



NOTICE OF DECISION ON A TYPE II LAND USE PERMIT

Decision: Approved with Conditions

Permit Type: Partition

File No. Z0020-22-M

Proposal: RRFF-5 zone - 3.28 acre parcel, 2 parcel Multi Dwelling Land Division per ZDO 1012.02(B) - which allows a partition with reduced parcel size/density based on verification of multiple legally established dwellings (Z0075-22-NCU) on a subject property. As proposed and required a home will be located on each parcel. A Medium RSCA stream runs E/W through the center of the property, with an established crossing, S Clear Creek Rd.

Decision Date: October 20, 2022

Deadline for Filing Appeal: November 1, 2022, at 4:00 pm.

Unless appealed, this decision is effective on November 1, 2022 at 4:00 pm.

Issued By: Lizbeth Dance, Planner II, Ldance@clackamas.us

Assessors Map & Tax Lot(s): T3S R3E Section 23B Tax Lot 1100

Site Address: 22352 and 21312 S Redland Rd

Applicant: Scott and Jodi Bever

Owner: Diamond Securities LLC

Zoning: RRFF-5 –Rural Residential Farm Forest– 5 acre & TBR - Timber

Community Planning Organization (CPO) for Area:
Redland – Viola – Fischer’s Mill CPO

Contact: Lance Ward (Tel: 503-631-2550, Email: lanceward@aol.com)

Community Planning Organizations (CPOs) are part of the county’s community involvement program. They are advisory to the Board of County Commissioners, Planning Commission and Planning and Zoning Division on land use matters affecting their communities. CPOs are notified of proposed land use actions and decisions on land within their boundaries and may review these applications, provide recommendations or file appeals. 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.

OPPORTUNITY TO REVIEW THE RECORD: The submitted application is available for review online at <https://acela.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 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..

APPEAL RIGHTS: Any party disagreeing with this decision, or the conditions of approval, may appeal this decision to the Clackamas County Land Use Hearings Officer. An appeal must include a completed County Appeal Form and a \$250.00 filing fee and must be received by the Planning and Zoning Division by the appeal deadline identified on the first page of this decision.

The County Appeal Form is available at www.clackamas.us/planning/supplemental.html. Any party or parties appealing this decision may withdraw their appeal at any time prior to the hearing or final decision by the Hearings Officer. A party wishing to maintain individual appeal rights may file an individual appeal and pay the \$250.00 fee, even if an appeal by another party or parties has been filed.

A person who is mailed written notice of this decision cannot appeal this decision directly to the Land Use Board of Appeals under ORS 197.830.

APPLICABLE APPROVAL CRITERIA: This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 202, 316, 704, 1001, 1002, 1003, 1006, 1007, 1012, 1105 and 1307.

PUBLIC AND AGENCY COMMENTS:

Notice was sent to applicable agencies and owners of property within 500 feet. Comments received relating to the applicable approval criteria listed above are addressed in the Findings Section. Comments from the following were received:

Agencies:

Clackamas County Engineering and Transportation Department provided comments that are included in conditions and findings of this decision and attached as advisory notes herein.

Public Comments: 2 comments were received regarding this application addressing concerns related to dwellings. Relevant concerns outlined in these comments are addressed in conditions and findings of this decision.

CPO Comments: The CPO did not provide comments.

All comments have been added to the record and are available upon request.

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.

