



**NOTICE OF DECISION ON A TYPE II LAND USE PERMIT**

**Decision:** Approved with Conditions

**Permit Type:** Mass Movement Hazard Area Development

**File No.** Z0081-24

**Applicant's Proposal:** A replacement dwelling within a mapped landslide hazard area. Development on mapped landslide hazards is regulated pursuant to ZDO Section 1003.02.

**Decision Date:** May 6, 2024

**Deadline for Filing Appeal:** May 20, 2024, at 4:00 pm.

**Issued By :** Taylor Campi, Senior Planner, [TCampi@clackamas.us](mailto:TCampi@clackamas.us)

**Applicant:** Debois, Mike

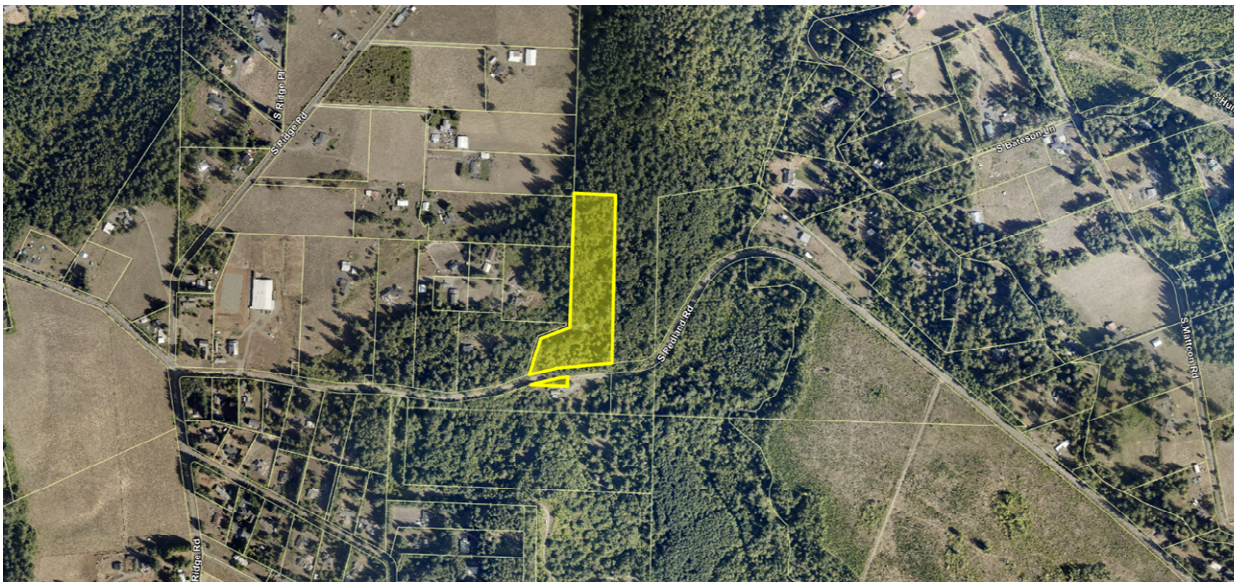
**Owner of Property:** Debois Chester F Trustee

**Zoning:** RRFF-5

**Assessor's Map & Tax Lot(s):** T3S R3E Section 15CC Tax Lot 01900

**Site Address:** 21121 S Redland Rd, Oregon City, OR 97045

**Location Map**



**Community Planning Organization (CPO) for Area:**

Redland-Fischers Mill-Viola CPO: WARD LANCE 503-631-2550 / LANCECWARD@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 Clackamas County Community Engagement at 503-655-8751.

**Opportunity to Review the Record and Decision:** The complete decision, including findings and conditions of approval, and the submitted application are available for review online at <https://accela.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. A copy of the decision, application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost by contacting the Planner listed above. Copies of all documents may be purchased at a cost established by the County fee schedule.

**Appeal Rights:** **This decision will not become final or effective until the period for filing an appeal with the County has expired without the filing of an appeal.** Any person who is adversely affected or aggrieved or who is entitled to written notice of the decision pursuant to Subsection 1307.09(C) of the Clackamas County Zoning and Development Ordinance may appeal this decision to the Clackamas County Land Use Hearings Officer by filing a written appeal. An appeal must include a completed Appeal Form available at [www.clackamas.us/planning/supplemental.html](http://www.clackamas.us/planning/supplemental.html) and a \$250.00 filing fee and must be **received** by the Planning and Zoning Division by the appeal deadline identified above.

