



NOTICE OF DECISION ON A TYPE II LAND USE PERMIT

Decision: Approved with Conditions

Permit Type: Partition

File No. Z0279-24

Applicant's Proposal: EFU zone, M49 partition E131809 allows for 3 parcels, property is currently 2 lots of record tax lot 23E31A 00100 has been sold and is not part of this 2 parcel partition. Tax lot 23E30 02000 is developed with two homes and several accessory buildings. Proposal to be divided with a home on each parcel.

Decision Date: October 15, 2024

Deadline for Filing Appeal: October 28, 2024, at 4:00 pm.

Issued By : Lizbeth Dance, Planner II, Ldance@clackamas.us, 503-742-4524

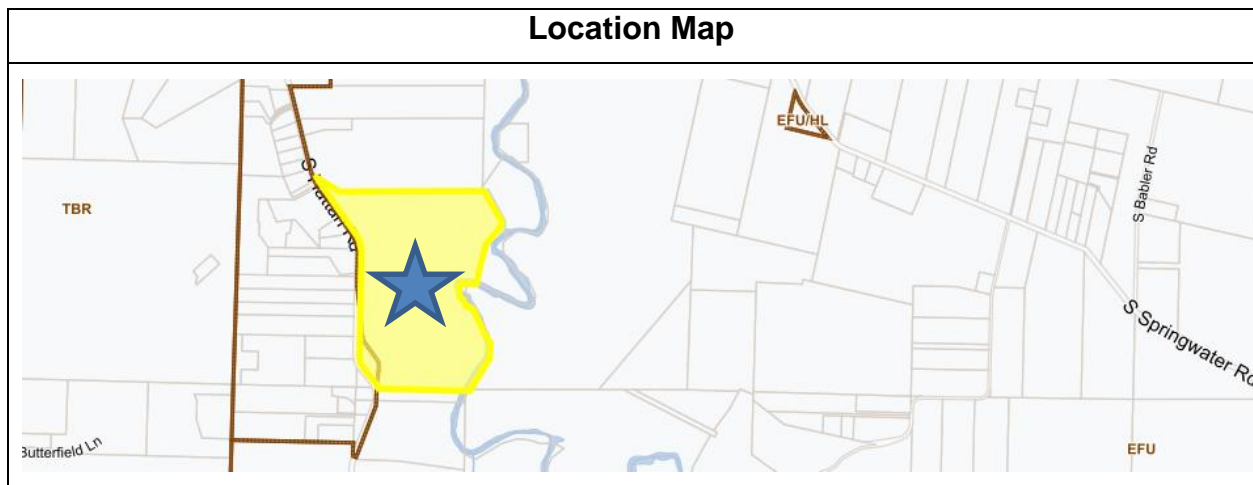
Applicant: Lydon Scheeff

Owner: Lydon P Scheeff Trustee

Zoning: EFU – Exclusive Farm Use acres

Assessor's Map & Tax Lot(s): T 2S R 3E Section30 Tax Lot 02000

Site Address/Location: 16748 & 16636 S Hatton Rd.



Community Planning Organization (CPO) for Area:

Redland-Viola-Fischer's CPO:

Lance Ward, 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 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.

