



**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: 08/17/2022

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

File Number: Z0326-22

Application Type: River and Stream Conservation Area Staff Review

Proposal: A stream conservation area review (SCA) to replace an existing detached structure with a larger detached structure, no closer than any of the existing development on site

Applicable Zoning and Development Ordinance (ZDO) Criteria: In order to be approved, this proposal must comply with ZDO Sections 316, 704, 1307. The ZDO criteria for evaluating this application can be viewed at <https://www.clackamas.us/planning/zdo.html>

Applicant: BRAUER, BRAINARD

Property Owner: BRAUER BRAINARD

Site Address: 18140 S NORMAN RD
OREGON CITY, OR 97045

Location: Parcel behind Redland Station, roughly 350 feet south of Redland Road, on the east side of Norman Rd.

Assessor's Map and Tax Lot: 33E06B 02801 **Approximate Property Size:** 1.02

Zoning: RA1-RURAL AREA RESIDENTIAL

Staff Contact: Benjamin Blessing 503 742 4521 **E-mail:** BBlessing@clackamas.us

File Number: Z0326-22

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? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?



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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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STAFF USE ONLY
RECEIVED

JUN 30 2022

Clackamas County
Planning & Zoning Division

Staff Initials: _____ File Number: **Z0326-22-RSCA**

Land use application for:

STREAM CONSERVATION AREA REVIEW

Application Fee: \$960

APPLICANT INFORMATION			
Applicant name: Brainard Brauer	Applicant email: brainard100@rqgroup.com	Applicant phone: 503-238-1414	
Applicant mailing address: 18876 S. Lyons Rd	City: Oregon City	State: OR	ZIP: 97045
Contact person name (if other than applicant): Brainard Brauer	Contact person email: brainard100@rqgroup.com	Contact person phone: 503-238-1414	
Contact person mailing address: 18876 S. Lyons Rd	City: Oregon City	State: OR	ZIP: 97045

PROPOSAL
Brief description of proposal: Replace two buildings with one building. Present building is about 5ft from south property line but new building will meet present 10ft setback guidelines.

SITE INFORMATION		
Site address: 18140 S. Norman Rd	Comprehensive Plan designation:	Zoning district:
Map and tax lot #: Township: <u>3</u> Range: <u>3E</u> Section: <u>06B</u> Tax Lot: <u>02801</u> Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____	Land area:	
Adjacent properties under same ownership: Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____		

Printed names of all property owners: Brainard Brauer	Signatures of all property owners: 	Date(s): <u>6-30-2022</u>
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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:	Date: <u>6-30-2022</u>

A. Review applicable land use rules:

This application is subject to the provisions of [Section 704, River and Stream Conservation Area \(RSCA\)](#) 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;
 - All existing and proposed structures, fences, retaining walls, roads, driveways, parking areas, other impervious surfaces, and easements, each with identifying labels and dimensions;
 - Setbacks of all structures from lot lines, easements, and the mean high water line of streams;
 - Existing vegetation and locations of proposed tree-cutting and grading activity;
 - Other significant natural features (steep slopes, wetlands, geologic hazards, 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).
- Elevations of proposed structures:** Attach to-scale drawings of each side of all proposed structures that include all measurements (height, length, width, and area).
- Cross-sections:** Provide cross-section drawings of any area within the vegetative buffer or filter strip where grading, filling, or excavating will occur.
- Buffer restoration plan:** Provide a stream buffer restoration plan showing the location, number, and species of native trees and vegetation to be planted.
- Evidence of required vegetation removal:** If any proposed vegetation removal within a stream's required setback area is required by the Oregon Department of Fish and Wildlife, provide a copy of written notification that such removal is required as part of a river or stream enhancement project.

C. Answer the following questions:

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

1. Provide a detailed description of all of your proposed development, repair work, and site preparation activities *and* identify the purpose of all proposed structures:

Replace two buildings with one building. Buildings have been present since about 1960 but certainly before 1998 as required. Present buildings encroach within about 5 ft of south property line but new building is proposed to increase this to current code of 10ft.

No further encroachment on the setback to the drainage ditch will be done and since rest of area to the West is existing driveway vegetation is not effected.

Building is intended to be general use with possible 600ft guest area. Both guest area and full building replacement dimensions are contingent on septic drain field modifications. The septic drain field modifications have no bearing on this request to allow construction since septic drainfield is outside the setback area.