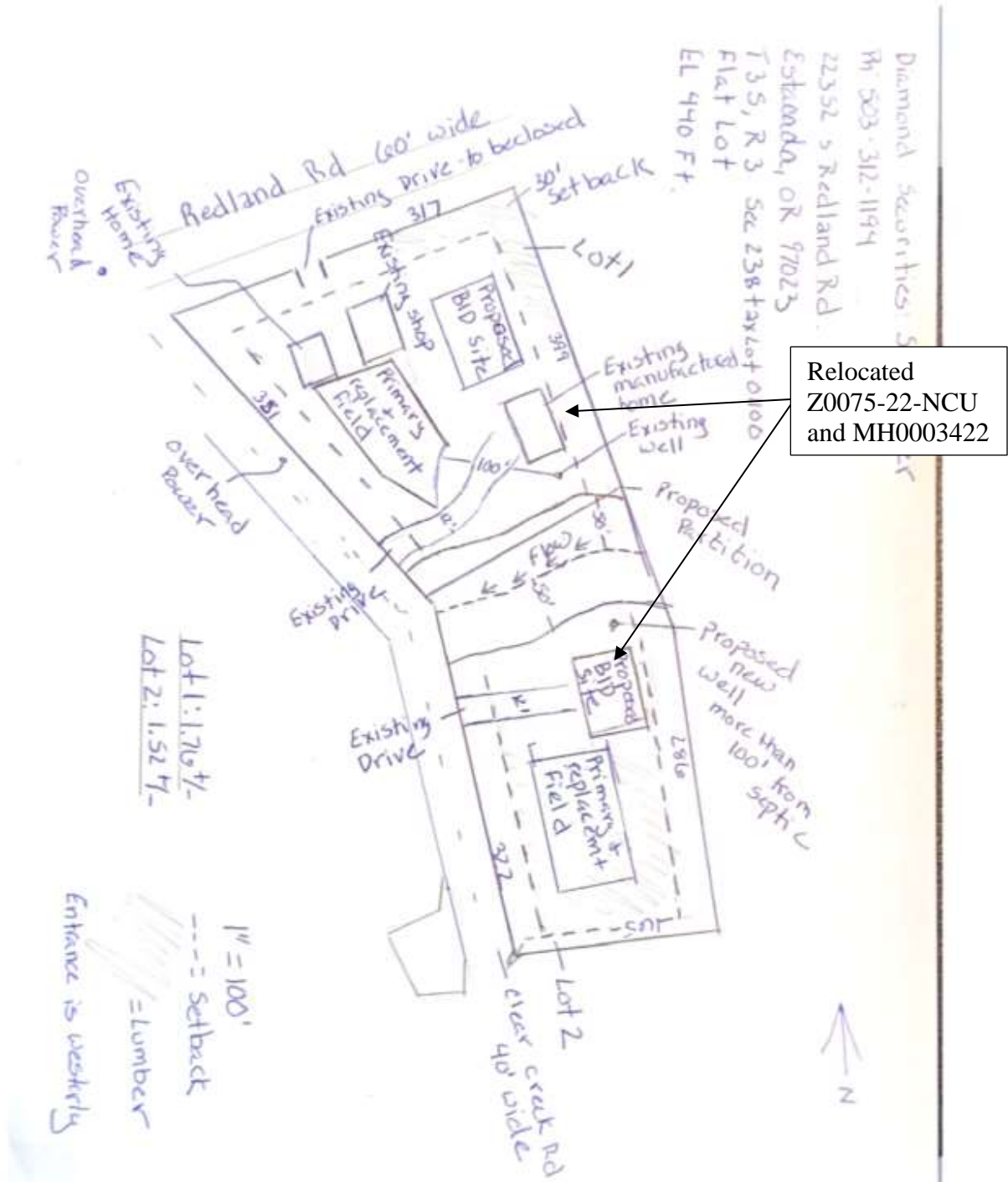
Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email DRenhard@clackamas.us.

503-742-4545: ¿Traducción e interpretación? |Требуется ли вам устный или письменный перевод?翻译或口译? | Cán Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

Vicinity Map



Partition Plan



CONDITIONS OF APPROVAL The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parentheses.

1. Approval of this land use permit is based on the submitted written narrative and plan(s) filed with the County on 1/13/2022, 2/1/2022, 2/28/2022, 10/18/2022. No work shall occur under this permit other than which is specified within these documents, unless otherwise required or specified in the conditions below. It shall be the responsibility of the property owner(s) to comply with this document(s) and the limitation of any approval resulting from the decision described herein.
2. Prior to any earth disturbing activity, the applicant/property owner shall complete the following:

I. General Conditions: Lizbeth Dance, (503) 742-4524, Ldance@clackamas.us

- 1) Preliminary partition approval is based upon the preliminary partition and these conditions of approval. Any change in design, including lot layout and access to lots, must be approved by the Planning and Zoning Division prior to final plat approval. No work shall occur under this permit other than which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with this document(s) and the limitations of approval described herein.
- 2) This decision becomes effective the day after expiration of the appeal period (if not appealed). After that date, no changes to these conditions can be made without a new land use application unless otherwise specified herein.
- 3) The services of a registered professional land surveyor and a civil engineer are required to satisfy these conditions of approval.
- 4) **Platting:** Pursuant to ORS 92, five (2) copies of the draft partition plat survey of the development shall be submitted to the Engineering Division for routing & review.
 - a. A copy of the final plat survey and review deposit shall also be submitted separately to the County Surveyor's office for review.
 - b. After the draft plat is approved by the Planning & Zoning Division staff and reviewed by the Survey Department, one (1) mylar copy and two (2) paper copies of the final plat shall be submitted to the County Engineering Division for final review.
 - c. The draft and final plats shall be prepared by a registered professional land surveyor in a form and with information consistent with the provisions of ORS 92, relevant portions of ORS 209.250, the County ZDO, Chapters 11.01 and 11.02 of the County Code and these conditions of approval.
 - d. When final approval is given by the Planning and Zoning Division and the final plat is approved by the County Surveyor, the plat must then be filed and recorded with the

County Clerk. All property taxes shall be paid in full for the current year in order for the plat to be recorded.

