



NOTICE OF DECISION ON A TYPE II LAND USE PERMIT

Decision: Approved with Conditions

Permit Type: Partition

File No. Z0400-23-M

Proposal: Partition 3.81 RA1 zone property into 2 parcels parcel 2 to the north currently developed with a single family home and parcel 1 to the south with garage/shop for new residential development. Access is currently identified through adjacent property flag pole strip.

Decision Date: January 18, 2024

Deadline for Filing Appeal: January 30, 2024, at 4:00 pm.

Unless appealed, this decision is effective on January 30, 2024 at 4:00 pm

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

Tax Lots: Map, 33E06 tax lot 03601

Site Address: 18339 S Redland Rd.

Applicant/Owner: Sergiy Volosevych

Zoning: RA1 –Rural Area Residential–1 acre; 3.81 acres

Community Planning Organization (CPO) for Area:
REDLAND-VIOLA-FISCHER'S

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 the Community Involvement Office at 503-655-8552.

OPPORTUNITY TO REVIEW THE RECORD: The submitted application is 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. 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, 316,1001, 1002, 1003, 1006, 1007, 1012, 1105 and 1307.

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 River Water: Provided comments that are included in conditions and findings of this decision and attached as advisory notes herein.

Public Comments: Public comments were received regarding this application with concerns regarding:

- The access easement - There an access easement with the property to the west, this easement allows access for the current residence and will be a will verified through the recording process.
- Aerial imaging and photos provided show evidence of an unpermitted car repair shop and parts storage. The use of the property is not assessed through the Land Division Standards.

CPO Comments: The Redland-Viola-Fischer’s CPO did not provide comment.

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.

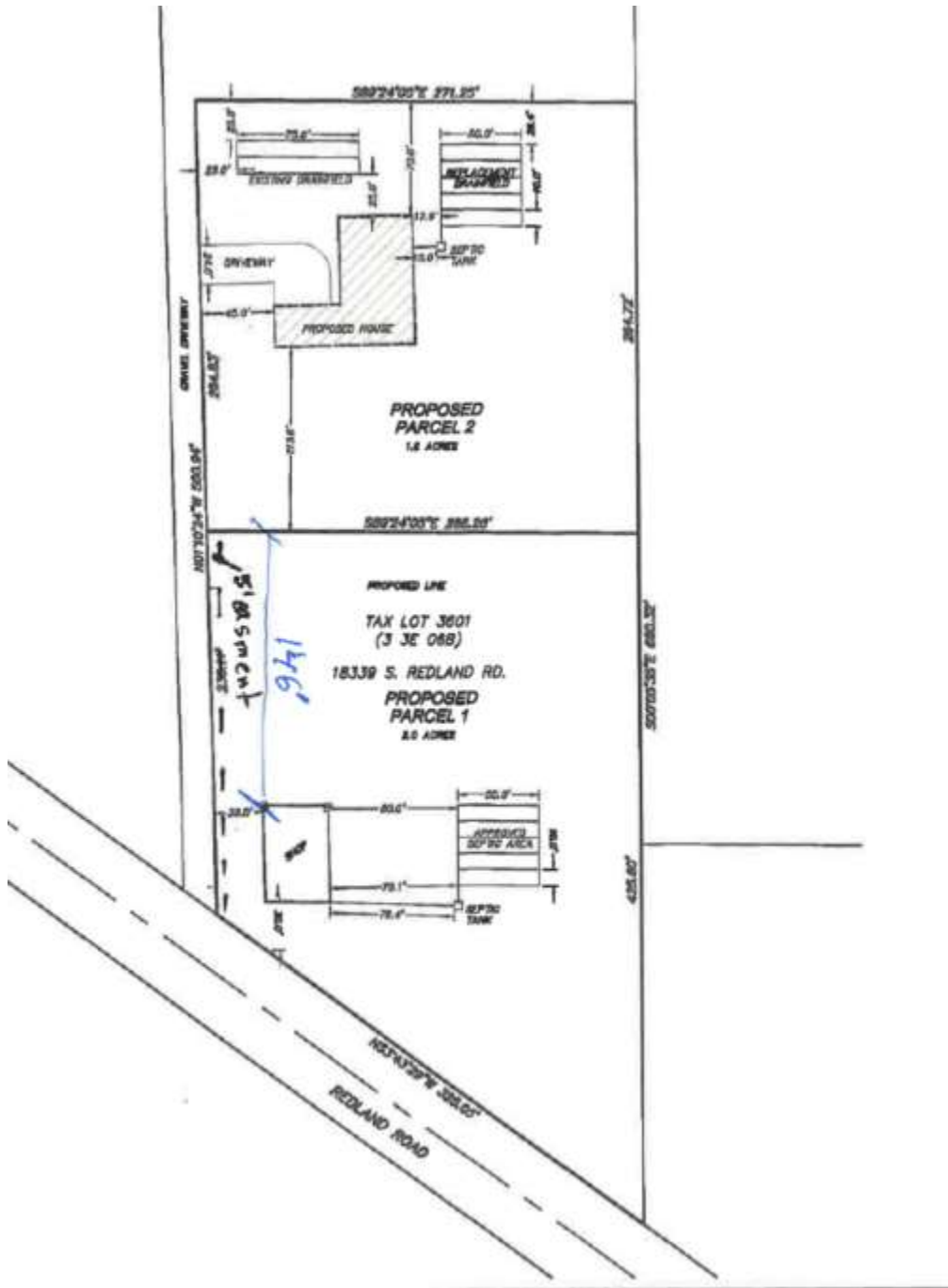
Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email DRenhard@clackamas.us.

