



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

REPORT DATE: January 20, 2026

HEARING DATE: January 26, 2026 (Agenda Item Time: 6:30 pm)

PLANNING FILE NOS.: Z0315-25 and Z0316-25

PROPOSAL: A Comprehensive Plan map amendment to change the land use plan designation for the subject property from Agriculture (Ag) to Rural (R), with a corresponding zone change from Exclusive Farm Use (EFU) to Rural Residential Farm Forest, 5-acre (RRFF-5). The proposal includes an exception to Statewide Planning Goal 3.

This change is intended to facilitate the development of up to three dwellings. No development is proposed with this application.

STAFF CONTACT(S): Martha Fritzie, (503) 742-4529, mfritzie@clackamas.us

LOCATION: 40822 SE Allgeier Rd; on the south side of SE Allgeier Rd, approximately 1/3-mile west of SE Firwood Rd and 1.5 miles southeast of the city of Sandy

T2S, R5E, Section 31B Tax Lot 00200

APPLICANT(S): Michael and Mary Paden

OWNER(S): Michael and Mary Paden

SUBJECT PROPERTY AREA: Approximately 14.97 acres

CURRENT ZONING: Exclusive Farm Use (EFU)

COMPREHENSIVE PLAN DESIGNATION: Agriculture (AG)

COMMUNITY PLANNING ORGANIZATION: Firwood Neighbors CPO

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

OPPORTUNITY TO REVIEW THE RECORD: The submitted application is available for review online at [Accela Citizen Access](#). Select the Planning tab and enter the file number to search. Select 'Record Info' and then select 'Attachments' from the dropdown list, where you will find the submitted

application. The complete application file is available for inspection at no cost by contacting the Planner listed on the first page of this decision. Copies of all documents may be purchased at the rate of \$2.00 per page for 8.5" x 11" or 11" x 14" documents, \$2.50 per page for 11" x 17" documents, \$3.50 per page for 18" x 24" documents, and \$0.75 per square foot with a \$5.00 minimum for large format documents.

APPLICABLE APPROVAL CRITERIA: Statewide Planning Goals; Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OARs); Clackamas County Comprehensive Plan; and Clackamas County Zoning and Development Ordinance (ZDO) Sections 202, 1202, and 1307.

I. STAFF RECOMMENDATION

Staff recommends **DENIAL** of the Comprehensive Plan map amendment and zone change in file nos. Z0315-25 and Z0316-25, for the following reasons:

1. Proposal does not meet criteria for an exception to Statewide Planning Goal 3, *Agriculture*
 - a. Fails to demonstrate area is "irrevocably committed" so that the subject property can not be used for the purposes it is zoned, namely farm uses.
2. Proposal does not meet criteria for exception to Statewide Planning Goal 14, *Urbanization*
 - a. Does not request an exception to Goal 14, per OAR 660-004-0040.
 - b. Provides no evidence that criteria for such an exception are met.
3. Proposal is not consistent with all county Comprehensive Plan policies for Rural (R) Plan designation
4. Proposal is not consistent with all county Comprehensive Plan policies for Rural Residential Farm Forest (RRFF-5) zoning designation

II. BACKGROUND

This application requests that Clackamas County's Comprehensive Plan land use plan designation, as identified in Comprehensive Plan maps, be changed from Agriculture (AG) to Rural (R), and for the zoning designation be changed concurrently from Exclusive Farm Use (EFU) to Rural Residential Farm Forest, 5-acre (RRFF-5) for the subject site. The application does not itself propose, nor would its approval authorize, any new development.

The proposal does, however, require exceptions to two Statewide Planning Goals, under ORS 197.732 and OAR 660, Division 4:

- Statewide Planning Goal 3, *Agriculture*. State law requires a goal exception to change from an agriculture to rural residential designation.
- Statewide Planning Goal 14, *Urbanization*. State law requires a goal exception for a rural residential designation that allows lot sizes smaller than 10 acres (this proposal is for 5-acre lots).

Subject property and surrounding area: The subject site is located at 40822 SE Allgeier Road, on the south side of SE Allgeier Rd, approximately 1/3-mile west of SE Firwood Rd and 1.5 miles southeast of the city of Sandy. The site consists of a single taxlot (25E31B, Tax Lot 00200) which contains a total of approximately 14.97 acres. It has over 650 feet of frontage on SE Allgeier Rd, a local road, and takes direct access off SE Allgeier near the northeastern corner of the site.

The subject site is currently zoned EFU (Exclusive Farm Use), with a corresponding Comprehensive Plan designation of AG (Agriculture). It is relatively flat, is outside of a mapped flood hazard area, and has no County-regulated mass-movement or soil hazard areas, stream conservation areas, mapped wetlands, or historic landmarks.

The *Natural Resources Conservation Service (NRCS) Web Soil Survey for Clackamas County* identifies one soil type mapped on the entire subject site: Class 2, Cazadero soils (15B). The applicant, however, contracted a professional soils scientist to conduct a site-specific analysis of the soils. This analysis is included in Attachment B of the application (Exhibit 1). Based on that analysis, the site contains the Class 2 Cazadero (15B) soils on approximately 47.9% of the site with the remaining containing Class 4 and 6 soils, as follows:

Map Symbol Unit	Acres	% of Total acreage	Soil Capability Class	High Value/ Low Value Farm Soil*	Soil Type	Brief Description**
15B	7.07	47.9%	2	High value	Cazadero silty clay loam, 0 to 7 percent slopes	Deep, well drained soil; unit is suited to cultivated crops; unit is well suited to the production of Douglas fir; if unit is used for homesite development, the main limitations are moderately slow permeability and low soil strength
30C	3.32	22.5%	4	Low value	Delena silt loam, 3 to 12 percent slopes	Deep, poorly drained soil; unit used for pasture, wildlife habitat and homesites
10C	4.38	29.7%	6	Low value	Bull Run Variant silt loam, 0 to 12 percent slopes	Deep, somewhat poorly drained soil; unit used for pasture, wildlife habitat and homesites

*As defined in ORD 215.710 and OAR 660-033-0020(8).

** Per Natural Resources Conservation Service (NRCS) Web Soil Survey for Clackamas County.

The subject site is largely vacant. Although the application does not identify any development on the site, based on recent aerial photography and permit history, Staff has identified the following improvements:

- A 24' x 30' agricultural building, permitted in 2024 under permit #AG020024, for the stated purpose of storage of farm equipment. This building was permitted as an agricultural structure, under ORS 455.315, which requires the applicant provide evidence that the property is engaged in either a farming- or forestry-related use. In this case, that evidence was the owner's tax statement demonstrating the property is in farm tax deferral (see Exhibit 2).
- In addition, Staff notes that the most recent aerial photos of the property (mid-2025), there is a recreational vehicle on the site that appears set up for occupancy. Staff is uncertain when this RV was placed on the site, or if it is currently or was occupied; but living in an RV is not an allowed use in the EFU zone.

The subject site is located in a rural area characterized by small- to moderately-sized farm properties, forested/treed areas, and rural residences.

The applicant describes the character of the areas as “*rural with small gardens, orchards, and livestock (including horses or cows)*.” To the immediate north, west, south and east of the site are agricultural lands, zoned Exclusive Farm Use (EFU). Parcels range generally from 3 to 29 acres, and many contain a dwelling. Current and historic aerial photography shows that several of these parcels are or have been engaged in farm uses, either as cultivated land or with nursery stock. In addition, information provided in the application indicates that two adjacent or nearby parcels are currently engaged in boarding horses and at least one has livestock. The majority of the parcels (75%) in EFU-zoned lands in the immediate vicinity of the subject site are wholly or partially in special assessment for farm or forest uses (commonly referred to “tax deferral”), indicating some sort of agricultural or forest use is taking place on the properties.

Adjacent to the southeast corner and further east and southeast of the subject site are rural residential “exception” lands, zoned Rural Residential Farm Forest (RRFF-5). Properties in these areas generally range from 1 to 5 acres in size and, based on aerial photography, most appear to be developed with a dwelling and associated accessory uses.

Subject Property and Vicinity

2025 aerial photo

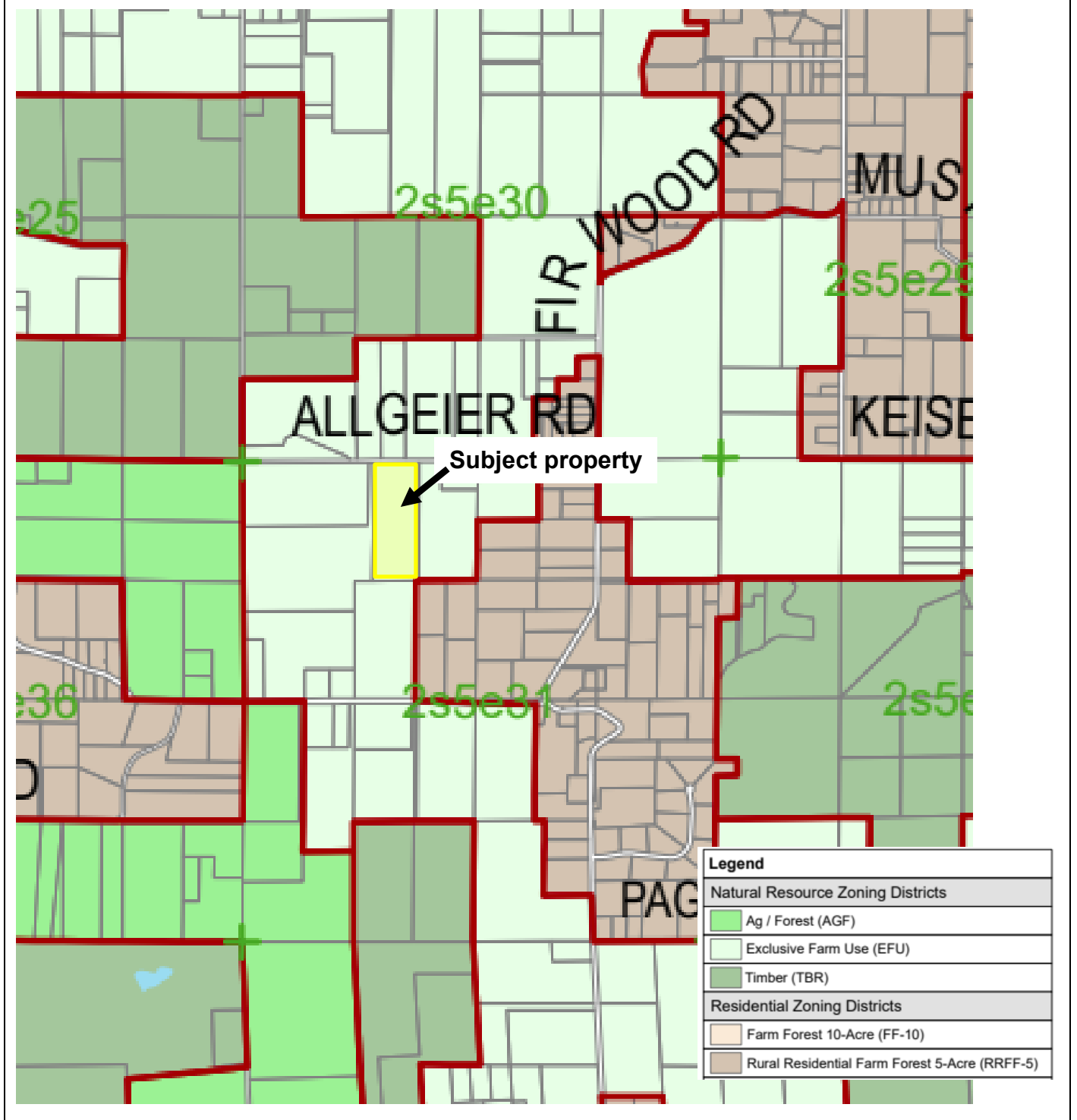


2018 aerial photo



Source: Clackamas County GIS, PlanMap

Subject Property in Current *Non-Urban Area Zoning Map*



Zoning History: The subject site's current EFU zoning took effect in 1980 after being adopted through the Rural Plan Amendment or RUPA process, which included a number of different Comprehensive Plan amendment packages for different rural areas of the County. The subject property is part of Firwood/Bull Run Zoning Amendment, adopted on June 19, 1980 (Court Order 80-1206). See Exhibit 2.

The subject property is located within the middle portion of area A-7, identified as "west of Firwood". The findings related to area A-7 include the following:

This 2077 acre area is located south of Highway 26 and east of Lagensand Road. The area has 144 parcels. There are 115 ownerships of which 33 are 0 to 5 acres, 21 are 5 to 10 acres, 34 are 10 to 20 acres, and 27 are over 20 acres in size. Average parcel size is 14.42 acres, and average ownership size is 18.06 acres. The 109 dwelling units in this area average one per 19.05 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 45% Class II, 50% Class III, 20% Class IV, and 30% Class VI-VIII. The soil suitability for Douglas fir is 100% Class II. The suitability of the soil for septic tank systems is 90% suitable, 9% marginal, and 1% unsuitable.

The rural residential exception area that abuts the southeast corner of the site is area R-6, identified as "Moorefield Meadows". The findings related to area R-6 include the following:

This 270 acre area is located two miles south of Highway 26 on both sides of Firwood Road. The area has 80 parcels. There are 77 ownerships of which 66 are 0 to 5 acres, 10 are 5 to 10 acres, 1 is 10 to 20 acres, and 0 are over 20 acres. Average parcel size is 3.38 acres, and average ownership is 3.51 acres. The 35 dwelling units in this area average one per 7.72 acres...There are no ownerships 15 acres or larger in the area".

Service providers:

1. **Sewer:** The subject property is not located within a public or private sewer district. Any future development would also need to be served by an on-site wastewater system, subject to Clackamas County's Septic and Onsite Wastewater Program's rules and regulations.
2. **Water:** The subject property is not located within a public or private water district. Any future development would need to be served by a private well, subject to the Oregon Water Resources Department's rules and regulations.
3. **Fire Protection:** Sandy Fire District #72

Noticing: This application has been processed consistent with the legal noticing requirements in Section 1307, *Procedures*, of the County's Zoning and Development Ordinance (ZDO) and with state noticing requirements. Specifically, the County has provided notice to interested agencies, local governments and property owners within 2,650 feet of the subject property consistent with State law and Section 1307 of the ZDO. The notification to property owners, public notices and hearings ensures an opportunity for citizens to participate in the land use process.

Responses received: To date, three comments have been received:

- 1000 Friends of Oregon (Exhibit 3): recommends denial, lists reasons the application fails to meet requirements for Goal 3 exception
- Oregon Dept of Land Conservation and Development (Exhibit 4): recommends denial, lists reasons the application fails to meet requirements for Goal 3 exception and notes that a Goal 14 exception is required but not requested
- County Engineering (Exhibit 5): concurs with the analysis and findings in applicant's traffic study.

The local Community Planning Organization, the Firwood Neighbors CPO, has not submitted comments.

Public Hearings:

Two public hearings on the current proposal are scheduled: one before the Planning Commission on January 26, 2026, and another before the Board of County Commissioners (Board) on February 10, 2026. The Planning Commission makes a recommendation to the Board, who will ultimately decide whether the proposal is approved.

III. FINDINGS

This application is subject to the following provisions:

- A. Statewide Planning Goals;
- B. Goal Exceptions: Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OARs)
- C. Clackamas County Comprehensive Plan; and
- D. Zoning and Development Ordinance (ZDO) Sections 202, 1202, and 1307.

Staff have reviewed these provisions and the applicant's preliminary findings in conjunction with this proposal. Compliance with the applicable regulations found in each is discussed below. ZDO Sections 202 and 1307 provide only definitions and procedural requirements that do not warrant separate written findings in this report.

A. Statewide Planning Goals

GOAL 1 – CITIZEN INVOLVEMENT

Statewide Planning Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process" and requires the County to have a citizen involvement program with certain features.

This application only proposes to amend the County's Comprehensive Plan maps and zoning map. Even if approved, the County's existing, State-acknowledged citizen involvement program would not change.

ZDO Section 1307, Procedures, contains acknowledged procedures for citizen involvement and public notice of quasi-judicial applications. This application has been processed consistent with those requirements, including providing notice to property owners within 2,650 feet of the subject property; the Department of Land Conservation and Development (DLCD); 1000 Friends of

Oregon; and other interested agencies. Notice of the application and its public hearings has also been published in the newspaper and on County websites.

Before the Board of County Commissioners can decide on this application, there will have been at least two public hearings with opportunity for interested parties to testify. The public has also been given the opportunity to provide written comments, and all comments provided to date have been included in the record.

The relevant requirements of Statewide Planning Goal 1 are satisfied.

GOAL 2 – LAND USE PLANNING

Goal 2 requires the County to have and to follow a comprehensive land use plan and implementing regulations. Comprehensive plan provisions and regulations must be consistent with Statewide Planning Goals, but Goal 2 also provides a process by which exceptions can be made to certain Goals.

This proposed amendment to the County's Comprehensive Plan maps, including Map 4-07a, would not change the County's land use planning process. However, this Goal also requires a jurisdiction's Comprehensive Plan provisions and land use regulations to be consistent with the Statewide Planning Goals. This report outlines how this proposal is not consistent with:

- Applicable policies of the County's acknowledged Comprehensive Plan;
- Statewide Planning Goals 3 and 14; and
- Criteria for the required exceptions to Statewide Planning Goals 3 and 14.

Statewide Planning Goal 2 is not satisfied.

GOAL 3 – AGRICULTURAL LANDS

Goal 3 requires the County to identify farmland, designate it as such on its Comprehensive Plan maps, and zone it Exclusive Farm Use (EFU).

The County has already satisfied these requirements. This proposal would change the designation of the subject property from agricultural to rural. However, as noted in this report:

- The subject parcel contains predominantly Class 1-4 agricultural soils;
- It was designated as agricultural lands as a part of a larger block of agricultural property that average the same size as the subject;
- Evidence shows that the site has been cultivated in the past and is currently in farm tax deferral, which presumes an agricultural use on the property; and
- Requirements for an exception to this Goal are not met.

As such, **Statewide Planning Goal 3 is not satisfied.**

GOAL 4 – FOREST LANDS

Goal 4 requires the County to identify forest lands, designate it as such on Comprehensive Plan maps, and zone it consistently with State rules.

The County has already satisfied these requirements. This application does not propose to change the Comprehensive Plan or zoning designation of any forest land, nor does it propose a change in any allowed land use in the County's forest zones (i.e., Ag/Forest and Timber). The subject property is currently designated as agricultural land, not forest land.

Statewide Planning Goal 4 is not applicable.

GOAL 5 – NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

Goal 5 requires the County to adopt programs that will protect an area's natural resources and will conserve scenic, historic, and open space resources for present and future generations. It requires an inventory of natural features, groundwater resources, energy sources, and cultural areas, and encourages the maintenance of inventories of historic resources.

This proposal would not change the County's acknowledged inventories or programs for the protection of such resources nor would it modify the mapping of any protected resource. As noted previously, the subject site does not contain any identified Goal 5 resources.

Statewide Planning Goal 5 is not applicable.

GOAL 6 – AIR, WATER, AND LAND RESOURCES QUALITY

Goal 6 instructs the County to consider the protection of air, water, and land resources from pollution and pollutants when developing its Comprehensive Plan.

This proposal would not change the County's acknowledged Comprehensive Plan policies or implementing regulations regarding Goal 6 resources, nor would it modify the mapping of any protected resource.

Statewide Planning Goal 6 is not applicable.

GOAL 7 – AREAS SUBJECT TO NATURAL HAZARDS

Goal 7 requires the County to address Oregon's natural hazards.

This proposal would not change the County's acknowledged Comprehensive Plan policies or implementing regulations regarding natural disasters and hazards, nor would it modify the mapping of any hazard. As noted previously, the subject site is flat and does not contain any areas with identified Goal 7 hazards.

Statewide Planning Goal 7 is not applicable.

GOAL 8 – RECREATIONAL NEEDS

Goal 8 requires the County to plan for the recreational needs of its residents and visitors.

This proposal would not change the County's acknowledged Comprehensive Plan policies or implementing regulations regarding recreational needs and would not modify the mapping of a recreational resource. The subject site does not contain any areas with identified Goal 8 resources.

Statewide Planning Goal 8 is not applicable.

GOAL 9 – ECONOMIC DEVELOPMENT

The purpose of Goal 9 planning is to provide adequate opportunities throughout Oregon for a variety of economic activities vital to the health, welfare, and prosperity of Oregonians.

Goal 9 is implemented by Oregon Administrative Rules (OAR) Chapter 660, Division 9. Pursuant to OAR 660-009-0010(1), the requirements of Division 9 are only applicable to areas within urban growth boundaries (UGBs). Goal 9 requires the County's Comprehensive Plan for its urban areas to contain economic analyses and economic development policies. It also requires the Comprehensive Plan to provide "*at least an adequate supply of sites of suitable sizes, types,*

locations, and service levels for a variety of industrial and commercial uses". The County's State-acknowledged Comprehensive Plan already contains the required economic analyses and development policies, which this application does not propose to change.

Statewide Planning Goal 9 is not applicable.

GOAL 10 – HOUSING

The purpose of Goal 10 is to meet housing needs.

Goal 10 recommends that the County's Comprehensive Plan (including its land use designation maps) "should be developed in a manner that insures the provision of appropriate types and amounts of land" within UGBs for housing; it also advises that areas planned for residential development "be necessary and suitable for housing needs of households of all income levels".

The requirements under Goal 10 do not apply outside of a UGB, where the subject site is located.

Statewide Planning Goal 10 is not applicable.

GOAL 11 – PUBLIC FACILITIES AND SERVICES

The purpose of Goal 11 is to ensure that local governments plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Goal 11 is implemented by OAR Chapter 660, Division 11.

This proposal would not change any adopted facilities plans or implementing regulations. The subject site is currently not served by public water or public sewer and, because it is outside of an urban growth boundary (UGB), it will not be served by these public facilities. Any future development on the site would continue to be served by the on-site water and sewage disposal facilities.

The relevant portions of Statewide Planning Goal 11 are satisfied.

GOAL 12 – TRANSPORTATION

The purpose of Goal 12 is to provide and encourage a safe, convenient, and economic transportation system. It requires the County to create a transportation system plan (TSP) that takes into account all relevant modes of transportation.

Goal 12 is implemented by OAR chapter 660, division 12, commonly referred to as the Transportation Planning Rule (TPR). When an amendment to the County's Comprehensive Plan map or zoning map is proposed, OAR 660-012-0060 requires an analysis of whether the proposed amendment would "significantly affect" an existing or planned transportation facility, and whether it is necessary to update transportation facility plans to accommodate such effects. The TPR defines what it means to "significantly affect" a transportation facility.

The applicant has provided a traffic study and supplemental information, prepared by a licensed engineering firm, Clemow Associates LLC, and dated July 25, 2025. The traffic analyses address TPR requirements and include a comparison of the reasonable worst-case traffic impacts caused by potential development of the subject property under the property's current zoning.

This analysis concludes that "...the proposed land use actions will result in a small increase in traffic and will not significantly affect an existing or planned transportation facility. As such, it can be found that the Clackamas County ZDO requirements identified in Section 1202.03 and the TPR

criteria outlined in OAR 660-012-0060 are satisfied without the need for additional transportation analysis.”

County Engineering staff have reviewed the traffic study and concur with its assumptions and findings.

The relevant requirements of Statewide Planning Goal 12 are satisfied.

GOAL 13 – ENERGY CONSERVATION

Goal 13 encourages land use plans to consider lot size, siting controls, building height, density, and other measures in order to help conserve energy.

This proposal would not change the County’s acknowledged Comprehensive Plan policies or implementing regulations regarding energy conservation.

Statewide Planning Goal 13 is not applicable.

GOAL 14 – URBANIZATION

The purpose of Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The application does not propose to expand or modify any UGB or to permit rural land uses inside the UGB.

However, as noted in Section III.B (below), OAR 660-004-0040, *Application of Goal 14 to Rural Residential Areas*, contains direction for how Goal 14 specifically applies to rural lands and new rural residential areas. This Rule requires that new exception areas, like what is proposed by the applicant, must have a minimum parcel size of at least 10 acres (which in Clackamas County would correspond with the FF-10 zone) unless an exception to Goal 14 is taken. Because this proposal requests the RRFF-5, Rural Residential Farm Forest, 5-acre, the exception is required. No exception was requested in this application.

Statewide Planning Goal 14 are not satisfied.

GOAL 15 – WILLAMETTE RIVER GREENWAY

The purpose of Goal 15 is 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 subject property is more than 15 miles from the Willamette River and is therefore well outside the Willamette River Greenway. The applicant’s proposal would not change the County’s acknowledged Comprehensive Plan policies or implementing regulations regarding the Willamette River Greenway.

Statewide Planning Goal 15 is not applicable.

GOAL 16 – ESTUARINE RESOURCES; GOAL 17 – COASTAL SHORELANDS; GOAL 18 – BEACHES AND DUNES; GOAL 19 – OCEAN RESOURCES

Statewide Planning Goals 16 through 19 are not applicable to Clackamas County.

B. Goal Exceptions: Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OARs)

The subject property is designated as natural resource land (Agriculture) on the Comprehensive Plan Map. In order to change the Comprehensive Plan Map designation to any plan designation other than Agriculture or Forest, it is necessary to take an exception to Statewide Planning (SWP) Goal 3, under the procedure described in the Oregon Administrative Rules (OAR) 660, Division 4.

In addition, state law also requires an exception to SWP Goal 14 if a newly established "exception area" is to allow for lots smaller than 10 acres.

Exceptions are amendments to comprehensive plan provisions that set forth facts and reasons authorizing and justifying the necessary departures from the goals. Goal exceptions are authorized under statewide planning statutes, goals and administrative rules in order to provide flexibility for situations in which a departure from the strict application of the goals is justified based on site-specific and project specific conditions. Approval of a goal exception does not establish precedent for allowing future goal exceptions. Goal 2 defines the term "exception" as follows:

"Exception means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that:

"(a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;

"(b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and

"(c) Complies with standards for an exception."

There are three types of exceptions: (1) "physically developed" exceptions are justified where the property is physically developed to the point where resource use is no longer practicable; (2) "irrevocably committed" exceptions are justified where the nature of nearby physical development makes resource use on the property impracticable; and (3) "reasons" exceptions are justified where there is a need for development at the site in question and where the applicant establishes that reasons justify why the policy embodied in the applicable goals should not apply, the proposed development cannot reasonably locate elsewhere, and the proposed use is compatible with other adjacent uses or can be made compatible through measures designed to reduce impacts.

1. "Irrevocably Committed" Exception to SWP Goal 3, Agriculture

This application requests an "irrevocably committed" exception to Goal 3. The general criteria for such an exception are set forth in the state statutes at ORS 197.732 and LCDC's administrative rules at OAR 660-004-0018 and OAR 660-004-0028.

ORS 197.732 - Goal Exceptions. ORS 197.732(2)(b) sets for the following criteria for a goal exception based on a "irrevocable committed" argument, as follows:

The land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable.

In the case of the subject property, to demonstrate an “irrevocably committed” exception is warranted, it must be demonstrated that farm uses, as defined in ORS 215.203 are made impractical by the existing adjacent uses and other relevant factors. As is detailed through the findings below, staff finds that the applicant has failed to demonstrate that the subject parcel is irrevocably committed to non-farm uses and therefore **ORS 197.732 (2)(b) is not met.**

(4) A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons that demonstrate that the standards of subsection (2) of this section have or have not been met.

This report sets forth the findings of fact that demonstrate the standards of subsection (2) have not been met.

OAR 660-004-0000 through 0010. Purpose, Definitions, and Application of Goal 2 Exceptions Process to Certain Goals

These sections contain the background information and definitions for the goal exception and are information in nature.

OAR 660-004-0015. Inclusion as Part of the Plan

(1) A local government approving a proposed exception shall adopt, as part of its comprehensive plan, findings of fact and a statement of reasons that demonstrate that the standards for an exception have been met. The reasons and facts shall be supported by substantial evidence that the standard has been met.

(2) A local government denying a proposed exception shall adopt findings of fact and a statement of reasons that demonstrate that the standards for an exception have not been met. However, the findings need not be incorporated into the local comprehensive plan.

Both these criteria are informational in nature and, depending on the outcome of the decision, each will be adhered to as is necessary in the body of the Staff Report, the findings and recommendations provided in this report.

OAR 660-004-0018, Planning and Zoning for Exception Areas

(2) For "physically developed" and "irrevocably committed" exceptions to goals, residential plan and zone designations shall authorize a single numeric minimum lot size and all plan and zone designations shall limit uses, density, and public facilities and services to those that satisfy (a) or (b) or (c) and, if applicable, (d):

(a) That are the same as the existing land uses on the exception site;

(b) That meet the following requirements:

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

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

(C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses;

(c) For uses in unincorporated communities, the uses are consistent with OAR 660-022-0030, "Planning and Zoning of Unincorporated Communities", if the county chooses to designate the community under the applicable provisions of OAR chapter 660, division 22;

(d) For industrial development uses and accessory uses subordinate to the industrial development, the industrial uses may occur in buildings of any size and type provided the exception area was planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.

The subject property is currently vacant except for a small agricultural building; is not located in an unincorporated community; and does not propose industrial development. Therefore only (b) is applicable to the subject.

The proposal would establish the RRFF-5 zone on the subject site, which would allow for 5-acre lots, each with a dwelling. This zoning and allowed uses in that zone would retain the land at rural densities typical in the rural residential areas of Clackamas County. Potential development would not have access to or need for public water or sewer facilities, thus meeting (b)(A).

Regarding (b)(B) and (C), however, staff notes the following:

- The Applicant does not directly address any of these criteria; rather notes that the site abuts a large area that contains five acres lots with rural residences and small farming uses, including gardens, orchards, horses and cows. This is the area that the applicant later argues contains the very characteristics and "intensity of development" that renders the subject site "impracticable to farm."
- Staff disagrees and finds the applicant simply cannot have it both ways. On the one hand, the applicant is arguing that the adjacent rural residential lands are "committing" the subject property ("nearby resource land") to uses not allowed by the applicable goal, and yet on the other hand is arguing that if the subject property were rezoned to allow 5-acre rural residential lots like are in the existing exception area, this action would not commit other resource lands to non-resource uses.
- Similarly, the applicant argues that adjacent rural residential uses are not compatible with agricultural uses that might occur on the subject site and yet implies that changing the subject site to rural residential itself would not be incompatible with adjacent resource-zoned properties.
- Further, one simply has to look at a rural zoning map to understand that rural exception areas and agricultural areas exist adjacent to one another compatibly throughout Clackamas County and most, if not all, of the other counties in the state, each without committing the other land to uses not allowed.

This criterion is not met.

660-004-0028, Exception Requirements for Land Irrevocably Committed to Other Uses

(1) A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing

adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:

(a) A "committed exception" is an exception taken in accordance with ORS 197.732(2)(b), Goal 2, Part II(b), and with the provisions of this rule, except where other rules apply as described in OAR 660-004-0000(1).

(b) For the purposes of this rule, an "exception area" is that area of land for which a "committed exception" is taken.

(c) An "applicable goal," as used in this rule, is a statewide planning goal or goal requirement that would apply to the exception area if an exception were not taken.

This criterion is informational and provides definitions relevant in the assessment of an irrevocably committed exception.

(2) Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:

(a) The characteristics of the exception area;

(b) The characteristics of the adjacent lands;

(c) The relationship between the exception area and the lands adjacent to it; and

(d) The other relevant factors set forth in OAR 660-004-0028(6).

(3) Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(2)(b), in Goal 2, Part II(b), and in this rule shall be determined through consideration of factors set forth in this rule, except where other rules apply as described in OAR 660-004-0000(1). Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource protection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is "impossible." For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable:

(a) Farm use as defined in ORS 215.203;

(b) Propagation or harvesting of a forest product as specified in OAR 660-033-0120; and

(c) Forest operations or forest practices as specified in OAR 660-006-0025(2)(a).

It is important to first understand first the definition of "farm use" in ORS 215.203 to establish which specific uses must be demonstrated to be impracticable on the subject due to an irrevocable commitment. This understanding also help describe and classify uses on other properties in the vicinity. ORS 215.203 defines farm use to include a fairly wide range of uses, as follows:

"farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding,

management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees or land described in ORS 321.267 (3) or 321.824 (3).

For an exception under these Rules, the evidence must reasonably lead to a conclusion that the farm uses defined under ORS 215.203 are impracticable on the subject with consideration for circumstances on the subject site itself and the relationship of the site to adjacent lands. Despite the fact that there is evidence that the subject site has been farmed in the past, and is still under special assessment with the tax assessor based on farm uses, the applicant asserts that there are a number of factors precluding the subject from being practicable to farm, including: the subject parcel's size; a soil assessment that found Class 2, 4, and 6 soils on the site; and the fact that there exists an exception area adjacent to the southeast corner of the property.

In their comments letters, both 1000 Friends of Oregon and the Department of Land Conservation and Development (DLCD) outline reasons that this application fails to meet the standard needed to demonstrate that the subject property is irrevocably committed to non-farm uses. See Exhibits 3 & 4. Staff concurs with the conclusions of both for the following reasons:

- The subject site itself has clearly been able to engage in farm uses in the past, as have properties adjacent to and in the vicinity of the subject property. Aerial photos from 2005 to 2025 are found in Exhibit 2. These photos clearly show the subject site cultivated in hay production and surrounding properties in various stages of cultivation. 1000 Friends of Oregon notes that,

The subject parcel has a history of farming, and applicants have failed to show how recent or imminent changes have rendered the continued use of the property impracticable. To show that land with a history of farm use is now irrevocably committed to nonfarm use, the applicants must identify recent or imminent changes affecting the subject property that, by themselves or in combination with other factors, render continued farm use of the property impracticable. Jackson County Citizens League v. Jackson County, 38 LUBA 357 (2000). This subject parcel had a history of farm use, specifically hay farming.

Given the history of farming on the property and the fact that the property is still under farm tax deferral and was approved in 2024 for an agricultural building to store "farm equipment" for the farming uses on the site, the applicant needs to, at a minimum, provide a reasonable explanation for has changed in the area that would now preclude these farming activities from occurring. As noted by 1000 Friends of Oregon, this was not provided in the application.

- Properties size of the subject can be and are being commercially farmed. The applicant argues that the roughly 15-acre size of the parcel precludes it from engaging in farming activities because it is too small to be commercially farmed and would need security on site to guard high-value crops that need to be produced on a site of this size. Staff does not find these arguments compelling. The subject is part of a larger block of land with properties of similar size and similar distribution of soil classifications that was determined to be appropriate for agricultural zoning and contains a range of agricultural uses. The average size of parcels within the roughly 2,077-acre block of land designated for agriculture was actually 14.42 acres, slightly smaller than the subject property.

Furthermore, state law allows for a dwelling to be approved in conjunction with farm use if a farm can demonstrate it generates a certain amount of income from farm uses on the site. This “income test” allows for a dwelling on a parcel that generates gross income of \$80,000 annually on high-value farmland or \$40,000 annually on low-value farmland. From 2022 to 2005, Clackamas County approved 14 dwellings through this “income test” and one application is currently pending. Of the 15 approved or pending, four of the lots were 15 acres or smaller and three of those four are high-value farmland. Not only can parcels the size of the subject successfully be farmed, but they can be farmed and generate enough income to qualify for a “farm dwelling”. And none of these 15 applications mentioned need for security for the farm uses generating income on the site prior to the approval or development of a farm dwelling.

- The soil quality of the subject site, as determined by applicants’ soil expert, is predominantly Class 2 and 4, which is suitable for farm use. 1000 Friends of Oregon accurately describes the soils issue as follows:

A substantial portion of the application addresses soil classification and suitability assessment for agricultural uses. Applicants’ determination that the soil quality renders the subject parcel unsuitable for farm use is both incorrect and irrelevant to the exceptions process. To justify an exception, an applicant must show that the subject parcel is either built or committed to such a point that it is no longer available for a farm or forest use. Soil quality relevant to the inquiry of whether a subject parcel is properly zoned agricultural.

1000 Friends of Oregon further notes, and staff concurs, that:

Applicants refer to a soil study prepared by Soil Scientist Garty Kitzrow in their determination that the subject parcel is not suitable for farming... This conclusion does not match the findings in Mr. Kitzrow’s study; in fact, most of Mr. Kitzrow’s findings suggest that sections of the subject parcel contain excellent, fertile soil. Mr. Kitzrow’s study is included in the application as attachment B, which include several pages of soil profile documentation sheets. Several profile sheets contain suggest high-value soil is present: Mr. Kitzrow left comments including “excellent soil!”, “strong high-value soil” etc. Attachment B, 17-18. 15 profile sheets were collected, and on all 15 profiles, Mr. Kitzrow circled “gen. suited” under the soil suitability classification (on 6 profiles Mr. Kitzrow circled both “gen. suited” and “gen. unsuited.” This suggests that the soil is in fact suitable for farm use, even if not all of the soil is high-value.

- And finally, the applicant notes both that “the county must identify the conflicts caused by nearby residential uses that render resource uses on the subject property impracticable” and that “[t]he mere presence of adjoining residential uses is not sufficient to conclude that resource lands are irreversibly committed to non-resource uses.” But the applicant

does not identify any specific conflicts that have occurred due to residential uses on nearby properties; rather he seems to rely on an argument that if a theoretical farming use on the subject property were to spray pesticides, then it would likely impact neighboring properties and residences on those properties. No evidence has been provided demonstrating that residences on nearby properties have caused a conflict that renders farming impracticable on the subject.

(4) A conclusion that an exception area is irrevocably committed shall be supported by findings of fact that address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area.

(6) Findings of fact for a committed exception shall address the following factors:

(a) Existing adjacent uses;

Adjacent uses have been described and include small and moderately-sized EFU parcels containing farm uses and dwellings and smaller RRFF-5 parcels, the majority of which contain a dwelling. The applicant provides some detailed information about 20 parcels identified in the vicinity that are zoned EFU (Attachment C of application, Exhibit 1). However, much of this information is inaccurate, as it identifies “no farmland” on every parcel and asserts that only one of the 20 identified properties is under special tax assessment, or farm tax deferral.

Staff finds the following more accurately characterizes the adjacent uses and surrounding agricultural lands.

- Fifteen, or 75%, of the 20 identified parcels in the vicinity of the subject property are either in farm or forest tax deferral, as follows (see Exhibit 2)
 - The subject and 3 adjacent parcels are in farm tax deferral
 - 2 are in mixed (farm & forest) deferral
 - 14 are partially in farm or forest deferral and partially assessed at market rate. These are the properties that contain dwellings.
- The applicant characterizes two properties as “no farmland” but also states that they board horses. Written testimony from neighbors of three properties adjacent to or near the subject indicate that their properties are used for boarding horses or contain livestock. As was noted earlier, state law (ORS 215.203) defines “farm use” as allowed in the EFU zone to include both livestock and equine facilities, meaning there are indeed farm uses in the vicinity of the subject site.
- It is clear from aerial photos, dating back to 2005 (see Exhibit 2) that the area around the subject has been farmed in the past – including some cultivated land and some apparent nursery stock. Many of these parcels also contain a dwelling. But the presence of a dwelling does not in and of itself mean it is not appropriately considered farmland.

Staff finds that the nearby exception area appears accurately characterized by the applicant. It contains rural residential lots that generally range from 1 to 5 acres in size; most are developed with a dwelling.

(b) Existing public facilities and services (water and sewer lines, etc.);

Neither public sewer nor public water are available at or near the subject site. Therefore, existing public facilities do not impact or inhibit uses of the subject property.

(c) Parcel size and ownership patterns of the exception area and adjacent lands:

(A) Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the goals were made at the time of partitioning or subdivision. Past land divisions made without application of the goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors makes unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created and uses approved pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for the subject parcels or land adjoining those parcels.

Parcel size of adjacent lands and lands within the nearby exception area are noted in the application and do not appear to have changed significantly from the sizes identified in the 1980 findings for the Firwood/Bull Run Comprehensive Plan amendment that created the current zoning scheme in the area.

No information was provided by the applicant about ownership patterns, nor about any uses that may exist on these parcels that were not approved pursuant to the applicable goals. Similarly, the applicant has not demonstrated that physical development on nearby parcels has rendered the subject site unsuitable for the resource uses allowed on the subject site.

(B) Existing parcel sizes and contiguous ownerships shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations;

Although small parcels do exist within the nearby exception area, this criterion clearly states that this parcel size alone is not enough to constitute an irrevocable commitment. The applicant has not demonstrated that physical development or uses on nearby small parcels have rendered the subject site unsuitable for the resource uses allowed on the subject site.

(d) Neighborhood and regional characteristics;

Characteristics in the neighborhood vicinity have been identified and discussed. The applicant asserts that the characteristics of the nearby exception area “*clearly relate to the practicability of resource use on the Site,*” but there is no clear explanation as to what that relationship is. What is clear to Staff is that the surrounding parcels zoned for agricultural use exhibit similar circumstances and size as the subject site and have been engaged in agricultural use – as evidenced by both descriptions of uses and tax deferral status. Staff does not find that any

of these circumstances can reasonably lead to a conclusion that farming uses, as allowed under the existing EFU zoning and as defined ORS 215.203, are impracticable on the subject site.

(e) Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;

No such impediments exist at or near the subject site.

(f) Physical development according to OAR 660-004-0025; and

No such physical development exists on the subject site. The only approved development is a small agricultural building, approved in 2024. Based on aerial photography, physical development in the vicinity of the subject appears to be compliant with the relevant SWP Goals for agricultural and forest properties and for properties within already-existing exception areas.

(g) Other relevant factors.

No other relevant factors were identified by the applicant.

(7) The evidence submitted to support any committed exception shall, at a minimum, include a current map or aerial photograph that shows the exception area and adjoining lands, and any other means needed to convey information about the factors set forth in this rule. For example, a local government may use tables, charts, summaries, or narratives to supplement the maps or photos. The applicable factors set forth in section (6) of this rule shall be shown on the map or aerial photograph.

The applicant provided maps and other information including a narrative (Exhibit 1) and Staff included additional information (Exhibit 2), which sufficiently conveys the applicable factors set forth in the Rule.

Based on the above analysis and findings, Staff finds that **the proposal does not meet the required criteria for an irrevocable committed exception to Statewide Planning Goal 3.**

2. Exception to Statewide Planning Goal 14, Urbanization

OAR 660-004-0040, Application of Goal 14 to Rural Residential Areas contains direction for how Goal 14 specifically applies to rural lands in and acknowledged exception area planned for residential uses. If an exception to SWP Goal 3 were approved for the site would be designated as rural residential “exception land” and therefore this section would apply.

Specifically relevant to the subject is that, per OAR 660-004-0040, new rural residential areas must have a minimum parcel size of at least 10 acres (which in Clackamas County would correspond with the FF-10 zone) unless an exception to Goal 14 is taken. Specifically, 660-004-0040(8)(i) states that “[f]or rural residential areas designated after October 4, 2000, the affected county shall either:

(A) Require that any new lot or parcel have an area of at least ten acres,
or

(B) Establish a minimum size of at least two acres for new lots or parcels
in accordance with the applicable requirements for an exception to Goal
14 in OAR chapter 660, division 14. The minimum lot size adopted by the

county shall be consistent with OAR 660-004-0018, "Planning and Zoning for Exception Areas." [emphasis included]

The applicant was advised about this requirement and the incomplete notice sent to the applicant on October 15, 2025, specifically requested the applicant address all applicable criteria for a Goal 14 exception to be considered for the RRFF-5 designation. The applicant responded by asserting that because the county already has already established a minimum lot size of at least two acres generally, that a goal exception is not required for the subject site.

The applicant is incorrect. ORS 660-004-0040 defines "rural residential areas" as "lands that are not within an urban growth boundary, that are planned and zoned primarily for residential uses, and for which an exception to Goal 3 "Agricultural Lands", Goal 4 "Forest Lands", or both has been taken." The specific request in this proposal is to designate a new "rural residential area" and therefore that new area must meet either (A) or (B). (A) requires a minimum lot size of 10 acres. (B) requires at least two acres, if the proposal meets all the requirements of an exception to Goal 14 and all applicable standards. As noted by DLCD in their letter, OAR 660-0004-0040(7)(i) would be applicable under this option. DLCD states, and staff concurs, that:

A Goal 14 exception is required for any rural residential upzone to less than the 10-acre minimum, as established in DLCD v. Clackamas County, 335 Or App 205 (2024). This application is technically not an "upzone" in the same sense as the subject parcel in DLCD v. Clackamas County, because the land is currently zoned for agricultural use, not rural residential. However, OAR 660-004-0040(7)(i) governs this situation. The rule requires that newly designated rural residential parcels have a minimum parcel size of at least ten acres or have a Goal 14 exception approved. The applicant misunderstands OAR 660-004-0040(8)(i) and ignores OAR 660-004-0040(7).

