day deadline for final action on the application pursuant to ORS 215.427(1) is:



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

RECEIVED Z0109-24

MAR 2024

Clackamas County
Planning & Zoning Division

Staff Initials: *MB* File Number:

Land use application for:

FOREST DWELLING

(Lot of Record Dwelling, Forest Template Dwelling, 160 Acre Minimum Forest Dwelling, or 200 Acre Noncontiguous Dwelling)

Application Fee: \$1,340

APPLICANT INFORMATION			
Applicant name: Jose Reyes	Applicant email: premierNW@outlook.com	Applicant phone: 503.360.6262	
Applicant mailing address: 10184 SW Evergreen Ct.	City: Wilsonville	State: OR	ZIP: 97070
Contact person name (if other than applicant): same as above	Contact person email: same as above	Contact person phone: same as above	
Contact person mailing address:	City:	State:	ZIP:

PROPOSAL
Brief description of proposal: <i>Building a house</i>

SITE INFORMATION			
Site address: <i>18400 S Dillman Rd Oregon City</i>	Comprehensive Plan designation: <i>F</i>	Zoning district: <i>TBR</i>	
Map and tax lot #: <i>Township: 3S Range: 3E Section: 07B Tax Lot: 100</i>	Land area: <i>2.75</i>		
Adjacent properties under same ownership:			
Township: _____ Range: _____ Section: _____ Tax Lot: _____			
Township: _____ Range: _____ Section: _____ Tax Lot: _____			

Printed names of all property owners: <i>Jose Reyes</i>	Signatures of all property owners: <i>[Signature]</i>	Date(s): <i>2-14-24</i>
<p><i>I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.</i></p>		
Applicant signature: <i>[Signature]</i>		Date: <i>2-14-24</i>

Forest Template Mapping Feasibility T3S R3E Sect.07B Tax Lot 00100

- Subject Lot Centroid
- ▨ Subject Property
- 160 Acre Template
- Parcels with pre-1993 Homes in Template
- Soils
- Parcels with Homes Built Before 1993
- Parcels without pre-1993 Homes in Template
- Tax Parcels