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 10/9/2023 and 11/20/2023. 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) 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.
- 2) The services of a registered professional land surveyor and a civil engineer are required to satisfy these conditions of approval.
- 3) **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.
 - 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.

4) **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).**

5) **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.

6) **Easements:** All existing, proposed and required easements shall be shown upon the final plat.

7) **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.

8) **Water Service:** The property is within the Clackamas River Water district. Parcels 1, and 2 will be provided access to public water. **The water line easement serving each parcel shall be represented on the final plat including 5 feet of property frontage for parcel 2.**

9) **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.

10) **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.** The Utilities and their associated easements cannot be through the zoned portion of the property.

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) The accessory building/shop in parcel on is exactly 30' from the access/front lot line. Verification of this setback shall be identified in the draft plat survey including and access easement dedication. If the building is located within the required 30' front setback all area encroaching into the setback shall be removed. ZDO 316 table 316-2
- 2) The accessory Building/Shop on Lot 1 can remain as long as parcels 1 and 2 are in common ownership. Prior to sale of parcel 1 the Accessory building shall be removed or a new home shall be developed to final inspection on parcel 1. ZDO 316
- 3) 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.

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) SE047821 and SE047921.
- 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. Clackamas River Water Conditions: Anthony Steele; asteele@crwater.com

- 1) Proposed lots must have frontage on S Redland Rd to obtain water service. See flag lot depiction. Any domestic service connection(s) for the proposed lot must be located along S Redland Rd. See additional detail in Advisory Notes: Clackamas River Water Comment
- 2) Clackamas County Development Permit:
 - a. It will be the developer's responsibility to acquire any necessary easements for water facilities that shall be provided and designated on the final plat, as deemed necessary by the District. These easements must have functional access to public right of way and be properly recorded.
 - b. Fire and domestic water services, as approved with this land use application, are intended specifically for the lot(s) being developed and are not intended to serve additional parcels or structures which may be created in the future. In the event that the parcels and/or lots are further divided to create additional parcels or lots, the owner is required to provide separate fire and domestic water services per CRW Rules and Regulations.
 - c. Any fire suppression related improvements will require review and approval of Clackamas County Fire District #1 to ensure proper fire coverage and fire service connection installation in accordance with applicable regulations along with the appropriate backflow prevention assembly and flow detector.