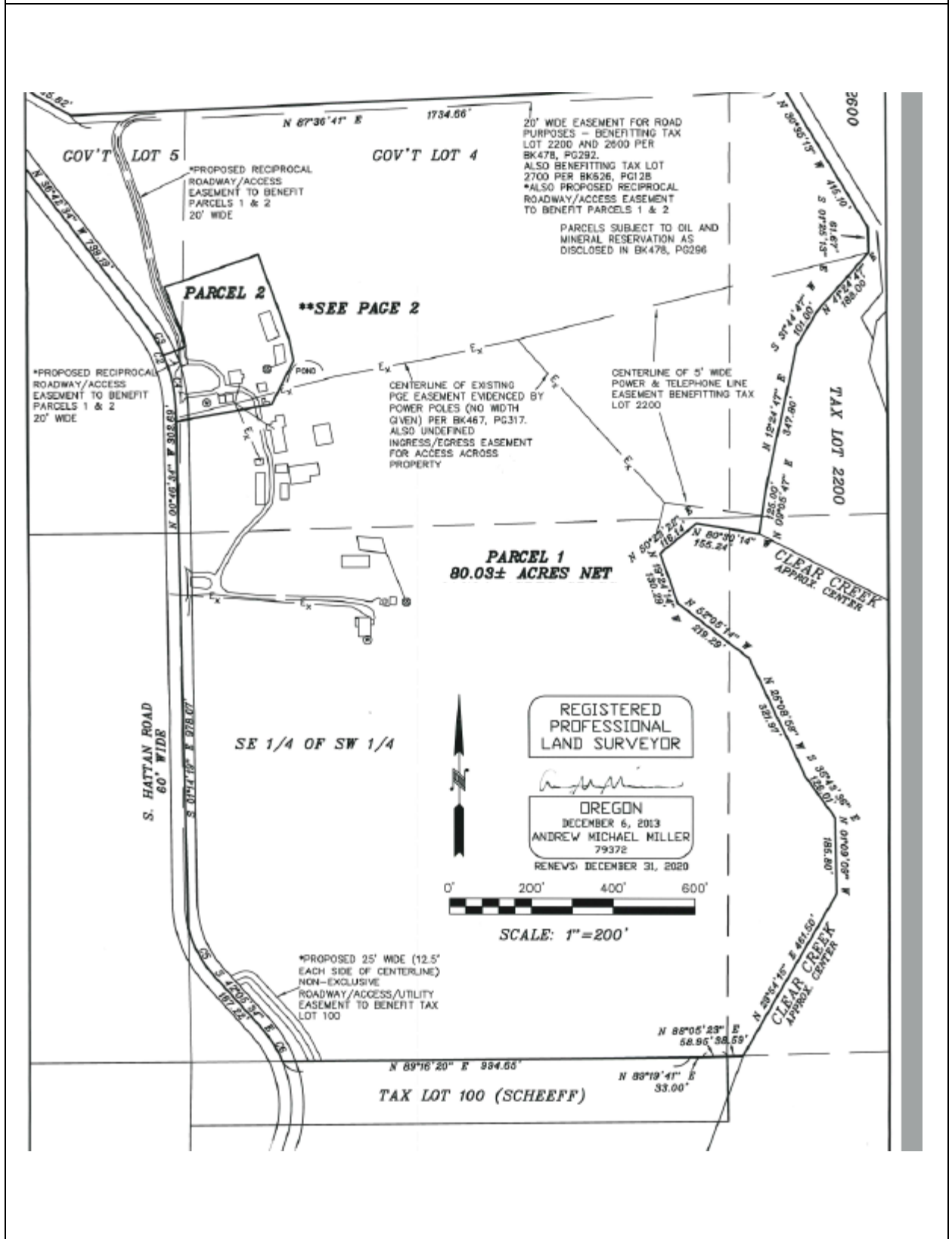
A person who is mailed written notice of this decision cannot appeal this decision directly to the Land Use Board of Appeals under ORS 197.830.

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.

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 통?

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 7/9/2024. 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. Prior to any earth disturbing activity, the applicant/property owner shall complete the following:
 - a. Preliminary partition approval is based upon the preliminary partition plan and the Ballot Measure 49 claim, Election No. E131809 - SCHEEFF, 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.
 - b. 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.
 - c. The services of a registered professional land surveyor and a civil engineer are required to satisfy these conditions of approval.
 - d. **Platting:** Pursuant to ORS 92, two (2) copies of the draft partition plat survey of the development shall be submitted to the Engineering Division for routing & review.
 - i. A copy of the final plat survey and review deposit shall also be submitted separately to the County Surveyor's office for review.
 - ii. After the draft plat is approved by the Planning & Zoning Division staff and reviewed by the Survey Department, one (1) mylar copy of the final plat shall be submitted to the County Engineering Division for final review.
 - iii. 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.