Map & Taxlot: 33E07B 00100

Parcel Number: 00908192

Map Acres: 2.74

Map Symbol - UniqueID - ClassID:
 * 36C-N/A-4E | Approx Acres: 2.74

* 37D-N/A-4E | Approx Acres: 0

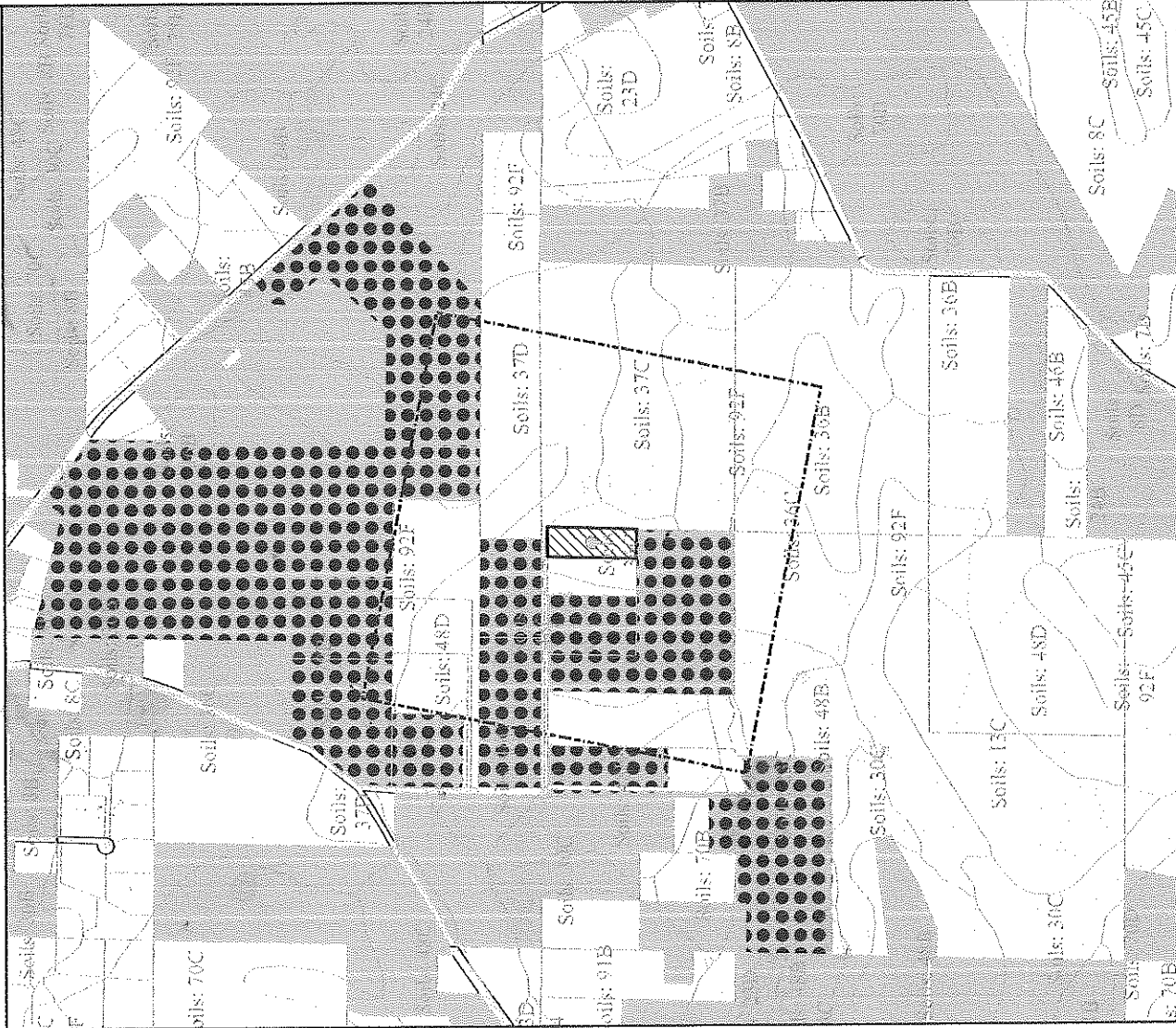
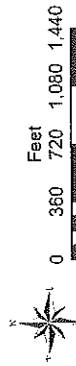
Percent of High Value Soils: 0.00
 Percent of Low Value Soils: 100.00

Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions. This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

Date: 1/30/2024

Drawn By: Joy Fields-ZINFO0361-23

GIS information provided herein is derived from public databases from Clackamas County, OR. Information provided is provided "as is" and does not constitute a warranty. Clackamas County does not accept any responsibility for any errors, omissions, or potential inaccuracies, and users are advised to verify the information provided herein with the appropriate authorities. The information provided herein may have been used in the creation of this product. In no way does this information constitute a Land Survey. Users are strongly cautioned to verify all information before making any decisions.



RE: 33E07B 00100
 ZONING: TBR
 TRACT: Was not part of a tract in 2019.

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 predominant soil type is Hardscrabble silt loam and is capable of producing between 60 and 85 Cubic Feet of timber per acre per year. The template touches at least 20 tax lots that are located outside the Urban Growth Boundary. Using the soil type, there must be 7 lots of record created before January 1, 1993 inside the template and outside the UGB. Previous staff research indicates there are at least 11 legal lots of record in the template outside of the UGB.

Using the soil type, the template must have 3 dwellings that predate 1993. The Forest Template Test Analysis study appears to show this criteria is satisfied because there are at least 3 homes built prior to 1993 located within the Template and outside the UGB.

No further research was conducted.

CONCLUSION:

The Forest Template Test Analysis suggests that the subject property would satisfy the template feasibility for number of dwellings that predate 1993 as required in Subsection 406.05(D)(3)(h).

