



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/31/2014

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Clackamas County Plan Amendment  
DLCD File Number 009-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, April 15, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Mike McCallister, Clackamas County  
Jon Jinings, DLCD Community Services Specialist  
Jennifer Donnelly, DLCD Regional Representative  
Katherine Daniels, DLCD Farm/Forest Specialist

<paa> YA



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE  
DEPT OF  
File No.:  
Received: MAR 26 2014  
LAND CONSERVATION  
AND DEVELOPMENT

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation no more than 20 days after the adoption. (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: Clackamas County

Local file no.: Z0513-13-CP/Z0514-13-ZAP

Date of adoption: 3/13/14 Date sent: 3-25-14

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 12/2/13  
No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No  
If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Mike McCallister

Phone: 503-742-4522

E-mail: MikeM@clackamas.us

Street address: 150 Beaver Creek Rd.

City: Oregon City

Zip: 97045

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Goal 1, 2, & 10.

#### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from N/A	to N/A	6 acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 32E-36 Tax Lots 901, 1500, & 1501

- The subject property is entirely within an urban growth boundary
- The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from N/A	to N/A	Acres: 6
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: Clackamas County Fire District #1, Molalla River School District.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

The amendment eliminates a condition in a previously approved Comprehensive Plan Map Amendment from Agriculture to Rural Residential and zone change from EFU to FF-10 which limited the future use of the property to a school.



DEPT OF

MAR 26 2014

LAND CONSERVATION  
AND DEVELOPMENT

OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING

2051 KAEN ROAD OREGON CITY, OR 97045

**Stephen L. Madkour**  
County Counsel

**Kimberley Ybarra**  
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**Chris Storey**  
**Scott C. Ciecko**  
**Alexander Gordon**  
**Amanda Keller**  
**Nathan K. Boderman**  
**Christina Thacker**  
Assistants

## CERTIFICATE OF MAILING

I hereby certify that the enclosed Board Order No. 2014-18, Local File No. Z0513-13-CP, Z0514-13-ZAP was deposited in the mail on March 25, 2014

Signed: \_\_\_\_\_

Cheryl J. Cornelison, Administrative Assistant  
Clackamas County Counsel's Office  
(503) 655-8619

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of an amendment to a previously  
Approved Comprehensive Plan Map  
Amendment and Zone Change for the  
Molalla River School District



ORDER NO. 2014- 18

File No.: Z0513-13-CP / Z0514-13-ZAP

This matter coming regularly before the Board of County Commissioners, and it appearing that the Molalla River School District made application to amend a previously approved application for a comprehensive map plan amendment from Agricultural to Rural, and a zone change from EFU to FF-10 on property described as T3S, R2E, Section 36, Tax Lots 901, 1500 and 1501, located one-eighth mile south of the intersection of Schuebel School Road and Lower Highland Road. The proposed amendment is to eliminate a condition of approval which limited future use of the property to school purposes adopted in File Nos. Z0231-09-CP and Z0233-09-ZAP.

It further appearing that the planning staff, by its report dated January 2, 2014, recommended approval of the application; and

It further appearing that the Planning Commission, at its January 13, 2014 meeting, recommended approval of the application to eliminate the condition of approval; and

It further appearing that after appropriate notice a public hearing was held before the Board of County Commissioners on February 12, 2014, at which testimony and evidence was presented, and that a preliminary decision was made by the Board on February 12, 2014;

Based upon the evidence and testimony presented this Board makes the following findings and conclusions.

1. The applicant has applied for a comprehensive plan amendment and zone change, and the application can meet the applicable approval criteria. The Board adopts the findings and conclusions in the staff report dated January 2, 2014.

NOW, THEREFORE, IT IS HEREBY ORDERED that the requested amendment to the comprehensive plan amendment and zone change is approved.