Based on the above findings, the proposal would require an exception to Statewide Planning Goal 14 and no evidence has been provided to demonstrate/ justify the exception.

C. Clackamas County Comprehensive Plan (Plan)

The County's Comprehensive Plan includes goals and policies that must be considered when evaluating a proposed change in Comprehensive Plan. Staff have reviewed each chapter of the Comprehensive Plan. This section of the report outlines whether the applicant's proposal is consistent with the applicable goals and policies.

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

There is one policy in this Chapter applicable to this application:

***Policy 2.A.1** Require provisions for opportunities for citizen participation in preparing and revising local land use plans and ordinances. Insure opportunities for broad representation, not only of property owners and County wide special interests, but also of those within the neighborhood or areas in question.*

The Comprehensive Plan and ZDO include acknowledged procedures for citizen involvement. This application has been processed consistent with those procedures. Specifically, the County has provided notice to interested agencies, local governments, and nearby property owners, consistent with state law and ZDO Section 1307, which implements the public notice policies of Chapter 2.

Notice to property owners, public notices, and hearings ensure an opportunity for citizens to participate in the land use process.

This application is consistent with Chapter 2.

Chapter 4 Land Use: This Section of the Comprehensive Plan includes the definitions for urban and rural land use categories, and outlines policies for determining the appropriate Comprehensive Plan land use designation for all lands within the County.

This chapter contains sections addressing (1) Urbanization, (2) Urban Growth Concepts, and (3) land use policies for each designation. The land use policies for the existing and proposed designations are addressed below.

Agriculture policies

Agriculture areas are defined in the Comprehensive Plan *“those of predominantly Class I through IV soils as identified by the United States Natural Resources Conservation Service or as identified in more detailed data; and other lands that are suitable for farm use due to soil fertility, suitability for grazing, climatic conditions, existing or future potential for irrigation, land use patterns, or accepted farming practices or are necessary to permit farming practices to be undertaken on adjacent or nearby lands”*.

Policy 4.NN.1 *The following areas shall be designated Agriculture:*

- 4.NN.1.1 Areas with predominantly Class I through IV agricultural soil as defined by the United States Natural Resources Conservation Service or identified as agricultural soil by more detailed data;*
- 4.NN.1.2 Areas generally in parcels of 20 acres or larger;*
- 4.NN.1.3 Areas primarily in agricultural use;*
- 4.NN.1.4 Areas necessary to permit farming practices on adjacent lands or necessary to prevent conflicts with the continuation of agricultural uses;*
- 4.NN.1.5 Other areas in soil classes different from NRCS I through IV when the land is suitable for farm use as defined in Oregon Revised Statutes 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farm practices.*

Because this policy contains a list of distinct, independent criteria, it is not necessary to meet all of the conditions listed in order to be considered agricultural land. Staff finds the subject site does meet the first subpolicy (4.NN.1.1), as well as subpolicies 4.NN.1.3 and 4.NN.1.4.

- As noted in the soils study provided by the applicant and discussed in the 1000 Friends of Oregon and DLCD comment letters, the soils assessment completed for the subject property shows that the does not conclude that the site is not suitable for farming. The study shows that the site is made up predominantly (70.3% of the total acreage) of Class 2 and 4 soils, some of which the soils scientist noted were indeed “excellent soil.”
- Ample evidence is available to demonstrate the subject property and the immediate area is in agricultural use. This evidence includes aerial photography showing farming activities on the subject site and several adjacent sites in recent past; the fact that the subject property and 75% of the agricultural-zoned parcels in the immediate area are in a farm or forest tax deferral status; and the descriptions in the application of livestock or equine uses (both farm uses) on neighboring properties.

- And given the fact that the subject site is bordered on all four sides by agriculture properties, several of which are currently engaged in farming, one could reasonably conclude that retaining the subject site as agricultural is necessary to permit farming in the area, because changing the designation would effectively create a “donut hole” on non-farm amidst the farm land, with only one corner abutting a rural residential exception area.

This policy is met.

Policy 4.NN.10 *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 Agriculture designation to any designation other than Forest.*

Regardless of whether Policy 4.NN.1 is met by a site or an area, a request can be made for a different Plan designation. This policy explains under what circumstances an exception to Statewide Planning Goal 3 would and would not be required. This proposal includes a request for a Rural Plan designation and requests an exception to Statewide Planning Goal 3. Per this policy, and state law, such a goal exception is required. However, based on the analysis and findings in Section III.B, the proposal fails to meet the standards of an “irrevocably committed” goal exception and therefore, **this policy is not met.**

Rural (Residential) Policies

Rural lands are defined in the Comprehensive Plan as “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.”

Policy 4.MM.2 *Designation of additional Rural lands shall be based on findings that shall include, but not be limited to:*

- 4.MM.2.1 Reasons why additional Rural land is needed or should be provided;*
- 4.MM.2.2 An evaluation of alternative areas in the County that should be designated Rural and a statement of why the chosen alternative is more suitable;*
- 4.MM.2.3 An evaluation of the long-term environmental, economic, social, and energy consequences to the locality, region, or state of designating the area Rural; and*
- 4.MM.2.4 Reasons why designating the area Rural will be compatible with other adjacent uses;*

The applicant did not address these policies aside from noting that the proposed use of three dwellings on five acre lots is similar to abutting uses. Based on the use of the word “shall” and “and” in the policy, Staff finds that the designation of a new Rural area, like is being proposed here, needs to be based on findings demonstrating all of the four subpolicies are met.

This policy is not met.

Policy 4.MM.3 *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.*

Staff finds that the subject site is not considered a priority area for Rural designation. SE Allgeier

Rd is identified as a local road on Comp Plan Map 5-4b, *Road Functional Classification (Rural)*; the site is at least 1.5 miles from the nearest urban growth boundary; and no public services are planned or committed in this area. The subject site is technically adjacent to an area designated Rural; however, that adjacency is limited to only the southernmost corner of the subject site. All other boundaries of the site are bordered by land designated for agriculture and zoned EFU. While the applicant notes that the site is within several miles of Highway 26, a major state highway, the application includes no discussion about how that several miles would demonstrate that the area is impacted by the “major transportation corridor.”

Staff does also note that even if not determined to be a priority for a Rural designation, this policy would not necessarily prevent a site from being designated as Rural, provided the site met all of the other criteria for designation.

This policy is not met.

Policy 4.MM.5 *Existing large lots should be reduced to meet future rural housing needs prior to expanding the areas designated as Rural.*

There do not appear to be any lots large enough to be reduced in the exception area near the subject site.

This policy is met.

Policy 4.MM.6 *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.*

As discussed previously, mapped soils on the subject site are predominantly Class 2 and 4 soils, which are suitable for farming. The subject site contain some Class 6 soils, however, even these soils were identified by the applicant’s soils scientist as potentially suitable. As such, staff finds that the subject site is not a priority for conversion to rural land under this policy.

Policy 4.MM.11 *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:*

- 4.MM.11.2 The RRFF-5 zoning district shall be applied when all the following criteria are met:
 - 4.MM.11.2.a Parcels are generally five acres.
 - 4.MM.11.2.b The area is affected by development.
 - 4.MM.11.2.c There are no serious natural hazards, and the topography and soils are suitable for development.
 - 4.MM.11.2.d Areas are easily accessible to an Unincorporated Community or incorporated city.

In 2000, the Board of County Commissioners (Board) provided an interpretation of this criteria through Board Order (BO) 2000-57. Although in 2000, these policies were numbered differently, the text of the policies has remained the same and this interpretation is still used to assess whether a zone change proposal to the RRFF-5 zoning district will comply with this standard.

Under BO 2000-57, the Board interpreted the use of “generally five acres” to mean parcels that are “less than 6 acres.” The term “generally” is interpreted to mean a “simple majority of the parcels within the area under consideration.” And the Board interpreted “area” as meaning a majority of the

parcels within a Rural land use designation that are at least partially located within ¼ mile of the boundaries of the property being considered for a zone change, including the parcels being considered for the zone change.

The application materials included a map with the area within ¼-mile of the subject site generally identified in pen and an assertion that “most of the parcels therein are about five acres in size.” The application does not include any additional analysis regarding this subpolicy.

Staff created a map through the county’s GIS software, which highlights all of the parcels wholly or partially within ¼-mile of the subject site (Exhibit 2). A sizeable portion of the nearby exception area (also identified as the parcels within the Rural land use designation) is included in this mapped area. All but one of the lots in the Rural land use designation is 6 acres or smaller. As such, staff finds that this policy can be met.

Policy 4.MM.11.2(a) is met.

b. The area is affected by development.

“Affected by development” is not internally defined by the Plan or ZDO. The applicant addressed this policy by simply stating that the areas is “populated by single family dwellings and small family farms.” This description is vague enough to describe a very large portion of the rural area in the county and therefore is insufficient to determine if or how the specific area around the subject is “affected” by development.

Policy 4.MM.11.2.b is not met.

c. There are no serious natural hazards, and the topography and soils are suitable for development.

As noted previously, there are no mapped hazard area on the subject site and the topography is generally flat. Based on descriptions of the three soils types mapped on the subject, these soils would be suitable for homesite development.

Policy 4.MM.11.2.c is met.

d. Areas are easily accessible to an Unincorporated Community or incorporated city.

Again, “easily accessible” is not a term defined or interpreted in the Comp Plan or ZDO and it is left to providing reasonable evidence leading to a reasonable conclusion.

The applicant notes that the site is “within several miles of the city of Sandy”, which is true, but the application does not provide any evidence or discussion about how that distance would lead to the area being “easily accessible”, particularly since the subject site is located on a rural local road.

Policy 4.MM.11.2.d is not met.

This application is not consistent with Chapter 4.

Chapter 5 Transportation: This Chapter outlines policies addressing all modes of transportation and contains eight Sections including 1) Foundation and Framework; 2) Land Use and Transportation; 3) Active Transportation; 4) Roadways; 5) Transit; 6) Freight, Rail, Air, Pipelines and Water Transportation; 7) Finance and Funding; and 8) Transportation Projects and Plans.

There is only one policy in this chapter applicable to this application:

Policy 5.F.6 *Require changes in land use plan designation and zoning designation to comply with the Transportation Planning Rule [Oregon Administrative Rules (OAR) 660-012-0060].*

The applicant's submitted traffic analysis, which was completed by a licensed engineer, finds that with this proposal, the TPR criteria outlined in OAR 660-012-0060 and Policy 5.F.6 are satisfied; the existing transportation infrastructure is considered sufficient to accommodate the proposed zone change; and no mitigation is required or recommended. Staff from County Engineering concur with the findings from the traffic analysis (see Exhibit 5).

This application is consistent with Chapter 5.

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

There is only one policy in this chapter applicable to this application:

Policy 11.A.1 *Participate in interagency coordination efforts with federal, state, Metro, special purpose districts and cities. The County will maintain an updated list of federal, state and regional agencies, cities and special districts and will invite their participation in plan revisions, ordinance adoptions, and land use actions which affect their jurisdiction or policies.*

Notice of this application has been provided to all appropriate agencies and parties, and advertised public hearings before the Planning Commission and the Board of County Commissioners provide an adequate opportunity for interagency coordination of this proposed Comprehensive Plan map amendment and demonstrates compliance with this policy.

This application is consistent with Chapter 11.

D. Zoning & Development Ordinance (ZDO)

Section 1202, *Zone Changes*, provides standards, criteria, and procedures under which a change to the County's zoning map may be approved. Staff has reviewed the subsections of Section 1202 relevant to this application and makes the following findings.

Section 1202.02, Submittal Requirements

Section 1202.02 lists the information that must be included in a complete application for a zone change.

The application was initially submitted on July 30, 2025, and deemed incomplete. The applicant submitted additional materials on October 15, 2025, and the application was deemed complete that same day.

Section 1202.03, General Approval Criteria

Section 1202.01 states that a zone change may be allowed, after a hearing conducted pursuant to Section 1307, if the applicants provide evidence substantiating the following criteria found in Subsection 1202.03 are met.

Subsection 1202.03(A): *The proposed zone change is consistent with the applicable goals and policies of the Comprehensive Plan.*

Findings against the relevant Comprehensive Plan policies are detailed in Section III.C of this Staff Report (pages 22 to 27). Based on those findings, staff finds that the proposed zone change is not compliant with all relevant goals and policies in the Comprehensive Plan.

This application is not consistent with Subsection 1202.03(A).

Subsection 1202.03(B): *If development under the proposed zoning district designation has a need for any of the following public services, the need can be accommodated with the implementation of the applicable service provider's existing capital improvement plan: sanitary sewer, surface water management, and water. The cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered.*

Development that could occur on the subject site under this proposal would not have access to or need public sewer or water service.

The applicant has submitted a Preliminary Statement of Feasibility signed by a representative of county Engineering indicating that adequate surface water treatment is available or can be made available for future development that could occur under this proposal.

This application is consistent with 1202.03(B).

Subsection 1202.03(C): *The transportation system is adequate and will remain adequate with approval of the proposed zone change. For purposes of this criterion:*

- 1. Adequate means a maximum volume-to-capacity ratio (v/c), or a minimum level of service (LOS), as established by Comprehensive Plan Tables 5-2a, Motor Vehicle Capacity Evaluation Standards for the Urban Area, and 5-2b, Motor Vehicle Capacity Evaluation Standards for the Rural Area.*
- 2. The evaluation of transportation system adequacy shall be conducted pursuant to the Transportation Planning Rule (Oregon Administrative Rules 660-012- 0060).*
- 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. The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards.*

5. *The adequacy standards shall apply to all roadways and intersections within the impact area of the proposed zone change. The impact area shall be identified pursuant to the Clackamas County Roadway Standards.*
6. *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.*
7. *Notwithstanding Subsections 1202.03(C)(4) through (6), motor vehicle capacity calculation methodology, impact area identification, and transportation impact study requirements are established by the ODOT Transportation Analysis Procedures Manual for roadways and intersections under the jurisdiction of the State of Oregon.*

Subsections 1202.03(C)(1) to (7) define what is meant by an “adequate” transportation system. The applicant’s submitted traffic analysis, which was completed by a licensed engineer, finds that with this proposal, the TPR criteria outlined in OAR 660-012-0060 are satisfied; the existing transportation infrastructure is considered sufficient to accommodate the proposed zone change; and no mitigation is required or recommended. Staff from County Engineering concur with the findings from the traffic analysis.

This application is consistent with 1202.03(C).

Subsection 1202.03(D): *Safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.*

The applicant’s traffic study also included an evaluation of roadway and intersection safety, noting specifically the following:

- “The number of crashes in the study area (one) is low. Overall, the roadways are considered relatively safe, and the proposed land use actions are not anticipated to affect the crash rates. No further evaluation of safety deficiencies is necessary.”
- “The property has frontage and direct access to SE Allgeier Road to the north. It is anticipated that future development on the property will also directly access this roadway. Sight distance for vehicles entering or exiting the subject property at the existing (or future) access to SE Allgeier Road is not restricted by horizontal or vertical roadway curvature, and Clackamas County sight distance requirements can be met.”

Staff from County Engineering concur with these findings related to the safety of the transportation system.

This application is consistent with 1202.03(D).

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

503-742-4545: ¿Traducción e interpretación? |Требуется ли вам устный или письменный перевод? | 翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

**Planning Commission/BCC Exhibit List
In The Matter Of File No. Z0315-25 & Z0316-25**

Ex. No.	Date Received	Author or source	Subject & Date of document
1*	07/30/25 & 10/15/25	Applicant & Planning Staff	Submitted application 07/30/25 & 10/15/25
2*	---	Planning Staff	Staff additions - background document • Aerial photos 2005-2025 (Google Earth and PlanMap); subject site and vicinity • AG020024 (agricultural building permit documents) • Tax Assessor maps and tax status information, subject property and surrounding parcels • Map of parcels within ¼-mile of subject • Comprehensive Plan Amendment, Firwood & Bull Run Areas 1980
3*	01/13/26	Eve Goldman & Jim Johnson; 1000 Friends or Oregon	Recommends denial of application; concludes application fails to meet requirements for a Goal 3 exception
4*	01/13/26	Kelly Reid; OR Dept. of Land Conservation and Development (DLCD)	Recommends denial of application; concludes application fails to meet requirements for a Goal 3 exception. Also notes a Goal 14 exception is required and has not been requested.
5*	01/15/26	Christian Snuffin; County Engineering	Concurs with findings of applicant's traffic analysis
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* Exhibits received prior to or during Planning Commission (PC) hearing

** Exhibits received after PC hearing and prior to or during Board of County Commissioners (Board) hearing



NOTICE OF PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION AND THE BOARD OF COUNTY COMMISSIONERS ON A PROPOSAL IN YOUR AREA

Date of Mailing of this Notice: December 18, 2025

Notice Sent to: Applicant; property owners within 2,650 feet of the subject property; and applicable cities, Community Planning Organizations (CPOs), special districts, and government agencies

*Please note that the Planning Commission is holding land use public hearings virtually using the Zoom platform, and that the Board of County Commissioners is holding land use public hearings **both in person and virtually using the Zoom platform**.*

PLANNING COMMISSION HEARING:

Hearing Date & Time:
Monday, January 26, 2026,
at 6:30pm

How to Attend via Zoom:
One week prior to the hearing, a Zoom link to the public hearing and details on how to observe and testify online or by telephone will be available on our website:
<https://www.clackamas.us/planning/planning-commission>

BOARD OF COUNTY COMMISSIONERS HEARING:

Hearing Date & Time:
Tuesday, February 10, 2026,
at 11:00am

In-Person Hearing Location:
BCC Hearing Room (4th Floor), 2051 Kaen Rd, Oregon City, 97045

How to Attend via Zoom:
One week prior to the hearing, a Zoom link to the public hearing and details on how to observe and testify online or by telephone will be available on our website:
www.clackamas.us/meetings/bcc/landuse

Planning File Numbers: Z0315-25 and Z0316-25

Applicant(s): Michael and Mary Paden

Property Owner(s): Michael and Mary Paden

Proposal: A Comprehensive Plan map amendment to change the land use plan designation for the subject property from Agriculture (Ag) to Rural (R), with a corresponding zone change from Exclusive Farm Use (EFU) to Rural Residential Farm Forest, 5-acre (RRFF-5). Proposal includes an exception to Statewide Planning Goal 3; no development is proposed with this application.

Subject Tax Lot: T2S, R5E, Section 31B Tax Lot 00200

Situs Address: 40822 SE Allgeier Rd, Sandy, OR 97055

Location of Subject Property: On the south side of SE Allgeier Rd, approximately 1/3-mile west of SE Firwood Rd and 1.5 miles southeast of the city of Sandy

Area of Subject Property: Approximately 14.97 acres

Current Zoning: Exclusive Farm Use (EFU)

Approval Criteria: Statewide Planning Goals; Clackamas County Comprehensive Plan; and Clackamas County Zoning and Development Ordinance (ZDO) Sections 202, 401, 1202, and 1307.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:

ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

HOW TO OBTAIN ADDITIONAL INFORMATION

Staff Contact: Martha Fritzie, Principal Planner (Tel: 503-742-4529, Email: mfritzie@clackamas.us)

A copy of the entire application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost. In addition, a staff report on the application will be available for inspection at no cost at least **seven days prior to the Planning Commission hearing**. Hard copies of documents will be provided at reasonable cost. You may inspect or obtain these materials by:

1. Emailing or calling the staff contact, Martha Fritzie (see above);
2. Visiting the Planning & Zoning Division, at the address shown at the top of the first page of this notice, during regular business hours, which are Monday-Thursday, 8:00am to 4:00pm; or
3. Online at <https://aca-prod.accela.com/CLACKAMAS>. After selecting the "Planning" tab, enter the File Number to search. Select Record Info and then select "Attachments" from the dropdown list, where you will find the submitted application.

Community Planning Organization for Your Area:

The following recognized Community Planning Organization (CPO) has been notified of this application and may develop a recommendation. You are welcome to contact the CPO and attend their meeting on this matter, if one is planned. If this CPO currently is inactive and you are interested in becoming involved in land use planning in your area, please contact the Community Involvement Office at 503-655-8552. **CPO: Firwood Neighbors CPO**, Marge Stewart, mesdes2003@yahoo.com

HOW TO SUBMIT TESTIMONY ON THIS APPLICATION

- All interested parties are invited to attend the Zoom hearings remotely online or by telephone, and to attend the Board of County Commissioners' hearing in person. They will be provided with an opportunity to testify orally, if they so choose. One week prior to each hearing, additional instructions will be available online as explained on the first page of this notice.
- Written testimony received by **January 13, 2026**, will be considered by staff prior to the issuance of the staff report and recommendation on this application. However, written testimony will continue to be accepted until the record closes, which may occur as soon as the conclusion of the Board of County Commissioners' hearing.
- Written testimony may be submitted by email, fax, regular mail, or hand delivery. Please include the case file numbers (Z0315-25 & Z0316-25) on all correspondence and address written testimony to the staff contact who is handling this matter (Martha Fritzie).
- Testimony, arguments, and evidence must be directed toward the approval criteria identified on the first page of this notice. Failure to raise an issue at the hearing or by letter prior to the close of the record, or failure to provide statements or evidence sufficient to afford the Board of County Commissioners and the parties involved an opportunity to respond to the issue, precludes an appeal to the Oregon Land Use Board of Appeals based on that issue.
- Written notice of the Board of County Commissioners' decision will be mailed to you **if you submit a written request and provide a valid mailing address**.

PROCEDURE FOR THE CONDUCT OF THE HEARINGS

The following procedural rules have been established to allow orderly public hearings:

1. The length of time given to individuals speaking for or against an item will be determined by the Chair presiding over the hearing prior to the item being considered.
2. A spokesperson representing each side of an issue is encouraged.
3. Prior to the conclusion of the evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. The Planning Commission or the Board of County Commissioners may either continue the hearing or leave the record open for additional written evidence, arguments, or testimony.
4. The Planning Commission will make a recommendation to the Board of County Commissioners on the application. The Board of County Commissioners is the final decision-maker for Clackamas County on this matter

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

503-742-4545: ¿Traducción e interpretación? |Требуется ли вам устный или письменный перевод?
翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

To: Martha Fritzie, Clackamas County Planning and Zoning

From: Peter Finley Fry, obo of Applicants

Date: October 6, 2025

Subject: Response to August 13 Notice of Incomplete Type III Land Use Application

File: Z0315-25 & Z0316-25

This memo responds to your Notice of Incomplete Type III Land Use Application in the referenced matter, dated August 13, 2025.¹

A. *Property owner signature: Section 1307.07(C)(1)(a)(vii) of the county's Zoning & Development Ordinance (ZDO) requires a land use application including the:*

Signature(s) of the applicant(s) and all owners or all contract purchasers of the subject property, or the duly authorized representative(s) thereof, authorizing the filing of the application.

Although the application recognizes that the property has two listed owners, Michael and Mary Paden, only one signature is present on the application form. The submitted application must be signed by both owners.

FINDING: The applicant has included an application signed by both owners.

B. *Exception to Statewide Planning Goal 14: A Comprehensive Plan amendment and zone change from Agriculture/EFU to Rural/RRFF-5 requires an exception to Statewide Planning Goal 14. Per OAR 660-004-0040, new rural residential areas must have a minimum parcel size of at least 10 acres (which in Clackamas County would correspond with the FF-10 zone) unless an exception to Goal 14 is taken. See specifically:*

660-004-0040(8)(i) For rural residential areas designated after October 4, 2000, the affected county shall either:

(A) Require that any new lot or parcel have an area of at least ten acres, or

(B) Establish a minimum size of at least two acres for new lots or parcels in accordance with the applicable requirements for an exception to Goal 14 in OAR chapter 660, division 14. The minimum lot size adopted by the county shall be consistent with OAR 660-004-0018, "Planning and Zoning for Exception Areas."

¹ This memo is formatted as follows - each incompleteness item is set forth in italics; the Applicants' response to each is then set forth in Roman type.

Peter Finley Fry

While the application does request an exception to Goal 3 (Agriculture), it does not contain a request for evidence of, or findings addressing the criteria for an exception to Goal 14 (Urbanization). The application needs to address all applicable criteria for a Goal 14 exception.

FINDING: The Application complies with OAR 660-004-0040(8)(i) because the County has (with the RRFF-5 zone) established a minimum size of at least two acres for new lots or parcels. The Applicants propose RRFF-5 on the Site, with a minimum parcel size of five acres.

Furthermore:

- as shown on Attachment N hereto, this would be consistent with the average size of lots situated immediately east and north of the Site;
- the Applicants has demonstrated that any future dwellings on the Site can be served with septic systems and well water (rather than public sewer/water); and
- the proposed density would have no discernable impact on surrounding transportation systems or rural sheriff, fire, or school resources.

The Applicants understand that the purpose of Goal 14 is, in material part, to prevent urban densities outside of designated urban areas. The goal prevents a cumulative impact of density. The Applicants propose a change applicable to a single lot that abuts an area that has achieved maintained a stable rural density without a demand for urban services. The exception is appropriate because (a) the Site abuts and is consistent with those uses and (b) the quasi-judicial process restricts the exception to an individual lot. The proposed change is less than 2% of the area of that feature uses and lot-sizes similar to those proposed by the Applicants.

For these reasons, the Application complies with 660-004-0040(8)(i)(B).

C. *"Irrevocably Committed" Exception to Statewide Planning Goal 3: In addition to the criteria addressed in the application, a request for an exception to Goal 3 under the "irrevocably committed" criteria must also address the following criteria:*

660-004-0018(2)For "physically developed" and "irrevocably committed" exceptions to goals, residential plan and zone designations shall authorize a single numeric minimum lot size and all plan and zone designations shall limit uses, density, and public facilities and services to those that satisfy (a) or (b) or (c) and, if applicable, (d):

(a) That are the same as the existing land uses on the exception site.

FINDING: The Site is vacant.

(b) That meet the following requirements:

Peter Finley Fry

- (A) The rural uses, density, and public facilities and services will maintain the land as "Rural Land" as defined by the goals, and are consistent with all other applicable goal requirements;*
- (B) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to uses not allowed by the applicable goal as described in OAR 660-004-0028; and*
- (C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses;*

FINDING: As shown on Attachment N, the Site abuts a large area of lots that average five acres and are occupied by single family dwellings and small family farms. As described at p. 20 of the Applicants' October 6 Amended Narrative, the character of the area is rural with small gardens, orchards, and livestock (including horses or cows). The presence of single-family dwellings at a density averaging five acres provides a rural character with space – landscaped and wild between dwellings, while at a density preventing large scale farming or forestry practices. Use and development on this land is served by wells and septic systems and do not have sufficient density or capacity to justify the cost of urban services such as sewer systems and public water. The density provides sufficient space for wildlife and natural vegetation to thrive.

The Applicants will accept an approval condition waving the right to remonstrate against allowed farm and forestry practices on nearby resource land.

- (c) For uses in unincorporated communities, the uses are consistent with OAR 660-022-0030, "Planning and Zoning of Unincorporated Communities", if the county chooses to designate the community under the applicable provisions of OAR chapter 660, division 22;*

FINDING: The site is not in an unincorporated community.

- (d) For industrial development uses and accessory uses subordinate to the industrial development, the industrial uses may occur in buildings of any size and type provided the exception area was planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.*

FINDING: The Applicants propose no industrial use of the Site.

D. Rural policies in Comprehensive Plan Chapter 4: *The application requests a Rural Plan designation and Rural Residential Farm Forest (RRFF-5) zoning designation, but does not address the applicable policies in the Comprehensive Plan for these designations, including (but not limited to):*

4.MM.1 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.

Peter Finley Fry

4.MM.2 Designation of additional Rural lands shall be based on findings that shall include, but not be limited to:

4.MM.2.1 Reasons why additional Rural land is needed or should be provided;

4.MM.2.2 An evaluation of alternative areas in the County that should be designated Rural and a statement of why the chosen alternative is more suitable;

4.MM.2.3 An evaluation of the long-term environmental, economic, social, and energy consequences to the locality, region, or state of designating the area Rural; and

4.MM.2.4 Reasons why designating the area Rural will be compatible with other adjacent uses;

FINDING: The Applicants do not propose exception for an area. Rather, the Application is for a single unit of land that could be divided as allowed under the RRFF5 zone. The amendment would provide for up to three additional dwellings, in a nominal way addressing the community's severe shortage of housing. The requested amendment. It is in an area of lots approximately five acres in size, which itself constitutes the result of the County's evaluation of alternatives. The addition of more density does not have any discernible impact on economic, social or energy situations. The proposed use is similar to the existing abutting uses.

4.MM.3 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.

FINDING: The site is within several miles of Highway 26, a major state highway that connects Portland area to central and eastern Oregon.

4.MM.5 Existing large lots should be reduced to meet future rural housing needs prior to expanding the areas designated as Rural.

FINDING: The applicant proposes reducing the approximately 15 acre lot into smaller lots as the land division standards allow.

4.MM.6 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.

FINDING: As described at p. 11 of the Applicants' Narrative, the submitted analysis demonstrates that the soil is marginal and unsuited for commercial agricultural production.

4.MM.11 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:

Peter Finley Fry

4.MM.11.2 The RRFF-5 zoning district shall be applied when all the following criteria are met:

4.MM.11.2.a Parcels are generally five acres.

FINDING: Attachment N depicts the parcels within the “area” (as the Board of Commissioners has interpreted that term); most of the parcels therein are about five acres in size.

4.MM.11.2.b The area is affected by development.

FINDING: The area is populated by single family dwellings and small family farms.

4.MM.11.2.c There are no serious natural hazards, and the topography and soils are suitable for development.

FINDING: There are no serious natural hazards. The topography is flat. The soil is suitable for dwelling foundations.

4.MM.11.2.d Areas are easily accessible to an Unincorporated Community or incorporated city.

FINDING: The Site is within several miles of the City of Sandy, an incorporated city with all required resources for a single family.



Planning and Zoning
Department of Transportation and Development
Development Services Building
150 Beaver Creek Road | Oregon City, OR 97045
503-742-4500 | zoninginfo@clackamas.us
www.clackamas.us/planning

STAFF USE ONLY

Land use application for:

COMPREHENSIVE PLAN MAP AMENDMENT & ZONE CHANGE

Application Fee: \$15,342 (+\$154 for expanded notification area if the property is in the AG/F, EFU, FF-10, FU-10, RA-1, RA-2, RC, RI, RR, RRFF-5, or TBR zone)

Staff Initials: _____ File Number: _____

APPLICANT INFORMATION

Applicant name: Michael and Mary Paden	Applicant email: mikepaden@comcast.net	Applicant phone: 503-698-4071	
Applicant mailing address: 11000 SE 121st Court	City: Happy Valley	State: OR	ZIP: 97086
Contact person name (if other than applicant): Ty Wyman, Dunn Carney LLP	Contact person email: twyman@dunncarney.com	Contact person phone: 503-417-5478	
Contact person mailing address: 851 SE Sixth Ave., Suite 1500	City: Portland	State: OR	ZIP: 97204

PROPOSAL

Brief description of proposal: Applicants request approval of consolidated Comprehensive Plan Amendment and Zone Change applications from EFU to RRFF-5. See attached narrative.	Pre-application conference file number: ZPAC0092-24
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SITE INFORMATION

Site address: 40822 SE Allgeier Road, Sandy, OR 97055	Comprehensive Plan designation: Agriculture	Zoning district: EFU
Map and tax lot #: Township: <u>2S</u> Range: <u>5E</u> Section: <u>31B</u> Tax Lot: <u>0200</u> Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____	Land area: 14.97	
Adjacent properties under same ownership: Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____		

Printed names of all property owners: Michael Paden Mary Paden	Signatures of all property owners: 	Date(s): 08/14/2025
I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge. Applicant signature: _____		Date: _____

A. Complete a pre-application conference:

You must attend a pre-application conference with Planning and Zoning staff before filing this application. [Information about the pre-application conference](#) process and a request form are available from the Planning and Zoning website.

B. Review applicable land use rules:

This application is subject to the provisions of [Section 1202, Zone Changes](#) of the [Clackamas County Zoning and Development Ordinance](#) (ZDO).

It is also subject to the ZDO's definitions, procedures, and other general provisions, as well as to the specific rules of the subject property's zoning district and applicable development standards, as outlined in the ZDO.

C. Turn in the following:

- ☒ **Complete application form:** Respond to all the questions and requests in this application, and make sure all owners of the subject property sign the first page of this application. Applications without the signatures of *all* property owners are incomplete.
- ☒ **Application fee:** The cost of this application is **\$15,342 plus a \$154 notification surcharge if an expanded notification area is required by ZDO Section 1307**. Payment can be made by cash, by check payable to "Clackamas County", or by credit/debit card with an additional card processing fee using the [Credit Card Authorization Form](#) available from the Planning and Zoning website. Payment is due when the application is submitted. Refer to the FAQs at the end of this form and to the adopted [Fee Schedule](#) for refund policies.
- ☒ **Vicinity map:** Provide a map of the area around the property, drawn to scale, that shows the uses and location of improvements on adjacent properties and properties across any road.
- ☐ **Site plan:** Provide a site plan (also called a plot plan). A [Site Plan Sample](#) is available from the Planning and Zoning website. The site plan must be accurate and drawn to-scale on paper measuring no larger than 11 inches x 17 inches. The site plan must illustrate all of the following (when applicable):
 - Lot lines, lot/parcel numbers, acreage/square footage of lots, and contiguous properties under the same ownership;
 - All existing and proposed structures, fences, roads, driveways, parking areas, and easements, each with identifying labels and dimensions;
 - Setbacks of all structures from lot lines and easements;
 - Significant natural features (rivers, streams, wetlands, slopes of 20% or greater, geologic hazards, mature trees or forested areas, drainage areas, etc.); and
 - Location of utilities, wells, and all onsite wastewater treatment facilities (e.g., septic tanks, septic drainfield areas, replacement drainfield areas, drywells).
- ☒ **Service Feasibility Determinations:** Request that the property's water provider, sanitary sewer provider, and surface water management authority, as applicable, each complete a [Preliminary Statement of Feasibility](#) and include those completed statements with your application. If the proposed development will be served by an onsite wastewater treatment system (e.g., a septic system), include an approved Site Evaluation or Authorization Notice from the [Septic & Onsite Wastewater Program](#) attesting to the feasibility of your proposal.
- ☒ **Transportation impact study:** Refer to the information provided at the pre-application conference regarding the need for a transportation impact study. Include a copy of any required study with your application submittal.
- ☒ **Any additional information or documents advised of during the pre-application conference**

D. Answer the following questions:

1. What Comprehensive Plan designation are you requesting for the subject property?

Requested Plan designation: Rural

2. What zoning district designation are you requesting for the subject property?

Requested zoning district: RRFF-5

3. If the zoning designation you requested in response to Question 2 cannot be approved because the property doesn't meet the approval criteria, would you like an alternate zoning district designation to be considered?

☒ NO

☐ YES, and the alternate zoning district designation(s) I would like is/are:

4. Are you filing this Comprehensive Plan Map amendment and zone change application with another application (e.g., an application for a partition or subdivision)?

☒ NO, this application is being filed alone.

☐ YES, this application is being filed with another application. That other application requests the following:

D. Respond in a narrative:

Your application submittal must include a narrative that fully responds to the following. Due to the technical nature of these requirements, guidance on how best to respond will be provided during the required pre-application conference.

1. How is your proposal consistent with applicable Statewide Planning Goals?
2. How is your proposal consistent with the applicable goals and policies of the County's [Comprehensive Plan](#)?
3. If relevant, how is your proposal consistent with Metro's Urban Growth Management Functional Plan?
4. If development under the proposed zone would need public services (sanitary sewer, surface water management, and water), could the need be accommodated with the implementation of the applicable service provider's existing capital improvement plan? The cumulative impact of the proposed zone change and development of other properties under existing zoning designations must be considered.
5. Explain how the transportation system is adequate and will remain adequate with approval of the proposed zone change. This explanation should take into consideration the following:
 - a. "Adequate" means a maximum volume-to-capacity ratio (v/c), or a minimum level of service (LOS), as established by Comprehensive Plan Tables 5-2a, *Motor Vehicle Capacity Evaluation Standards for the Urban Area*, and 5-2b, *Motor Vehicle Capacity Evaluation Standards for the Rural Area*.
 - b. Conduct the evaluation of transportation system adequacy pursuant to the Transportation Planning Rule (Oregon Administrative Rules 660-012-0060).
 - c. Assume that the subject property is developed with the primary use, allowed in the proposed zoning district, with the highest motor vehicle trip generation rate.
 - d. The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards.
 - e. The adequacy standards apply to all roadways and intersections within the impact area of the proposed zone change. The impact area is identified based on the Clackamas County Roadway Standards.
 - f. A determination of whether submittal of a transportation impact study is required is made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.
 - g. (d) through (f) above do not apply to roadways and intersections under the jurisdiction of the State of Oregon. Instead, motor vehicle capacity calculation methodology, impact area identification, and transportation impact study requirements are established by the

ODOT Transportation Analysis Procedures Manual for such roadways and intersections.

6. Explain how the safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.

FAQs

What is a Comprehensive Plan Map amendment and zone change?

All land in the County has been divided into mapped Comprehensive Plan designations, each of which corresponds to one or more zoning districts. A Comprehensive Plan Map amendment and zone change results in a property switching from one Comprehensive Plan Map designation and zoning district to another designation and zoning district, which may change allowed uses, minimum lot size, and other development standards.

What is the permit application process?

Comprehensive Plan Map amendments and zone changes that are *not* related to the Historic Landmark, Historic District, and Historic Corridor overlay district are subject to a “Type III” land use application process, as provided for in [Section 1307](#) of the ZDO. Type III decisions include notice to owners of nearby land, the Community Planning Organization (if active), service providers (sewer, water, fire, etc.), and affected government agencies, and are reviewed at public hearings before the Planning Commission and the Board of County Commissioners (BCC). If the application is approved, the applicant must comply with any conditions of approval identified in the decision. The County’s decision can be appealed to the Oregon Land Use Board of Appeals (LUBA).

What is needed for the County to approve a land use permit?

Comprehensive Plan Map amendments and zone changes *may* be permitted after an evaluation of applicable standards by staff, the Planning Commission, and the BCC. The applicant is responsible for providing evidence that their proposal does or can meet those standards. In order to address the standards, the information requested in this application should be as thorough and complete as possible. A permit will only be approved or denied after a complete application is received and reviewed. The BCC approves an application only if it finds that the proposal meets the standards or can meet the standards with conditions.

How long will it take the County to make a decision about an application?

A final decision on an application for a Comprehensive Plan Map amendment and zone change is generally issued within 24 weeks (168 days) of when we deem the application to be complete. However, these applications are often highly complex and may take longer to process.

If an application is submitted and then withdrawn, will a refund be given?

If the application is withdrawn before it is publicly noticed, 75% of the application fee or \$250, whichever is less, will be refunded. If a submitted application is withdrawn after it is publicly noticed, but before a staff report is issued, 50% of the remainder, or \$500, whichever is less, will be refunded. No refund on the remainder will be given after a staff report is issued. The \$5 Technology Fee is non-refundable.

Who can help answer additional questions?

For questions about the County’s land use permit requirements and this application form, contact Planning and Zoning at **503-742-4500** or zoninginfo@clackamas.us. You can also find information online at the Planning and Zoning website: www.clackamas.us/planning.

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

503-742-4545: ¿ Traducción e interpretación? | Требуется ли вам устный или письменный перевод?
翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

CLACKAMAS COUNTY APPLICATION FOR LAND USE REVIEW

APPLICANTS' AMENDED NARRATIVE

October 6, 2025



Location: 40822 SE Allgeier Road, Sandy, OR 97055
Tax Lot No. 25E31B 00200
Parcel No. 00700904

Prepared By: Ty Wyman, Dunn Carney

Prepared For: Mike and Mary Paden
11000 SE 121st Court
Happy Valley, OR 97086



851 SW Sixth Avenue, Suite 1500
Portland, OR 97204-1357
(503) 224-6440

PROJECT NAME: Paden Map Amendments

REQUEST: Approval of concurrent Comprehensive Plan Amendment and Zone Change Applications to change the Site's designation from EFU (Exclusive Farm Use) to RRFF-5 (Rural Residential Farm/Forest)

ASSESSOR'S DESCRIPTION: Lot 200 on Tax Map 25E1B
Allgeier Road, Sandy, OR, 97055

APPLICANTS' REPRESENTATIVE: Ty Wyman, Attorney
Dunn Carney LLP
851 SW Sixth Avenue
Suite 1500
Portland, OR 97204

APPLICANTS/ PROPERTY OWNERS: Mike and Mary Paden
11000 SE 121st Court
Happy Valley, OR 97086

SITE AREA: Approximately 15 acres

I. Background

II. Applicants' Proposed Findings of Applicable Regulations

A. Clackamas County Comprehensive Plan

B. Oregon Statewide Planning Goals

C. Clackamas County ZDO

- 316: Urban and Rural Residential Districts
- 400: Exclusive Farm Use (EFU)
- 1202: Zone Changes

III. Conclusion

IV. Attachments

- A.** Depiction of the Site
- B.** Kitzrow's Soil Assessment
- C.** Vicinity Map
- D.** Characteristics of Vicinity Parcels Table
- E.** 40720 SE Allgeier Rd Letter of Support from Janice Balderson
[No. 11 on Vicinity Map]
- F.** 40919 SE Allgeier Rd. Letter of Support from Tricia Priest
[No. 6 on Vicinity Map]
- G.** 40930 SE Allegier Rd. Letter of Support from Beth Rapp
[No. 12 on Vicinity Map]
- H.** Traffic Memo from Chris Clemow
- I.** Commercial Farm Use Analysis Memo from Peter Fry
- J.** Groundwater Availability Memo from Sarah Liljefelt
- K.** Death by 1000 Cuts - The Erosion of Oregon's Exclusive Farm Use
Zone
- L.** Preliminary Statement of Feasibility
- M.** Vesting Deed for Subject Property
- N.** Vicinity Map in Compliance with 4.MM.11.2

I. Background

Mike and Mary Paden request approval of consolidated Comprehensive Plan Amendment and Zone Change applications for a parcel identified by the Assessor as Tax Lot 200 on Map 25E1B ("the Site"). Approximately 15 acres in size, the County zones the Site Exclusive Farm Use (EFU). It features no improvements or structures.

Approval of the map amendments will change the County's designation from EFU to Rural Residential Farm/Forest (RRFF-5) on both the Comprehensive Plan Map and the Zoning Map. The Application requests an exception to Statewide Planning Goal 3.

This narrative explains compliance with applicable provisions of the Zoning & Development Ordinance, Comprehensive Plan, Statewide Planning Goals, Oregon Revised Statutes, and Oregon Administrative Rules. Supported by a signed Application Form, property deed, expert testimony, and other evidence, the narrative and attachments demonstrate compliance with all applicable criteria.

II. Applicants' Proposed Findings¹

A. Clackamas County Comprehensive Plan

Chapter 1 - Introduction

Goals

The overall goals of the Plan are:

- *Balance public and private interests and adopt a coordinated set of goals and policies to guide future development in Clackamas County.*
- *Identify the most appropriate land uses for individual sites by evaluating site characteristics in light of market demand, human needs, technology, and state, regional, and County goals.*
- *Provide for growth in areas where public facilities can economically be provided to support growth.*
- *Create development opportunities most compatible with the fiscal and financial capacity of the County and its residents.*
- *Implement the policies of this Plan by adopting a zoning map and set of regulations, and by guiding public investments to support anticipated growth.*

¹ This narrative is formatted as follows - each relevant provision of law is cited in bold; the substance of the provision is then set forth in italics; the Applicants' response to each is then set forth in Roman type.

- *Establish a system whereby individual interests may be compared to stated County policy and provide a process for review and amendment of those policies as expressed in this Comprehensive Plan.*

FINDING

Mike and Mary provide herein findings that the Application meets or exceeds each relevant goal and policy of the County's Comprehensive Plan.