- e. None of the individual parcels may be sold, transferred or assigned until the final plat has been approved by the County Surveyor and recorded with the County Clerk.
- 5) **Approval Period:** Pursuant to subsection 1106.05(A) of the ZDO, this preliminary partition approval is valid for **four years** from the date of this final written decision. **Failure to record the final partition plat with the County Clerk within four years of the date of this decision will void this approval unless a time extension is approved (see following).**
- 6) **Time Extensions:** Prior to expiration of this approval, the applicant may request a single two-year extension of the preliminary approval subject to the criteria set forth in Section 1310 of the ZDO.
- 7) **Easements:** All existing, proposed and required easements shall be shown upon the final plat.
- 8) **Fire Protection:** **Prior to final plat approval,** the applicant shall submit stamped and approved plans or written verification from the Estacada Fire District # 69, Fire Marshal indicating that the access and fire flow standards have been, or will be met.
- 9) **Building Codes:** Building construction on any of the approved lots shall be consistent with Oregon Plumbing Specialty Code, Oregon Residential Specialty Code, Oregon Structural Specialty Code and/or Oregon Manufactured Home Standard requirements, as administered by the DTD, Building Codes Division. Foundation drain requirements shall be designed to ensure structural stability and proper foundation and crawl space drainage.
- 10) **Water Service:** No water service is available for the property. Wells have been established for both home sites and will continue to be maintained.
- 11) **On-site Septic Systems:** Installation of septic systems shall comply with the requirements of the Oregon DEQ rules administered by the County Septic and Onsite Wastewater staff. Care shall be taken in the location of homes, wells, driveways, etc. to ensure that the approved drainfield and repair areas within the parcels are not compromised. Approved Septic locations shall be indicated on the preliminary plat map
- 12) **Utilities:** Pursuant to Subsection 1006 of the ZDO, electricity, gas, and communications services shall be installed consistent with the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, **all new or relocated utilities shall be installed underground and in accordance with the requirements of the service providers.**

II. County Surveyor Conditions: County Survey department (503) 742-4475.

- 1) All partition plats shall be prepared pursuant to ORS 92 and County Code Chapters 11.01 and 11.02.
- 2) Any private access easements should also contain provisions for public utility services such as water, electricity, communications, natural gas, storm drainage, sanitary sewer, emergency services, etc.
- 3) New easements should include a statement that the easements are for the lots or parcels shown and any future divisions thereof.
- 4) Easements created for access to parcels that can be redeveloped or further divided shall contain language that would allow the access and utilities easement(s) used by any additional development or parcels created in future. Any private easements should also contain provisions for public utility services such as water, electricity, communications, gas, storm drainage, sanitary sewer, etc.

III. Planning and Zoning Division Conditions: Contact: Lizbeth Dance, 503-742-4524, Ldance@clackamas.us

- 1) Future construction on the proposed parcels shall be subject to the use, dimensional and development standards of Section 316, the relevant requirements of Section 1001.02 of the ZDO and relevant conditions of approval herein.
- 2) Underground utilities are required for this partition for all new development and shall be installed pursuant to the requirements of the utility service providers serving the development.
- 3) **A plat note** stating no public water is available at this site.
- 4) **On the final plat:** Per ZDO 704 RSCA and 1002, Protection of Natural features the Medium stream and associated DSL wetland with 70' buffer measured from its ordinary high water mark of either side shall be represented on the Final Plat as a **Restricted Development Area** with a **Plat Note – Future development in the restricted development area will require additional Land Use and DSL review.**

IV. Onsite Wastewater Treatment Conditions:

Prior to final plat approval, applicant shall submit to the Clackamas County Onsite Wastewater Program (Onsite Program) a site plan that complies with the following standards:

- 1) Site plan shall be prepared and stamped by an Oregon registered professional engineer or Oregon registered professional land surveyor.
- 2) Site plan shall delineate the approved area for installation of the primary and/or replacement absorption systems (approval area) as approved under site evaluation file(s) SE054821 and SE054921.
- 3) Site plan shall demonstrate that the approval area, or any existing system if it is proposed to remain in use, is located entirely on the proposed lot or parcel (lot) that the onsite wastewater treatment system will serve or within an easement on one of the

other proposed lots, provided that such easement complies with the requirements of the Onsite Program. Such easement shall be properly documented on the final plat.

- 4) Site plan shall label proposed setback distances from the approval area to structures, wells, surface waters and proposed lot lines. The proposed setback distances shall comply with the regulations administered by the Onsite Program.

