



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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www.oregon.gov/LCD



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

Date: April 07, 2015
Jurisdiction: Clackamas County
Local file no.: Z0208-14-CP & Z0209-14-Z
DLCD file no.: 011-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/06/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 49 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

DLCD FORM 2



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

FOR DLCD USE
DEPT OF
File No.:
APR 06 2015
Received:

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.: **Z0208-14-CP and Z0209-14-Z**

Date of adoption: 03/26/2015 Date sent: 4/2/15

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): 12/23/2013 NoIs 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): Gary Hewitt, Sr. Planner

Phone: 503-742-4519 E-mail: garyh@clackamas.us

Street address: 150 Beaver Creek Road 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 2, 4, 5 and 12 implementing Goal 14

For a change to a comprehensive plan map:

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

Change from TBR to FF-10. 20 acres. A goal exception was required for this change.Change from TBR to FF-10. 5.06 acres. A goal exception was required for this change.Change from TBR to FF-10. 10 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): T2S, R5E, Section 06, W.M, Tax Lots 102, 103 and 600.

 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 TBR to FF-10. Acres: 20
Change from TBR to FF-10. Acres: 5.06
Change from TBR to FF-10. Acres: 10
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:

Location of affected property (T, R, Sec., TL and address): T2S, R5E, Section 06, W.M, Tax Lots 102, 103 and 600

List affected state or federal agencies, local governments and special districts:

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.

Exhibit A is the Findings of Fact and Conclusion of Law. Exhibit B are the map locations of the properties and the location on each parcel of where the zone change is taking place. Exhibit C is the Conditions of Approval to include multiple uses allowed on each new zoned area.

NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in ORS 197.615 and OAR 660-018-0040.

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line "Notice of Adopted Amendment."

Submittals may also be uploaded to DLCD's FTP site at http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Content:** An administrative rule lists required content of a submittal of an adopted change (OAR 660-018-0040(3)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. (ORS 197.615)

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- The findings and the text of the change to the comprehensive plan or land use regulation
- If a comprehensive plan map or zoning map is created or altered by the proposed change:
 - A map showing the area changed and applicable designations, and
 - Electronic files containing geospatial data showing the area changed, as specified in OAR 660-018-0040(5), if applicable
- Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

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

In the Matter of a Comprehensive
Plan Amendment and Zone Map
Amendment from Powerhouse Re
Gen LLC and Bull Run Schoolhouse
LLC, on property described as T2S,
R5E, Section 06, W.M, Tax Lots 102,
103 and 600

} ORDER NO. 2015-22
(Page 1 of 2)

File Nos.: Z0207-14-C, Z0208-14-CP and Z0209-14-Z

Whereas, this matter coming regularly before the Board of County Commissioners, and it appearing that Powerhouse Re Gen LLC and Bull Run Schoolhouse LLC made an application for a Comprehensive Plan Amendment from Forest to Rural with a corresponding Zoning Map Amendment from Timber District – 80 Acres (TBR) to Farm Forest – 10 Acres (FF-10) a conditional use permit to authorize a private park on 80 acres of the site zoned TBR, and a conditional use permit to authorize a private park, camp ground and educational center on 20 acres of the site zoned FF-10 on property described as T2S, R5E, Section 06, W.M, Tax Lots 102, 103 and 600, located approximately 1.60 miles northeast of the City of Sandy on SE Thomas Road and Bull Run Road, and more commonly known as 40401 SE Thomas Road, 41515 SE Thomas Road and 13115 SE Bull Run Road, Sandy, Oregon, 97055.

Whereas, it further appearing that the Planning staff, by their report dated July 28, 2014, recommended denial of the application; and

Whereas, it further appearing that after appropriate notice a public hearing was held before the Planning Commission on July 28, 2014 and August 11, 2014, at which time testimony and evidence was presented, and that the Commission, by a vote of 9-0, recommended approval of this request at their August 25, 2014 meeting; and

Whereas, it further appearing that after appropriate notice a public hearing was held before the Board of County Commissioners on October 22, 2014, at which time testimony and evidence were presented, and that the Board, by a vote of 5-0, on December 3, 2014 verbally approved the application, with a Comprehensive Plan Amendment and Zoning Map Amendment limited to that area identified in this Order, Exhibit B- Page 2 of 2, which is attached to this Order and incorporated herein by reference.

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

In the Matter of a Comprehensive
Plan Amendment and Zone Map
Amendment from Powerhouse Re
Gen LLC and Bull Run
Schoolhouse LLC, on property
described as T2S, R5E, Section 06,
W.M, Tax Lots 102, 103 and 600

ORDER NO. 2015-22
(Page 2 of 2)

File Nos.: Z0207-14-C, Z0208-14-CP and Z0209-14-Z

Based on the evidence and testimony presented, this Board makes the following findings and conclusions:

1. The applicant requests approval of a "reasons" exception to Statewide Planning Goal 4 (Forest), to allow for the uses identified in Order Exhibit C.
2. The applicant requests approval of a Comprehensive Plan Amendment from Forest to Rural with a corresponding Zoning Map Amendment from Timber District – 80 Acre (TBR) to Farm Forest – 10 Acre (FF-10) limited to that area identified in Order Exhibit B, a conditional use permit to authorize a private park on 80 acres of the site zoned TBR, and a conditional use permit to authorize a private park, camp ground and educational center on 20 acres of the site zoned FF-10.
3. This Board adopts as its findings and conclusions the Findings and Conclusions document attached hereto and incorporated herein as Order Exhibit A, which finds the application to be in compliance with the applicable criteria.

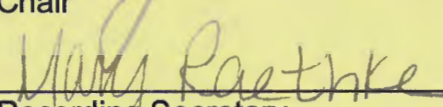
NOW THEREFORE, IT IS HEREBY ORDERED that the requested "reasons" exception to Statewide Planning Goal 4 (Forest), the Comprehensive Plan Amendment and Zoning Map Amendment limited to that area identified in Order Exhibit B – Page 2 of 2, and the two conditional use permits described herein are hereby APPROVED, and subject to the Conditions of Approval as contained in Order Exhibit C, which are attached to this Order and incorporated herein by reference.

DATED this 26th day of March, 2015

BOARD OF COUNTY COMMISSIONERS



Chair



Recording Secretary

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

In the Matter of a Comprehensive Plan Amendment and Zone Map Amendment from Powerhouse Re Gen LLC and Bull Run Schoolhouse LLC, on property described as T2S, R5E, Section 06, W.M, Tax Lots 102, 103 and 600



ORDER NO. 2015- 2 2
(Page 1 of 2)

File Nos.: Z0207-14-C, Z0208-14-CP and Z0209-14-Z

Whereas, this matter coming regularly before the Board of County Commissioners, and it appearing that Powerhouse Re Gen LLC and Bull Run Schoolhouse LLC made an application for a Comprehensive Plan Amendment from Forest to Rural with a corresponding Zoning Map Amendment from Timber District – 80 Acres (TBR) to Farm Forest – 10 Acres (FF-10) a conditional use permit to authorize a private park on 80 acres of the site zoned TBR, and a conditional use permit to authorize a private park, camp ground and educational center on 20 acres of the site zoned FF-10 on property described as T2S, R5E, Section 06, W.M, Tax Lots 102, 103 and 600, located approximately 1.60 miles northeast of the City of Sandy on SE Thomas Road and Bull Run Road, and more commonly known as 40401 SE Thomas Road, 41515 SE Thomas Road and 13115 SE Bull Run Road, Sandy, Oregon, 97055.

Whereas, it further appearing that the Planning staff, by their report dated July 28, 2014, recommended denial of the application; and

Whereas, it further appearing that after appropriate notice a public hearing was held before the Planning Commission on July 28, 2014 and August 11, 2014, at which time testimony and evidence was presented, and that the Commission, by a vote of 9-0, recommended approval of this request at their August 25, 2014 meeting; and

Whereas, it further appearing that after appropriate notice a public hearing was held before the Board of County Commissioners on October 22, 2014, at which time testimony and evidence were presented, and that the Board, by a vote of 5-0, on December 3, 2014 verbally approved the application, with a Comprehensive Plan Amendment and Zoning Map Amendment limited to that area identified in this Order, Exhibit B- Page 2 of 2, which is attached to this Order and incorporated herein by reference.

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

In the Matter of a Comprehensive
Plan Amendment and Zone Map
Amendment from Powerhouse Re
Gen LLC and Bull Run
Schoolhouse LLC, on property
described as T2S, R5E, Section 06,
W.M, Tax Lots 102, 103 and 600



ORDER NO. 2015 - 22
(Page 2 of 2)

File Nos.: Z0207-14-C, Z0208-14-CP and Z0209-14-Z

Based on the evidence and testimony presented, this Board makes the following findings and conclusions:

1. The applicant requests approval of a "reasons" exception to Statewide Planning Goal 4 (Forest), to allow for the uses identified in Order Exhibit C.
2. The applicant requests approval of a Comprehensive Plan Amendment from Forest to Rural with a corresponding Zoning Map Amendment from Timber District – 80 Acre (TBR) to Farm Forest – 10 Acre (FF-10) limited to that area identified in Order Exhibit B, a conditional use permit to authorize a private park on 80 acres of the site zoned TBR, and a conditional use permit to authorize a private park, camp ground and educational center on 20 acres of the site zoned FF-10.
3. This Board adopts as its findings and conclusions the Findings and Conclusions document attached hereto and incorporated herein as Order Exhibit A, which finds the application to be in compliance with the applicable criteria.

NOW THEREFORE, IT IS HEREBY ORDERED that the requested "reasons" exception to Statewide Planning Goal 4 (Forest), the Comprehensive Plan Amendment and Zoning Map Amendment limited to that area identified in Order Exhibit B – Page 2 of 2, and the two conditional use permits described herein are hereby APPROVED, and subject to the Conditions of Approval as contained in Order Exhibit C, which are attached to this Order and incorporated herein by reference.

DATED this 26th day of March, 2015

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

Exhibit A**Clackamas County Board of Commissioners****Findings of Fact, Conclusions of Law, and Conditions of Approval****Z0207-14-C, Z0208-14-CP and Z0209-14-Z****Subject Property and Requested Action**

The subject property is located near the historic site of Roslyn Lake, northeast of Sandy, near the intersections of SE Thomas Road SE Ten Eyck Road and Bull Run Road in unincorporated Clackamas County. The property consists of three parcels with a total of 157.91 acres. Tax lot 102 is approximately 110.10 acres and contains the historic Bull Run Powerhouse ("Powerhouse site"), a portion of the land formerly submerged by Roslyn Lake and the historic P.G.E. Day-Use Park ("Park site"). Tax lot 600 is the site of the historic Bull Run Elementary School, and is approximately five acres in size ("School site"). Tax lot 103 is approximately 42.75 acres. An easement across Tax lot 103 will allow access into the Powerhouse site from Bull Run Road. These parcels are currently designated Forest and zoned Timber. There are Historic Landmark overlays and a discontinuous Historic District designation on all three sites, approved by the Board on April 30, 2014, (Board Orders 2014-30 through 2014-33).

The applicant request includes a plan map amendment and zone change for approximately 55 acres of the subject property identified as the Powerhouse Site, the School Site, and the Park Site as provided for in Exhibit 59. The identified areas are proposed to be designated Rural, pursuant to an exception to Statewide Planning Goal 4, and zoned Farm Forest 10-Acre District (FF-10), retaining the Historic Landmark designations where applicable.

In addition, the applicant submitted two related Conditional Use requests under one file number (Z0207-14-C). Plan A is to authorize a private park on 80 acres of the site zoned TBR. The applicant proposes low-impact recreational uses that will include activities such as hiking, guided nature tours, animal tracking lessons and bird watching. No new buildings or other structures are proposed on the TBR portion of the site. Day use of the site is proposed to allow up to 800 people on both the TBR and FF-10 sites (includes participants and staff) at any one time.

Plan B is to authorize a private park, camp ground and educational center on 20 acres of the site zoned FF-10, and assumes that the FF-10 zoning is approved. In addition to the existing park structures, the applicant proposes six convertible classroom buildings (can be converted to sleeping quarters), two new open air pavilions/picnic shelters, six outdoor classrooms (platform tents) which can also be used for overnight stays and a 50 X 80 foot archery range. Day use of the site is proposed to allow up to 800 people on both the FF-10 and TBR sites (includes participants and staff) at any one time. Overnight use of the site is proposed to allow up to 300 participants. Access is proposed off an existing one-way circular driveway from SE Thomas Road.

County Procedures

Planning Commission Proceedings

The Planning Commission held hearings on the applicant's proposal on the following dates:

- July 28, 2014
- August 11, 2014
- August 25, 2014

The Planning Commission took testimony at the first two hearings; the third was deliberation only.

The Planning Commission recommended approval of the goal exception and zone change for the area identified on and provided for in Exhibit 59 and a conditional use on the park site, which is subject to certain limited uses and conditions as provided for in the Conditional Use application as provided in Plan A and Plan B conditions of approval.

Board Proceedings

The Board of County Commissioners held hearings on the applicant's proposal on the following dates:

- October 22, 2014
- December 3, 2014

The Board took testimony at the October hearing. The record was held open for further testimony through November 6th, 2014; rebuttal was accepted through November 13th, 2014; and the applicant's final argument was accepted November 19th, 2014. At the December hearing, the board deliberated and reached a decision.

The Board approved the goal exception and zone change for the area identified as provided for in Exhibit 59 and the conditional use on the park site. Through the Board process, the specific uses to be allowed and the conditions of approval were refined from those recommended by the Planning Commission.

Applicable Criteria

The following criteria are applicable to the Applications.

Sections 1 and 2 (Comprehensive Plan Map Amendment and Zone Change Application)

Statewide Planning Goals, 2, 4, 5, 12, and 14

Oregon Revised Statutes:

ORS 197.732(2)(c) - Goal exceptions; reasons criteria

Oregon Administrative Rules:

Department of Land Conservation and Development, Oregon Administrative Rule 660, Division 4: Interpretation of Goal 2 Exception Process

660-004-0018: Planning and Zoning for Exception Areas

660-004-0020: Goal 2, Part II(c), Exception Requirements

660-004-0022: Reasons Necessary to Justify an Exception under Goal 2, Part II(c)

Clackamas County Comprehensive Plan Policies:

Chapter 4 Land Use

Chapter 9 Open Space, Parks and Historic Sites

Chapter 11 Amendments and Implementation

Clackamas County Zoning and Development Ordinance:

Section 1202: Zone Change

Section 3 (Conditional Use)

Clackamas County Zoning and Development Ordinance:

Section 310 Farm Forest 10-Acre District (FF-10)

Section 406 AG/Forest District (AG/F)

Section 1006, Water Supply, Sanitary Sewer, Surface Water; and Utilities Concurrency

Section 1006.05 – Water Supply Standards Outside The Portland Metropolitan Urban Growth Boundary And Mount Hood Urban Area:

Section 1006.07 - Subsurface Sewage Disposal Standards

Section 1006.08 - Surface Water Management Standards

Section 1007- Roads Connectivity

Section 1007.03 – General Provisions

Section 1007.04 Public and Private Roadways

Section 1007.09, Transportation Facilities Concurrency

Section 1008 - Storm Drainage:

Section 1015 – Parking and Loading:

Section 1015.04 Automobile Parking Area Standards

Section 1021 Standards – Refuse and Recycling Standards for Commercial, Industrial, and Multifamily Developments

Section 1203 Conditional Use

Clackamas County Comprehensive Plan Policies:

Chapter 3 Natural Resources and Energy – Forests

Chapter 4 Land Use – Forest

Chapter 5 Transportation - Improvements to Serve Development

Chapter 9 Open Space, Parks and Historic Sites - Parks and Recreation

General Findings and Conclusions Related to the Application (Z0208-14-CP, Z0209-14-Z, and Z0207-14-C)

1. The Board finds that, as described above, the County has followed the correct procedures in this matter by providing requisite notice to area landowners, DLCD, and other affected government agencies and by conducting multiple public hearings for the Applications in accordance with the quasi-judicial procedures required by state and local law. Further, the Board finds that no one has raised any objection to the County's procedures in this matter or to the impartiality of any member of the Planning Commission or the Board.
2. As findings supporting approval of the Comprehensive Plan change and the rezoning Application (Z0208-14-CP and Z0209-14-Z), the Board hereby accepts, adopts, and incorporates within this Decision, in their entirety, the Findings of Fact presented in Section 1 and Section 2 below. The Findings of Fact are based on the Applicant's narrative and the Zone Change Application dated February 21, 2013; the Applicant's Supplemental Application Narrative dated May 2, 2014 addressing the "reasons" criteria for a goal exception; the Applicant's Supplemental Information and Clarifications memorandum, dated June 9, 2014; the Applicant's Supplemental Findings for Reasons Exception for Private Park at Park Site, dated November 6, 2014; the Applicant's letter to the Board of County Commissioners, dated November 19, 2014; and other testimony identified herein.
3. As findings supporting approval of the Conditional Use Application (Z0207-14-C), the Board hereby accepts, adopts, and incorporates within this Decision, in their entirety, the Findings of Fact presented in Section 3 below. The Findings of Fact are based on the Staff Report to the Planning Commission dated July 21, 2014; the Applicant's June 2014 Application; the supplemental memorandum from Lancaster Engineering provided by the Applicant regarding Sight Distance at SE Ten Eyck and Thomas Roads for the Bull Run Education Center dated July 17, 2014; and the sight distance survey provided by the Applicant from All County Surveyors and Planners, Inc. dated September 26, 2014.
4. The Board finds that the Applicant's application narratives, the Applicant's supplemental materials submitted to support the requested actions, the Applicant's testimony received at the public hearings, and the Staff Reports explain the need for limiting uses on the School, Powerhouse, and Park sites and imposing Conditions of Approval for all three sites. The Board finds, based upon this substantial evidence, that each of these conditions is a reasonable condition that is feasible for the Applicant to comply with and is necessary to satisfy the applicable criteria presented in the Findings of Fact presented below.
5. The Board finds that the record contains all evidence and argument needed to evaluate the Applications for compliance with the relevant criteria.

6. The Board finds that it has considered these relevant criteria and other issues raised on the record.
7. The Findings of Fact list all of the applicable approval criteria, and demonstrate compliance with these approval criteria. These findings elaborate upon and clarify the findings found in the Applicant's narratives and the County Staff Reports and explain the Board's reasoning in concluding that the applications satisfy all applicable approval criteria. The Findings of Fact are grouped into three sections: Comprehensive Plan Map Amendment from Forest to Rural, Zone Change Application, and Conditional Use Permit. Findings in Sections 1 and 2 (Comprehensive Plan Map Amendment and Zone Change Application) are found under applicable criteria and, where findings are specific to an area, are further organized under School Site, Powerhouse Site and Park Site. Section 3 (Conditional Use Permit) is organized by Plan (A and B), with relevant criteria and findings applicable to each specific area included under these subheadings.
8. The Board approves the Comprehensive Plan amendment, rezoning and conditional use permit with the conditions listed in Section 4.

Findings of Fact

Section 1. Comprehensive Plan Map Amendment from Forest to Rural

1. Compliance with Statewide Planning Goals

The Board finds that the Oregon Statewide Planning Goals (“Goals”) apply to the Comprehensive Plan Amendment and the Zone Change Application because they request post-acknowledgment plan amendments (“PAPA’s”). ORS 197.175(2)(a); ORS 197.732(1)(b) (defining an exception as “a comprehensive plan provision”). For the reasons explained below, the Board finds that the Comprehensive Plan Amendment and the Zone Change Application are consistent with the following applicable Goals.

Goal 1: Citizen Involvement.

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Goal 1 requires local governments to adopt and administer programs to ensure the opportunity for citizens to be involved in all phases of the planning process. The County has adopted such a program for PAPA’s, and it is incorporated within the CCCP and CCZDO and has been acknowledged by LCDC. Among other things, the County’s program requires notice to citizens, agencies, neighbors, and other interested parties followed by multiple public hearings before the County makes a decision on the Applications. The Board finds that the County has complied with its adopted notice and hearing procedures applicable to PAPA’s. Further, no one objected to the procedures followed by the County in this matter. Therefore, the Board finds that the Comprehensive Plan Amendment and the Zone Change Application are consistent with Goal 1. See *Wade v. Lane County*, 20 Or LUBA 369, 376 (1990) (Goal 1 is satisfied as long as the local government follows its acknowledged citizen involvement program).