Chapter 2 - Citizen Involvement

Goals

- *Promote public participation in formulation of the long-range goals, objectives, scope, and focus of the planning programs.*
- *Encourage broadly based public participation representing all concerned geographical areas and diverse interests.*
- *Provide an opportunity for every interested citizen to participate in the formative stages and throughout the planning process.*
- *Insure successful citizen participation through ongoing education in the planning process.*
- *Insure regular communication between citizens and County officials (governing body, Planning Commission, and Planning staff).*
- *Insure a continuing citizen participation effort in the planning process and periodic reevaluation.*

FINDING

Application to amend the Comprehensive Plan requires public notice and two public hearings, first before the Planning Commission, which issues a recommendation. The second hearing is before the Board of Commissioners who make the final local land use decision. The public is invited to participate.

Chapter 3 – Natural Resources & Energy

Water Resources

FINDING

The Site is not on a river or stream corridor and stream and does not have wetland or water features. Any future development on the Site would occur pursuant to the County's permitting process, which will ensure appropriate treatment and disposal of stormwater.

Agriculture

FINDING

As described herein, nearby agriculture operations are not commercial in scale. Accordingly, the proposed goal exception would not adversely impact such operations. As described below in response to Comp Plan policies implementing this goal, the Site is also not suitable for farming.

Forests

FINDING

The Site is not in a forest.

Mineral and Aggregate Resources

FINDING

The Site is not near mineral or aggregate resources.

Wildlife Habitats and Distinctive Resource Areas

FINDING

The Site is not in or near a wildlife habitat or distinctive resource area.

Natural Hazards

FINDING

The Site is not in or near an area of natural hazards.

Energy Sources and Conservation

FINDING

Any development of the requested amendment Site will conform with Clackamas County and Oregon State laws regarding noise and air quality.

Noise and Air Quality

FINDING

Any development of the requested amendment Site will conform with Clackamas County and Oregon State laws regarding noise and air quality.

Chapter 4 – Land Use

Urbanization

Goals:

- *Clearly distinguish Urban and Urban Reserve areas from non-urban areas.*
- *Encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way.*
- *Insure an adequate supply of land to meet immediate and future urban needs.*
- *Provide for an orderly and efficient transition to urban land use.*
- *Distinguish lands immediately available for urban uses from Future Urban areas within Urban Growth Boundaries*

FINDING

The Site is approximately two miles from the City of Sandy UGB. The proposed zone designation would allow up to three single-family dwellings that would not require urban services. The site is not in an area that is expected or programmed to urbanize.

Urban Growth Concept

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.

FINDING

Applicant seeks an exception to rural lands and does not plan to urbanize the Site.

Open Space and Floodplains

FINDING

The Site is not located in an open space or floodplain.

Unincorporated Communities

Unincorporated Communities, as defined in Chapter 660, Division 22 of the Oregon Administrative Rules, are settlements located outside urban growth

boundaries in which concentrated residential development is combined with limited commercial, industrial, or public uses. Unincorporated Communities may have limited public facilities and services.

FINDING

The site is not in an area that has concentrated on residential development. Nearby residential lots are five acres to ten acres in size with a cluster of one-acre lots at the corner of SE Firwood and Allgeier roads. There are no commercial, industrial, or public uses in the immediate area.

Some internet sources characterize Firwood as an unincorporated community, but we do not find it listed as such in the Comprehensive Plan.

Rural 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*

FINDING

The Site provides a transition from the urban City of Sandy, located about two miles to the north and the agricultural and forested land to the south and east. The proposed designation is consistent with the pattern of uses immediately around it, *i.e.*, small five to ten-acre lots with dwellings and non-commercial agricultural activities. The Site is not open space nor in a protected wildlife habitat. The five-acre minimum of the proposed designation/zone ensures that the property will be developed at a density that allows natural wildlife habitat to coexist with the possible dwellings.

4.MM.1 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.

4.MM.2 Designation of additional Rural lands shall be based on findings that shall include, but not be limited to:

4.MM.2.1 Reasons why additional Rural land is needed or should be provided;

4.MM.2.2 An evaluation of alternative areas in the County that should be designated Rural and a statement of why the chosen alternative is more suitable;

4.MM.2.3 An evaluation of the long-term environmental, economic, social, and energy consequences to the locality, region, or state of designating the area Rural; and

4.MM.2.4 Reasons why designating the area Rural will be compatible with other adjacent uses;

FINDING: The Applicants do not propose exception for an area. Rather, the Application is for a single unit of land that could be divided as allowed under the RRFF5 zone. The amendment would provide for up to three additional dwellings, in a nominal way addressing the community's severe shortage of housing. The requested amendment. It is in an area of lots approximately five acres in size, which itself constitutes the result of the County's evaluation of alternatives. The addition of more density does not have any discernible impact on economic, social or energy situations. The proposed use is similar to the existing abutting uses.

4.MM.3 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.

FINDING: The site is within several miles of Highway 26, a major state highway that connects Portland area to central and eastern Oregon.

4.MM.5 Existing large lots should be reduced to meet future rural housing needs prior to expanding the areas designated as Rural.

FINDING: The applicant proposes reducing the approximately 15-acre lot into smaller lots as the land division standards allow.

4.MM.6 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.

FINDING: As described at p. 11 hereof, the submitted analysis demonstrates that the soil is marginal and unsuited for commercial agricultural production.

4.MM.11 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:

4.MM.11.2 The RRFF-5 zoning district shall be applied when all the following criteria are met:

4.MM.11.2.a Parcels are generally five acres.

FINDING: Attachment N depicts the parcels within the “area” (as the Board of Commissioners has interpreted that term); most of the parcels therein are about five acres in size.

4.MM.11.2.b The area is affected by development.

FINDING: The area is populated by single-family dwellings and small family farms.

4.MM.11.2.c There are no serious natural hazards, and the topography and soils are suitable for development.

FINDING: There are no serious natural hazards. The topography is flat. The soil is suitable for dwelling foundations.

4.MM.11.2.d Areas are easily accessible to an Unincorporated Community or incorporated city.

FINDING: The Site is within several miles of the City of Sandy, an incorporated city with all required resources for a single family.

Agriculture

Agriculture Goals - Preserve agricultural use of agricultural land. Protect agricultural land from conflicting uses, high taxation and the cost of public facilities unnecessary for agriculture. Maintain the agricultural economic base of the County and increase the County’s share of the agricultural market. Increase agricultural income and employment by creating conditions that further the growth and expansion of agriculture and attract agriculturally related industries. Maintain and improve the quality of air, water, and land resources. Conserve scenic and open space. Protect wildlife habitats.

FINDING

The Applicants cite below policies within this chapter, which relate to farm use of land, then provide evidence that the Application is consistent therewith.

Agriculture Policies

4.NN.1.1 Areas with predominantly Class I through IV agricultural soil as defined by the United States Natural Resources Conservation Service or identified as agricultural soil by more detailed data.

FINDING

Gary Kitzrow is a Certified Professional Soil Classifier and Certified Professional Soil Scientist whose expertise in such matters LUBA has recognized. *Doob v. Josephine County*, LUBA No. 2004-083 (2004) (p. 4-7). Attachment B hereto constitutes his study of soils on the Site.

In short, collecting samples from 15 different locations, Gary found the Site comprised of Capability Class 6 Bull Run Variant (15B) soils combined with the Class 4 Delena Variant mapping unit, both of which are non-high value. Though a high-value soil, Cazadero, was found on the parcel, it is contrasted by the infertile nature of the non-high value soils with which it is mixed. No modal Cazadero was present on the property.

Mr. Kitzrow's study shows that Site is not suitable for farming.

4.NN.1.2 Areas Generally In Parcels of 20 Acres or Larger

FINDING

The Vicinity Map (Attachment C hereto) depicts properties situated within 2,000 feet of the Site. It shows 20 parcels, three of which are at least 20 acres in size. The Characteristics of Vicinity Parcels table (Attachment D hereto) calculates the average size of these parcels at 11.21 acres.

4.NN.1.3 Areas Primarily In Agricultural Use

FINDING

The Characteristics of Vicinity Parcels Table notes existing uses and development in the vicinity of the Site. Attachments E, F, and G hereto constitute declarations of Janice Balderson, Tricia Priest, and Beth Rapp (respectively), each attesting to the lack of agricultural use of land within the vicinity. This evidence shows that the existing EFU zoning is inconsistent with the Agriculture goals set forth in the Comp Plan.

Chapter 5 – Transportation System Plan

Building on the foundation of our existing assets, we envision a well-maintained and designed transportation system that provides safety, flexibility, mobility, accessibility and connectivity for people, goods and services; is tailored to our diverse geographies; and supports future needs and land use plans.

TSP GOALS

- *Goal 1: Provide a transportation system that optimizes benefits to the environment, the economy and the community*
- *Goal 2: Plan the transportation system to create a prosperous and adaptable economy and further the economic well-being of businesses and residents of the County.*
- *Goal 3: Tailor transportation solutions to suit the diversity of local communities.*
- *Goal 4: Promote a transportation system that maintains or improves our safety, health, and security.*
- *Goal 5: Provide an equitable transportation system.*
- *Goal 6: Promote a fiscally responsible approach to protect and improve the existing transportation system and implement a cost-effective system to meet future needs.*

A. Compliance and Coordination Policies

B. Road Safety Policies

C. Equity, Health and Sustainability Policies

D. Intelligent Transportation Systems (ITS) Policies

E. Rural Transportation Demand Management (TDM) Policies

FINDING

As described in the attached memo from transportation systems expert Chris Clemow, Attachment H, the application will not undermine any of the TSP goals.

Chapter 6 – Housing

Meeting the future housing needs and desires of residents will require the County to allow for new housing types and densities. A wider range of housing prices can be encouraged by providing a greater variety of lot sizes and more opportunities for the development of a range of housing sizes and types. Providing more opportunities for the development of multifamily dwellings and other alternative housing forms are needed to house the young, the elderly, and lower-income households who may prefer, or only be able to afford, housing types other than detached single-family homes. And as the current housing stock ages and redevelopment takes place, regulations pertaining to density, design and accessibility will shape neighborhoods and the county.

FINDING

The proposed amendment would allow up to three dwellings where none can now exist.

Chapter 7 – Public Facilities & Services

The provision of public facilities and services is a key ingredient in the development of Clackamas County and the implementation of this Plan. All development requires a certain level of public facilities and services. The objective of this Plan element is to provide the level of public facilities and services to support the land use designations in this Plan, and to provide those facilities and services at the proper time to serve development in the most cost-effective way.

Public Facilities

- A. Sanitary Sewage Treatment Policies
- B. Water Policies
- C. Storm Drainage Policies
- D. Solid Waste Policies
- E. Street Lighting Policies

Public services

- F. Fire Policies
- G. Law Enforcement Policies
- H. Education Policies
- I. County Government Policies

FINDING

Development of the Site under the requested zoning would not require urban services such as sewer and water; septic and wells would serve any future dwellings. Clackamas County sheriff, the Dover Fire station #75, and the Sandy Fire District #72 would serve it. Firwood Elementary, Cedar Ridge Middle, and Sandy High schools provide educational services.

Chapter 8 – Economics

Goals:

- *Establish a broad-based, stable, and growing economy to provide employment opportunities to meet the needs of the County's residents.*
- *Retain and support the expansion of existing industries and businesses. Clackamas County Comprehensive Plan [8-3] Last Amended 10/13/14*
- *Attract new industrial and commercial development that is consistent with environmental quality, community livability, and the needs of County residents.*

FINDING

The requested amendment would not have an economic impact on the county's community.

Chapter 9 – Open Space, Parks & 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. Recently, however, the urban area in particular has experienced a sharp jump in population, with substantial changes in the physical environment. Population growth is inevitable, at least for the foreseeable future, but the degradation of our communities is not.

FINDING

The requested amendment does not affect open space, parks, or historic sites as there are none within the vicinity.

Chapter 10 - Community Plans & Design Plans

This chapter sets forth a number of Community Plans and Design Plans.

FINDING

The Site is within the Firwood Community Plan and would be able to meet the goals as outlined in Article III, Section 2 of the Community Bylaws.

Chapter 11 – The Planning Process

The purpose of Clackamas County's comprehensive planning process is to establish a framework for land use decisions that will meet the needs of County residents; recognize the County's interrelationships with its cities, surrounding counties, the region, and the state; and ensure that changing priorities and circumstances can be met. Coordination with other governmental agencies and refinement of this Plan and County ordinances is essential to achieve this end.

11.B.Amendments and Implementation of Policies

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

11.B.3.1 *Allow initiation of a map amendment 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.*

11.B.3.2 *Allow initiation of a text amendment only by the Board of County Commissioners, the Planning Commission, or the Planning Director.*

11.B.3.3 *Consider all proposed Comprehensive Plan amendments at advertised public hearings before the Planning Commission and the Board of County Commissioners, in accordance with state law and County requirements.*

11.B.3.4 *For quasi-judicial amendments, provide notice of application and public hearing to nearby property owners and the applicable Community Planning Organization a minimum of 20 days prior to the first scheduled public hearing. Provide a copy of the application to the applicable Community Planning Organization a minimum of 35 days prior to the first scheduled public hearing. For legislative amendments, provide notice of proposal and public hearing to all active and recognized Community Planning Organizations, and ensure that the proposal is available for review, a minimum of 35 days prior to the first scheduled public hearing.*

11.B.3.5 *Provide the opportunity for the Department of Land Conservation and Development and Metro to review and comment on proposed legislative amendments, pursuant to the applicable provisions of state law and the Metro Code.*

11.B.3.6 *Recognize the Board of County Commissioners as the decision making body for quasi-judicial and legislative Plan amendments, but provide for the Planning Commission to make recommendations to the Board on these amendments, except in the case of a Plan amendment to designate an historic resource, in which case the Historic Review Board shall be the recommending body.*

FINDING

The request is made by the property owner and is an amendment to the map and not the Comprehensive Plan text. The request shall be noticed and heard before the Planning Commission for recommendation to the Board of Commissioners for the local land use decision. The site is not a designated historic resource. The findings support the request as equal to/or improved upon the existing Comprehensive Plan map.

B. Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

FINDING

The Applicants are confident that the County's Citizen Involvement plan will accord the Application the full measure of public process mandated by State law. Also, as a post-acknowledgement plan amendment, ORS 197.610, *et.seq.*, governs this public process.

Goal 2: Land Use Planning

Goal 2 requires all local governments in Oregon to create and follow a comprehensive land use plan based on factual data. These plans must be consistent across cities, counties, and coordinating agencies. Plans are reviewed and approved by the Land Conservation and Development Commission (LCDC) to ensure they align with statewide planning goals. Once approved, local plans guide zoning, development, infrastructure, and natural resource conservation. Local governments can take exceptions to certain goals if unique circumstances justify a better outcome.

PART II – EXCEPTIONS [ORS 197.732:2b]

A local government may adopt an exception to a goal when:

(b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable.

FINDING

OAR 660-004-0028, Exception Requirements for Land Irrevocably Committed to Other Uses, explicitly implements this provision of Goal 2. Mike and Mary provide below a lengthy explanation of compliance with the criteria set forth in that rule.

ORS 197.732(2):

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

* * *

(b) The land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable.

FINDING

OAR 660-004-0028 explicitly implements this statute (as well as Statewide Planning Goal 2); we provide here a lengthy explanation of compliance with the criteria set forth in that rule.

OAR 660-004-0028(2):

Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:

- a. The characteristics of the exception area;*
- b. The characteristics of the adjacent lands;*
- c. The relationship between the exception area and the lands adjacent to it; and*
- d. The other relevant factors set forth in OAR 660-004-0028*
 - (a) The characteristics of the exception area;*
 - (b) The characteristics of the adjacent lands;*
 - (c) The relationship between the exception area and the lands adjacent to it.*

FINDING

Rather than set forth a yardstick against which the County is to measure the Application, this provision lists evidence relevant to criteria set forth in OAR 660-004-0028(3)-(7). That said, the provision does clarify that practicability of resource use of the proposed exception area involves evidence of both on-

site and off-site characteristics. LUBA has commented several times on such practicability at a given site.²

OAR 660-004-0028(3):

Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(2)(b), in Goal 2, Part II(b), and in this rule shall be determined through consideration of factors set forth in this rule, except where other rules apply as described in OAR 660-004-0000(1). Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource protection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is "impossible." For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable:

- a. Farm use as defined in ORS 215.203;³*
- b. Propagation or harvesting of a forest product as specified in OAR 660-033-0120; and*
- c. Forest operations or forest practices as specified in OAR 660-006-0025(2)(a).*

² LUBA has emphasized that the impracticability standard under OAR 660-004-0028(3) must be evaluated in light of practical, real-world conditions—not theoretical possibilities. In *Gordon v. Polk County*, 54 Or LUBA 351, 354–56 (2007), the Board observed that the county must identify the conflicts caused by nearby residential uses that render resource uses on the subject property impracticable. It clarified that a local government need not find that every use allowed by the applicable resource goal is impossible, rather must find that key resource uses are impracticable under the specific characteristics of the site and its surroundings. *Id.* This site-specific, functional analysis must account for "the relationship between the exception area and the lands adjacent to it," including development patterns, parcel sizes, and land use conflicts that undermine the viability of resource use. *Id.* "The mere presence of adjoining residential uses is not sufficient to conclude that resource lands are irreversibly committed to non-resource uses." *Id.* *Dooley v. Wasco County*, LUBA No. 2022-045 (2022), reaffirmed these principles, underscoring that "impracticable" means unworkable or infeasible under existing conditions.

³ ORS 215.203(2)(a) defines farm use as "current employment of land for the primary purpose of obtaining profit in money by raising, harvesting and selling crops or feeding, breeding, management and sale of, or the produce or, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other ag or horticulture use."

FINDING

The practicability of resource use⁴ of the Site depends on characteristics of (a) the proposed exception area (*i.e.*, the Site) and (b) the adjacent land. We address each in turn.

Characteristics Inherent to the Site

The following characteristics relate to the practicability of resource use of the Site:

- i. Zoning – EFU
- ii. Size – approximately 15 acres
- iii. Dimensions – approximately 1,300' x 470'
- iv. Soil Quality - Poor performing soils for farming
- v. Resources - Limited quantity of trees/timber

We consider the relevance of soil quality to practicability for resource use obvious. *Friends of Linn County v. Linn County*, 42 Or LUBA 235, 245-246 (2002). As described above in response to Agriculture Policy 4.NN.1.1, Certified Professional Soil Classifier and Certified Professional Soil Scientist Gary Kitzrow prepared a study that clearly demonstrates that soil quality renders the Site unsuitable for farming.

Characteristics of the Adjacent Land

As to “the relationship between the [proposed] exception area and the lands adjacent,” we note that the surroundings of the Site feature rural residential uses, rather than active farms. This includes those twenty adjacent parcels that the County zones EFU. With reference to the Vicinity Map (Attachment C), the remaining land situated adjacent to the exception area is characterized by the following:

- i. Twenty discrete parcels
- ii. Sixteen of which are improved with a single-family home
- iii. Average parcel size – 11.21 acres
- iv. One of which is in farm/forest deferral

⁴ Resource use, as relevant here, refers to those uses specifically identified for protection under Goals 3 and 4 and the implementing rules:

- For Goal 3: “Farm use” as defined in ORS 215.203(2)(a), which includes growing crops, raising animals, and other agricultural activities.
- For Goal 4: “Forest operations or forest practices” as described in OAR 660-006-0025(2)(a), including the propagation or harvesting of forest products.

The Padens find the following distinct characteristics of the adjacent land to render resource use of the Site impracticable: (a) proximity to an existing exception area, (b) parcelization/development, (c) drift of sprayed pesticides/herbicides, (d) unavailability of water, (e) transportation system impacts, and (f) the infeasibility of farming the Site.

a) Proximity to an Existing Exception Area - The Site (along its southeast border) touches the Firwood School Exception Area. The County adopted this exception in 1980, pursuant to a Final Order that read in material part as follows:

This 480-acre area is located southeast of Sandy along Hwy 26 and Firwood. The area has 150 parcels. There are 133 ownerships of which 105 are 0 to 5 acres, 21 are 5 to 10 acres, 7 are 10 to 20 acres, and 0 are over 100 acres in size. Average parcel size is 3.20 acre, and average ownership size is 3.61 acres. The 108 dwelling units in this area average over 4.44 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 20% class II, 50% class III, 20% class IV, and 10% class VI-VII. The soil suitability for Douglas fir is 95% Class II, and 5% class III. The suitability of the soil for septic systems is 85% suitable, 10% marginal, and 5% unsuitable.

This intensity of use and development next to the Site tends to decrease the practicability of farm use thereon.

b) Parcelization/Development - The Applicant accepts the case law guidance that the number and size of adjacent parcels, alone, may not evidence impracticability of resource use of the Site. That said, a few considerations show that size of the adjacent parcels relates to such practicability. First off, were parcel size irrelevant to the practicability of undertaking farm use, then LCDC would not mandate statewide a minimum 80-acre size for any EFU-zoned parcel.

Beyond that, we note the following comments from 1,000 Friends of Oregon:⁵

[M]inimum lot sizes are intended to maintain sufficiently-sized tracts of farmland to ensure the continued viability of agriculture in each region.

* * *

⁵ *Death by 1000 Cuts - The Erosion of Oregon's Exclusive Farm Use Zone*, pp.13 & 15 (excerpted at Attachment K hereto).

Agricultural producers that utilize the services of and support of such businesses in a given area make up the critical mass. Once the critical mass slips below a certain threshold — typically when there are fewer farms — the area will no longer be profitable, so the agricultural businesses leave, reducing the number of resources available to farmers.

We assert this as evidence that a relatively high density of parcels and land improvements near a farm tends to reduce the practicability of crop production.

Lastly, the memo from land use planning expert Peter Finley Fry, Attachment I hereto, describes how parcelization/development of adjacent land tends to reduce the practicability of farming the Site.

- c) **Pesticide/Herbicide Drift** – As described in *Anderson v. Coos County*, 51 Or LUBA 454, 474 (2006), LUBA has acknowledged that concerns over pesticide and herbicide drift from adjacent farms may be legitimate and relevant in evaluating potential conflicts between resource and non-resource uses. Dr. Fry's memo, Attachment I, hereto, describes how the need to use such chemicals tends to reduce the practicability of farming the Site.
- d) **Unavailability of Water for Irrigation** - As described in the memo from water law expert Sarah Liljefelt, Attachment J, hereto, water use on adjacent parcels and water availability on the Site tend to render farm use of the latter impracticable. See *FOLC v. Linn Co.* (2003) (acknowledging that the lack of a right to draw sufficient water from a well on the property could tend to render farm or forest use impracticable).
- e) **Transportation System Impacts** - As described in the attached memo from transportation systems expert Chris Clemow, Attachment H, hereto, use and development on adjacent parcels tend to render farm use of the Site impracticable.
- f) **For a Farm Operation to be Profitable** on a parcel the size of the Site (approximately 15 acres), would require high-value crops. Such crops would, in turn, require security. Yet, existing zoning prohibits the obvious way to provide such security (a dwelling).

To summarize, the County allowed use/development of adjacent land in a manner that conflicts materially with zoned use of the Site. Uses undertaken on adjacent land render resource use of the Site impracticable.

Regarding subsections (b) and (c), the site does not have enough supply to harvest forest products from it as specified in OAR 660-033-0120 and would be hard to categorize as forest land due to the limited quantity of trees.

OAR 660-004-0028(4):

A conclusion that an exception area is irrevocably committed shall be supported by findings of fact that address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area.

FINDING

This provision does not constitute a criterion for evaluation of the Application; rather simply identifies criteria that do apply.

OAR 660-004-0028(6):

(a) *Existing adjacent uses;*

FINDING

We describe above, in response to OAR 660-004-0028(3), uses of adjacent land. In short on our observations, these parcels contain single family homes and are not being used as farmland. The site also touches another RRFF-5 exception area.

(b) *Existing public facilities and services (water and sewer lines, etc.);*

FINDING

"The focus of OAR 660-004-0028(6)(b) is on whether existing public facilities and services on or near the subject property commit the subject property to non-resource uses, not on whether public facilities and services are available to serve the proposed non-resource uses." *Gordon*, 54 Or LUBA 351 at 362; see also *Friends of Linn County v. Linn County*, 53 Or LUBA 420, 435 (2007).

Pursuant to Goal 11, public water and sanitary sewer services are generally prohibited outside of a UGB (the closest of which lies about two miles from the Site).

As noted above, the concentration of wells within the area around the Site diminish the sufficiency of water needed for farming.

(c) *Parcel size and ownership patterns of the exception area and adjacent lands:*

FINDING

We describe above at length, in response to OAR 660-004-0028(3), how parcelization, use, and development on adjacent lands render resource use of the Site impracticable.

(A) *Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the goals were made at the time of partitioning or subdivision. Past land divisions made without application of the goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors makes unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created and uses approved pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for the subject parcels or land adjoining those parcels.*

FINDING

This provision does not set forth a criterion applicable to the Application. Rather, it includes a submittal requirement – “analysis of how the existing development pattern came about and whether findings against the goals were made at the time of partitioning or subdivision” – and sets forth context in which the criteria of OAR 660-004-0028 apply.

(B) *Existing parcel sizes and contiguous ownerships shall be considered together in relation to the land’s actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations;*

FINDING

Like subsection (A) above, this provision sets forth context in which the County is apply the criteria set forth in OAR 660-004-0028, rather than a distinct criterion applicable herein. With reference to the Vicinity Map (Attachment C) and Characteristics of Vicinity Parcels Table (Attachment D), the Applicant observes that none of the adjacent parcels adjoin another parcel in common ownership.

(d) *Neighborhood and regional characteristics;*

FINDING

As noted above in response to OAR 660-004-0028(2)(a), the Site touches an existing exception area dating to the 1980's. Its characteristics clearly relate to the practicability of resource use of the Site.

To reiterate, those characteristics consist of the following:

This 480-acre area is located southeast of Sandy along Hwy 26 and Firwood. The area has 150 parcels. There are 133 ownerships of which 105 are 0 to 5 acres, 21 are 5 to 10 acres, 7 are 10 to 20 acres, and 0 are over 100 acres in size. Average parcel size is 3.20 acre, and average ownership size is 3.61 aces. The 108 dwelling units in this area average over per 4.44 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 20% class II, 50% class III, 20% class IV, and 10% class VI-VII. The soil suitability for Douglas fir is 95% Class II, and %% class III. The suitability of the soil for septic systems is 85% suitable, 10% marginal, and 5% unsuitable.

(e) *Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area.*

FINDING

As noted above, the Site sits immediately south of Allgeier Road, but such impediments do not appear to affect practicability of resource use.

(f) *Physical development according to OAR 660-004-0025;*

FINDING

As described above with reference to the Vicinity Map (Attachment C) and Characteristics of Vicinity Parcels Table (Attachment D), no less than sixteen of the twenty adjacent parcels are physically developed with improvements that support non-resource use of the land.

(g) *Other relevant factors.*

FINDING

We are aware of no other factors that bear upon the practicability of resource use of the Site.

(7) *The evidence submitted to support any committed exception shall, at a minimum, include a current map or aerial photograph that shows the exception area and adjoining lands, and any other means needed to convey information about the factors set forth in this rule. For example, a local government may use tables, charts, summaries, or narratives to supplement the maps or photos. The applicable factors set forth in section (6) of this rule shall be shown on the map or aerial photograph.*

FINDING

This provision sets forth no yardstick against which to measure the proposed goal exception. Rather, it describes information that an applicant is to submit. The Applicants reference such information (maps, aerial, and text information of the Site and adjacent land) above and attach it hereto.

Goal 3: Agricultural Lands

Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

FINDING

The County implements this Goal through Agriculture Policies 4.NN.1.1, *et.seq.*, set forth in the Comp Plan, which the Applicants address above.

A. *"Irrevocably Committed" Exception to Statewide Planning Goal 3: In addition to the criteria addressed in the application, a request for an*

exception to Goal 3 under the "irrevocably committed" criteria must also address the following criteria:

660-004-0018(2) For "physically developed" and "irrevocably committed" exceptions to goals, residential plan and zone designations shall authorize a single numeric minimum lot size and all plan and zone designations shall limit uses, density, and public facilities and services to those that satisfy (a) or (b) or (c) and, if applicable, (d):

(a) That are the same as the existing land uses on the exception site.

FINDING: The Site is vacant.

(a) That meet the following requirements:

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

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

(C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses;

FINDING: As shown on Attachment N, the Site abuts a large area of lots that average five acres, most of which are occupied by single-family dwellings and small family farms. As described at p. 20 hereof, the character of the area is rural with small gardens, orchards, and livestock (including horses or cows). The presence of single-family dwellings at a density averaging five acres provides a rural character with space – landscaped and wild between dwellings, while at a density preventing large scale farming or forestry practices. Use and development on this land is served by wells and septic systems and do not have sufficient density or capacity to justify the cost of urban services such as sewer systems and public water. The density provides sufficient space for wildlife and natural vegetation to thrive.

The Applicants will accept an approval condition waiving the right to remonstrate against allowed farm and forestry practices on nearby resource land.

(c) For uses in unincorporated communities, the uses are consistent with OAR 660-022-0030, "Planning and Zoning of Unincorporated Communities", if the county chooses to designate the community under the applicable provisions of OAR chapter 660, division 22;

FINDING: The site is not in an unincorporated community.

(d) For industrial development uses and accessory uses subordinate to the industrial development, the industrial uses may occur in buildings of any size and type provided the exception area was planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.

FINDING: The Applicants propose no industrial use of the Site.

Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

FINDING

The site is not within a forest.

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

Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

FINDING

The requested amendment does not affect open space, scenic or historic areas, or natural resource as there are none within the vicinity.

Goal 6: Air, Water and Land Resources Quality

This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

FINDING

Please see the findings above proposed for Comp Plan Chapter 3 – Natural Resources and Energy. The proposed amendment would not have adverse impacts on the surrounding air, water, and land quality.

Goal 7: Areas Subject To Natural Disasters and Hazards

Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

FINDING

The site is not within a natural disaster or hazard zone.

Goal 8: Recreation Needs

This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

FINDING

The site is not in or near a recreational area. The site is not large enough or situated in a place that would allow or support a destination resort.

Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

FINDING

The requested amendment would not have an economic impact on the surrounding community.

Goal 10: Housing

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

FINDING

The amendment would allow up to three dwelling units.

Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

FINDING

Development of the Site would not require public sewer or water (each of which is unavailable, regardless). The possible dwelling units would have no measurable impact on law enforcement or fire protection.

Goal 12: Transportation

The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

FINDING

ZDO 1202.03.C&D, with which the Applicants demonstrate compliance below, fully implements this goal.

Goal 13: Energy

Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

FINDING

This goal is not applicable to this application as the goal applies to regional form.

Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

FINDING

Because allowed future development would neither be urban in intensity nor demand urban services to an extent that would drive urbanization, this goal is inapplicable.

B. *Exception to Statewide Planning Goal 14: A Comprehensive Plan amendment and zone change from Agriculture/EFU to Rural/RRFF-5 requires an exception to Statewide Planning Goal 14. Per OAR 660-004-0040, new rural residential areas must have a minimum parcel size of at least 10 acres (which in Clackamas County would correspond with the FF-10 zone) unless an exception to Goal 14 is taken. See specifically:*

660-004-0040(8)(i) For rural residential areas designated after October 4, 2000, the affected county shall either:

(A) Require that any new lot or parcel have an area of at least ten acres, or

(B) Establish a minimum size of at least two acres for new lots or parcels in accordance with the applicable requirements for an exception to Goal 14 in OAR chapter 660, division 14. The minimum lot size adopted by the county shall be consistent with OAR 660-004-0018, "Planning and Zoning for Exception Areas."

While the application does request an exception to Goal 3 (Agriculture), it does not contain a request for, evidence of, or findings addressing the criteria for an exception to Goal 14 (Urbanization). The application needs to address all applicable criteria for a Goal 14 exception.

FINDING: The Application complies with OAR 660-004-0040(8)(i) because the County has (with the RRFF-5 zone) established a minimum size of at least two acres for new lots or parcels. The Applicants propose RRFF-5 on the Site, with a minimum parcel size of five acres.

Furthermore:

- as shown on Attachment N hereto, this would be consistent with the average size of lots situated immediately east and north of the Site;
- the Applicants has demonstrated that any future dwellings on the Site can be served with septic systems and well water (rather than public sewer/water); and
- the proposed density would have no discernable impact on surrounding transportation systems or rural sheriff, fire, or school resources.

The Applicants understand that the purpose of Goal 14 is, in material part, to prevent urban densities outside of designated urban areas. The goal prevents a cumulative impact of density. The Applicants propose a change

applicable to a single lot that abuts an area that has achieved maintained a stable rural density without a demand for urban services. The exception is appropriate because (a) the Site abuts and is consistent with those uses and (b) the quasi-judicial process restricts the exception to an individual lot. The proposed change is less than 2% of the area of that feature uses and lot-sizes similar to those proposed by the Applicants.

For these reasons, the Application complies with 660-004-0040(8)(i)(B).

Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

FINDING

This goal is inapplicable as the Site is not on or near the Willamette River.

Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units."

FINDING

This goal is inapplicable as the site is not on or near an estuary.

Goal 17: Coastal Shorelands

The goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water related" uses.

FINDING

This goal is inapplicable as the site is not on or near the coast.

Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but

allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

FINDING

This goal is inapplicable as the site is not on or near beaches or dunes.

Goal 19: Ocean Resources

Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

FINDING

This goal is inapplicable as the site is not on or near the ocean.

C. Clackamas County ZDO

316: Urban and Rural Residential Districts

316.04 Dimension Standards

A. General: Dimensional standards applicable in the rural and future urban residential zoning districts are listed in Table 316-2, Dimensional Standards in the Rural Residential and Future Urban Residential Zoning Districts.

FINDING

Table 316-2 sets forth the following dimensional standards applicable in the RRF5 zone. As depicted in the Characteristics of Vicinity Parcels Table (Attachment D, hereto), the Site complies with those standards.

400: Exclusive Farm Use (EFU)

401.01 PURPOSE

Section 401 is adopted to implement the policies of the Comprehensive Plan for Agriculture areas.

Agriculture areas are those of predominantly Class I through IV soils as identified by the United States Natural Resources Conservation Service or as identified in more detailed data; and other lands that are suitable for farm use due to soil fertility, suitability for grazing, climatic conditions, existing or future potential for irrigation, land use patterns, or accepted farming practices or are

necessary to permit farming practices to be undertaken on adjacent or nearby lands.

FINDING

This provision does not constitute a criterion for evaluation of the Application; rather simply provides context for application of the criteria.

1202: Zone Changes

1202.03 General Approval Criteria

II. Zone Change

1202.03 GENERAL APPROVAL CRITERIA

A zone change requires review as a Type III or IV application pursuant to Section 1307, Procedures, and shall be subject to the following standards and criteria:

A. *The proposed zone change is consistent with the applicable goals and policies of the Comprehensive Plan.*

FINDING

The County implements the Rural Residential Farm and Forest plan designation exclusively through the Rural Residential Farm and Forest zone.

B. *If development under the proposed zoning district designation has a need for any of the following public services, the need can be accommodated with the implementation of the applicable service provider's existing capital improvement plan:*

FINDING

As described in the attached memo from land use planning expert Peter Finley Fry, development under the proposed zoning district is not reasonably expected to generate need for any of the listed public services. Applicant has obtained a Preliminary Statement of Feasibility from Clackamas County Department of Transportation and Development, Transportation Engineering Division, attached hereto as Attachment L.

C. *The transportation system is adequate and will remain adequate with approval of the proposed zone change. For the purpose of this criterion:*

- 1. Adequate means a maximum volume-to-capacity ratio (v/c), or a minimum level of service (LOS), as established by Comprehensive Plan Tables 5-2a, Motor Vehicle Capacity Evaluation Standards for the Urban Area, and 5-2b, Motor Vehicle Capacity Evaluation Standards for the Rural Area.*
- 2. The evaluation of transportation system adequacy shall be conducted pursuant to the Transportation Planning Rule (Oregon Administrative Rules 660-012- 0060).*
- 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. The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards.*
- 5. The adequacy standards shall apply to all roadways and intersections within the impact area of the proposed zone change. The impact area shall be identified pursuant to the Clackamas County Roadway Standards.*
- 6. 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.*
- 7. Notwithstanding Subsections 1202.03(C)(4) through (6), motor vehicle capacity calculation methodology, impact area identification, and transportation impact study requirements are established by the ODOT Transportation Analysis Procedures Manual for roadways and intersections under the jurisdiction of the State of Oregon.*

FINDING

As described in the attached memo from transportation systems expert Chris Clemow, the facilities serving the Site are adequate to accommodate the level of development anticipated to result from the proposed zone change.

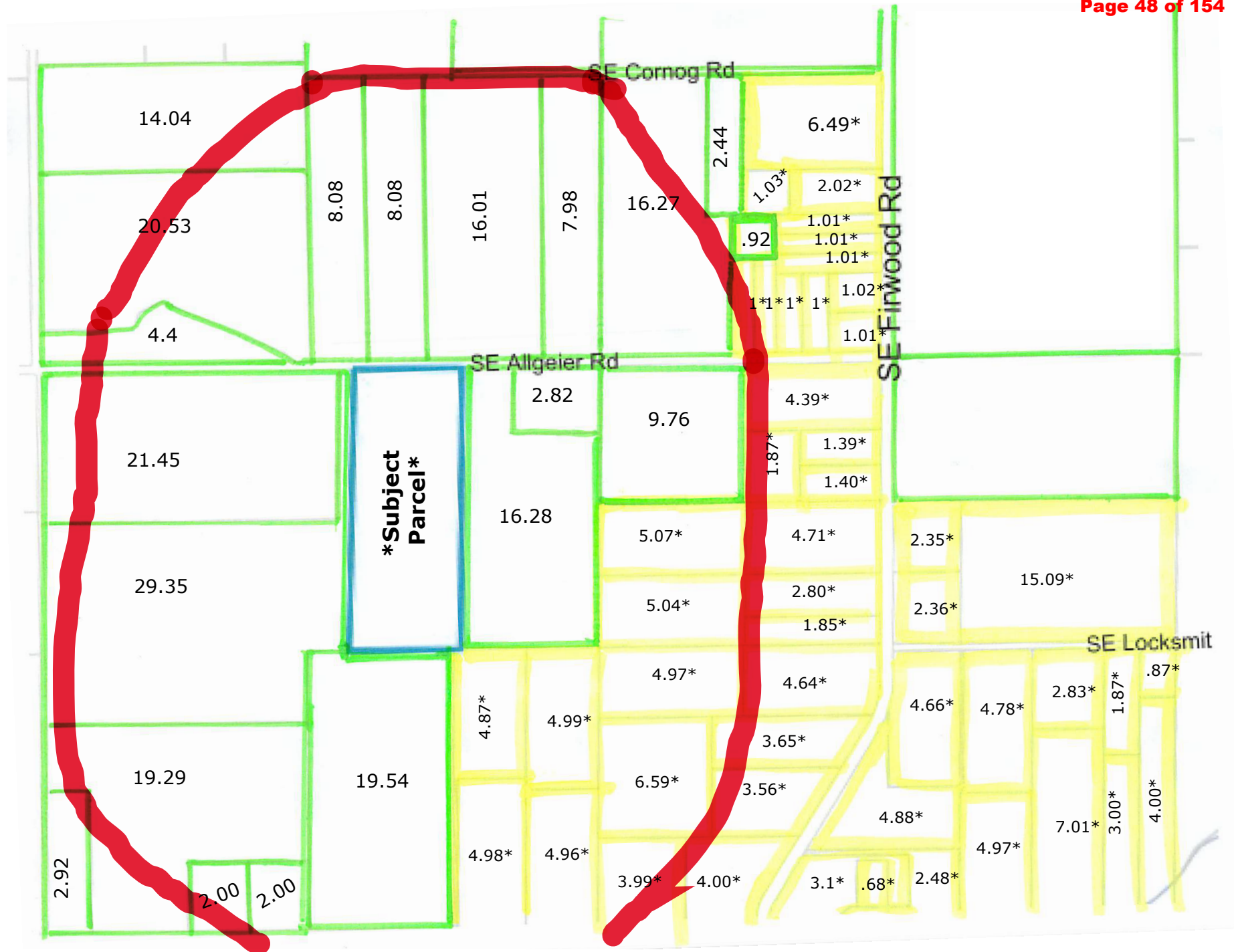
D. *Safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.*

FINDING

As described in Mr. Clemow's memo, the facilities serving the Site are adequate to accommodate safe operation at the level of development anticipated by the proposed zone change.

III. Summary and Conclusion

Based upon the foregoing narrative and cited attachment, the Application complies with each applicable criterion, so warrants approval.





Planning and Zoning
Department of Transportation and Development
 Development Services Building
 150 Beaver Creek Road | Oregon City, OR 97045
 503-742-4500 | zoninginfo@clackamas.us
www.clackamas.us/planning

STAFF USE ONLY

Land use application for:

COMPREHENSIVE PLAN MAP AMENDMENT & ZONE CHANGE

Application Fee: \$15,342 (+\$154 for expanded notification area if the property is in the AG/F, EFU, FF-10, FU-10, RA-1, RA-2, RC, RI, RR, RRFF-5, or TBR zone)

Staff Initials: _____ File Number: _____

APPLICANT INFORMATION

Applicant name: Michael and Mary Paden	Applicant email: mikepaden@comcast.net	Applicant phone: 503-698-4071
Applicant mailing address: 11000 SE 121st Court	City: Happy Valley	State: OR ZIP: 97086
Contact person name (if other than applicant): Ty Wyman, Dunn Camey LLP	Contact person email: twyman@dunncamey.com	Contact person phone: 503-417-5478
Contact person mailing address: 851 SE Sixth Ave., Suite 1500	City: Portland	State: OR ZIP: 97204

PROPOSAL

Brief description of proposal: Applicants request approval of consolidated Comprehensive Plan Amendment and Zone Change applications from EFU to RRFF-5. See attached narrative.	Pre-application conference file number: ZPAC0092-24
---	---

SITE INFORMATION

Site address: 40822 SE Allgeier Road, Sandy, OR 97055	Comprehensive Plan designation: Agriculture	Zoning district: EFU
Map and tax lot #: Township: 2S Range: 5E Section: 31B Tax Lot: 0200 Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____	Land area: 14.97	
Adjacent properties under same ownership: Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____		

Printed names of all property owners: Michael Paden Mary Paden	Signatures of all property owners: 	Date(s): 08/14/2025
I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.		
Applicant signature: 	Date: 10.15.25	

IMPORTANT

Your application will be deemed complete, if, within 180 days of the date the application was first submitted, Planning and Zoning receives one of the following:

1. All of the missing information; or
2. Some of the missing information and written notice from you (the applicant) that no other information will be provided; or
3. Written notice from you (the applicant) that none of the missing information will be provided.

If any one of these options is chosen within 180 days of the date of the initial submittal, approval or denial of your application will be subject to the relevant criteria in effect on the date the application was first submitted.

Your application will be considered **void** if, on the 181st day after the date the application was first submitted, you have been mailed this notice and have not provided the information requested in Options 1-3 above. In this case, no further action will be taken on your application.

Applicant or authorized representative, please check one of the following and return this notice to: **Clackamas County Planning and Zoning, 150 Beavercreek Road, Oregon City, OR, 97045** or the staff contact email on page 1 of this notice

- ☒ I am submitting the required information (attached); or
- ☐ I am submitting some of the information requested (attached) and no other information will be submitted; or
- ☐ I will not be submitting the requested information. Please accept the application as submitted for review and decision.