Prior to approval of the certificate of occupancy for each new dwelling, a construction permit for an onsite wastewater treatment system to serve that dwelling, and an approved final inspection of the system, shall be obtained from the Onsite Program. This condition is not applicable to any dwelling served by an existing system that complies with the requirements of the Onsite Program.

V. County Engineering Division Conditions: Jonny Gish; Jgish@clackamas.us

Conditions for Roads & Connectivity:

1) Overview:

- a. The following items are project requirements from the Department of Transportation and Development's Development Engineering Division. These conditions of approval are not intended to include every engineering requirement necessary for the successful completion of this project, but are provided to illustrate to the applicant specific details regarding the required improvements that may prove helpful in determining the cost and scope of the project. These conditions are based upon the requirements detailed in the County's Comprehensive Plan (Comp Plan), the County's Zoning and Development Ordinance (ZDO) and the County's Roadway Standards. Additional requirements beyond those stated in the conditions of approval may be required once plans have been submitted and reviewed. The applicant may discuss the requirements of the project with staff at any time.
- b. The requirements specifically required by the Comprehensive Plan and the ZDO cannot be modified by the Development Engineering Division. However, the requirements detailed in these conditions of approval, derived from the County Roadway Standards, are based upon nationally accepted standards and engineering judgment and may be modified pursuant to Section 170 of the Roadway Standards. The applicant is required to provide sufficient justification to staff in the request. Staff shall determine if a modification is warranted.

2) General Provisions:

Prior to Final Plat approval

- a. The applicant shall obtain a Development Permit from the Engineering Department for review and approval of frontage improvements, erosion control Best Management Practices implemented, sight distances and driveway improvements. The permit shall be obtained prior to commencement of site work and recording of the partition plat. To obtain the permit, the applicant shall submit construction plans prepared and stamped by an Engineer registered in the State of Oregon, or plans

acceptable to the Engineering Division, provide a performance guarantee equal to 125% of the estimated cost of the construction within the existing County right-of-way and pay a plan review and inspection fee. The fee will be calculated as a percentage of the construction costs if it exceeds the minimum permit fee. The minimum fee and the percentage will be determined by the current fee structure at the time of the Development Permit Application.

- b. The applicant shall dedicate a sufficient right-of-way to provide for a minimum 24-foot half-street right-of-way from centerline along S Clear Creek Rd.
- c. The applicant shall provide a plat note restricting parcel 1 from vehicular access to S Redland Rd without Jurisdictional approval.
- d. The applicant shall meet the requirements set forth within Section 190 of the Clackamas County *Roadway Standards*.
- e. The applicant shall provide and maintain minimum stopping sight distances at the existing private drive access with S Clear Creek Rd. Intersection sight distance shall restrict plantings at maturity, retaining wall, embankments, trees, fences or any other objects that obstruct vehicular sight distance. Minimum required intersection sight distance is 200-foot north and south bound along S Clear Creek Rd.

Prior to Development Permit issuance the applicant shall show approvable plans showing the following improvements:

- f. The removal the existing access to parcel 1 and reestablish the drainage swale.
- g. Show all utility work within County right-of-way on the approved plans or obtain Utility Permits for utility connections and work within County right-of-way.
- h. Paving of the two existing access to S Clear Creek Rd per Standard Detail D500.
- i. Provide written approval from the Fire Marshal for emergency access and circulation of the existing private access. If greater than 150 feet, a fire apparatus turnaround at or near the end of the shared private roadway will be required, per Standard Drawing C350 at a location approved by Clackamas Fire and Engineering staff.

FINDINGS

The findings below identify the standards and criteria that are relevant to this decision, state the facts relied upon in rendering the decision, and explain the justification for the decision.

I. PROJECT OVERVIEW:

The property is currently developed with 2 legally established single family homes, the proposal is for a Multi Dwelling land division as outlined in ZDO 1012, with verification that multiple dwellings are established on the property and that one dwelling will be located on each proposed parcel.

The subject property is Tax Lot 1100 of Assessor's Map 33E23B, which is bisected by S Clear Creek Rd. Nearly all of the subject property is on the east side of S Clear Creek Rd and zoned RRFF-5; approximately 4,000 square feet of the subject property is on the west side of S Clear Creek Rd and zoned TBR. A Medium Stream runs east-west through the center of the property along the proposed property boundary separating the homes.

The subject property was not zoned at all or subject to any County land use regulations until June 9, 1970, when it was zoned RA-1-5. On August 23, 1979, the portion of the property on the west side of S Clear Creek Rd was zoned General Timber (GT) and the portion on the east side was zoned to its current RRFF-5 designation. The GT-zoned portion was rezoned to its current TBR Designation in the early 1990s.

Pre-application ZPAC0027-20 notes were provided 3/21/2020, this partition application was submitted within two years of the pre-application meeting.