DATED this 13th day of March, 2014

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



MIKE MCCALLISTER  
PLANNING AND ZONING DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

**PLANNING STAFF REPORT AND RECOMMENDATION  
TO THE PLANNING COMMISSION**

NAME: Molalla River School District / Schuebel School  
FILE NO: Z0513-13-CP / Z0514-13-ZAP  
REPORT AUTHOR: Mike McCallister, Planning Director  
HEARING DATES: Planning Commission: January 13, 2014  
Board of County Commissioners: February 12, 2014  
REPORT DATE: January 2, 2013

GENERAL INFORMATION

Applicant: Molalla River School District; Attention; Richard Gill; P.O. Box 188; Molalla, OR 97038

Owner: Same

Proposal: To eliminate a condition of approval limiting the future use of the property to a school. This condition was attached to a Comprehensive Plan Map Amendment and Zone Change application approved by the County in 2009. The prior land use approvals are summarized below.

File No. Z0231-09-CP and Z0233-09-ZAP: Approval of a Comprehensive Plan Map Amendment and Exception to Statewide Planning Goal 3 from Agriculture to Rural and a corresponding zone change from EFU (Exclusive Farm Use) to FF-10 (Farm Forest 10 Acre District).

These land use applications were approved by the County under Board Order 2009-90 with a condition of approval which states: "Future use of the property shall be limited to school purposes."

The applicant has proposed to eliminate this condition. No other changes are proposed.

File No. Z0234-09-C: Approval of a Conditional Use Permit to authorize a public charter school in the existing buildings under the proposed FF-10 zoning district. This conditional use permit is now void and is not relevant to this proposal.

For additional background information and context for evaluating this proposal the following documents from the original applications are included in the record:

1. Board of County Commissioners Board Order No. 2009-90 including Exhibit A (condition of approval). See Exhibit 3.

2. Revised Planning Staff Report and Recommendation dated July 20, 2009. This report reflects the findings and recommendation the Planning Commission forwarded to the Board of County Commissioners. See Exhibit 4.
3. Planning Commission Minutes from the July 13, 2009 public hearing. See Exhibit 5.

Location: West side of Schuebel School Road, approximately 1/8 mile south of its intersection with Lower Highland Road.

Legal Description: T3S, R2E, Section 36, Tax Lots 901, 1500 and 1501

Comprehensive Plan Designation: Rural

Zone: FF-10 (Farm Forest 10 Acre Minimum Lot Size)

Total Area Involved: 6.09 acres. The subject property consists of 3 tax lots (901, 1500 and 1501). Each tax lot is considered a separate "lot of record" which means each tax lot may be sold separately and developed consistent with the underlying FF-10 zoning district.

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#### RECOMMENDATION:

1. Approval to delete the condition of approval in Exhibit A in Board Order 2009-90 which limits the future use of the property to a school.

If approved, future uses of the property would be those allowed in the FF-10 zoning district. See Attachment C in Exhibit 1.

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#### BACKGROUND INFORMATION, SITE AND AREA DESCRIPTION AND SERVICE PROVIDERS

1. Background Information / Prior Land Use Decisions:

- a. File No. 305-80-C: Conditional Use Permit approved by the Hearings Officer to construct a 10' x 12' log cabin building to be used as a storage area for the Schuebel School. A minor modification to change the location of the log building was approved by the Hearings Officer in July 1980.
- b. Temporary Permits: Various temporary permits to use 2 portable (modular) buildings for classroom purposes were approved between 1981 and 1984. (File Nos. 952-81, 804-82, 6-84 and 659-84). The modular buildings have been removed from the property.
- c. File No. 762-85-C: Conditional Use Permit approved by the Hearings Officer (BCC) to

construct a new building consisting of three new classrooms and two restrooms.

d. File No. Z0430-05-NCU: Verification and alteration of a Nonconforming Use to recognize the Scheubel School as a Nonconforming Use and change the use of the school to a church. The Hearings Officer denied the application because the use of the property as a school was discontinued in June 2001.

e. Status of School Use: The school was originally established on the property in 1947. The property was zoned EFU in 1979. The subject property is considered High Value Farmland. Changes to State law in 1994 prohibited schools on high value farmland. As a result of the discontinued use of the school in June 2001 the County Hearings Officer determined the nonconforming use status of the school had been lost.

2. Site Description: The subject property is approximately 6.09 acres. The property consists of very level to slight slopes. The property is developed with two school buildings, one small storage shed, on site sidewalks, two propane tanks, gravel parking / circulation areas and remnants of play fields and structures. The entire property is surrounded by a 6 foot tall cyclone fence. Access to the property is from a driveway on Scheubel School Road, which is designated as a local road.