- iv. 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.
 - v. 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.
 - vi. 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.
 - vii. New easements should include a statement that the easements are for the lots or parcels shown and any future divisions thereof.
 - viii. 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.
- e. **Approval Period:** Pursuant to subsection 1105.09(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).**
- f. **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.

M49 timeline: This request is enabled pursuant to State-approval of a Ballot Measure 49 claim (ORS 195.300 - 195.336), Election No. E131809 - SCHEEFF, permitting a modification of the lot sizing and dwelling establishment criteria of the EFU zoning district. The property reviewed through this decision is owned by the original claimant. Tax lot 23E31B 00100 was sold from claimant 7/15/2024. **When properties are sold from original claimant the 10 year validity clock begins as outlined in the claim- the land division shall be recorded and residential development shall be established within this timeframe. Established**

means a finale building permit associated with residential development

3. Prior to recording of the final plat, the applicant/property owner shall complete the following:
- a. **Easements:** All existing, proposed and required easements shall be shown upon the final plat including the shared well agreement and water line easements.
 - b. **Fire Protection:** **Prior to final plat approval,** the applicant shall submit stamped and approved plans or written verification from the Clackamas Fire District #1 Fire Marshal indicating that the access and fire flow standards have been, or will be met.
 - c. Existing development on the proposed parcels shall be subject to the use, dimensional and development standards of the ZDO Section 401, the relevant requirements of Section 1001.02 and relevant conditions of approval herein except as modified by Measure 49 claim E131809 - SCHEEFF.
 - d. **On the final plat:** Proposed Parcel 2 shall not exceed 2 acres in size and future lot line adjustments resulting in an increase in a size exceeding two acres is prohibited. **A plat note/restriction to this effect shall be noted on the final partition plat.**
 - e. **On the Final plat –** a plat note required stating **No water service is available for this property**

Exempt individual wells to provide water for parcels 1 and 2. ZDO 1006.03
 - f. **Utilities:** Pursuant to Subsection 1006.01 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.**

4. Planning Conditions:

Prior to Plat recording:

- a. *Provide clarification associated with existing driveway accesses. There is an interior access drive providing inter connection between parcels 1 and 2 with several buildings adjacent to it. If it is intended to keep this connection as shared access easement the several buildings adjacent to*

them will need to be removed prior to plat recording. Setback standards ZDO 401.

On the Final plat

- b. Clear Creek a Large Stream with associated 100' Buffer measured from the ordinary high water line is on a portion of the west border of the property with three tributary creeks. These creeks are un-classified and also listed as an open channel wetlands. Clear Creek, it's associated buffer and these stream channels shall be listed as a **Restricted Development Area (RDA)**. With PLAT Note: Any work within this area will required additional Land Use and DSL Approval. ZDO 704. 1002.04 & 1105.02.
- c. The top and to of slopes over 20% shall be identified on the final plat as **Restricted Development Area (RDA)** With PLAT Note: Any work within this area will required additional land use review. ZDO 1002.01 and 1003.
- d. **Water Service** – No Public Water Available. Established individual exempt wells will continue to provide water to each established home. ZDO1006.03

5. ZDO 1006.05 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:

Site plan shall be prepared and stamped by an Oregon registered professional engineer or Oregon registered professional land surveyor.

- a. 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) SE050719 and SE050819.
- b. 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.
- c. 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.

6. ZDO 1007 TRANSPORTATION AND ENGINEERING CONDITIONS:

Prior to Final Plat approval

1. The applicant shall consult with the Engineering Department for permitting private driveway improvements. The permit shall be obtained prior to commencement of site work and recording of the partition plat. The minimum fee and the percentage will be determined by the current fee structure at the time of the permit application.
2. The applicant shall establish centerline and ensure the right-of-way along S Hattan Rd is minimum 30-feet from centerline.
3. The applicant shall dedicate a minimum eight-foot wide public slope and utility easement along the entire frontage of S Hattan Rd.
4. The applicant shall provide a minimum 20-foot wide access and utility easement from S Hattan Rd to serve tax lot 23E31B 00100. The easement shall be a common, nonexclusive reciprocal access easement benefitting tax lot 23E31B 00100 and future divisions thereof.
5. The applicant shall remove the northern most existing access parcel 1 and the southernmost access to parcel 2 to S Hattan Rd and remove all improvements thereof within the County right-of-way
6. The applicant shall meet the requirements set forth within Section 190 of the Clackamas County *Roadway Standards*.

Private Roads & Access Drives:

Prior to Engineering permit issuance

7. The applicant shall provide approvable plans showing the paving both existing access to S Hattan Rd per standard drawing D500.
8. The applicant shall provide written approval from the Fire Marshal for existing conditions of private driveways for emergency access and circulation of the private access.
9. The applicant shall provide a minimum of 425-feet of stopping sight distance at the two existing accesses to S Hattan Rd for proposed parcels 1 and 2.
10. The applicant shall maximize and maintain intersection sight distance and stopping sight distance at the proposed access to tax lot 23E31B 00100.

Prior to Building Permit issuance

11. The applicant shall obtain an Entrance Permit for private driveway improvement for tax lot 23E31B 00100 meeting standard drawing R100, C350 and D500.

APPLICABLE APPROVAL CRITERIA

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 202, 401, 704, 1105, 1000, 1001, 1002, 1005, 1006, 1007, 1012 in accordance with 1307 except as modified by Measure 49 claim. ORS 195.300 - 195.336.

PUBLIC AND AGENCY COMMENTS

Notice was sent to applicable agencies and owners of property within 750 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.

Clackamas Fire District 1: Provided comments that are included in conditions and findings of this decision and attached as advisory notes herein.

Public Comments: No public comments were received.

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

FINDINGS

Project Overview: Request for a M49 E131809 - SCHEEFF Partition of a 82.03 acre EFU zoned property into 2 parcels one not to exceed 2 acres in size and a remainder parcel approximately 80.03 acres. This property is currently developed with 2 residential homes and several accessory buildings. All development is proposed to remain.

Clear Creek, a Large RSCA stream runs north/south along a portion of the properties west boundary with three unclassified tributaries identified as open channel wetlands by DSL running east/west toward Clear Creek. There is a bluff and steep slopes through the center of the property. All development is established outside of these areas and no new development is requested or required by this partition.

This request is enabled pursuant to State-approval of a Ballot Measure 49 claim (ORS 195.300 - 195.336), Election No. E131809 - SCHEEFF, permitting a modification of the lot sizing and dwelling criteria for the EFU zoning district. This property is on High value farm land limiting one parcel to no larger than 2 acres in size with a remainder parcel. As stated in the M49 claim this claim is valid for 10 years from the time the properties are no longer owned by the claimant, the portion of property being divided through this

partition request is currently owned by the claimant. The other Tax lot/lot of record identified in the claim 23E31B 00100 was sold 7/15/2024 starting the 10 year validity clock.

The findings below identify the standards and criteria that are relevant to this decision,

- 1) 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 three 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.
- 2) Sections 401 of the ZDO sets forth the allowed uses, dimensional standards and development requirements of the EFU zoning district. The use and development of the proposed lots is subject to Section 401 as they are located within the EFU zone.

Finding:

- A. *The applicant is proposing to divide the property into 2 parcels.*
- B. *Pursuant to Ballot Measure 49 claim, E131809 - SCHEEFF, the maximum number of parcels authorized is three with one permanent home site on each parcel is also authorized. The claim consists of 2 lots of record, tax lot 23E31B 00100 is a separate lot of record has been sold by the claimant 7/15/2024 and not part of this partition. Additionally, as the property is mapped as high value farm soils, the one of the new parcels cannot exceed 2 acres with the remainder parcel, 2 parcels are proposed.*
- C. *The proposed partition plan is consistent with the Measure 49 claim requirements.*
- D. *As modified by the Measure 49 claim, the proposed partition complies with the parcel size requirements of the EFU zoning district.*
- E. *A condition of approval is warranted requiring that all structures on, and uses of, the parcels created by the proposed partition shall conform to the requirements of the zoning districts subject to the provisions of Section 401 of the ZDO except as modified by the approved Measure 49 claim. Parcel and 2 shall be no larger than 2 acres in size and future lot line adjustments increasing the size of this parcel is prohibited unless future changes in zoning render this limitation moot.*