- 1) This application is subject to Section(s) 316, 406, 1001, 1002, 1003, 1006, 1007, 1105, 1012, 1015 and 1307 of the Clackamas County Zoning and Development Ordinance (ZDO) and the County Roadway Standards. The Clackamas County Planning and Zoning staff have reviewed these Sections of the ZDO in conjunction with this proposal and make the following findings and conclusions:
- 2) Section 1105 of the ZDO sets forth the process, standards and requirements for a land use application for a Partition.
 - A. A Partition is defined as a division of property that creates three or fewer parcels in a calendar year and shall be processed as an administrative decision by the Planning Director, or designate, pursuant to subsection 1305.02. The proposed request is a partition to create two parcels. The applicant has submitted a complete application on County forms consistent with the requirements of ZDO Secs. 1105 and 1307.
 - B. Pursuant to Section 1105, partitions shall comply with the ZDO and Oregon Revised Statutes (ORS) Chapter 92. Compliance with the applicable provisions of the ZDO is discussed in the findings that follow. Compliance with County subdivision criteria and procedures will satisfy the relevant requirements of ORS 92 as well.

- 3) Sections 316 of the ZDO sets forth the allowed uses, dimensional standards and development requirements of the RRF-5 zoning districts. The use and development of the proposed lots is subject to Section 316 as they are located within the RRF-5-zone.

The applicant is proposing to divide the property into two parcels each with an established homesite.

Finding: *Based upon the information shown upon the preliminary plan, the proposed partition meets standards for a Multi Dwelling Land Division. General lots sizing criteria of the RRF-5 zone do not apply.*

- 4) Section 1012 Lot Size and Density

1012.02 Minimum Lot Size Exceptions

In subdivisions, partitions, and replats, lots and parcels shall comply with the minimum lot size standards, if any, of the applicable zoning district, except as established by Subsections 1012.02(A) through (I).

- A. Two or More Lawfully Established Dwellings on One Lot of Record: If a lot of record is not large enough to be divided in compliance with the minimum lot size standard of the applicable zoning district, the standard is waived if there are two or more lawfully established dwellings located on one lot of record with a Comprehensive Plan land use plan designation of Low Density Residential, Unincorporated Community Residential, or Rural. At least one of the lawfully established dwellings shall be located on each lot or parcel created pursuant to Subsection 1012.02(C). Subsection 1012.02(C) does not apply to the creation of separate lots or parcels for:

Finding: *This property is in the RRF-5 zone a rural residential zoning district the parcel is currently under 5 acres. Verification of 2 lawfully established dwellings has been provided and assessed through associate Non-Conforming use reviews Z0461-19-E and Z0075-22-NCU stating “The RRF-5 District generally only allows one primary dwelling unit per lot of record. However, in 2019 under File No. Z0461-19-E, the County already formally verified that two then-existing dwellings, a “stick-built” detached single-family dwelling built in 1870 and a 1971 “Lampighter” mobile home, were lawfully sited in the RRF-5 zoned portion of the property prior to 1979, had not by 2019 ever discontinued for 12 consecutive months, and were therefore legally nonconforming.”*

One of the established homes has been relocated as allowed per Z0075-22, verified by finale Mobile Home placement Permit MH0003422, ensuring the partition as proposed will have a home located on each 1.60 acre parcel. As represented within referenced land use determinations and finale development permits these standards are met.

- 5) Section 704 River and Stream Conservation Area (RSCA) 704.01 sets forth the guidelines to maintain the integrity of the rivers and streams in the County by minimizing erosion, promoting bank stability, maintaining and enhancing water quality and fish and wildlife habitat, and preserving scenic quality and recreational potential; and Maintain rivers in their natural state to the maximum extent practicable, thereby recognizing their natural, scenic, historic, economic, cultural, and recreational qualities; to Implement the River Design Plans set forth in Chapter 3 of the Comprehensive Plan.

Section 704 also applies to land that is located within 70 feet of the mean high water line of Medium Type F streams, identified on the WPRC Maps. The location of these streams may vary from these maps if more specific information is provided. Classified as SCAs, these medium streams are designated in the Comprehensive Plan as those that generally have annual average flows of less than two cubic feet per second.