Goal 2: Land Use Planning.

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The Board finds that the approval criteria identified on pages 2-3 of this narrative establish the land use planning process and policy framework for considering the Comprehensive Plan Amendment and the Zone Change Application. Further, the evidence in the record demonstrates that the Comprehensive Plan Amendment and the Zone Change Application satisfy all applicable substantive standards of the identified approval criteria. As such, there is an adequate factual base for the County’s decision.

Therefore, the Board finds that the County has met the evidentiary requirements of Goal 2.

The Board further finds that Goal 2 requires that the County coordinate its review and decision on the Applications with appropriate government agencies. The County provided notice and an opportunity to comment on the Applications to affected government agencies, including nearby cities and the State Department of Land Conservation and Development. Therefore, the Board finds that the County has met the coordination requirements of Goal 2.

The County finds that the Comprehensive Plan Amendment and the Zone Change Application are consistent with Goal 2.

Goal 3: Agricultural Lands.

To preserve and maintain agricultural lands.

The subject property does not consist of any agricultural lands. Therefore, the Board finds that Goal 3 is not applicable to the Applications.

Goal 4: Forest Lands.

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

The Comprehensive Plan Amendment and Zone Change Application request an exception from the requirements of Goal 4 to allow development of non-forest uses on forest lands. For the reasons explained below, and subject to the identified conditions of approval, applicant's proposed Goal 4 exception meets applicable requirements of Oregon law and should be approved.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces.

To protect natural resources and conserve scenic and historic areas and open spaces.

The County previously added the school, the powerhouse, and the park to its Goal 5 inventory of historic and cultural resources. Approval of the Comprehensive Plan Amendment and Zone Change Application will be consistent with the decision to add these resources to the County's inventory because it will facilitate activities that will ensure maintenance and preservation of these resources. Specifically, given the

County's fiscal limitations and the absence of public sector or non-profit parties who can acquire and maintain the historic structures, the Board finds that the only viable option for preservation of the designated historic resources is through private investment. In order for private investment to remain a viable option, the Board finds that adaptive reuse of the structures must be allowed so that they can generate revenue to offset the expense of maintenance. The Comprehensive Plan Amendment and Zone Change Application propose adaptive reuse of the structures.

Accordingly, the Board finds that the Comprehensive Plan Amendment and the Zone Change Application are consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality.

To maintain and improve the quality of the air, water and land resources of the state.

The Board finds that the Comprehensive Plan Amendment and Zone Change Application are consistent with Goal 6 for three reasons. First, the proposal does not adversely impact any environmentally sensitive areas such as slide and erosion hazard areas, sensitive fish and wildlife habitat, scenic corridors, or unique natural and/or cultural facilities. Second, as explained in the ESEE analyses for the project, the proposal provides a unique opportunity and setting within the Bull Run River watershed to offer education on environmental issues. Third, the extensive conditions of approval limit use of the subject sites so as to prevent adverse impacts to the quality of the air, water, and land resources of the state. For these reasons, the Board finds that the Comprehensive Plan Amendment and the Zone Change Application are consistent with Goal 6.

Goal 7: Areas Subject to Natural Hazards.

To protect people and property from natural hazards.

The Board finds that there are no identified or inventoried natural hazards in the general area of the subject property, and the project is not located within the designated floodplain. As a result, the Board finds that the Comprehensive Plan Amendment and the Zone Change Application are consistent with Goal 7.

Goal 8: Recreational Needs.

To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

The Board finds that approval of the applications will facilitate redevelopment and adaptive reuse of historic structures and a portion of the park, which will expand the recreational offerings available to citizens of the state and visitors. These recreational

offerings would include a campground, park, educational center, and museum. Therefore, the Board finds that the Comprehensive Plan Amendment and the Zone Change Application are consistent with Goal 8.

Goal 9: Economic Development.

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

In general, Goal 9 is only applicable to areas within urban growth boundaries. OAR 660-009-0010(1). The subject property is located outside the Metropolitan Portland Urban Growth Boundary. Therefore, the Board finds that Goal 9 is not applicable to the project.

Goal 10: Housing

To provide for the housing needs of citizens of the state.

The Board finds that Goal 10 is not applicable to the project because the subject property is not located within the Metropolitan Portland UGB and because it does not concern lands proposed for urban reserve designation or planned for urban residential housing. Therefore, the Board finds that Goal 10 is not applicable to the Comprehensive Plan Amendment and the Zone Change Application.

Goal 11: Public Facilities and Services.

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The Board finds that the project does not require the extension of public sewer, water, or storm drainage facilities, and applicant does not propose to extend the same. Accordingly, the Board finds that the Comprehensive Plan Amendment and the Zone Change Application are consistent with Goal 11.

Goal 12: Transportation.

To provide and encourage a safe, convenient and economic transportation system.

Goal 12 is implemented by the Oregon Transportation Planning Rule ("TPR"), which requires local governments to determine whether or not a proposed PAPA will "significantly affect" an existing or planned transportation facility. OAR 660-012-0060(1). A PAPA will "significantly affect" an existing or planned transportation facility if it will: (1) change the functional classification of a facility; (2) change standards

implementing a functional classification system; (3) as measured at the end of the planning period, result in types or levels of travel or access that are inconsistent with the functional classification of an existing facility; or (4) degrade the performance of an existing facility either below applicable performance standards, or if already performing below these standards, degrade it further. *Id.*

LUBA has stated that the initial question under the TPR is “whether the plan amendment causes a net increase in impacts on transportation facilities, comparing uses allowed under the unamended plan and zoning code with uses allowed under the amended plan and zoning code.” *Griffiths v. City of Corvallis*, 50 Or LUBA 588, 593 (2005). This is commonly applied to require that an applicant compare the traffic associated with a reasonable worst case scenario development under the existing zoning district with a reasonable worst case scenario under the proposed zoning district.

The Board finds that the project will not significantly affect any existing or planned transportation facilities. In support of this conclusion, the Board relies upon the “worst case scenario” analysis prepared by applicant’s transportation consultant, Lancaster Engineering (“Lancaster”). In that analysis, Lancaster compared the reasonable worst-case trip generation scenario of the subject property under the existing zoning designation (TBR) with the reasonable worst-case trip generation scenario under the proposed zoning designation (FF-10). This comparison indicated that the subject property would not generate more trips under the proposed zoning designation because: (1) only 30 acres of the Park Site/Powerhouse Site is included in the zone change request and due to the limited uses allowed under the zone change only the development of two single residential dwellings will be allowed. The traffic impact would be de minimis compared to the allowed residential development under the existing TBR zoning; and (2) the School Site is too small to subdivide and allow for development under either the existing or proposed zoning. Based upon these results, Lancaster concluded that the applications would not significantly affect any existing or planned transportation facilities for purposes of the TPR.

Therefore, the Board finds that the Comprehensive Plan Amendment and the Zone Change Application are consistent with Goal 12 and the TPR.

Goal 13: Energy Conservation.

To conserve energy.

The Board finds that the proposal enables the adaptive reuse and preservation of historic structures and sites. As explained in the ESEE analyses for the project, enabling the adaptive reuse and preservation of these resources allows the substantial investment of materials and energy used to build the structure to continue to provide value rather than to deteriorate. Further, the infrastructure necessary to serve the sites is already available, thus eliminating the need to expend energy to extend utilities and

services to support the project. For these reasons, the Board finds that the Comprehensive Plan Amendment and the Zone Change Application are consistent with Goal 13.

Goal 14: Urbanization.

To provide for an orderly and efficient transition from rural to urban land use.

For the reasons set forth at pages 43-44 of the staff report, the Board finds that OAR 660-004-0040 implements Goal 14, is applicable to the Comprehensive Plan Amendment and Zone Change Application, and is satisfied.

Goal 15: Willamette River Greenway.

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

The Board finds that no portion of the subject property is located in the Willamette River Greenway, and no lands within the Greenway are affected by this proposal. Therefore, the Board finds that Goal 15 is not applicable.

Goal 16: Estuarine Resources

To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and

To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity, and benefits of Oregon's estuaries.

The Board finds that no portion of the subject property is located within an estuary. As a result, the Board finds that the project will not adversely affect any estuarine resources. Accordingly, the Board finds that Goal 16 is not applicable.

Goal 17: Coastal Shorelands.

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and

To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

The Board finds that no portion of the subject property or the designated impact area is located within a coastal shorelands area. As a result, the Board finds that the project will not adversely affect any coastal shorelands resources. Accordingly, the Board finds that Goal 17 is not applicable.

Goal 18: Beaches and Dunes.

To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and

To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

No portion of the subject property or the designated impact area is located within a designated beach or dune. As a result, the Board finds that the project will not adversely affect beach or dune resources. Accordingly, the Board finds that Goal 18 is not applicable to the Comprehensive Plan Amendment and the Zone Change Application.

Goal 19: Ocean Resources.

To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

The subject property does not include or abut any ocean resources, and the project will not impact any ocean resources. Therefore, the Board finds that Goal 19 is not applicable to the Comprehensive Plan Amendment and the Zone Change Application.

2. Compliance with Goal Exception Criteria in State Statute and Administrative Rules

Oregon Revised Statutes: 197.732 Goal exceptions; criteria; rules; review.

(2) A local government may adopt an exception to a goal if:

(c) The following standards are met:

(A) Reasons justify why the state policy embodied in the applicable goals should not apply;

School Site: The need to preserve significant historic resources designated for protection by the County, consistent with Goal 5 and the County's adopted and acknowledged Comprehensive Plan, justifies why the state policy embodied by Goal 4 should not apply to this property. Given the County's fiscal limitations and the absence of public sector or non-profit parties willing to acquire and maintain the historic structures, the only viable option for preservation of the designated historic resources is through private investment. In order for private investment to remain a

viable option, adaptive reuse of the structures must be allowed so that they can generate revenue to offset the expense of maintenance. The School site cannot be used as a school in the Timber zone, nor are there other uses that are allowed in the Timber zone that would allow for financially viable adaptive reuse compatible with the Historic Landmark designation. Furthermore, the objective of financially viable adaptive reuse cannot be achieved if the future use is limited to a school.

Powerhouse Site: The need to preserve significant historic resources designated for protection by the County, consistent with Goal 5 and the County's adopted and acknowledged Comprehensive Plan, justifies why the state policy embodied by Goal 4 should not apply to this property. Since the powerhouse has been decommissioned and can no longer be used as a powerhouse, the only way to preserve the historic structures is to allow new use of the site. Given the County's fiscal limitations and the lack of willingness from the public sector to acquire and maintain the historic structures, the only viable option for preservation of the powerhouse is through private/non-profit investment. Adaptive reuse of the structures must be allowed so that they can generate revenue to offset the expense of maintenance. If the site remains in the Timber zone, or if the future uses are limited to the historic uses of the property (i.e. a commercial utility facility for the purpose of generating power), which can no longer be continued, no economically viable uses of the Powerhouse site will remain.

Park Site: The need to preserve significant historic resources designated for protection by the County, consistent with Goal 5 and the County's adopted and acknowledged Comprehensive Plan, justifies why the state policy embodied by Goal 4 should not apply to this property.

With Roslyn Lake drained and PGE no longer operating the day-use park (which it had done in order to meet state and federal requirements, rather than because it provided a financial benefit), there is a need for a new purpose for the site. Given the County's fiscal limitations and the inability of the public sector to acquire and maintain the historic park structures and grounds, the only viable option for preservation of the park is through private investment. Without the lake as an attraction or an operable powerhouse to subsidize park operations and maintenance, additional uses beyond the historic use -- a private park for casual day use -- must be allowed in order for the park to generate revenue to offset the expense of maintenance.

The future recreational uses that are appropriate on the historic park grounds will need to be more intense and more diverse than those allowed under the Timber zone in order to generate adequate revenue to maintain the park. This is why the FF-10 zone is needed and appropriate. Future private park use allowed under the FF-10 zone will still need to be rural in nature and intensity, but will allow a broader spectrum of activities, including overnight use, than would meet the standards for a private park in the Timber zone.

Based on the findings above, the Board finds that this criterion is met.

(B) Areas that do not require a new exception cannot reasonably accommodate the use;

The preservation of the historic resources through adaptive reuse cannot be reasonably accommodated on any piece of land other than where those resources are currently located, which happens to be resource land. The setting and location are part of the history of each of the sites. In addition, as discussed in more detail in response to OAR 660-004-0020: Goal 2, Part II(c), Exception Requirements, the historic resources in question need to allow the potential for new uses in order to provide access to and enjoyment of the historic sites and structures and to provide a revenue stream for their on-going maintenance.

Based on the findings above, the Board finds that this criterion is met.

(C) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

The long term environmental, economic, social and energy consequences are discussed for each site below. It is important to note that the criterion requires comparison only against locating the proposed use in other areas also requiring a goal exception (and, as noted above, no other locations, whether requiring a goal exception or otherwise can achieve the reason that justifies the proposed use). However, accommodating the proposed uses on the sites in question has less, not more, adverse consequences than locating them on any other site(s) requiring a goal exception, as detailed below.

School Site:

- ENVIRONMENTAL CONSEQUENCES: The school site is already developed. Allowing adaptive reuse of the existing structure and the existing developed land on the site is environmentally efficient.
- ECONOMIC CONSEQUENCES: Enabling private investment in the historic school building allows the County to advance one of its goals – protection of historic resources – without the need to expend public money to do so. With a Plan amendment to Rural land, the site will support jobs for maintenance and educational programming or recreational uses, which will have an economic benefit. Allowing for on-going private investment will also prevent the structure from becoming a nuisance due to vandalism and break-ins, thereby preventing the site from becoming a drain on County law enforcement resources.

- **SOCIAL CONSEQUENCES:** Allowing for the adaptive reuse of the subject property both preserves an important piece of the community's history and allows the historic structure to potentially provide on-going benefits to the community through use as a community center or for educational or recreational activities. It also prevents the building from suffering neglect and becoming a target for vandals or a refuge for illicit activities that would detract from the safety of the area.
- **ENERGY CONSEQUENCES:** Enabling the adaptive reuse and preservation of the historic structure on the site allows the substantial investment of materials and energy that were used to build the structure to continue to provide value rather than being allowed to deteriorate. Because the needed infrastructure is already available at the site, there will be no energy expenditure to bring utilities to the site.

If an educational / recreational / community center were to be established on other resource land that does not already contain a historic school structure, more site improvements would be needed, possibly including extending infrastructure to serve the site as well as conversion of resource land to non-resource uses. As a result, the long-term environmental, economic, social and energy consequences resulting from the use at the School Site are not more adverse than these other areas requiring a Goal exception. The Board finds that the school use satisfies this criterion.

Powerhouse Site:

- **ENVIRONMENTAL CONSEQUENCES:** The Powerhouse Site lies at the foot of the Bull Run watershed. The watershed is not accessible to the public due to the importance of water quality protection. The location of the powerhouse on the Bull Run River provides an opportunity for environmental education about the Bull Run watershed adjacent to (but safely outside) the watershed itself. The limitations on new structures and expansions on the site will reduce the potential environmental impacts from the proposed plan amendment and zone change.
- **ECONOMIC CONSEQUENCES:** Enabling on-going private investment in the historic structures on the subject property allows the County to advance one of its goals – protection of historic resources – without the need to expend public money to do so. With a Plan amendment to Rural land, the site could support jobs for maintenance and educational programming, which will have an economic benefit. Allowing for on-going private investment will also prevent the structures from becoming a nuisance due to vandalism and break-ins, thereby preventing the site from becoming a drain on County law enforcement resources.

- **SOCIAL CONSEQUENCES:** Allowing for the adaptive reuse of the subject property both preserves an important piece of the community's history and allows the historic structures to provide on-going benefits to the community through use as gathering spaces and for educational activities. It also prevents the structures from suffering neglect and becoming targets for vandals and refuges for illicit activities that would detract from the safety of the area.
- **ENERGY CONSEQUENCES:** In addition to providing an opportunity for education on power generation, enabling the adaptive reuse and preservation of the historic structures on the Powerhouse Site allows the substantial investment of materials and energy that were used to build the structures to continue to provide value rather than being allowed to deteriorate. Because the needed infrastructure is already available at the site, there will be no energy expenditure to bring utilities to the site.

If a use similar to the envisioned "Powerhouse Center on the Bull Run" were to be established on other resource land that does not already contain historic structures, more site improvements would be needed, possibly including extending infrastructure to serve the site as well as conversion of resource land to non-resource uses. As a result, the long-term environmental, economic, social and energy consequences resulting from the use at the Powerhouse Site are not more adverse than these other areas requiring a Goal exception. The Board finds that the powerhouse use satisfies this criterion.

Park Site:

- **ENVIRONMENTAL CONSEQUENCES:** Allowing re-use of the park site provides an opportunity for outdoor educational programming and outdoor recreation in a natural setting that makes use of areas that are already developed and disturbed.
- **ECONOMIC CONSEQUENCES:** Enabling private investment in the existing structures and improvements and in a limited number of new structures on the Park Site will allow the County to provide recreational opportunities to County residents without the need to expend public money to do so, and will also increase the value of the property, increasing property tax revenue. With a Plan amendment to Rural land, the site could support jobs for maintenance and recreational and educational programming, which will have an economic benefit. Allowing for on-going private investment will also prevent the existing structures from becoming a nuisance due to vandalism and break-ins, thereby preventing the site from becoming a drain on County law enforcement resources.

- **SOCIAL CONSEQUENCES:** Allowing recreational and educational uses to occur again on the Park Site will provide on-going benefits to the community through increased accessibility to recreational and educational opportunities. It also prevents the structures from suffering neglect and becoming targets for vandals or refuges for illicit activities that would detract from the safety of the area.
- **ENERGY CONSEQUENCES:** Because the needed infrastructure is already available at the Park Site, there will be no energy expenditure to bring utilities to the site.

If a private park allowed under the FF-10 zone were to be established on other resource land that does not already contain park structures, parking, access roads, restrooms, septic drain fields, and other improvements, more site improvements would be needed. As a result, the long-term environmental, economic, social and energy consequences resulting from the private park use at the Park Site are not more adverse than these other areas requiring a Goal exception. The Board finds that the private park use satisfies this criterion.

Based on the findings above, the Board finds that this criterion is met.

(D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

School Site: The uses to be permitted by the Board's action at the School Site, which include a school, daycare facility, art and music studio, office, and dwelling, will be compatible with other adjacent uses. The specific allowed uses are addressed individually below.

- **School:** The site was historically used as a school. Use of the site as an educational facility with overnight accommodations would be equally compatible with adjacent uses as the school that originally occupied the building.
- **Daycare facility:** Since it was historically used as an educational facility for children, use as a daycare would be consistent with its historic character. It would have no more impact on adjacent uses than the school that originally occupied the building.
- **Art and music studio:** This use would take place within the existing building, and would have an educational component that would link to the site's history. It would likely be less intense than the public school use that originally occupied the building, and would have little or no impact on adjacent uses.

- **Offices:** Since historically the school included administrative offices office use within the existing building would be consistent with the site. There would be little or no impact on adjacent uses.
- **Dwelling:** A residence is needed in order to provide year-round presence on the site. The presence of a single dwelling on the site will have little or no impact on adjacent uses, other than by discouraging vandalism and trespassing on the site. This improvement will have a positive impact on adjacent uses.