Appeals may be submitted in person during office hours (8:00 am to 4:00 pm Monday through Thursday, closed Friday and holidays). Appeals may also be submitted by email or US mail.

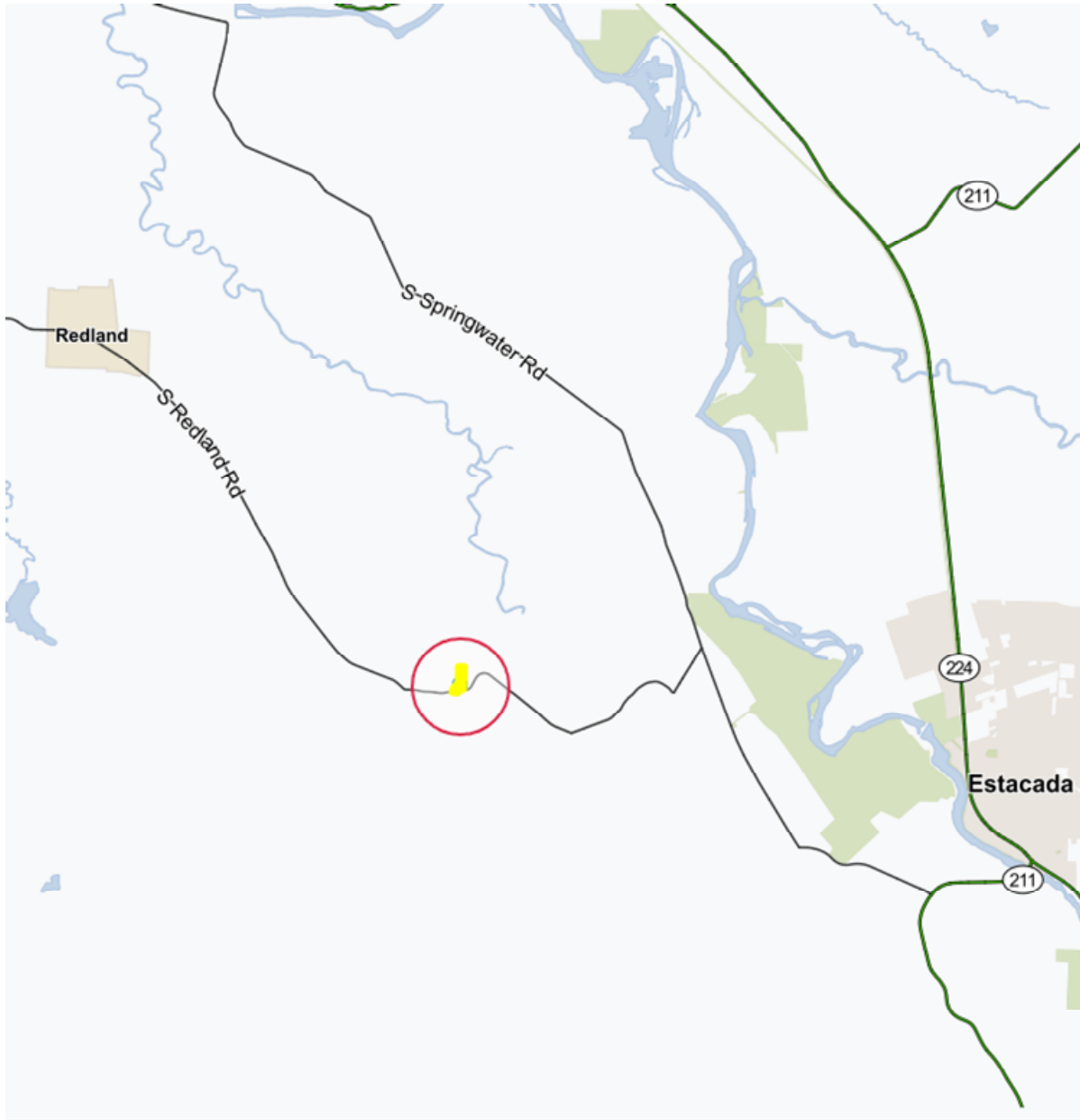
A person who is mailed written notice of this decision cannot appeal this decision directly to the Land Use Board of Appeals under ORS 197.830.

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](mailto: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 통?