However, this and all other criteria for a Forest Template Test Dwelling must be reviewed via a Land Use Application prior to any final decision.



MAP TAXLOT	MAP ACRES	PARCEL NUMBER	YEAR BUILT	1993 Lot of Record
33E06 00801	5.64	00906657	1982	TBD
33E06 00802	2.14	00906666	1977	Yes - 19-176-B
33E06 00803	20.04	00906675		Tbd
33E06 00806	2.03	00906693	1976	Yes - 19-176-B
33E06 00807	6.40	00906700	1980	TBD
33E06C 00100	59.53	00907709	1925	TBD
33E06C 01300	5.00	00907852		Yes - Z0503-92-M survey in October of 1992
33E06C 01301	11.96	00907861	1990	TBD
33E06C 01303	8.98	00907889	1985	TBD
33E06C 01304	8.98	00907898	1985	TBD
33E06C 01305	5.50	01541987	1915	Yes - Previously lot 804
33E06C 01306	5.00	01567067		Yes- Z0503-92-M survey in October of 1992
33E06C 01307	10.38	01567076		Yes - Z0503-92-M survey in October of 1992
33E06D 01001	29.59	00908101	1925	Yes
33E07 00100	53.65	00908156		Yes
33E07 00801	106.59	05020220		In 2007
33E07 00900	53.58	00908174		Yes
33E07B 00100	2.74	00908192		Subject Property
33E07B 00200	2.75	00908209	1967	TBD
33E07B 00300	2.74	00908218	1971	TBD
33E07B 00400	20.24	00908227	1950	Yes - NF-472-84
33E07B 00401	3.49	01510966		Yes - NF 472-84
33E07B 00500	10.29	00908236		TBD
33E07B 00600	3.88	00908245		Yes NFTU-12-79
33E07B 00601	5.00	00908254	1983	Yes NFTU-12-79
33E07B 01000	21.58	00908290	1977	Yes when combined with lots 700 and 701.

C. Answer the following questions:

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

1. Explain how the proposed dwelling and any accessory structures will be sited so that:

- They have the least impact on nearby or adjoining forest or agricultural lands;
- The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; Parcel 3 acres not remaining from forest tree
- The amount of forest lands used to site access roads, service corridors, and structures is minimized; and
- The risks associated with wildfire are minimized. Five siting standards

BPA easement. Identify -
There will be no impact on nearby or adjoining forest or agricultural land because more than 60% of trees were cut down for BPA easement.
There is currently a driveway there.
Wildfire risks are minimized by having 30' setbacks on each side and 100' PLOS on the back and front side.

2. Will road access to the dwelling be by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management (BLM), or the United States Forest Service (USFS)?

maintenance agreement exists between the USFS and the landowners adjacent to the road, a local government, or state agency, as shown in attached documents.