VI. County Engineering Division Conditions: Ken Kent; Kenken@clackamas.us

- 1) **Prior to final plat approval:** a Development Permit is required from the Engineering Division for review and approval of frontage improvements and the on-site access road. 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, 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.

- 2) **Prior to final plat approval**: all required improvements shall be constructed and inspected, or financially guaranteed in the form of a performance bond. Performance bonds shall be in the amount of 125% of the approved engineer's cost estimate of the required improvements, and access has met minimum Substantial Completion requirements, per Roadway Standards Section 190.
- 3) All required street, street frontage and related improvements shall comply with the standards and requirements of the Clackamas County Zoning and Development Ordinance and the Clackamas County Roadway Standards unless otherwise noted herein.
- 4) The applicant shall verify that there is a minimum 30-foot wide one half right-of-way width along the entire S Redland Road site frontage, or as necessary dedicate additional right-of-way to provide a minimum one half right-of-way width of 30 feet. The right-of-way centerline and width shall be verified by a professional survey to the satisfaction of DTD Engineering and Survey Departments.
- 5) The applicant shall grant an 8-foot wide public easement for sign, slope and public utilities along the entire S Redland Road right-of-way.
- 6) Access for Parcels 1 and 2 shall meet the following requirements, prior to final plat approval:
 - a. A minimum 20-foot wide shared access easement shall be provided from S Redland Road along the west side of proposed Parcels 1 and 2. The easement width shall be clear and unobstructed both horizontally and vertically, per Roadway Standards Drawing R100.
 - b. A minimum 20-foot wide by 20-foot long, paved driveway approach shall be constructed at the intersection of the shared access with S Redland Road, per Roadway Standards D500. Access to Parcel 2 shall not occur within the first 20 feet from the edge of paving on S Redland Road.
 - c. A minimum 12-foot wide, gravel access road shall be constructed within the shared access easement from S Redland Road and shall extend up to the existing home on proposed Parcel 2, per Standard Drawing R100.
 - d. Written verification shall be provided from the Fire District, indicating that adequate emergency access is available or can be provided to the proposed parcels. If an emergency vehicle turnaround is required it shall be constructed, per Clackamas County Roadway Standards, Drawing C350.

- e. A minimum of 495 feet of stopping sight distance shall be provided to the east and west at the driveway intersection with S Redland Road, per Roadway Standards Section 240.
 - f. The shared access road shall include storm drainage facilities designed and constructed in compliance Clackamas County Roadway Standards Chapter 4.
 - g. Parcels 1 and 2 shall be included in a Road Maintenance agreement implementing ORS 105.170-105.185 for the shared access road and shall be recorded with and referenced upon the final partition plat.
- 7) At the time of a Building Permit for a dwelling on Parcel 1, the following requirements shall be met:
- a. An Entrance Permit shall be obtained from the Engineering Division for construction of a driveway to the home site, per Standard Drawing R100.
 - b. Fire marshal approval shall be provided prior to approval of the Entrance Permit.
- 8) The applicant's attorney and/or surveyor or engineer shall provide written verification that all proposed lots have legal access and utility easements as required prior to recording of the plat.
- 9) All existing and proposed easements shall be shown on the final plat.

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 subject property is 3.81 acres in the RA-1 zone in Redland an Unincorporated Community. Property is developed with a circa 2005 single family home to remain on parcel 2 and a detached shop building on parcel 1. Properties to the north, south and east are also zoned RA1 the property directly to the west is zoned RC – Rural Commercial. A comment letter provided states that there is a car repair shop and parts sales business on the property, aerial imagery from 2018-2023 shows several cars on the property, increasing over the years. There is no record land use approval to established any commercial use or home occupation on the property. This use is not assessed through this land use review.

Access to the property is proposed from a shared access easement that also serves the property to the north.

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.

- 1) Sections 316 of the ZDO sets forth the allowed uses, dimensional standards and development requirements of the RA1 zoning districts. Accessory uses are only allowed on properties where primary uses are established.