# Location Map



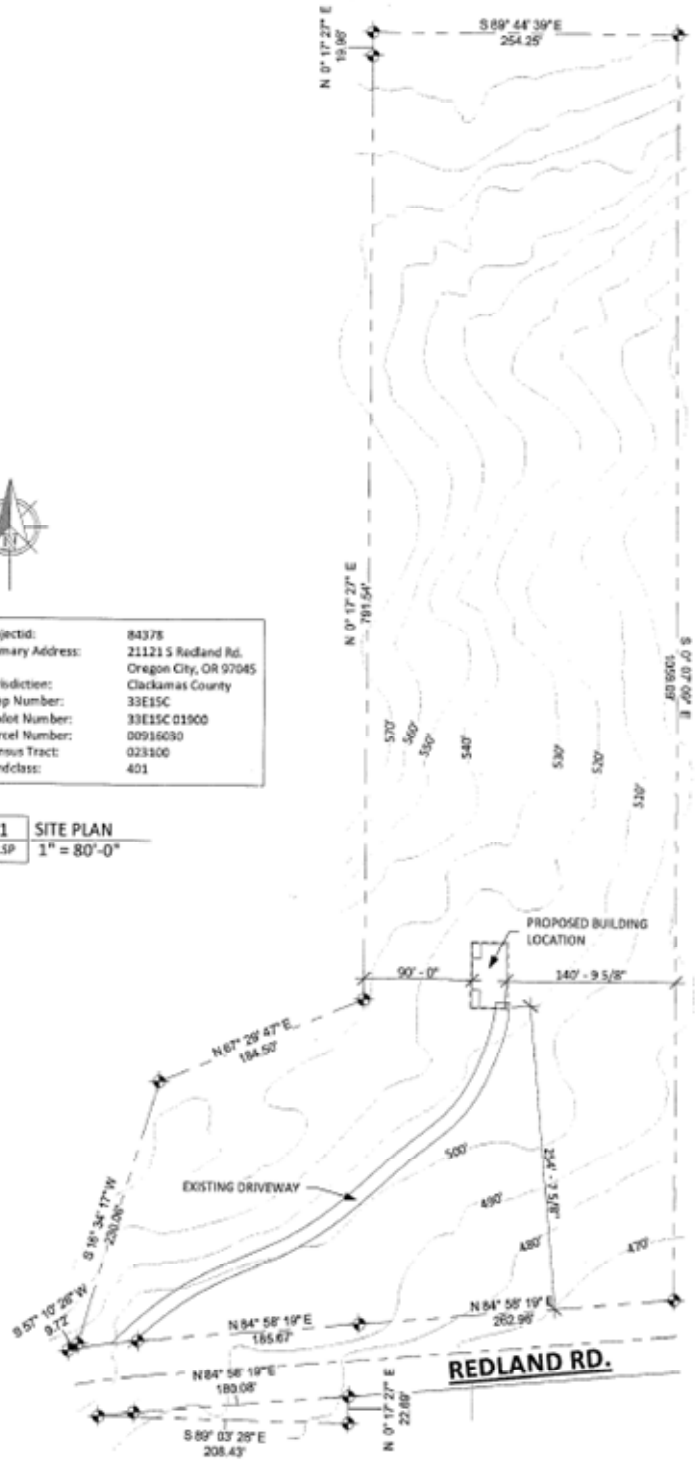
# Site Plan

<b>0.SP</b>	<b>CHET DEBOIS HOMES SITE PLAN</b>
<b>BUILDER DESIGN</b> <small>15 NE 3rd St. Gresham, OR 97030 - (503) 253-3434          BUILDERSDESIGN@GMAIL.COM</small>	



Objectid: 84378  
 Primary Address: 21121 S Redland Rd.  
 Oregon City, OR 97045  
 Jurisdiction: Clackamas County  
 Map Number: 33E15C  
 Taxlot Number: 33E15C 01900  
 Parcel Number: 00916090  
 Census Tract: 023100  
 Landclass: 401

**1** SITE PLAN  
 0.SP 1" = 80'-0"



## **CONDITIONS OF APPROVAL**

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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 3/4/2024. 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 these documents and the limitation of any approval resulting from the decision described herein.
2. Site development shall follow the recommendations of the geotechnical report, dated January 30, 2024, and submitted by Rapid Soil Solutions to this application file.
3. Prior to issuance of a building permit the applicant/property owner shall submit development plans demonstrating compliance with Section 1003.02 of the ZDO and with all recommendations of the 1/30/2024 engineering geologic study prepared by Rapid Soil Solutions:
  - a. Vegetative cover shall be maintained or established within the mass movement hazard areas for stability and erosion control purposes (Section 1003.02 (C)).
  - b. Diversion of storm water into mass movement hazard areas is prohibited and shall be prevented (Section 1003.02 (D)).