Signed Ty Wyma

Date 10.15.25

Print Name Ty Wyma



Planning and Zoning
Department of Transportation and Development
Development Services Building
150 Beaver Creek Road | Oregon City, OR 97045
503-742-4500 | zoninginfo@clackamas.us
www.clackamas.us/planning

EXHIBIT 1
Z0315-25 & Z0316-25
Page 51 of 154

STAFF USE ONLY

RECEIVED

Jul 30 2025

Clackamas County
Planning & Zoning Division

Staff Initials: File Number:
Z0315-25

Land use application for:

COMPREHENSIVE PLAN MAP AMENDMENT & ZONE CHANGE

Application Fee: \$15,342 (+\$154 for expanded notification area if the property is in the AG/F, EFU, FF-10, FU-10, RA-1, RA-2, RC, RI, RR, RRFF-5, or TBR zone)

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Map and tax lot #: Township: 2S Range: 5E Section: 31B Tax Lot: 0200 Township: Range: Section: Tax Lot: Township: Range: Section: Tax Lot:		Land area: 14.97
Adjacent properties under same ownership: Township: Range: Section: Tax Lot: Township: Range: Section: Tax Lot:		

Printed names of all property owners: Michael Paden Mary Paden	Signatures of all property owners: DocuSigned by: <i>Michael Paden</i> A1ECB971711F4D4	Date(s): 7/30/2025
I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.		
Applicant signature:	DocuSigned by: <i>Ty Wyman</i> 9C19BBE39D8D483	Date: 7/30/2025

A. Complete a pre-application conference:

You must attend a pre-application conference with Planning and Zoning staff before filing this application. [Information about the pre-application conference](#) process and a request form are available from the Planning and Zoning website.

B. Review applicable land use rules:

This application is subject to the provisions of [Section 1202, Zone Changes](#) of the [Clackamas County Zoning and Development Ordinance](#) (ZDO).

It is also subject to the ZDO's definitions, procedures, and other general provisions, as well as to the specific rules of the subject property's zoning district and applicable development standards, as outlined in the ZDO.

C. Turn in the following:

- ☒ **Complete application form:** Respond to all the questions and requests in this application, and make sure all owners of the subject property sign the first page of this application. Applications without the signatures of *all* property owners are incomplete.
- ☒ **Application fee:** The cost of this application is **\$15,342 plus a \$154 notification surcharge if an expanded notification area is required by ZDO Section 1307**. Payment can be made by cash, by check payable to "Clackamas County", or by credit/debit card with an additional card processing fee using the [Credit Card Authorization Form](#) available from the Planning and Zoning website. Payment is due when the application is submitted. Refer to the FAQs at the end of this form and to the adopted [Fee Schedule](#) for refund policies.
- ☒ **Vicinity map:** Provide a map of the area around the property, drawn to scale, that shows the uses and location of improvements on adjacent properties and properties across any road.
- ☐ **Site plan:** Provide a site plan (also called a plot plan). A [Site Plan Sample](#) is available from the Planning and Zoning website. The site plan must be accurate and drawn to-scale on paper measuring no larger than 11 inches x 17 inches. The site plan must illustrate all of the following (when applicable):
 - Lot lines, lot/parcel numbers, acreage/square footage of lots, and contiguous properties under the same ownership;
 - All existing and proposed structures, fences, roads, driveways, parking areas, and easements, each with identifying labels and dimensions;
 - Setbacks of all structures from lot lines and easements;
 - Significant natural features (rivers, streams, wetlands, slopes of 20% or greater, geologic hazards, mature trees or forested areas, drainage areas, etc.); and
 - Location of utilities, wells, and all onsite wastewater treatment facilities (e.g., septic tanks, septic drainfield areas, replacement drainfield areas, drywells).
- ☒ **Service Feasibility Determinations:** Request that the property's water provider, sanitary sewer provider, and surface water management authority, as applicable, each complete a [Preliminary Statement of Feasibility](#) and include those completed statements with your application. If the proposed development will be served by an onsite wastewater treatment system (e.g., a septic system), include an approved Site Evaluation or Authorization Notice from the [Septic & Onsite Wastewater Program](#) attesting to the feasibility of your proposal.
- ☒ **Transportation impact study:** Refer to the information provided at the pre-application conference regarding the need for a transportation impact study. Include a copy of any required study with your application submittal.
- ☒ **Any additional information or documents advised of during the pre-application conference**

D. Answer the following questions:

1. What Comprehensive Plan designation are you requesting for the subject property?

Requested Plan designation: Rural

2. What zoning district designation are you requesting for the subject property?

Requested zoning district: RRFF-5

3. If the zoning designation you requested in response to Question 2 cannot be approved because the property doesn't meet the approval criteria, would you like an alternate zoning district designation to be considered?

☒ NO

☐ YES, and the alternate zoning district designation(s) I would like is/are:

4. Are you filing this Comprehensive Plan Map amendment and zone change application with another application (e.g., an application for a partition or subdivision)?

☒ NO, this application is being filed alone.

☐ YES, this application is being filed with another application. That other application requests the following:

D. Respond in a narrative:

Your application submittal must include a narrative that fully responds to the following. Due to the technical nature of these requirements, guidance on how best to respond will be provided during the required pre-application conference.

1. How is your proposal consistent with applicable Statewide Planning Goals?
2. How is your proposal consistent with the applicable goals and policies of the County's [Comprehensive Plan](#)?
3. If relevant, how is your proposal consistent with Metro's Urban Growth Management Functional Plan?
4. If development under the proposed zone would need public services (sanitary sewer, surface water management, and water), could the need be accommodated with the implementation of the applicable service provider's existing capital improvement plan? The cumulative impact of the proposed zone change and development of other properties under existing zoning designations must be considered.
5. Explain how the transportation system is adequate and will remain adequate with approval of the proposed zone change. This explanation should take into consideration the following:
 - a. "Adequate" means a maximum volume-to-capacity ratio (v/c), or a minimum level of service (LOS), as established by Comprehensive Plan Tables 5-2a, *Motor Vehicle Capacity Evaluation Standards for the Urban Area*, and 5-2b, *Motor Vehicle Capacity Evaluation Standards for the Rural Area*.
 - b. Conduct the evaluation of transportation system adequacy pursuant to the Transportation Planning Rule (Oregon Administrative Rules 660-012-0060).
 - c. Assume that the subject property is developed with the primary use, allowed in the proposed zoning district, with the highest motor vehicle trip generation rate.
 - d. The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards.
 - e. The adequacy standards apply to all roadways and intersections within the impact area of the proposed zone change. The impact area is identified based on the Clackamas County Roadway Standards.
 - f. A determination of whether submittal of a transportation impact study is required is made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.
 - g. (d) through (f) above do not apply to roadways and intersections under the jurisdiction of the State of Oregon. Instead, motor vehicle capacity calculation methodology, impact area identification, and transportation impact study requirements are established by the

ODOT Transportation Analysis Procedures Manual for such roadways and intersections.

6. Explain how the safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.

FAQs

What is a Comprehensive Plan Map amendment and zone change?

All land in the County has been divided into mapped Comprehensive Plan designations, each of which corresponds to one or more zoning districts. A Comprehensive Plan Map amendment and zone change results in a property switching from one Comprehensive Plan Map designation and zoning district to another designation and zoning district, which may change allowed uses, minimum lot size, and other development standards.

What is the permit application process?

Comprehensive Plan Map amendments and zone changes that are *not* related to the Historic Landmark, Historic District, and Historic Corridor overlay district are subject to a “Type III” land use application process, as provided for in [Section 1307](#) of the ZDO. Type III decisions include notice to owners of nearby land, the Community Planning Organization (if active), service providers (sewer, water, fire, etc.), and affected government agencies, and are reviewed at public hearings before the Planning Commission and the Board of County Commissioners (BCC). If the application is approved, the applicant must comply with any conditions of approval identified in the decision. The County’s decision can be appealed to the Oregon Land Use Board of Appeals (LUBA).

What is needed for the County to approve a land use permit?

Comprehensive Plan Map amendments and zone changes *may* be permitted after an evaluation of applicable standards by staff, the Planning Commission, and the BCC. The applicant is responsible for providing evidence that their proposal does or can meet those standards. In order to address the standards, the information requested in this application should be as thorough and complete as possible. A permit will only be approved or denied after a complete application is received and reviewed. The BCC approves an application only if it finds that the proposal meets the standards or can meet the standards with conditions.

How long will it take the County to make a decision about an application?

A final decision on an application for a Comprehensive Plan Map amendment and zone change is generally issued within 24 weeks (168 days) of when we deem the application to be complete. However, these applications are often highly complex and may take longer to process.

If an application is submitted and then withdrawn, will a refund be given?

If the application is withdrawn before it is publicly noticed, 75% of the application fee or \$250, whichever is less, will be refunded. If a submitted application is withdrawn after it is publicly noticed, but before a staff report is issued, 50% of the remainder, or \$500, whichever is less, will be refunded. No refund on the remainder will be given after a staff report is issued. The \$5 Technology Fee is non-refundable.

Who can help answer additional questions?

For questions about the County’s land use permit requirements and this application form, contact Planning and Zoning at **503-742-4500** or zoninginfo@clackamas.us. You can also find information online at the Planning and Zoning website: www.clackamas.us/planning.

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

503-742-4545: ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод?
翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

CLACKAMAS COUNTY APPLICATION FOR LAND USE REVIEW

APPLICANTS' NARRATIVE

July 30, 2025



Location: 40822 SE Allgeier Road, Sandy, OR 97055
Tax Lot No. 25E31B 00200
Parcel No. 00700904

Prepared By: Ty Wyman, Dunn Carney

Prepared For: Mike and Mary Paden
11000 SE 121st Court
Happy Valley, OR 97086



851 SW Sixth Avenue, Suite 1500
Portland, OR 97204-1357
(503) 224-6440

PROJECT NAME: Paden Map Amendments

REQUEST: Approval of concurrent Comprehensive Plan Amendment and Zone Change Applications to change the Site's designation from EFU (Exclusive Farm Use) to RRFF-5 (Rural Residential Farm/Forest)

ASSESSOR'S DESCRIPTION: Lot 200 on Tax Map 25E1B
Allgeier Road, Sandy, OR, 97055

APPLICANTS' REPRESENTATIVE: Ty Wyman, Attorney
Dunn Carney LLP
851 SW Sixth Avenue
Suite 1500
Portland, OR 97204

APPLICANTS/ PROPERTY OWNERS: Mike and Mary Paden
11000 SE 121st Court
Happy Valley, OR 97086

SITE AREA: Approximately 15 acres

I. Background

II. Applicants' Proposed Findings of Applicable Regulations

A. Clackamas County Comprehensive Plan

B. Oregon Statewide Planning Goals

C. Clackamas County ZDO

316: Urban and Rural Residential Districts

400: Exclusive Farm Use (EFU)

1202: Zone Changes

III. Conclusion

IV. Attachments

A. Depiction of the Site

B. Kitzrow's Soil Assessment

C. Vicinity Map

D. Characteristics of Vicinity Parcels Table

E. 40720 SE Allgeier Rd Letter of Support from Janice Balderson
[No. 11 on Vicinity Map]

F. 40919 SE Allgeier Rd. Letter of Support from Tricia Priest
[No. 6 on Vicinity Map]

G. 40930 SE Allegier Rd. Letter of Support from Beth Rapp
[No. 12 on Vicinity Map]

H. Traffic Memo from Chris Clemow

I. Commercial Farm Use Analysis Memo from Peter Fry

J. Groundwater Availability Memo from Sarah Liljefelt

K. Death by 1000 Cuts - The Erosion of Oregon's Exclusive Farm Use
Zone

L. Preliminary Statement of Feasibility

M. Vesting Deed for Subject Property

I. Background

Mike and Mary Paden request approval of consolidated Comprehensive Plan Amendment and Zone Change applications for a parcel identified by the Assessor as Tax Lot 200 on Map 25E1B ("the Site"). Approximately 15 acres in size, the County zones the Site Exclusive Farm Use (EFU). It features no improvements or structures.

Approval of the map amendments will change the County's designation from EFU to Rural Residential Farm/Forest (RRFF-5) on both the Comprehensive Plan Map and the Zoning Map. The Application requests an exception to Statewide Planning Goal 3.

This narrative explains compliance with applicable provisions of the Zoning & Development Ordinance, Comprehensive Plan, Statewide Planning Goals, Oregon Revised Statutes, and Oregon Administrative Rules. Supported by a signed Application Form, property deed, expert testimony, and other evidence, the narrative and attachments demonstrate compliance with all applicable criteria.

II. Applicants' Proposed Findings¹

A. Clackamas County Comprehensive Plan

Chapter 1 - Introduction

Goals

The overall goals of the Plan are:

- *Balance public and private interests and adopt a coordinated set of goals and policies to guide future development in Clackamas County.*
- *Identify the most appropriate land uses for individual sites by evaluating site characteristics in light of market demand, human needs, technology, and state, regional, and County goals.*
- *Provide for growth in areas where public facilities can economically be provided to support growth.*
- *Create development opportunities most compatible with the fiscal and financial capacity of the County and its residents.*
- *Implement the policies of this Plan by adopting a zoning map and set of regulations, and by guiding public investments to support anticipated growth.*

¹ This narrative is formatted as follows - each relevant provision of law is cited in bold; the substance of the provision is then set forth in italics; the Applicants' response to each is then set forth in Roman type.

- *Establish a system whereby individual interests may be compared to stated County policy and provide a process for review and amendment of those policies as expressed in this Comprehensive Plan.*

FINDING

Mike and Mary provide herein findings that the Application meets or exceeds each relevant goal and policy of the County's Comprehensive Plan.

Chapter 2 - Citizen Involvement

Goals

- *Promote public participation in formulation of the long-range goals, objectives, scope, and focus of the planning programs.*
- *Encourage broadly based public participation representing all concerned geographical areas and diverse interests.*
- *Provide an opportunity for every interested citizen to participate in the formative stages and throughout the planning process.*
- *Insure successful citizen participation through ongoing education in the planning process.*
- *Insure regular communication between citizens and County officials (governing body, Planning Commission, and Planning staff).*
- *Insure a continuing citizen participation effort in the planning process and periodic reevaluation.*

FINDING

Application to amend the Comprehensive Plan requires public notice and two public hearings, first before the Planning Commission, which issues a recommendation. The second hearing is before the Board of Commissioners who make the final local land use decision. The public is invited to participate.

Chapter 3 – Natural Resources & Energy

Water Resources

FINDING

The Site is not on a river or stream corridor and stream and does not have wetland or water features. Any future development on the Site would occur pursuant to the County's permitting process, which will ensure appropriate treatment and disposal of stormwater.

Agriculture

FINDING

The proposal would not adversely impact surrounding agriculture operations as there are none with in the vicinity. As described below in response to Comp Plan policies implementing this goal, the Site is also not suitable for farming.

Forests

FINDING

The Site is not in a forest.

Mineral and Aggregate Resources

FINDING

The Site is not near mineral or aggregate resources.

Wildlife Habitats and Distinctive Resource Areas

FINDING

The Site is not in or near a wildlife habitat or distinctive resource area.

Natural Hazards

FINDING

The Site is not in or near an area of natural hazards.

Energy Sources and Conservation

FINDING

Any development of the requested amendment Site will conform with Clackamas County and Oregon State laws regarding noise and air quality.

Noise and Air Quality

FINDING

Any development of the requested amendment Site will conform with Clackamas County and Oregon State laws regarding noise and air quality.

Chapter 4 – Land Use

Urbanization

Goals:

- *Clearly distinguish Urban and Urban Reserve areas from non-urban areas.*
- *Encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way.*
- *Insure an adequate supply of land to meet immediate and future urban needs.*
- *Provide for an orderly and efficient transition to urban land use.*
- *Distinguish lands immediately available for urban uses from Future Urban areas within Urban Growth Boundaries*

FINDING

The Site is approximately two miles from the City of Sandy UGB. The proposed zone designation would allow up to three single-family dwellings that would not require urban services. The site is not in an area that is expected or programmed to urbanize.

Urban Growth Concept

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.

FINDING

Applicant seeks an exception to rural lands and does not plan to urbanize the Site.

Open Space and Floodplains

FINDING

The Site is not located in an open space or floodplain.

Unincorporated Communities

Unincorporated Communities, as defined in Chapter 660, Division 22 of the Oregon Administrative Rules, are settlements located outside urban growth boundaries in which concentrated residential development is combined with limited commercial, industrial, or public uses. Unincorporated Communities may have limited public facilities and services.

FINDING

The site is not in an area that has concentrated on residential development. Nearby residential lots are five acres to ten acres in size with a cluster of one-acre lots at the corner of SE Firwood and Allgeier roads. There are no commercial, industrial, or public uses in the immediate area.

Some internet sources characterize Firwood as an unincorporated community, but we do not find it listed as such in the Comprehensive Plan.

Rural 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*

FINDING

The Site provides a transition from the urban City of Sandy, located about two miles to the north and the agricultural and forested land to the south and east. The proposed designation is consistent with the pattern of uses immediately around it, *i.e.*, small five to ten-acre lots with dwellings and non-commercial agricultural activities. The Site is not open space nor in a protected wildlife habitat. The five-acre minimum of the proposed designation/zone ensures that the property will be developed at a density that allows natural wildlife habitat to coexist with the possible dwellings.

Agriculture

Agriculture Goals - Preserve agricultural use of agricultural land. Protect agricultural land from conflicting uses, high taxation and the cost of public facilities unnecessary for agriculture. Maintain the agricultural economic base of the County and increase the County's share of the agricultural market. Increase agricultural income and employment by creating conditions that further the growth and expansion of agriculture and attract agriculturally related industries. Maintain and improve the quality of air, water, and land resources. Conserve scenic and open space. Protect wildlife habitats.

FINDING

The Applicants cite below policies within this chapter, which relate to farm use of land, then provide evidence that the Application is consistent therewith.

Agriculture Policies

4.NN.1.1 Areas with predominantly Class I through IV agricultural soil as defined by the United States Natural Resources Conservation Service or identified as agricultural soil by more detailed data.

FINDING

Gary Kitzrow is a Certified Professional Soil Classifier and Certified Professional Soil Scientist whose expertise in such matters LUBA has recognized. *Doob v. Josephine County*, LUBA No. 2004-083 (2004) (p. 4-7). Attachment B hereto constitutes his study of soils on the Site.

In short, collecting samples from 15 different locations, Gary found the Site comprised of Capability Class 6 Bull Run Variant (15B) soils combined with the Class 4 Delena Variant mapping unit, both of which are non-high value. Though a high-value soil, Cazadero, was found on the parcel, it is contrasted by the infertile nature of the non-high value soils with which it is mixed. No modal Cazadero was present on the property.

Mr. Kitzrow's study shows that Site is not suitable for farming.

4.NN.1.2 Areas Generally In Parcels of 20 Acres or Larger

FINDING

The Vicinity Map (Attachment C hereto) depicts properties situated within 2,000 feet of the Site. It shows 20 parcels, three of which are at least 20 acres in size. The Characteristics of Vicinity Parcels table (Attachment D hereto) calculates the average size of these parcels at 11.21 acres.

4.NN.1.3 Areas Primarily In Agricultural Use

FINDING

The Characteristics of Vicinity Parcels Table notes existing uses and development in the vicinity of the Site. Attachments E, F, and G hereto constitute declarations of Janice Balderson, Tricia Priest, and Beth Rapp (respectively), each attesting to the lack of agricultural use of land within the vicinity. This evidences that the existing EFU zoning is inconsistent with the Agriculture goals set forth in the Comp Plan.

Chapter 5 – Transportation System Plan

Building on the foundation of our existing assets, we envision a well-maintained and designed transportation system that provides safety, flexibility, mobility, accessibility and connectivity for people, goods and services; is tailored to our diverse geographies; and supports future needs and land use plans.

TSP GOALS

- *Goal 1: Provide a transportation system that optimizes benefits to the environment, the economy and the community*
- *Goal 2: Plan the transportation system to create a prosperous and adaptable economy and further the economic well-being of businesses and residents of the County.*
- *Goal 3: Tailor transportation solutions to suit the diversity of local communities.*
- *Goal 4: Promote a transportation system that maintains or improves our safety, health, and security.*
- *Goal 5: Provide an equitable transportation system.*
- *Goal 6: Promote a fiscally responsible approach to protect and improve the existing transportation system and implement a cost-effective system to meet future needs.*

A. Compliance and Coordination Policies

B. Road Safety Policies

C. Equity, Health and Sustainability Policies

D. Intelligent Transportation Systems (ITS) Policies

E. Rural Transportation Demand Management (TDM) Policies

FINDING

As described in the attached memo from transportation systems expert Chris Clemow, Attachment H, the application will not undermine any of the TSP goals.

Chapter 6 – Housing

Meeting the future housing needs and desires of residents will require the County to allow for new housing types and densities. A wider range of housing prices can be encouraged by providing a greater variety of lot sizes and more opportunities for the development of a range of housing sizes and types. Providing more opportunities for the development of multifamily dwellings and other alternative housing forms are needed to house the young, the elderly, and lower-income households who may prefer, or only be able to afford, housing types other than detached single-family homes. And as the current

housing stock ages and redevelopment takes place, regulations pertaining to density, design and accessibility will shape neighborhoods and the county.

FINDING

The proposed amendment would allow up to three dwellings where none can now exist.

Chapter 7 – Public Facilities & Services

The provision of public facilities and services is a key ingredient in the development of Clackamas County and the implementation of this Plan. All development requires a certain level of public facilities and services. The objective of this Plan element is to provide the level of public facilities and services to support the land use designations in this Plan, and to provide those facilities and services at the proper time to serve development in the most cost-effective way.

Public Facilities

- A. Sanitary Sewage Treatment Policies
- B. Water Policies
- C. Storm Drainage Policies
- D. Solid Waste Policies
- E. Street Lighting Policies

Public services

- F. Fire Policies
- G. Law Enforcement Policies
- H. Education Policies
- I. County Government Policies

FINDING

Development of the Site under the requested zoning would not require urban services such as sewer and water; septic and wells would serve any future dwellings. Clackamas County sheriff, the Dover Fire station #75, and the Sandy Fire District #72 would serve it. Firwood Elementary, Cedar Ridge Middle, and Sandy High schools provide educational service.

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Chapter 8 – Economics

Goals:

- *Establish a broad-based, stable, and growing economy to provide employment opportunities to meet the needs of the County's residents.*
- *Retain and support the expansion of existing industries and businesses. Clackamas County Comprehensive Plan [8-3] Last Amended 10/13/14*
- *Attract new industrial and commercial development that is consistent with environmental quality, community livability, and the needs of County residents.*

FINDING

The requested amendment would not have an economic impact on the county's community.

Chapter 9 – Open Space, Parks & 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. Recently, however, the urban area in particular has experienced a sharp jump in population, with substantial changes in the physical environment. Population growth is inevitable, at least for the foreseeable future, but the degradation of our communities is not.

FINDING

The requested amendment does not affect open space, parks, or historic sites as there are none within the vicinity.

Chapter 10 - Community Plans & Design Plans

This chapter sets forth a number of Community Plans and Design Plans.

FINDING

The Site is within the Firwood Community Plan and would be able to meet the goals as outlined in Article III, Section 2 of the Community Bylaws.

Chapter 11 – The Planning Process

The purpose of Clackamas County's comprehensive planning process is to establish a framework for land use decisions that will meet the needs of County residents; recognize the County's interrelationships with its cities,

surrounding counties, the region, and the state; and ensure that changing priorities and circumstances can be met. Coordination with other governmental agencies and refinement of this Plan and County ordinances is essential to achieve this end.

11.B.Amendments and Implementation of Policies

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

11.B.3.1 *Allow initiation of a map amendment 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.*

11.B.3.2 *Allow initiation of a text amendment only by the Board of County Commissioners, the Planning Commission, or the Planning Director.*

11.B.3.3 *Consider all proposed Comprehensive Plan amendments at advertised public hearings before the Planning Commission and the Board of County Commissioners, in accordance with state law and County requirements.*

11.B.3.4 *For quasi-judicial amendments, provide notice of application and public hearing to nearby property owners and the applicable Community Planning Organization a minimum of 20 days prior to the first scheduled public hearing. Provide a copy of the application to the applicable Community Planning Organization a minimum of 35 days prior to the first scheduled public hearing. For legislative amendments, provide notice of proposal and public hearing to all active and recognized Community Planning Organizations, and ensure that the proposal is available for review, a minimum of 35 days prior to the first scheduled public hearing.*

11.B.3.5 *Provide the opportunity for the Department of Land Conservation and Development and Metro to review and comment on proposed legislative amendments, pursuant to the applicable provisions of state law and the Metro Code.*

11.B.3.6 *Recognize the Board of County Commissioners as the decision making body for quasi-judicial and legislative Plan amendments, but provide for the Planning Commission to make recommendations to the Board on these amendments, except in the case of a Plan amendment to designate an historic resource, in which case the Historic Review Board shall be the recommending body.*

///

FINDING

The request is made by the property owner and is an amendment to the map and not the Comprehensive Plan text. The request shall be noticed and heard before the Planning Commission for recommendation to the Board of Commissioners for the local land use decision. The site is not a designated historic resource. The findings support the request as equal to/or improved upon the existing Comprehensive Plan map.

B. Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

FINDING

The Applicants are confident that the County's Citizen Involvement plan will accord the Application the full measure of public process mandated by State law. Also, as a post-acknowledgement plan amendment, ORS 197.610, *et.seq.*, governs this public process.

Goal 2: Land Use Planning

Goal 2 requires all local governments in Oregon to create and follow a comprehensive land use plan based on factual data. These plans must be consistent across cities, counties, and coordinating agencies. Plans are reviewed and approved by the Land Conservation and Development Commission (LCDC) to ensure they align with statewide planning goals. Once approved, local plans guide zoning, development, infrastructure, and natural resource conservation. Local governments can take exceptions to certain goals if unique circumstances justify a better outcome.

PART II – EXCEPTIONS [ORS 197.732:2b]

A local government may adopt an exception to a goal when:

(b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable.

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FINDING

OAR 660-004-0028, Exception Requirements for Land Irrevocably Committed to Other Uses, explicitly implements this provision of Goal 2. Mike and Mary provide below a lengthy explanation of compliance with the criteria set forth in that rule.

ORS 197.732(2):

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

* * *

(b) The land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable.

FINDING

OAR 660-004-0028 explicitly implements this statute (as well as Statewide Planning Goal 2); we provide here a lengthy explanation of compliance with the criteria set forth in that rule.

OAR 660-004-0028(2):

Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:

- a. The characteristics of the exception area;*
- b. The characteristics of the adjacent lands;*
- c. The relationship between the exception area and the lands adjacent to it; and*
- d. The other relevant factors set forth in OAR 660-004-0028*
 - (a) The characteristics of the exception area;*
 - (b) The characteristics of the adjacent lands;*
 - (c) The relationship between the exception area and the lands adjacent to it.*

FINDING

Rather than set forth a yardstick against which the County is to measure the Application, this provision lists evidence relevant to criteria set forth in OAR 660-004-0028(3)-(7). That said, the provision does clarify that practicability of resource use of the proposed exception area involves evidence of both on-

site and off-site characteristics. LUBA has commented several times on such practicability at a given site.²

OAR 660-004-0028(3):

Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(2)(b), in Goal 2, Part II(b), and in this rule shall be determined through consideration of factors set forth in this rule, except where other rules apply as described in OAR 660-004-0000(1). Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource protection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is "impossible." For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable:

- a. Farm use as defined in ORS 215.203;³*
- b. Propagation or harvesting of a forest product as specified in OAR 660-033-0120; and*
- c. Forest operations or forest practices as specified in OAR 660-006-0025(2)(a).*

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² LUBA has emphasized that the impracticability standard under OAR 660-004-0028(3) must be evaluated in light of practical, real-world conditions—not theoretical possibilities. In *Gordon v. Polk County*, 54 Or LUBA 351, 354–56 (2007), the Board observed that the county must identify the conflicts caused by nearby residential uses that render resource uses on the subject property impracticable. It clarified that a local government need not find that every use allowed by the applicable resource goal is impossible, rather must find that key resource uses are impracticable under the specific characteristics of the site and its surroundings. *Id.* This site-specific, functional analysis must account for “the relationship between the exception area and the lands adjacent to it,” including development patterns, parcel sizes, and land use conflicts that undermine the viability of resource use. *Id.* “The mere presence of adjoining residential uses is not sufficient to conclude that resource lands are irreversibly committed to non-resource uses.” *Id.* *Dooley v. Wasco County*, LUBA No. 2022-045 (2022), reaffirmed these principles, underscoring that “impracticable” means unworkable or infeasible under existing conditions.

³ ORS 215.203(2)(a) defines farm use as “current employment of land for the primary purpose of obtaining profit in money by raising, harvesting and selling crops or feeding, breeding, management and sale of, or the produce or, livestock, poultry, fur-bearing animals or honeybees of for dairying and the sale of dairy products or any other ag or horticulture use.”

FINDING

The practicability of resource use⁴ of the Site depends on characteristics of (a) the proposed exception area (*i.e.*, the Site) and (b) the adjacent land. We address each in turn.

Characteristics Inherent to the Site

The following such characteristics relate to the practicability of resource use thereof:

- i. Zoning – EFU
- ii. Size – approximately 15 acres
- iii. Dimensions – approximately 1,300' x 470'
- iv. Soil Quality - Poor performing soils for farming
- v. Resources - Limited quantity of trees/timber

We consider the relevance of soil quality to practicability for resource use obvious. *Friends of Linn County v. Linn County*, 42 Or LUBA 235, 245-246 (2002). As described above in response to Agriculture Policy 4.NN.1.1, Certified Professional Soil Classifier and Certified Professional Soil Scientist Gary Kitzrow prepared a study that clearly demonstrates that soil quality renders the Site unsuitable for farming.

Characteristics of the Adjacent Land

As to “the relationship between the [proposed] exception area and the lands adjacent,” we note that the surroundings of the Site feature rural residential uses, rather than active farms. This includes those twenty adjacent parcels that the County zones EFU. With reference to the Vicinity Map (Attachment C), the remaining land situated adjacent to the exception area is characterized by the following:

- i. Twenty discrete parcels
- ii. Sixteen of which are improved with a single-family home
- iii. Average parcel size – 11.21 acres
- iv. One of which is in farm/forest deferral

⁴ Resource use, as relevant here, refers to those uses specifically identified for protection under Goals 3 and 4 and the implementing rules:

- For Goal 3: “Farm use” as defined in ORS 215.203(2)(a), which includes growing crops, raising animals, and other agricultural activities.
- For Goal 4: “Forest operations or forest practices” as described in OAR 660-006-0025(2)(a), including the propagation or harvesting of forest products.

The Padens find the following distinct characteristics of the adjacent land to render resource use of the Site impracticable: (a) proximity to an existing exception area, (b) parcelization/development, (c) drift of sprayed pesticides/herbicides, (d) unavailability of water, (e) transportation system impacts, and (f) the infeasibility of farming the Site.

a) Proximity to an Existing Exception Area - The Site (along its southeast border) touches the Firwood School Exception Area. The County adopted this exception in 1980, pursuant to a Final Order that read in material part as follows:

This 480-acre area is located southeast of Sandy along Hwy 26 and Firwood. The area has 150 parcels. There are 133 ownerships of which 105 are 0 to 5 acres, 21 are 5 to 10 acres, 7 are 10 to 20 acres, and 0 are over 100 acres in size. Average parcel size is 3.20 acre, and average ownership size is 3.61 acres. The 108 dwelling units in this area average over per 4.44 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 20% class II, 50% class III, 20% class IV, and 10% class VI-VII. The soil suitability for Douglas fir is 95% Class II, and 5% class III. The suitability of the soil for septic systems is 85% suitable, 10% marginal, and 5% unsuitable.

This intensity of use and development next to the Site tends to decrease the practicability of farm use thereon.

b) Parcelization/Development - The Applicant accepts the case law guidance that the number and size of adjacent parcels, alone, may not evidence impracticability of resource use of the Site. That said, a few considerations show that size of the adjacent parcels relates to such practicability. First off, were parcel size irrelevant to the practicability of undertaking farm use, then LCDC would not mandate statewide a minimum 80-acre size for any EFU-zoned parcel.

Beyond that, we note the following comments from 1,000 Friends of Oregon:⁵

[M]inimum lot sizes are intended to maintain sufficiently-sized tracts of farmland to ensure the continued viability of agriculture in each region.

* * *

⁵ *Death by 1000 Cuts - The Erosion of Oregon's Exclusive Farm Use Zone*, pp.13 & 15 (excerpted at Attachment K hereto).

Agricultural producers that utilize the services of and support of such businesses in a given area make up the critical mass. Once the critical mass slips below a certain threshold — typically when there are fewer farms — the area will no longer be profitable, so the agricultural businesses leave, reducing the number of resources available to farmers.

We assert this as evidence that a relatively high density of parcels and land improvements near a farm tends to reduce the practicability of crop production.

Lastly, the memo from land use planning expert Peter Finley Fry, Attachment I hereto, describes how parcelization/development of adjacent land tends to reduce the practicability of farming the Site.

- c) **Pesticide/Herbicide Drift** – As described in *Anderson v. Coos County*, 51 Or LUBA 454, 474 (2006), LUBA has acknowledged that concerns over pesticide and herbicide drift from adjacent farms may be legitimate and relevant in evaluating potential conflicts between resource and non-resource uses. Dr. Fry's memo, Attachment I, hereto, describes how the need to use such chemicals tends to reduce the practicability of farming the Site.
- d) **Unavailability of Water for Irrigation** - As described in the memo from water law expert Sarah Liljefelt, Attachment J, hereto, water use on adjacent parcels and water availability on the Site tend to render farm use of the latter impracticable. See *FOLC v. Linn Co.* (2003) (acknowledging that the lack of a right to draw sufficient water from a well on the property could tend to render farm or forest use impracticable).
- e) **Transportation System Impacts** - As described in the attached memo from transportation systems expert Chris Clemow, Attachment H, hereto, use and development on adjacent parcels tend to render farm use of the Site impracticable.
- f) **For a Farm Operation to be Profitable** on a parcel the size of the Site (approximately 15 acres), would require high-value crops. Such crops would, in turn, require security. Yet, existing zoning prohibits the obvious way to provide such security (a dwelling).

To summarize, the County allowed use/development of adjacent land in a manner that conflicts materially with zoned use of the Site. Uses undertaken on adjacent land render resource use of the Site impracticable.

Regarding subsections (b) and (c), the site does not have enough supply to harvest forest products from it as specified in OAR 660-033-0120 and would be hard to categorize as forest land due to the limited quantity of trees.

OAR 660-004-0028(4):

A conclusion that an exception area is irrevocably committed shall be supported by findings of fact that address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area.

FINDING

This provision does not constitute a criterion for evaluation of the Application; rather simply identifies criteria that do apply.

OAR 660-004-0028(6):

(a) *Existing adjacent uses;*

FINDING

We describe above, in response to OAR 660-004-0028(3), uses of adjacent land. In short on our observations, these parcels contain single family homes and are not being used as farmland. The site also touches another RRFF-5 exception area.

(b) *Existing public facilities and services (water and sewer lines, etc.);*

FINDING

"The focus of OAR 660-004-0028(6)(b) is on whether existing public facilities and services on or near the subject property commit the subject property to non-resource uses, not on whether public facilities and services are available to serve the proposed non-resource uses." *Gordon*, 54 Or LUBA 351 at 362; see also *Friends of Linn County v. Linn County*, 53 Or LUBA 420, 435 (2007).

Pursuant to Goal 11, public water and sanitary sewer services are generally prohibited outside of a UGB (the closest of which lies about two miles from the Site).

As noted above, the concentration of wells within the area around the Site diminish the sufficiency of water needed for farming.

(c) *Parcel size and ownership patterns of the exception area and adjacent lands:*

FINDING

We describe above at length, in response to OAR 660-004-0028(3), how parcelization, use, and development on adjacent lands render resource use of the Site impracticable.

(A) *Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the goals were made at the time of partitioning or subdivision. Past land divisions made without application of the goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors makes unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created and uses approved pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for the subject parcels or land adjoining those parcels.*

FINDING

This provision does not set forth a criterion applicable to the Application. Rather, it includes a submittal requirement – “analysis of how the existing development pattern came about and whether findings against the goals were made at the time of partitioning or subdivision” – and sets forth context in which the criteria of OAR 660-004-0028 apply.

(B) *Existing parcel sizes and contiguous ownerships shall be considered together in relation to the land’s actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations;*

FINDING

Like subsection (A) above, this provision sets forth context in which the County is apply the criteria set forth in OAR 660-004-0028, rather than a distinct criterion applicable herein. With reference to the Vicinity Map (Attachment C) and Characteristics of Vicinity Parcels Table (Attachment D), the Applicant observes that none of the adjacent parcels adjoin another parcel in common ownership.

(d) *Neighborhood and regional characteristics;*

FINDING

As noted above in response to OAR 660-004-0028(2)(a), the Site touches an existing exception area dating to the 1980's. Its characteristics clearly relate to the practicability of resource use of the Site.

To reiterate, those characteristics consist of the following:

This 480-acre area is located southeast of Sandy along Hwy 26 and Firwood. The area has 150 parcels. There are 133 ownerships of which 105 are 0 to 5 acres, 21 are 5 to 10 acres, 7 are 10 to 20 acres, and 0 are over 100 acres in size. Average parcel size is 3.20 acre, and average ownership size is 3.61 aces. The 108 dwelling units in this area average over per 4.44 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 20% class II, 50% class III, 20% class IV, and 10% class VI-VII. The soil suitability for Douglas fir is 95% Class II, and %% class III. The suitability of the soil for septic systems is 85% suitable, 10% marginal, and 5% unsuitable.

(e) *Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area.*

FINDING

As noted above, the Site sits immediately south of Allgeier Road, but such impediments do not appear to affect practicability of resource use.

(f) *Physical development according to OAR 660-004-0025;*

FINDING

As described above with reference to the Vicinity Map (Attachment C) and Characteristics of Vicinity Parcels Table (Attachment D), no less than sixteen of the twenty adjacent parcels are physically developed with improvements that support nonresource use of the land.

(g) *Other relevant factors.*

FINDING

We are aware of no other factors that bear upon the practicability of resource use of the Site.

(7) *The evidence submitted to support any committed exception shall, at a minimum, include a current map or aerial photograph that shows the exception area and adjoining lands, and any other means needed to convey information about the factors set forth in this rule. For example, a local government may use tables, charts, summaries, or narratives to supplement the maps or photos. The applicable factors set forth in section (6) of this rule shall be shown on the map or aerial photograph.*

FINDING

This provision sets forth no yardstick against which to measure the proposed goal exception. Rather, it describes information that an applicant is to submit. The Applicants reference such information (maps, aerial, and text information of the Site and adjacent land) above and attach it hereto.

Goal 3: Agricultural Lands

Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

FINDING

The County implements this Goal through Agriculture Policies 4.NN.1.1, *et.seq.*, set forth in the Comp Plan, which the Applicants address above.

Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

FINDING

The site is not within a forest.

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

Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

FINDING

The requested amendment does not affect open space, scenic or historic areas, or natural resource as there are none within the vicinity.

Goal 6: Air, Water and Land Resources Quality

This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

FINDING

Please see the findings above proposed for Comp Plan Chapter 3 – Natural Resources and Energy. The proposed amendment would not have adverse impacts on the surrounding air, water, and land quality.

Goal 7: Areas Subject To Natural Disasters and Hazards

Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

FINDING

The site is not within a natural disaster or hazard zone.

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Goal 8: Recreation Needs

This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

FINDING

The site is not in or near a recreational area. The site is not large enough or situated in a place that would allow or support a destination resort.

Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

FINDING

The requested amendment would not have an economic impact on the surrounding community.

Goal 10: Housing

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

FINDING

The amendment would allow up to three dwelling units.

Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

FINDING

Development of the Site would require no public sewer or water (which are unavailable, regardless). The possible dwelling units would have no measurable impact on law enforcement or fire protection.

Goal 12: Transportation

The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

FINDING

ZDO 1202.03.C&D, with which the Applicants demonstrate compliance below, fully implements this goal.

Goal 13: Energy

Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

FINDING

This goal is not applicable to this application as the goal applies to regional form.

Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

FINDING

Because allowed future development would neither be urban in intensity nor demand urban services to an extent that would drive urbanization, this goal is inapplicable.

Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

FINDING

This goal is inapplicable as the Site is not on or near the Willamette River.

Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units."

FINDING

This goal is inapplicable as the site is not on or near an estuary.

Goal 17: Coastal Shorelands

The goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water related" uses.

FINDING

This goal is inapplicable as the site is not on or near the coast.

Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

FINDING

This goal is inapplicable as the site is not on or near beaches or dunes.

Goal 19: Ocean Resources

Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

FINDING

This goal is inapplicable as the site is not on or near the ocean.

C. Clackamas County ZDO

316: Urban and Rural Residential Districts **316.04 Dimension Standards**

A. General: *Dimensional standards applicable in the rural and future urban residential zoning districts are listed in Table 316-2, Dimensional Standards in the Rural Residential and Future Urban Residential Zoning Districts.*

FINDING

Table 316-2 sets forth the following dimensional standards applicable in the RRF5 zone. As depicted in the Characteristics of Vicinity Parcels Table (Attachment D, hereto), the Site complies with those standards.

400: Exclusive Farm Use (EFU)

401.01 PURPOSE

Section 401 is adopted to implement the policies of the Comprehensive Plan for Agriculture areas.

Agriculture areas are those of predominantly Class I through IV soils as identified by the United States Natural Resources Conservation Service or as identified in more detailed data; and other lands that are suitable for farm use due to soil fertility, suitability for grazing, climatic conditions, existing or future potential for irrigation, land use patterns, or accepted farming practices or are necessary to permit farming practices to be undertaken on adjacent or nearby lands.

FINDING

This provision does not constitute a criterion for evaluation of the Application; rather simply provides context for application of the criteria.

1202: Zone Changes

1202.03 General Approval Criteria

II. Zone Change

1202.03 GENERAL APPROVAL CRITERIA

A zone change requires review as a Type III or IV application pursuant to Section 1307, Procedures, and shall be subject to the following standards and criteria:

A. *The proposed zone change is consistent with the applicable goals and policies of the Comprehensive Plan.*

FINDING

The County implements the Rural Residential Farm and Forest plan designation exclusively through the Rural Residential Farm and Forest zone.

B. *If development under the proposed zoning district designation has a need for any of the following public services, the need can be accommodated with the implementation of the applicable service provider's existing capital improvement plan:*

FINDING

As described in the attached memo from land use planning expert Peter Finley Fry, development under the proposed zoning district is not reasonably expected to generate need for any of the listed public services. Applicant has obtained a Preliminary Statement of Feasibility from Clackamas County Department of Transportation and Development, Transportation Engineering Division, attached hereto as Attachment L.

C. *The transportation system is adequate and will remain adequate with approval of the proposed zone change. For the purpose of this criterion:*

- 1.** *Adequate means a maximum volume-to-capacity ratio (v/c), or a minimum level of service (LOS), as established by Comprehensive Plan Tables 5-2a, Motor Vehicle Capacity Evaluation Standards for the Urban Area, and 5-2b, Motor Vehicle Capacity Evaluation Standards for the Rural Area.*
- 2.** *The evaluation of transportation system adequacy shall be conducted pursuant to the Transportation Planning Rule (Oregon Administrative Rules 660-012- 0060).*
- 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.** *The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards.*
- 5.** *The adequacy standards shall apply to all roadways and intersections within the impact area of the proposed zone change. The impact area*

shall be identified pursuant to the Clackamas County Roadway Standards.

- 6.** *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.*
- 7.** *Notwithstanding Subsections 1202.03(C)(4) through (6), motor vehicle capacity calculation methodology, impact area identification, and transportation impact study requirements are established by the ODOT Transportation Analysis Procedures Manual for roadways and intersections under the jurisdiction of the State of Oregon.*

FINDING

As described in the attached memo from transportation systems expert Chris Clemow, the facilities serving the Site are adequate to accommodate the level of development anticipated to result from the proposed zone change.

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

FINDING

As described in Mr. Clemow's memo, the facilities serving the Site are adequate to accommodate safe operation at the level of development anticipated by the proposed zone change.

III. Summary and Conclusion

Based upon the foregoing narrative and cited attachment, the Application complies with each applicable criterion, so warrants approval.

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Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



Soils Assessment Submittal Form

Soils Professional Information

Soils professional*: Gary A. Kitzrow Certification number: 1741

Property Information

Person who requested soils assessment: Michael Paden

Mailing address: 11000 SE 121st Ct. Happy Valley, OR 97086

Email address: mikepaden@comcast.net Telephone number: (503) 698-4071

Property owner (if different): _____

Property address (if different): 40822 SE Allgeier Rd. Sandy, Oregon 97055

County: Clackamas Township: 2 E Range: 5 E Section: 3 B

Tax lot(s): 200 Parcel Acreage: 14.7 Acres Evaluated: 14.7

Comprehensive Plan designation: 2 Zone: EFu

Proposed land use action: Complete one Non Farm Dwelling

The soils professional must submit an electronic copy of the soils assessment together with this form to Hilary Foote, Farm and Forest Lands Specialist, at the above address. The person requesting the soils assessment or the property owner must submit a check for a non-refundable administrative fee of \$625 made out to the Department of Land Conservation and Development, to Hilary Foote, at the same address.