Finding: *Based upon the information shown upon the preliminary plan, the proposed partition complies with the*

- *minimum lot size criteria of Section 316 requiring that each parcels RA1 zone be at least 1 acre in size.
Parcel 2, 1.81 acres
Parcel 1, 2 acres*
- *Setbacks, Where these accesses are sheared they will be considered front lot lines. All existing and proposed development is subject to setback standards of the appropriate zone. The existing shop building located at the south, front, of the property as an accessory building. This building is identified on the site plan at exactly 30' from the front lot line. The building location shall be surveyed with the plat to ensure the 30' front setback can be maintained. If the building is within the front setback all development within this setback shall be removed.*
- *This partition will be separating the accessory building from the residence. Residential development is the primary use in the zone, creating a non-conforming situation. The accessory Building/Shop on Lot 1 can remain as long as parcels 1 and 2 are in common ownership. Prior to sale of parcel 1 the Accessory building shall be removed or a new home shall be developed, to final inspection, on parcel 1.*

As Conditioned these standards can be met.

- 2) 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: *The property land division is considered development all applicable code sections outlined in section 1001 have been addressed through the application materials. As proposed these standards can be met through the findings below.*

- 3) 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: *There are no identified natural features on this property. These Standards do not apply.*

- 4) 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 relatively flat with no areas of slopes over 20%. This standard does not apply.*

- 5) 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 or other identified hazards on the property. This Standard does not apply.*

- 6) 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 and 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. Supporting information is found in findings and conditions as well as Advisory Notes herein.

- 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. All new and replacement utilities are required to be underground. **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 with Clackamas River Water, the Septic Department and Transpiration and Engineering as verified through this application prior to residential development of each parcel. Each individual lot will have septic systems. Septic systems will be installed with building permits for Parcel 1. The project site is located within Clackamas River Water District, public water will be proved to lots 1 and 2 as required. The proposal must be in conformance with the on-site surface water management rules and regulations of Chapter 4 of the Clackamas County Roadway Standards. A statement of feasibility completed by the surface water management authority in the area was submitted with this application. Positive drainage must be provided at the time of residential development. **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 all existing and proposed easements including written verification from an attorney, surveyor or professional engineer for Parcels 1 and 2 including the 20' access easement that provides access to the property through a flag pole strip to the west (not part of the property). These easement agreements shall be recorded with the final plat. **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 an Urban Growth Boundary, therefore **this criterion is not applicable.***

- F. Water Supply: Pursuant to Subsection 1006.03(E) 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: *Public Water will serve parcels 1 and 2 to be established as required by the Clackamas River Water District. Clackamas River Water provided comments 12/5/2023 addressing their standards and requirements included in advisory notes herein. Verification of these standards will be required prior to Plat recording. **Conditions 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 will have onsite wastewater treatment systems. The relevant statutes and administrative rules requires an approved site evaluation, prior to the installation of a new onsite wastewater treatment system. 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 files SE047821 and SE047921. These records 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.***

1006.07- Preliminary Statements of Feasibility

Finding: *All required Statements of Feasibility from Clackamas River Water, On Site Surface Water Management and Septic - were provided with the submittal of this partition request. **This criterion is met.***

7) 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: *S Redland Road is a rural minor arterial roadway located within a 60-foot wide public right-of-way. The standard right-of-way width for a rural arterial roadway is 60 feet. No right-of-way dedication will be required. However, per ZDO Section 1007.02(E), the applicant will be required to verify the right-of-way width, and if necessary dedicate public right-of-way along the entire S Redland Road frontage to provide a minimum 30-foot one half right-of-way width. The applicant will be required to grant an 8-foot wide public utility easement adjacent to the right-of-way along the entire site frontage of S Redland Road. 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: *The number and location of driveways is limited on arterial roadways, per Section 220 of the Roadway Standards. Shared access is proposed for Parcel 1 and 2 from S Redland Road, consistent with access standards. The shared access is proposed over the existing 20-foot wide flag pole of Tax Lot 33E06B 03605. The preliminary plans indicate a proposed additional 5-foot wide shared access easement over the west side of proposed Parcel 1. Clackamas County has adopted design and construction standards for private access roads, contained in the Clackamas County Roadway Standards. Per Roadway Standards Drawing R100, the minimum access road serving 1 to 3 dwelling units,*

requires a minimum 20-foot wide legal access, with 12-foot wide gravel road surface. **As conditioned this criteria can be met.**

2. Joint access and circulation drives utilizing reciprocal easements shall be utilized as deemed necessary by the Department of Transportation and Development. In the NC District, joint street access for adjacent commercial developments shall be required.