F. For a *Forest Template Dwelling* only:

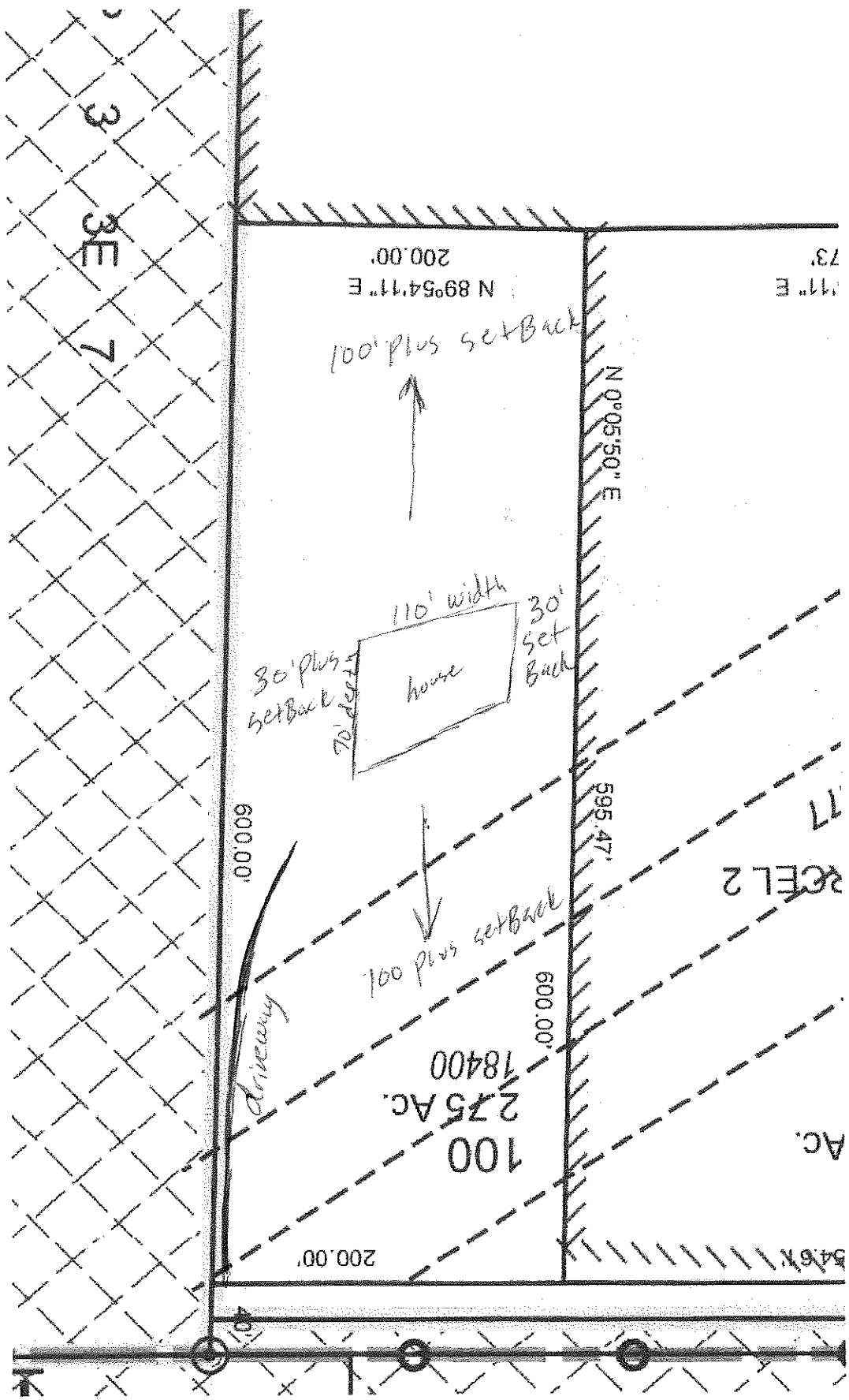
If you are requesting a *Forest Template Dwelling* pursuant to ZDO Subsection 406.05(D)(3), provide the following additional information (Planning and Zoning can provide you with this information for an additional fee. A request for this information should be made prior to submitting this application. The information will be provided approximately four weeks from when the request is made and the fee is paid.):

