



**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: 07/25/2022

Notice Mailed To: Property owners within 500 feet of the subject property
Community Planning Organizations (CPO)
Interested Agencies

File Number: Z0306-22

Application Type: Variance

Proposal: VARIANCE - FRONT 30' SETBACK TO BE REDUCED TO 15' FROM S BATESON LN TO ACCOMODATE 30'X36' DETACHED ACCESSORY STRUCTURE.

Applicable Zoning and Development Ordinance (ZDO) Criteria: In order to be approved, this proposal must comply with ZDO Sections ZDO 202, 316, 1205 & 1307. The ZDO criteria for evaluating this application can be viewed at <https://www.clackamas.us/planning/zdo.html>

Applicant: VOLPEL, JULIE

Property Owner: VOLPEL JULIE K & RICHARD J

Site Address: 21750 S BATESON LN
ESTACADA, OR 97023

Location: CORNER OF S MATTOON RD & S BATESON LN

Assessor's Map and Tax Lot: 33E15 02405 **Approximate Property Size:** 4.22

Zoning: RRF5-RURAL RESIDENTIAL FARM FOREST

Staff Contact: ANNABELLE LIND 503-742-4513 **E-mail:** alind@clackamas.us

File Number: Z0306-22

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 [503-655-8751](tel:503-655-8751). 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? | Cán Biên dịch hoặc Phiên dịch? | 번역 또는 통역?



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LAND USE APPLICATION

DEEMED COMPLETE

ORIGINAL DATE SUBMITTED:	<input type="text" value="06/22/22"/>
FILE NUMBER:	<input type="text" value="Z0306-22-V"/>
APPLICATION TYPE:	<input type="text" value="VARIANCE"/>

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:

Application Z0306-22-V has been deemed complete. The applicant is requesting a variance to the minimum 30 foot front setback (from S Bateson Ln) to be reduced to 15 feet to accommodate a 36'x30' detached accessory shop. The submitted application can be viewed at <https://www.clackamas.us/planning>.

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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STAFF USE ONLY

RECEIVED

Z0306-22

JUN 22 2022

Clackamas County
Planning & Zoning Division

Staff Initials: *GRT* File Number:

Land use application for:

VARIANCE

(to a dimensional standard)

Application Fee: \$960

APPLICANT INFORMATION			
Applicant name: Julie Volpel	Applicant email: rjvolpel@ccgmail.net	Applicant phone: (503) 752-0214	
Applicant mailing address: 15827 S. Lucky Lane	City: Oregon City	State: OR	ZIP: 97045
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: Requesting a variance for reduction of the 30' setback on a private road to 15' for an accessory building.

SITE INFORMATION		
Site address: 21750 S. Bateson Lane	Comprehensive Plan designation: Rural	Zoning district: RRFF-5
Map and tax lot #: Township: <u>3S</u> Range: <u>3E</u> Section: <u>15</u> Tax Lot: <u>2405</u> Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____	Land area: 4.5 Acres	
Adjacent properties under same ownership: Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____		

Printed names of all property owners: Julie K. Volpel Richard J. Volpel	Signatures of all property owners: <i>Julie K. Volpel</i> <i>Richard J. Volpel</i>	Date(s): <i>6/21/22</i> <i>6/21/22</i>
<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>		
Applicant signature: <i>Julie K. Volpel</i>	Date: <i>6/21/22</i>	



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A. Review applicable land use rules:

This application is subject to the provisions of [Section 1205, Variances](#) 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 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 **\$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;
 - Existing and proposed structures, roads, driveways, parking areas, and easements, each with identifying labels and dimensions;
 - Setbacks of all existing and proposed 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).
- Building elevation diagrams:** If your application relates to any structures, then attach detailed, accurate, and to-scale building elevation diagrams showing all sides of the structures, as well as their eaves, doors, windows, and other appurtenances.
- Floor plans:** If your application relates to floor area, attach detailed, accurate, and to-scale floor plans. Label all rooms, show all of their dimensions, include their square footage, and identify all doors and partition walls.

C. Answer the following questions:

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

1. A variance is prohibited to the following dimensional standards:

- The minimum lot size standards in the RA-2, RR, FU-10, EFU, TBR, and AG/F Districts
- The two-acre minimum lot size standard in the RRFF-5 District and the two-acre minimum lot size standard for planned unit developments in the FF-10 District
- The 20-acre minimum lot size standard inside the Portland Metropolitan Urban Growth Boundary in the RA-1, RA-2, RRFF-5, FF-10, RC, and RI Districts
- The fuel-free break standards of Zoning and Development Ordinance (ZDO) Subsection 406.08
- The maximum building floor space standards in the HC, HD, HL, HR, MRR, RTC, RC, and RI Districts
- Dimensional standards established in ZDO Sections 703 through 710, 712, and 713

Does your application request a variance to any of the dimensional standards listed above?