While none of the uses is expected to be incompatible with adjacent uses, there are also factors specific to the site that help buffer and minimize any impacts on adjacent uses. The school building is situated close to Thomas Road; and the school grounds provide a buffer to the resource area that will remain on tax lot 102. The resource area on tax lot 102 is not currently used for forest operations or farming; however, since the two properties are expected to be managed together, compatibility can be ensured between the school property and any forestry operations that may occur on the portions of tax lot 102 that remain zoned TBR. The only other nearby resource uses are buffered by Thomas Road and the row of four small, developed rural residential properties across Thomas Road to the south of the School Site. Utilization of the school property for the uses listed above will not have the effect of committing any additional resource land to non-resource uses. Furthermore, as an additional mitigating factor, the conditional use and/or public hearing review process that will be required for the proposed future uses (except a single dwelling) will also help ensure compatibility with adjacent uses through control of the extent, intensity, configuration, and/or hours of future uses.

Powerhouse Site: The land adjacent to the Powerhouse Site is designated Forest. The future uses of the Powerhouse Site to be permitted by the Board's action, which include a museum, classes related to the site's history and natural environment, use of the historic machine shop, a small restaurant, gift shop, art gallery and studios, office space, a dwelling, and limited community events are all compatible both with the site's historic character and with surrounding uses. Uses will take place primarily inside the existing historic structures, with limited outdoor activity. Limitations have been placed on the extent of outdoor use, including limiting community events to the requirements at page 2 of Exhibit 59, in order to minimize any potential adverse impacts on adjacent uses from outdoor activity on the site. The powerhouse site is relatively isolated from other uses due to topography and the Bull Run River; the abutting properties on this side of the river are owned by the Portland Water Bureau and by PGE¹ with uses limited to conservation of habitat resources.

¹ Ownership information provided by Clackamas County Assessment and Taxation, 4/30/14.

Park Site: Properties surrounding the subject site are zoned Timber and are generally rural in character. The Timber zoning allows uses including farm and forest operations, single family dwellings (with limitations), limited utility and solid waste facilities, some hunting/fishing activities, and outdoor mass gatherings of under 3,000 people for less than 120 hours in any 3-month period. Existing uses adjacent to the site include several small farms with homes to the south across SE Thomas Road, undeveloped and currently unmanaged wooded areas to the east and west, and the former Roslyn Lake bed (currently sandy and filling in with shrubs, grasses, and alder trees) on the north and northeast edges. The historic Bull Run Elementary School is also adjacent to the site at the southeast corner; the two properties are expected to be managed together.

Compatibility of the proposed use at the Park site must be considered in light of the fact that the site was historically a heavily used recreational destination for the Portland region, with tens of thousands of visitors each year for several decades. While anecdotal recollections by some community members suggest that usage was in the hundreds of visitors on busy weekends, the number of visitors was documented in forms submitted to the Federal Energy Regulatory Commission (FERC) regarding usage of the recreation facilities at the Roslyn Lake reservoir (these forms were provided by the applicant and are in the record). In 1966 the park hit a peak of 100,000 visitors. From 1991 to 2002, the annual number of visitors ranged from over 40,000 to 63,000 with peak weekends averaging 3,000 visitors throughout that time. The park was a beloved amenity for the surrounding community – there is no evidence of compatibility concerns from adjacent uses when the park was operating and heavily used.

The use of the exception area to be permitted by the Board's action is less intense than the historic use of the park. The limitations on the number of users of the site per day and overnight will minimize any potential adverse impacts on adjacent uses. The only portion of the use to be permitted by the Board's action that exceeds what took place at the site historically is the addition of overnight stays, and these have been limited. (The park was historically utilized as a day use park.) The site will maintain its natural, park-like setting. No new roads will be constructed, existing traffic routes will not be altered, and the addition of buildings and shelters will be done in a manner that complements the historic character of the park.

While the goal exception and zone change is for 20 acres, the full park site (exclusive of the Powerhouse site) totals 100 acres. The developed portion of the park where the zone change and more intense park use will occur, including the cabins for overnight use, is located in the center of the site, surrounded on all sides by land on the same parcel that will remain in the Timber zone. This land provides a buffer and transition to other adjacent resource land by allowing only the low-impact, casual, recreational use that is acceptable in the Timber zone to extend into those areas. The goal exception and FF-10 zone area is set back from SE Thomas Road, where the only nearby rural homes are located, by nearly a quarter mile. This distance and

buffering will mitigate any potential noise impacts on surrounding rural residential uses. The buffer of TBR zoning surrounding the FF-10 zone (the minimum buffer from adjacent properties is 40 feet from the western property line to the FF-10 zoning) will also minimize conflicts with any future resource uses on adjacent land to the east, north, and south (as noted, this land is not actively managed for farm or forest use at present).

In addition, the applicant's transportation impact study of the future use of the park site concludes that traffic generated by the proposed use will not have negative impacts on surrounding roads and intersections. Service levels will remain adequate (LOS A). Sight distance issues can be mitigated to improve safety for all drivers through the affected intersection at Thomas Road and Ten Eyck Road.

Given that the proposed use is less than the historic levels of use of the park site, that all uses that exceed what is allowed in the TBR zone will be separated and buffered from adjacent uses by TBR land on the same property, and that there will be no negative impacts on the surrounding transportation system, the proposed use is compatible with adjacent uses. As additional support for this conclusion, the Board relies upon the findings set forth below in response to CCZDO 1203.01.D.

Based on the findings above, the Board finds that this criterion is met.

Oregon Administrative Rules: Department of Land Conservation and Development, Oregon Administrative Rule 660, Division 4: Interpretation of Goal 2 Exception Process

660-004-0018: Planning and Zoning for Exception Areas

(1) Purpose. This rule explains the requirements for adoption of plan and zone designations for exceptions. Exceptions to one goal or a portion of one goal do not relieve a jurisdiction from remaining goal requirements and do not authorize uses, densities, public facilities and services, or activities other than those recognized or justified by the applicable exception. Physically developed or irrevocably committed exceptions under OAR 660-004-0025 and 660-004-0028 and 660-014-0030 are intended to recognize and allow continuation of existing types of development in the exception area. Adoption of plan and zoning provisions that would allow changes in existing types of uses, densities, or services requires the application of the standards outlined in this rule.

(4) "Reasons" Exceptions:

(a) When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception.

The uses and activities on each site have been limited to those listed Exhibit 59, of files **Z0208-14-CP, Z0209-14-ZAP, and Z0207-14-CU**, with conditions of approval.

This limited list of uses and activities is justified on the following pages. Limitations on intensity of use are also included.

Based on the findings above, the Board finds that this criterion is met.

660-004-0020: Goal 2, Part II(c), Exception Requirements

(2) The four standards in Goal 2 Part II(c) required to be addressed when taking an exception to a goal are described in subsections (a) through (d) of this section, including general requirements applicable to each of the factors:

(a) "Reasons justify why the state policy embodied in the applicable goals should not apply." The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations, including the amount of land for the use being planned and why the use requires a location on resource land;

School Site: The reasons why the state policy embodied in Goal 4 should not apply are based on the following facts and assumptions:

- The School site is a designated county Historic Landmark, and is part of a larger, discontinuous Historic District.²
- According to ZDO 707.01: "The intent and purpose of this overlay district is to implement the goals and policies of the Comprehensive Plan for Historic Landmarks, Districts, and Corridors and promote the public health, safety, and general welfare by safeguarding the County's heritage as embodied and reflected in its historic resources."
- ZDO 707.02 provides criteria for determining "significance"; the School site has been found to rate as "significant" and meet the criteria for a Historic Landmark designation.
- The County's acknowledged Comprehensive Plan includes the following policy: "Pursue options and incentives to allow productive, reasonable use, and adaptive reuse of historic properties."³

² As noted in the February 2014 application narrative, the School site is a designated county Historic Landmark. The Historic Landmark designation was extended to cover the entire parcel by the Board of County Commissioners on April 30, 2014. The Board of County Commissioners also approved a discontinuous Historic District designation on April 30, 2014 that includes the School site as well as the Powerhouse and Park sites (see Exhibit A of the February 2014 application).

- The School site has not been needed as a public school for several years. No other public or private school providers have expressed interest in the site in the intervening years.⁴
- Based on the experience of the Molalla River School District with the Schuebel School, there are few public or private entities that may be willing to take on a property in a rural setting that can only be used as a school with little or no ability to add complementary uses and activities.
- Insufficient land on the School site is available for agriculture or forestry to allow for commercially viable farm or forest operations that could provide a funding stream for the upkeep of the school.
- Limiting the allowed uses to those that existed historically (i.e. a school), as the County has interpreted would be required under OAR 660-004-0018(2)(a), would make it difficult or impossible to find a future user for the School site, as demonstrated in the case of the Schuebel School.
- Given the county's fiscal limitations and the absence of public sector parties willing to acquire and maintain the historic structures, the only viable option for preservation of the School site is through private investment.
- In order for private investment to remain a viable option, adaptive reuse of the structures must be allowed so that they can generate revenue to offset the expense of maintenance.
- Moving the existing historic structures to non-resource land is neither financially feasible nor appropriate, given that the setting is part of the site's history.
- The school site is 5 acres in size, with improvements associated with the school, including the septic drain fields, play areas, and fencing, extended throughout the 5 acres.
- The Historic District designation recognizes that the school grounds contribute to the school's historic character.
- A limited set of appropriate uses for the School Site that are consistent with its historic character, require little modification to the historic structure, and are

³ Clackamas County Comprehensive Plan, Chapter 9, Policy 8.0 under "Historic Landmarks, Districts, and Transportation Corridors".

⁴ The Bull Run Education Center is envisioned to be educational in nature, but to provide programming beyond what a traditional school would offer.

compatible with adjacent uses has been identified. These uses include a daycare facility, art and music studio, and administrative offices supporting a primary use on the site, in addition to future school use with overnight accommodations.

- In addition, a dwelling is needed in order to provide a year-round presence on the site in order to reduce vandalism and trespass, protecting its historic character from damage.

Based on the facts and reasons listed above, a goal exception is needed for the full 5-acre school site to allow both on-going use as a school and additional supporting, compatible uses that will enable financially viable adaptive reuse of the existing structures and improvements.

Powerhouse Site: The reasons why the state policy embodied in Goal 4 should not apply are based on the following facts and assumptions:

- The entirety of the Powerhouse site, including the intensively developed, fenced area as well as the portion extending from the fenced area to the right of way of Ten Eyck Road, is a designated county Historic Landmark, and is part of a larger, discontinuous Historic District (see Exhibit A of the applicant's February 2014 application).⁵
- According to ZDO 707.01: "The intent and purpose of this overlay district is to implement the goals and policies of the Comprehensive Plan for Historic Landmarks, Districts, and Corridors and promote the public health, safety, and general welfare by safeguarding the County's heritage as embodied and reflected in its historic resources."
- ZDO 707.02 provides criteria for determining "significance"; the Powerhouse site has been found to rate as "significant" and meet the criteria for a Historic Landmark designation.
- The County's acknowledged Comprehensive Plan includes the following policy: "Pursue options and incentives to allow productive, reasonable use, and adaptive reuse of historic properties."⁶

⁵ The entire 10-acre Powerhouse site is a designated county Historic Landmark. In addition, the Board of County Commissioners approved a discontinuous Historic District designation that includes the Powerhouse site as well as the School and Park sites on April 30, 2014 (see Exhibit A of the February 2014 application).

⁶ Clackamas County Comprehensive Plan, Chapter 9, Policy 8.0 under "Historic Landmarks, Districts, and Transportation Corridors".

- The powerhouse has been decommissioned and can no longer be used to generate power.
- Limiting the allowed uses to those that existed historically (i.e. a commercial utility facility for the purposes of generating power) would preclude all use of the Powerhouse site.
- No public entities have expressed interest in owning and maintaining the site. The only viable option for preservation of the Powerhouse site is through private/non-profit investment.
- In order for private/non-profit investment to remain a viable option, adaptive reuse of the structures must be allowed so that they can generate revenue to offset the expense of maintenance.
- Moving the existing historic structures to non-resource land is neither feasible nor appropriate, given that several of the structures are constructed of concrete up to a foot thick and fitted into the site's steep topography. Furthermore, the setting is part of the site's historic significance.
- The Powerhouse site is 10 acres in size, part of a larger parcel that totals 110 acres. The Powerhouse site is separated from the remaining 100 acres of the parcel by the right of way for Ten Eyck Road.
- The access easement for the Powerhouse site from Bull Run Road is included in the plan amendment and zone change so that access to the site will not need to be provided through the TBR zone.
- A limited set of appropriate uses for the Powerhouse Site that are appropriate to its historic character, require little modification to the historic structure, and are compatible with adjacent uses has been identified. These uses include a museum, classes related to the site's history and natural environment, use of the historic machine shop, a small restaurant, gift shop, art gallery and studios, office space, a dwelling, and limited community events. The reasons why these uses are appropriate to provide for the adaptive reuse of the Powerhouse Site are identified below.
 - **Museum:** The entire site will have characteristics of a museum and interpretive center. The main generator room lends itself to a "museum" space dedicated to the history of hydroelectric power and the site.
 - **Art and music studios:** The large covered spaces and heavy equipment (hoists) are uniquely suited to the construction of large art pieces. That activity would also help enliven the spaces.

- **Galleries:** A gallery area would allow the display and sale of artwork created at the facility or related to the Bull Run watershed.
- **Office:** The site includes office space that was used as administrative offices by PGE employees overseeing the facility. This office space could easily be used for office purposes again.
- **Classes:** Instruction including metal-working in the historic machine shop and environmental education programs are appropriate to the site to highlight its historical significance and natural setting.
- **Gift shop:** It is appropriate to allow a small gift shop to serve visitors to the facility. Items sold will have a connection to the facility and the Bull Run community, or will be sundries for use by visitors.
- **Restaurant:** A small restaurant is appropriate to serve on-site activities and visitors, given how isolated the site is.
- **Community events:** The powerhouse facility can function as a place where people can gather and hold occasional events that are related to the core mission of the facility. The number and size of these events has been limited in order to ensure compatibility with adjacent rural and resource uses.
- **Dwelling:** A dwelling is needed in order to provide year-round security for the site in order to reduce vandalism and trespass on the site, protecting its historic character from damage.

The Board finds that all of these uses shall be subject to future Historic Review approval and Conditional Use approval before being established, except the following uses, which shall be permitted outright: a single dwelling; and community events, provided such events are consistent with those described on page 2 of Exhibit 59.

Based on the facts and reasons listed above, a goal exception is needed for the full 10-acre Powerhouse site to allow compatible uses that will enable financially viable adaptive reuse of the existing structures and improvements.

Park Site: The reasons why the state policy should not apply are based on the following facts and assumptions:

- The 20-acre Park site that is to be rezoned to FF-10 is part of a larger, discontinuous Historic District.
- According to ZDO 707.01: "The intent and purpose of this overlay district is to implement the goals and policies of the Comprehensive Plan for Historic Landmarks, Districts, and Corridors and promote the public health, safety, and general welfare by safeguarding the County's heritage as embodied and reflected in its historic resources."

- ZDO 707.02 provides criteria for determining “significance”; approval by the BCC of the Historic District application indicates that the Park site has been found to rate as “significant”.
- The County’s acknowledged Comprehensive Plan includes the following policy: “Pursue options and incentives to allow productive, reasonable use, and adaptive reuse of historic properties.”⁷
- Roslyn Lake has been drained and no longer serves as a recreational amenity and attraction.
- While timber harvest is currently allowed and viable on parts of the Park site (and much of the remainder of the parcel east of Ten Eyck Road that is not included in the goal exception), removal of the trees within the Historic District would be incompatible with the designation approved by the Board of County Commissioners and would significantly detract from the value of the structures in the developed park area.
- No public entities have expressed interest in owning and maintaining the site. The only viable option for preservation of the Park site is through private investment.
- In order for private investment in the Park site to remain a viable option, adaptive reuse of the structures and grounds must be allowed so that they can generate revenue to offset the expense of maintenance.
- Moving the existing historic structures to non-resource land is neither feasible nor appropriate, given that the setting is a critical part of the site’s history.
- The Park site that is proposed for a goal exception is 20 acres in size, part of a larger parcel that totals 110 acres. The 80 acres surrounding the proposed goal exception area on the same parcel (excluding the Powerhouse site) will remain zoned TBR.
- Access to the more developed portions of the park must be provided on land that shares the same zoning FF-10 designation, pursuant to LUBA case No. 2001-121.⁸

⁷ Clackamas County Comprehensive Plan, Chapter 9, Policy 8.0 under “Historic Landmarks, Districts, and Transportation Corridors”.

⁸ Anthony Roth vs. Jackson County and Garry Wood and Cristina Wood. LUBA No. 2001-121.

- A limited set of appropriate uses for the Park Site that are appropriate to its historic character, require little modification to the historic site, and are compatible with adjacent uses has been identified. These uses include a private park and campground, offices and a gift shop in existing structures, and one dwelling. These uses best retain the historic character of the site while enabling it to continue to evolve to meet the changing needs of the community.

Based on the facts and reasons listed above, a goal exception is needed for the 20-acre Park site to allow compatible uses that will enable financially viable adaptive reuse of the existing structures and grounds.

(b) "Areas that do not require a new exception cannot reasonably accommodate the use". The exception must meet the following requirements:

(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use that do not require a new exception. The area for which the exception is taken shall be identified;

(B) To show why the particular site is justified, it is necessary to discuss why other areas that do not require a new exception cannot reasonably accommodate the proposed use. Economic factors may be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under this test the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses not allowed by the applicable Goal, including resource land in existing unincorporated communities, or by increasing the density of uses on committed lands? If not, why not?

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

(C) The "alternative areas" standard in paragraph B may be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception unless another party to the local proceeding describes specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described, with facts to support the assertion that the sites are more reasonable, by another party during the local exceptions proceeding.

The “use” in question extends beyond preservation in place to include the adaptive reuse of Goal 5 historic structures and grounds in order to both preserve and enhance the historic structures and activity areas. Historic preservation can include a spectrum of options from simply restoring and maintaining historic buildings without providing public access to adaptive reuse⁹ of the structures to put them to new purposes and give the public new ways to appreciate and interact with them.

While there are a limited number of Historic Sites that can function simply as museums of the past, these are a minority of the buildings and sites listed in the National Register, Oregon’s Goal Five inventory, and the Clackamas County Historic Resource list. The vast majority depend on adaptive reuse for reinvestment and economic functionality. Without this new activity, the buildings would sit empty and no one would be willing to spend the money to maintain them. Almost all historic preservation projects involve a resource that has outlived its original purpose, and adaptive reuse is the foundation for their preservation.

Clackamas County recognizes this in both general and specifics in Section 707, and especially Subsection 707.05, of the Development Code (as acknowledged by DLCD). Section 707 outlines the purposes and procedures for finding new uses for historic structures while preserving what is important about them. The purpose statements for 707 speak to continued and enhanced use of the historic resources and increasing their economic benefits, as well as providing for public use and enjoyment of the resources. Excerpts from the purpose statements in Subsection 707.01 are included below (emphasis added).

“A. Provide for the identification, protection, enhancement, **and use** of sites, structures, ... and buildings within the County that reflect special elements of the County’s architectural, ... historical, ... and other heritage;

“E. Promote the **enjoyment and use** of historic and cultural resources appropriate for the education and recreation of the people of the County;

“G. **Enhance property values** and **increase economic and financial benefits** to the County and its inhabitants;”

The limited set of uses to be allowed on the historic sites will serve three purposes:

1. To activate the spaces and help make them centers for the surrounding community;

⁹ Adaptive reuse has also been called “hacking” in some architectural circles. It refers to refers to the process of reusing an old site or building for a purpose other than which it was built or designed for.

2. To encourage people to visit the sites and learn about their history and hear the story of their surroundings; and
3. To raise revenue to pay for the continued upkeep of the buildings and make them partially self-supporting.

To preserve the buildings without allowing them to be used has little value to the public, because the sites are fairly secluded and isolated with limited visibility from public right-of-way. If no use of the buildings is allowed, it would preclude public experience and enjoyment of the historic buildings and the understanding of the area's history that they can impart. The historic buildings need to house active, accessible, and economically viable uses and activities, not simply be prevented from deteriorating, in order to achieve the purposes listed in Subsection 707.01 and quoted above.