- Evidence that the lot upon which the dwelling is to be located was lawfully created;
- A to-scale map showing a 160 acre square template centered upon the subject tract (however, if the subject tract is larger than 60 acres and abuts a road or perennial stream, the 160 acre template shall be one-quarter mile wide by one mile long, be centered upon the mathematical centroid of subject tract, and, to the maximum extent possible, have its length aligned with the road or perennial stream);
- A list of all lots at least partially inside the 160 acre template, identified by their Tax Map (Township, Range, Section, and Quarter Section) and Tax Lot number and with the first and last name of the current owner(s), with accompanying copies of relevant Tax Assessor Maps (do *not* include the subject property or lots of record that were created after January 1, 1993 or are within an urban growth boundary);
- A list of all lots that are at least partially inside the 160 acre template and that have a lawfully established dwelling (*not* including dwellings that were constructed after January 1, 1993, are within an urban growth boundary, or are temporary dwellings); and
- Evidence of the predominant soil type found on the property and that soil type's forest production capability rating, as determined by the Natural Resources Conservation Service (NRCS), in terms of cubic feet per acre per year of wood fiber production. (*Soils information can be obtained from Planning and Zoning.*)
- Provide a list of all lots that were contiguous and in the same ownership as the subject lot on January 1, 2019. (ORS 215.750 impacts the approval of forest template test dwellings on lots of record that were part of a tract on January 1, 2019, that already have a dwelling or have already been approved for a dwelling.)

G. For a *160 Acre Minimum Forest Dwelling* only:

If you are requesting a *160 Acre Minimum Forest Dwelling* pursuant to ZDO Subsection 406.05(D)(4), provide the following additional information:

- Evidence that the tract on which the dwelling is to be sited is at least 160 acres; and
- Evidence that the lot upon which the dwelling is to be located was lawfully created.



H. For a 200 Acre Noncontiguous Dwelling only:

If you are requesting a **200 Acre Noncontiguous Dwelling** pursuant to ZDO Subsection 406.05(D)(5), provide the following additional information:

- Evidence that the tract on which the dwelling is to be sited, together with other noncontiguous tracts in Clackamas County and owned by the same owner, total 200 acres or more;
- Evidence that none of the lots of record or tracts used to total 200 acres already contain a dwelling;
- Evidence that all lots of record or tracts used to total a minimum of 200 acres have a Comprehensive Plan designation of *Forest* (*maps of Comprehensive Plan designations are available from the Planning and Zoning website*); and
- Evidence that the lot upon which the dwelling is to be located was lawfully created.

4. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

E. For a *Lot of Record Dwelling* only:

If you are requesting a *Lot of Record Dwelling* pursuant to ZDO Subsection 406.05(D)(2), provide the following additional information:

- Evidence that the lot on which the dwelling will be sited was lawfully created prior to January 1, 1985;
- Evidence (legible deed records, etc.) that the lot of record on which the dwelling will be sited was acquired by the present owner prior to January 1, 1985, or by devise or intestate succession from a person who acquired the lot prior to January 1, 1985;
- Evidence, in the form of property conveyance/ownership records from the Tax Assessor's Office "ownership books", that the tract on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993 (a "tract" is one or more contiguous lots of record under the same ownership); *and*
- Evidence of the predominant soils found on the property and that the property is not capable of producing 5,000 cubic feet per year of commercial tree species. (*Soils information can be obtained from Planning and Zoning.*)

Also answer the following questions:

1. The property must be located within 1,500 feet of a public road, as defined under ORS 368.001 that provides or will provide access to the subject tract the property. Is the property currently located within 1,500 feet of a public road that provides access to the subject tract?

YES, and the public road and access are shown in the attached site plan.

NO, but there will be a public road, as defined under ORS 368.001, that will provide access to the subject tract. That road is shown in the attached site plan.

2. The public road providing access must be maintained *and* either paved or surfaced with rock and shall not be a BLM road, or a USFS road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction, and a maintenance agreement exists between the USFS and the landowners adjacent to the road, a local government, or a state agency.

Is the public road providing access a Bureau of Land Management (BLM) road or United States Forest Service (USFS) road?

NO

It is a USFS road, but the road is paved to a minimum width of 18 feet and there is at least one defined lane in each direction, as shown in attached evidence. A

- NO, as shown in the attached site plan.
- YES, and proof of a long-term road access use permit or agreement is attached.

3. Does the tract on which the dwelling will be sited already include a dwelling? (A "tract" is one or more contiguous lots of record under the same ownership.)

- NO, there is no dwelling on the subject tract.
- YES, there currently is a dwelling on the subject tract.

4. Identify the Forest Dwelling Permit type you are applying for, and, after reviewing Part D, respond to the respective questions and requests that follow:

- Lot of Record Dwelling (*Respond to Part E*)
- Forest Template Dwelling (*Respond to Part F*)
- 160 Acre Minimum Forest Dwelling (*Respond to Part G*)
- 200 Acre Noncontiguous Dwelling (*Respond to Part H*)

D. Understand the following conditions:

The Forest Dwelling permit, if approved, will be subject to these (and other) conditions:

1. Prior to approval of a Building Permit, evidence must be provided that the domestic water supply is from a source authorized in accordance with the Oregon Water Resources Department's (OWRD's) administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Oregon Forest Practices Rules (OAR Chapter 629). "Evidence of a domestic water supply" means:
 - Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - A water use permit issued by the OWRD for the use described in this application; *or*
 - If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, prior to Planning approval of a Building Permit, the applicant shall submit a "Water Availability Letter" from a well constructor, prior to drilling a well, or a well constructor's report for a completed well. The drilling of the well must be completed prior to final plumbing inspection for the new dwelling. Upon completion of the well, the applicant shall submit the well constructor's report to the County.
2. The dwelling shall comply with ZDO Subsection, 406.08(A), *Fire-Siting for New Dwellings*.
3. The dwelling shall have a fire retardant roof.

A. Review applicable land use rules:

This application is subject to the provisions of Section 406, Timber District (TBR) of the Clackamas County Zoning and Development Ordinance (ZDO) if the subject property is zoned TBR, or to the provisions of Section 407, AG/Forest District (AG/F) and the provisions of Section 406 cited in Section 407 if the subject property is zoned AG/F. It is also subject to the definitions, procedures, and other general provisions outlined in the ZDO.

If the subject property is zoned AG/F, the property must have been predominantly in forestry use on January 1, 1993 to qualify for this permit.

B. Turn in all of the following:

- Complete application form:** Respond to all the questions and requests in this application, and make sure all owners of the subject property sign the first page of this application. Applications without the signatures of *all* property owners are incomplete.
- Application fee:** The cost of this application is \$1,340. 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.
- Site plan:** Provide a site plan (also called a plot plan). A Site Plan Sample is available from the Planning and Zoning website. The site plan must be accurate and drawn to-scale on paper measuring no larger than 11 inches x 17 inches. The site plan must illustrate all of the following (when applicable):
 - Lot lines, lot/parcel numbers, and acreage/square footage of lots;
 - Contiguous properties under the same ownership;
 - All 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, geologic hazards, mature trees or forested areas, drainage areas, etc.) and 10-foot elevation contour lines;
 - Location of utilities, wells, and all onsite wastewater treatment facilities (e.g., septic tanks, septic drainfield areas, replacement drainfield areas, drywells);
 - Evidence that all development will comply with the fire-siting standards for new structures, and that the dwelling will comply with the additional fire-siting standards for new dwellings, as detailed in ZDO Subsection 406.08(A), including elevation contour lines and locations of trees and other vegetation.
- Evidence of fire protection:** Provide evidence that the subject property is within a fire protection district or is provided with residential fire protection by contract. If the dwelling is not within a fire protection district, provide evidence that you have asked to be included within the nearest such district. If inclusion within a fire protection district or contracting for residential fire protection is impracticable, you must propose an alternative means for protecting the dwelling from fire hazards and the means selected must comply with ZDO Subsection 406.08(B)(1).
- Evidence of forest uses as of January 1, 1993, if zoned AG/F:** If the subject property is zoned Ag/Forest (AG/F), you must provide evidence, such as dated aerial photos, that the property was predominantly forest on January 1, 1993.
- Additional information required for specific Forest Dwelling type:** Include all of the additional documentation required for the specific Forest Dwelling type (Lot of Record Dwelling, Forest Template Dwelling, etc.) that you are pursuing, as outlined later in the respective sections of this application form.