## **APPLICABLE APPROVAL CRITERIA**

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This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section 202 (Definitions), 1003 (Hazards to Safety), and 1307 (Procedures).

## **PUBLIC AND AGENCY COMMENTS**

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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:

One member of the public submitted written comments.

## FINDINGS

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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.

1. **Background/Overview of Applicant's Proposal:** The applicant is proposing a replacement dwelling within a mapped landslide hazard area on a 7.22-acre property in the RRFF-5 Zone containing derelict remains of a small residential structure and detached accessory structure. The proposed replacement dwelling development will utilize the existing disturbance area, which is a relatively flat portion of this otherwise variously sloped property. The submitted geotechnical analysis includes development recommendations and finds no issues with the construction of the proposed house.
2. **ZDO Section 1003, Hazards to Safety**

### 1033.02 Standards and Criteria for Mass Movement Hazard Area Development

- A. No development or grading shall be allowed in areas of land movement, slump or earth flow, or mud or debris flow, unless approved in a Type II application pursuant to Section 1307, Procedures. Unless the criteria for such development as listed in Subsection 1003.02(B) are satisfied in the review of another approved Type II application pursuant to Section 1307, a mass movement hazard area development permit is required for development in areas of land movement, slump or earth flow, or mud or debris flow.

***Finding:*** *The subject property and proposed home are located in an area of land movement, thus requiring a Type II land use application approval. This report contains staff's evaluation of the submitted Type II land use application according to the applicable approval criteria.*

***This criterion is met.***

### B. Approval Criteria:

1. An engineering geologic study shall be required for development proposed on slopes of twenty (20) percent or greater.
2. An engineering geologic study shall be required, regardless of the slope of the site proposed for development, unless there is stabilization of the identified hazardous condition based on established and proven engineering techniques which ensure protection of public and private property. Appropriate conditions of approval of development approved under this subsection may be attached by the County.

***Finding:*** *The proposed replacement home is not located on slopes of twenty percent or greater, but the subject property does contain slopes of twenty percent or greater. ZDO 1003.02 only applies to slopes within the footprint of the single family dwelling. The applicant's submittal includes a geotechnical report, stamped by a registered professional engineer, containing an engineering geologic study of the subject site based on visual observations of the site, limited shallow subsurface exploration with hand-driven tools, and a review of available data sources and literature as referenced at the end of the geotechnical report.*

***The above two criteria are met.***

3. The engineering geologic study required by Subsections 1003.02(B)(1) and (2) shall establish that the site is stable for the proposed use and development. The study shall include the following:

- a) Index map;
- b) Project description, to include: Location; topography; drainage; vegetation; discussion of previous work; and discussion of field exploration methods;
- c) Site geology, to include: Site geologic map; description of bedrock and surficial materials including artificial fill; location of any faults, folds, etc.; and structural data including bedding, jointing, and shear zones; and
- d) Discussion and analysis of any slope stability problems.
- e) Discussion of any offsite geologic conditions that may pose a potential hazard to the site or that may be affected by onsite development.
- f) Suitability of site for purposed development from geologic standpoint.
- g) Specific recommendations for cut slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards.
- h) If deemed necessary by the engineering geologist to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include: cross sections showing subsurface structure; graphic logs of subsurface explorations; results of laboratory test; and references.
- i) Signature and certification number of an engineer or engineering geologist registered in the State of Oregon.
- j) Additional information analyses as necessary to evaluate the site.

***Finding:*** *The submitted geotechnical report included all of the information required by this section and a conclusion that the site is sufficiently stable for the proposed use and development.*

***This criterion is met.***

- C. Vegetative cover shall be maintained or established for stability and erosion control purposes.

***Finding:*** Conditions of approval will require that vegetative cover be maintained or established for stability and erosion control purposes.

***With conditions of approval, this criterion can be met.***

- D. Diversion of storm water into these areas shall be prohibited.

***Finding:*** Conditions of approval will require that storm water diversion into these areas be prevented.

***With conditions of approval, this criterion can be met.***

- E. The principal source of information for determining mass movement hazards is the State Department of Geology and Mineral Industries (DOGAMI) Bulletin 99 and accompanying maps. Approved site-specific engineering geologic studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the mass movement hazards data base.

***Finding:*** The submitted geologic analysis and the department's evaluation of the proposal have relied on the DOGAMI Bulletin 99 as the principal source of information for determining mass movement hazards. The submitted site-specific geologic study does not conflict with the identified extent and severity of the hazardous conditions identified in the mass movement hazards data base.

***This criterion is met.***