2. ZDO [Subsection 704.05](#) allows exceptions to the minimum setback from a "Type F" stream. Explain how the use(s) described in your response to Question 1 is allowed within the setback because of an exception listed in Subsection 704.05:

This drainage ditch is 20ft to the south of property line on neighboring property and then about 30ft from new proposed building. While classified other than a drainage ditch on county maps there is strong evidence that this was done in violation of guidelines and likely fundamental Oregon law. Since this has not yet been corrected, this process is required.

The existing buildings have been present since about 1960 and certainly before the 1998 clackamas county implementation of these maps. The combination of historically existing buildings and historically existing driveway to the building along the south property line result in no additional impact to the 50ft buffer we are speaking about. In fact the new building will be further away then the existing building from this drainage ditch.

The drainage ditch is located on neighboring property about 20ft to south of south property line.

Since no impact to existing native vegetation is effected by this proposal the answer to

3. Are you proposing any commercial or industrial facility, such as a structure, parking area, or storage area?

NO

YES, but the commercial or industrial facility will comply with the setbacks required by ZDO Subsection 704.04, and signs will be screened from view of the principal river by an opaque vegetation buffer, as shown in the attached plans. I understand that commercial and industrial facilities are subject to design review, pursuant to Section 1102.

4. What percentage of the required setback area (distance) that will be preserved with native vegetation with *all* of the uses you've proposed in response to Question 1?

100 %

5. Will your proposal include tree cutting or grading?

NO

YES. Trees that endanger life or structures will be removed. Those trees are identified on the attached site plan and evidence (e.g., a report from a licensed arborist) that they endanger life or structures has been provided.

YES. The tree cutting and/or grading is necessary to accommodate the proposal, as described in the box below *and* disturbed areas that are outside the footprint of structures and other improvements will be restored with native vegetation, as also described in the box below:

YES. Vegetation removal has been approved by the Oregon Department of Fish and Wildlife, as part of a stream enhancement project and as described in the box below:

6. How will you restore disturbed areas of the stream buffer with native vegetation following your proposed development, repair work, and/or site preparation with native trees and vegetation? When will the restoration work be completed?

Not Applicable since new building replaces historically existing structures and historically existing driveway running east/west on south property line

No vegetation or trees in the drainage ditch area are affected by this building replacement.

FAQs

When is a Stream Conservation Area Review permit required?

Per Zoning and Development Ordinance (ZDO) [Section 704, River and Stream Conservation Area \(RSCA\)](#), no tree cutting or grading can occur within a specified distance of County-regulated streams, unless explicitly allowed by an exception listed in Section 704, and no structure exceeding 120 square feet or 10 feet in height is allowed within that buffer unless also listed as an exception. Determination of whether any tree cutting, grading, or structure is allowed within the buffer, and of the conditions that will apply to an approval, requires a Stream Conservation Area Review permit.

What is the permit application process?

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

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

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

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

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

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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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?