NO

YES

2. Cite or explain the dimensional standard to which you are requesting a variance:

Requesting a reduction of 30' minimum front setback for an accessory structure along a private road.

3. If the proposed variance is to a minimum lot size, minimum average lot size, or district land area standard, will it reduce the minimum by more than 10 percent?

NO, the variance will only reduce the minimum by this percent: _____ %

YES, but the variance applies to the partition of a lot of record that is divided by a public road.

The variance is not to a minimum lot size, minimum average lot size, or district land area standard.

D. Identify at least one hardship:

A variance requires a finding that compliance with the applicable dimensional standard of the ZDO would create a hardship due to one or more of the conditions listed in ZDO Subsection 1205.02(B).

To identify your hardship(s), answer **one or more of Questions 1-5** (on additional pages, if necessary) and attach evidence to support your answer(s).

1. How are the physical characteristics of the land, improvements, or uses on the subject property not typical of the area? *(Note: When the requested variance is needed to correct an existing violation of the Zoning and Development Ordinance, that violation shall not be considered as a condition "not typical of the area".)*

This property has a seasonal pond and swale that bisects the lot. Due to the natural features of the lot, we are limited in where we can site our home and pole barn. The cost is prohibitive to develop the eastern section of the property due to the length of road and need for a culvert to cross the swale area.

2. How is the subject property unable to be developed to an extent comparable with other similar properties in the area if the dimensional standard is satisfied?

The seasonal pond and swale limit access to the eastern part of the property during much of the year. Our drain field lies in the southern part of the property. The only reasonable flat area to place a pole barn was next to the house. If we build it to the dimensional standards for setback (30' from the private road easement -- Bateson Lane) we will not have suitable access to the backyard or drainfield with a tractor or mower. Other properties in the area have similar sized pole barns.

A total of 710' feet of the property is subject to the 30' minimum frontage setback requirement on Mattoon Road and Bateson Lane. Allowing a 15' setback for a 30' wide structure allows for easier and safer access to the backside of the property with minimal impact to users of Bateson Lane.

3. If the variance is to the minimum lot size standard in an Urban Low Density Residential, RA-1, RRF-5, FF-10, or HR District, are more than 50 percent of the lots of record that are within one-half mile of the subject property and located in the same zoning district as the subject property smaller than the minimum lot size standard?

NO.

YES, and evidence identifying the number of lots of record within one-half mile of and in the same zoning district as the subject property is attached, and the lots that are smaller than the minimum lot size standard are identified. *(Note: Planning and Zoning can collect this evidence for you at a rate of \$70 per hour, with a minimum of four hours of labor.)*

4. How will compliance with the dimensional standard eliminate a significant natural feature of the subject property?

Approval of the variance request will not eliminate significant natural features of the subject property.

5. How will compliance with the dimensional standard reduce or impair the use of solar potential on the subject property or adjacent properties?

Approval of the variance request will not impair or reduce the use of solar potential on the subject property or adjacent properties..

E. Answer the following questions:

A variance also requires a finding that strict adherence to the dimensional standard is unnecessary because the proposed variance from the standard will reasonably satisfy all of the objectives listed in ZDO Section 1205.02(C) and a finding that the variance is consistent with the applicable goals and polices of the County's [Comprehensive Plan](#).

Answer **all** of the following questions (on additional pages, if necessary) and attach evidence to support your answer(s).

1. Why will the proposed variance not adversely affect the function or appearance of the development and use on the subject property?

The proposed reduction of the setback will not adversely affect the function or appearance of the development and use on the property.

2. Why will the proposed variance not impose limitations on other properties and uses in the area, including uses that would be allowed on vacant or underdeveloped properties?

The proposed reduction of the setback will not adversely affect the function or appearance of the development and will not affect the other two homeowners use of the private road.