Soils assessments must be consistent with the Soils Assessment Report Requirements and will be checked for completeness and be subject to audits as described in OAR 660-033-0030(9). Some soils assessments will additionally be subject to review and field checks by a DLCD-contracted soils professional as described in OAR 660-033-0030(9). Property owners and soils professionals will be notified of any negative reviews or field checks. Soils assessments will not be released to local governments without submittal of a signed release form by the property owner and person who requested the soils assessment; however, when released, any negative reviews or field checks will accompany the soils assessments.

The department and the Land Conservation and Development Commission will not be held liable for non-performance or information that is contained in soils assessments, or for negative reviews, field checks or audits of soils assessments. For the protection of the department and commission, we ask that you read and sign the following authorization and disclaimer:

I hereby expressly give my consent, should I be notified by the department that the submitted soils assessment for my property is selected for a review and field check, to authorize timely

access to my property by a DLCD-contracted soils professional to perform a field check to corroborate the information provided in the submitted soils assessment. I understand that failure to authorize access to the property may result in a negative review.

I hereby waive my right to pursue a claim for relief or cause of action alleging injury from the content of soils assessments or from any negative reviews, field checks or audits conducted by the department and any and all soils professionals used by the department under OAR 660-033-0030(5) and (9). I hold these entities harmless and release them from liability for any injury or damage that may occur in conjunction with the submitted soils assessment.

In exchange for the department's review of this submittal under the soils assessment program, I expressly agree to forever waive and give up all claims, suits, actions, proceedings, losses, damages, liabilities, awards and costs of every kind and description, including any and all federal and state claims, reasonable attorney's fees, and expenses at trial (collectively "claims") which I have or may have a right to bring against any agency, department, the state, or their agents, officials or employees arising out of or related to my participation and performance in the soil assessment program, including but not limited to claims for mistake or negligence of the department, the state of Oregon, and their officers, employees and agents. I further agree that the provisions of this Liability Waiver and Release from Federal and State Claims shall be effective and binding upon my heirs, executors, administrators, successors, assigns, beneficiaries, or delegates and shall inure to the benefit of the department, the State of Oregon, and their officers, employees and agents.

Michael Paden

03/04/2025

Person who requested soils assessment

Date

Property owner (if different)

Date

In addition to agreeing to the above, I hereby certify that the attached soils assessment that I performed for the property identified on this form is soundly and scientifically based and meets the reporting requirements established by the department.

[Signature]
Soils professional

3/3/25
Date

* Must be from the posted list of qualified soils professionals at:
<https://www.oregon.gov/lcd/FF/Pages/Soils-Assessment.aspx>



Soils Assessment Submittal Form - 2 of 2



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



Soils Assessment Release Form

Soils Professional Information

Soils professional*: Gary A. Kitzrow Certification number: 1741

Date of submittal of soils assessment to department: March 18, 2025

Property Information

Person who requested soils assessment: Michael Paden

Mailing address: 11000 SE 121st Ct. Happy Valley, OR 97055

Email address: mikepaden@comcast.net Telephone number: (503) 757-8501

Property owner (if different): _____

Property address (if different): _____

County: Clackamas Township: 25 Range: 5E Section: 31B

Tax lot(s): 200 Parcel Acreage: 14.77 Acres Evaluated: 14.77

Comprehensive Plan designation: H Zone: EEW

Proposed land use action: Complete one Non-Farm Dwelling

If you would like the soils assessment for the subject property to be released to a County planning department for its consideration in a land use proceeding, please sign this form and send it to Hilary Foote at the above address, or email to: hilary.foote@state.or.us.

I hereby request that the Department of Land Conservation and Development release the soils assessment submitted to the department on the above date regarding the above-described property to the Clackamas County Planning Department, as well as any department notifications of deficiencies. I understand that any and all previous soils assessments applying to this property produced under this rule, as well as any department notifications of deficiencies in such soils assessments, will also be released to the local government.

Michael Paden
Person who requested soils assessment

03/04/2025
Date

Property owner (if different)

Date

Mike Paden- Order 1 Soil Survey Report--- Order 1 Soil Survey Report---
RE: OAR 660-033-0030

1). General Information

- a). Order 1 Soil Survey Report, Algier Rd., Sandy
- b). Mike Paden
- c). Gary A. Kitzrow, M.S., CPSC/CPSS # 1741
- d). none
- e). Clackamas
- f). T2S R 5E Sec. 31B TL# 200
- g). EFU
- h). non-farm dwelling
- i). 14.77 acres; 14.77 acres.
- j). complete an Order I Soil Survey for the complete lot of record cited above to determine if a preponderance of the parcel is comprised Non-High Value soils. The objective of the inventory is to qualify a portion of the parcel for a non-farm dwelling.

2). Enclosed

- a). Scale of enclosed USDA-NRCS Soil maps: 1: 2300--USDA Soil Legend: 15B Cazadero 14.77 acs.

3). Methods

- a). We completed a total of 15 pit descriptions for the 14.77-acre study site
- b). February 29, March 8, 2025
- c). A Backhoe was used to excavate the entire study area- Field texturing was completed; Munsell color chart was used for soil colors; standard soil pH kit was used; field assessment for structure, consistence, pores, drainage class, root distribution, effective/absolute rooting depths and related morphology testing.
- d). Enclosed Is a map showing all description locations.
 - 1). 45.35686 Deg N -122.24231 Deg. W
 - 2). 45.35690 Deg N -122.24442 Deg. W
 - 3). 45.35686 Deg N -122.24231 Deg. W
 - 4). 45.35686 Deg N -122.24231 Deg. W
 - 5). 45.35686 Deg N -122.24231 Deg. W
 - 6). 45.35856 Deg N -122.24448 Deg. N
 - 7). 45.35856 Deg N -122.24448 Deg. N
 - 8). 45.35856 Deg N -122.24448 Deg. N
 - 9). 45.35856 Deg N -122.24448 Deg. N
 - 10). 45.35955 Deg N -122.2438 Deg. N
 - 11). 45.35955 Deg N -122.2438 Deg. N
 - 12). 45.35955 Deg N -122.2438 Deg. N
 - 13). 45.35955 Deg N -122.2438 Deg. N
 - 14). 45.35955 Deg N -122.2438 Deg. N
 - 15). 45.35955 Deg N -122.2438 Deg. N

- e). There are strong correlations of soil mapping units and vegetation for this study area. The upland Bull Run Variant soil is highly rutted due to the combination of imperfect drainage and a

Pg. 2 T2S R 5E Sec. 31B TL# 200 Order I Soil Survey

high volcanic ash content. Therefore, barren areas are noted in combination with blackberry stubble. These units are in strong contrast to the adjacent freely drained Cazadero soils which do not rut. The Cazadero areas show monocots both palatable and non-palatable. The northwest corner shows some remnant areas of old tree stumps in addition to dense blackberry. No hydrophytes are present on this property. The Delena soils have a restrictive layer at 20 to 35" on this property. These fragipans are impervious to root and water penetration thus show random monocots and facultative species including juncus.

f). No limitations were encountered to complete this Order I soil survey.

(4) Results, Findings and Decisions:

- (a) The parent materials for the property include ejecta (ash- Bull Run Variant), ejecta and old alluvium from the large mountain areas to the north (Cazadero). The prevalent Bull Run Variant soils mapped here, have been imported from the eruption of Mt Mazama coupled with moving via alluvial translocation via the Columbia River System. These compactable ash and cindery materials are aeolian and are very situational due to prevailing winds and subsequent erosion history secondary to this catastrophic event. Apparently, this pocket of Bull Run Variant has been spared from erosional patterns noted in other areas where Bull Run used to be mapped but no longer can be delineated. This determination of Bull Run on this parcel is a repeated pattern we have seen in other counties where aeolian materials have been deposited and are remnants intermixed with alluvial components such as Cazadero. Delena soils are very intermittent and are found on uplands with mixed silty parent materials. They are non-ashy but exhibit a fragipan beginning at around 3 to 4' on this subject properties. Fragipans are found at a variety of depths below the earths' surface. This finding is always variable and typically unpredictable. The shallower the depth to this cement, the poorer the *Soil Capability Class*. The depth to these restrictive layers is a function of the local climate, disturbance history and geologic conditions. Cementation is a physical chemistry process whereby silica is dissolved into a state which dries and re-cements sand and other particles together. Fragipans, such as confirmed on this subject property are transient (unlike Duripans) but nonetheless, impede downward percolation of water and roots. These soils are very specific in that they have an increase in silt and sand contents and measurably less clay. The sand and drying patterns have led to the development of the fragipan. Bedrock geology is not a factor in the soil make-up on this parcel. Colluvial processes in conjunction with residuum and eject govern the development and morphology of all soils present.
- (b) The landforms found within this property include high terraces and planar uplands but not mountaineous positions as typical for modal Cazadero soils. True mountain landscapes occur beginning about 5 miles to the south and to the east. The current study property is very transitional in make-up. It is not comprised of true farmland landscapes nor true mountains but areas showing properties of both. Unlike modal Cazadero soil units, the current study site shows soils of variable morphologies, genesis and maturity. True Cazadero soil areas exhibit soils which are extremely red, heavy clay textures and extreme maturity since they are Ultisols. The current parcel shows pockets of red soils (but not as red as true Cazadero), coupled with browner soils (Bull Run and Dalena Variants) and NO clay textures in the 'Cazadero' mapping unit areas. This is very

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diagnostic as to the transitional nature of the general area and testimony to the transitional nature of the landforms. The slope shapes on the parcel are planar convex on the Bull Run Variant units, planar concave on the Delena Variant unit. For this property, the landforms are diagnostic. The Bull Run soil areas consistently present with positions which have convexity in the landform shape. Conversely, the Cazadero soil mapping unit is in direct contrast and is found on planar positions which exhibit a slight concave to undulating attribute. Most Bull Run soil units in W Oregon have overt or definable convex attributes; the Bull Run Variant does not. Slopes are less than 5% on all portions of the study area. Regarding landforms on this parcel, the most diagnostic indicator of a lack of hillslope condition is the lack of red soils (Rhodo) AND the lack of clay within the Cazadero profiles. Overall, this specific lot is not a good representation of the Cazadero soil regime based upon the presence of other soils and the lack of freely drained, very red clayey soils on portions of this lot.

- (c) A primary drainageway (Sandy River) is noted about 4 miles north of the study area. This perennial drain is fish bearing and is part of a major river system feeding into the Columbia River. Current soil water tables at the time of our visit were greater than 4 feet for the Cazadero mapping units and less than 4' for the Bull Run Variant and Delena Variant mapping units. The Delena Variant soil on this parcel differs from the modal or Central Concept Delena soil unit since this unit is somewhat poorly drained on this specific parcel yet the fragipan begins at the typical elevation for Delena. The microrelief adjoining has aided slightly in facilitating internal drainage. Nonetheless, this soil remains Non-High Value Class 4.

- (d) Our Order I Soil Survey confirms Bull Run Variant (10C) is a dominant map unit along with pockets of Cazadero (15B) to make a preponderance of the land base. A narrow majority (52.1%) or 7.70 acres is comprised of Non-High Value soils. The suited 15B Cazadero mapping unit (27B) constitutes 47.7% of the parcel (7.07Ac.) This is a minority of the land base.

Previous USDA: soil mapping units 15B Cazadero 14.77 acs.

GROWING SOILS Order I Soil Survey: See the enclosed Order I Soil Map

- (5) Summary and Conclusions:

The purpose of the study was to complete a site-specific soil survey with enough accuracy to predict each soil mapping unit found on the subject property down to about .37 acres. Based upon the field analysis, we confirmed a majority (preponderance) of the legal lot of record is comprised of Capability Class 6 Bull Run Variant (15B) soils combined with the Class 4 Delena Variant mapping unit both of which, are Non-High Value. Cazadero is a High Value farm soil and comprises almost 50% of the land base. The report and our findings confirm that although these units may produce grass crops, the infertile nature of the ash for the Bull Run Variant soil unit (sterile, amorphous and hydrophobic) have been assigned Capability Class 6 ratings along with the Delena Variant (Class 4 Non-High Value) has a restrictive layer within 3 to 3.5' from the earth surface. These poorly performing soils contrast the Class 2 Cazadero soils. It is important to note however, NO modal Cazadero whatsoever are present on the subject property due to four factors: 1). No very red soils; 2). No clay textures; 3). No Ultisol taxonomy; 4). Weak to no argillic horizons. All 'Cazadero' pedons are fine loamy in family (except in Bull Run Variant areas where they are medial. Cazadero soils have good fertility, can be cultivated easily due to low ash contents, and have good water holding capacities during the critical time of the growing season.

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A preponderance of 52.1% or 7.70 Acs. of the subject parcel is comprised of Non-High Value soils. High Value farm soils comprise a minority of this ownership.

- (5) References: Official Soil Series Descriptions USDA NRCS- Bull Run Variant, Cazadero series, Delena Variant series.
 - Soil Survey Report, Clackamas County, Oregon
 - Soil Taxonomy, USDA-NRCS
 - Soil Survey Manual, USDA
- (6) Attachments:
 - (a) Vicinity Map
 - (b) NRCS Soil Map for property
 - (c) Site Condition map
 - (d) Topography map outlining the subject property
 - (e) Assessor's map outlining the study parcel
 - (f) Revised Order I Soil Map
 - (g) Soil Profile descriptions
- (7) Representative Soil profile descriptions -typifying pedons for Bull Run Variant, Cazadero series, Delena Variant series.

Vicinity Map

T2S R.5E Sec. 31B TL# 200

Paden





United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **Clackamas County Area, Oregon**



March 12, 2025

Custom Soil Resource Report
Soil Map



Custom Soil Resource Report

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
15B	Cazadero silty clay loam, 0 to 7 percent slopes	14.8	100.0%
Totals for Area of Interest		14.8	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Custom Soil Resource Report

s shows that the soil is limited mainly because it is shallow, droughty, or stony; and c, used in only some parts of the United States, shows that the chief limitation is climate that is very cold or very dry.

In class 1 there are no subclasses because the soils of this class have few limitations. Class 5 contains only the subclasses indicated by w, s, or c because the soils in class 5 are subject to little or no erosion.

Report—Land Capability Classification

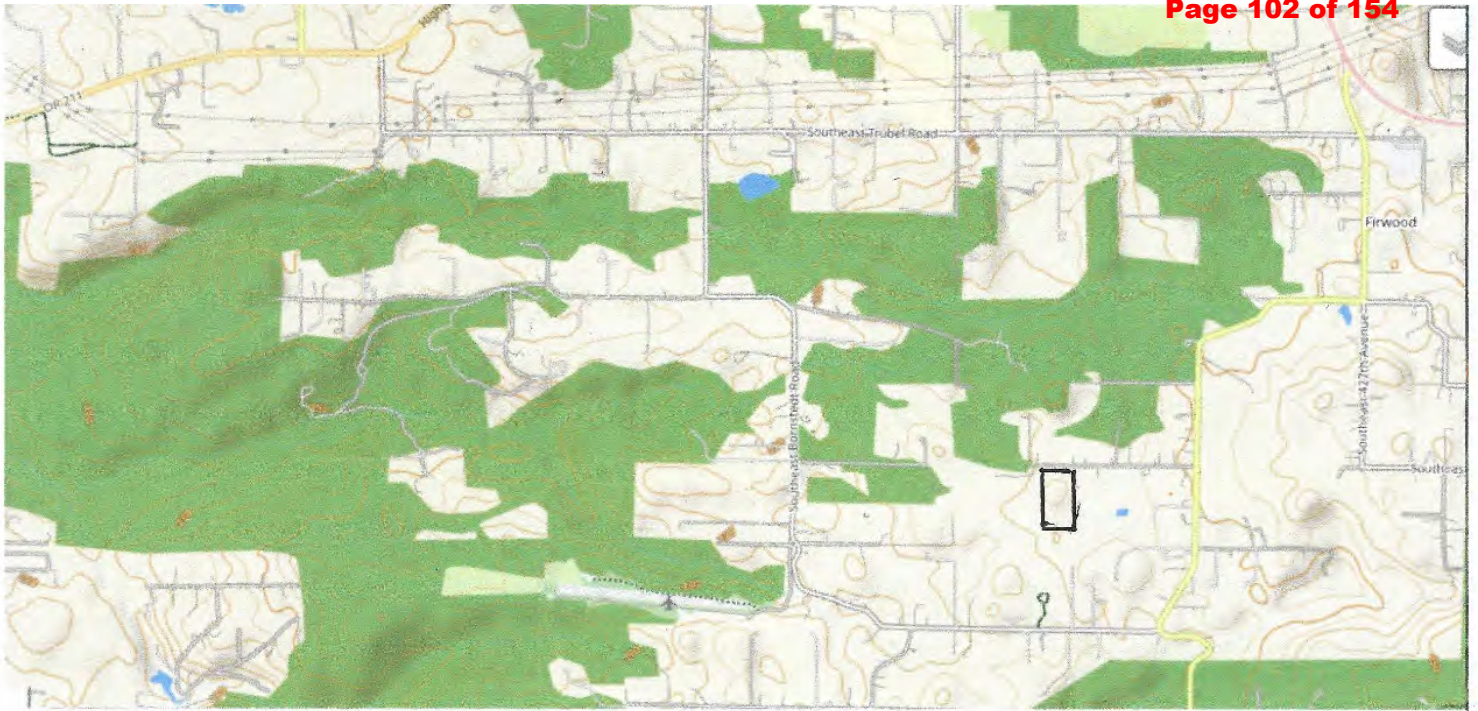
Land Capability Classification—Clackamas County Area, Oregon				
Map unit symbol and name	Pct. of map unit	Component name	Land Capability Subclass	
			Nonirrigated	Irrigated
15B—Cazadero silty clay loam, 0 to 7 percent slopes				
	85	Cazadero	2e	—

Site Condition Map

T2S R 5E Sec. 31B TL# 200

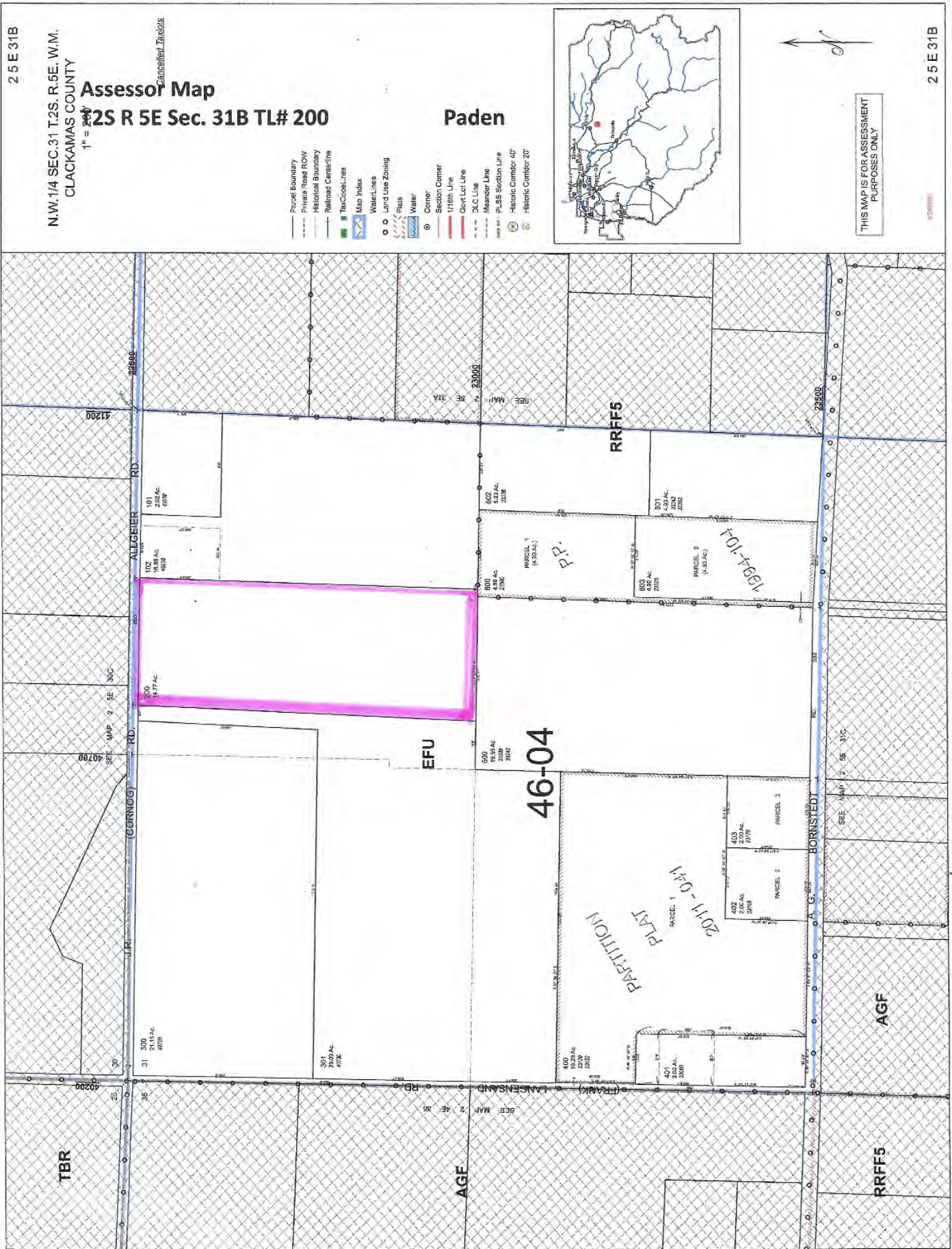
Paden





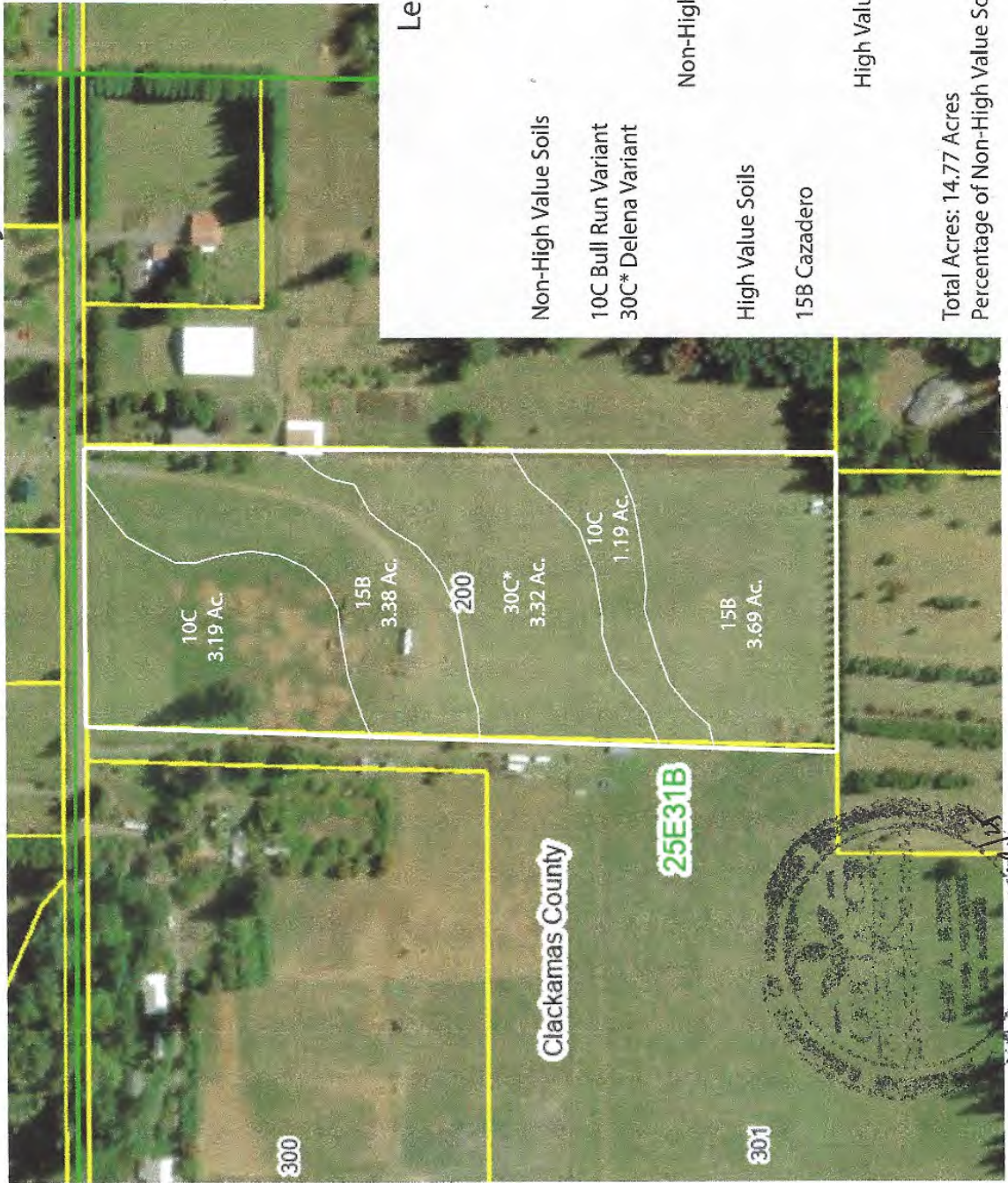
Topography Map
T2S R 5E Sec. 31B TL# 200

Paden



Paden Property Algier Rd Sandy, Oregon T2S R5E Sec. 31B TL#200

Order 1 Soil Survey



Legend

Capability Class Acreage

Non-High Value Soils

10C Bull Run Variant (6) = 4.38 Acres
 30C* Delena Variant (4) = 3.32 Acres

Non-High Value Soils = 7.70 Acres

High Value Soils

15B Cazadero (2) = 7.07 Acres

High Value Soils = 7.07 Acres

Total Acres: 14.77 Acres

Percentage of Non-High Value Soils: 52.1%

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SOIL PROFILE DOCUMENTATION SHEET

Job Name Paden / Algier Rd Date 2/29/15 Preparer Kitzrow
Stop # 1 Location extreme SE corner
GPS Coordinates see report
Slope < 1 Elevation — Landform uplands / planar
Geology/Genesis colluvium
Vegetation monocots, grazable turf, HBB, introduced
String HV Grain Seguoia
Soil

BRIEF PROFILE DESCRIPTION

Horiz	Depth	Moist	Mott	Text	Struct	Frag	Ball	Rib-	Con-	Andic	Indur	Sat
		Color		Clay%			Hold	bon	sist	Smear	Cem	Intake
A1	0-6	7.5YR ³ / ₃	θ	sil	2 ^f gr	<10	cm 1-2 yes	1"	fr	θ	θ ^{x=}	mod
AB	6-9	7.5YR ³ / ₃	θ	sil	1mf gr		cm yes	1 1/2"	fr	θ	θ ^{x=}	mod
B	9-15	7.5YR ⁴ / ₃	θ	L	1cm SBK		yes	2"	fi	θ	θ ^{x=}	mod
Bt ₁	15-28	5YR ⁵ / ₆	θ	L	1mf SPK		yes	1"	vf	θ	θ ^{x=}	mod
Bt ₂	28-50	5YR ⁵ / ₆	θ	L	↓		yes	1 1/2"	vf	θ	θ ^{x=}	mod

CR 50" + "Atypical brownish" X=

Remarks ⊖ Fine Family excellent soil!
⊖ Rhodic
horizon moderately deep

Capability Class 2 Suitability = Gen. suited Gen. unsuited WHC = >2" <2"

Classification Fine/fil./mesic Pale udults Family Fine-lo
Soil Drainage Class WD Soil Erodibility Index .25-.29 Series Cazadero
Hydrologic Group A Depth to Mottles θ Effective Rooting Depth —
Depth Current Water Table > 6' Est Depth Seasonal High Water Table > 4'
Runoff Potential Low due to Freely drained
Flooding Potential θ Wetland Conditions θ

No clays ⊖ 2.5YR
No silty clay

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Great soil!

SOIL PROFILE DOCUMENTATION SHEET

Job Name Paden Date 2/29/25 Preparer Kitzrow
Stop # (2) Location SW extreme corner
GPS Coordinates see report
Slope <1 Elevation _____ Landform uplands, planar convex
Geology/Genesis colluvium
Vegetation monocots, grazable turf, HBB, SS, HBB, sals

BRIEF PROFILE DESCRIPTION

Horiz	Depth	Moist	Mott	Text	Struct	Frag	Ball	Rib-	Con-	Andic	Indur	Sat
		Color		Clay%			Hold	bon	sist	Smear	Cem	Intake
A ₁	0-4	7.5YR ^{3/3} θ	S.L	2f	gr	<10	cm 1-2	yes	1"	fr	θ	θ x= mod
AB	4-10	7.5YR ^{4/3} θ	S.L	1m	SBK		cm	yes	2"	fr	θ	θ x= mod
BA	10-14	5YR ^{5/4} θ	L	1cm	SBK			yes	1 1/2"	fi	θ	θ x= mod
B ₁	14-36	5YR ^{5/4} θ	L	1m f	SBK			yes	1"	vf	θ	θ x= mod
B ₂	36-60	5YR ^{5/6} θ	HL	1m f	SBK			yes	2"	vf	θ	θ x= mod

Remarks

① Fine Family

① Rhodic

① Strong High value soil

Capability Class 2 Suitability = Gen. suited Gen. unsuited WHC = >2" <2"

Classification fine/filo, mixed, mesic Paleudults Family Fine
Soil Drainage Class WD Soil Erodibility Index .25-.29 Series Cazadero
Hydrologic Group A Depth to Mottles θ Effective Rooting Depth _____
Depth Current Water Table >6' Est Depth Seasonal High Water Table >4'
Runoff Potential Low due to Freely drained
Flooding Potential θ Wetland Conditions θ

Loamy

Transition Area

SOIL PROFILE DOCUMENTATION SHEET

Job Name Aden/Sandy Date 2/29/25 Preparer Kitzrow
Stop # (3) Location South central Area
GPS Coordinates see report - DCGD
Slope 1-1.5 Elevation — Landform wetlands - planar
Geology/Genesis colluvium - some slight Ash intrusion
Vegetation manacots, grazable turf, HBB, trace of salal

BRIEF PROFILE DESCRIPTION

⊖ undulations

Horiz	Depth	Moist Color	Mott	Text Clay%	Struct	Frag	Ball Hold	Rib- bon	Con- sist	Andic Smear	Indur Cem	Sat Intake
A/	0-8	7.5YR ³ /3	⊖	S: L	2 f gr	<10	cm 1-2	yes 1 1/2	vfr	⊖ wk	⊖	x= mod
AB	8-14	7.5YR ⁴ /3	⊖	S: L	2 fm gr		cm	yes	vfr	⊖	⊖	x= mod
BAT	14-18	7.5YR ⁴ /4	⊖	r: L	1 cm SBK			yes	vfr	⊖	⊖	x= mod
Bt	18-40	5YR ⁵ /4	⊖	S: CL	1 mt SBK			yes	vfr	⊖	⊖	x= mod
Bt	40-52	5YR ⁵ /6	⊖	S: CL				yes 2 1/2	fi	⊖	⊖	x= mod slow

Remarks Slight medial properties, is siped m
⊖ Fine Family
⊖ Rhodic
Border Fine Silty

Capability Class 2 Suitability = Gen. suited Gen. unsuited WHC = >2" <2"

Classification filo, mid Mollie Palexerult or mollisol Family Fine/Fine lo
Soil Drainage Class WD Soil Erodibility Index .25-.29 Series Cazadero
Hydrologic Group A Depth to Mottles 0 Effective Rooting Depth 14"
Depth Current Water Table >6' Est Depth Seasonal High Water Table >4'
Runoff Potential Low due to Freely drained
Flooding Potential ⊖ Wetland Conditions ⊖

Weak utilisol
low den
Mollisol

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off drained

SOIL PROFILE DOCUMENTATION SHEET

Job Name Padon/Algier Rd Date 3/8/25 Preparer Kitzrow
Stop # 4 Location SW corner
GPS Coordinates see report D6CD
Slope <1 Elevation — Landform upland/transition-planar concave
Geology/Genesis ejecta, fine ash
Vegetation bare areas, isolated Juncus, WRC, DF stumps

BRIEF PROFILE DESCRIPTION

Horiz	Depth	Moist	Mott	Text	Struct	Frag	Ball	Rib-	Con-	Andic	Indur	Sat
		Color		Clay%			Hold	bon	sist	Smear	Cem	Intake
A	0-6	10YR 2/2	+	S.L		<10	cm L ²	yes	1"	vfr	mod	0 x= mod
AB	6-12	10YR 3/2	+	S.L		<10	cm L	yes	1 1/4"	vfr	mod	0 x= mod
AB ₂	12-15	10YR 4/3	+	S.L	+	<10	1 1/2 cm	yes	1"	fr	WK	0 x= mod
BW	15-30	7.5YR 3/4	1D	S.L	≥	12	yes	1 1/2"	fi	0	0 x= mod	slow
BC	30-41	7.5YR 4/1	F	S.L	15	soft	yes	1"	ufi	0	0 x= mod	slow
C	41-48	10YR 5/4	1D	L	10	soft	yes	1"	vfi	0	0 x= mod	slow

Remarks CR = 48" + ⊕ Non-High Value
⊕ Imperfectly drained
⊗ Not Very Deep but deep

Capability Class — Suitability = Gen. suited Gen. unsuited WHC = >2" <2"

Classification Medial, amorphic Fulvulands Family medial
Soil Drainage Class SWPD Soil Erodibility Index .28-.34 Series Bell Run variant
Hydrologic Group B Depth to Mottles — Effective Rooting Depth —
Depth Current Water Table 5-7' Est Depth Seasonal High Water Table 4'
Runoff Potential mod hi due to landscape position
Flooding Potential rare Wetland Conditions 0

medial but imperfectly drained

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SOIL PROFILE DOCUMENTATION SHEET

Job Name Paden / Algier Rd Date 2/29/25 Preparer Kitzrow
 Stop # 5 Location Extreme East central limits
 GPS Coordinates See report
 Slope <1 Elevation — Landform upland / transition - planar concave
 Geology/Genesis ejecta, fine ash
 Vegetation bare areas, isolated Juncus, ~~rose~~, DF stumps
Fac herbs - trace

BRIEF PROFILE DESCRIPTION

Horiz	Depth	Moist	Mott	Text	Struct	Frag	Ball	Rib-	Con-	Andic	Indur	Sat
		Color		Clay%			Hold	bon	sist	Smear	Cem	Intake
A ₁	0-6	10YR 2/2	+	S.L	1 fm	<10	cm L ²	yes	1"	vfr	mod	0 x= mod
A ₂	6-11	10YR 3/2	+	S.L	2 in vfr	<10	cm L	yes	1 1/4"	vfr	mod	0 x= mod
AB	11-14	10YR 4/2	+	S.L	1 c	<10	yes	1"	fi	wk	0	0 x= mod
Bw	14-30	7.5YR 4/1	D	L	1+2 soft	12	yes	1 1/2"	fi	0	0	0 x= mod slow
BC	30-48	7.5YR 4/1	F	S.L	?? soft	ip	yes	1"	fi	0	0	0 x= mod slow
C1	48+	7.5YR 5/4 (2D)	L	?	?	?	yes	1"	vfr	0	0	0 x= mod slow

Remarks ⊕ Non-High Value
⊕ Imperfectly drained

Capability Class — Suitability = Gen. suited Gen. unsuited WHC = >2" <2"

Classification Medial, amorphic Fulvulands Family medial
 Soil Drainage Class SWPP Soil Erodibility Index .28-.34 Series Bell Run variant
 Hydrologic Group B Depth to Mottles — Effective Rooting Depth —
 Depth Current Water Table 5-7' Est Depth Seasonal High Water Table 4'
 Runoff Potential mod hi due to Landscape position
 Flooding Potential rare Wetland Conditions 0

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non-mahal

SOIL PROFILE DOCUMENTATION SHEET

(+) Fragipan

Job Name Paden Date 3/8/25 Preparer Kitzen
Stop # (6) Location West edge - 250' from corner
GPS Coordinates see report
Slope 1-2 Elevation _____ Landform planar uplands
Geology/Genesis loess, ejecta over cemented substrata
Vegetation isolated juniper, HBB, bare areas,

(High 5.1t)

BRIEF PROFILE DESCRIPTION

Horiz	Depth	Moist	Mott	Text	Struct	Frag	Ball	Rib-	Con-	Andic	Indur	Sat
		Color		Clay%			Hold	bon	sist	Smear	Cem	Intake
A	0-5	10YR 3/2	0	SiL	2fm		cmL	24	fr	0	0	x=mod
AB	5-12	10YR 3/3	0	SiL	1mf		cmL	24	fi	0	0	x=mod
BW	12-18	10YR 4/3	0	SiL	2f			24	ufi	0	0	x=mod
BW2	18-21	10YR 4/4	1D	HS.L	1fm				ufi	0	0	x=mod slow
2Btx1	21-40	10YR 5/2	2D	SiCL	DNM				vhad	0	0	x=slow
2Btx2	40-56		2D	SiCL	DNM				vhad	0	0	x=slow

Remarks

Sae 2.5x border

(1) Non-High Value

(2) Moderately well drained border SWPD

(3) few Fe concretions

(4) weak fragipan features

Capability Class 4

Suitability = Gen. suited Gen. unsuited WHC = >2" <2"

Classification Fi-S, ity over Fragic Fragiaochryt Family Fi-Si

Soil Drainage Class MWD Soil Erodibility Index .27 Series Delena Variant

Hydrologic Group C Depth to Mottles 18" Effective Rooting Depth 12"

Depth Current Water Table 3' Est Depth Seasonal High Water Table 1-2'

Runoff Potential mod H₂O due to drainage class

Flooding Potential 0 Wetland Conditions 0 to 1+

Fac + Facu

ARD = ~ 25"

Growing Soils Environmental Associates

SOIL PROFILE DOCUMENTATION SHEET

Job Name Paden / Algier M Date 3/8/25 Preparer Kitzrow
 Stop # ① Location mid property (south)
 GPS Coordinates see report
 Slope 1 Elevation Landform planar uplands sl hummocky
 Geology/Genesis loess, ejaeta over cemented substrata
 Vegetation bare areas spotty monocots

BRIEF PROFILE DESCRIPTION ① Prismatic

Horiz	Depth	Moist	Mott	Text	Struct	Frag	Ball	Rib-	Con-	Andic	Indur	Sat
		Color		Clay%			Hold	bon	sist	Smear	Cem	Intake
A	0-4	10YR 3/2	θ	SiL	2fm	gr <10	cm yes 1 1/4"		fr	θ	θ	x= mod
A2	4-11	10YR 3/3	θ	SiL	1mf	gr <10	cm yes		fi	θ	θ	x= mod
BW	11-20	10YR 4/3	θ	SiL	2f	SBK <10	yes		fi	θ	θ	x= mod
BW	20-30	10YR 4/4	1D	HSiL	1fm	SBK <10	yes		ufi	θ	θ	x= mod slow
2Btx ₁	30-41	10YR 5/2	2D	(SiL) MASS	gr <10	yes	3"		vhad	θ	θ	x= slow
2Btx ₂	41f		2D	(SiL) MASS	5-15	yes	3"		vhad	θ	θ	x= slow

Remarks

- ① Non-High Value
- ② Moderately well drained
- ③ ① Prismatic structural
- ④ ⑤ Fragipan

Capability Class 4 Suitability = Gen. suited Gen. unsuited WHC = >2" <2"

Classification Fi-s, Ity over Fragic Fragiachryst Family Fi-Si
 Soil Drainage Class hwd Soil Erodibility Index 127+ Series Delena Var
 Hydrologic Group C Depth to Mottles 20" Effective Rooting Depth 11
 Depth Current Water Table 31 Est Depth Seasonal High Water Table 1-2'
 Runoff Potential mod to h due to drainage class
 Flooding Potential θ Wetland Conditions θ to 1+
Fac + Facu

$$ARD = 304$$

Growing Soils Environmental Associates

SOIL PROFILE DOCUMENTATION SHEET

① Fragipan

Job Name Paden Date 3/8/25 Preparer Ritzrow
Stop # 8 Location East central limits
GPS Coordinates see report
Slope _____ Elevation _____ Landform planar uplands
Geology/Genesis loess, ejection over cemented substrate
Vegetation _____

BRIEF PROFILE DESCRIPTION

① Pisums

Horiz	Depth	Moist	Mott	Text	Struct	Frag	Ball	Rib-	Con-	Andic	Indur	Sat
		Color		Clay%			Hold	bon	sist	Smear	Cem	Intake
A	0-6	10YR ³ / ₂	θ	SiL	2fm	<10	cm L-2	yes 2"	fr	θ	θ	x=mod
BA	6-12	10YR ³ / ₃	θ	SiL	1mf	<10	cm	yes	fi	θ	θ	x=mod
BW	12-18	10YR ⁴ / ₃	θ	SiL	2f	<10		yes	vf	θ	θ	x=mod
??	18-24	10YR ⁴ / ₄	1D	HSiL	1fm	<10		yes	vf	θ	θ	x=mod slow
2Btx ₁	24-40	10YR ⁵ / ₂	2D	SiCL	1f	<10		yes	vhad	θ	θ	x=slow
2Btx ₂	40-50		2D	SiCL	1f	5-15		yes 2"	vhad	θ	θ	x=slow

Remarks CUSCR
50"
① Non-High Value
② Moderately well drained
③ High silt - little ash
ARD ~ 30"

Capability Class 4 Suitability = Gen. suited Gen. unsuited WHC = >2" <2"

Classification Fi-silty over Fragic Fragiachryst Family Fi-Si
Soil Drainage Class hwd Soil Erodibility Index 27 Series Delena Ver.
Hydrologic Group C Depth to Mottles 24 Effective Rooting Depth 12"
Depth Current Water Table 31 Est Depth Seasonal High Water Table 1-2'
Runoff Potential mod to due to drainage class
Flooding Potential θ Wetland Conditions θ to 1+
Fac + Facu

Growing Soils Environmental Associates

SOIL PROFILE DOCUMENTATION SHEET

Job Name Paden/Algic rd Date 2/29/25 Preparer Kitzrow
Stop # 9 Location west central Bay
GPS Coordinates see report
Slope Elevation Landform uplands, convex, planar
Geology/Genesis colluvium
Vegetation monocots, grazable turf, HBB (trace), Ficus horly

BRIEF PROFILE DESCRIPTION

Horiz	Depth	Moist	Mott	Text	Struct	Frag	Ball	Rib-	Con-	Andic	Indur	Sat
		Color		Clay%			Hold	bon	sist	Smear	Cem	Intake
A1	0-8	7.5YR ^{3/3} θ	SIL	2 ⁺	gr	<10	cm 1-2	yes 1 1/2"	fr	θ	θ	x= mod
AB	8-13	5YR ^{3/3} θ	L	1m gr			cm	yes 1 1/4"	fi	θ	θ	x= mod
BW	13-23	5YR ^{4/4} θ	L	1cm	SBK			yes 2"	fi	θ	θ	x= mod
Bt	23-41	5YR ^{4/4} θ	L	1mt	SBK			yes 2"	vfi	θ	θ	x= mod
Bt	41-59	5YR ^{5/6} θ	L	1m	SBK			yes 2"	vfi	θ	θ	x= mod
												x=

Remarks ⊕ Fils Not Fils
⊖ Fine Family ARD=50"
⊖ Rhodic
→ consistent loams

Capability Class 2 Suitability = Gen. suited Gen. unsuited WHC = >2" <2"

Classification fi lo mixed mesic ultic haploxerults Family Fine/Fine loamy
Soil Drainage Class WD Soil Erodibility Index .25-.29 Series Cazadero
Hydrologic Group A Depth to Mottles θ Effective Rooting Depth
Depth Current Water Table >6' Est Depth Seasonal High Water Table >4'
Runoff Potential Low due to Freely drained
Flooding Potential θ Wetland Conditions θ

redder than further south

Growing Soils Environmental Associates

SOIL PROFILE DOCUMENTATION SHEET

Job Name Paden Date 2/29/25 Preparer Kitzrow
Stop # 10 Location NE 1/4 near Access Rd
GPS Coordinates see report
Slope <1 Elevation _____ Landform uplands, planar convex
Geology/Genesis dalluvium, no real ejecta
Vegetation manacots, grazable turf, HBB