Section 707 of the county's code allows additional uses which are not otherwise allowed provided that they (among other requirements) will preserve or improve a resource which would probably not be preserved or improved otherwise. This flexibility recognizes that for some resources, a broader range of uses may be appropriate in order to provide an opportunity for preservation and improvement of the resource. Those are the circumstances of this case.

Based on information provided by the applicant, upkeep on the subject property, including repair, maintenance and security for the historic buildings and grounds, costs approximately \$10,000 per month. If the historic structures and grounds themselves cannot be put to an economically viable use, the cost of their upkeep will become such a burden that it is no longer reasonable to maintain them. The necessary income stream to maintain the three historic sites is beyond what is reasonable to expect a private entity to generate by fundraising or with potential net revenues from off-site businesses (for example, from pursuing the proposed uses at a location not requiring a goal exception), which would require additional investment for both acquisition and operation. Therefore, areas that do not require a new exception cannot reasonably accommodate the proposed uses while achieving the purpose that has been given for the reasons exception.

It is also unreasonable to consider re-location of the existing historic structures to an area that does not require a goal exception. Not only would this be prohibitively expensive or even physically impossible (especially for some structures, such as the powerhouse), but the site and context are important components of the historic character that are not available elsewhere.

An alternatives analysis of non-resource locations is not appropriate for this unique circumstance; the adaptive reuse of the historic sites cannot reasonably be accommodated on any piece of land other than where those historic resources are currently located, which is on resource land. Preservation of the historic sites requires a goal exception.

In addition, each of the sites is at least partially physically developed already. The areas that are physically developed are no longer available for resource uses.

(c) "The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site." The exception shall describe: the characteristics of each alternative area considered by the jurisdiction in which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to a description of: the facts used to determine which resource land is least productive, the ability to sustain resource uses near the proposed use, and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts to be addressed include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;

Findings related to the environmental, economic, social and energy consequences of allowing the proposed uses are provided in Section 1, Part 1, in response to ORS 197.732(2)(c)(C). (See pages 15-18 of these findings.) **Based on those findings, the Board finds that this criterion is met.**

(d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts." The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

Findings related to the compatibility of the proposed uses with other adjacent uses are provided in Section 1, Part 1, in response to ORS 197.732(2)(c)(D) (See pages 18-21 of these findings.) **Based on those findings, the Board finds that this criterion is met.**

(3) If the exception involves more than one area for which the reasons and circumstances are the same, the areas may be considered as a group. Each of the

areas shall be identified on a map, or their location otherwise described, and keyed to the appropriate findings.

Exhibit 1 of the applicant's Supplemental Information and Clarifications memorandum, dated June 9, 2014, shows the entire site, and identifies the goal exception areas for the School Site, the Powerhouse Site, and the Park Site.

Based on the findings above, the Board finds that the School site, Powerhouse site, and Park site have all been demonstrated to meet the criteria for a "reasons" exception to Goal 4 under the relevant state statutes and administrative rules based on their historic significance.

660-004-0022: Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)

An exception under Goal 2, Part II(c) may be taken for any use not allowed by the applicable goal(s) or for a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use. The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule. Reasons that may allow an exception to Goal 11 to provide sewer service to rural lands are described in OAR 660-011-0060. Reasons that may allow transportation facilities and improvements that do not meet the requirements of OAR 660-012-0065 are provided in OAR 660-012-0070. Reasons that rural lands are irrevocably committed to urban levels of development are provided in OAR 660-014-0030. Reasons that may justify the establishment of new urban development on undeveloped rural land are provided in OAR 660-014-0040.

(1) For uses not specifically provided for in this division, or in OAR 660-011-0060, 660-012-0070, 660-014-0030 or 660-014-0040, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:

(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either

(A) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this paragraph must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

(B) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

The Board finds that there is a demonstrated need for the proposed use – the adaptive reuse of the historic School site, Powerhouse site and Park site –

based on the requirements of Goal 5. The existing historic buildings and structures, and the site/grounds that are essential to their historic context, are the critical features and resources that dictate where the adaptive reuse can take place.

3. Compliance with Clackamas County Comprehensive Plan Policies

Chapter 11: The Planning Process

Amendments and Implementation

Policies

3.0 Amend the Comprehensive Plan pursuant to the following procedures and guidelines.

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.

The proposed map amendments for the School, Powerhouse and Park sites were initiated by the owners of the property for which the change is requested.

3.2 A text amendment may be initiated ...

The proposed amendment does not require a text amendment to the Comprehensive Plan; therefore this criterion is not applicable.

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.

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.

3.6 Provide the opportunity for the DLCD and Metro to review and comment on proposed legislative amendments pursuant to the applicable provisions of Metro's Code and state laws.

The proposed amendments were properly noticed and considered under a quasi-judicial hearing process, with the Planning Commission making recommendations to the Board making the final decision for the County.

Based on the findings above, the Board finds that the Comprehensive Plan Chapter 11 policies have been met.

Chapter 9 - Open Space, Parks and Historic Sites

The conservation of land, water, and historic resources, and the related provision of recreation opportunities, is one of the most important factors in maintaining the quality of life which has made Clackamas County an attractive place to live. ...

Numerous natural, historic and recreation resources will continue to be available for everyone's enjoyment if the commitment is made to preserve them. ... A distinctive building or section of the Barlow Trail provides us with an historical context which can be an important part of our identity. They give us a feeling of continuity, a connection with the past and with the future. Recreation resources are also important but, unlike the others, these need to be built up, changed, and improved as the demands of the people who use them change. This must be done within the limits of the natural resource systems. ...

Historic Landmarks, Districts, and Transportation Corridors

Clackamas County has a rich and unique heritage from its founding through its development over time. ... We are the stewards of these historic resources and charged through state law to protect and preserve them.

Cultural, economic, and social benefits can come from preservation of the County's historic resources. There is cultural value in establishing firm, visible links with the past. ... It is essential that the County make a firm commitment to protect its historic resources.

Goal

Preserve the historical, archaeological, and cultural resources of the County.

Policies

4.0 Zone properties Historic Landmark (HL), Historic Districts (HD), or Historic Corridor (HC) which are determined significant by the evaluation criteria.

5.0 Identify conflicts by analyzing the economic, social, environmental, and energy consequences of land use actions with regard to significant historic resources.

7.0 Pursue private and public sources of funding for use by property owners in the renovation and maintenance of historic properties.

8.0 Pursue options and incentives to allow productive, reasonable use, and adaptive reuse of historic properties.

All three sites have been designated as Historic Landmarks by the County and are part of a discontinuous historic district. Under the existing Timber zoning, the historic buildings and grounds do not have the opportunity for productive, reasonable use or adaptive reuse because several of the historic uses are not allowed and the additional flexibility provided by the Historic Landmark designation is not available. The zone change is consistent with County goals and policies to protect and preserve

historic resources and to allow productive, reasonable use and adaptive reuse of historic properties.

Parks and Recreation

Clackamas County, like all rapidly urbanizing areas, needs to set aside land and develop facilities for the recreation and enjoyment of its residents and visitors. Various types of parks, urban recreation trails, and a number of outdoor and indoor recreational facilities will be needed over the next 20 years. ...

The initial step is a commitment to provide an adequate park and recreation system to meet the needs of the people. ... Different types of budgetary and funding mechanisms will need to be used and many segments of the community involved, including all governmental jurisdictions and the private sector.

Goals

Provide land, facilities and programs which meet the recreation needs of County residents and visitors.

Policies

3.0 Provision of recreation in rural areas must be closely coordinated with other local, state and federal agencies (e.g., school districts, Willamette Greenway Program).

4.0 Consider the need to protect environmentally sensitive areas from overuse as well as satisfy the needs of County residents and visitors in developing area park and recreation facilities.

8.0 Use all available and responsible means to reduce the cost of acquisition, development, operation and maintenance of parks and recreation facilities, while working toward the provision of facilities and programs specified in Policies 1.0 and 6.0.

8.4 Encourage the private sector to help meet the recreation needs of County residents and visitors. The recreation program should use private facilities on a program-by-program basis when public facilities are not available. Where appropriate, nonprofit organizations will be encouraged to operate special purpose parks and facilities (e.g., nature exhibits, historic sites).

The requested zone change on the Park Site will allow the existing private park facilities on the subject property to once again function as a privately owned and operated recreational amenity through private investment in programming and enhancement of the facilities. This is consistent with County goals and policies to provide land, facilities and programs that meet the recreation needs of County residents and visitors, and to do so at the least cost possible to County taxpayers. The site may provide limited public access to existing perimeter trails and will provide privately-operated educational and recreational programming as well as programming to serve the broader public.

Based on the findings above, the Board finds that the Comprehensive Plan Chapter 9 policies have been met.

4. Compliance with Rural and Forest Plan Designation Policies

Chapter 4: Land Use

Forest

Forest areas are composed of existing and potential forestlands that are suitable for commercial forest uses. Also included are other forested lands needed for watershed protection, wildlife and fish habitat, and recreation, lands where extreme conditions of climate, soil, and topography require maintenance of vegetative cover, and forested lands in urban and agricultural areas which provide urban buffers, wind breaks, wildlife habitat, scenic corridors, and recreational use.

Goals

To conserve forestlands.

To protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of timber as the leading use on forestland.

To conserve, protect, and enhance watersheds, wildlife and fisheries resources, agriculture, and recreational opportunities that are compatible with the primary intent of the plan designation.

To minimize wildfire hazards and risks.

To enhance and protect other environmentally sensitive areas.

Policies

1.0 The following areas shall be designated Forest:

- a. Lands suitable for forest use;*
- b. Lands predominantly capable of generating at least 85 cubic feet of timber per acre per year;*
- c. Areas generally in forest uses;*
- d. Areas which are environmentally sensitive or otherwise require protection (watersheds, areas subject to erosion, landslides, etc.) should be designated Forest;*
- e. Forested areas which buffer more intense land uses from areas of less intense use may be designated Forest.*

9.0 Apply zoning districts consistent with state, regional, and County goals and United States Forest Service land allocation and management plans to the Mt. Hood and Willamette National Forests.

11.0 The Timber (TBR) and Ag/Forest (AG/F) zoning districts implement the goals and policies of the Forest plan designation. The TBR zoning district shall be applied to areas predominantly in forest use. The AG/F zoning district shall be applied to areas having such a mixture of agricultural and forest uses that neither Statewide Planning Goal 3 nor Goal 4 applies alone.

12.0 Except on lands within urban growth boundaries or as provided by the Oregon Revised Statutes for abandoned or diminished mill sites, exceptions to Statewide Planning Goals 3 and 4 shall be required for a plan amendment from the Forest designation to any designation other than Agriculture.

The policies above identify 5 indicators of land that is appropriately designated forest (Policy 1, a through e above).

School Site:

- Suitability: The school site is not suitable for forest use due to the small size of the property; the presence of physical development on a portion of the site; the other small, developed tax lots adjacent to the school site; the need to allow for a back-up septic drain field; the needed buffer from the school building for commercial forestry operations; and the poor soils on the eastern part of the property.
- Land capability: The available NRCS soil mapping indicates that a portion of the site is capable of producing over 85 cubic feet of timber per acre per year; however that area includes the developed portion of the site. Of the undeveloped portion of the site, the majority is in a soil type identified as "Pits", which is very shallow over bedrock and has no rating for timber production.
- Areas generally in forest uses: The School Site is not presently in forest uses. It is currently developed with structures from a historic school building and the associated playing fields and septic treatment facilities.
- Need for environmental protection: The site has not been identified by the County as needed for watershed protection, wildlife and fish habitat, recreation, or maintenance of vegetative cover.
- Buffering of more intense land uses: The school site does not serve as a buffer between more intensive uses and less intense use.

For these reasons, the Board finds that the School Site does not meet the plan criteria to be designated Forest.

Powerhouse Site:

- Suitability: The Powerhouse Site is not suitable for forest use due to the extent of development on the site, including large historic buildings; the presence of power lines and shallow underground penstocks; and the small, oddly-shaped lot (which is not in common ownership with the surrounding land).
- Land capability: The available NRCS soil mapping indicates that the majority of the site is capable of producing less than 157 (but possibly more than 85) cubic feet of timber per acre per year (that area includes the developed portion of the site). A small area near Ten Eyck Road is mapped as capable of producing between 157 and 186 cubic feet per acre per year, but this land is fragmented by a 65-foot-wide power line easement and the underground penstocks.
- Areas generally in forest uses: The Powerhouse Site is not generally in forest uses. It is largely developed with structures that were formerly associated with the hydroelectric power production on the site and the associated utility lines. There are some existing stands of trees outside of the fenced portion of the site, but they are limited in size and fragmented. They are not currently managed for timber production.
- Need for environmental protection: A portion of the Powerhouse Site – a small strip of land bordering the Bull Run River – is protected under the County’s River and Stream Conservation Area standards [ZDO 704]; however, this area will be protected equally regardless of the base zone designation.
- Buffering of more intense land uses: The Powerhouse Site is not configured to provide buffering of more intense land uses from less intense land uses due to the small size and odd shape of the site.

For these reasons, the Board finds that the Powerhouse Site does not meet plan criteria to be designated Forest.

Park Site:

- Suitability: Portions of the Park Site are suitable for forest use; these portions will remain in the Forest designation. The portion that will be designated Rural is largely developed with structures, a septic drain field, paved access roads, and other improvements.
- Land capability: The available NRCS soil mapping indicates that the majority of the Park Site is capable of producing between 157 and 186 cubic feet of timber per acre per year. (The soil mapping has not been updated since the lake was

drained; the historic lake bed is still mapped as water.) Much of this area will remain in the Forest designation.

- Areas generally in forest uses: The Park Site is largely forested at present, but is not currently actively managed for forest use. Much of this area will remain in the Forest designation. As noted previously, the portion of the site that will be designated Rural is developed with park uses that exceed the standards set by the county for private parks within the Timber zone.
- Need for environmental protection: The Park Site has not been identified by the County as needed for watershed protection, wildlife and fish habitat, recreation, or maintenance of vegetative cover.
- Buffering of more intense land uses: The undeveloped portions of the park property can be seen as providing a buffer between the developed parts of the park and adjacent resource land. These areas will remain in the Forest designation.

For these reasons, the Board finds that the developed portions of the park property do not meet the plan criteria to be designated Forest.

Rural

Rural lands are exception lands, as defined in Oregon Administrative Rules 660-004-0005(1), that are outside urban growth boundaries and Unincorporated Communities and are suitable for sparse settlement such as small farms, wood lots 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.

Goals

To provide a buffer between urban and agricultural or forest uses.

To perpetuate the rural atmosphere while maintaining and improving the quality of air, water, and land resources.

To conserve open space and protect wildlife habitat.

Policies

1.0 Areas may be designated Rural if they are presently developed, built upon, or otherwise committed to sparse settlement or small farms with limited, if any, public services available.

The School Site and Powerhouse Site are presently largely developed with historic structures and committed to non-resource uses. The Park Site is partially developed with park structures, restrooms, an office, and paved parking areas and access roads. While public water is available to all three sites, public sewer is not.

2.0 Designation of additional Rural lands shall be based on findings that shall include, but not be limited to:

a. *Reasons why additional Rural land is needed or should be provided;*

The need to designate the School Site and Powerhouse Site as Rural lands is due to the sites' historic significance and the inability to allow adaptive re-use of the historic structure within the limitations of the Forest plan designation. The Rural plan designation allows for additional flexibility for use of the historic structures in order to encourage their use and preservation. The Park Site is needed as Rural land in order to allow re-use of the existing park structures and recreational facilities that exceed the limits set for private parks on forest land.

b. *An evaluation of alternative areas in the County that should be designated Rural and a statement of why the chosen alternative is more suitable;*

Designation of alternative areas within the County as Rural land would not allow for the adaptive reuse and preservation of the historic structures on the School and Powerhouse sites or the re-use of the existing park structures and recreational facilities on the site.

c. *An evaluation of the long-term environmental, economic, social, and energy consequences to the locality, region, or state of designating the area Rural; and*

School Site:

- ENVIRONMENTAL CONSEQUENCES: The school site is already developed. Allowing adaptive reuse of the existing structure and the existing developed land on the site is environmentally efficient.
- ECONOMIC CONSEQUENCES: Enabling private investment in the historic school building allows the County to advance one of its goals – protection of historic resources – without the need to expend public money to do so. With a Plan amendment to Rural land, the site will support jobs for maintenance and educational programming or recreational uses, which will have an economic benefit. Allowing for on-going private investment will also prevent the structure from becoming a nuisance due to vandalism and break-ins, thereby preventing the site from becoming a drain on County law enforcement resources.
- SOCIAL CONSEQUENCES: Allowing for the adaptive reuse of the subject property both preserves an important piece of the community's history and allows the historic structure to potentially provide on-going benefits to the community through use as a community center or for educational or recreational activities. It also prevents the building from suffering neglect and

becoming a target for vandals or a refuge for illicit activities that would detract from the safety of the area.

- **ENERGY CONSEQUENCES:** Enabling the adaptive reuse and preservation of the historic structure on the site allows the substantial investment of materials and energy that were used to build the structure to continue to provide value rather than being allowed to deteriorate. Because the needed infrastructure is already available at the site, there will be no energy expenditure to bring utilities to the site.

Powerhouse Site:

- **ENVIRONMENTAL CONSEQUENCES:** The Powerhouse Site lies at the foot of the Bull Run watershed. The watershed is not accessible to the public due to the importance of water quality protection. The location of the powerhouse on the Bull Run River provides an opportunity for environmental education about the Bull Run watershed adjacent to (but safely outside) the watershed itself. The limitations on new structures and expansions on the site will reduce the potential environmental impacts from the proposed plan amendment and zone change.
- **ECONOMIC CONSEQUENCES:** Enabling on-going private investment in the historic structures on the subject property allows the County to advance one of its goals – protection of historic resources – without the need to expend public money to do so. With a Plan amendment to Rural land, the site could support jobs for maintenance and educational programming, which will have an economic benefit. Allowing for on-going private investment will also prevent the structures from becoming a nuisance due to vandalism and break-ins, thereby preventing the site from becoming a drain on County law enforcement resources.
- **SOCIAL CONSEQUENCES:** Allowing for the adaptive reuse of the subject property both preserves an important piece of the community's history and allows the historic structures to provide on-going benefits to the community through use as gathering spaces and for educational activities. It also prevents the structures from suffering neglect and becoming targets for vandals and refuges for illicit activities that would detract from the safety of the area.
- **ENERGY CONSEQUENCES:** In addition to providing an opportunity for education on power generation, enabling the adaptive reuse and preservation of the historic structures on the Powerhouse Site allows the substantial investment of materials and energy that were used to build the structures to continue to provide value rather than being allowed to deteriorate. Because

the needed infrastructure is already available at the site, there will be no energy expenditure to bring utilities to the site.

Park Site:

- **ENVIRONMENTAL CONSEQUENCES:** Allowing re-use of the park site provides an opportunity for outdoor educational programming and outdoor recreation in a natural setting that makes use of areas that are already developed and disturbed.
- **ECONOMIC CONSEQUENCES:** Enabling private investment in the existing structures and improvements and in a limited number of new structures on the Park Site will allow the County to provide recreational opportunities to county residents without the need to expend public money to do so, and will also increase the value of the property, increasing property tax revenue. With a Plan amendment to Rural land, the site could support jobs for maintenance and recreational and educational programming, which will have an economic benefit. Allowing for on-going private investment will also prevent the existing structures from becoming a nuisance due to vandalism and break-ins, thereby preventing the site from becoming a drain on County law enforcement resources.
- **SOCIAL CONSEQUENCES:** Allowing recreational and educational uses to occur again on the Park Site will provide on-going benefits to the community through increased accessibility to recreational and educational opportunities. It also prevents the structures from suffering neglect and becoming targets for vandals or refuges for illicit activities that would detract from the safety of the area.
- **ENERGY CONSEQUENCES:** Because the needed infrastructure is already available at the Park Site, there will be no energy expenditure to bring utilities to the site.

d. Reasons why designating the area Rural will be compatible with other adjacent uses;

School Site: The future uses to be permitted by the Board's action, which include a school, daycare facility, art and music studio, office, and dwelling, will be compatible with the adjacent uses. The specific allowed uses are addressed individually below.