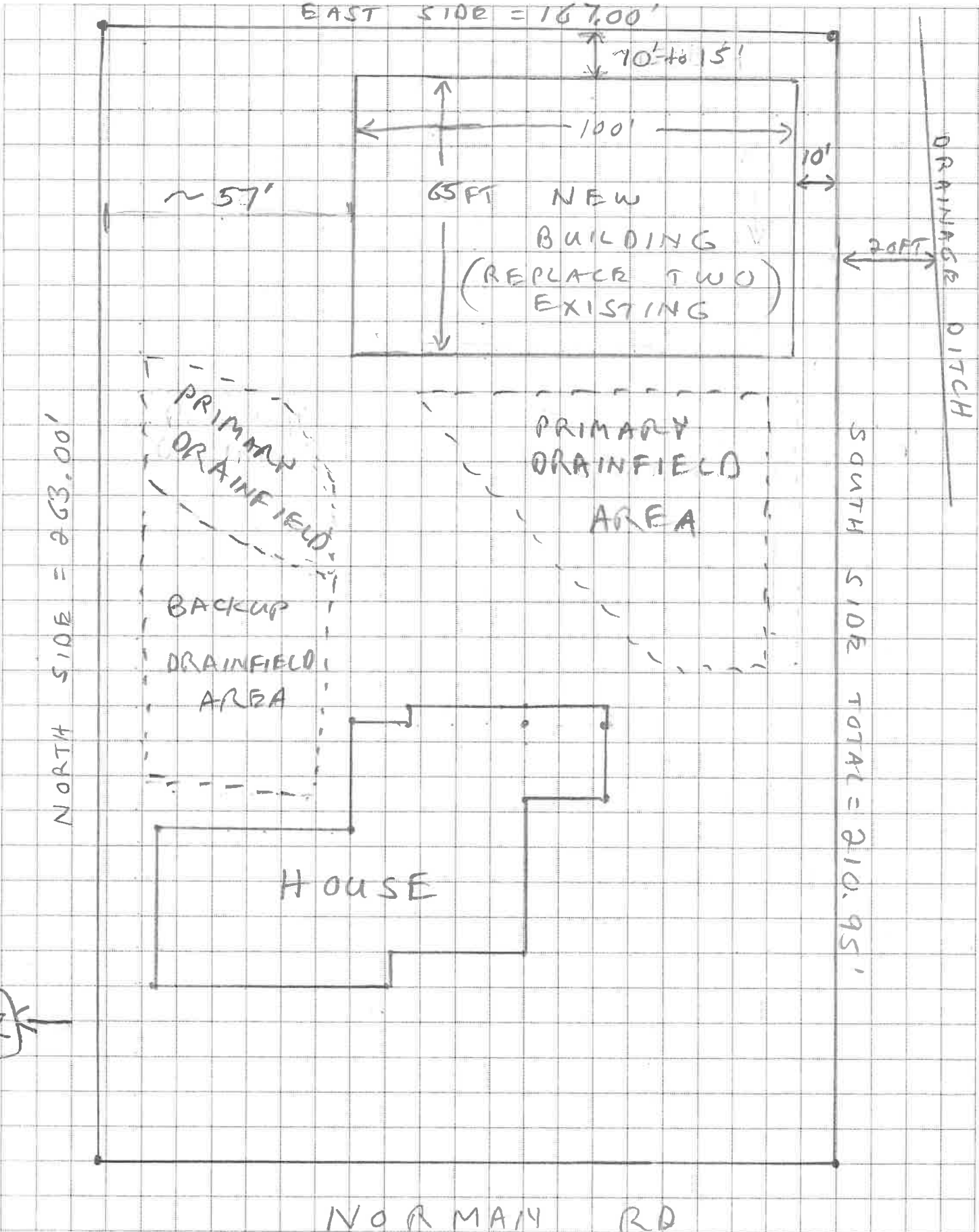


Address: 18140 S. NORMAN RD, OC, OR 97045

SITE PLAN

Township: 3 Section: 3E Range: 06B Tax Lot: 02801

For Permit Number (if known): _____





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NOTICE OF INCOMPLETE TYPE II OR III LAND USE APPLICATION

FILE NUMBER: Z0326-22-RSCA
APPLICATION TYPE: Type II
APPLICANT NAME: Brainard Brauer
SITE ADDRESS: 18140 S Norman Rd
STAFF CONTACT: Ben Blessing EMAIL: bblessing@clackamas.us
DATE OF APPLICATION SUBMITTAL: June 30, 2022
DATE DEEMED INCOMPLETE: July 22, 2022
DATE OF MAILING OF THIS NOTICE:
DEADLINE FOR SUBMITTAL OF MISSING INFORMATION: January 18, 2023

Your Type II or III land use application has been deemed **incomplete**. Pursuant to Subsection 1307.07(E) of the Clackamas County Zoning and Development Ordinance, your application will be void unless the missing information is submitted within 180 days of the date the application was first submitted. Upon voiding of an application, 75 percent of your application fee will be refunded, and you will need to reapply if you are still interested in obtaining this permit.

MISSING INFORMATION REQUIRED FOR A COMPLETE APPLICATION:

- A. ZDO Sec. 704.08(B): Provide elevations of the proposed structure (e.g. show a drawing of all four sides of the proposed building)

READ the second page, and make sure to check the appropriate box, sign date, and return to staff, assuming your provide what is asked above

IMPORTANT

Your application will be deemed complete, if, within 180 days of the date the application was first submitted, Planning and Zoning receives one of the following:

1. All of the missing information; or
2. Some of the missing information and written notice from you (the applicant) that no other information will be provided; or
3. Written notice from you (the applicant) that none of the missing information will be provided.

If any one of these options is chosen within 180 days of the date of the initial submittal, approval or denial of your application will be subject to the relevant criteria in effect on the date the application was first submitted.

Your application will be considered **void** if, on the 181st day after the date the application was first submitted, you have been mailed this notice and have not provided the information requested in Options 1-3 above. In this case, no further action will be taken on your application.

Applicant or authorized representative, please check one of the following and return this notice to: **Clackamas County Planning and Zoning, 150 Beaver Creek Road, Oregon City, OR, 97045**

- I am submitting the required information (attached); or
- I am submitting some of the information requested (attached) and no other information will be submitted; or
- I will not be submitting the requested information. Please accept the application as submitted for review and decision.


Signed

8-15-2022
Date

Brodnard Brauer
Print Name