BRIEF PROFILE DESCRIPTION

Horiz	Depth	Moist	Mott	Text	Struct	Frag	Ball	Rib-	Con-	Andic	Indur	Sat
		Color		Clay%			Hold	bon	sist	Smear	Cem	Intake
A	0-7	7.5YR ³ /3	θ	SIL	2 ^f gr	<10	cm 1-2 yes	1"	fr	θ	θ	x= mod
A ₂	7-13	7.5YR ⁵ /4	θ	SIL	X		cm 1-2 yes	1"	fr	θ	θ	x= mod
BW	13-22	5YR ⁴ /4	θ	L	1cm SBK		yes	2"	fr	θ	θ	x= mod
B _t	22-38	5YR ⁵ /4	θ	SIL	1mt SBK		yes	2"	vf	θ	θ	x= mod
B _t	38-54	5YR ⁵ /6	θ	CL	X		yes	(3")	fr	θ	θ	x= mod slow
												x=

Remarks ⊖ Fine Family
⊖ Rhodic

Capability Class 2 Suitability = Gen. suited Gen. unsuited WHC = >2" <2"

Classification Fil. mixed mesic Paleudults Family Fine/Fil
Soil Drainage Class WD Soil Erodibility Index .25-.29 Series Cazadero
Hydrologic Group A Depth to Mottles θ Effective Rooting Depth 13"
Depth Current Water Table >6' Est Depth Seasonal High Water Table ≥4'
Runoff Potential Low due to Freely drained
Flooding Potential θ Wetland Conditions θ

ARD = 42"

Growing Soils Environmental Associates

SOIL PROFILE DOCUMENTATION SHEET

Job Name Paden Date 2/29/15 Preparer Kitzrow
Stop # (1) Location NE Extreme Limits
GPS Coordinates see report
Slope 1-2 Elevation — Landform w/lands
Geology/Genesis colluvium - & ejecta
Vegetation monocots, grazable turf, HBB

BRIEF PROFILE DESCRIPTION

Horiz	Depth	Moist	Mott	Text	Struct	Frag	Ball	Rib-	Con-	Andic	Indur	Sat
		Color		Clay%			Hold	bon	sist	Smear	Cem	Intake
A	0-10	7.5YR ^{3/3} θ	S.L	2 f	gr	<10	yes	1 1/2"	fr	θ	θ x=	mod
A2	10-12	7.5YR ^{4/3} θ	S.L	1 m gr			yes	1 1/2"	fr	θ	θ x=	mod
BAt	12-14	5YR ^{4/4} θ	L	1 cm	Sbk		yes	2 1/4"	fr	θ	θ x=	mod
Bt	14-28	2.5YR ^{5/6} θ	HL	1 m f	Sbk		yes	2 1/4"	fr	θ	θ x=	mod
Bt	28-49	5YR ^{5/6} θ	HL	X			yes	2 1/2"	fr	θ	θ x=	mod

Remarks ⊖ medial
⊖ Fine Family
⊖ Rhodic
ARD > 40%

Capability Class 2 Suitability = Gen. suited Gen. unsuited WHC = >2" <2"

Classification Fine mixed mesic typic Paleudults Family Fine/Fine loamy
Soil Drainage Class WD Soil Erodibility Index .25-.29 Series Cazadero
Hydrologic Group A Depth to Mottles θ Effective Rooting Depth 14 1/2"
Depth Current Water Table > 6' Est Depth Seasonal High Water Table > 4'
Runoff Potential Low due to Freely drained
Flooding Potential θ Wetland Conditions θ

Growing Soils Environmental Associates

SOIL PROFILE DOCUMENTATION SHEET

transitional

Job Name Padon/Sandy Date 3/8/05 Preparer Kitzerow
Stop # 12 Location n. central extreme limit
GPS Coordinates See report
Slope <1 Elevation — Landform upland/transition-plateau
Geology/Genesis ejecta, fine ash
Vegetation bare areas, isolated Juncus, WRC, DF stumps

BRIEF PROFILE DESCRIPTION

Horiz	Depth	Moist	Mott	Text	Struct	Frag	Ball	Rib-	Con-	Andic	Indur	Sat
		Color		Clay%			Hold	bon	sist	Smear	Cem	Intake
A	0-6	10YR 2/2	+	SIL DNA	<10	yes	1"	1"	vfr	mod	+	mod
BA	6-13	10YR 3/2	+	SIL DNA	<10	yes	1"	1"	vfr	mod	+	mod
Bw	13-18	X	+	SIL gr	<10	yes	1"	1"	fi	wk	+	mod
Bw	18-24	5YR 3/4	+	SIL SBK	10	yes	1 1/2"	1"	fi	o	+	mod slow
BC	24-32	5YR 4/1D	+	SIL SBK	10	yes	1"	1"	vfr	+	+	mod slow
C1	32-50	X	10	SIL mass	10	yes	1"	1"	vfr	+	+	mod slow

Remarks

⊕ Non-High Value

⊕ Imperfectly drained

⊕ Cambic

Capability Class

Suitability = Gen. suited - Gen. unsuited

WHC = >2" <2"

Classification

Medial, amorphic Fulvulands Family medial

Soil Drainage Class

SWPP

Soil Erodibility Index

28-34

Series Bull Run variant

Hydrologic Group

B

Depth to Mottles

32"

Effective Rooting Depth

3"

Depth Current Water Table

5-7'

Est Depth Seasonal High Water Table

4'

Runoff Potential

mod hi

due to

landscape position

Flooding Potential

rare

Wetland Conditions

+

Growing Soils Environmental Associates

SOIL PROFILE DOCUMENTATION SHEET

Job Name Padon Date 2/8/25 Preparer Kitzrow
Stop # 13 Location NW corner
GPS Coordinates See report
Slope <1 Elevation — Landform upland / transition - planar concave
Geology/Genesis ejecta, fine ash, some cinders
Vegetation bare areas, isolated Juncus, WBC, DF stumps

BRIEF PROFILE DESCRIPTION

Horiz	Depth	Moist	Mott	Text	Struct	Frag	Ball	Rib-	Con-	Andic	Indur	Sat
		Color		Clay%			Hold	bon	sist	Smear	Cem	Intake
A ₁	0-6	10YR 2/2	+	S.L	1+vf	cm L-2	yes	1"	vf	mod	+	mod
A ₂	6-14	10YR 3/2	+	S.L	1fm	cm L	yes	1 1/4"	vf	mod	+	mod
BA	14-17	10YR 4/3	+	S.L		cm L	yes	1"	fr	wk	+	mod
BW	17-31	7.5YR 4/1D		SCL		cm L	yes	1 1/2"	fi	+	+	mod slow
BC	31-40	7.5YR 4/1D		S.L		cm L	yes	1"	fi	+	+	mod slow
C1	40-56	10YR 5/6	↓	S.L		cm L	yes	1"	fr	+	+	mod slow

Remarks 3 ⊕ Non-High Value
⊕ Imperfectly drained

Capability Class — Suitability = Gen. suited Gen. unsuited WHC = >2" <2"

Classification Medial, amorphic Fulvulands Family medial
Soil Drainage Class SWPP Soil Erodibility Index .28-.34 Series Bull Run Variant
Hydrologic Group B Depth to Mottles — Effective Rooting Depth —
Depth Current Water Table 5-7' Est Depth Seasonal High Water Table 4'
Runoff Potential mod hi due to landscape position
Flooding Potential rare Wetland Conditions +

Borderline taxadjunct

Strongly Imperfect Drainage Thin Solum Surface = High Bulk Density

SOIL PROFILE DOCUMENTATION SHEET

Job Name Padon / Sandy Area Date 2/29/25 Preparer Kitzerow
 Stop # 14 Location NW 1/4 old stumps former tree Area
 GPS Coordinates See report
 Slope <1 Elevation — Landform upland / transition - planar concave
 Geology/Genesis ejecta, fine ash
 Vegetation bare areas, isolated Junco, WBC, DF stumps

Strongly rutted Smearly noticeable in A1

Horiz	Depth	Moist Color	Mott Clay%	Text	Struct	Frag	Ball Hold	Rib- bon	Con- sist	Andic Smear	Indur Cem	Sat Intake
A1	0-4	10YR 2/2	0	SIL	2fgr	<10	cm L ² yes	1"	vfr	mod 2+	0	x= mod
A2	4-11	10YR 3/2	0	SIL	2fm	<10	cm L yes	1 1/4"	utr	mod 2+	0	x= mod
AB	11-15	10YR 4/4	0	SIL	imfuf	gr	<10	yes	1"	fi	wk	0 x= mod slow
BW	15-21	7.5YR 3/4	1D	C	2f	SBL	10	yes	1 1/2"	fi	0	0 x= mod slow
BC	24-47	7.5YR 4/4	1D	SIL	1m	SBL	10	yes	1"	vfi	0	0 x= mod slow
C1	44+	X	2DHCL	?	10 soft	15	yes	1"	had	0	0	x= mod slow to slow

Remarks ⊕ Non High Value
⊕ Imperfectly drained
⊕ Andic

Capability Class — Suitability = Gen. suited Gen. unsuited WHC = >2" <2"

Classification Medial, amorphic Fulvulands Family medial
 Soil Drainage Class SWPP Soil Erodibility Index 28-34 Series Bell Run Variant
 Hydrologic Group B Depth to Mottles 15 Effective Rooting Depth 11
 Depth Current Water Table 5-7' Est Depth Seasonal High Water Table 4'
 Runoff Potential mod Hi due to Landscape position
 Flooding Potential rare Wetland Conditions 0

Growing Soils Environmental Associates

SOIL PROFILE DOCUMENTATION SHEET

Job Name Paden / Alger / al Date 7/29/25 Preparer Kitzrow
 Stop # 15 Location North central
 GPS Coordinates See report
 Slope <1 Elevation — Landform inland / transition - planar concave
 Geology/Genesis ejecta, fine ash slight undulation
 Vegetation bare areas, isolated Juncus, WRC, DF stumps

rutting

BRIEF PROFILE DESCRIPTION

Horiz	Depth	Moist Color	Mott	Text Clay%	Struct	Frag	Ball Hold	Rib- bon	Con- sist	Andic Smear	Indur Cem	Sat Intake
A ₁	0-4	10YR 2/2	θ	S.L	1+ m 9r	<10	cm L-2	1"	vfr	mod	θ	x= mod
A ₂	4-17	10YR 3/2	θ	S.L	2 fm 9r	<10	cm L	1 1/4"	vfr	mod	θ	x= mod
Bw ₁	17-32	10YR 4/4	θ	S.L	2 f 5 BK	<10	yes	1"	fi	WK	θ	x= mod
Bw ₂	32-44	7.5YR 3/4	1D	(H) S.L	10	yes	1 1/2"	fi	vWK	θ	θ	x= mod slow
BC	44-52	7.5YR 4/4	1D	S.L	5	yes	1"	ufi	θ	θ	θ	x= mod slow
C1	52+	10YR 2.5Y 4/2	X	S.L	10	yes	1"	(hard)	θ	θ	θ	x= mod slow to slow 0.2-.6"/hr

Remarks

⊕ mod-d

⊕ Non-High Value

⊕ Imperfectly drained

A X → DDX Arsville (Incipient)

Capability Class

Suitability = Gen. suited > Gen. unsuited WHC = >2" <2"

Classification

Medial, amorphic Fulvulands Family medial

Soil Drainage Class

SWPD Soil Erodibility Index 28-.34

Series Bull Run variant

Hydrologic Group

B

Depth to Mottles

Effective Rooting Depth

Depth Current Water Table

5-7'

Est Depth

Seasonal High Water Table

4'

Runoff Potential

mod Hi

due to

landscape position

Flooding Potential

rare

Wetland Conditions

θ

Typifying Pedons

T2S R 5E Sec. 31B TL# 200

Paden

Cazadero

A 0-4" silt loam, friable, 10YR 3/2; weak fine and very fine granular structure, less than 10% coarse fragments, strongly smeary, moderately andic, 2% organic matter NS, NP, NS; clear wavy boundary, pH=5.9

A2 8-10" silt loam, friable, 10YR 3/4; moderately smeary, weak fine granular/SBK structure, less than 10% coarse fragments, 0.5-1%% organic matter; clear wavy boundary, pH=5.8

Bw 10-26" silt loam, firm, 10YR 5/4; weak fine, medium SBK structure, less than 10% coarse fragments, SS,SP,NS,N-andic; very weakly smeary,, clear wavy boundary, pH=6.1

Bw 26-39" silt loam, firm, 10YR 6/3; weak fine, medium SBK structure part to massive, less than 10% coarse fragments, NS,NP,NS,N-andic; common distinct mottles, abrupt wavy boundary, pH=6.2

2BC 39-60" loam, firm, 10YR 6/3; weak fine, massive, common distinct mottles; less than 10% coarse fragments, SS,NP,NS,N-andic; pH=6.4

Bull Run Variant

A 0-4" silt loam friable, 10YR 3/2; weak fine and very fine granular structure, less than 10% coarse fragments, strongly smeary, distinctly andic, 2 very fine tubular pores, 2% organic matter NS, NP, NS; clear wavy boundary, pH=5.9

A2 4-10" silt loam, friable, 10YR 3/3; weak fine granular/SBK structure, strongly smeary, distinctly andic less than 10% coarse fragments, 0.5-1%% organic matter; clear wavy boundary, pH=5.8

Bw 10-26" silt loam, firm, 10YR 5/4; weak fine, common distinct mottles, medium SBK structure, less than 10% coarse fragments, SS,SP,NS,N-andic; very weakly smeary,, clear wavy boundary, redoximorphic conditions pH=6.1

Bw2 26-39" silt loam, firm, 10YR 7/3; weak fine, common distinct mottles, medium SBK structure part to massive, less than 10% coarse fragments, NS,NP,NS,N-andic; common distinct mottles, abrupt wavy boundary, pH=6.2

C 39-60" loam, firm, 10YR 6/3; weak fine, massive, common distinct mottles; less than 10% coarse fragments, SS,NP,NS,N-andic; pH=6.4

Delena Variant --0 to 8 inches; dark brown (10YR 3/2) silt loam, dark grayish brown, moderate and strong very fine and fine granular structure; slightly hard, firm, slightly sticky and non- plastic; many fine roots; common fine tubular pores; moderately acid (pH 5.9); abrupt smooth boundary.

Typifying Pedons

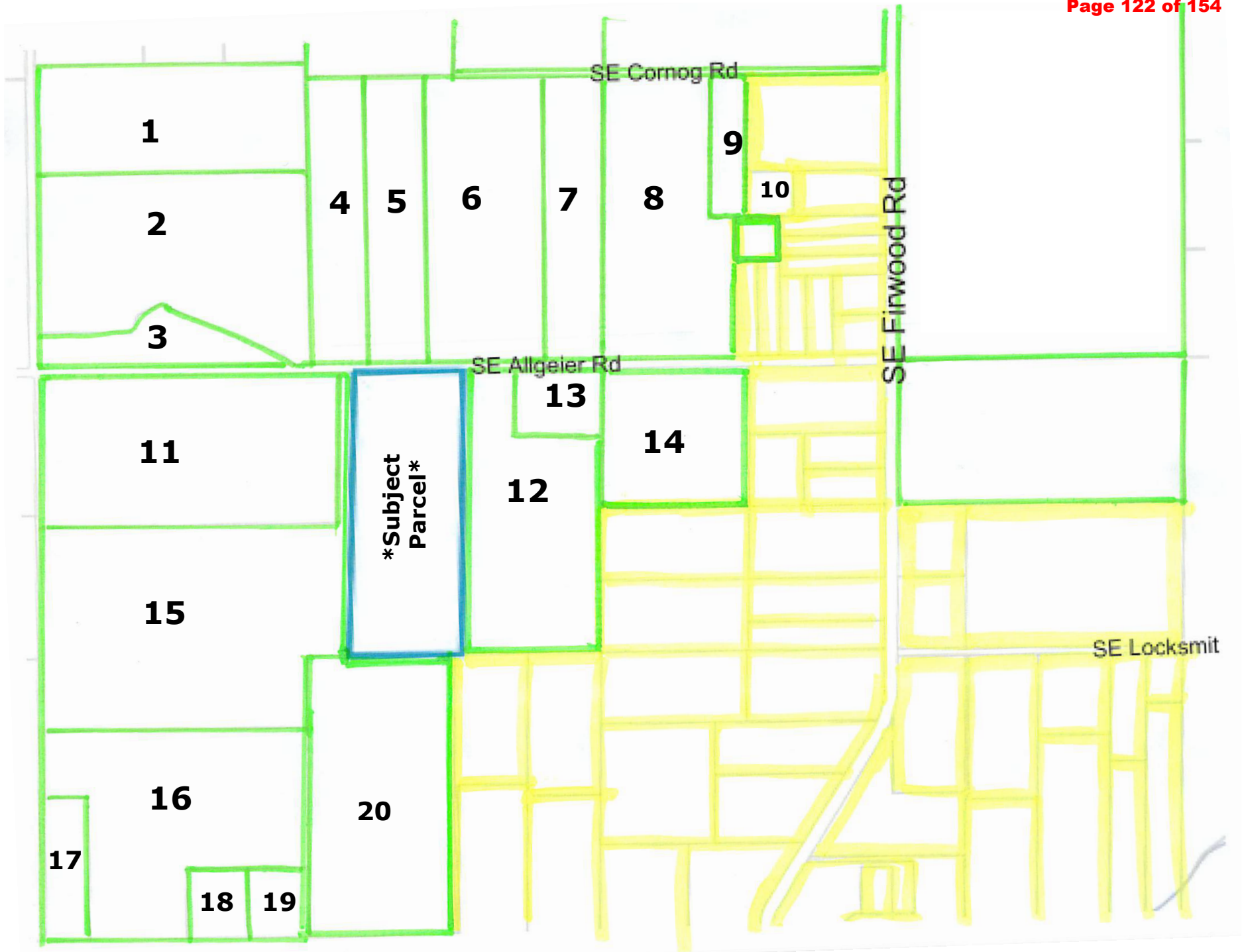
T2S R 5E Sec. 31B TL# 200

Paden

Bw 8-20" silt loam, firm, 10YR 5/4; weak fine, medium SBK structure, less than 10% coarse fragments, SS,SP,NS,N-andic; very weakly smeary,, clear wavy boundary, pH=6.1

2Btx1--20 to 33 inches; dark grayish brown (10YR 5/2) silty clay loam, light brownish; non-prismatic; massive fragipan; very hard, slightly sticky and non-plastic; many fine distinct gray iron depletions and many fine prominent yellowish brown (10YR 5/6) masses of iron accumulation; films on faces of peds; very strongly acid (pH 5.8); gradual smooth boundary.

2Btx2--33 to 44 inches; brown (10YR 5/3), yellowish brown (10YR 5/8) and grayish brown (10YR 5/2) silty clay loam; massive; weakly cemented; very hard, very firm, slightly sticky and moderately plastic; the areas with brown (10YR 5/3) and yellowish brown (10YR 5/6) color are iron accumulations depletion zones; and the areas of grayish brown (10YR 5/2) are iron depletions; strongly acid (pH 5.4); clear smooth boundary.



Characteristics of Parcels in the Vicinity

Key for Vicinity Map:

-  EFU
-  RRFF5
-  Subject Parcel Owned by Applicants

1. **40010 SE Paul Moore Rd** (Map 30C,¹ TL 400)
 - Zoning - EFU
 - Size - 14.04 acres (per Assessor)
 - Improvements –
 - Single-family home built in 1990; 2,220 square-feet (per Zillow);
 - Two additional out buildings visible from Google Earth
 - Building Value - \$561,590 (RMV shown by Assessor)
 - Use - no farmland visible from Google Earth; no farm deferral
 - Water/ Sanitation – No records.
2. **40675 SE Allgeier Rd** (Map 30C, TL 501)
 - Zoning - EFU
 - Size - 20.53 acres (per Assessor)
 - Improvements - single family home built in 2001; 2,723 square-feet.
 - Building Value – \$707,810 (RMV shown by Assessor)
 - Use - No farmland visible from GoogleEarth; no farm deferral.
 - Notes –
 - [April 2021] real estate listing described this as a “beautifully remodeled home on 20 tranquil acres;” Sold in 2021 for \$1,072,106.00 (Zillow) does not describe any farm use
 - “Temp Use for Care Application” submitted in 01, 03, 05, 07, 10, and 12.
 - Water – Well noted at septic 2001 septic application;
 - Sanitation – Septic application in 2001. Septic Permit No.: SE031701
3. **No Situs** (Map 30 C, TL: 500)
 - Zoning - EFU
 - Size – 4.40 acres (per Assessor)
 - Vacant Land with no improvements or farm use.

¹ Each listed parcel is in 2 South 5 East.

- Use - no farmland visible from Google Earth; no farm deferral.
- Owned by residents of 40720 SE Allgeier; identified at parcel 11 on the "Vicinity Map".
- Water/ Sanitation – No records.

4. **40707 SE Allgeier Rd** (Map 30C, TL: 600)

- Zoning – EFU
- Size – 8.08 acres (per Assessor)
- Improvements – single family home built in 1950; 1,682 square-feet (per Zillow)
- Building Value - \$283,290 (RMV shown by Assessor)
- Use - No farmland visible from Google Earth; no farm deferral
- Water/ Sanitation – No records.

5. **No Situs** (Map 30C, TL 700)

- Zoning - EFU
- Size – 8.08 acres (per Assessor)
- Vacant land with no improvements
- Use - No farmland visible from Google Earth; no farm deferral
- Water – Well indicated on Oregon Water Resources Dept. Well Report Mapping Tool. No reports available.
- Sanitation - No septic records available.

6. **40919 SE Allgeier Rd** (Map 30C, TL: 800)

- Zoning - EFU
- Size - 16.01 acres (per Assessor)
- Improvements - single family home built in 1920; 2,376 square-feet (per Zillow)
- Building Value - \$220,210 (RMV shown by Assessor)
- Use - No farmland visible from Google Earth; no farm deferral
- Water - Well indicated on Oregon Water Resources Dept. Well Report Mapping Tool. No reports available.
- Sanitation - Septic application in 1994. Request in 2008 to temporarily place second dwelling unit on the system was authorized for five years. Septic Permit No.: ST064794.

7. **40985 SE Allgeier Rd** (Map 30C, TL: 1000)

- Zoning - EFU
- Size - 7.98 acres (per Assessor)
- Improvements - manufactured home in 2008
- Use - No farmland visible from Google Earth; no farm deferral
- Water - No records
- Sanitation – Septic application in 2007. Septic Permit No.: ST008807.

8. **41281 SE Allgeier Rd** (Map 30DC, TL: 1400)
 - Zoning - EFU
 - Size - 16.27 acres (per Assessor)
 - Improvements - single family home built in 1920; 3,540 square-feet (per Zillow)
 - Building Value - \$554,570.00 (RMV shown by Assessor)
 - Use - No farmland visible from Google Earth; no farm deferral
 - Water - No records.
 - Septic - Septic application 1979. Septic Permit No.: S0045779
9. **41400 SE Cornog Rd** (Map 30DC, TL: 1300)
 - Zoning - EFU
 - Size - 2.44 acres (per Assessor)
 - Improvements - single family home built in 1973; 1,420 square-feet (per Zillow)
 - Building Value - \$183,840.00 (RMV shown by Assessor)
 - Use - No farmland visible from Google Earth; no farm deferral
 - Water - No records.
 - Septic - Septic tank replacement application in 2000. Septic Permit No.: STO0519-00
10. **No Situs** (Map 30DC, TL: 1202)
 - Zoning - EFU
 - Size - 1.03 acres
 - Vacant land with no improvements
 - Use - No farmland visible from Google Earth; no farm deferral
 - Water - Well indicated on Oregon Water Resources Dept. Well Report Mapping Tool. No reports available.
 - Septic - No records.
11. **40720 SE Allgeier Rd** (Map 31B, TL300)
 - Zoning - EFU
 - Size - 21.45 acres (per Assessor)
 - Improvements - single family home built 1960; 3,870 square-feet (per Zillow), and a hop barn
 - Building Value - \$524,580 (RMV shown by Assessor)
 - Use - racehorse boarding, no farmland visible from Google Earth; no farm deferral
 - Owners of parcel are also in possession of parcel 3 on the "Vicinity Map".
 - Water -Well indicated on Oregon Water Resources Dept. Well Report Mapping Tool. No reports available.
 - Septic - No records.

12. **40930 SE Allgeier Rd** (Map 31B, TL: 102)
 - Zoning - EFU
 - Size - 16.28 acres (per Assessor)
 - Improvements - single family home built in 1970; 2,213 square-feet
 - Building Value - \$593,360 (RMV shown by Assessor)
 - Use - horse boarding; no farmland visible from Google Earth; no farm deferral
 - The property has a small blueberry patch and orchard, not being used for commercial sales.
 - Water - No records.
 - Sanitation - No records.
13. **41050 SE Allgeier Rd** (Map 31B, TL: 101)
 - Zoning - EFU
 - Size - 2.82 acres (per Assessor)
 - Improvements - single family home built in 1966; 2,210 square-feet; horse barn
 - Value - \$198,3800 (RMV shown by Assessor)
 - Use - no farmland visible from Google Earth; no farm deferral
 - Water - No records.
 - Sanitation - Septic application in 1979. Septic Permit No.: SENA2479
14. **41380 SE Allgeier Rd** (Map 31B, TL: 900)
 - Zoning - EFU
 - Size - 9.76 acres (per Assessor)
 - Improvements - single-family home built in 1895; 1,895 square-feet (per Zillow)
 - Building Value - \$637,310 (RMV shown by Assessor)
 - Use - No farmland visible from Google Earth; no farm deferral
 - Water - No records.
 - Sanitation - Septic application 2011. Septic Permit No.: ST019011
15. **40730 SE Allgeier Rd** (Map 31B, TL: 301)
 - Zoning - EFU
 - Size - 29.35 acres (per Assessor)
 - Vacant land with no improvements
 - Use - No farmland visible from Google Earth; no farm deferral
 - Water - No records.
 - Sanitation - Septic application in 1979. Septic Permit No.: SENA2479

16. **23132 Bornstedt Rd** (Map 31B, TL: 400)
 - Zoning - EFU.
 - Size - 19.29 acres (per Assessor)
 - Improvements - single family home built in 2009; 1,152 square-feet (per Zillow)
 - Building Value - \$229,480 (RMV shown by Assessor)
 - Use - No farmland visible from Google Earth; no farm deferral
 - Partition in 2010 pursuant of Measure 37/49. This property, as well as **18** and **19**, were able to add "New Single Family Dwelling" (NSFD) in 2012 pursuant to Measure 49.
 - Water – Well indicated on Oregon Water Resources Dept. Well Report Mapping Tool. No reports available.
 - Sanitation – Several septic applications 1989-2007. Septic Permit No.: SE060206
17. **23060 SE Bornstedt Rd** (Map 31B, TL: 401)
 - Zoning - EFU
 - Size - 2.92 acres (per Assessor)
 - Improvements - single family home built in 1972; 2,271 (per Zillow)
 - Building Value - \$336,450 (RMV shown by Assessor)
 - Use - No farmland visible from Google Earth; no farm deferral
 - Water – No records.
 - Sanitation – No records.
18. **23160 SE Bornstedt Rd** (Map 31B, TL: 402)
 - Zoning - EFU
 - Size - 2.00 acres (per Assessor)
 - Improvements - single family home in 2012; 2,114 square-feet (per Zillow)
 - Building Value - \$581,460 (RMV shown by Assessor)
 - Use - Farm and Forest deferral
 - Result of 2010 partition
 - Water – No records.
 - Sanitation – Septic application in 2012. Septic Permit No.: ST005312
19. **23170 SE Bornstedt Rd** (Map 31B, TL: 403)
 - Zoning - EFU
 - Size - 2.00 acres (per Assessor)
 - Improvements - single family home in 2012; 2,097 square-feet (per Zillow)
 - Building Value - \$618,210 (RMV shown by Assessor)
 - Use - No farmland visible from Google Earth; no farm deferral
 - Result of 2010 partition

- Water – Well indicated on Oregon Water Resources Dept. Well Report Mapping Tool. No reports available.
- Sanitation - Septic application in 2012. Septic Permit No.: ST006712

20. **23242 SE Bornstedt Rd** (Map 31B, TL: 500)

- Zoning - EFU
- Size - 19.54 acres (per Assessor)
- Improvements – one single-family home built in 1945, 2,600 square-feet; one manufactured home, 1400 square-feet; (per Zillow)
- Value - \$629,450 (RMV shown by Assessor)
- Use - No farmland visible from Google Earth; no farm deferral
- Water – No records.
- Sanitation – Septic application in 1993. Septic Permit No.: ST065693

TO: Clackamas Co. Zoning Committee
Clackamas County, Oregon
Re: Application to Rezone EFL Takeup, or
Mike & Mary Taden & Allgeier Rd. Sandy, Or.

My name is Joice K. Polderman and I live at 40720 S.E. Allgeier Rd. in Sandy, OR 97055, with my older son and my 15-year-old granddaughter. This is a parcel of land of approximately 28 acres on a dead-end road that zoned EFL. It boasts a 4-bdrm. house with a shop barn with a capacity of 2+ semi-loads of hay, 3 ponds and hillside springs. I have lived here since the early 1980's.

My husband purchased this property in the fall of 1978 and moved there in the spring of 1979. He was running as many as fifty or more cow-calf pairs (too many) until his health began to fail in the early 2000's from a series of cancer onslaughts and he passed away in January, 2017. The cows were sold and replaced by a (herd) of Thoroughbred race horses in early 1996. They have been here continually since then. (Blood mares)

I have spoken with the Tadens about building a house on the 15 acre parcel in question. While we as a family have no objection to a house in the neighborhood (they seem to be a concurred pair willing to please and not a thorn), we have spoken about some of the requirements that CCZC wants to have done in order to allow a zoning change; hence the questions (ISSUES) that would like to be addressed.

p.2

Zone Change: Mike + Mary Paden
Allgeier Rd parcel
Sandy, Oregon 97055

First point of concern: a spray that the commission wants applied: is it a hay-mat? Will it physically harm me or my family? Affect the water? The animals? (Beside the horses we have a dog) About the application itself: I understand that it will take about three + truckloads of the spray. How will this impact the ground itself? Dioxifumes and air quality/surface water. I feel as though I am not the only person that may have concerns about some of these issues. I see a plus side to the changing of the zoning to allow the Padens to enjoy living on their acreage. My main concern is the spray and its impact on the environment. Perhaps you would consider waiving this requirement. Thank you for your consideration of these questions which I feel are legitimate. You may contact me by telephone for any clarification.

Thank you,

Jan Balderson
503-468-9672

To Whom It May Concern:

I am Tricia Priest, residing at 40919 SE Allgeier Rd, Sandy, OR 97055. I have three children under 11, along with livestock, a dog, and cats.

Sincerely,

Tricia Priest
252-455-3165
triciapriest@rocketmail.com

Beth Rapp
40930 SE Allgeier Road
Sandy, Oregon 97055
bethrapp@hotmail.com
(971)246-0009

May 9, 2025

To whom it may concern,

I live at 40930 SE Allgeier Road in unincorporated Clackamas County, Oregon – immediately east of 40822 SE Allgeier Road. Residing at the property is myself, husband, and two dogs. We also board horses. Our home and the barn in which the horses and hay reside are located on the western property line. One horse pasture that is used for grazing is also along the western property line. We have a small blueberry patch and orchard (cherries, apples, plums, and pears) – that we keep organic without the use of herbicides and pesticides. The blueberries and fruit trees are less than 100 feet from the western property line. We are concerned that the use of pesticides and/or herbicides on the neighboring property to the west would blow onto our property and be inhaled or ingested by ourselves and animals.

Thank you for your consideration in this matter,

A handwritten signature in blue ink, appearing to read 'Beth Rapp', with a long horizontal stroke extending to the right.

Beth Rapp



July 25, 2025

Clackamas County
Attention: Martha Fritzie, Ben Blessing, and Christian Snuffin
150 Beaver Creek Road
Oregon City, Oregon 97045

Re: Payden Comprehensive Plan Amendment and Zone Change – Clackamas County, Oregon
Traffic Impact Study

Clackamas County File Number ZPAC0092-24
C&A Project Number 20250601.00

Dear Agency Staff,

This Traffic Impact Study (TIS) supports the proposed Comprehensive Plan amendment and zone change for property in Clackamas County, Oregon, identified as tax lot 200 on Clackamas County Assessor's Map 25E31B. The following items are addressed:

1. Proposed Development and Analysis Requirements
2. Existing Conditions
3. Clackamas County Transportation System Plan (TSP) and Capital Improvement Plan (CIP)
4. Potential Development
4. Safety Analysis
5. Site Access and Sight Distance Evaluation
6. Analysis
7. Summary

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1. PROPOSED DEVELOPMENT AND ANALYSIS REQUIREMENTS

The property is approximately 14.77 acres and is identified as tax lot 200 on Clackamas County Assessor's map 25E31B.

Proposed land use actions include a Type III land use application for a Comprehensive Plan map amendment and designation change from *Agricultural* to *Unincorporated Community Residential, Rural, and Future Urban*, and a corresponding zone change from *Exclusive Farm Use* (EFU) to *Rural Residential Farm Forest 5-Acre* (RRFF-5). The proposed land use actions do not contemplate a specific development application.

Materials contained in the November 24, 2024, Clackamas County Pre-Application Conference Summary state that based on property size and the current and proposed zones, it is not anticipated that a detailed transportation analysis study will be required to address Clackamas County Zoning and Development Ordinance (ZDO) requirements and the Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660-012-0060. However, as identified in November 19, 2024 email from Chrisian Snuffin (Clackamas County) to Ben Blessing (Clackamas County) the applicant needs to provide a letter documenting potential trip generation from property development as well as a safety analysis demonstrating that the proposed zone change will not have a significant effect on the transportation system.

It is noted that the Clackamas County Pre-Application Conference Summary materials are based on the applicant's then-proposed zone change from EFU to *Timber* (TBR) rather than the currently proposed RRFF-5 zone. Regardless, the potential change in trip generation is similar, and the transportation analysis requirements remain the same.

2. EXISTING CONDITIONS

The property has a frontage and direct access to SE Allgeier Road to the north. It is anticipated that future development on the property will also have direct access to this roadway.

Roadway Facilities

The following table summarizes existing roadway classifications and characteristics within the study area.

TABLE 1 – EXISTING ROADWAY CHARACTERISTICS						
Roadway	Functional Classification	Lanes	Speed Limit (MPH)	Sidewalks	Bicycle Lanes	On-Street Parking
SE Allgeier Road	Local	2	45	No	No	No
SE Firwood Road	Minor Arterial	2	Not Posted	No	No	No

3. CLACKAMAS COUNTY TRANSPORTATION SYSTEM PLAN (TSP) AND CAPITAL IMPROVEMENT PLAN (CIP)

The Clackamas County TSP includes the CIP, which contains a comprehensive list of transportation projects necessary to meet the County's transportation needs within the 2035 planning period. The County CIP includes a 5-year programmed project list and a 20-year plan for needed transportation improvement projects. The four CIP project lists are described as follows:

- **5-Year Capital Improvement Program Projects:** The list of capital projects scheduled for construction for the next five years.
- **20-Year Capital Projects:** The prioritized list of needed transportation projects that can reasonably be undertaken given the current estimates of available funding.
- **Preferred Capital Projects:** A second group of needed, prioritized transportation projects the County would undertake if additional funding becomes available during the next 20 years.
- **Long-Term Capital Projects:** The remainder of the needed transportation projects. Although these projects will be needed to meet the transportation needs of the County in the next 20 years, they are not expected to be funded or constructed by the County.

TSP and CIP materials specific to transportation projects in the project area include:

TSP Map 5-11b Capital Improvement Plan (East County) – (excerpt)



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TABLE 2 – CLACKAMAS COUNTY COMPREHENSIVE PLAN AND CIP PROJECT EXCERPTS					
Project ID	Map	Project Name / Street Name	Segment / Locations	Project Description	Priority
5-Year Capital Improvement Program Projects (Table A)					
None	–	–	–	–	–
20-Year Capital Projects (Table 5-3a)					
None	–	–	–	–	–
Preferred Capital Projects (Table 5-3b)					
2019	5-11b	Firwood Rd	Wildcat Mountain Dr to US 26	Add paved shoulders and turn lanes at major intersections.	–
Long-Term Capital Projects (Table 5-3c)					
None	–	–	–	–	–
Regional Capital Projects (Table 5-3d)					
None	–	–	–	–	–

Overall, the Clackamas County TSP and the included CIP do not identify any 5-year programmed projects or 20-year fiscally constrained (funded) projects in the subject project area that can reasonably be undertaken or assumed to be in place within the 2035 planning period.

4. POTENTIAL DEVELOPMENT

Development Assumptions

As previously identified, the proposed land use actions include a zone change from EFU to RRFF-5. The proposed land use actions do not contemplate a specific development application. As such, this transportation analysis evaluates impacts resulting from reasonable worst-case development scenarios in the current and proposed zones as follows.

Current Clackamas County EFU Zone Assumptions

- The EFU zone implements the policies of the Comprehensive Plan for Agricultural areas.
- The EFU zone allows a number of farm, forest, and natural resource uses, all of which have seasonal or low trip generation.
- One single-family residential dwelling is allowed per lot of record with proper approvals.
- Reasonable worst-case development is assumed to be one (1) single-family residence.

Proposed Clackamas County RRFF-5 Zone Assumptions

- The RRFF-5 zone implements the policies of the Comprehensive Plan for Unincorporated Community Residential, Rural, and Future Urban areas.
- The RRFF-5 zone allows a number of rural residential, farm, and forest uses, all of which have seasonal or low trip generation.
- The minimum average lot or parcel size is five (5) acres.
- The site area is approximately 14.77.
- Reasonable worst-case development is assumed to be two (2) single-family residences.

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Development Trip Generation

Using the above-identified development assumptions, trip generation for the current and proposed zones is estimated based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, and practices outlined in the ITE *Trip Generation Handbook*, 3rd Edition. Trip generation is as follows:

TABLE 2 – DEVELOPMENT TRIP GENERATION ¹									
Development	ITE Code	Size	Daily Trips	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Current Clackamas County EFU Zone – Reasonable Worst-Case									
Single-Family Detached Housing	210	1 DU	9	0	1	1	1	0	1
Proposed Clackamas County RRFF-5 Zone – Reasonable Worst-Case									
Single-Family Detached Housing	210	2 DUs	18	0	2	2	2	0	2
Total Trip Generation Change (Proposed RRFF-5 – EFU)			9	0	1	1	1	0	1

¹ Trip generation estimated using the *Average Rate* per recommended practice in the ITE *Trip Generation Handbook*, 3rd Edition.

As identified in the table above, reasonable worst-case development in the proposed RRFF-5 zone, assumed to be two (2) single-family residences, generates an additional 9 daily, 1 AM peak hour, and 1 PM peak hour trips over development in the current EFU zone, assumed to be one (1) single-family residence.

4. SAFETY ANALYSIS

When evaluating roadway and intersection safety, consideration is given to the number and types of crashes occurring and the number of vehicles traveling on a roadway segment or entering the intersection. This leads to the concept known as the “crash rate.” Specific to intersections, it is typically expressed in terms of the number of crashes occurring per one million vehicles entering the intersection (CMEV). A critical crash rate analysis is then performed by comparing the subject intersection to the published statewide 90th percentile intersection crash rates at comparable/reference intersections. Crash rates close to or exceeding 1.0 CMEV or the 90th percentile rates require further analysis.

Crash data for SE Allgeier Road and SE Firwood Road in the project area were obtained from the Oregon Department of Transportation (ODOT) for five years from January 1, 2020, through December 31, 2024. This data finds that there are no recorded crashes on SE Allgeier Road, and there is one recorded crash at the SE Firwood Road/SE Allgeier intersection. The crash data are attached for reference.

A detailed review of the one crash reveals that it involved two vehicles and was caused by a northbound motorist rear-ending another northbound motorist making a left turn at the intersection, due to the vehicle following too closely. The crash severity was property damage only.

The number of crashes (one) in the study area is low. Overall, the roadways are considered relatively safe, and the proposed land use actions are not anticipated to affect the crash rates. No further evaluation of safety deficiencies is necessary.

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It is additionally noted that traffic from residential development (in the proposed RRFF-5 zone) tends to present fewer safety hazards than agricultural traffic (in the existing EFU zone). Residential traffic typically consists of personal vehicles used for routine trips, whereas agricultural traffic often involves oversized/heavy machinery, as well as freight transport. Residential traffic tends to be consistent and regulated, while agricultural movement may be sporadic, unpredictable, or even off-road.

5. SITE ACCESS AND SIGHT DISTANCE EVALUATION

The property has frontage and direct access to SE Allgeier Road to the north. It is anticipated that future development on the property will also directly access this roadway. A preliminary review of field conditions finds that sight distance for vehicles entering or exiting the subject property at the existing (or future) access to SE Allgeier Road is not restricted by horizontal or vertical roadway curvature and that Clackamas County sight distance requirements can be met.

It is anticipated that, as part of a future specific development application, the applicant will obtain any necessary Clackamas County sight distance approvals, construct the site access in accordance with applicable County standards, and construct any necessary frontage improvements.

6. ANALYSIS

As identified in the *Potential Development* section of this letter, reasonable worst-case development in the proposed RRFF-5 zone generates an additional 9 daily, 1 AM peak hour, and 1 PM peak hour trips over development in the current EFU zone.

The small increase in trip generation is considered *de minimis*, and the proposed zone change will not significantly affect an existing or planned transportation facility. As such, it can be found that the Clackamas County ZDO requirements identified in Section 1202.03 and the TPR criteria outlined in OAR 660-012-0060 are satisfied without the need for additional transportation analysis.

7. SUMMARY

The following conclusions and recommendations are made based on the materials contained in this analysis.

1. The proposed land use actions include a Type III land use application for a Comprehensive Plan map amendment and designation change from *Agricultural* to *Unincorporated Community Residential, Rural, and Future Urban*, and a corresponding zone change from *Exclusive Farm Use* (EFU) to *Rural Residential Farm Forest 5-Acre* (RRFF-5). The proposed land use actions do not contemplate a specific development application.
2. Based on the materials presented in this analysis, the proposed land use actions will result in a small increase in traffic and will not significantly affect an existing or planned transportation facility. As such, it can be found that the Clackamas County ZDO requirements identified in Section 1202.03 and the TPR criteria outlined in OAR 660-012-0060 are satisfied without the need for additional transportation analysis.

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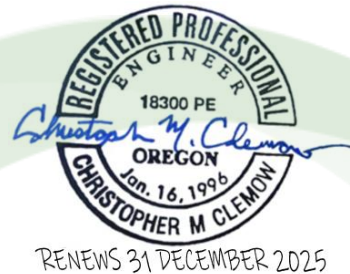
3. The number of crashes in the study area (one) is low. Overall, the roadways are considered relatively safe, and the proposed land use actions are not anticipated to affect the crash rates. No further evaluation of safety deficiencies is necessary.
4. Traffic from residential development (in the proposed RRFF-5 zone) tends to present fewer safety hazards than agricultural traffic (in the existing EFU zone). Residential traffic typically consists of personal vehicles used for routine trips, whereas agricultural traffic often involves oversized/heavy machinery, as well as freight transport. Residential traffic tends to be consistent and regulated, while agricultural movement may be sporadic, unpredictable, or even off-road.
5. The property has frontage and direct access to SE Allgeier Road to the north. It is anticipated that future development on the property will also directly access this roadway. Sight distance for vehicles entering or exiting the subject property at the existing (or future) access to SE Allgeier Road is not restricted by horizontal or vertical roadway curvature, and Clackamas County sight distance requirements can be met.
6. It is anticipated that, as part of a future specific development application, the applicant will obtain any necessary Clackamas County sight distance approvals, construct the site access in accordance with applicable County standards, and construct any necessary frontage improvements.

Sincerely,



Christopher M. Clemow, PE, PTOE
Transportation Engineer

Attachments: Crash Data



Peter Finley Fry AICP Ph.D.