Finding: *There is a Medium RSCA stream identified in the WPRC maps also identified on the applicant provided site plan both included herein that runs east west through the center of the property. This Medium Stream is unnamed with an associated open water wetland. There is an established road – Clear Creek Rd which provided access to both proposed parcels as currently developed. A 70’ restricted Development Area shall be identified from either side of this Medium stream on the Plat Map. As **conditioned this Criteria can be met.***

- 6) 704.07 Vegetation and Preservation requirements within the 70’
- a) A minimum of 75 percent of the setback area (distance) shall be preserved with native vegetation.
 - b) Tree cutting and grading shall be prohibited within the buffer or filter strip, with the following exceptions:
 - 1. Trees that endanger life or structures may be removed.
 - 2. Tree cutting and grading may be permitted in conjunction with those uses listed in Subsections 704.05 and 704.06, to the extent necessary to accommodate those uses. Disturbed areas that are outside the footprint of structures and other improvements shall be restored with native vegetation.
 - c) Vegetation removal may occur when approved by the Oregon Department of Fish and Wildlife, upon written notification that such removal is required as part of a river or stream enhancement project.

Finding: *If future development either parcel is proposed within or expansion of the stream crossing of the wetland and medium stream additional RSCA review in conjunction with DSL will be required. As **Conditioned this criteria can be met.***

- 7) Section 1001 of the ZDO sets forth the general provisions of the 1000 Sections that, taken together, set forth the general standards for development of property and associated facilities within the unincorporated area of Clackamas County.
- A. Pursuant to Subsection 1001.02(A), the standards set forth in the 1000 Sections apply to all partition applications and approvals.

Finding: *As proposed these standards are met.*

- 8) Section 1002 of the ZDO sets forth the standards, requirements and considerations that pertain to the protection of the natural features of Clackamas County.

Finding: *The property contains a Medium Stream with associated protected buffers. As identified in findings and conditions per ZDO 704 this are will be identified on the final plat. No other Natural features are identified in the subject property.*

- 9) Section 1002.01 Hillside A. Development on slopes greater than or equal to 20 percent and less than or equal to 35 percent—except that for residential development in the RR, MRR, and HR Districts, the upper limit is 25 percent—shall require review of a Type I application pursuant to Section 1307, Procedures, and shall be subject to the following standards:

1. No partition or subdivision shall create any new lot or parcel which cannot be developed under the provisions of Subsection 1002.01.

Finding: *The property relatively flat, slopes as identified do not exceed 9%. This standard is not applicable.*

- 10) Sec. 1003 of the ZDO pertains to hazards to safety such as landslides, floodplains, soil hazards, and fire hazard area. The intent of these standards is to protect lives and property from natural or man-induced geologic or hydrologic hazards and disasters.

Finding: *There are no mapped DOGAMI areas on the property. The property does contain landslide topography or other specific soils hazards. The site does not contain regulatory floodplain area. The site is not within a designated wildfire hazard area. These standards do not apply*

- A. The staff has reviewed all available sources; e.g. NWI maps, County Wetlands Inventory and the County Soil Survey, there is evidence that the area of the proposed home sites contain a jurisdictional wetland however as proposed development can be located outside of the wetland areas.

Finding: *The Medium Stream as identified herein is also identified as an open water wetland. This area and its required buffer area will be identified on the final plat. As Conditioned this standard can be met.*

- 11) Section 1006 of the ZDO sets forth the standards, requirements and considerations that pertain to water supply, sanitary sewer, surface water and utilities services concurrency.

- A. Pursuant to Subsection 1006.01A- The location, design, installation, and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbance of soil and site consistent with the rules and regulations of the surface water management regulatory authority.

Finding: *Based upon the preliminary plans information submitted with this application, the staff of these reviewing bodies have determined that it is feasible to comply with the requirements of this section.*

B. Pursuant to Subsection 1006.01B. All development that has a need for electricity, natural gas, and communications services shall install them pursuant to the requirements of the utility district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be installed underground. A condition of approval to this effect is warranted.

Finding: *The applicant states that all electric, gas and communication services will be installed pursuant to the requirements of the applicable district or company. As conditioned this criterion can be met.*

C. Coordinated installation of necessary water, sanitary sewer, and surface water management and conveyance facilities is required.

Finding: *Construction/installation of utilities will be coordinated. Each individual lot will have septic systems and wells installed in areas approved by the county. Septic systems are currently installed as homesites are established on each proposed parcel. All runoff from the site will sheet flow and eventually infiltrate. The future development should be graded to provide positive drainage away from their foundations, and the downspouts from roof runoff can drain to the ground surface, directed away from the homes, allowing the runoff to infiltrate into the ground. Specific runoff for future homes would be further addressed at the time of the building permits. Clackamas County is the surface water management authority for the area including the subject site. The proposal must be in conformance with Chapter 4 of the Clackamas County Roadway Standards. Positive drainage must be provided to an existing storm drainage system capable of accommodating the estimated contribution. As conditioned this criterion can be met.*

D. Easements shall be provided along lot lines as deemed necessary by the County, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency.

Finding: *The applicant shall provide written verification from an attorney, surveyor or professional engineer certifying Parcel 1 and 2 have legal access. A condition of approval is warranted to assure compliance with this standard.*

E. Pursuant to Subsection 1006.02, street lights shall be required for all developments inside the urban growth boundary, as outlined under this Subsection.