3. Surrounding Conditions: All the adjacent and nearby properties are zoned EFU. The adjacent parcels consist of parcels ranging from approximately 3 acres to 60 acres and are developed with single family dwellings. Farm uses in the area include grass, pasture land and Christmas trees.

4. Service Providers:

a. Sewer: The property is not located in a public sanitary sewer district. Sewage disposal will be accommodated by an on-site sewage disposal system.

b. Water: The property is not located in a public or private water district. Water is provided from an on-site well.

c. Surface Water: The property is not located in a public or private surface water district. Surface water is regulated pursuant to Section 1008 of the ZDO.

d. Fire Protection: Clackamas Rural Fire Protection District #1

5. Notice of this application was sent to the following organizations and agencies:

a. Hamlet of Beavercreek

b. Clackamas Rural Fire Protection District #1

c. Department of Transportation and Development (DTD), Engineering Division

d. Dept. of Land Conservation and Development

e. Property Owners within 500'

6. Hamlet Recommendation: The subject property is located in the Hamlet of Beavercreek. The Hamlet of Beavercreek submitted comments recommending approval of the application. See Exhibit 7.



7. Exhibits: See Exhibit List following the last page of this report.

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#### Section 1: Comprehensive Plan Map Amendment Considerations

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### SECTION 1. COMPREHENSIVE PLAN MAP AMENDMENT CONSIDERATIONS

This proposal is to amend the specific condition of approval attached to the 2009 Comprehensive Plan Map Amendment and Zone Change application previously approved on the subject property. The following findings will address the Statewide Planning Goals, County Comprehensive Plan Policies and Oregon Administrative Rules (OAR's) as they relate to the proposal to eliminate the condition of approval which states:

**“Future use of the property shall be limited to school purposes.”**

The findings addressing this proposal include those in the revised staff report dated July 20, 2009 (Exhibit 4) and adopted in Board Order No. 2009-90 except as modified below.

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#### PART 1. COMPLIANCE WITH STATEWIDE PLANNING GOALS

A. Statewide Planning Goals 3-9 and 11-15 are not applicable to the proposed amendment.

B. Goal 1: Citizen Involvement: *To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

This is a quasi-judicial land use application. The Clackamas County Comprehensive Plan and Section 1300 of the Zoning and Development Ordinance (ZDO) contain adopted and acknowledged procedures for citizen involvement and public notice. This application has been processed consistent with Section 1300 including notice to adjacent and surrounding property owners within 500 feet of the subject property, notice in the local newspaper, and notice to affected agencies, Hamlet of Beavercreek and other interested parties. One or more advertised public hearings will also be conducted before the Clackamas County

Planning Commission and Board of County Commissioners, which provides an opportunity for citizen involvement and input.

**The proposal is consistent with Goal 1.**

*C. Goal 2; Land Use Planning: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

1. Goal 2 requires coordination with affected governments and agencies. Notice of this application has been provided to the following agencies and governments for comments; Clackamas County Fire Protection District and Department of Land Conservation and Development (DLCD).

2. The subject property is not located within any Urban Growth Management Area (UGMA) of any city. This proposal will not affect the Comprehensive Plan of any nearby city.

3. Goal 2 requires that all land use actions be consistent with the acknowledged Comprehensive Plan. This application has been evaluated against all the applicable goals and policies of the Clackamas County Comprehensive Plan. The background information and findings provided by the applicant and within this report, and comments received from agencies and interested parties provide an adequate factual base for rendering a decision consistent with the County Comprehensive Plan.

**This proposal is consistent with Goal 2.**

*D. Goal 10; Housing: "To provide for the housing needs of citizens of the state."*

1. This goal requires local jurisdictions to provide for an adequate number of needed housing units and to encourage the efficient use of buildable land within urban growth boundaries. OAR 660-007 and 660-008 defines the standards for determining compliance with Goal 10. OAR 660-007 addresses the housing standards inside the Portland Metropolitan Urban Growth Boundary. OAR 660-008 addresses the general housing standards.