Finding: Per Roadway Standards Drawing D500, driveway are required to intersect the public road at a 90-degree angle. Based on the driveway location on a major arterial roadway, and with the existing driveway skew, a minimum 20-foot wide by 20-foot long paved approach will be required to facilitate access on and off of S Redland Road. **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.

3. 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 Clackamas County Roadway Standards require that private roadway intersections with County roads provide minimum intersection sight distance based on the travel speed of the roadway. S Redland Road has a posted speed limit of 45 MPH. For existing access where the average daily vehicle trips increase by 20 or fewer trips, the access is required to meet minimum stopping sight distance, per Table 2-9 of the Roadway Standards. Based on a speed of 40 MPH, the minimum stopping sight distance is 305 feet. Adequate sight distance appears feasible, and the applicant will be required to clear vegetation as necessary to provide minimum visibility at the driveway serving Parcels 1 and 2. **As conditioned this criteria can be met.**

- E. New developments, subdivisions, and partitions may be required to dedicate land for right-of-way purposes and/or make road frontage improvements to existing rights-of-way, consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.

Finding: S Redland Road is a rural minor arterial roadway located within a 60-foot wide public right-of-way. The standard right-of-way width for a rural arterial roadway is 60 feet. No right-of-way dedication will be required. However, per ZDO Section 1007.02(E), the applicant will be required to verify the right-of-way width, and if necessary dedicate public right-of-way along the entire S Redland Road frontage to provide a minimum 30-foot one half right-of-way width. The

applicant will be required to grant an 8-foot wide public utility easement adjacent to the right-of-way along the entire site frontage of S Redland Road. ***This criteria has been met.***

1007.03 PRIVATE ROADS AND ACCESS DRIVES

- F. 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:
4. When easements or “flag-pole” strips are used to provide vehicular access to lots or parcels, the minimum width shall be 20 feet, unless a narrower width is approved by the Department of Transportation and Development and the applicable fire district’s Fire Marshal;
 5. Where the number of lots served exceeds three, a wider width may be required as deemed appropriate or necessary by the Department of Transportation and Development consistent with other provisions of Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards;

Finding: *Clackamas County Roadway Standards require that private access roads provide adequate emergency vehicle access. Private roads that are more than 150 feet in length typically require a turnaround at or near the end of the roadway. An emergency vehicle turnaround is proposed at the end of the shared access road.*

*Written approval by the Fire District will be required prior to final plat approval, verifying adequate emergency services access is available or can be provided for the proposed partition. **As conditioned this criteria can be met.***

6. Access easements or “flag-pole” strips may be used for utility purposes in addition to vehicular access;
7. The standards listed above may be deviated from when deemed appropriate by the Department of Transportation and Development to accommodate one-half streets or private common access drives and roads within developed urban areas providing access to not more than seven lots; and
8. 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 Clackamas County Roadway Standards require that private roadway intersections with County roads provide minimum intersection sight distance based on the travel speed of the roadway. S Redland Road has a posted speed limit of 45 MPH. For existing access where the average daily vehicle trips increase by 20 or fewer trips, the access is required to meet minimum stopping sight distance, per Table 2-9 of the Roadway Standards. Based on a speed of 40 MPH, the minimum stopping sight distance is 305 feet. Adequate sight distance appears feasible, and the applicant will be required to clear vegetation as necessary to provide minimum visibility at the driveway serving Parcels 1 and 2. **As conditioned this criteria can be met.**

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. At the present time, S Redland Road 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. **This Criteria is met with this 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.