July 16, 2025

MEMORANDUM

TO: Ty Wyman, Attorney at Law
FROM: Peter Finley Fry
RE: Paden Land Use Case
Land Use Context that Prevents the site to be use as a Commercial Farm

Conclusion

1. The site cannot be operated as a family farm as a dwelling is not permitted.
2. The site cannot be a part pf a commercial farm due to the conflicts.

A farmer is protected by state law from neighbors and their complaints. However, an offsite owner can be difficult for neighbors to reach and conflicts to be resolved quickly. The approximately 15-acre site cannot produce enough value to compensate for the liability in time and costs to farm the site as a or part of a commercial farm.

Site: The approximately 15-acre site is zoned EFU. The EFU zone generally prohibits dwellings on farmland on lots less than 160 acres.

The Clackamas County Development Code provides provisions for the creation of dwelling units depending on the quality of the farmland. The most applicable pathway is a dwelling in conjunction of a farm use that would require proof of commercial production – low valued farmland at \$ 40,000 or high values fam land at \$ 80,000 for two years or three of five years. The site is not capable of producing that income. The site could only be farmed as a leased site as part of a larger commercial farm as a dwelling cannot be permitted. The site would not be allowed to have a dwelling unit under the current zone. This would preclude a family farm.

Context Oregon is a right to farm state with a rich heritage of small family farms. A recent survey of Oregonians in 2023 revealed that 83% support family farms. A family farm requires a dwelling and does not need to produce commercial profits. A family farm could operate at a scale that can be integrated into a denser pattern of dwelling units.

This site is located within a dense pattern of dwelling units with a lot size that equals or is less than the size of this lot. The lot abuts areas that have been removed from protected resources zones. and is populated with family dwelling units.

The surrounding area is general rolling hills with large tracts open grassland and bands of forest largely along stream or drainage corridors. The site is south of and outside of the City of Sandy's urban growth boundary.

303 NW Uptown Terrace #1B
Portland, Oregon USA 97210
peter@finleyfry.com

Peter Finley Fry
Ty Wyman, Attorney at Law
Paden Property, Clackamas County

The area to the northwest has relatively large lots; equal to and larger by 20% or less. The lots do not appear to be commercially farmed, and almost all have dwelling units. The lots immediately to the northwest appear forested with open grass land abutting the site. These lots have dwellings and are not being commercially farmed.

The lots to the northeast are smaller than the site. The northwest corner of Firwood and Allgeier contained a subdivision of nine 1 acre lots and several two-acre lost with dwellings. The larger lost are forested on the northern side. None of the lots appear to be commercially farmed, but evidence of agricultural activities is apparent on several of the larger lots. The lots to the east side of Firwood Road become larger and appear to be commercially farmed for hay.

The area to the southeast is forested with an exception area abutting the site's southeast corner. The lots are generally half the size of the site, forested with dwellings. No evidence of commercial farming is apparent. Two smaller lots on the south side of Allgeier road appear to have large pastures that are cut for hay as a minor agricultural use.

The larger the abuts the site to the south has a large dwelling units spread out in the lots center and shows evidence of row crops. One black cow was observed grazing grass stubble at the time of a site visit. The lots to the southwest grow larger with lots clearly used only for dwelling units intermixed with dwellings surrounded by minor agricultural activities such as grazing and gardens.

The site is surrounded by dwellings with either no or minor agricultural activities such as cutting hay, gardens, or grazing of personal livestock. No evidence of nurseries, commercial berry farms, grapes, or orchards are apparent in the area. Approximately 70% of the surrounding area are either dwelling and surrounding yards and forest land. The forest land does not appear to be logged or managed for commercial purposes. Much of the forested land is in stream corridors or other environmentally sensitive areas. Forty-two lots with dwellings exist within ½ mile of the site. 28 dwelling units exist within 2,000 feet of the site. Eight houses exist within 400 feet and four houses exist within 200 feet of the lot. SE Allgeier is a paved rural road without sidewalks.

Farm Impact

Although, a commercial farm operation could lease this approximately 15-acre site as part of a larger commercial operation. A commercial farm operator would not lease a small isolated 15-acre fragment due to liability threats and time constraints. A farmer's time is limited and needs to be focused on production, not addressing people's complaints and threats and real liability.

Areas of conflict include:

1. Farms require structures and equipment and raw materials such as sand and soil. These cannot be nicely stored and are required on a 24-hour basis.

Peter Finley Fry
Ty Wyman, Attorney at Law
Paden Property, Clackamas County

The surrounding properties are developed as single-family dwellings that contain amenities such as swimming pools and yards. The properties are used as hobby farms and show minor agricultural activities that are contained in structures. A commercial farmer that leased the site would have no incentive to make any of the storage areas aesthetically pleasing that would contrast with the well-kept landscaped dwellings and small family farms.

2. Farms operate 24 hours, all year long with intense activity at unpredictable times. Farms are vulnerable to climate and will require immediate mitigation to high wind, heavy rain, or other climatic events

The surrounding area is populated by over 30 dwelling units that would be directly impacted by a commercial farms operation as there are only several lots from or abutting the site or front SE Allgeier Road at Firwood. These dwelling units all appear to function as normal dwelling units without commercial activities. The people living there would be expected to be disturbed by commercial activities through the night or on weekends. The neighbors could not be expected to provide an immediate response to an unoccupied commercial farm leaving the farm vulnerable to the priorities of the commercial farmer as the farmer addresses the impact on larger part of the farm.

3. Farms use pesticides, herbicide, and minerals that are toxic to people when concentrated. Containment from air, storm water, and ground water is difficult.

The area is relatively flat. There are no barriers to the wind that commonly flows from east at a steady rate of from the southwest in gusts. Containment of any aerial spray would be impossible. The water drainage is not and cannot be contained at the edges of the property and would flow directly onto the neighbors' lots. Any containment would direct and concentrate (increased toxicity) the chemicals used,

4. Farms create noise, dust, smell, and glare. A pregnant cow or rooster can be heard many lots away. The smell can be highly personal. These impacts are often not easily quantifiable, nor sources clearly identified, creating confusion and liability in time and costs.

Noise, dust, smell and glare cannot be contained and would directly impact the eight dwelling units within four hundred feet.

5. Farms require large trucks and farm equipment that cannot maneuver on city streets and can damage pavement and/or street drainage systems.

Allgeier is paved rural road with no sidewalks. Commercial farm traffic would be intermingled with single family traffic. The dwelling units would produce children who would play and walk on the road. Allgeier intersects Firwood road with a stop sign controlling Allgeier traffic as Firwood's traffic drive through. Firwood acts more as an

Peter Finley Fry
Ty Wyman, Attorney at Law
Paden Property, Clackamas County

arterial. Commercial farm traffic would not create a major safety problem but would act as a significant inconvenience. Commercial farm traffic would also have a greater impact on the roadway than passenger cars as Allgier is paved and not a gravel farm road.

6. Farms are targets of trespass and theft: and can be targeted as an attractive nuisance. The size and condition of the site would require significant capital investment to produce higher valued crops like blueberries or flowers which would also be targets for theft.

Theft and vandalism can be a significant issue in a densely populated rural area that creates more opportunities for antisocial behavior but lacks the density for close observation by neighbors. Minor theft would be expected of edible crops. More valuable crops may require more substantial protection that could be dangerous to a causal trespasser. The existing zone would not allow a dwelling unit that precludes anyone living on the site. However, even if a 24-hour security presence was allowed; the costs would be excessive.

Clackamas County aerial 2018



Memorandum

To: Mike and Mary Paden **Date:** July 30, 2025
From: Sarah Liljefelt **File No:** PAD6.1
Subject: Groundwater Availability for Sandy, Oregon Property

You own property located in Sandy, Oregon, identified as Parcel No. 00700904/Tax Lot No. 25E31B 002000 (the "Property"). You asked me to assess your ability to obtain a new water right permit for the Property to irrigate an agricultural crop. Unfortunately, the results of my review are unfavorable for obtaining a new water right. My analysis is explained in further detail below.

Access to Water

The Property does not have access to a source of surface water. As such, groundwater is the only source of water potentially available at the Property.

Sandy-Boring Groundwater Restrictions

The Property is outside the Sandy-Boring groundwater restricted area (OAR 690-502-0170), so the proposed use of water will not be rejected for this reason.

Groundwater Availability

The Property is located within one-quarter mile of an unnamed stream that is tributary to Deep Creek. As such, any proposed use of groundwater will be found by the Oregon Water Resources Department ("OWRD") to be hydraulically connected to surface water (OAR 690-009-0060(2)). OWRD will analyze whether the proposed use of groundwater will have the potential for substantial interference with surface water, necessitating consideration of surface water availability. Any well located within one-quarter mile of the unnamed stream will be presumed to cause substantial interference. OAR 690-009-0060(4)(a). Water is not available during the majority of the summer irrigation months (see enclosed water availability chart), and any such application will therefore be denied.

Even if a well can be located on the Property more than one-quarter mile from the unnamed stream, the amount of water that may be authorized for appropriation will be so miniscule that development will not be economically feasible. I reviewed other groundwater applications in the vicinity of the Property. The closest and most recent groundwater application was filed on February 28, 2017 (Application G-18471/Permit G-17995). Though this application resulted in issuance of a permit, OWRD initially proposed denial of the application due to substantial interference with surface water (OAR 690-009-0060(4)(c)). The applicant was required to reduce his requested rate of water use to a maximum rate of only 0.03 cubic feet per second (only 13 gallons per minute) in order to obtain approval, which is an extremely low rate of water use and not viable for most commercial irrigation operations without a supplemental source of water (which does not exist for the Property).

851 SW Sixth Ave., Suite 1500 Portland, Oregon 97204 Main 503.224.6440 Fax 503.224.7324 DunnCarney.com

Dunn Carney Allen Higgins & Tongue LLP | Member of Meritas Law Firms Worldwide Meritas.org



Mike and Mary Paden
July 30, 2025
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Moreover, the likelihood of obtaining new water rights has decreased substantially over the last few years, and Application G-18471 was filed over eight years ago. The results today would not be as favorable.

Conclusions

It is my conclusion that a groundwater application submitted to OWRD for the Property will most likely be denied. If there is any small chance of approval, the requested rate of water use must be so low as to preclude feasibility for commercial irrigation. Based on the above information, I do not recommend incurring the expense of constructing a new well or applying for a new groundwater permit.



Oregon Water Resources Department
Water Availability Analysis

[Main](#) [Help](#)
[Return](#) [Contact Us](#)

Water Availability Analysis

DEEP CR > CLACKAMAS R - AT MOUTH
WILLAMETTE BASIN

Water Availability as of 6/6/2025

Watershed ID #: 89 ([Map](#))
Date: 6/6/2025

Exceedance Level: 80%
Time: 3:52 PM

Water Availability

Limiting Watersheds

Complete Water Availability Analysis

Water Availability

Select any Watershed for Details

	Nesting Watershed Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select	1	181	WILLAMETTE R> COLUMBIA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	2	80	CLACKAMAS R> WILLAMETTE R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes
Select	3	89	DEEP CR> CLACKAMAS R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes

Download Data ([Text - Formatted](#), [Text - Tab Delimited](#), [Excel](#))

DEATH BY 1000 CUTS:

The Erosion of Oregon's Exclusive Farm Use Zone



FRIENDS.ORG

farming that land altogether.

If land bordering heavily trafficked highways becomes too difficult to farm, a sizable amount of land could be taken out of production.

Disruption, nuisance, and lawsuits

Nonfarm uses on farmland can cause significant disruptions to farmers and result in lost time due to managing complaints and physical impacts to farmland and equipment. They are summarized here:

- Trespassing
- Vandalism & theft
- Poaching/recreational shooting
- Roaming dogs
- Introduction of invasive species
- Noise & music
- Time & money spent dealing with and adapting to neighbor complaints of farm practices

Oregon has a right-to-farm law, which provides commercial farmers with a defense if they are sued for an alleged nuisance. But the farmer still needs to hire an attorney and manage the lawsuit. Then there is the matter of nuisances created by nonfarm neighbors, which the right-to-farm law does not address.

For example, if neighbors plant an invasive species that spreads to a farmer's property, right-to-farm does not protect them from that conflict. Farmers do have the option of filing a general nuisance lawsuit against a neighbor, but in addition to the retaliation they could face, this is not an effective means for remedying threats to farming.

Winning a nuisance lawsuit means a farmer may receive money for damages, but not necessarily injunctive relief — the cause of the nuisance will not necessarily be stopped. It is more efficient and economical to prevent conflicts and nuisances from occurring in the first place. A major reason for the existence of land use laws is to prevent such conflicts.

Right-to-farm laws do not mean farmers can avoid all the costs and lost time associated with a lawsuit. One interviewee described a lawsuit where a woman was rear-ended

after stopping on a road where a dust cloud from combining on his property had settled. A nuisance claim was brought against the farmer, and even with right-to-farm, an arbitrator still found him partially liable. The farmer had to pay a portion of the claim as well as attorney fees.

Lawsuits can represent a tremendous cost to farmers, and might cause them to make concessions and numerous changes to their farming practices in order to prevent disgruntled neighbors and visitors from filing suit.

As another farmer put it, "even if something that happens is the other person's fault, people will sue for assets." The end result of a lawsuit — even when the farmer prevails — could be a loss due to the amount of time they have to spend dealing with the lawsuit instead of farming.

Land fragmentation

All nonfarm uses that take farmland out of production contribute to land fragmentation, regardless of zoning. The amount of acreage necessary for successful farming varies depending on what is being farmed, which is why each county determines — within state allowances — its own minimum lot sizes for new farm parcels to best suit farming practices in the area.

These minimum lot sizes are intended to maintain sufficiently-sized tracts of farmland to ensure the continued viability of agriculture in each region. New parcels created for other nonfarm uses across the state must be no larger than the minimum size needed to accommodate the use.

In each case, the remainder of the original farm parcel must continue to meet the minimum lot size after the land division. All minimum parcel sizes must be large enough to keep commercial farms and ranches in the area successful and not contribute to their decline.

However, land fragmentation can still happen in two ways. First, even if new nonfarm uses are on small parcels, that land is still removed from farm use and fragments the farmland

In this situation, farmers might halt operations while they search for a buyer or refrain from investing in their farms knowing they can generate income from selling their farm either when they find a buyer, or upon retirement.

A disturbing feedback loop is created: nonfarm uses near existing farms reduce farmer's certainty of the future and the perceived ability to farm, which causes them to sell their land or otherwise stop farming. This results in agricultural land being taken out of production and replaced by more nonfarm uses.



Figure 3. Feedback Loop Created by the Impermanence Syndrome

Threats to critical mass

The continuous growth of nonfarm uses on agricultural lands raises the concern of how they impact critical mass. Farmers and ranchers rely on various businesses, services, and suppliers to farm, maintain their land, and sell their products. These businesses, such as processors, equipment dealers, feed stores, and marketers in turn rely on farmers to support them.

Agricultural producers that utilize the services of and support of such businesses in a given area make up the critical mass. Once the critical mass slips below a certain threshold — typically when there are fewer farms — the area will no longer be profitable, so the agricultural businesses leave, reducing the number of resources available to farmers.

Farmers could then have to travel farther distances and pay higher prices for necessary products and services. This process could

create another feedback loop if costs are too great and farmers do not (or cannot, perhaps due to soil capabilities of their land) adapt, and instead sell off their land for nonfarm uses.

A threshold for critical mass has been difficult to identify in studies, in part due to lack of data, but also because whatever thresholds exist are likely highly dependent on context. Oregon has great diversity in its agriculture, from multi-thousand-acre ranches to small, organic vegetable farms. With diversity comes differences in business needs. Therefore, there are likely multiple critical mass thresholds for varying agricultural products, scales, regions, and markets.

Despite the difficulty of ascertaining parameters, there are clear signs of decline in critical mass in Oregon. One example is the closing of tractor and large equipment dealerships. Interviewees report the closing of many or all in the Hood River and Rogue Valley areas.

One interviewee notes the decline in Oregon pork production — a 52% decline in number of animals and a 20% decline in farms producing pork from 2007 to 2012 — could be related to the lack of access to rendering facilities.

Another interviewee describes an area that could be impacted in the future by a decline in critical mass. The farmer describes increasing difficulty in selling fruit products, in his case primarily pears, which require sophisticated packing houses to supply large grocery stores. In Hood River, there are 15,000 acres of land dedicated to fruit production, and there are four packing houses.

He remarks that if only two remained, there would not be enough competition between the packing houses and farmers would be in trouble. While this might not be an issue yet, Hood River faces increasing pressure from development as a tourist destination, which could impact critical mass in the future.



Planning and Zoning
Department of Transportation and Development
 Development Services Building
 150 Beavercreek Road | Oregon City, OR 97045
 503-742-4500 | zoninginfo@clackamas.us
 www.clackamas.us/planning

PRELIMINARY STATEMENT OF FEASIBILITY

TO BE COMPLETED BY APPLICANT		
Applicant name: Ty Wyman, obo Michael Paden	Applicant email: twyman@dunncarney.com	Applicant phone: 503-506-5303
Project engineer: TBD	Project engineer email: TBD	Project engineer phone: TBD
Site address: 40822 SE Allgeier Rd., Sandy, OR 97055		
Map and tax lot #: Township: <u>2S</u> Range: <u>5E</u> Section: <u>31B</u> Tax Lot: <u>00200</u> Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____		

TO BE COMPLETED BY SERVICE PROVIDER / SURFACE WATER MANAGEMENT AUTHORITY	
Name of service provider / surface water management authority: Clackamas County DTD	Name and title of authorized representative: Jonny Gish Development Review Coordinator
Representative email: JGish@Clackamas.us	Representative phone: 503-804-8271
Check all that apply:	
Water Service ☐ Water service, including fire flows, is available in levels appropriate for the development and adequate water system capacity is available in source, supply, treatment, transmission, storage, and distribution, or such levels and capacity can be made available through improvements completed by the developer or the system owner. ☐ Water service is adequate with the exception of fire flows. The applicant shall provide a statement from the fire district serving the subject property that states that an alternate method of fire protection, such as an on-site water source or sprinkler system, is acceptable. ☐ Adequate water service cannot be provided. Sanitary Sewer Service ☐ Sanitary sewer capacity in the wastewater treatment system and the sanitary sewage collection system is available to serve the development or can be made available through improvements completed by the developer or the system owner. ☐ Adequate sanitary sewer service cannot be provided. Surface Water Management, Treatment, and Conveyance ☒ 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. ☐ Adequate surface water management, treatment, and conveyance cannot be provided.	
Is this statement issued subject to any conditions of approval?	
☐ YES, and those conditions are attached. ☒ NO	
Signature of authorized representative: JGish	Date of signature: Digitally signed by JGish DN: cn=JGish Date: 2025.07.28 08:51:21-07'00'

AFTER RECORDING RETURN TO:
CASCADE TITLE COMPANY
811 WILLAMETTE ST., EUGENE, OR 97401

CTS423-0544 NRJ

Clackamas County Official Records
Catherine McMullen, County Clerk

2023-042177

11/29/2023 12:06:01 PM

D-D Cnt=1 Stn=7 LISA
\$10.00 \$16.00 \$10.00 \$62.00

\$98.00

TAX ACCT. NO. 00700904
MAP/TAX LOT NO. 25E31B 00200

GRANTOR

MICHAEL PADEN

GRANTEE

MICHAEL PADEN and MARY A. PADEN
11000 SE 121st CT
HAPPY VALLEY, OR 97086

Until a change is requested
all tax statements shall be
sent to the following address:
SAME AS GRANTEE

After recording return to:
MICHAEL PADEN
11000 SE 121st CT
HAPPY VALLEY, OR 97086

BARGAIN AND SALE DEED

MICHAEL PADEN, Grantor,
conveys to

MICHAEL PADEN and MARY A. PADEN, as tenants by the entirety, Grantee

hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of CLACKAMAS, State of Oregon, described as follows, to-wit:

The East one-half of the West one-half of the West one-half of the Northeast one-quarter of the Northwest one-quarter and the East one-half of the West one-half of the Northeast one-quarter of the Northwest one-quarter of Section 31 in Township 2 South, Range 5 East of the Willamette Meridian, in the County of Clackamas and State of Oregon.

The true consideration for this conveyance is \$0.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

BSD LTR

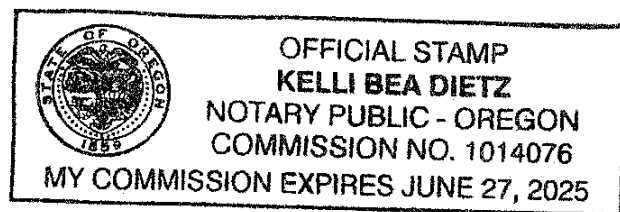
Dated this 27 day of November, 2023

Michael Paden
MICHAEL PADEN

State of Oregon

County of Clackamas

This instrument was acknowledged before me on November 27th, 2023 by MICHAEL PADEN.



Kelli Dietz
(Notary Public for Oregon)
My commission expires June 27, 2025

2025, PlanMap (Clackamas County)



Q Enter an address...

Basemaps



County Basemap



Aerial 2025



Aerial 2024



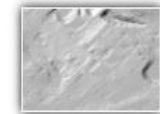
Aerial 2022



Aerial 2020



Aerial 2018



LiDAR 2014



Google Road



Google Hybrid



Google Terrain



Open Street



ESRI Street

2024, Google Earth



2023, PlanMap (Clackamas County)



2018, PlanMap (Clackamas County)



Q Enter an address...

Basemaps



County Basemap



Aerial 2025



Aerial 2024



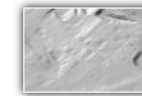
Aerial 2022



Aerial 2020



Aerial 2018



LiDAR 2014



Google Road



Google Hybrid



Google Terrain



Open Street



ESRI Street

2017, Google Earth



2011, Google Earth

40822 SE Alger Rd

SE Barnsted Rd

SE Elmwood Rd

SE Frayser Rd

Rude Rd

SGD Services

Image USDA FPAC/GEO

2005, Google Earth





Agricultural, Forest, Equine, Dog Training or Marijuana Building Application

Office Use Only:

AG#

AGM#

Z#

TYPE OF EXEMPTION

☒ Agriculture ☐ Forestry ☐ Equine ☐ Dog Training Facility ☐ Marijuana

JOB SITE INFORMATION AND LOCATION

Is the property in a floodplain?: ☐ Yes ☒ No

Is the property in a farm or forest deferral?: Yes (see instructions for additional info. required) ☒ No

Job site address: 40822 S.E. Algeier Rd.

City/State/ZIP: Sandy, Oregon, 97055

Legal description: T ☐ R ☐ SECTION _____ TAX LOT(S) 25E31B 00200

OWNER **APPLICANT** **PRIMARY CONTACT**

Business name: Mike Paden

Owner name: Mike Paden

Address: 11000 S.E. 121st CT. Phone: 503-698-4071 Cell: 971-679-3304

City/State/ZIP: Happy Valley, Oregon, 97086

Email: Mike.Paden@comcast.net

APPLICANT **PRIMARY CONTACT**

Business name: Mike Paden

Contact name: Mike Paden

Address: 11000 S.E. 121st CT. Phone: 503-698-4071 Cell: 971-679-3304

City/State/ZIP: Happy Valley, Oregon, 97086

Email: Mike.Paden@comcast.net

ADDITIONAL PROJECT INFORMATION

Will the proposed structure have any of the following work? (If yes, separate permits are required for each)

Mark all proposed for this building:

Describe the type of fixture or work:

Electrical	☒ Yes	☐ No	_____
Plumbing	☐ Yes	☒ No	_____
Septic	☐ Yes	☒ No	_____
Solar	☐ Yes	☒ No	_____
Mechanical (heating/cooling/ventilation)	☐ Yes	☒ No	_____
Fences over 7 ft. in height	☐ Yes	☒ No	_____

Will this structure be open to the public at any time? ☐ Yes ☒ No

What is the proposed maximum number of people (including employees and owners) who will be present in the building at any one time? 2

Where are bathroom facilities provided? (If proposed)

STATEMENT OF USE

Page 9 of 68

Answering the following questions provides a detailed description of how this building will be used. This information will ensure your compliance with land use laws and helps us determine whether the building qualifies as an exempt structure. It is essential that your description is as complete as possible.

Describe the type of agricultural, equine, forest, dog training or marijuana operation on the property:

Describe in detail what will be placed in the building (e.g., equipment, feed, etc.):

Equipment, Farm

Describe the type of structure being constructed (e.g., pole building, hoop greenhouse, wood framed barn, etc.). Include the size (footprint) of the structure. (Note: Manufactured homes do not qualify for an agricultural or forestry exemption).

Wood Frame 24'x30'x16'

Mark all the activities proposed within this building:

- ☒ Storage, maintenance and repair of farm machinery, equipment and supplies used on this farm
- ☐ Raising, harvesting or selling crops raised on this farm
- ☐ Feeding, breeding, management and sale of livestock, poultry, fur-bearing animals or honeybees on this farm
- ☐ Dairying and sale of dairy products produced on this farm
- ☐ Marijuana production (growing and related activities) **Note: Land use approval required by Planning and Zoning**
- ☐ Marijuana processing (products and/or concentrates) **Note: Land use approval required by Planning and Zoning**
- ☐ Dog training facility (training classes or testing trials)
- ☐ Equine facility; stabling, training, riding lessons and clinics
- ☐ Forestry operation, including preparation, storage and sale of forest products

I certify the information provided is correct. I also certify that I have read and understand ORS 455.315 and that this proposed exempt structure must comply with the definition of an exempt structure set forth in state law as listed in ORS 455.315. I understand that any change of use including, but not limited to, the use of the building for a dwelling, home occupations, and processing of extracts will require a building permit and will nullify the exemption.

Failure to obtain appropriate permits may result in action to enforce the applicable building codes for the structure and the use. I understand this exemption does not exclude me from obtaining applicable mechanical, plumbing, electrical, septic or any other permits required by law related to the building, or other permits related to the use.

I understand that post-occupancy inspections may be made to ensure continuing compliance with the regulations. I also certify that I have read and understand that conversion away from an agricultural exempt structure to a permitted occupancy or use may require System Development Charges. Charges will be assessed during the building permit review for the change of use.

I understand that in accordance with ORS 215.760(2) that agricultural buildings on TBR or AG/FOREST zoned land cannot be converted to any other use in the future.

Owner signature:

Micha Road

Print name:

Date: *10-29-2024*

OFFICE USE ONLY

Comments:

Type of documentation provided:

Planning	Date	Septic	Date	Engineering	Date	Building	Date
----------	------	--------	------	-------------	------	----------	------

CLACKAMAS COUNTY OREGON
150 BEAVERCREEK RD.
OREGON CITY, OREGON 97045
503-655-8671 www.clackamas.us/at

REAL PROPERTY TAX STATEMENT

7/1/2024 1203162225 Z0316-25

Page 10 of 68

Property Location: No Address

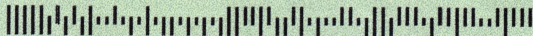
ACCOUNT NO: 00700904
MAP: 25E31B 00200

Tax Code Area: 046-004 Acres: 14.77

2024 - 2025 CURRENT TAX BY DISTRICT:

COM COLL MT HOOD	5.37
ESD CLACKAMAS	4.00
SCH OREGON TRL	50.67
EDUCATION TOTAL:	60.04
COUNTY CLACKAMAS R	32.01
COUNTY EXTENSION & 4-H	0.54
COUNTY LIBRARY	4.31
COUNTY PUBLIC SAFETY LOC OPT	4.02
COUNTY SOIL CONS	0.54
FD72 SANDY	22.81
PORT OF PTLD	0.76
URBAN RENEWAL COUNTY	0.55
VECTOR CONTROL	0.07
VECTOR CONTROL LOC OPT	0.27
GENERAL GOVERNMENT TOTAL:	65.88
COUNTY PUBLIC SFTY RADIO SYS	1.00
SCH OREGON TRL BOND	18.25
SP FIRE PATROL TAX	18.75
EXCLUDED FROM LIMIT TOTAL:	38.00
2024 - 2025 TAX BEFORE DISCOUNT	163.92

121525*377**G50**0.776**1/2*****AUTO5-DIGIT 97086
PADEN MICHAEL & MARY A
11000 SE 121ST CT
HAPPY VALLEY OR 97086-2778



eNoticesOnline.com
Go Paperless

AUTHORIZATION CODE
CLK-43WKG8LJ

Potential Additional Tax Liability

VALUES:	LAST YEAR	THIS YEAR
REAL MARKET VALUES (RMV):		
RMV LAND	429,515	438,310
RMV TOTAL	429,515	438,310
M5 TOTAL(SAV)	33,352	33,352
ASSESSED VALUE:	10,608	10,919

PROPERTY TAXES: 160.32 163.92

If your assessed value has increased more than 3% this year, please reach out to our office at the number provided above.

(See back of statement for instructions)

TAX PAYMENT OPTIONS			
Payment Options	Date Due	Discount Allowed	Net Amount Due
FULL	Nov 15, 2024	4.92 3%	159.00
2/3	Nov 15, 2024	2.19 2%	107.09
1/3	Nov 15, 2024		54.64

DELINQUENT TAXES: 0.00
TOTAL (after discount): 159.00
Delinquent tax amount is included in payment options listed below.

↑ TEAR HERE PLEASE RETURN THIS PORTION WITH YOUR PAYMENT See back of statement for instructions

TEAR HERE ↑

2024 - 2025 Property Tax Payment Clackamas County, Oregon

DISCOUNT IS LOST AFTER DUE DATE & INTEREST MAY APPLY

FULL PAYMENT (Includes 3% Discount)	DUE Nov 15, 2024	159.00
2/3 PAYMENT (Includes 2% Discount)	DUE Nov 15, 2024	107.09
1/3 PAYMENT (No Discount offered)	DUE Nov 15, 2024	54.64

ACCOUNT NO: 00700904

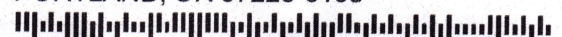
☐ Mailing address or taxpayer name change on back

Enter Amount Paid

159.00

Please make payment to:

CLACKAMAS COUNTY TAX COLLECTOR
PO BOX 6100
PORTLAND, OR 97228-6100



PADEN MICHAEL & MARY A
11000 SE 121ST CT
HAPPY VALLEY OR 97086-2778

03000007009040000015900000001070900000054646

Fritzie, Martha

From: Bennett, Geoff
Sent: Wednesday, July 30, 2025 2:16 PM
To: Fritzie, Martha
Subject: Land Class Legend
Attachments: 2025 PropertyClassCodes.xls

Hi Martha,

Attached is a list of all the different codes you would see under the "Land Class Category" on our website.

To simplify it.....

if the number starts with a 5, then the property has acres under a Farm Deferral Program.

If the number starts with a 6, then the property has acres under a Forest Deferral Program.

If a property has some acres under a farm deferral program and some under a Forest Deferral Program, the Land Class Category would be 680 or 681.

If you have any additional questions, feel free to email me back.

Regards,

Geoff Bennett, Senior Appraiser

Clackamas County Department of Assessment & Taxation

150 Beavercreek Road, Oregon City, OR 97045

Primary: 503-655-8671

Hours of Operation: Mon – Thu, 8 a.m – 4 p.m.

www.clackamas.us

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

Go Paperless: The Clackamas County Assessor's office now offers an option for property owners to obtain paperless tax statements (e-notices) in place of the mailed paper statements. Sign up at eNoticesOnline.com or give us a call for additional information.

BASIC PROPERTY CLASS CODES

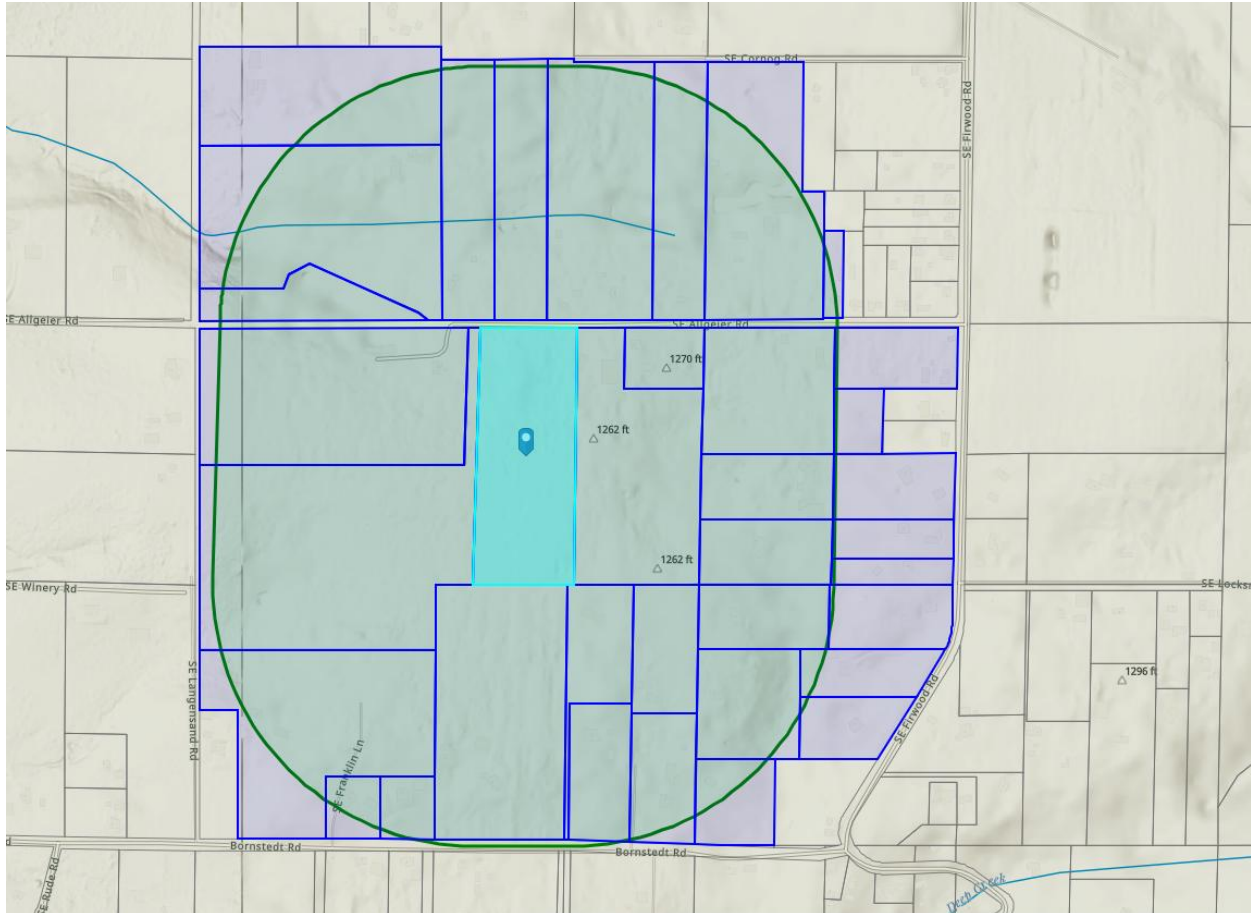
1-0-0	Residential land only	1-0-1	Residential property
		1-0-2	Condominiums
2-0-0	Commercial land only	2-0-1	Commercial property
3-0-0	Industrial land only	3-0-1	Industrial Property County
		3-0-3	Industrial Property DOR
4-0-0	Tract Land Only	4-0-1	Tract property
5-4-0	Non-EFU zone land which is under specially assessed by application	5-4-1	Non-EFU zone farm and range property with special assessment and market
5-5-0	EFU zoned farm & range land only, specially assessed	5-5-1	EFU zoned farm & range property, specially assessed and market
6-4-0	Forest land only, classified and specially assessed	6-4-1	Forest property designated by application specially assessed and market
6-6-0	Small Tract Forest land only	6-6-1	Small Tract Forest property
6-8-0	Mixed use specially assessed land only	6-8-1	Mixed use specially assessed property
7-0-0	Multi-family land only	7-0-1	Multi-family property
		7-0-7	Manufactured Home Parks
		7-8-1	Low Income Housing
8-0-0	Recreational land only	8-0-1	Recreation property

2025 RATIO STUDY

**0-8-1 Summer home site property on
Forest Service Land**



Map: Parcels within ¼-mile of subject site



COMPREHENSIVE PLAN AMENDMENT

ERLWOOD!
BULL RUN
AREAS

Clackamas County
Dept. of Environmental Services
Planning Division - June 1980.

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

EXHIBIT 2
Z0315-25 & Z0316-25
Page 17 of 68

In the Matter of Adopting Map
Amendments to the Clackamas
County Comprehensive Plan,
Land Use Elements, and
Adopting Zoning in the
Firwood/Bull Run Areas

COURT ORDER NO. 80-1206

This matter coming on regularly before the Board of County Commissioners of Clackamas County, and

It appearing that Clackamas County is responsible for insuring that its Comprehensive Plan meets the requirements of ORS Chapter 197 and ORS Chapter 215, the Land Conservation and Development Commission goals, and the needs of County residents, and

Subsequent to the 1974 Plan adoption, this Board, in conjunction with Firwood Neighbors, a recognized Community Planning Organization, defined and designated several specific areas as "Rural" within the Firwood/Bull Run planning area, and

Subsequent to the above act and in conjunction with the RUPA projects, certain specific criteria were adopted for the application of various plan designations, such as "Rural" and "Forest" and "Agriculture," and

In consideration of the adopted criteria, it became necessary to reexamine the various land use designations as they apply to the Firwood/Bull Run area, and

During a five-month period, public notice was given and informational meetings were held with citizens, the Clackamas County Planning Commission held a public hearing, and a work session, and made recommendations to this Board, and this Board held two public hearings and three work sessions, and testimony and other evidence was received on amendments to the Comprehensive Plan map and zoning for these 33,021 acres, and

Clackamas County wishes to amend the Firwood/Bull Run plan and zoning designations in its Comprehensive Plan to:

1. Establish the basis for future land use to meet County goals.
2. Comply with state laws and LCDC goals.

NOW THEREFORE this Board finds as follows:

1. To balance the County Plan and State Land Use goals and reduce development pressures in agricultural and forest areas, and provide for rural residential uses in areas no longer available for farm and forest uses, the County should designate as "Rural" those areas not suited for forest or agricultural activities because of the poor quality of the soils, and commitment to nonfarm/nonforest uses as a result of existing development on or in the area surrounding these 5,396 acres.

2. Clackamas County finds it necessary and proper to designate approximately 27,625 acres as Agriculture and Forest, as indicated on Exhibit A, attached hereto and incorporated herein, for the reasons indicated in Exhibit C, attached hereto and incorporated herein, and to zone these areas as indicated on Exhibit D, attached hereto and incorporated herein.

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

Firwood/Bull Run
Court Order No. 80-1206
Page 2

3. Clackamas County finds it necessary and proper to designate as Rural approximately 5,390 acres, as indicated on Exhibit A, attached hereto and incorporated herein, and to zone these areas as indicated on Exhibit B, attached hereto and incorporated herein, and designated six acres as Commercial, as indicated on Exhibit A, attached hereto and incorporated herein, and to zone these areas as indicated on Exhibit B, attached hereto and incorporated herein. These Rural and Commercial areas are committed to nonfarm and nonforest uses for the reasons described in Exhibit D, "Findings in Support of Conclusions that Areas Designated Rural and Commercial Are Committed to Nonfarm/Nonforest Uses," attached hereto and incorporated herein.

4. This Order is based on and incorporates the following record and evidence:

- a. The material shown in Exhibit E, attached hereto and incorporated herein, entitled "The Resource Data Base Used for the Firwood/Bull Run Rural Plan Amendment."
- b. Citizen testimony, both written and oral, and exhibits submitted to the Board during its consideration of this matter.

5. This Comprehensive Plan and zoning map change is in the best interest of the citizens of Clackamas County.

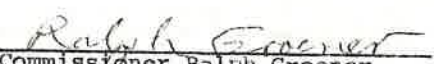
NOW THEREFORE IT IS ORDERED that the Clackamas County Comprehensive Plan map be amended as shown in Exhibit A, attached hereto and incorporated herein, and that zoning is adopted for those areas as shown in Exhibit B, attached hereto and incorporated herein, and that if any portion of this plan and zoning amendment is found invalid by any tribunal, such portion shall be deemed a separate provision of this Order and shall not affect the validity of the remaining portions of this Order.

DATED this 10th day of January 1980.

BOARD OF COUNTY COMMISSIONERS


Chairman Robert Schumacher


Commissioner Stan Skoko


Commissioner Ralph Groener

DP:rf
324/1-2

EXHIBIT C

FIRWOOD/BULL RUN
AGRICULTURE AND FOREST OVERVIEW

The two largest industries in Clackamas County are forestry and agriculture. Two primary goals in the Clackamas County Comprehensive Plan are: 1) to preserve agricultural lands and to protect agricultural lands from conflicting uses, and 2) to preserve and protect forest lands for forest uses. State Goals 3 (Agricultural Lands) and 4 (Forest Lands) also indicate the importance of these resource areas and the need to maintain them.

Clackamas County is fortunate to have large areas of productive agricultural and forest lands. As a result of this Rural Plan Amendment, 27,625 acres are designated as Agriculture and Forest.

AGRICULTURE

Agricultural land was identified by use of the following criteria:

- A. Areas having predominantly Class I-IV agricultural soils as defined by the U.S. Soil Conservation Service;
- B. Areas with parcels of generally 20 acres or larger in size;
- C. Areas generally suitable for or characterized by agricultural uses; and
- D. Areas necessary to permit farming practices on adjacent lands to prevent conflicts with agricultural uses.

FOREST

Forest land was identified by use of the following criteria:

- A. Areas with lands of Douglas Fir Forest Site Class I-V as determined by the State Forest Department and U.S. Forest Service;
- B. Areas with parcels generally 20 acres or larger in size; and
- C. Areas primarily in timber growing and related uses.

DP:rf
303/1

EXHIBIT C

Page 2

AGRICULTURE AREAS

The 11 areas designated Agriculture in this Plan Amendment total 6,314 acres. These 11 areas contain 263 different ownerships for an average ownership size of 24.01 acres. Each of these areas have soils predominantly SCS Classes I through IV. Because of their location, use, size and soil capabilities, these areas are designated Agriculture and the zoning is either EFU-20 or GAD (See Exhibits A and B).

<u>Agricultural Area</u>	<u>Acres</u>	<u>Ownerships</u>	<u>Dwelling Units</u>
<u>EFU AREAS</u>			
A-1	311	16	15
A-2	220	15	15
A-4	260	10	9
A-5	431	28	19
A-6	591	15	6
A-7	2,077	115	109
A-8	368	16	12
A-9	614	24	17
A-10	209	10	9
	5,081	249	211
		20.41 ac. avg.	24.08 ac. avg.
<u>GAD AREAS</u>			
A-3	733	11	9
A-11	500	3	4
	1,233	14	13
		88.07 ac. avg.	94.85 ac. avg.
TOTAL	6,314	263	224
		24.01 ac. avg.	28.19 ac. avg.

DP:rf
303/2

EXHIBIT C

Page 3

FOREST AREAS

The 12 areas designated Forest in this Plan Amendment total 21,311 acres. These 12 areas contain 463 different ownerships for an average size of 46.03 acres. Each of these areas have soils predominantly Douglas fir site Classes I through III. Because of their location, use, size and soil capabilities, these areas are designated Forest and the zoning is either TT-20 or GTD (See Exhibits A and B).

<u>Forest Area</u>	<u>Acres</u>	<u>Ownerships</u>	<u>Dwelling Units</u>
F-2	180	9	0
F-3	320	17	11
F-5	120	11	9
F-6	134	2	0
F-7	105	7	1
F-8	788	48	36
F-10	1,162	47	33
F-11	159	1	1
F-12	148	14	1
	3,116	156	92
		19.97 ac. avg.	33.87 ac. avg.

GTD AREAS

F-1	5,500	80	12
F-4	4,088	65	21
F-9	8,607	162	75
	18,195	307	108
		59.27 ac. avg.	168.47 ac. avg.
TOTAL	21,311	463	200
		46.03 ac. avg.	106.55 ac. avg.

The following pages describe the 11 Agricultural subareas (A-1 through A-11), and the 12 Forest subareas (F-1 through F-12).