2. The current limitation on this property restricts the future use of the property to a school and does not allow residential uses. The proposed amendment to eliminate the condition would allow all primary uses in the FF-10 zoning district including single family dwellings. The subject property consists of three "legal lots of record" which would allow three additional dwellings on the property (subject to meeting all development standards and obtaining approval for on-site sewage disposal systems). This proposal is consistent with Goal 10 because it would result in an increase of land available for rural housing needs in the County.

**This application is consistent with Goal 10.**

E. Statewide Planning Goals 16, 17, 18 and 19 are not applicable to Clackamas County.

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**PART 2. COMPLIANCE WITH GENERAL COMPREHENSIVE PLAN POLICIES**

A. There are no policies in Chapter 1 and 3-10 applicable to the proposed amendment.

B. **Chapter 2; Citizen Involvement:** *The purpose of this Chapter is to promote citizen involvement in the governmental process and in all phases of the planning process.*

I. There is one specific policy in this Chapter applicable to this application.

a. Policy 1.0; *Require provisions for opportunities for citizen participation in preparing and revising local land use plans and ordinances. Insure opportunities for broad representation, not only of property owners and Countywide special interests, but also of those within the neighborhood or areas in question.*

The Clackamas County Comprehensive Plan and ZDO have adopted and acknowledged procedures for citizen involvement. This application has been processed consistent with those procedures. Specifically, the County has provided notice to property owners within 500 feet of the subject property, and published public notices in the newspaper consistent with State law and Section 1302 of the ZDO. The Planning Commission and Board of County Commissioners will also hold one or more public hearings, as necessary, consistent with Section 1303 of the ZDO. These public mailings, notices and hearings will ensure an opportunity for citizens to participate in the land use process.

**This application is consistent with Chapter 2.**

C. **Chapter 11; The Planning Process:** *The purpose of this Chapter is to establish a framework for land use decisions that will meet the needs of Clackamas County residents, recognize the County's interrelationships with its cities, surrounding counties, the region, and the state, and insure that changing priorities and circumstances can be met.*

This Chapter contains two Sections titled: 1) City, Special District and Agency Coordination and; 2) Amendments and Implementation. In the City, Special District and Agency Coordination Section of this Chapter, Policy 1.0 is applicable to this application. In the Amendments and Implementation Section, Policy 1.0 and 3.0 are applicable.

1. **City, Special District and Agency Coordination Section**

a. Policy 1.0; *Participate in interagency coordination efforts with federal, state, Metro, special purpose districts and cities. The County will maintain an updated list of federal, state and regional agencies, cities and special districts and will invite their participation in plan revisions, ordinance adoptions, and land use actions which affect their jurisdiction or policies.*

Notice of this application has been provided to the following agencies and governments for comments; Clackamas Rural Fire Protection District and DLCD. Notice to these agencies provides an adequate opportunity for interagency coordination efforts of this plan amendment and demonstrates compliance with this policy.

**This policy is met.**

## 2. Amendments and Implementation Section

a. Policy 1.0; *Assure that the Comprehensive Plan and County ordinances meet the goals of LCDC, the Region 2040 Urban Growth Management Functional Plan and the Metro Framework Plan.*”

Based on the findings in Part 1 of this report this application is consistent with the Statewide (LCDC) Planning Goals. The Urban Growth Management Functional Plan and Metro Framework Plan are not applicable to this application because the property is outside the Metro urban growth boundary.

**This policy is met.**

b. Policy 3.0; *Amend the Comprehensive Plan pursuant to the following procedures and guidelines (listed in subpolicies 3.1 through 3.6). This is a quasi-judicial Comprehensive Plan map amendment and is subject to subpolicies 3.1, 3.3 and 3.4.*

1. Subpolicy 3.1; *A map amendment may be initiated only by the Board of County Commissioners, the Planning Commission, the Planning Director, or the owner of the property for which a change is requested.*

This application has been initiated by the Molalla River School District, the owner of the property.

**This policy is met.**

2. Subpolicy 3.3; *All proposed Comprehensive Plan amendments are to be considered at advertised public hearings before the Planning Commission, in accordance with state law and County requirements.*

Both the Planning Commission and Board of County Commissioners will review this application through one or more public hearings. Notice of the hearings have been published in the local newspaper and advertised consistent with all adopted ZDO notice requirements.