Finding: *The site is not located within the Portland Metropolitan Urban Growth Boundary. This criterion is not applicable.*

F. Water Supply: Pursuant to Subsection 1006.03(F) specifies the requirements for water supply outside the Portland Metropolitan Urban Growth Boundary.

G. Applicants shall specify a lawful water source for the proposed development, such as a public or community water system, certificated water right, or exempt-use well.

Finding: *Both parcels have established homesite on them. Water is provided to each home site by an exempt well. A plat note stating no public water is available at this site is required. A conditions of approval will be imposed to assure compliance with these standards.*

ZDO 1006.05(A): All development proposing subsurface sewage disposal shall receive approval for the system from the County prior to submittal of a land use application for development. Said systems shall be installed pursuant to Oregon Revised Statutes 454.605 through 454.745 and Chapters 171, 523, and 828; Oregon Administrative Rules Chapter 340, Divisions 71 and 73; and the policies of the County.

Finding: *The parcels created by this proposed land division will be served by subsurface sewage disposal (more properly called onsite wastewater treatment). Under the relevant statutes and administrative rules, approval of a new onsite wastewater treatment system requires an approved site evaluation. The site evaluation details the requirements for construction of the future system. The applicant has submitted an approved site evaluation for a system to serve a single-family dwelling on proposed parcels 1 and 2. See file SE054821 and SE054921. These records appear to demonstrate that the approved area for installation of each onsite wastewater treatment system (is contained within the proposed lot lines for the lot that the system will serve. Conditions of approval will require that prior to final plat approval the applicant shall submit a site plan sufficient to verify the location of each onsite wastewater treatment system approval area, and each existing system proposed to remain in use, relative to the new lot lines, as well as any necessary easement documents if system locations prove to be outside the boundaries of the lots they will serve. Installation of the future system(s) must comply with the statutes and administrative rules cited above and administered by the Clackamas County Onsite Wastewater Program. Conditions of approval will require such compliance.*

H. 1006.07- Preliminary Statement of Feasibility

Finding: *All Statements of Feasibility for On Sit Surface Water Management, Septic - were provided with the submittal of this partition request.*

12) ZDO Section 1007 ROADS AND CONNECTIVITY

1007.01 GENERAL PROVISIONS

- A. The location, alignment, design, grade, width, and capacity of all roads shall be planned, coordinated, and controlled by the Department of Transportation and Development and shall conform to Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards. Where conflicts occur between Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards, the Comprehensive Plan shall control.

Finding: *The applicant is not proposing any new county or private roads. This criteria does not apply.*

- B. Right-of-way dedications and improvements shall be required of all new developments, including partitions, subdivisions, multifamily dwellings, two- and three-family dwellings, condominiums, single-family dwellings, and commercial, industrial, and institutional uses, as deemed necessary by the Department of Transportation and Development and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.

Finding: *The proposed development is located at the SE corner of the intersection of S Redland Rd and S Clear Creek Rd, both public roads are under the jurisdiction of Clackamas County DTD.*

*According to Clackamas County Comprehensive Plan Map 5-4b, S Redland Rd is classified as a rural major arterial, which requires a minimum 60-foot right-of-way per standard detail C140. The proposed development has an existing half-street right-of-way of 30 feet along the entire frontage of S Redland Rd. **This criteria is met.***

S Clear Creek Rd is classified as a rural local road, which requires a minimum 48-foot right-of-way per standard detail C110. The applicant has submitted a recent recorded survey (SN2021-184) which shows a 40.45-foot right-of-way along the majority of frontage of S Clear Creek Rd, with a larger right-of-way on the west side that varies at the intersection with S Redland Rd.

*The applicant will be required to dedicate sufficient right-of-way along S Clear Creek Rd to provide for a minimum of 24-feet from centerline along the entire frontage of S Clear Creek Rd. **This criteria can be met.***

- C. New developments shall have access points connecting with existing private, public, county, or state roads.
 - 1. Access control shall be implemented pursuant to Chapter 5 of the Comprehensive Plan and the Clackamas County Roadway Standards considering best spacing for pedestrian access, traffic safety, and similar factors as deemed appropriate by the Department of Transportation and Development.

Finding: *The proposed development is located on the SE corner of the intersection of S Redland Rd, a major arterial, and S Clear Creek Rd, a local road. There is an existing home with direct access to S Redland Rd.*

Section 220.4 of the Roadway Standards requires private driveway accesses subject to land use approval to take access from the lower classified road.