- **School:** The site was historically used as a school. Use of the site as an educational facility would be equally compatible with adjacent uses as the school that originally occupied the building.
- **Daycare facility:** Since it was historically used as an educational facility for children, use as a daycare would be consistent with its historic character. It

would have no more impact on adjacent uses than the school that originally occupied the building.

- **Art and music studio:** This use would take place within the existing building, and would have an educational component that would link to the site's history. It would likely be less intense than the public school use that originally occupied the building, and would have little or no impact on adjacent uses.
- **Offices:** It is appropriate to allow administrative offices supporting a primary use on the site. Office use would take place within the existing building. There would be little or no impact on adjacent uses.
- **Dwelling:** A residence is needed in order to provide a year-round presence on the site. The presence of a single dwelling on the site will have little or no impact on adjacent uses, other than by discouraging vandalism and trespassing on the site. This improvement will have a positive impact on adjacent uses.

While none of the uses is expected to be incompatible with adjacent uses, there are also factors specific to the site that help buffer and minimize any impacts on adjacent uses. The school building is situated close to Thomas Road; and the school grounds provide a buffer to the resource area that will remain on tax lot 102. The resource area on tax lot 102 is not currently used for forest operations or farming; however, since the two properties are expected to be managed together, compatibility can be ensured between the school property and any forestry operations that may occur on the portions of tax lot 102 that remain zoned TBR. The only other nearby resource uses are buffered by Thomas Road and the row of four small, developed rural residential properties across Thomas Road to the south of the School Site. Utilization of the school property for the uses listed above will not have the effect of committing any additional resource land to non-resource uses. Furthermore, as an additional mitigating factor, the conditional use and/or public hearing review process that will be required for the proposed future uses (except a single dwelling) will also help ensure compatibility with adjacent uses through control of the extent, intensity, configuration, and/or hours of future uses.

Powerhouse Site: The land adjacent to the Powerhouse Site is designated Forest. The future uses of the Powerhouse Site to be permitted by the Board's action, which include a museum, classes related to the site's history and natural environment, use of the historic machine shop, a small restaurant, gift shop, art gallery and studios, office space, a dwelling, and limited community events are all compatible both with the site's historic character and with surrounding uses. Uses will take place primarily inside the existing historic structures, with limited outdoor activity. Limitations have been placed on the extent of outdoor use in order to minimize any potential adverse impacts on adjacent uses from outdoor activity on the site. The powerhouse site is relatively isolated from other uses due to topography and the Bull Run River; the

abutting properties on this side of the river are owned by the Portland Water Bureau and by PGE¹⁰ with uses limited to conservation of habitat resources. Furthermore, as an additional mitigating factor, the conditional use and/or public hearing review process that will be required for the proposed future uses (except a single dwelling and limited community events) will also help ensure compatibility with adjacent uses through control of the extent, intensity, configuration, and/or hours of future uses. The Board finds that no additional hearing process is necessary to allow community events due to the significant conditions and restrictions placed upon such events on page 9 of Exhibit 59.

Park Site: Properties surrounding the subject site are zoned Timber and are generally rural in character. The Timber zoning allows uses including farm and forest operations, single family dwellings (with limitations), limited utility and solid waste facilities, some hunting/fishing activities, and outdoor mass gatherings of under 3,000 people for less than 120 hours in any 3-month period. Existing uses adjacent to the site include several small farms with homes to the south across SE Thomas Road, undeveloped and currently unmanaged wooded areas to the east and west, and the former Roslyn Lake bed (currently sandy and filling in with shrubs, grasses, and alder trees) on the north and northeast edges. The historic Bull Run Elementary School is also adjacent to the site at the southeast corner; the two properties are expected to be managed together.

Compatibility of the proposed use at the Park site must be considered in light of the fact that the site was historically a heavily used recreational destination for the Portland region, with tens of thousands of visitors each year for several decades. While anecdotal recollections by some community members suggest that usage was in the hundreds of visitors on busy weekends, the number of visitors was documented in forms submitted to the Federal Energy Regulatory Commission (FERC) regarding usage of the recreation facilities at the Roslyn Lake reservoir (these forms were provided by the applicant and are in the record). In 1966 the park hit a peak of 100,000 visitors. From 1991 to 2002, the annual number of visitors ranged from over 40,000 to 63,000 with peak weekends averaging 3,000 visitors throughout that time. The park was a beloved amenity for the surrounding community – there is no evidence of compatibility concerns from adjacent uses when the park was operating and heavily used.

The use of the exception area to be permitted by the Board's action is less intense than the historic use of the park. The limitations on the number of users of the site per day and overnight will minimize any potential adverse impacts on adjacent uses. The only portion of the use to be permitted by the Board's action that exceeds what took place at the site historically is the addition of overnight stays, and these have been limited. (The park was historically utilized as a day use park.) The site will

¹⁰ Ownership information provided by Clackamas County Assessment and Taxation, 4/30/14.

maintain its natural, park-like setting. No new roads will be constructed, existing traffic routes will not be altered, and the addition of buildings and shelters will be done in a manner that complements the historic character of the park.

While the goal exception and zone change is for 20 acres, the full park site (exclusive of the Powerhouse site) totals 100 acres. The developed portion of the park where the zone change and more intense park use will occur, including the cabins for overnight use, is located in the center of the site, surrounded on all sides by land on the same parcel that will remain in the Timber zone. This land provides a buffer and transition to other adjacent resource land by allowing only the low-impact, casual, recreational use that is acceptable in the Timber zone to extend into those areas. The goal exception and FF-10 zone area is set back from SE Thomas Road, where the only nearby rural homes are located, by nearly a quarter mile. This distance and buffering will mitigate any potential noise impacts on surrounding rural residential uses. The buffer of TBR zoning surrounding the FF-10 zone (the minimum buffer from adjacent properties is 40 feet from the western property line to the FF-10 zoning) will also minimize conflicts with any future resource uses on adjacent land to the east, north, and south (as noted, this land is not actively managed for farm or forest use at present).

In addition, the applicant's transportation impact study of the future use of the park site concludes that traffic generated by the proposed use will not have negative impacts on surrounding roads and intersections. Service levels will remain adequate (LOS A). Sight distance issues can be mitigated to improve safety for all drivers through the affected intersection at Thomas Road and Ten Eyck Road.

Given that the proposed use is less than the historic levels of use of the park site, that all uses that exceed what is allowed in the TBR zone will be separated and buffered from adjacent uses by TBR land on the same property, and that there will be no negative impacts on the surrounding transportation system, the proposed use is compatible with adjacent uses.

Based on the findings above, the Board finds that this criterion is met.

3.0 Areas impacted by major transportation corridors, adjacent to urban growth boundaries or areas designated Rural, and for which public services are committed or planned shall be given priority in designating additional Rural areas.

The School and Park sites located approximately 1.5 miles (as the crow flies) from the Sandy urban growth boundary and are in close proximity (approximately one-third of a mile) from other Rural lands. The Powerhouse Site is located just over a mile and a half (as the crow flies) from the Sandy urban growth boundary. All three sites are already served by Portland Water due to the historic uses present and the location adjacent to the Bull Run watershed – Portland's water supply – and do not require sewer service since they are served by adequate on-site septic facilities.

5.0 Existing large lots should be reduced to meet future rural housing needs prior to expanding the areas designated as Rural.

The proposed Plan map amendments are not intended to meet rural housing needs or provide for residential uses; therefore, this criterion is not applicable.

6.0 Areas with marginal or unsuitable soils for agricultural or forest use shall be given a higher priority for conversion to rural development than areas with more suitable soils.

School Site: As stated previously, according to the available soil mapping from the NRCS soil survey, the undeveloped portion of the site includes, on the eastern half of the site, soils that are identified as “Pits”, meaning very shallow depth to bedrock, which are unsuitable for farming or forestry. The soils on the northwestern corner of the site are identified as suitable for farming, based on the available soil maps; however, the area that is undeveloped and mapped as having soils suited to farming and forestry is less than 1.5 acres.

Powerhouse Site: The soil mapping from the NRCS indicates that the majority of the site is unsuitable for agriculture but at least somewhat suitable for forestry, with a small portion on the western edge that is suitable for both agriculture and forestry.

Park Site: The available NRCS soil mapping indicates that the majority of the soils on the Park Site are suitable for agricultural and forest use. (The soil mapping has not been updated since the lake was drained; the historic lake bed is still mapped as water.)

7.0 Public facilities should be expanded or developed only when consistent with maintaining the rural character of the area.

As noted above, all three sites are already served by Portland Water due to the historic uses on the site and the location adjacent to the Bull Run watershed – Portland’s water supply – and do not require sewer service because the existing on-site septic disposal facilities are adequate.

11.0 The Rural Area Residential 2-Acre (RA-2), Rural Residential Farm/Forest 5-Acre (RRFF-5), and Farm/Forest 10-Acre (FF-10) zoning districts implement the goals and policies of the Rural plan designation. These zoning districts shall be applied in Rural areas as follows:

...

11.3 The FF-10 zoning district shall be applied when one or more of the following criteria are met:

a. Parcels are generally ten acres.

b. The area is developed with a mixture of uses not consistent with extensive commercial agriculture or forestry uses.

c. Access to an Unincorporated Community or an incorporated city is generally poor.

School Site: The School Site is a single parcel that measures 5 acres. As described above, extent of development on the site is not consistent with extensive commercial agriculture or forestry uses. While the linear distance between the southeastern corner of the subject property and the nearest part of the Sandy UGB is just under a mile and a half, the driving distance to Sandy city limits is three to four miles.

Powerhouse Site: The Powerhouse Site is part of a 110-acre parcel, but the portion that is east of Ten Eyck Road is 10 acres. As described above, the property is developed with historic uses not consistent with extensive commercial agriculture or forestry uses. While the linear distance between the southeastern corner of the subject property and the nearest part of the Sandy UGB is just under a mile and a half, the driving distance to Sandy city limits is three to four miles.

Park Site: The Park Site is located on a 110-acre parcel, of which 100 acres, including the Park Site are contiguous. The development on the Park Site makes the area of the comprehensive plan map amendment not consistent with extensive commercial agriculture or forestry uses. While the linear distance between the southeastern corner of the subject property and the nearest part of the Sandy UGB is just under a mile and a half, the driving distance to Sandy city limits is three to four miles

Based on the findings above, the Board finds that the subject land meets the criteria for a Rural land designation and that the three sites meet the criteria for FF-10 zoning.

Section 2. Zone Change Application

Clackamas County Zoning and Development Ordinance

Section 1202: Zone Change

The Hearings Officer may approve a zone change, pursuant to Section 1300, if the applicant provides evidence substantiating the following:

A. Approval of the zone change is consistent with the Comprehensive Plan;

The zone change on the School Site, Powerhouse Site and Park Site is consistent with the applicable Comprehensive Plan policies, as demonstrated in responses to those policies in Parts 2 and 3.

B. If development under the new zoning district designation has a need for public sanitary sewer, surface water management, and/or water service, it can be accommodated with the implementation of service providers' existing capital improvement plans. The cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered.

All three sites are already served by public water service, which is adequate to serve development under the proposed zoning district. Public sanitary sewer service is not necessary for development under the new zoning district, since it is served by adequate on-site septic facilities. There are no surface water regulations under 1008 for these sites.

C. The transportation system is adequate, as defined in Subsection 1007.09(D), and will remain adequate with approval of the zone change. Transportation facilities that are under the jurisdiction of the State of Oregon are exempt from Subsection 1202.01(C). For the purpose of this criterion:

1. The evaluation of transportation system adequacy shall include both the impact of the proposed zone change and growth in background traffic for a 20-year period beginning with the year that a complete land use application is submitted.

2. It shall be assumed that all improvements identified in the Clackamas County 20-Year Capital Improvement Plan, the Statewide Transportation Improvement Plan, and the capital improvement plans of other local jurisdictions are constructed.

3. It shall be assumed that the subject property is developed with the primary use, allowed in the proposed zoning district, with the highest motor vehicle trip generation rate.

4. Transportation facility capacity shall be calculated pursuant to Subsection 1007.09(E).

5. A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards,

which also establish the minimum standards to which a transportation impact study shall adhere.

D. The proposal, as it relates to transportation facilities under the jurisdiction of the State of Oregon, complies with the Oregon Highway Plan.

E. Safety of the transportation system is adequate to serve the level of development anticipated by the zone change.

Traffic analysis methods, assumptions and results are documented in Exhibit J of the application: Bull Run Zone Change Transportation Analysis authored by Lancaster Engineering, dated November 4, 2013. The analysis was prepared to assess the impacts of the transportation system if both the entirety of tax lot 102 and the School Site were rezoned to FF-10. While that was not the applicant's proposal, the analysis provides the information necessary to understand the potential traffic impacts of rezoning the three subject sites. The memo states, in relevant part:

"Since a change in zoning is proposed, the State of Oregon's Transportation Planning Rule and Clackamas County code require a comparison of the reasonable worst-case development under the existing zoning designation to the reasonable worst-case development under the proposed zoning designation. This comparative analysis will yield a potential net increase in trip generation, which serves as the basis for potential traffic impacts associated with the change in zoning. For both the existing and proposed zoning, the allowed use resulting in maximal vehicular trip generation is residential."

The memo goes on to compare the number of dwellings that would be possible under the TBR zone compared to the FF-10 zone based on the minimum lot size in each zone. Because the Powerhouse Site and the Park Site are part of a larger tax lot (tax lot 102), this comparison must take into account the full tax lot. Tax lot 102 totals 110 acres. Under the Timber zoning, with a minimum lot size of 80 acres, no subdivision of this tax lot would be possible. A single dwelling unit could be allowed. If the Powerhouse Site were rezoned to FF-10, the 10 acre site (the portion of tax lot 102 east of Ten Eyck Road) could be partitioned into a separate tax lot, which would then be hypothetically be allowed to build one dwelling unit. This additional dwelling unit would, according to the traffic memo, generate one trip during each of the morning and evening peaks and a weekday total of 10 trips. The impact of these trips would be *de minimis* and the transportation system will remain adequate through the planning horizon.

For the School Site, which is only 5 acres and not large enough to subdivide under either zone, a single dwelling would hypothetically be allowed under either zone. Thus there would be no change to the "reasonable worst-case" development, as specified by County staff for the purposes of the traffic evaluation, due to the zone change and consequently no change to the number of trips that would be generated.

Clackamas County Engineering staff determined that a full Traffic Impact Study was unnecessary to support the proposed zone change. It was determined, "*The capacity of the transportation system is adequate to support the proposed zone change.*", Exhibit 27. No safety deficiencies have been identified in the vicinity of the site, as indicated in Exhibit 56. The surrounding roads have small existing traffic volumes. All relevant Clackamas County performance standards are clearly satisfied and will continue to be satisfied through the planning horizon. The proposed zone change is in compliance with the State of Oregon's Transportation Planning Rule and Clackamas County's Zoning and Development Code.

Based on the findings above, the Board finds that the relevant Zoning and Development Ordinance zone change criteria are met.

Section 3. Conditional Use Permit

1. Plan A

Findings in Part 1 support the approval of a Conditional Use request to authorize a private park on 80 acres of the site zoned TBR. 1203.01 GENERAL APPROVAL CRITERIA

A conditional use requires review as a Type III application pursuant to Section 1307 and shall be subject to the following standards and criteria:

A. The use is listed as a Conditional Use in the underlying zoning district.

The subject property is zoned Timber. Section 406 of the ZDO controls land uses in the underlying Timber zoning district. Section 406.04 lists the uses allowed in the Timber zoning district. Table 406-1 of the ZDO specifically lists "Private parks and campgrounds" as a conditional use.

The applicant has proposed to establish a private park under the provisions of Section 406.04; permitted uses within the park are limited to those approved in the conditions of approval in Section 4.

Private Park is defined in section 406 as "Land that is used for low impact casual recreational uses such as picnicking, boating fishing, swimming, camping, hiking, or nature-oriented recreational uses such as viewing and studying nature and wildlife habitat and may include play areas and accessory facilities that support the activities listed but does not include track for motorized vehicles or areas for target practice or the discharge of firearms." During the Planning Commission hearing the applicant verbally added the desire for primitive self-made temporary overnight shelters referred to as 'no-trace' camping. This is an activity that uses various onsite area vegetation such as moss, sticks, ferns, etc. to construct a temporary overnight shelter that is used to stay in overnight by a camper. This temporary structure is dismantled the next morning and dispersed over the area, hence the meaning of 'no-trace' camping. Although Subsection 406.05(I)(1)(a) does not allow a campground which is an 'area devoted to overnight temporary use' on TBR zoned land, the Board reasoned that since it was temporary and 'no-trace' the use was not 'an area' being 'devoted' to overnight temporary use and as such is not considered 'camping' in the meaning of a campground.

The private park is subject to the Approval Criteria for Specific Uses in Section 406.05(A)(1, 2 & 6) and 406.05(I) 1 of the ZDO, as identified below:

a. *“The proposed use shall not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.”*

The proposed use on the site will not alter the overall character of the surrounding area. The site will maintain its natural, park-like setting; no new roads will be constructed, existing traffic routes will not be altered. The site will maintain its natural character. In addition, approval is conditioned upon the applicant recording a deed statement prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices.

b. *“The proposed use shall not significantly increase fire hazard, fire suppression costs, or risks to fire suppression personnel.”*

The proposed use of the site includes activities such as hiking, guided nature tours, animal tracking and similar uses. No camping is proposed and no new structures will be built on the TBR portion of the site. The proposed activities will not change the amount of potential fire fuel on the land nor will it change the availability of water for fire suppression.

c. *“A written irrevocable statement shall be recorded in the deed records of the County binding upon the landowner, and the landowner’s successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under Oregon Revised Statutes (ORS) 30.936 or 30.937.”*

This criterion can be met through conditions of approval. See Section 4.

Based on the findings above, the Board finds that the proposed “private park” meets the definition of a “Private Park and campground” and can meet the requirements of Section 407.04 with conditions of approval.

B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.

1. Size: The subject property is approximately 80 acres in size. The large size lot is suitable to accommodate the proposed use. The submitted site illustrates the proposed site does not include any permanent structures.
2. Shape: The subject property is irregular. The shape does not present any significant limitations to the proposed development.
3. Topography: The irregularly shaped lot is relatively flat. The relatively flat topography is very suitable to accommodate the proposed use.

4. Location: The location has access to SE Thomas Road, a county road.
5. Improvements: None.
6. Natural Features: The site is covered in timber of various ages, dry lake bed, and slowly re-foresting gravel pit.
7. Floodplain: According to the FEMA Floodplain maps, the subject property is not located within or near a designated floodplain
8. Geologic Hazards: There are no identified hazards on the geologic hazards map.
9. Soils: The table below identifies one soils type on the subject property. The eastern portion containing the old quarry has Pits. The Pit soils map unit consists of exactions from which soil rock or gravel has been removed. This map unit is not assigned a capability classification.

Soil Type *	Rating *	Slopes *	Location on Site **	Native Vegetation *
2B Alspaugh clay loam	High Value Forest	2 to 8 % Slopes	Western half	Douglas fir, red alder, salal, bracken fern and sword fern.

* The Soils Survey of Clackamas County Area, published by the United States Department of Agriculture.

Based on the findings above, the Board finds that the physical characteristics of the site are suitable to accommodate the use. This criterion is met.

C. The proposed development is consistent with Subsection 1007.09 and safety of the transportation system is adequate to serve the proposed development.

Subsection 1007.09: Transportation Facilities Concurrency

(A) The purpose of Subsection 1007.09 is to ensure that transportation infrastructure is provided concurrent with the new development it is required to serve or, within a reasonable period of time following the approval of new development.

(B) Subsection 1007.09 shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.

(C) 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.

Engineering finds that the project is located in an area of generally low traffic volumes. In 2011, the average daily traffic (ADT) on Ten Eyck Road south of Bull Run Road was approximately 930 vehicles per day. On Ten Eyck Road north of Bull Run Road, the 2011 ADT was approximately 425 vehicles per day. On Bull Run Road east of Ten Eyck Road, the 2011 ADT was approximately 860 vehicles per day. The traffic impact analyses provide evidence that the capacity of the transportation system is adequate to support the project comprehensive plan amendment and zone change according to the requirements of the Transportation Planning Rule. Based upon the existing and projected future year traffic volumes and the proposed trip generation of the site, documented in the applicant provided transportation impact study, performed by Lancaster Engineering, the proposed development will not have a significant effect on capacity issues associated with the transportation system and no capacity issues will result. The Board finds that the application is in compliance with that portion of ZDO subsection 1203.01 C, regarding the capacity of the transportation system.

The applicant has submitted a speed study along Thomas Road to establish the intersection sight distance requirements at the Thomas Road/Site access intersection. The County concurs with the finding that a minimum of 490 feet of intersection sight distance is required looking to the east at this intersection. While there is an existing sight distance issue at the proposed site access to Thomas Road, this can be ameliorated through the removal of vegetation located on the applicant's property.

Based on the above findings, the Board finds that, with conditions of approval, this criterion can be met.

D. The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the underlying zoning district.

The surrounding properties are all zoned TBR. Properties range in size from 20 to over 100 acres. These lots are forested with various aged trees, grasslands and a few are developed with single-family dwellings. This criterion does not require this use to not have any impacts, but instead the impacts must not substantially limit, impair or preclude the use of adjacent properties for the allowed primary uses. The primary uses allowed in this district are listed in Section 406.04. The primary uses allowed in this zone primarily include forest operations, farm uses, conservation of soils, air, water and provide for fish and wildlife resources, alteration of legally established dwellings, road widening, etc., private hunting and fishing operations, fire towers and stations, utility lines, water intake facilities, etc., mineral and aggregate

exploration, etc., accessory buildings customarily incidental with a primary use and wireless telecommunication facilities.

The background information provided with the applicant's submittal describes the general land uses proposed on this site and occurring on the adjacent properties. The uses on surrounding properties are mainly forest type of uses. The potential impacts on the adjacent residential uses include noise, dust, traffic, fire danger and lighting. The Board makes the following findings:

Noise: The Board finds activities on the subject site will generate some noise greater than what is already occurring on site. The Board is unaware of any noise violations from this site. The park noises from up to a total of 800 participants at any one time on the FF-10 and TBR zoned area may include singing, and yelling and activity noises. Logging activities also produce noise. Although the Board finds that logging activities and farm activities are regular uses in this zone, the Board believes that the distance between the camp and other property uses is far enough to mitigate and therefore noise will not be a significant problem or concern.

Dust: The applicant is not planning on any major dust producing activities on site except possibly logging, which is a primary use. The site is located in a timber zoning district where dust is a normal occurrence.

Lighting: The applicant states in their application that the TBR private park area will not have electricity. It is assumed that campers and staff/campers may use flash lights at night but the Board finds that this will not be a significant concern to neighboring properties.

Traffic: The subject property has access to Thomas Road. The capacity of the transportation system will not be significantly affected.

Fire Danger: The only concern for fire is the use of open campfires. The existing fire areas and any new fire sites will be inspected and approved by the local fire district.

Based on the above findings, the Board finds that the dust, noise, fire danger, lighting or traffic impacts resulting from the existing or proposed use will not substantially limit, impair or preclude the use of surrounding properties for residents and farm and forest uses or practices. With conditions of approval, this criterion can be met.

E. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use.

Chapter 9 Open Space, Parks and Historic Sites - Parks and Recreation – Policy 8.0:

Use all available and responsible means to reduce the cost of acquisition, development, operation and maintenance of parks and recreation facilities.

Policy 8.4: Encourage the private sector to help meet the recreation needs of County residents and visitors. The recreation program should use private facilities on program-by-program basis when public facilities are not available.

The requested uses on the subject site will allow the existing park to once again function as a privately owned and operated recreational amenity through private investment in programming and enhancement of the facilities. This is consistent with County goals and policies to provide land, facilities and programs that meet the recreation needs of County residents and visitors, and to do so at the least possible cost to County taxpayers. Conditional use approval will enable the subject site to provide privately-operated educational and recreational opportunities, as well as programming to serve the broader public.

Chapter 9 Open Space, Parks and Historic Sites - Historic Landmarks, Districts and Transportation Corridors – Policy 8.0

Pursue options and incentives to allow productive, reasonable use, and adaptive reuse of historic properties.

Conditional use approval on this site will allow the historic park to once again be operational as an outdoor recreation and natural area. The applicant proposes to preserve and reuse the existing structures on the site for their intended purposes (for example, existing picnic shelters will be used for picnic gatherings, restroom buildings will be used for restrooms, and so on). The wooded forest/open space (Timber zoned portion) will be used for low impact recreational uses, consistent with historic uses in that area. Additions to the site (classroom buildings, platform tents, new shelters) will be done in a manner consistent with the historic character of the site and will help the applicant ensure financial viability for the park. In addition, new buildings and improvements to existing buildings will be subject to review by the Historic Review Board during the building permit process. This supports the County's goal of preserving historic resources and capitalizing on options that allow reasonable use and reuse of historic properties and minimize the need for public funding. More discussion of historic preservation on the site can be found under the response to Section 707 in this narrative.

This proposal is in keeping with Chapter 9 of the Comprehensive Plan.

Chapter 3 Natural Resources and Energy - Forests. Policy 5.0:

Cooperate and coordinate with appropriate state and federal agencies to insure forest management practices that recognize the multiple resource values of forest lands. Impacts on environmentally sensitive areas such as slide and erosion hazard areas,

sensitive fish and wildlife habitat, scenic corridors, unique natural and/or cultural features, etc, shall be minimized.

The use of forest resources for outdoor recreational uses such as private parks recognizes the multiple resource values of forest lands. The proposed use does not impact on environmentally sensitive areas such as slide and erosion hazard areas, scenic corridors, or unique natural and/or cultural features.

Goals and Policies of the Forest Designation are also included in the Forest Section of the Land Use Chapter of the Comprehensive Plan.

Chapter 4 Land Use - Forest. Policy 3.0:

Land uses which conflict with forest uses shall not be allowed.

The proposed private park is listed as a conditional use in the Timber zoning district. The prior analysis of the requirements of ZDO Section 1203.01(A) above, provides adequate justification that the proposed use should not conflict with forest uses.

Chapter 5 Transportation - Improvements to Serve Development, Policy 16.0:

Require development to be served by adequate roadway facilities.

As stated in earlier findings, the site is served by Ten Eyck Road and Bull Run Road and Engineering finds that the project is located in an area of generally low traffic volumes. The traffic impact analysis submitted by the applicant provides evidence that the capacity of the transportation system is adequate to support the project. Also as documented in an earlier finding, the applicant will address existing sight distance issues at the intersection of Ten Eyck Road/Thomas Road through the removal of vegetation located in the County right-of-way.

Based on the above findings, the Board finds that, with conditions of approval, the proposal satisfies the applicable goals and policies of the Comprehensive Plan.

F. The proposed use complies with any applicable requirements of the zoning district and overlay zoning district(s) in which the subject property is located, Section 800, and Section 1000.

Other applicable Sections and standards of the ZDO applicable to this application are addressed below.

Section 1006, Water Supply, Sanitary Sewer, Surface Water; and Utilities Concurrency

Section 1006, Water Supply, Sanitary Sewer, Surface Water; and Utilities Concurrency, of the ZDO sets forth the standards, requirements and considerations that pertain to utility lines and facilities.

Section 1006.05 Water Supply Standards Outside The Portland Metropolitan Urban Growth Boundary And Mount Hood Urban Area

The provisions of this section apply outside the Portland Metropolitan Urban Growth Boundary and the Mount Hood urban area.

(A) Applicants for any development permit 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.

The water source is Portland Water.

The Board finds that this criterion is met.

Section 1006.07 Subsurface Sewage Disposal Standards

(A) All development proposing subsurface sewage disposal shall receive approval for the system from the Clackamas County Water Environment Services, Soils Section prior to submittal of a land use application to the County for development. Said systems shall be installed pursuant to ORS 454.605-454.745 and Chapters 171, 523 and 828, Oregon Administrative Rules 340, Divisions 71 and 73 and the policies of the Clackamas County, WES, Soils Section.

The applicants state that they will be using the existing PGE-Day Use park bathrooms. A condition is warranted stating that the applicant will submit a report to the file from the County Soils Division stating the existing system is adequate for the proposal.

The Board finds that, with conditions of approval, this criterion can be met.

Section 1006.08 Surface Water Management Standards

A. All developments shall provide for positive drainage and adequate conveyance of storm and surface water runoff from roofs, footings, foundations, and other impervious or near-impervious surfaces to an appropriate discharge point and shall:

- 1. Comply with the requirements of any special districts with surface water management regulatory jurisdiction; or*
- 2. The requirements of Section 1008 and the County Roadway Standards in areas not under the jurisdiction of a surface water management regulatory authority.*

B. Installation of stormwater management and conveyance facilities shall be coordinated with the extension of necessary water and sanitary sewer services.

C. Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water management, treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.

1. *The service provider may require a preliminary storm water management plan, storm drainage report, natural resource assessment and buffer analysis prior to signing the preliminary statement of feasibility.*
2. *In those areas that are not within a surface water management district, the preliminary statement of feasibility shall be signed by the County Department of Transportation and Development, Engineering Division.*
3. *The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve surface water treatment and conveyance system capacity for the development.*

Clackamas County DTD, Engineering signed off on the Statement of Feasibility on April 30, 2014, that it is feasible that the proposal can comply with the standards. A condition is warranted requiring the applicant to submit their drainage plan including detention designs to DTD, Engineering. DTD, Engineering shall review and approve the plans for the erosion control prior to final plan approval.

The Board finds that, with conditions of approval, this criterion can be met.

Section 1007 Roads Connectivity

1007.03 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.*
- C. *New developments shall have access points connecting with existing private, public, county, or state roads.*

Approaches to public and county roads shall be designed to accommodate safe and efficient flow of traffic and turn control where necessary to minimize hazards for other uses.
- D. *Street alignments, intersections, and centerline deflection angles shall be designed according to the standards set forth in Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards.*
- E. *All roads shall be designed and constructed to adequately and safely accommodate vehicles, pedestrians, and bicycles according to Chapters 5 and 10 of*

the Comprehensive Plan and the Clackamas County Roadway Standards. Development-related roadway adequacy and safety impacts to roadways shall be evaluated pursuant to the Clackamas County Roadway Standards and also to Oregon Department of Transportation standards for state highways.

No new roads or access points are being proposed as part of this project. The transportation impact study submitted by the applicant provides a description of the existing access and roadways used by the subject site. Section 1007.09 requires the applicant to demonstrate that the transportation system is adequate to support the proposed use. In order to achieve this, the applicant provided a transportation impact study performed by Lancaster Engineering. The study established that the capacity of the existing transportation system is adequate to support the project. As stated in earlier findings, the applicant will address existing sight distance issues at the intersection of Ten Eyck Road/Thomas Road through the removal of vegetation located in the County right-of-way.

The Board finds that, with conditions of approval, these criteria can be met.

1007.04 Public and Private Roadways:

A. *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.*

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

a. *Road shoulders shall be improved to accommodate pedestrian and bicycle traffic; and*

b. *Turnouts shall be provided at viewpoints or for recreational needs.*

County Engineering staff confirmed that the subject property takes access from SE Thomas Road within a portion of the County that is zoned TBR, Timber 80 acres. Engineering staff found that the proposed private park site improvements will generate additional vehicle trips to the site. The applicant is therefore subject to the provisions of Clackamas County Zoning and Development Ordinance (ZDO) section 1007, pertaining to roads, circulation and parking improvements, and section 1008 pertaining to surface water management.

The Board finds that, with conditions of approval, these criteria can be met.

D. *Developments shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards. In addition:*

1. *No planting, signing, or fencing shall be permitted which restricts motorists' vision; and*
2. *Curbside parking may be restricted along streets with visibility problems for motorists, pedestrians, and/or bicyclists as deemed appropriate by the Department of Transportation and Development.*

There is an existing sight distance issue at the intersection of Ten Eyck Road/Thomas Road looking to the south from Thomas Road. Based on the "Sight Distance Plan" drawing submitted by All County Surveyors on behalf of the applicant and an October 15, 2014 email from Lancaster Engineering, the sight distance issue can be resolved to Engineering's satisfaction at the intersection of Ten Eyck Road/Thomas Road. Based on the applicant's submitted speed study and sight distance measurement, an intersection sight distance of 385 feet looking to the south from Thomas Road is required and can be achieved through the removal of vegetation located in the County right-of-way. While there is also an existing sight distance issue at the intersection of Ten Eyck Road/Thomas Road looking to the north, this can be ameliorated through the removal of vegetation located on the applicant's property.

The applicant has submitted a speed study along Thomas Road to establish the intersection sight distance requirements at the Thomas Road/Site access intersection. The County concurs with the finding that a minimum of 490 feet of intersection sight distance is required looking to the east at this intersection. While there is an existing sight distance issue at the proposed site access to Thomas Road, this can be ameliorated through the removal of vegetation located on the applicant's property.

Based on the above findings, the Board finds that, with conditions of approval, this criterion can be met.

1007.09, Transportation Facilities Concurrency:

- A. *The purpose of Subsection 1007.09 is to ensure that transportation infrastructure is provided concurrent with the new development it is required to serve or, within a reasonable period of time following the approval of new development.*
- B. *Subsection 1007.09 shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.*
- C. *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:*

Engineering staff have found that the capacity of transportation facilities is adequate. (July 21, 2014, Conditional Use Staff Report Z0207-14-C, Exhibit 1)

The Board finds that this criterion is met.

D. As used in Subsection 1007.09(C), "adequate" means a minimum of Level-of-Service (LOS) D, except:

County Traffic engineering staff finds that "the roadway system has adequate capacity to accommodate the proposed use, consistent with concurrency requirements under ZDO Subsection 1007.09." (July 21, 2014, Conditional Use Staff Report Z0207-14-C, Exhibit 1)

The Board finds that this criterion is met.

E. As used in Subsection 1007.09(F), "necessary improvements" are:

1. Improvements identified in a transportation impact study as being required in order to comply with the adequacy standard identified in Subsection 1007.09(D).

a. A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.

b. If a transportation impact study is not required, County traffic engineering or transportation planning staff shall identify necessary improvements or the applicant may opt to provide a transportation impact study.

The July 21, 2014, Conditional Use Staff Report Z0207-14-C (Engineering staff findings, Exhibit 4) discusses the issues and makes recommendations.

The Board finds that, with conditions of approval, these criteria can be met.

Section 1008 - Storm Drainage

Section 1008 includes the requirements for Storm Drainage and Erosion Control.

The subject property is located within the Clackamas County Engineering area of review within the County. The rules and regulations for this district are administered by the Clackamas County Engineering Division. The applicant has submitted a Statement of Feasibility for surface water from the Clackamas County Engineering Division May 30, 2014.

The Board finds that storm drainage requirements can be met.

Section 1015 Parking and Loading

Section 1015.04 Automobile Parking Area Standards

Parking has been established with the PGE-Day Use area. Since this parking area historically handled up to 1000 visitors a day, the Board finds that the applicants parking plan is satisfactory with sufficient number and spacing of parking spaces for vehicles and buses.

The Board finds that this criterion is met.

Section 1021 Refuse and Recycling Standards for Commercial, Industrial, and Multifamily Developments

Section 1021 outlines the standards for refuse and recycling for commercial developments. The applicant has not submitted any specific plans. There is an existing refuse and recycling enclosure. A condition of approval is warranted requiring the applicant to provide an acceptable plan for the private park garbage and recycling needs.

The Board finds that, with conditions of approval, applicable refuse and recycling criteria can be met.

2. Plan B

Plan B assumes that FF-10 zoning is approved and authorizes a private park, camp ground and educational center on 20 acres of the site zoned FF-10. In addition to the existing park structures, the applicant proposed six convertible classroom buildings (can convert to sleeping quarters), two new open air pavilions/picnic shelters, six outdoor classrooms (platform tents) which can also be used for overnight stays, and a 50 X 80 foot archery range. Day use of the site is proposed to allow up to a total of 800 participants at any one time on the FF-10 and TBR zoned land. Overnight use of the site is proposed to allow up to 300 participants on the FF-10 zoned land. Special events (up to four per year with no more than 1,500 participants) are also proposed. Access is proposed off an existing one-way circular driveway from SE Thomas Road.

1203.01 GENERAL APPROVAL CRITERIA

A conditional use will require review as a Type III application pursuant to Section 1307 and shall be subject to the following standards and criteria:

A. The use is listed as a Conditional Use in the underlying zoning district.

The subject property is zoned FF-10. Section 310 of the ZDO controls land uses in the underlying FF-10 zoning district. Section 310.06 lists the uses. Section 310.06(A)(14) of the ZDO specifically lists "Public and private parks and campgrounds, recreational grounds, hiking and horse trails, pack stations, corrals,

boarding or riding stables, and other similar uses intended for the purpose of obtaining a commercial profit."

The applicant has proposed to establish a private park under the provisions of Section 310.04. Activities on the FF-10 portion of the site will be those associated with outdoor education and recreation programs and may include:

- Youth day and overnight camps
- Adult evening and weekend overnight classes (art, history, survival skills, etc.)
- School field trips
- Personal camping associated with youth and adult overnight programs
- Hiking associated with youth and adult programs
- Outdoor theater gatherings
- Natural history tours
- Archery classes and events
- Historical reenactments and demonstrations
- Occasional public and private gatherings/special events, not to include weddings

The proposed "private park" meets the definition of a "Public and private parks, campground, etc." and can meet the requirements of Section 310.04 with conditions of approval.

B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.

1. Size: The subject property is approximately 20 acres in size. The lot is suitable to accommodate the proposed additional structures and activity areas.
2. Shape: The subject property is irregular. The shape does not present any significant limitations to the proposed development
3. Topography: The irregularly shaped lot is relatively flat. The relatively flat topography is very suitable to accommodate the proposed use.
4. Location: The location has access from SE Thomas Road.

5. Improvements: The existing historic PGE-Day Use Park structures.
6. Natural Features: The site is covered in timber of various ages.
7. Floodplain: According to the FEMA Floodplain maps, the subject property is not located within or near a designated floodplain
8. Geologic Hazards: There are no identified hazards on the geologic hazards map.
9. Soils: The table below identifies one soils type on the subject property.

Soil Type *	Rating *	Slopes *	Location on Site **	Native Vegetation *
2B Alspaugh clay loam	High Value Forest	2 to 8 % Slopes	Western half	Douglas fir, red alder, salal, brake fern and sword fern.

* The Soils Survey of Clackamas County Area, published by the United States Department of Agriculture.

Based on the findings above, the Board finds that the physical characteristics of the site are suitable to accommodate the use. This criterion is met.

C. The proposed development is consistent with Subsection 1007.09 and safety of the transportation system is adequate to serve the proposed development.

Subsection 1007.09: Transportation Facilities Concurrency:

(A) The purpose of Subsection 1007.09 is to ensure that transportation infrastructure is provided concurrent with the new development it is required to serve or, within a reasonable period of time following the approval of new development.

(B) Subsection 1007.09 shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.

(C) 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."

Engineering found that the project is located in an area of generally low traffic volumes. In 2011, the average daily traffic (ADT) on Ten Eyck Road south of Bull Run Road was approximately 930 vehicles per day. On Ten Eyck Road north of Bull Run Road, the 2011 ADT was approximately 425 vehicles per day. On Bull Run

Road east of Ten Eyck Road, the 2011 ADT was approximately 860 vehicles per day. The traffic impact analyses provide evidence that the capacity of the transportation system is adequate to support the project comprehensive plan amendment and zone change according to the requirements of the Transportation Planning Rule. Based upon the existing and projected future year traffic volumes and the proposed trip generation of the site, the proposed zone change and comprehensive plan amendment will not have a significant effect on capacity issues associated with the transportation system and no capacity issues will result. The Board finds that the application is in compliance with that portion of ZDO subsection 1203.01 C, regarding the capacity of the transportation system.

The applicant has submitted a speed study along Thomas Road to establish the intersection sight distance requirements at the Thomas Road/Site access intersection. The County concurs with the finding that a minimum of 490 feet of intersection sight distance is required looking to the east at this intersection. While there is an existing sight distance issue at the proposed site access to Thomas Road, this can be ameliorated through the removal of vegetation located on the applicant's property.

Based on the above findings, the Board finds that, with conditions of approval, this criterion can be met.

D. The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the underlying zoning district.

The surrounding properties are all zoned TBR. Properties range in size from 20 to over 100 acres. These lots are forested with various aged trees, grasslands and a few are developed with single-family dwellings. This criterion does not require this use to not have any impacts, but instead the impacts must not substantially limit, impair or preclude the use of adjacent properties for the allowed primary uses. The primary uses allowed in this district are listed in Section 310.03. The primary uses allowed in this zone primarily include dwellings, the raising, harvesting and selling of crops, forest operations, fish and wildlife management programs.

The background information provided in applicant's submittal describes the general land uses proposed on this site and occurring on the adjacent properties. The uses on surrounding properties are mainly forest type of uses with a few dwellings and small farms. The potential impacts on the adjacent residential uses include noise, dust, traffic, fire danger and lighting. The Board makes the following findings:

Noise: The Board finds activities on the subject site will generate some noise greater than what is already occurring on site. The park noises from up to a total of 800 participants at any one time on the FF-10 and TBR zoned property may include singing, and yelling and activity noises. Logging activities also produce noise. The Board finds that logging activities and farm activities are regular uses in this zone and

believes that the distance between the park/campground and these other property uses is far enough to not be a significant problem or concern.

Dust: The applicant is not planning on any major dust producing activities. The site is surrounded by a timber zoning district where dust is a normal occurrence.

Lighting: The applicant states in their application that the FF-10 private park and campground will use the existing electricity. An outdoor lighting plan was not submitted in the proposal.

Traffic: The subject property has access to Thomas Road. The capacity of the transportation system will not be significantly affected.

Fire Danger: The only concern for fire is the use of open campfires. The existing fire areas and any new fire sites will be inspected and approved by the local fire district.

Based on the above findings, the Board finds that the dust, noise, fire danger, lighting or traffic impacts resulting from the existing or proposed use will not substantially limit, impair or preclude the use of surrounding properties for residents and farm and forest uses or practices. With conditions of approval, this criterion can be met.

E. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use.

Chapter 9 Open Space, Parks and Historic Sites - Parks and Recreation – Policy 8.0:

Use all available and responsible means to reduce the cost of acquisition, development, operation and maintenance of parks and recreation facilities.

Policy 8.4: Encourage the private sector to help meet the recreation needs of County residents and visitors. The recreation program should use private facilities on program-by-program basis when public facilities are not available.

The requested uses on the subject site will allow the existing park to once again function as a privately owned and operated recreational amenity through private investment in programming and enhancement of the facilities. This is consistent with County goals and policies to provide land, facilities and programs that meet the recreation needs of County residents and visitors, and to do so at the least possible cost to County taxpayers. Conditional use approval will enable the subject site to provide privately-operated educational and recreational opportunities, as well as programming to serve the broader public.

Chapter 9 Open Space, Parks and Historic Sites - Historic Landmarks, Districts and Transportation Corridors – Policy 8.0

Pursue options and incentives to allow productive, reasonable use, and adaptive reuse of historic properties.

Conditional use approval on this site will allow the historic park to once again be operational as an outdoor recreation and natural area. The applicant proposes to preserve and reuse the existing structures on the site for their intended purposes (for example, existing picnic shelters will be used for picnic gatherings, restroom buildings will be used for restrooms, and so on). The wooded forest/open space (Timber zoned portion) will be used for low impact recreational uses, consistent with historic uses in that area. Additions to the site (classroom buildings, platform tents, new shelters) will be done in a manner consistent with the historic character of the site and will help the applicant ensure financial viability for the park. In addition, new buildings and improvements to existing buildings will be subject to review by the Historic Review Board during the building permit process. This supports the County's goal of preserving historic resources and capitalizing on options that allow reasonable use and reuse of historic properties and minimize the need for public funding. More discussion of historic preservation on the site can be found under the response to Section 707 in this narrative.

This proposal is in keeping with Chapter 9 of the Comprehensive Plan.

Chapter 5 Transportation - Improvements to Serve Development, Policy 16.0:

Require development to be served by adequate roadway facilities.

As stated in earlier findings, the site is served by Ten Eyck Road and Bull Run Road and Engineering finds that the project is located in an area of generally low traffic volumes. The traffic impact analyses provide evidence that the capacity of the transportation system is adequate to support the project. Also as documented in an earlier finding, the applicant will address existing sight distance issues at the intersection of Ten Eyck Road/Thomas Road through the removal of vegetation located in the County right-of-way.

Based on the above findings, the Board finds that, with conditions of approval, the proposal satisfies the applicable goals and policies of the Comprehensive Plan.

F. The proposed use complies with any applicable requirements of the zoning district and overlay zoning district(s) in which the subject property is located, Section 800, and Section 1000.

Other applicable Sections and standards of the ZDO applicable to this application are addressed below.

Section 1006, Water Supply, Sanitary Sewer, Surface Water; and Utilities

Section 1006, Water Supply, Sanitary Sewer, Surface Water; and Utilities Concurrency, of the ZDO sets forth the standards, requirements and considerations that pertain to utility lines and facilities.

Section 1006.05 Water Supply Standards Outside The Portland Metropolitan Urban Growth Boundary And Mount Hood Urban Area

The provisions of this section apply outside the Portland Metropolitan Urban Growth Boundary and the Mount Hood urban area.

(A) Applicants for any development permit 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.

The water source is Portland Water.

The Board finds that this criterion is met.

Section 1006.07 Subsurface Sewage Disposal Standards

(A) All development proposing subsurface sewage disposal shall receive approval for the system from the Clackamas County Water Environment Services, Soils Section prior to submittal of a land use application to the County for development. Said systems shall be installed pursuant to ORS 454.605-454.745 and Chapters 171, 523 and 828, Oregon Administrative Rules 340, Divisions 71 and 73 and the policies of the Clackamas County, WES, Soils Section.

The applicants state that they will be using the existing PGE-Day Use park bathrooms. A condition is warranted stating that the applicant will submit a report to the file from the County Soils Division stating the existing system is adequate for the proposal.

The Board finds that, with conditions of approval, this criterion can be met.

Section 1006.08 Surface Water Management Standards

A. All developments shall provide for positive drainage and adequate conveyance of storm and surface water runoff from roofs, footings, foundations, and other impervious or near-impervious surfaces to an appropriate discharge point and shall:

- 1. Comply with the requirements of any special districts with surface water management regulatory jurisdiction; or*
- 2. The requirements of Section 1008 and the County Roadway Standards in areas not under the jurisdiction of a surface water management regulatory authority.*

B. Installation of stormwater management and conveyance facilities shall be coordinated with the extension of necessary water and sanitary sewer services.

C. Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water management, treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.

1. The service provider may require a preliminary storm water management plan, storm drainage report, natural resource assessment and buffer analysis prior to signing the preliminary statement of feasibility.

2. In those areas that are not within a surface water management district, the preliminary statement of feasibility shall be signed by the County Department of Transportation and Development, Engineering Division.

3. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve surface water treatment and conveyance system capacity for the development.

Clackamas County DTD, Engineering signed off on the Statement of Feasibility on April 30, 2014, that it is feasible that the proposal can comply with the standards. A condition is warranted requiring the applicant to submit their drainage plan including detention designs to DTD, Engineering. DTD, Engineering shall review and approve the plans for the erosion control prior to final plan approval.

The Board finds that, with conditions of approval, this criterion can be met.

Section 1007 Roads Connectivity

1007.03 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.

C. New developments shall have access points connecting with existing private, public, county, or state roads.

Approaches to public and county roads shall be designed to accommodate safe and efficient flow of traffic and turn control where necessary to minimize hazards for other uses.

D. Street alignments, intersections, and centerline deflection angles shall be designed according to the standards set forth in Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards.

E. All roads shall be designed and constructed to adequately and safely accommodate vehicles, pedestrians, and bicycles according to Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards. Development-related roadway adequacy and safety impacts to roadways shall be evaluated pursuant to the Clackamas County Roadway Standards and also to Oregon Department of Transportation standards for state highways.

As documented in the findings under the conditional use General Approval Criteria 1203.01(C), the transportation traffic impact analyses provide evidence that the capacity of the transportation system is adequate to support the proposed uses and that the existing intersection sight distance issues at Ten Eyck Road/Thomas Road can be satisfactorily resolved.

The Board finds that, with conditions of approval, these criteria can be met.

1007.04 Public and Private Roadways:

A. 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.

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

a. Road shoulders shall be improved to accommodate pedestrian and bicycle traffic; and

b. Turnouts shall be provided at viewpoints or for recreational needs.

County Engineering staff found that the subject property takes access from SE Thomas Road within a portion of the County that is zoned TBR, Timber 80 acres. Engineering staff found that the proposed private park site improvements will generate additional vehicle trips to the site. The applicant is therefore subject to the provisions of Clackamas County Zoning and Development Ordinance (ZDO) section 1007, pertaining to roads, circulation and parking improvements, and section 1008 pertaining to surface water management. (July 21, 2014, Conditional Use Staff Report Z0207-14-C, Exhibit1)

The Board finds that, with conditions of approval, this criterion can be met.

D. Developments shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards. In addition:

- 1. No planting, signing, or fencing shall be permitted which restricts motorists' vision; and*
- 2. Curbside parking may be restricted along streets with visibility problems for motorists, pedestrians, and/or bicyclists as deemed appropriate by the Department of Transportation and Development.*

There is an existing sight distance issue at the intersection of Ten Eyck Road/Thomas Road looking to the south from Thomas Road. Based on the "Sight Distance Plan" drawing submitted by All County Surveyors on behalf of the applicant and an October 15, 2014 email from Lancaster Engineering, the sight distance issue can be resolved to Engineering's satisfaction at the intersection of Ten Eyck Road/Thomas Road. Based on the applicant's submitted speed study and sight distance measurement, an intersection sight distance of 385 feet looking to the south from Thomas Road is required and can be achieved through the removal of vegetation located in the County right-of-way. While there is also an existing sight distance issue at the intersection of Ten Eyck Road/Thomas Road looking to the north, this can be ameliorated through the removal of vegetation located on the applicant's property.

The applicant has submitted a speed study along Thomas Road to establish the intersection sight distance requirements at the Thomas Road/Site access intersection. The County concurs with the finding that a minimum of 490 feet of intersection sight distance is required looking to the east at this intersection. While there is an existing sight distance issue at the proposed site access to Thomas Road, this can be ameliorated through the removal of vegetation located on the applicant's property.

The Board finds that, with conditions of approval, this criterion can be met.

1007.09, Transportation Facilities Concurrency:

A. The purpose of Subsection 1007.09 is to ensure that transportation infrastructure is provided concurrent with the new development it is required to serve or, within a reasonable period of time following the approval of new development.

B. *Subsection 1007.09 shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.*

C. *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:*

Engineering staff have found that the capacity of transportation facilities is adequate. (July 21, 2014, Conditional Use Staff Report Z0207-14-C, Exhibit1.)

The Board finds that this criterion is met.

D. *As used in Subsection 1007.09(C), “adequate” means a minimum of Level-of-Service (LOS) D, except:*

County Traffic engineering staff finds that “the roadway system has adequate capacity to accommodate the proposed use, consistent with concurrency requirements under ZDO Subsection 1007.09.” (July 21, 2014, Conditional Use Staff Report Z0207-14-C, Exhibit1.)

The Board finds that this criterion is met.

E. *As used in Subsection 1007.09(F), “necessary improvements” are:*

1. *Improvements identified in a transportation impact study as being required in order to comply with the adequacy standard identified in Subsection 1007.09(D).*

a. *A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.*

b. *If a transportation impact study is not required, County traffic engineering or transportation planning staff shall identify necessary improvements or the applicant may opt to provide a transportation impact study.*

The Board finds that, with conditions of approval, these criteria can be met.

Section 1008 Storm Drainage

Section 1008 includes the requirements for Storm Drainage and Erosion Control.

The subject property is located within the Clackamas County Engineering area of review within the County. The rules and regulations for this district are administered by the Clackamas County Engineering Division. The applicant has submitted a Statement of Feasibility for surface water from the Clackamas County Engineering Division May 30, 2014.

The Board finds that storm drainage requirements can be met.

Section 1015 Parking and Loading

Section 1015.04 Automobile Parking Area Standards

Parking has been established with the PGE-Day Use area. Since this parking area historically handled up to 1000 visitors a day, the Board finds that the applicants parking plan is satisfactory with sufficient number and spacing of parking spaces for vehicles and buses.

The Board finds that this criterion is met.

Section 1021 Refuse and Recycling Standards for Commercial, Industrial, and Multifamily Developments

Section 1021 outlines the standards for refuse and recycling for commercial developments.

The applicant has not submitted any specific plans concerning refuse and recycling. A condition of approval is warranted requiring the applicant to provide an acceptable plan.

The Board finds that, with conditions of approval, applicable refuse and recycling criteria can be met.

Exhibit C

Conditions of Approval for

File Nos. Z0207-14-C, Z0208-14-CP and Z0209-14-Z

Section 4. Conditions of Approval

- A. The Board approves the Comprehensive Plan Amendment and Zone change with the following conditions:
1. All of the uses as provided below shall obtain a Conditional Use approval prior to implementation with the exception of single family dwellings, community events, provided such events are consistent with those described on page 2 of Exhibit 59 and those structures as approved under the conditional use (Z0207-14-C) for the Park Site.
 2. Any new buildings or modifications to existing buildings associated with uses below shall obtain a Historic Review Board approval prior to implementation.
 3. Any subsequent limitations applied by a Conditional Use and/or Historic Review approval shall be implemented in addition to those listed below.
 4. Removal of the Historic Landmark and Historic District designations shall require the re-designation of the land to the Timber zone, unless a new goal exception is approved.

Powerhouse Site Uses:

1. **Museum** – within an existing structure only, with the exception of viewing exterior displays of historic artifacts such as the Bull Run Railway, PGE log flume rail cars, transformers, water valves and other powerhouse related artifacts with a maximum of 50 guests during outside viewing.
2. **Classes** – within an existing structure only, with the exception of 50 guests during outside viewing of the historic facility, region, including the natural environment of the Bull Run River.
3. **Historic Machine Shop and Other Appropriate Spaces on site** – within an existing structure only, for craft shops, artists and educational instruction.
4. **Small Restaurant** – within an existing structure only, with the exception of up to 25 seasonal outdoor seats for quests.
5. **Gift Shop** – within an existing structure only.
6. **Art Gallery and Studios** – within an existing structure only.
7. **Fish and Wildlife Management** –an outside activity only.
8. **Office Space** – within an existing structure only.
9. **Dwelling** – within an existing structure only.
10. **Signs** – subject to Section 1010 of the ZDO.

11. **Community Events** – within the existing fenced compound area, up to 4 times per year not to exceed 48 hours, with a maximum of 600 guests with no more than 300 guests at any one time, to include open houses/tours, nonprofit organization introduction, fund raisers for the facility and annual picnics for PGE retirees.
12. **Incidental Nonhabitable Additions** –such as exterior ramps, stairs, elevator facilities, with the exception of a maximum of 3 habitable spaces not to exceed 50 sq. ft. each for ADA improvements and covered entries.

School Site Uses:

1. **School** – within the existing school building only, including overnight accommodations, kitchen and cafeteria with the exception of outside play areas.
2. **Daycare Facility** – within the existing school building only.
3. **Art and Music Studio** – within the existing school building only, including display, teaching and sales.
4. **Office** – within the existing school building only.
5. **Dwelling** – within the existing school building only.
6. **Signs** – subject to Section 1010 of the ZDO.
7. **New Structures** – limited to accessory uses for flag poles, gazebos, fences, etc.

- B. **'PLAN 'A'** - The Board approves the first part of a Conditional Use for a Private Park referred to as Plan A which is only within the TBR portion of the property, with the following conditions:

General Conditions – PLAN 'A'

1. Approval of this land use permit is based on the submitted written narrative and plan(s) dated June 11, 2014, except as modified on the record and as authorized by this order. 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 limitation of approval described herein.
2. The applicant is advised to take part in a Post Land Use Transition meeting. The Board would like to offer you an opportunity to meet and discuss this decision and the conditions of approval necessary to finalize the project. The purpose of the meeting is to ensure you understand all the conditions and to identify other permits necessary to complete the project. If you like to take advantage of this meeting please contact Wendi Coryell at (503) 742-4657 or at wendicor@co.clackamas.or.us.

3. Prior to the issuance of the building permit submit a statement of use to Lori Phillips in the Clackamas County Administration Division. Lori Phillips can be contacted by phone at (503) 742-4331 or email her at loriphi@co.clackamas.or.us. The statement of use is used to calculate Transportation System Development charge. A TSDC is included in the final calculation of building permit fees for new commercial projects; this includes additions and tenant improvements that increase the number of daily trips to the site.
4. This approval is valid for a period of four years from the date of final written decision. If the proposed use has not been established within that time, the approval shall expire unless a timely application for extension of the permit is filed with the County under ZDO Section 1203.03 and the application is approved. The conditional use approval is implemented when all necessary permits for the development have been secured and are maintained.
5. This Conditional Use approval is granted subject to the above and below stated conditions. Failure to comply with any of the conditions of approval constitutes a violation of this permit and may be cause for revocation of this approval.
6. The approval of the application granted by this decision concerns only the applicable criteria for this decision. The decision does not include any conclusions by the county concerning whether the activities allowed will or will not come in conflict with the provisions of the federal Endangered Species Act (ESA). This decision should not be construed to or represented to authorize any activity that will conflict with or violate the ESA. It is the applicant, in coordination if necessary with the federal agencies responsibility for the administration and enforcement of the ESA, who must ensure that the approved activities are designed, constructed, operated and maintained in a manner that complies with the ESA.

Land Use and Zoning Conditions

Approval is for the specific use identified in the application materials and on the submitted site. This approval authorizes the applicant to establish a private park using an existing on-site parking and circulation system.

7. A maximum of 800 participants (campers and staff) per day on the FF-10 and TBR zoned land at any one time.
8. No overnight use is permitted, except primitive self-made 'no-trace' temporary overnight shelters made up of onsite moss, sticks, foliage, etc. for up to 45 students per week, as accessory to the park site activities. These temporary

overnight shelters shall be taken apart the next morning and dispersed over the area gathered from.

9. Special events, up to 4 times per year, shall be limited to 1,500 participants.
10. The use of speakers, public address systems or other noise amplification devices is prohibited.
11. Outdoor lighting is not permitted.
12. **Prior to commencement of activity**, the applicants shall submit to this file, a statement from the Clackamas County Soils Division that the existing septic system is adequate.
13. All events shall comply with ambient noise levels of 60 dB(A) from 7:00 am until 10:00 pm.
14. **Prior to commencement of activity**, the applicants shall obtain all Food Handler Permits and Licenses to comply with regulations, for any beverages and food items being served.
15. **Prior to commencement of activity**, a written irrevocable statement shall be recorded with the deed records for the county binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. A copy shall be submitted to this file.
16. **Prior to commencement of activity**, a written irrevocable statement shall be recorded with the deed records for the county binding the landowner and the landowner's successors in interest, to manage the approximately 25 acre forest directly south of the PGE-Day Use Park area to protect the historic character of the site and its fully developed tree canopy and grove like character. No clear cutting shall occur. Tree thinning and cutting is limited to that which encourages the long term health of the forest. A copy shall be submitted to this file.
17. **Prior to commencement of activity**, the applicant shall comply with all requirements of the solid waste/recycling service provider(s) and ZDO Section 1021 concerning location and accessibility of solid waste/recycling enclosure(s), the slope of the site, and the size, screening and other specific design standards for enclosures and pads. The applicant must provide a detailed plan for service to Planning.
18. **Prior to commencement of activity**, the applicant shall have the Sandy Fire Department review, inspect and approve all fire locations on site and submit evidence of approval to this file.

19. Prior to commencement of activity, the applicant shall have the Department of Forestry review, inspect and approve all fire locations and fire starting activities and submit evidence of approval to this file.

Engineering Division Conditions

The following items are project requirements from the Department of Transportation and Development's Development Engineering Division. These conditions of approval are not intended to include every engineering requirement necessary for the successful completion of this project, but are provided to illustrate to the applicant specific details regarding the required improvements that may prove helpful in determining the cost and scope of the project. These conditions are based upon the requirements detailed in the County's Comprehensive Plan (Comp Plan), the County's Zoning and Development Ordinance (ZDO) and the County's Site Development and Roadway Construction Standards (Roadway Standards). Additional requirements beyond those stated in the conditions of approval may be required. The applicant may discuss the requirements of the project with staff at any time.

The requirements specifically required by the Comp Plan and the ZDO cannot be modified by the Development Engineering Division. However, the requirements detailed in these conditions of approval, derived from the Roadway Standards, are based upon nationally accepted standards and engineering judgment and may be modified pursuant to Section 170 of the Roadway Standards. The applicant is required to provide sufficient justification to staff in the request. Staff shall determine if a modification is warranted.

20. All frontage improvements in, or adjacent to Clackamas County right-of-way, or on site, shall be in compliance with *Clackamas County Roadway Standards*.
21. The applicant shall obtain a Development Permit from Clackamas County Department of Transportation and Development prior to the initiation of any construction activities associated with the project.
22. The applicant shall verify by a professional survey that a 30-foot wide, one-half right-of-way width exists along the entire Ten Eyck Road site frontage, or shall dedicate additional right-of-way as necessary to provide it. Contact Deana Mulder for the specifics regarding exhibits to be included with submittals. (Clackamas County Roadway Standards drawing C140).
23. The applicant shall verify by a professional survey that a 24-foot wide, one-half right-of-way width exists along the entire Thomas Road site

frontage, or shall dedicate additional right-of-way as necessary to provide it. Contact Deana Mulder for the specifics regarding exhibits to be included with submittals. (*Clackamas County Roadway Standards* drawing C110.)

24. The applicant shall grant an eight-foot wide easement for signs, slopes, and public utilities along the entire Thomas Road site frontage. Contact Deana Mulder for the specifics regarding exhibits to be included with submittals. (*Roadway Standards* drawing C110.)
25. The applicant shall provide a copy of the Engineer's drainage study, surface water management plan, and Engineer's detention calculations to DTD Engineering, Deana Mulder.
26. The onsite circulation drive shall comply with *Roadway Standards* Drawing R100 regarding widths and structural section. In addition, sections of 12-foot wide driveway shall be centered in a 20-foot wide clear zone.
27. The applicant shall provide adequate on site circulation for the parking and maneuvering of all vehicles anticipated to use the parking and maneuvering areas, including a minimum of 24 feet of back up maneuvering room for all 90-degree parking spaces. Loading spaces and parking spaces for buses shall also be afforded adequate maneuvering room. The applicant shall show the paths traced by the extremities of anticipated large vehicles (delivery trucks, fire apparatus, garbage and recycling trucks, buses), including off-tracking, on the site plan to insure adequate turning radii are provided for the anticipated large vehicles maneuvering on the site.
28. Parking spaces shall meet ZDO section 1015 dimensional requirements. The plans shall list the number of parking spaces provided. The applicant shall label all carpool, disabled, bus, and loading berth spaces on the plans. All ADA parking spaces and adjacent accessible areas shall be paved and be provided with appropriate pavement markings and signing. Parking layout geometry shall be in accordance with ZDO Table 1015-1 and Figure 1015-1.
29. The applicant shall provide 2 bicycle-parking spaces in accordance with ZDO subsection 1015.05, Table 1015-3.
30. The applicant shall provide and maintain adequate intersection sight distances and adequate stopping sight distances at the driveway intersection with Thomas Road and the intersection of Thomas Road and Ten Eyck Road. Adequate intersection sight distance for drivers turning left into the site from Thomas Road or from Ten Eyck Road onto Thomas Road shall also be provided and maintained. In addition, no plantings at maturity, retaining walls, embankments, fences or any other objects shall

be allowed to obstruct minimum sight distance requirements.

The applicant shall ensure that a minimum of 385 feet of intersection sight distance shall be provided looking to the south from Thomas Road to Ten Eyck Road in accordance with the requirements of Clackamas County Roadway Standards Section 240.

31. Applicant shall comply with County Roadway Standards clear zone requirements in accordance with Roadway Standards section 245.
32. **Prior to certificate of occupancy**, the applicant shall provide an Engineer's cost estimate to Clackamas County Engineering for any unfinished improvements required by conditions of approval. The estimate shall be submitted for review and approval of quantities of asphalt concrete, aggregates, curbs, sidewalks and any other required improvements and associated construction costs.
33. The applicant shall install and maintain a 30-inch "STOP" sign, with the bottom of the sign positioned a minimum of five and a maximum of seven feet above the pavement surface, at the driveway intersection with Thomas Road. (*Manual on Uniform Traffic Control Devices*)
34. All traffic control devices on private property, located where private driveways intersect County facilities shall be installed and maintained by the applicant, and shall meet standards set forth in the *Manual on Uniform Traffic Control Devices* and relevant Oregon supplements.
35. **Prior to the issuance of a building permit**, the applicant shall submit to Clackamas County Engineering Office:
 - a. Written approval from the local Fire District for the planned access, circulation, fire lanes and water source supply. The approval shall be in the form of site and utility plans stamped and signed by the Fire Marshal.
 - b. Written approval from the Department of Transportation and Development for surface water management facilities, surface water detention facilities, and erosion control measures.
 - c. A set of site improvement construction plans, including a striping and signing plan, for review, in conformance with *Clackamas County Roadway Standards* Section 140, to Deana Mulder in Clackamas County's Engineering Office and obtain written approval, in the form of a Development Permit.
 - i. The permit will be for road, driveway, drainage, parking and maneuvering area, and other site improvements.
 - ii. The Development Permit fee will be calculated at a per parking space rate according to the current fee structure for

commercial/industrial/multi-family development at the time of the Development Permit application.

iii. The applicant shall have an Engineer, registered in the state of Oregon, design and stamp construction plans for all required improvements, or provide alternative plans acceptable to the Engineering Division.

a. When the Department of Transportation and Development is the surface water authority for the proposed project and detention facilities are a requirement of development, the applicant shall provide a copy of an approved grading permit to DTD Engineering, Deana Mulder, prior to the issuance of a Development Permit.

36. Before the County issues a Development Permit, the applicant shall submit a construction vehicle management and staging plan for review and approval by the County DTD, Construction and Development Section, if the public road right-of-way is planned to be used for construction staging. That plan shall show that construction vehicles and materials will not be staged or queued-up on public streets and shoulders without specific authority from DTD. If the public road right-of-way is not planned to be used for construction staging, a note shall be added to the construction drawings stating that the public road right-of-way will not be used for construction staging.

C. **'Plan B'** -. The Board approves a Comprehensive Plan Amendment and Zone Change to allow the following limited uses on the FF-10 zoned portion of the park site, not to include the access road.

Park Site Uses:

1. **Offices** – within the existing structures only.
2. **Gift Shop** – within the existing structures only.
3. **Signs** – subject to Section 1010 of the ZDO.
4. **One Single Family Dwelling** – not to exceed 1,200 sq. ft. in size.
5. Land division of the Park Site (the portion of tax lot 102 west of the Ten Eyck Road) shall be prohibited.

PLAN 'B' - The Board approves the second part of a Conditional Use for the park site referred to as Plan A which is only within the FF-10 zoned portion of the park site, not to include the access road, with the following conditions:

General Conditions – PLAN B

1. Approval of this land use permit is based on the submitted written narrative and plan(s) dated June 11, 2014, except as modified on the record and as authorized by this order. 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 limitation of approval described herein.

2. The applicant is advised to take part in a Post Land Use Transition meeting. The Board would like to offer you an opportunity to meet and discuss this decision and the conditions of approval necessary to finalize the project. The purpose of the meeting is to ensure you understand all the conditions and to identify other permits necessary to complete the project. If you like to take advantage of this meeting please contact Wendi Coryell at (503) 742-4657 or at wendicor@co.clackamas.or.us.
3. Prior to the issuance of the building permit submit a statement of use to Lori Phillips in the Clackamas County Administration Division. Lori Phillips can be contacted by phone at (503) 742-4331 or email her at loriphi@co.clackamas.or.us. The statement of use is used to calculate Transportation System Development charge. A TSDC is included in the final calculation of building permit fees for new commercial projects; this includes additions and tenant improvements that increase the number of daily trips to the site.
4. This approval is valid for a period of four years from the date of final written decision. If the proposed use has not been established within that time, the approval shall expire unless a timely application for extension of the permit is filed with the County under ZDO Section 1203.03 and the application is approved. The conditional use approval is implemented when all necessary permits for the development have been secured and are maintained.
5. This Conditional Use approval is granted subject to the above and below stated conditions. Failure to comply with any of the conditions of approval constitutes a violation of this permit and may be cause for revocation of this approval.
6. The approval of the application granted by this decision concerns only the applicable criteria for this decision. The decision does not include any conclusions by the county concerning whether the activities allowed will or will not come in conflict with the provisions of the federal Endangered Species Act (ESA). This decision should not be construed to or represented to authorize any activity that will conflict with or violate the ESA. It is the applicant, in coordination if necessary with the federal agencies responsibility for the administration and enforcement of the ESA, who must ensure that the approved activities are designed, constructed, operated and maintained in a manner that complies with the ESA.

Land Use and Zoning Conditions

Approval is for the specific use identified in the application materials and on the submitted site. This approval authorizes the applicant to establish a private park using an existing on-site parking and circulation system.

7. A maximum of 800 participants (campers and staff) per day on the FF-10 and TBR zoned land at any one time.
8. A maximum of 300 overnight campers per day to include “no trace” campers using the park site facility.
9. New Structures approved include:
 - a. One (1) single family dwelling not to exceed 1,200 square feet.
 - b. Six (6) cabins (convertible to classrooms) not to exceed 1000 square feet each.
 - c. Six (6) platform tents not to exceed 400 square feet each.
 - d. Two (2) pavilion/shelters not to exceed 1,200 square feet each.
10. Special events, up to 4 times per year, shall be limited to 1,500 participants.
11. The use of speakers, public address systems or other noise amplification devices is prohibited.
12. **Prior to commencement of activity**, the applicants shall submit to this file, a statement from the Clackamas County Soils Division that the existing septic system is adequate.
13. All events shall comply with ambient noise levels of 60 dB(A) from 7:00 am until 10:00 pm and 50 dB(A) from 10:00pm to 7:00am.
14. Any new lighting plan shall be reviewed and approved by Planning and Zoning Division.
15. **Prior to commencement of activity**, the applicants shall obtain all Food Handler Permits and Licenses to comply with regulations, for any beverages and food items being served.
16. **Prior to commencement of activity**, a written irrevocable statement shall be recorded with the deed records for the county binding the landowner, and the landowner’s successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. A copy shall be submitted to this file.
17. **Prior to commencement of activity**, a written irrevocable statement shall be recorded with the deed records for the county binding the landowner and the landowner’s successors in interest, to manage the

approximately 25 acre forest directly south of the PGE-Day Use Park area to protect the historic character of the site and its fully developed tree canopy and grove like character. No clear cutting shall occur. Tree thinning and cutting is limited to that which encourages the long term health of the forest. A copy shall be submitted to this file.

18. **Prior to commencement of activity**, the applicant shall comply with all requirements of the solid waste/recycling service provider(s) and ZDO Section 1021 concerning location and accessibility of solid waste/recycling enclosure(s), the slope of the site, and the size, screening and other specific design standards for enclosures and pads. The applicant must provide a detailed plan for service to Planning. The applicant must provide a detailed plan, including the garbage enclosure and service truck circulation to Planning.
19. **Prior to commencement of activity**, the applicant shall have the Sandy Fire Department review, inspect and approve all fire locations on site and submit evidence of approval to this file.
20. **Prior to commencement of activity**, the applicant shall have the Department of Forestry review, inspect and approve all fire locations and fire starting activities and submit evidence of approval to this file.
21. **Prior to Issuance of building permits**, the proposed new structures shall be reviewed and approved by the Clackamas County Historic Review Board.
22. **Prior to issuance of building permits**, for all historic structures, an architectural assessment shall be provided to determine what improvements are necessary to meet building codes.
23. **Prior to issuance of building permits**, a rehabilitation plan shall be prepared along with a covenant placed on the property deeds showing the plan and the percentage of monies to be used annually to preserve the historic resources. A yearly report shall be submitted to Zoning.

Engineering Division Conditions

The following items are project requirements from the Department of Transportation and Development's Development Engineering Division. These conditions of approval are not intended to include every engineering requirement necessary for the successful completion of this project, but are provided to illustrate to the applicant specific details regarding the required improvements that may prove helpful in determining the cost and scope of the project. These conditions are based upon the requirements detailed in the County's Comprehensive Plan (Comp Plan), the County's Zoning and

Development Ordinance (ZDO) and the County's Site Development and Roadway Construction Standards (Roadway Standards). Additional requirements beyond those stated in the conditions of approval may be required. The applicant may discuss the requirements of the project with staff at any time.

The requirements specifically required by the Comp Plan and the ZDO cannot be modified by the Development Engineering Division. However, the requirements detailed in these conditions of approval, derived from the Roadway Standards, are based upon nationally accepted standards and engineering judgment and may be modified pursuant to Section 170 of the Roadway Standards. The applicant is required to provide sufficient justification to staff in the request. Staff shall determine if a modification is warranted.

24. All frontage improvements in, or adjacent to Clackamas County right-of-way, or on site, shall be in compliance with *Clackamas County Roadway Standards*.
25. The applicant shall obtain a Development Permit from Clackamas County Department of Transportation and Development prior to the initiation of any construction activities associated with the project.
26. The applicant shall verify by a professional survey that a 30-foot wide, one-half right-of-way width exists along the entire Ten Eyck Road site frontage, or shall dedicate additional right-of-way as necessary to provide it. Contact Deana Mulder for the specifics regarding exhibits to be included with submittals. (*Clackamas County Roadway Standards* drawing C140.)
27. The applicant shall verify by a professional survey that a 24-foot wide, one-half right-of-way width exists along the entire Thomas Road site frontage, or shall dedicate additional right-of-way as necessary to provide it. Contact Deana Mulder for the specifics regarding exhibits to be included with submittals. (*Clackamas County Roadway Standards* drawing C110.)
28. The applicant shall grant an eight-foot wide easement for signs, slopes, and public utilities along the entire Thomas Road site frontage. Contact Deana Mulder for the specifics regarding exhibits to be included with submittals. (*Roadway Standards* drawing C110.)
29. The applicant shall provide a copy of the Engineer's drainage study, surface water management plan, and Engineer's detention calculations to DTD Engineering, Deana Mulder.
30. The onsite circulation drive shall comply with Roadway Standards Drawing R100 regarding widths and structural section. In addition,

sections of 12-foot wide driveway shall be centered in a 20-foot wide clear zone.

31. The applicant shall provide adequate on site circulation for the parking and maneuvering of all vehicles anticipated to use the parking and maneuvering areas, including a minimum of 24 feet of back up maneuvering room for all 90-degree parking spaces. Loading spaces and parking spaces for buses shall also be afforded adequate maneuvering room. The applicant shall show the paths traced by the extremities of anticipated large vehicles (delivery trucks, fire apparatus, garbage and recycling trucks, buses), including off-tracking, on the site plan to insure adequate turning radii are provided for the anticipated large vehicles maneuvering on the site.
32. Parking spaces shall meet ZDO section 1015 dimensional requirements. The plans shall list the number of parking spaces provided. The applicant shall label all carpool, disabled, bus, and loading berth spaces on the plans. All ADA parking spaces and adjacent accessible areas shall be paved and be provided with appropriate pavement markings and signing. Parking layout geometry shall be in accordance with ZDO Table 1015-1 and Figure 1015-1.
33. The applicant shall provide 2 bicycle-parking spaces in accordance with ZDO subsection 1015.05, Table 1015-3.
34. The applicant shall provide and maintain adequate intersection sight distances and adequate stopping sight distances at the driveway intersection with Thomas Road and the intersection of Thomas Road and Ten Eyck Road. Adequate intersection sight distance for drivers turning left into the site from Thomas Road or from Ten Eyck Road onto Thomas Road shall also be provided and maintained. In addition, no plantings at maturity, retaining walls, embankments, fences or any other objects shall be allowed to obstruct minimum sight distance requirements.

Plans submitted in anticipation of issuance of a Development Permit shall include an exhibit illustrating sight lines and any sight line easements for site driveways and the intersection of Ten Eyck Road and Thomas Road to insure sight lines are not obstructed by vegetation, trees, vertical curves, or any other objects along the subject property frontages or offsite.

Minimum intersection sight distances and stopping sight distances shall be in accordance with Roadway Standards section 240. Intersection sight distances are required to be a minimum of 385 feet looking south from Thomas Road to Ten Eyck Road.

35. Applicant shall comply with County Roadway Standards clear zone requirements in accordance with Roadway Standards section 245.

36. **Prior to certificate of occupancy**, the applicant shall provide an Engineer's cost estimate to Clackamas County Engineering for any unfinished improvements required by conditions of approval. The estimate shall be submitted for review and approval of quantities of asphalt concrete, aggregates, curbs, sidewalks and any other required improvements and associated construction costs.
37. The applicant shall install and maintain a 30-inch "STOP" sign, with the bottom of the sign positioned a minimum of five and a maximum of seven feet above the pavement surface, at the driveway intersection with Thomas Road. (Manual on Uniform Traffic Control Devices)
38. All traffic control devices on private property, located where private driveways intersect County facilities shall be installed and maintained by the applicant, and shall meet standards set forth in the *Manual on Uniform Traffic Control Devices* and relevant Oregon supplements.
39. **Prior to the issuance of a building permit**, the applicant shall submit to Clackamas County Engineering Office:
 - a. Written approval from the local Fire District for the planned access, circulation, fire lanes and water source supply. The approval shall be in the form of site and utility plans stamped and signed by the Fire Marshal.
 - b. Written approval from the Department of Transportation and Development for surface water management facilities, surface water detention facilities, and erosion control measures.
 - c. A set of site improvement construction plans, including a striping and signing plan, for review, in conformance with *Clackamas County Roadway Standards* Section 140, to Deana Mulder in Clackamas County's Engineering Office and obtain written approval, in the form of a Development Permit.
 - i. The permit will be for road, driveway, drainage, parking and maneuvering area, and other site improvements.
 - ii. The Development Permit fee will be calculated at a per parking space rate according to the current fee structure for commercial/industrial/multi-family development at the time of the Development Permit application.
 - iii. The applicant shall have an Engineer, registered in the state of Oregon, design and stamp construction plans for all required improvements, or provide alternative plans acceptable to the Engineering Division.
 - d. When the Department of Transportation and Development is the surface water authority for the proposed project and detention facilities are a requirement of development, the applicant shall provide a copy of an

approved grading permit to DTD Engineering, Deana Mulder, prior to the issuance of a Development Permit.

40. Before the County issues a Development Permit, the applicant shall submit a construction vehicle management and staging plan for review and approval by the County DTD, Construction and Development Section, if the public road right-of-way is planned to be used for construction staging. That plan shall show that construction vehicles and materials will not be staged or queued-up on public streets and shoulders without specific authority from DTD. If the public road right-of-way is not planned to be used for construction staging, a note shall be added to the construction drawings stating that the public road right-of-way will not be used for construction staging.

Development Services Building
Dept. of Transportation & Development
Planning & Zoning Division
150 Beavercreek Road
Oregon City, OR 97045



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LAND CONSERVATION
AND DEVELOPMENT

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