**This policy is met.**

3. Subpolicy 3.4; *If the proposed amendment is quasi-judicial, property owners will be notified as required. The Community Planning Organization in the affected area shall be notified at least 35 days prior to the first hearing.*

The property owners within 500 feet of the subject property were notified of this application on December 2, 2013, consistent with the requirement of Section 1303 of the ZDO. The Hamlet of Beaver Creek was also notified of this application on December 2, 2013, approximately 42 days prior to the Planning Commission hearing.

**This policy is met.**

**This application has been processed consistent with Chapter 11.**

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### **PART 3. EXCEPTION PROCESS AND CRITERIA**

A. Exceptions Process: The findings in the original 2009 decision justified an “Exception” to Statewide Planning Goal 3 (Agricultural Lands). The process and criteria for a Goal Exception is outlined in Oregon Administrative Rule 660, Division 004. The three types of Exceptions are:

1. OAR 660-004-0020 and OAR 660-004-0022; “Reasons Exceptions.”
2. OAR 660-004-0025; Land physically developed to other uses (Physically Developed Exception), and
3. OAR 660-004-0028; Land irrevocably committed to other uses (Irrevocably Committed Exception).

The “Exception” to Goal 3 in the original application was justified under the “Physically Developed” Exception criteria.

B. Exception Criteria: OAR 660-004-0018 sets forth requirements for adoption of plan and zone designations for Exceptions. Physically developed Exceptions under OAR 660-004-0025 are intended to recognize and allow continuation of existing types of development in the exception area and meet the standards below.

1. OAR 660-004-0018(2): *For "physically developed" and "irrevocably committed" exceptions to goals, residential plan and zone designations shall authorize a single numeric minimum lot size and all plan and zone designations shall limit uses, density, and public facilities and services to those:*

a. *That are the same as the existing land uses on the exception site;*

b. *That meet the following requirements:*

i. *The rural uses, density, and public facilities and services will maintain the land as "Rural Land" as defined by the goals, and are consistent with all other applicable goal requirements;*

ii. *The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to uses not allowed by the applicable goal as described in OAR 660-004-0028; and*

iii. *The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses.*

This proposal is to delete the condition limiting the future use of the property to a school applied under paragraph (a). Based on case law, the Planning Staff believes that under the approved "Physically Developed" exception, the County may apply the standards in either paragraph (a) or (b). See *Landwatch Lane County vs. Lane County – LUBA No. 2006-235*. Exhibit 9.

In the 2009 approval the existing land use on the property was a school. The school building and associated improvements were the basis for physically developed Exception. DLCD submitted a letter into the record during those proceedings opining that the criteria in OAR 660-004-0018(2(a)) can be met by limiting the future use of the property to a school, which is the same land use used to justify the exception. See Exhibit 6. The Planning Staff agrees that the existing condition limiting the future use of the property to a school satisfies the criteria paragraph 2(a).

The original Planning Staff report did not include a recommendation to limit the future use of the site to a school. After reviewing the record and considering public testimony the condition was recommended by the Planning Commission to address concerns about future uses in the existing school buildings and potential impacts that may not be compatible or consistent with the historical use of the site as a school. The Board of County Commissioners agreed with that recommendation. At that time, there were at least 2 parties interested in establishing a charter school on the property.

The staff believes this proposal also satisfies the 3 criteria in paragraph 2 (b) based on the following findings:

Rural lands as defined in the Comprehensive Plan are "... exception lands, as defined in Oregon Administrative Rules 660-004-005(1), that are outside urban growth boundaries and Unincorporated Communities and are suitable for sparse settlement, such as small farms, woodlots, or acreage home sites. They lack public facilities or have limited facilities and are not suitable, necessary, or intended for urban, agricultural or forest use."

The FF-10 zoning district applied to the subject property implements the "Rural" plan designation in the Comprehensive Plan. The Rural Plan designation is acknowledged and consistent with Statewide Planning Goals 11 (Public Facilities and Services) and Goal 14 (Urbanization).