DP:rf
303/2A

AGRICULTURAL SUBAREAS

A-1 THOMAS ROAD

This 311 acre area is located between Roslyn Lake and the Sandy River. The area has 24 parcels. There are 16 ownerships of which 6 are 0 to 5 acres, 4 are 5 to 10 acres, 1 is 10 to 20 acres, and 5 are over 20 acres in size. Average parcel size is 12.92 acres, and average ownership size is 19.38 acres. The 15 dwelling units in this area average one per 19.38 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 9% Class II, 50% Class III, 1% Class IV, and 40% Class VI-VIII. The soil suitability for Douglas fir is 60% Class II, and 40% Class III. The suitability of the soil for septic tank systems is 50% suitable, 20% marginal, and 30% unsuitable.

PLAN: Agriculture

ZONING: EFU

A-2 PHELPS ROAD

This 220 acre area is located south of the Bull Run River along Phelps Road. The area has 17 parcels. There are 15 ownerships of which 4 are 0 to 5 acres, 3 are 5 to 10 acres, 5 are 10 to 20 acres, and 3 are over 20 acres in size. Average parcel size is 12.94 acres, and average ownership size is 14.67 acres. The 15 dwelling units in this area average one per 14.67 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 70% Class III, 10% Class IV, and 20% Class VI-VIII. The soil suitability for Douglas fir is 90% Class II, and 10% Class III. The suitability of the soil for septic tank systems is 85% suitable, 5% marginal, and 10% unsuitable.

PLAN: Agriculture

ZONING: EFU

A-3 BOWMAN CREEK

This 733 acre area is located along the west end of Marmot Road. The area has 22 parcels. There are 11 ownerships of which 0 are 0 to 5 acres, 1 is 5 to 10 acres, 0 are 10 to 20 acres, and 10 are over 20 acres in size. Average parcel size is 36.04 acres, and average ownership size is 72.09 acres. The 9 dwelling units in this area average one per 79.3 acres.

Detailed and general soil maps for this area show the soil suitability for agriculture is 50% Class III, 25% Class IV, and 25% Class VI-VIII. The soil suitability for Douglas fir is 95% Class II, and 5% Class III. The suitability of the soil for septic tank systems is 70% suitable, 25% marginal, and 5% unsuitable.

PLAN: Agriculture

ZONING: GAD

A-4 TEN EYCK ROAD

This 260 acre area is located one mile northeast of Sandy on both sides of Ten Eyck Road. The area has 12 parcels. There are 10 ownerships of which 0 are 0 to 5 acres, 1 is 5 to 10 acres, 4 are 10 to 20 acres, and 5 are over 20 acres in size. Average parcel size is 21.6 acres, and average ownership size is 26 acres. The nine dwelling units in this area average one per 28.88 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 70% Class III, 15% Class IV, and 15% Class VI-VIII. The soil suitability for Douglas fir is 80% Class II, and 20% Class III. The suitability of the soil for septic tank systems is 75% suitable, and 25% unsuitable.

PLAN: Agriculture

ZONING: EFU

A-5 WEST COALMAN ROAD

This 431 acre area is located three miles east of Sandy along Coalman Road. The area has 35 parcels. There are 28 ownerships of which 8 are 0 to 5 acres, 5 are 5 to 10 acres, 6 are 10 to 20 acres, and 9 are over 20 acres in size. Average parcel size is 12.3 acres, and average ownership size is 15.39 acres. The 19 dwelling units in this area average one per 20.52 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 10% Class II, 55% Class III, 10% Class IV, and 25% Class VI-VIII. The soil suitability for Douglas fir is 95% Class II, and 5% Class III. The suitability of the soil for septic tank systems is 60% suitable, 15% marginal, and 25% unsuitable.

PLAN: Agriculture

ZONING: EFU

A-6 BATY ROAD

This 591 acre area is located north of Cherryville on both sides of Baty Road. The area has 27 parcels. There are 23 ownerships of which 7 are 0 to 5 acres, 2 are 5 to 10 acres, 8 are 10 to 20 acres, and 6 are over 20 acres in size. Average parcel size is 21.88 acres, and average ownership size is 25.69 acres. The 6 dwelling units in this area average one per 98.5 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 70% Class III, 10% Class IV, and 20% Class VI-VIII. The soil suitability for Douglas fir is 100% Class II. The suitability of the soil for septic tank systems is 75% suitable, 5% marginal, and 20% unsuitable.

PLAN: Agriculture

ZONING: EFU

A-7 WEST OF FIRWOOD

This 2077 acre area is located south of Highway 26 and east of Lagensand Road. The area has 144 parcels. There are 115 ownerships of which 33 are 0 to 5 acres, 21 are 5 to 10 acres, 34 are 10 to 20 acres, and 27 are over 20 acres in size. Average parcel size is 14.42 acres, and average ownership size is 18.06 acres. The 109 dwelling units in this area average one per 19.05 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 45% Class II, 50% Class III, 20% Class IV, and 30% Class VI-VIII. The soil suitability for Douglas fir is 100% Class II. The suitability of the soil for septic tank systems is 90% suitable, 9% marginal, and 1% unsuitable.

PLAN: Agriculture

ZONING: EFU

A-8 SOUTH FORK CEDAR CREEK

This 368 acre area is located south of Highway 26 approximately four miles east of Sandy. The area has 17 parcels. There are 16 ownerships of which 6 are 0 to 5 acres, 1 is 5 to 10 acres, 2 are 10 to 20 acres, and 7 are over 20 acres in size. Average parcel size is 17.18 acres, and average ownership size is 18.25 acres. The 12 dwelling units in this area average one per 24.33 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 60% Class III, 10% Class IV, and 20% Class VI-VIII. The soil suitability for Douglas fir is 100% Class II. The suitability of the soil for septic tank systems is 60% suitable, 30% marginal, and 10% unsuitable.

PLAN: Agriculture

ZONING: EFU

A-9 UPPER TICKLE CREEK

This 614 acre area is located three miles southeast of Sandy. The area has 34 parcels. There are 24 ownerships of which 7 are 0 to 5 acres, 3 are 5 to 10 acres, 4 are 10 to 20 acres, and 10 are over 20 acres in size. Average parcel size is 14.8 acres, and average ownership size is 18.5 acres. The 17 dwelling units in this area average one per 36.11 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 70% Class III, 20% Class IV, and 10% Class VI-VIII. The soil suitability for Douglas fir is 100% Class II. The suitability of the soil for septic tank systems is 80% suitable, 10% marginal, and 10% unsuitable.

PLAN: Agriculture

ZONING: EFU

A-10 PAUGH ROAD

This 209 acre area is located two miles south of Sandy on Paugh Road. The area has 11 parcels. There are 10 ownerships of which 4 are 0 to 5 acres, 0 are 5 to 10 acres, 1 is 10 to 20 acres, and 5 are over 20 acres in size. Average parcel size is 19.04 acres, and average ownership size is 20.94 acres. The 9 dwelling units in this area average one per 23.26 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 3% Class II, 60% Class III, 3% Class IV, and 34% Class VI-VIII. The soil suitability for Douglas fir is 90% Class II, and 10% Class III. The suitability of the soil for septic tank systems is 80% suitable, 5% marginal, and 15% unsuitable.

PLAN: Agriculture

ZONING: EFU

A-11 MARMOT

This 500 acre area is located six miles east of Sandy on Marmot Road. The area has 6 parcels. There are 3 ownerships of which 1 is 0 to 5 acres, 0 are 5 to 10 acres, 0 are 10 to 20 acres, and 2 are over 20 acres in size. Average parcel size is 83.33 acres, and average ownership size is 166 acres. The 4 dwelling units in this area average one per 125 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 25% Class III, 25% Class IV, and 50% Class VI-VIII. The soil suitability for Douglas fir is 100% Class II. The suitability of the soil for septic tank systems is 50% suitable, 20% marginal, and 30% unsuitable.

PLAN: Agriculture

ZONING: GAD

FOREST SUBAREAS

F-1 LAUGHING WATER CREEK

This 5500 acre area is located south and west of the Multnomah County line and the Bull Run Reserve. The area has 111 parcels. There are 80 ownerships of which 19 are 0 to 5 acres, 13 are 5 to 10 acres, 8 are 10 to 20 acres, and 40 are over 20 acres in size. Average parcel size is 49.55 acres, and average ownership size is 68.75 acres. The 12 dwelling units in this area average one per 458.33 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 5% Class II, 30% Class III, 15% Class IV, and 50% Class VI-VIII. The soil suitability for Douglas fir is 30% Class II, and 70% Class III. The suitability of the soil for septic tank systems is 65% suitable, 10% marginal, and 25% unsuitable.

PLAN: Forest

ZONING: GTD

F-2 LOWER SANDY RIVER

This 180 acre area is located north of Sandy on the Sandy River. The area has 13 parcels. There are 9 ownerships of which 2 are 0 to 5 acres, 2 are 5 to 10 acres, 3 are 10 to 20 acres, and 2 are over 20 acres in size. Average parcel size is 13.85 acres, and average ownership size is 20.00 acres. There are no dwelling units in this area.

Detailed soil maps for this area show the soil suitability for agriculture is 4% Class II, 4% Class III, 2% Class IV, and 90% Class VI-VIII. The soil suitability for Douglas fir is 5% Class II, and 95% Class III. The suitability of the soil for septic tank systems is 5% suitable, 35% marginal, and 60% unsuitable.

PLAN: Forest

ZONING: TT-20

F-3 SOUTH OF ROSLYN LAKE

This 320 acre area is located between Roslyn Lake and the Sandy River. The area has 20 parcels. There are 17 ownerships of which 4 are 0 to 5 acres, 4 are 5 to 10 acres, 3 are 10 to 20 acres, and 6 are over 20 acres in size. Average parcel size is 16.00 acres, and average ownership size is 18.82 acres. The 11 dwelling units in this area average one per 29.09 acres.

Detailed and general soil maps for this area show the soil suitability for agriculture is 55% Class III, 20% Class IV, and 25% Class VI-VIII. The soil suitability for Douglas fir is 60% Class II, and 40% Class III. The suitability of the soil for septic tank systems is 50% suitable, 20% marginal, and 30% unsuitable.

PLAN: Forest

ZONING: TT-20

F-4 SANDY RIVER

This 4088 acre area is located East of Sandy on both sides of the Sandy River. The area has 86 parcels. There are 65 ownerships of which 5 are 0 to 5 acres, 6 are 5 to 10 acres, 7 are 10 to 20 acres, and 47 are over 20 acres in size. Average parcel size is 47.54 acres, and average ownership size is 62.8 acres. The 21 dwelling units in this area average one per 194.66 acres.

Detailed and general soil maps for this area show the soil suitability for agriculture is 10% Class III, 15% Class IV, and 75% Class VI-VIII. The soil suitability for Douglas fir is 95% Class II, and 5% Class III. The suitability of the soil for septic tank systems is 15% suitable, 10% marginal, and 75% unsuitable.

PLAN: Forest

ZONING: GTD

F-5 NORTH OF ALDER CREEK

This 120 acre area is located on the south bank of the Sandy River, just north of Alder Creek. The area has 14 parcels. There are 11 ownerships of which 4 are 0 to 5 acres, 1 is 5 to 10 acres, 3 are 10 to 20 acres, and 3 are over 20 acres in size. Average parcel size is 8.57 acres, and average ownership size is 10.91 acres. The 9 dwelling units in this area average one per 13.33 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 15% Class III, and 85% Class VI-VIII. The soil suitability for Douglas fir is 15% Class II, and 85% Class III. The suitability of the soil for septic tank systems is 15% suitable, and 85% unsuitable.

PLAN: Forest

ZONING: TT-20

F-6 MIDDLE CEDAR CREEK

This 134 acre area is located five miles east of Sandy, south of Coalman Road and north of Highway 26. The area has 2 parcels. There are 2 ownerships of which 0 are 0 to 5 acres, 0 are 5 to 10 acres, 0 are 10 to 20 acres, and 2 are over 20 acres in size. Average parcel size is 67 acres, and average ownership size is 67 acres. There are no dwelling units in this area.

Detailed soil maps for this area show the soil suitability for agriculture is 40% Class III, 40% Class IV, and 20% Class VI-VIII. The soil suitability for Douglas fir is 100% Class II. The suitability of the soil for septic tank systems is 40% suitable, 25% marginal, and 35% unsuitable.

PLAN: Forest

ZONING: TT-20

F-7 TRUBEL ROAD

This 105 acre area is located north of Allgeier Road approximately two miles south of Sandy. The area has 7 parcels. There are 7 ownerships of which 1 is 0 to 5 acres, 1 is 5 to 10 acres, 3 are 10 to 20 acres, and 2 are over 20 acres in size. Average parcel size is 15 acres, and average ownership size is 15 acres. The one dwelling unit in this area averages one per 105 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 55% Class II, 20% Class III, and 25% Class IV. The soil suitability for Douglas fir is 95% Class II, and 5% Class III. The suitability of the soil for septic tank systems is 95% suitable and 5% marginal.

PLAN: Forest

ZONING: TT-20

F-8 DEEP AND BEAR CREEKS

This 788 acre area is located four miles southeast of Sandy. The area has 63 parcels. There are 48 ownerships of which 13 are 0 to 5 acres, 11 are 5 to 10 acres, 13 are 10 to 20 acres, and 11 are over 20 acres in size. Average parcel size is 12.5 acres, and average ownership size is 16.41 acres. The 36 dwelling units in this area average one per 21.89 acres.

Detailed and general soil maps for this area show the soil suitability for agriculture is 20% Class II, 50% Class III, 15% Class IV, and 15% Class VI-VIII. The soil suitability for Douglas fir is 85% Class II, and 15% Class III. The suitability of the soil for septic tank systems is 70% suitable, 15% marginal, and 15% unsuitable.

PLAN: Forest

ZONING: TT-20

F-9 EAST FIRWOOD - HUCKLEBERRY MT.

This 8607 acre area is located south of Highway 26 and west of the Mt. Hood National Forest. The area has 214 parcels. There are 162 ownerships of which 37 are 0 to 5 acres, 19 are 5 to 10 acres, 19 are 10 to 20 acres, and 87 are over 20 acres in size. Average parcel size is 40.22 acres, and average ownership size is 53.13 acres. The 75 dwelling units in this area average one per 114.76 acres.

Detailed and general soil maps for this area show the soil suitability for agriculture is 20% Class III, 35% Class IV, and 45% Class VI-VIII. The soil suitability for Douglas fir is 95% Class II, and 5% Class III. The suitability of the soil for septic tank systems is 20% suitable, 35% marginal, and 45% unsuitable.

PLAN: Forest

ZONING: GTD

F-10 LOWER CEDAR CREEK

This 1162 acre area is located two miles east of Sandy along both sides of Highway 26. The area has 63 parcels. There are 47 ownerships of which 8 are 0 to 5 acres, 3 are 5 to 10 acres, 14 are 10 to 20 acres, and 22 are over 20 acres in size. Average parcel size is 18.44 acres, and average ownership size is 24.72 acres. The 33 dwelling units in this area average one per 35.2 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 1% Class II, 49% Class III, 10% Class IV, and 40% Class VI-VIII. The soil suitability for Douglas fir is 70% Class II, and 30% Class III. The suitability of the soil for septic tank systems is 65% suitable, 10% marginal, and 25% unsuitable.

PLAN: Forest

ZONING: TT-20

F-11 ARDIEL

This 159 acre area is located along the south side of Dowling Road approximately four miles east of Sandy. The area has 5 parcels. There is 1 ownership which is over 20 acres in size. Average parcel size is 79 acres, and average ownership size is 159 acres. The 1 dwelling unit in this area averages one per 159 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 5% Class III, 65% Class IV, and 30% Class VI-VIII. The soil suitability for Douglas fir is 100% Class II. The suitability of the soil for septic tank systems is 10% suitable, 45% marginal, and 45% unsuitable.

PLAN: Forest

ZONING: TT-20

F-12 UPPER DEEP CREEK

This 148 acre area is located north of Wildcat Mtn. Road approximately three miles south of Sandy. The area has 19 parcels. There are 14 ownerships of which 10 are 0 to 5 acres, 1 is 5 to 10 acres, 1 is 10 to 20 acres, and 2 are over 20 acres in size. Average parcel size is 7.74 acres, and average ownership size is 10.55 acres. The 1 dwelling unit in this area averages one per 148 acres.

Detailed and general soil maps for this area show the soil suitability for agriculture is 55% Class III, 20% Class IV, and 25% Class VI-VIII. The soil suitability for Douglas fir is 60% Class II, and 40% Class III. The suitability of the soil for septic tank systems is 50% suitable, 20% marginal, and 30% unsuitable.

PLAN: Forest

ZONING: TT-20

EXHIBIT D

FIRWOOD/BULL RUN
FINDINGS IN SUPPORT OF CONCLUSION THAT AREAS
DESIGNATED RURAL ARE COMMITTED TO NONFARM/NONFOREST USES

It is both the State's and the County's goal is to maintain agricultural and forest lands for resource-related activities whenever possible, and to provide flexibility in the type and location of housing. It is the goal of both the County and the State to provide flexibility and choice when competing values and goals are balanced in land use decisions. The County has designated as Rural those lands not suited for resource activities because of the soils and because of commitment to nonfarm/nonforest use as a result of development on the land itself or in the neighboring area. Development pressure in Agriculture and Forest areas is reduced by providing for rural residential use in areas no longer suitable for farm and forest uses. The County provided opportunities for citizens to participate in the process of determining the proper land use designation for the 33,021 acres involved in this plan and zoning amendment. The County's intention to consider designating some of this land as other than Agriculture or Forest if the land was developed or committed to nonfarm/non-forest uses was stated in published and mailed notices of the public hearing. Notices were mailed to all property owners in the area of proposed map changes. At the public hearings before the Planning Commission and the Board of County Commissioners, many witnesses presented geographically specific testimony, and each area was individually considered at the Planning Commission and the Board of County Commissioners' work sessions.

All of these areas were initially presumed to be Agriculture or Forest lands. Properties which were not predominantly Class IV or better agricultural soil and not farmable and were not feasible for forest uses were then classified Rural. The properties remaining were then analyzed to determine which were irrevocably committed to nonfarm/nonforest uses. This analysis was based on evidence such as the testimony and evidence submitted at the public hearings, and information presented to the Planning Commission and the Board of County Commissioners by the Planning Division staff.

In analyzing the data before it, the Board considered a number of factors in determining which properties were committed to nonfarm/-nonforest use. The following is a list of the factors most often considered, with a brief explanation of the relevance of each:

Size of the ownerships of the contested property: The smaller in ownership, the less likely it is to have utility for agricultural or forest purposes.

Development on the contested property: The more developed the property the less likely it will have utility for agricultural or forest purposes.

Exhibit D - Page 2

Soil quality of the property: Even soil which is generally classified as predominantly Class IV or better may have particular factors which make it unproductive, but which are not necessarily accounted for in the general soil classification; the presence of marginal soils on a particular ownership may be relevant when combined with other factors in determining whether a piece of property has any potential for agricultural or forest uses.

Recent farming history of the property: While an area may have generally Class IV or better soils, the failure of past agricultural efforts on particular pieces of property is some indication that they are not suitable for agricultural purposes.

Topography of the property: Topographic features not necessarily reflected in the general soil classifications may preclude agricultural or forest use.

Roads through or bordering the area: Traffic on roads, particularly heavily traveled roads, can have a negative impact on farming activities; in addition, future residential development is likely to follow the road pattern in an area.

Development of surrounding area: Cultivation and grazing are often impractical or impossible on land surrounded by residential development, for reasons such as destruction or theft of crops, harassment of stock by domestic animals, the spread of tansy and other noxious weeds from neighboring properties where there is no control because there is no agricultural activity, and complaints from neighbors bothered by farming operations; the more intense the development and the closer it is to the area, the greater the difficulties created.

Ownership size of neighboring areas: If the neighboring area contains a large number of small individual ownerships, there is a greater likelihood of dense residential development and consolidation of lands for farming operations is more difficult.

Plan designation and zoning of adjacent properties: An area is more likely to be impacted by residential development now and in the future if it is totally surrounded by areas designated Rural than if it is only bordered on three sides by areas designated Rural, more impacted if bordered on three sides Rural than on only two sides; islands or peninsulas of Forest or Agriculture designation surrounded by rural areas are therefore less desirable.

Exhibit D - Page 3

Natural boundaries: Natural resource and rural areas are less likely to adversely impact one another when the boundaries between them follow breaks in topography and other natural borderlines.

Clackamas County is taking exceptions to State Land Use Goals 3 and 4 for 5,396 acres in the Firwood/Bull Run area. Six acres of this total have existing commercial uses and are therefore designated Commercial. The remaining 5,390 acres are designated Rural.

The exception areas comprise a total of 1,545 parcels, and 1,251 ownerships. More than 75% of these ownerships are under 5 acres in size, and 15% range in size from 5 to 10 acres. Only 2% are larger than 20 acres.

The implementing zoning districts for these Rural areas are Rural Residential Farm Forest 5 acre and Farm Forest 10 acre. These zones limit the development of the designated Rural area to a level that is compatible with their existing Rural Residential character, and insure the compatibility of new development with existing uses. The implementing zoning for areas designated Commercial is C-1, Local Commercial or PCD, Planned Commercial District.

The following pages describe the 20 Commercial and Rural subareas (Y-1, Y-2, and R-1 through R-18) and individually address all ownerships 15 acres or larger.

DP:rf
324/3-5

Y-1 LUZON ROAD

This 5 acre area is located one mile east of Sandy on the north and south sides of State Highway 26. The area has 9 parcels. There are 8 ownerships, all of which are 0 to 5 acres. Average parcel size is .55 acres, and average ownership size is .62 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 100% Class II. The soil suitability for Douglas fir is 100% Class II. The suitability of the soil for septic tank systems is 100% suitable.

These parcels are described as T2S, R5E, Section 19AD, Tax Lots 600, 601, 700, 800, 900, 1000, 1101, and portions of 1401 and 1600. Each parcel is developed with existing uses being a welding shop on the south side of the road, and a body and paint shop, auto repair shop, a restaurant, tire company, construction company, and electric company on the north side. Surrounding lands are a mix of farm activity, timber, and residential and are in parcel sizes ranging from one to over 20 acres. The north side of Luzon Road is developed with single and multiple family residential units.

PLAN: Planned Commercial

ZONING: C-1, Local Commercial, and PCD, Planned Commercial District.

Y-2 SHORTY'S CORNER

This approximately 1 acre area is located less than two miles east of Sandy on the south side of State Highway 26. The area has 2 parcels. There are 2 ownerships, both of which are less than 1 acre in size. Average parcel size is .49 acres, and average ownership size is .49 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 100% Class II. The soil suitability for Douglas fir is 100% Class II.

These parcels are described as T2S, R5E, Section 20, Tax Lots 2000 and a portion of 2200. Both parcels are developed. Existing uses are a gas station, logging company, and cement ready-mix operation. Surrounding lands are mostly in farm activity, or timber, and are a mix of parcel sizes ranging from under 10 to over 40 acres. Firwood Grade School is a short distance south of this subject site.

PLAN: Planned Commercial

ZONING: C-1, Local Commercial

316/2

R-1 AIMS

This 560 acre area is located five miles northeast of Sandy along Bull Run Road. The area has 77 parcels. There are 62 ownerships of which 22 are 0 to 5 acres, 27 are 5 to 10 acres, 8 are 10 to 20 acres, and 5 are over 20 acres in size. Average parcel size is 7.23 acres, and average ownership size is 9.03 acres. The 38 dwelling units in this area average one per 14.7 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 50% Class III, 10% Class IV, and 40% Class VI-VIII. The soil suitability for Douglas fir is 25% Class II, and 75% Class III. The suitability of the soil for septic tank systems is 60% suitable, 15% marginal, and 25% unsuitable.

Nine ownerships comprising 15 acres or more are addressed below to demonstrate appropriate designation.

A 22.10 acre ownership described as T1S, R5E, Section 29, Tax Lots 500 and 502, is in the north portion of this area. Tax Lot 500 is mostly cleared with some trees and Tax Lot 501 is brush. Slopes are generally under 12%. Soil suitabilities are Classes V-VIII for agriculture, Class II for forest, and unsuitable for septic systems. Bull Run Road and Hog Bone Road border the east and north sides of Tax Lot 500. To the north and south are small ownerships designated Rural.

A 23.78 acre ownership described as T1S, R5E, Section 29, Tax Lot 2200. About one quarter of the property is in timber with the remainder cleared. Slopes are generally under 12%. Soil suitabilities are Classes V-VIII for agriculture, Class II for forest, and a mix of marginal and unsuitable for septic systems. Rural lot sizes are to the north, south, and east of this property. Bull Run Road borders the property on the east side.

A 18.13 acre ownership described as T1S, R5E, Section 32, Tax Lot 324, is on the east side of the mid-section of this area. This property is mostly cleared. Slopes are less than 12%. Soil suitabilities are Classes III-VIII for agriculture, Class III for forest, and mostly suitable for septic systems. Small ownerships surround this property except to the east. Bull Run Road borders the north edge of this parcel.

A 20.81 acre ownership described as T1S, R5E, Section 32, Tax Lots 300 and 327, is on the east side of of this area. The property is mostly cleared. Slopes are less than 12%. Soil suitabilities are mostly Classes V-VIII for agriculture, Class III for forest, and mostly unsuitable for septic systems. These lots fit the prevalent rural pattern and

serve as a part of a transitional boundary for this type of land use.

A 20.00 acre ownership described as T1S, R5E, Section 32, Tax Lot 800, is on the east side of this area. More than half of the property is in timber. Slopes are less than 12%. Soil suitabilities are mostly Class III for agriculture, Class III for forest, and mostly suitable for septic systems. Except to the east the surrounding ownerships are in rural land uses.

A 16.85 acre ownership described as T1S, R5E, Section 32, Tax Lot 605, is in the south portion of this area. The land is a mix of scattered timber and brush. Slopes are mostly less than 12%. Soil suitabilities are mostly Class III for agriculture, Class II for forest, and mostly suitable for septic systems. Five-acre lots are to the west and northeast committing the area to rural development.

A 21.40 acre ownership described as T1S, R5E, Section 32, Tax Lot 1603, is in the south central section of this area. The property is mostly in timber and brush. Slopes are generally less than 12%. Soil suitabilities are Classes III-VIII for agriculture, Classes II and III for forest, and a mix of suitable and marginal for septic systems. This parcel is entirely surrounded by rural land uses.

A 15.03 acre ownership described as T1S, R5E, Section 32, Tax Lot 602, is in the south central section of this area. The property is wooded and is divided by a creek. Slopes are up to 20%. Soil suitabilities are mostly Class III for agriculture, mostly Class II for forest, and suitable and unsuitable for septic systems. This parcel is surrounded by areas designated Rural.

A 25.19 acre ownership described as T1S, R5E, Section 32, Tax Lot 600, is an flag shaped lot in the south of this area. The land is a mix of timber and brush. Slopes generally exceed 20%. Soil suitabilities are mostly Class III for agriculture, mostly Class II for forest, and a mix of suitable and unsuitable for septic systems. Rural lands border this parcel on three sides.

PLAN: Rural

ZONING: Farm Forest-10

R-2 HIDEAWAY HILLS/MARSH ROAD

This 290 acre area is located south of Dodge Park on Lusted and Marsh Roads. The area has 77 parcels. There are 68 ownerships of which 50 are 0 to 5 acres, 14 are 5 to 10 acres, 4 are 10 to 20 acres, and 0 are over 20 acres in size. Average parcel size is 3.77 acres, and average ownership size is 4.26 acres. The 51 dwelling units in this area average one per 5.69 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 5% Class II, 60% Class III, 10% Class IV, and 25% Class VI-VIII. The soil suitability for Douglas fir is 3% Class II, and 97% Class III. The suitability of the soil for septic tank systems is 50% suitable, 40% marginal, and 10% unsuitable.

One parcel which exceeds 15 acres is addressed below to demonstrate appropriate designation.

This 16.05 acre parcel, legally described as T2S, R4E, Section 1AC, Tax Lot 100, is in the southern portion of this area. The land is in timber with a clearing for a homesite. Slopes are up to 20%. Soil suitabilities are mostly Classes V-VIII for agriculture, Classes II and III for forest, and suitable and unsuitable for septic systems. To the north and west of this property are lots generally under 3 acres in size. To the east a slope exceeding 20% acts as a natural boundary which directs this property to the rural land uses to the west.

PLAN: Rural

ZONING: RRFF-5

R-3 SHIPLEY ROAD

This 70 acre area is located two miles northeast of Sandy on Shipley Road. The area has 12 parcels. There are 11 owner-ships of which 7 are 0 to 5 acres, 4 are 5 to 10 acres, 0 are 10 to 20 acres, and 0 are over 20 acres in size. Average parcel size is 5.83 acres, and average ownership size is 6.36 acres. The 5 dwelling units in this area average one per 14.0 acres.

Detailed and general soil maps for this area show the soil suitability for agriculture is 10% Class III, 85% Class IV, and 5% Class VI-VIII. The soil suitability for Douglas fir is 60% Class II, and 40% Class III. The suitability of the soil for septic tank systems is 10% suitable, 40% marginal, and 50% unsuitable.

There are no ownerships 15 acres or larger in this area.

PLAN: Rural

ZONING: RRFF-5

316/6

R-4 REVENUE BRIDGE

This 835 acre area is located one mile northeast of Sandy. The area has 338 parcels. There are 288 ownerships of which 254 are 0 to 5 acres, 22 are 5 to 10 acres, 11 are 10 to 20 acres, and 1 is over 20 acres in size. Average parcel size is 2.47 acres, and average ownership size is 2.90 acres. The 198 dwelling units in this area average one per 4.22 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 15% Class III, 5% Class IV, and 80% Class VI-VIII. The soil suitability for Douglas fir is 15% Class II, and 85% Class III. The suitability of the soil for septic tank systems is 15% suitable, 60% marginal, and 25% unsuitable.

Four ownerships comprising 15 acres or more are addressed below to demonstrate appropriate designation.

A 19.67 acre ownership, described as T2S, R5E, Section 7, Tax Lot 5500, is in the north portion of this area. This property is mostly in timber and brush with a homesite on it. Slopes exceed 20%. Soil suitabilities are Classes V-VIII for agriculture, Class III for forest, and marginal for septic systems. Parcels from approximately one to 10 acres lie to the west and north of this property while the Sandy River borders the south edge. This property is committed to nonfarm and nonforest uses by the adjacent rural development.

A 35.07 acre ownership, described as T2S, R5E, Section 17, Tax Lots 1100 and 1400, and T2S, R5E, Section 18, Tax Lots 100 and 200, is in the northern portion of this area. Much of this ownership is cleared with the north edge being in timber. Slopes are generally under 12%, though exceed 20% by the Sandy River. Soil suitabilities are Class III-VIII for agriculture, Classes II and III for forest, and suitable and unsuitable for septic systems. This property is developed as a public airport. To the south and east are a large number of developed properties of 5 acres or less including a subdivision.

A 16.96 acre ownership, described as T2S, R5E, Section 18, Tax Lot 2100, is located in the southwest segment of this area. This irregular shaped lot is mostly wooded with a small cleared portion. Slopes are mostly 12% or greater. Soil suitabilities are Classes III-VIII for agriculture, Classes II and III for forest, and mostly marginal and unsuitable for septic systems. This property is entirely surrounded by rural land uses and is bordered on the north by Ten Eyck and Coalman Roads. To the south are ownerships generally less than 5 acres.

A 19.12 acre ownership, described as a portion of T2S, R5E, Section 18, Tax Lot 2700, is located in the southern part of this area. About one quarter of this property is wooded with the remainder being in farm use. Slopes generally range from 12-20%. Soil suitabilities are Classes II and IV for agriculture, Class II for forest, and suitable for septic systems. This property has rural uses to the north, west, and southwest. This property is within the City of Sandy's proposed urban growth boundary.

PLAN: Rural

ZONING: RRFF-5

316/7-8

R-5 FIRWOOD SCHOOL

This 480 acre area is located southeast of Sandy along Highway 26 and Firwood Road. The area has 150 parcels. There are 133 ownerships of which 105 are 0 to 5 acres, 21 are 5 to 10 acres, 7 are 10 to 20 acres, and 0 are over 20 acres in size. Average parcel size is 3.20 acres, and average ownership size is 3.61 acres. The 108 dwelling units in this area average one per 4.44 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 20% Class II, 50% Class III, 20% Class IV, and 10% Class VI-VIII. The soil suitability for Douglas fir is 95% Class II, and 5% Class III. The suitability of the soil for septic tank systems is 85% suitable, 10% marginal, and 5% unsuitable.

The four ownerships which are 15 acres or more are addressed below to demonstrate appropriate designation.

A 20 acre ownership, described as T2S, R5E, Section 29B, Tax Lot 200, is located in the middle of this area. The property is the site of an elementary school facility. Slopes are generally under 12%. Soil suitabilities are a mix of Classes II, III, IV, and lower for agriculture, Classes II and III for forest, and mostly suitable for septic systems. This property is almost completely surrounded by developed properties of 5 acres or less.

A 17.14 acre ownership, described as T2S, R5E, Section 29B, Tax Lot 2100, is located on the east side of this area. The land is mostly cleared. Slopes are under 12%. Soil suitabilities are mostly Class III for agriculture, Class II for forest, and mostly suitable for septic systems. This property is bordered on three sides by rural development including Mar Vista Subdivision.

A 18.80 acre ownership, described as R2S, R5E, Section 29C, Tax Lot 300, is located on the west side of this area. It is roughly equally divided between pasture and timber. Slopes are under 12%. Soil suitabilities are mostly Class III for agriculture, Class II for forest, and suitable for septic systems. This property lies in an area generally committed to rural development with lots from less than an acre to about 10 acres in size on all sides except the west.

A 19.40 acre ownership, described as T2S, R5E, Section 29D, Tax Lot 600, is located on the south side of this area. The property is cleared and slopes are generally under 12%. Soil suitabilities for agriculture are Classes III, IV, and higher, Class II for forest, and mostly suitable for septic systems. This property is bordered to the east, west and a portion of the south by ownerships of less than 10 acres, mostly developed.

PLAN: Rural

ZONING: RREF-5

316/9-10

R-6 MOOREFIELD MEADOWS

This 270 acre area is located two miles south of Highway 26 on both sides of Firwood Road. The area has 80 parcels. There are 77 ownerships of which 66 are 0 to 5 acres, 10 are 5 to 10 acres, 1 is 10 to 20 acres, and 0 are over 20 acres in size. Average parcel size is 3.38 acres, and average ownership size is 3.51 acres. The 35 dwelling units in this area average one per 7.72 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 45% Class II, 40% Class III, and 15% Class IV. The soil suitability for Douglas fir is 85% Class II, and 15% Class III. The suitability of the soil for septic tank systems is 85% suitable, and 15% marginal.

There are no ownerships 15 acres or larger in this area.

PLAN: Rural

ZONING: RRFF-5

316/11

R-7 DOVER

This 212 acre area is located five miles southeast of Sandy, on Wildcat Mountain Road. The area has 51 parcels. There are 40 ownerships of which 28 are 0 to 5 acres, 8 are 5 to 10 acres, 2 are 10 to 20 acres, and 2 are over 20 acres in size. Average parcel size is 4.15 acres, and average ownership size is 5.3 acres. The 36 dwelling units in this area average one per 5.88 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 20% Class II, 45% Class III, 20% Class IV, and 15% Class VI-VIII. The soil suitability for Douglas fir is 50% Class II, and 50% Class III. The suitability of the soil for septic tank systems is 45% suitable, 35% marginal, and 20% unsuitable.

The ownership which exceeds 15 acres is addressed below to demonstrate appropriate designation.

This 18.10 acre ownership, described as T3S, R5E, Section 5, Tax Lot 1400, is located in the middle of this area. This property is in timber except for a portion which is cleared and has a homesites. Slopes generally exceed 12%. Soil suitabilities are a mix of Classes II, III, and IV for agriculture, mostly Class II for forest, and the suitability for septic tank systems is mostly suitable with some marginal. This parcel is bordered on the east and west by rural development and is bisected by Bear Creek.

PLAN: Rural

ZONING: RRFF-5

316/12

R-8 WILDCAT MOUNTAIN ROAD

This 613 acre area is located six miles southeast of Sandy on Wildcat Mountain Road. The area has 89 parcels. There are 67 ownerships of which 32 are 0 to 5 acres, 14 are 5 to 10 acres, 17 are 10 to 20 acres, and 4 are over 20 acres in size. Average parcel size is 6.88 acres, and average ownership size is 9.14 acres. The 51 dwelling units in this area average one per 12.02 acres.

Detailed and general soil maps for this area show the soil suitability for agriculture is 25% Class II, 35% Class III, 35% Class IV, and 5% Class VI-VIII. The soil suitability for Douglas fir is 97% Class II, and 3% Class III. The suitability of the soil for septic tank systems is 75% suitable, 20% marginal, and 5% unsuitable.

The six ownerships in this area comprising 15 acres or more are addressed below to demonstrate appropriate designation.

A 20 acre ownership, described as T3S, R5E, Section 3, Tax Lot 802, is on the north side of this area. The property is in scattered timber. Slopes range from 0 to 20%. Soil suitabilities are Classes III and IV for agriculture, Class II for forest, and suitable and marginal for septic systems. This parcel is bordered on the east, south and west by ownerships of 10 acres or less, most of which are developed.

A 37.75 acre ownership, described as T3S, R5E, Section 3, Tax Lot 1000, is in the eastern section of this area. The property is in timber and is roughly bisected by S.E. Brian Ranch Road. Slopes are generally under 12%. Soil suitabilities are Classes III and IV for agriculture, Class II for forest, and suitable and marginal for septic systems. This parcel is bordered on the north and northeast by ownerships of less than 10 acres.

A 39.37 acre ownership, described as T3S, R5E, Section 3, Tax Lots 1100 and 1200, are located in the eastern section of this area. This property is mostly in timber with about one third cleared. Soil suitabilities are Classes III and IV for agriculture, Class II for forest, and suitable and marginal for septic systems. This ownership is developed with 4 houses, a trailer park and a private fish hatchery.

A 36.55 acre ownership, described as T3S, R5E, Section 3, Tax Lot 1300, is located on the southeastern section of this area. This property is roughly bisected by S.E. Brian Ranch Road with timber to the east and cleared areas with scattered timber to the west. Slopes range from 0-20%. Soil suitabilities are Classes III and IV for agriculture, Class II for forest, and suitable and marginal for septic systems. Rural designations border the north and south sides of this property with the 80 acres to the south of this property having 13 ownerships developed with 8 homes.

A 19.81 acre ownership, described as T3S, R5E, Section 4, Tax Lot 700, is located on the western side of this area. One third of the land is in timber and the remainder is cleared. Slopes are under 12%. Soil suitabilities are Class III for agriculture, Class II for forest, and is suitable for septic systems. Developed parcels under 10 acres in size are to the north and east (including Scenic Wonderland Subdivision). The southern border of this property is Kleinsmith Road.

A 18.86 acre ownership, described as T3S, R5E, Section 4A, Tax Lot 1200, is located on the north side of this area. The land is in scattered timber. Slopes are under 12%. Soil suitabilities are Classes III and IV for agriculture, Class II for forest, and suitable for septic systems. Parcels less than 5 acres lie to the west and less than 10 acres to the east and south.

PLAN: Rural

ZONING: Farm Forest-10

316/13-14

R-9 McCABE ROAD

This 195 acre area is located two miles south of Highway 26 on McCabe Road. The area has 39 parcels. There are 35 ownerships of which 20 are 0 to 5 acres, 12 are 5 to 10 acres, 3 are 10 to 20 acres, and 0 are over 20 acres in size. Average parcel size is 5 acres, and average ownership size is 5.57 acres. The 29 dwelling units in this area average one per 6.72 acres.

Detailed and general soil maps for this area show the soil suitability for agriculture is 70% Class III, and 30% Class IV. The soil suitability for Douglas fir is 100% Class II. The suitability of the soil for septic tank systems is 80% suitable, and 20% marginal.

There are no ownerships 15 acres or larger in this area.

PLAN: Rural

ZONING: RRFF-5

316/15

R-10 WAGONEER LOOP

This 129 acre area is located four miles east of Sandy on both sides of Highway 26. The area has 31 parcels. There are 26 ownerships of which 17 are 0 to 5 acres, 9 are 5 to 10 acres, 0 are 10 to 20 acres, and 0 are over 20 acres in size. Average parcel size is 4.16 acres, and average ownership size is 4.96 acres. The 38 dwelling units in this area average one per 3.39 acres.

Detailed and general soil maps for this area show the soil suitability for agriculture is 55% Class III, 15% Class IV, and 30% Class VI-VIII. The soil suitability for Douglas fir is 100% Class II. The suitability of the soil for septic tank systems is 55% suitable, 15% marginal, and 30% unsuitable.

There are no ownerships 15 acres or larger in this area.

PLAN: Rural

ZONING: RRFF-5

316/16

R-11 TROUT FARM

This 115 acre area is located 5 miles east of Sandy along the south side of Highway 26. The area has 11 parcels. There are 10 ownerships of which 3 are 0 to 5 acres, 4 are 5 to 10 acres, 2 are 10 to 20 acres, and 1 is over 20 acres in size. Average parcel size is 10.45 acres, and average ownership size is 11.5 acres. The 10 dwelling units in this area average one per 11.5 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 40% Class III, 30% Class IV, and 30% Class VI-VIII. The soil suitability for Douglas fir is 100% Class II. The suitability of the soil for septic tank systems is 70% suitable and 30% marginal.

The two ownerships in this area comprising 15 acres or more are addressed below to demonstrate appropriate designation.

A 38.29 acre ownership, described as T2S, R5E, Section 26C, Tax Lots 690 and 700, is located in the middle of this comparatively small area. The property is mostly cleared with some woodland. A cluster of buildings are on Tax Lot 690. Slopes are generally under 12%. Soil suitability is mostly Classes III and IV for agriculture, Class II for forest, and mostly suitable for septic systems. These properties are just south of State Highway 26. Parcels 10 acres and under are to the east, north and west.

A 17.30 acre ownership, described as T2S, R5E, Section 27, Tax Lot 400, is on the west side of this area. This relatively long, narrow property is mostly cleared with scatterings of timber. Slopes range from 0-20% with the steeper areas being towards the south. Soil suitabilities are Classes III, IV, and lower for agriculture, Class II for forest, and a mix of qualities for septic systems. Lots of less than 5 acres are to the north and northwest and lots of less than 10 acres to the east.

PLAN: Rural

ZONING: Farm Forest-10

R-12 CHERRYVILLE

This 490 acre area is located six miles east of Sandy on both sides of Highway 26. The area has 98 parcels. There are 74 ownerships of which 46 are 0 to 5 acres, 18 are 5 to 10 acres, 7 are 10 to 20 acres, and 3 are over 20 acres in size. Average parcel size is 5.00 acres, and average ownership size is 6.62 acres. The 59 dwelling units in this area average one per 8.31 acres.

Detailed and general soil maps for this area show the soil suitability for agriculture is 20% Class III, 40% Class IV, and 40% Class VI-VIII. The soil suitability for Douglas fir is 98% Class II, and 2% Class III. The suitability of the soil for septic tank systems is 40% suitable, 40% marginal, and 20% unsuitable.

The four ownerships in this area comprising 15 acres or more are addressed below to demonstrate appropriate designation.

A 23.74 acre ownership, described as T2S, R5E, Section 25C, Tax Lots 200 and 300, is located in the south central part of this area. Most of the property is in timber with about 3 acres cleared and used for a homesite. Slopes range from 0-20%. Soil suitabilities are Classes III, IV, and higher for agriculture, Class II for forest, and suitable and marginal for septic systems. Most of the ownerships to the north and east are five to 10 acres in size.

A 31.03 acre ownership, described as T2S, R5E, Section 25C, Tax Lots 500, 600, and 700, is located in the south central part of this area. This property is half in timber and half cleared. Slopes are mostly less than 12%. Soil suitabilities are generally Class III for agriculture, Class II for forest, and generally suitable for septic systems. The property is south of State Highway 26 and is in an area designated Rural. Lots to the west, north and east are developed with single family homes.

A 37.25 acre ownership, described as T2S, R5E, Section 25D, Tax Lot 700, and T2S, R3E, Section 25C, Tax Lot 100, is located in the southeast portion of this area. A small area of the property is cleared with the remainder in timber. Slopes are mostly 12-20%. Soil suitabilities are Classes IV and higher for agriculture, