

Permit Number: Z0219-22

2. You may use the space provided below, mail a separate letter or e-mail the information. Please include the permit number, address the information to the staff member handling this matter, and focus your comments on the approval criteria for the application.

3. Return your mailed comments to: Clackamas County Planning and Zoning, 150 Beaver Creek Rd, Oregon City, OR 97045; FAX to (503) 742-4550.

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

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

Decision Process: In order to be approved, this proposal must meet the approval criteria in the Zoning and Development Ordinance, Section(s)

ZDO Sections 202, 316, 1204, and 1307

The Ordinance criteria for evaluating this application can be viewed at www.clackamas.us/planning/zdo.html. You may view the submitted application at the following link, <https://accela.clackamas.us/citizenaccess/>.

A decision on this proposal 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.

Comments:

Your Name/Organization

Telephone Number

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**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

LAND USE APPLICATION

DEEMED COMPLETE

ORIGINAL DATE SUBMITTED:

FILE NUMBER:

APPLICATION TYPE:

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:



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 Development Services Building
 150 Beaver Creek Road | Oregon City, OR 97045
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STAFF USE ONLY

RECEIVED

May 9 2022 Z0219-22-STU

Clackamas County
 Planning & Zoning Division

Staff Initials: **GRH** File Number:

Land use application for:

TEMPORARY USE OTHERWISE PROHIBITED

Application Fee: \$960

APPLICANT INFORMATION			
Applicant name: Ricky Canfield	Applicant email: rick@alphastonetworks.com	Applicant phone: 971-340-7291	
Applicant mailing address: 19283 S Mattoon Rd	City: Estacada	State: OR	ZIP: 97023
Contact person name (if other than applicant):	Contact person email:	Contact person phone:	
Contact person mailing address:	City:	State:	ZIP:

PROPOSAL
Brief description of proposal: Application for consideration on whether a non-conforming occupied recreational vehicle is aligned with county goals, values, and long term objectives, and warrants temporary approval through a 'Temporary Use Otherwise Prohibited' permit.

SITE INFORMATION		
Site address: 19283 S Mattoon Rd. Estacada OR 97023	Comprehensive Plan designation: Rural	Zoning district: RRFF5
Map and tax lot #: Township: _____ Range: _____ Section: <u>33E10</u> Tax Lot: <u>02104</u> Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____	Land area: 10.18 Acres	
Adjacent properties under same ownership: Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____		

Printed names of all property owners: Ricky Canfield AnaMaria Canfield	Signatures of all property owners: <i>Ricky Canfield</i> <i>AnaMaria Canfield</i>	Date(s): <i>5/9/22</i>
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I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.		
Applicant signature: <i>Ricky Canfield AnaMaria Canfield</i>	Date: <i>5/9/22</i>	

A. Review applicable land use rules:

This application is subject to the provisions of [Section 1204, Temporary Permits](#) 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.

B. Turn 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 **\$960**. 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, 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).

C. Answer the following questions:

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

1. Would the proposed temporary use be in the Ag/Forest (AG/F), Exclusive Farm Use (EFU), or Timber (TBR) Districts?

NO

YES

2. What is the proposed temporary use of the subject property?

To have an occupied recreational vehicle on the property.
To have an occupied recreational vehicle on the property.

3. Is the proposed temporary use listed as a primary, accessory, limited, or conditional use in the applicable zoning district? (Refer to the [ZDO section](#) for the applicable zoning district.)

NO

YES

4. Explain why there is no reasonable alternative to the proposed temporary use:

See attachment- text is showing up as double on digital application form.

5. Explain how the temporary use will not include the construction of a substantial structure or require a permanent commitment of the land:

The occupied RV is a temporary measure, to be moved once the partition is complete.

6. Explain how the temporary use will not have a materially adverse effect on the surrounding area:

Rapid transformation of this land into a model regenerative farm, made possible by two committed individuals hard at work, will have a materially positive benefit to the surrounding area. We are utilizing the following practices:

- Rotational grazing of cattle
- Multi species grazing
- Soil mineral replenishment
- Bio char application to improve soil quality and filter groundwater
- Use of compost tea to improve soil microbiome

Use of these techniques simultaneously will foster a flourishing ecosystem. The land will harbor even more diverse wildlife and soil microbiome, which will benefit not only this parcel but surrounding land as well.

7. Is this an application for the renewal of a previously approved temporary permit for a use otherwise prohibited?

NO

YES, and the previous land use permit file number is: _____

FAQs

When is a Temporary Use Otherwise Prohibited permit required?

The County's Zoning and Development Ordinance (ZDO) lists the uses that are allowed in each zone. However, the ZDO also allows a property that is not in the Ag/Forest (AG/F), Exclusive Farm Use (EFU), or Timber (TBR) Districts to be used temporarily for a use that is not listed. This type of temporary use requires a Temporary Use Otherwise Prohibited land use permit.

What is the permit application process?

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

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

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

If approved, how long would the temporary permit be valid?

The temporary permit may be approved for a period not to exceed one year. The permit may be renewed for a period not to exceed one year. A renewal shall be subject to the same approval criteria and review process as an initial permit. A temporary permit for a use otherwise prohibited *may* be renewed an unlimited number of times.

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

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

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

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

Who can help answer additional questions?

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

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Attachment to application

4. In 2021, I began discussions with a family member around transforming the Mattoon Rd property into a model regenerative farm. Upon finding that our goals and values were aligned, he and I decided to start the project without further delay. He owned an RV and several months later, in order to be more efficient with building the farm, we decided to move the RV onto the property. I was unaware of the permit process, my apologies in applying after the fact.

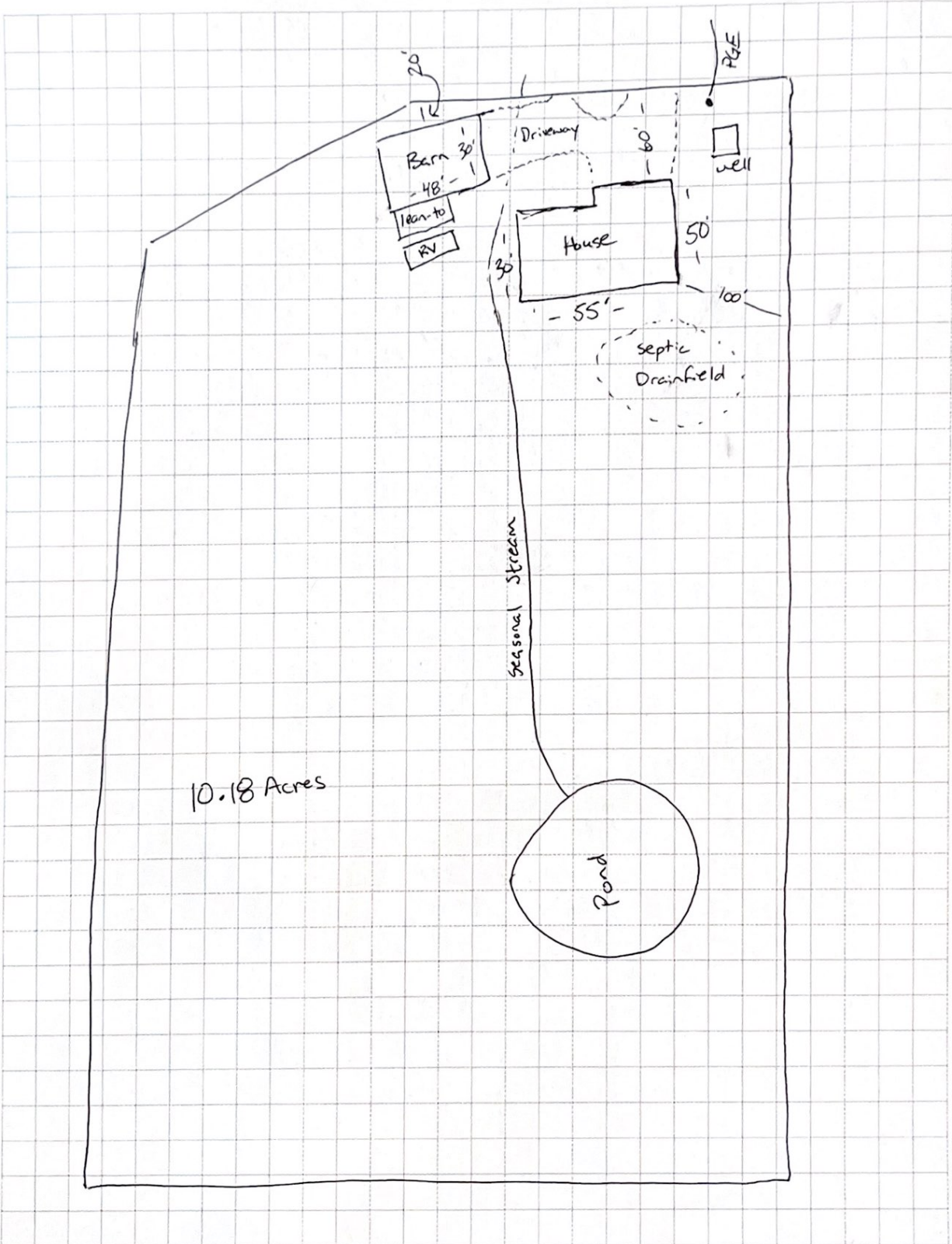
I am in the process of partitioning the lot with the intent to sell him a portion of the land. Both he and I have families with young children and more than full-time jobs, so being on-site for efficiency in building out the farm is paramount.

SITE PLAN

Address: 19283 S Mattoon Rd Estacada OR 97023

Township: _____ Section: _____ Range: 33E10 Tax Lot: 02104

For Permit Number (if known): _____



Hamburg, Glen

From: Rick Canfield <rick@alphastonetworks.com>
Sent: Monday, May 23, 2022 2:19 PM
To: Hamburg, Glen
Subject: Re: Matoon Rd Temporary Use Application

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

Hi Glen,

I've written answers to your questions below, beneath each question.

1. What is the proposed temporary use, exactly?

I understand that you are requesting approval for someone to stay in an RV on the property, and that they would be helping with something referred to as a “model regenerative farm”. However, can you clarify who all exactly would be residing in the RV and what those people would be doing in service to the farm?

Yes. Tanner Melhorn, his wife Amy, and their daughter would be residing in the RV. As far as work in service to the farm:

Tanner is helping me with the following, much of which has already been finished in the past several months.

- Clear fence line of brush and set up electric fencing around 9 acre pasture
- Further divide pasture with electric fencing, and regularly move temporary fencing for rotational grazing of cattle
- Build and stock bulk loose mineral feeder to supply cattle and soil with nutrients that are currently lacking
- Build and deploy rolling mobile chicken coop, capable of housing 100+ chickens, to be rotated behind cattle for fly control and optimum soil health, and of course to produce eggs.
- Monitor and manage feeding of cattle and chickens
- Set up onsite biochar production system to create carbon neutral organic soil amendments, run batches of biochar regularly, process, and deploy onto soil
- Set up greenhouse
- Build and maintain permanent garden beds with high quality compost, biochar, and compost tea amendments and irrigation system
- Build and operate 250 gallon compost tea brewer, making it possible to provide nutrients and optimal conditions for growing produce without pesticides or fertilizers.
- Manage earthworm operation to produce worm castings on site.
- Mason bee hut in orchard to cross pollinate trees and produce
- Management of fruit trees in orchard.

Amy is helping with the following.

- Maintenance of gardens
- Feeding of chickens
- Working to train/tame cattle
- Stocking feed etc.
- Seed starts in greenhouse

2. How is there no reasonable alternative to the proposed temporary use?

Per ZDO Subsection 1204.02(A)(2), the application can *only* be approved if the Applicant demonstrates there is not any reasonable alternative to the proposed temporary use. Assuming the proposed temporary use is occupancy of an RV by certain persons assisting in a farm operation on the property, please explain:

- a.** Why those people cannot reasonably be expected to reside anywhere other than the RV, either in an existing 1,400-square-foot dwelling on the subject property or in another dwelling elsewhere (e.g., for rent), even on just a temporary basis;

There is not currently an accessory dwelling on the property. It is necessary for them to be on-site in order to efficiently assist with management of daily farm workload as described above, made especially necessary as both Tanner and I regularly work long hours and cannot be home with enough time to manage all duties. With both of us it is manageable.

- b.** Why the existing dwelling cannot reasonably be expected to be made larger (e.g, with a bedroom addition), or a guesthouse lawfully established on the property, to provide additional living space;

Permitting and construction trades are stretched thin in the current market, and major remodeling or building would not be possible until next year.

- c.** Why the RV cannot be sited at another location that does allow for RV camping;

As explained above, there are many daily duties that need attention, and proximity to the farm project is a key factor in managing farm duties, especially with livestock and produce needing regular monitoring.

- d.** What assistance is needed from those proposed to stay in the RV;

See outlined tasks in response to #1.

- e.** Why that assistance can only reasonably be done by those proposed to stay in the RV and not by anyone else, including others who may reside in the dwelling on the property or elsewhere, particularly if those who are proposed to reside in the RV are busy with other obligations (family and jobs); and

Tanner specifically needs to be involved in building the farm is that he has spent years working and studying regenerative agriculture and is pivotal in implementing these strategies. We have family and work obligations but with combined effort, building the farm in one season is possible. He works for PGE on a line crew maintaining our grid

infrastructure, and I run a construction company in Milwaukie. Both of us need to work long hours.

f. Why you cannot wait until the subject property is partitioned and a dwelling is placed on the newly-created parcel to provide the necessary accommodations for people helping with the farm operation.

My wife's family is genetically predisposed to neurological developmental disorders. It is a priority for us to provide our children with the highest quality food possible. My wife worked for years for families with autistic children, and witnessed remarkable improvements of kids with these conditions when a specific diet was adhered to. We have been proactively pursuing this lifestyle for the benefit of our kids.

3. How long (in months) do you anticipate the proposed temporary use will be needed?

7 months. I am working to partition the lot, at which time the permit will not be needed. I am confident I can finish the partition in 2022.

4. How can the County be confident the temporary use will only be needed for that long?

These folks don't want to live in an RV long-term, this is a temporary sacrifice in order to build a proof-of-concept farm that can be replicated. That is the goal, and we do not intend for this to be a long-term arrangement with the RV.

5. Will the RV be lawfully connected to an onsite sanitary waste disposal system (e.g., a septic tank), as generally required of other RVs serving as temporary dwellings?

Yes, once we have the permit.

6. How will the RV be provided with utility services (e.g., gas or electrical services), without creating potential fire or other safety hazards?

There is an RV hookup onsite with utility services.

7. How will the proposed RV and its occupancy not have a materially adverse effect on the surrounding neighborhood?

In your answer to this, please indicate: the dimensions of the RV; whether it is a licensed RV authorized for travel on public roadways (vs maybe something homemade); whether it will be visible from public rights-of-way or adjacent properties; and the approximate amount of additional traffic to the property the RV occupancy will generate.

The RV is 42' long, by 8' wide and 13' high. It is licensed for public roadways. It is visible during winter months from a section of Mattoon Rd shown in blue in the attachment 'visibility'. Several neighboring properties are able to see the RV. If visibility is an issue, that could be fixed with a temporary appropriately sized carport. Additional traffic would average around 3 cars a day in and out of the driveway. See attached image 'RV' for a visual.



Regards,

Rick Canfield

503-653-7884

rick@alphastoneworks.com

alphastoneworks.com

[2149 SE Moores St Milwaukie, OR 97222](https://www.google.com/maps/place/2149+SE+Moore+St,+Milwaukie,+OR+97222)

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On Wed, May 18, 2022 at 5:30 PM Hamburg, Glen <GHamburg@clackamas.us> wrote:

Hi Ricky,

I'm reviewing your permit application for a Temporary Use Otherwise Prohibited for the property on Matoon Rd (File No. Z0219-22-STU). Before I deem the application complete and send out the required public notice, I'm hoping you can clarify some important things relevant to the approval criteria.

1. What is the proposed temporary use, exactly?

I understand that you are requesting approval for someone to stay in an RV on the property, and that they would be helping with something referred to as a "model regenerative farm". However, can you clarify who all exactly would be residing in the RV and what those people would be doing in service to the farm?

2. How is there no reasonable alternative to the proposed temporary use?

Per ZDO Subsection 1204.02(A)(2), the application can *only* be approved if the Applicant demonstrates there is not any reasonable alternative to the proposed temporary use. Assuming the proposed temporary use is occupancy of an RV by certain persons assisting in a farm operation on the property, please explain:

- a. Why those people cannot reasonably be expected to reside anywhere other than the RV, either in an existing 1,400-square-foot dwelling on the subject property or in another dwelling elsewhere (e.g., for rent), even on just a temporary basis;
- b. Why the existing dwelling cannot reasonably be expected to be made larger (e.g, with a bedroom addition), or a guesthouse lawfully established on the property, to provide additional living space;
- c. Why the RV cannot be sited at another location that does allow for RV camping;
- d. What assistance is needed from those proposed to stay in the RV;
- e. Why that assistance can only reasonably be done by those proposed to stay in the RV and not by anyone else, including others who may reside in the dwelling on the

property or elsewhere, particularly if those who are proposed to reside in the RV are busy with other obligations (family and jobs); and

f. Why you cannot wait until the subject property is partitioned and a dwelling is placed on the newly-created parcel to provide the necessary accommodations for people helping with the farm operation.

3. **How long (in months) do you anticipate the proposed temporary use will be needed?**
4. **How can the County be confident the temporary use will only be needed for that long?**
5. **Will the RV be lawfully connected to an onsite sanitary waste disposal system (e.g., a septic tank), as generally required of other RVs serving as temporary dwellings?**
6. **How will the RV be provided with utility services (e.g., gas or electrical services), without creating potential fire or other safety hazards?**
7. **How will the proposed RV and its occupancy not have a materially adverse effect on the surrounding neighborhood?**

In your answer to this, please indicate: the dimensions of the RV; whether it is a licensed RV authorized for travel on public roadways (vs maybe something homemade); whether it will be visible from public rights-of-way or adjacent properties; and the approximate amount of additional traffic to the property the RV occupancy will generate.

Kind regards,

Glen Hamburg | Senior Planner

Clackamas County Department of Transportation and Development

Planning and Zoning

150 Beaver Creek Road, Oregon City, OR 97045 | Tel: 503-742-4523 | ghamburg@clackamas.us

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