*The applicant has submitted plans showing the removal of the existing access to S Redland Rd and using an existing access to S Clear Creek Rd. The applicant will be required to show the existing driveway is a minimum of 100 feet from the intersection with S Redland Rd, per Section 220.3 Table 2-2. **This criteria has been met.***

1007.02 PUBLIC AND PRIVATE ROADWAYS

- D. All roadways shall be developed according to the classifications, guidelines, tables, figures, and maps in Chapters 5 and 10 of the Comprehensive Plan and the provisions of the Clackamas County Roadway Standards.
 - 1. Development along streets with specific design standards specified in Chapter 10 of the Comprehensive Plan shall improve those streets as shown in Chapter 10.

Finding: *Clackamas County Comprehensive Plan Map 5-2a, Planned Bikeway Network Urban, identifies S Redland Rd as an existing bikeway, which requires a minimum eight-foot wide bikeway to be constructed along the entire frontage.*

*The proposed development has two existing homes associated on one lot and no additional homes are proposed. Staff finds that the cost of this improvement is not proportional to the proposed development. **This criteria does not apply.***

2. Development adjacent to scenic roads identified on Comprehensive Plan Map 5-1, *Scenic Roads*, shall conform to the following design standards, as deemed appropriate by the Department of Transportation and Development:

Finding: *Clackamas County Comprehensive Plan Map 5-1, Scenic Roads, identifies S Redland Rd as a Scenic Road, which requires road shoulders to be improved to accommodate pedestrian and bicycle traffic along with turnouts at viewpoints to be constructed.*

*The existing conditions along the frontage of S Redland Rd provides a minimum two-foot graveled edge with a gentle sloped grass vegetated shoulder. Furthermore, staff finds that additional improvements are not proportional to the proposed development. **This criteria does not apply.***

1007.03 PRIVATE ROADS AND ACCESS DRIVES

- E. Private roads and access drives shall be developed according to classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, *Typical Roadway Cross Sections*, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards, except:

Finding: *The applicant has submitted plans showing two existing driveways accessing S Clear Creek Rd, one for each parcel.*

*The applicant will be required to pave both existing entrances to S Clear Creek Rd to meet standard detail D500. **This criteria can be met.***

3. The intersection of private roads or access drives with a public or county road and intersections of two private roads or access drives shall comply with the sight distance and clear zone standards pursuant to Subsection 1007.02(D).

Finding: *The applicant has submitted plans showing two existing driveways accessing S Clear Creek Rd, one for each parcel.*

Section 240.2(e) requires existing access that add less than 20 daily trips to provide stopping sight distance per Table 2-10.

S Clear Creek Rd has a posted advisory speed limit of 30 mph, which requires a minimum of 200-feet of stopping sight distance per Table 2-10.

*The applicant will be required to provide a minimum of 200-feet of stopping sight distance from both existing private drives accessing S Clear Creek Rd. **This criteria can be met.***

1007.04 PEDESTRIAN AND BICYCLE FACILITIES

- F. General Standards: Pedestrian and bicycle facilities shall be developed according to the classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, *Typical Roadway Cross Sections*, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.

Finding: *Clackamas County Comprehensive Plan Map 5-2a, Planned Bikeway Network Urban, identifies S Redland Rd as an existing bikeway, which requires a minimum eight-foot wide bikeway to be constructed along the entire frontage.*

*The proposed development has two existing homes associated on one lot and no additional homes are proposed. Staff finds that the cost of this improvement is not proportional to the proposed development. **This criteria does not apply.***

1007.07 TRANSPORTATION FACILITIES CONCURRENCY

- G. Subsection 1007.07 shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.

Finding: *Per ZDO subsection 1007.07, adequate roadway capacity is required to handle the additional traffic generated by the development. The applicant is proposing a two-lot partition. The proposed development has two existing homes associated on one lot with short-distance access to a major arterial.*

*Staff finds that the current infrastructure is able to support the anticipated traffic generated by the proposed development. Therefore, concurrency standards do not trigger the requirement of a traffic analysis. **This criteria does not apply.***

SUMMARY: The Planning and Zoning Staff finds that the applicant has submitted information which demonstrates that it is feasible for the applicant to satisfy the relevant standards of the Zoning and Development Ordinance and other County and State Regulations, as outlined in Section 3 of this report for the proposed partition and subject to compliance with the conditions of approval. The imposition of Conditions of Approval found in Section 2 will assure compliance with the Code.

DECISION: Based on the findings and conclusions herein, this application is hereby **APPROVED** subject to the conditions of approval found in Section 2.

ADVISORY NOTES

Advisory notes are not a part of the decision on this land use permit. The items listed below are not conditions of land use approval and are not subject to appeal. They are advisory and informational only but may represent requirements of other agencies/departments. As such, they may be required by these other agencies/departments in order to complete your proposed development.

No advisory notes included.