New Road Name: With this partition, the private road providing access to the subject property will serve three parcels. County Code Chapter 7.05, *Addressing and Road Naming*, requires roads serving three or more parcels to have a road name. Naming the road will result in address changes for the two existing homes that use the road for access. Prior to submittal of the draft plat, submit three road name options, in order of preference, to Roman Sierra in Planning and Zoning at rsierra@clackamas.us. He will notify you if your selection(s) are acceptable. They cannot duplicate or sound similar to existing road names in the county. The suffixes allowed for this road are Court, Lane, Place, Terrace or Way.

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.



Date: December 5, 2023
To: Lizbeth Dance, Planning
Clackamas County
From: Anthony Steele, Engineering Associate
Clackamas River Water
Subject: Land Use Review Application: **File #Z0400-23**
Site Address: 18339 S Redland Rd, Oregon City, OR 97045
Legal Description: 33E06B 03601

SENT VIA EMAIL

Comments:

CRW has reviewed the subject application and makes the following comments. Comments are introductory and may change based on the preliminary/final design.

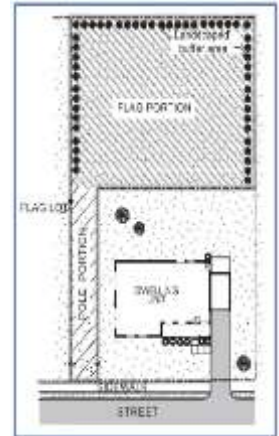
1. CRW currently has the following infrastructure available within the public right-of-way to serve the site:
 1. 6-inch ductile iron waterline within S Redland Rd;
2. CRW currently is serving the site with the following service:
 1. 3/4-inch domestic meter located west of driveway along S Redland Rd
3. Water Distribution Design & Infrastructure Requirements:
 1. The proposed development lies within the service boundaries of Clackamas River Water (CRW) and shall be subject to the following CRW requirements:
 1. Clackamas River Water Rules and Regulations, April 1996, Resolution No. 2-99
 2. Clackamas River Water, Standard Specifications for Development, May 2021
 3. Clackamas River Water, SDC, Miscellaneous Fees and Charges for Services, latest edition.
 2. All water improvements designed and constructed by the Applicant to serve the proposed development must meet all CRW standards, must be reviewed and approved by CRW prior to issuance of a Clackamas County Development Permit, and must consider the following:
 1. The available water system capacity to the site is limited to the size, pressure, and volume within an existing or future water main serving the property. Where the requested demand exceeds the water main capacity, the Applicant is responsible for the total costs of a water main enlargement or extension required to meet the demand.
 2. The Applicant is responsible for all costs associated with design, construction and testing to provide adequate domestic water and fire service to the development.
 3. All public water system improvements required for this development, including side branch waterlines, fire hydrants, meters, fire services, and other appurtenances, shall become the ownership of CRW.
 4. Additional fire hydrants proposed for the development on existing or new waterlines shall be reviewed and approved by CRW. CRW shall have the sole authority for determining the existing water system capacity to serve the development.
 5. Water service solely for private fire protection to a customer-owned fire sprinkler system is classified as a fire service connection (restricted water use).
 6. Fire services, including those serving private fire sprinkler systems, shall be installed where required and shall be provided, owned, maintained, and tested by the customer. All fire services shall be metered and protected from backflow.
 3. CRW reserves the right to require a water main replacement if a development or redevelopment does not meet current water system standards or would demand more capacity for consumption or fire suppression than existing water mains could adequately supply. The cost of any mainline replacement required to serve the development or redevelopment shall be borne entirely by the Applicant.
 4. The average system pressure range at this location in the CRW distribution system is approximately 140-155 psi. Where static pressure in water supply piping exceeds 80 psi, an approved pressure regulator shall be provided, installed, and maintained by the Customer to reduce the pressure in accordance with Oregon Plumbing Specialty Code.