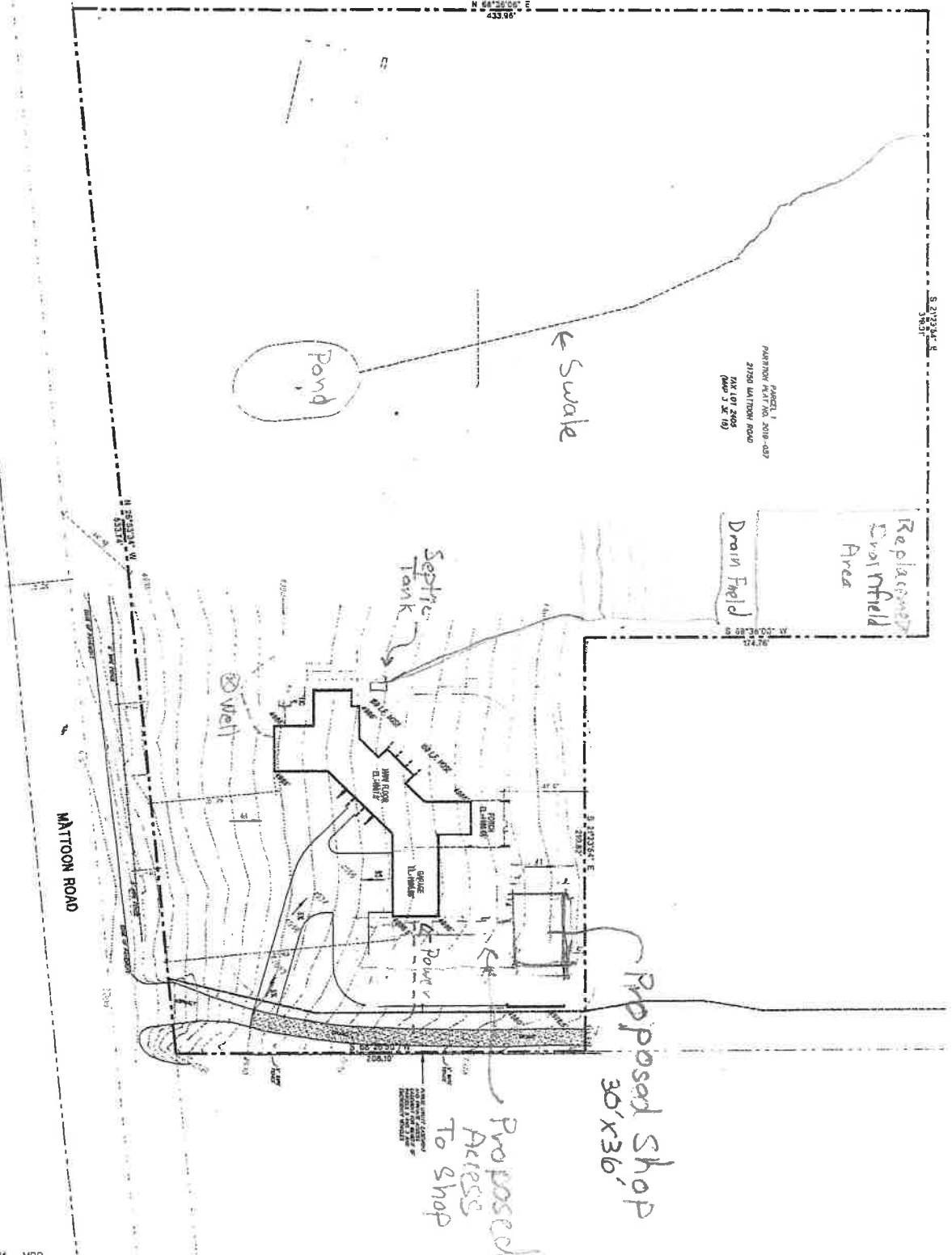
3. How will the proposed variance result in the minimum deviation from the dimensional standard needed to alleviate the hardship(s) identified earlier in this application?

The proposed variance will allow improved access to the back of the property and still allow full access to the private road by all users.

4. How is the proposed variance consistent with the applicable goals and policies of the Comprehensive Plan?

This variance request is in accordance with the goals of the Clackamas County Comprehensive Plan. This variance would help preserve the natural features of the property as well as maintain the watershed. The property has already been the subject of a variance which allowed partitioned lots of less than five acres. The approval of this variance would not affect the natural features of the property and adjoining properties use of the private road.

SITE PLAN
SCALE 1" = 50'-0"



10 MAY 2021 MRR
11 MAR 2021 MRR

CLACKAMAS COUNTY
21750 MATTUON ROAD
PARTITION PLAT NO. 2019-057
(4.1 ACRES)

1343
FOR: THE VOPEL RESIDENCE

ALAN MASCORD DESIGN ASSOCIATES, INC. IS NOT
LIABLE FOR THE ACCURACY OF THE TOPOGRAPHIC
INFORMATION. IT IS THE SOLE RESPONSIBILITY OF THE
CLIENT TO VERIFY ALL SITE CONDITIONS, INCLUDING
ANY HAZARDOUS OR OTHER FIELD IDENTIFICATION
CHANGES OR ANY POTENTIAL FIELD IDENTIFICATION
CHANGES.
ALAN MASCORD DESIGN ASSOCIATES, INC.
1000 N.W. 10th Ave., Suite 200, Portland, OR 97228
(503) 255-1000



Proposed Set Back Variance Request
21750 S. Bateson Ln, Estacada
T 35 R 3E TL 2405

Scale 1" = 10'

Bateson Ln 20ft Easement

Garage

Family Room
& Deck

Propane
Tank

Proposed
Access
to Shop

30' Frontage Setback

Proposed
15' Set Back

36' 30" Shop

Requested
15' Set Back
(Dashed Line)

10' set Back

Property Line

11'

17'

33'

17'
32'

Clearance from
Shop to Deck