Based upon the information shown upon the preliminary plan, the proposed partition can comply with the minimum lot size criteria of the zone as modified by the Measure 49 claim. **As conditioned this criteria can be met.**

ZDO 401 by reference 401 Dimensional Standards: Minimum Front side and rear Setbacks in addition, Fire Siting Standards.

Finding: Proposed parcel 2, 16636 S Hatton Rd. is two acres, and parcel 1, 16748 S Hatton Rd. is the remainder parcel at 80.03 acres. Parcel 1 and 2 are currently developed with single family homes. No new development is proposed. There is established individual direct access to S Hatton Rd. for each parcel. The primary setback standards for the zone are 30 foot front, 10 foot sides and 30 foot rear. Setbacks will be applied to all established development associated with new lot lines. There is an interior access drive providing inter connection between parcels 1 and 2. If it is intended to keep this connection as shared access easement the several buildings adjacent to them will need to be removed prior to plat recording. **As conditioned these standards can be met.**

- 3) Section 704 river and Stream Conservation Area – RSCA
 - a) Section 704.03(B) also applies to land that is located within 100 feet of the mean high water line of large Type F streams, except principal rivers identified in Subsection 704.03(A), identified on Water Protection Rule Classification (WPRC) Maps compiled pursuant to OAR 629-635-000 and adopted as part of the Comprehensive Plan. The location of these streams may vary from these maps if more specific information is provided. Classified as Stream Conservation Areas (SCAs), these large streams are designated in the Comprehensive Plan as those that generally have annual average flows of 10 cubic feet per second or greater.

Finding: Clear Creek a Large stream runs north south along west property boundary the creek and its associated 100' buffer measured from its ordinary high water line shall be identified on the face of the final plat as a RDA, Restricted Development Area. **As conditioned this standards can be met.**

- b) Section 706.06 Development Standards; Subdivisions and partitions shall be designed, where possible, to allow compliance with section 704.

Finding: Clear creek and its associated buffer will be contained on parcel 1 the remainder 80 acre parcel. **Its associated buffer area can be maintained as conditioned.**

- 4) 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.

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

1002.06 Deer Elk Winter Range Development in deer and elk winter range below 3,000 feet in elevation, as identified on Comprehensive Plan Map III-2, Scenic and Distinctive Resource Areas, shall be designed to minimize adverse wildlife impacts.

Finding: *The property is not within the Deer Elk Winter Range. This standards does not apply.*

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 is steeply sloped running east west through its center with slopes between 28% and 35%. All development is established on site outside of these areas. The top and toe of slopes over 20% shall be identified on the site plan as Restricted Development Area, additional land use required for development in these areas. **As Conditioned this standards can be met.***

- 6) Sec. 1003 of the ZDO pertains to hazards to safety such as landslides, 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: *The property are not in any mapped hazard areas identified in this section. There are no mapped DOGAMI areas on the property. **These standards do not apply***

- 7) 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 underground 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 have been installed with building permits for Parcels 1 and 2. All runoff from the site will sheet flow and eventually infiltrate. The homesties are established. Future redevelopment 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: *Proposed parcels 1 and 2 will take direct access from a county road **Conditions of approval will be imposed to assure compliance with these standards.***

- 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 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: *The newly created developed parcels 1 and 2, use existing exempt-wells. In addition plat note stating no public water is available at this site is*

required. **A condition of approval will be imposed to assure compliance with these standards.**

- H. 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 are 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 systems and established systems. The applicant has submitted an approved site evaluation for systems serving single-family dwellings on proposed parcels 1 and 2. See files SE050719 and SE050819. 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.***

- I. 1006.07- Preliminary Statement of Feasibility

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

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.
- 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 along S Hattan Rd, which is identified as a rural minor arterial on Clackamas County Plan Map 5-4a. Clackamas County Roadway Standard Drawing C140 requires a minimum of 30-feet of right-of-way from centerline of two-lane rural minor arterials.*

According to the current tax map and the existing right-of-way of S Hattan Rd is 60-feet, which meets the standard. The applicant will be required to establish centerline of S Hattan Rd and ensure a minimum of 30-feet from centerline along the entire frontage of S Hattan Rd.