The FF-10 zoning district is a single numeric minimum lot size standard. The County Comprehensive Plan includes 4 Rural zones ranging from 1 acre to a 10 acre minimum lot size. The FF-10 zone, with a 10 acre minimum lot size is the largest minimum lot size standard in areas designated Rural on the Comprehensive Plan. This zoning district is located throughout the rural areas of the County in areas nearby and adjacent to other resource lands.

The subject property is not currently located in a public water, sewer or surface water district. Policy 7.0 in the Rural Section of the Plan supports the expansion or development of public facilities only when consistent with maintaining the rural character of the area. This Comprehensive Plan policy will ensure that the public facilities and services in the Exception area will not commit adjacent or nearby lands to uses other than "Rural" uses and will be compatible with other adjacent and nearby resource uses.

The primary uses allowed in the FF-10 zoning district include one dwelling per parcel, farm and forest uses, public and private conservation areas and structures to support water, soil, forest, or wildlife habitat resources, fish and wildlife management programs and other casual public and private parks and recreational uses. The list of primary uses in the FF-10 zoning district are substantially consistent with uses allowed outright or conditionally on the adjacent lands zoned Exclusive Farm Use and therefore compatible with adjacent and nearby resource uses.

No new uses are identified or contemplated in this proposal. If new uses other than primary uses are proposed (i.e. conditional uses), those uses will require review through a public hearing process to ensure the type of use, density and proposed public facilities and services are compatible with adjacent or nearby resource uses.

There is no evidence in the record that the site is likely to be redeveloped with a use that would violate OAR 660-004-0018(2)(b).

In summary, the 10 acre minimum lot size, rural nature of uses allowed in the FF-10 zoning district, similarity of allowed uses in FF-10 zoning district and adjacent EFU zoning district, and lack of existing and planned public facilities for the exception site demonstrates substantial compliance with OAR 660-004-0018(2)(b).

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## **SECTION 2- ZONE CHANGE CONSIDERATIONS**

The zone change criteria are listed in Section 1202 of the Clackamas County Zoning and Development Ordinance (ZDO). The Planning Staff does not believe the zone change criteria are relevant to this proposal.

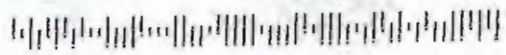
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## **SECTION 3. SUMMARY OF FINDINGS AND CONCLUSIONS**

Sections 1 and 2 of this report addresses all the applicable policies, standards and criteria in the Statewide Planning Goals, County Comprehensive Plan and Oregon Administrative Rule. In consideration of these findings, the Planning Staff finds that this proposal should be approved for the following reasons:

1. The findings in Part 1 demonstrate this proposal is consistent with the Statewide Planning Goals.
  2. The findings in Part 2 demonstrate this proposal is consistent with the General Clackamas County Comprehensive Plan policies.
  3. The finding in Part 3 demonstrate that the rural uses, density and lack of public services and facilities allowed in the FF-10 zone will ensure the Exception site is maintain as "rural" land in compliance with OAR 0660-004-0018(2)(b). DLC/D has no objection to the proposal.
  4. The subject property has been on the market for approximately 4 years. The existing condition of approval has limited the marketability and sale of the site for parties interested in utilizing the property for primary uses in the FF-10 zone (single family and farm uses).
  5. Future use of the property for conditional uses, including school, churches, campgrounds and other uses will require submittal and approval of a conditional use permit through a public hearing process. The conditional use permit criteria requires a showing that the proposed use will not significantly interfere with adjacent farm and forest uses in the area.
  6. The Hamlet of Beavercreek recommends approval of the application.
  7. The application has been processed consistent with all Comprehensive Plan and ZDO requirements including to notice to property owners, agencies, Hamlet of Beavercreek and other interested parties.
-





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# First Class Mail



**CLACKAMAS**  
COUNTY  
PUBLIC SERVICES BUILDING  
OFFICE OF COUNTY COUNSEL  
2051 KAEN ROAD | OREGON CITY, OR 97045

MAR 25 2

Attn: Plan Amendment Specialist  
Dept. of Land Conservation & Development  
635 Capitol Street NE, Ste. 150  
Salem, OR 97301-2540

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