4. Service Connection and System Development Charges:

1. Service Connection:

1. To request new water services, visit CRW's website at <https://crwater.com/connect-service/> for service request information, forms, and examples.
2. A Water Service Application will only be issued after all required informational forms, site plans, proof of active building or plumbing permits, and any other required information have been submitted.
3. Required deposits, fees, and charges will be collected in full only after an approved Water Service Application has been submitted.
4. Per Section 8 of CRW's Rules and Regulations, the following will be required when the County Development Permit is issued for the parcel or per ZDO1006.03:
 - A. Domestic service will require review and approval by Clackamas River Water to ensure adequate sizing based on site demand.
 - B. *"Water service will be provided only from pipes or mains located within public streets, alleys or rights-of-way, or within easements furnished CRW, and to property or premises with frontage to such mains..."*
 - i. Proposed lots must have frontage on S Redland Rd to obtain water service. See flag lot depiction below. Any domestic service connection(s) for the proposed lot must be located along S Redland Rd.
 - C. *"Each dwelling or building will be provided with its own water service connection and meter..."*

5. When a lot or parcel of land is provided with a service connection and the parcel is subdivided, the service connection shall be considered as belonging to the lot or parcel of land which it directly enters.
 - A. In the proposed partition, the existing meter will serve the lot on which frontage it lies.
6. All domestic and private mains must be installed entirely on the lot for which it serves. Services and private mains will not be allowed to cross property lines or to be placed in a private utility easement unless an exemption has been granted by the Clackamas River Water Board of Commission.



2. System Development Charges (SDC):

1. SDCs are based on meter size. SDCs will be assessed in accordance with the CRW Water Rate Schedule at the time an approved Water Service Application has been submitted. SDC rate adjustments occur annually on July 1st.

2. The 2023-2024 Water Rate, Connection & System Development Charges are as follows:

Meter Size (in)	SDC Reimbursement	SDC Improvement	Total SDC Charges
3/4	\$ 4,296	\$ 6,302	\$ 10,598
1	\$ 7,162	\$ 10,504	\$ 17,666
1-1/2	\$ 14,324	\$ 21,011	\$ 35,335
2	\$ 22,918	\$ 33,613	\$ 56,531
3	\$ 45,836	\$ 67,226	\$ 113,062
4	\$ 71,620	\$ 105,040	\$ 176,660
6	\$ 143,239	\$ 210,081	\$ 353,320
8	\$ 229,183	\$ 336,129	\$ 565,312
10	\$ 329,451	\$ 483,185	\$ 812,636
12	\$ 483,433	\$ 709,023	\$ 1,192,456

5. District Approvals:

- a. Water improvement drawings shall be prepared by an Oregon Professional Engineer and submitted to CRW for approval.
- b. The Developer will be required to pay a time-and-materials deposit to the District for Plan Check and Inspection prior to review of any construction plans. The developer will be reimbursed for any unused deposit amount or billed for any additional expenses due.
- c. Upon completion of construction plan review, additional requirements may be set forth by the District.
- d. If a structure is to be demolished the owner or agent shall notify CRW within three business days to have the domestic meter temporarily pulled. If requested CRW will reestablish the meter once the site has been cleared of debris.

6. Clackamas County Development Permit:

- d. It will be the developer's responsibility to acquire any necessary easements for water facilities that shall be provided and designated on the final plat, as deemed necessary by the District. These easements must have functional access to public right of way and be properly recorded.
- e. Fire and domestic water services, as approved with this land use application, are intended specifically for the lot(s) being developed and are not intended to serve additional parcels or structures which may be created in the future. In the event that the parcels and/or lots are further divided to create additional parcels or lots, the owner is required to provide separate fire and domestic water services per CRW Rules and Regulations.
- f. Any fire suppression related improvements will require review and approval of Clackamas County Fire District #1 to ensure proper fire coverage and fire service connection installation in accordance with applicable regulations along with the appropriate backflow prevention assembly and flow detector.

For further information regarding this application, please contact Anthony Steele at 503-722-9239 or asteel@crwater.com.

cc: Clackamas Fire
Applicant
file