*The applicant will be required to show all new right-of-way widths and easement on the final plat. **As Conditioned this criteria can be met.***

- C. New developments shall have access points connecting with existing private, public, county, or state roads.
1. Intersection spacing and access control shall be based on Subsection 3.08.110(E) of the Metro Code (*Regional Transportation Functional Plan*); Chapters 5 and 10 of the Comprehensive Plan; and the Clackamas County Roadway Standards.

Finding: *Clackamas County Roadway Standard Section 220.3 requires a minimum of 400-feet access spacing for rural minor arterials.*

*The proposed development has two existing dwellings with “u-shaped” driveway accessing S Hattan Rd. Considering both sides of S Hattan Rd the access spacing for the existing access does not meet the standard. However, the applicant has proposed to maximize the existing access spacing by closing the southern access to proposed parcel 2 and the northern access to proposed parcel 1. Staff finds that the reduction of access points with the retention of two historical access points meets the standard. **This criteria is met.***

*The applicant has proposed a 25-foot wide non-exclusive access easement within Parcel 1 for the benefit of tax lot 100. The new access easement for tax lot 100 is across S Hattan Rd from the existing access to tax lot 23E30CC01000. **As conditioned this criteria can be 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:

The applicant has submitted a preliminary plat showing the removal of two existing gravel driveways and the retention of the northern and southern most gravel driveway. The applicant will be required to pave the retained existing accesses to S Hattan Rd for proposed parcels 1 and 2 in addition to the new access to parcel 3. All paved entrance will be required to meet standard drawing D500.

*The applicant will be required to provide written approval from the Clackamas Fire Marshal for existing private onsite improvements or improve existing conditions to meet standard drawing R100. **As conditioned these criteria can be met.***

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:

1. 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 a preliminary plat showing the usage of two existing access for proposed parcels 1 and 2, while a new access is proposed for tax lot 100. Section 240.2.e requires existing access subject to land use approval where ADT is increased by 20 or fewer trips shall provide adequate stopping sight distance. According to Table 2-10 and Section 250.1.2 the two existing access to S Hattan Rd will be required to provide a minimum of 425-feet of stopping sight distance.*

County Engineering Staff visited with site and analyzed the stopping sight distance and intersection sight distance. Stopping and intersection sight distance was measured at more than 550-feet for parcel 1 and more than 600 at parcel 2.

As Conditioned and maintained these criteria can be met.

2. 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: *Section 240.2.g requires proposed access to parcels with no other access and not subject to land use approval but subject to a permit shall maximize intersection and stopping sight distance by removing visual obstructions located on the applicant's property or located in the road right-of-way.*

*Tax lot 100 has been determined to be a legal lot of record and no other access currently exists. The applicant has cleared vegetation along the northbound lane at the proposed access easement located on parcel 2. The applicant will be required to maximize and maintain intersection and stopping sight distance at the proposed access to tax lot 100. **As Conditioned and maintained these criteria can be met.***

1007.07 TRANSPORTATION FACILITIES CONCURRENCY

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

1. Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner. The following shall be exempt from this requirement:

Finding: *Per ZDO subsection 1007.07, adequate roadway capacity is required to handle the additional traffic generated by the development. At the present time, S Hattan Rd operates during the mid-day one hour peak and first and second hours of the PM peaks at acceptable volume to capacity (v/c) ratios. The additional vehicle trips from the proposed partition will not adversely impact the current v/c ratios. Therefore, the County's concurrency requirements as they relate to the transportation system are met by the applicant's proposal.*

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.

See Attached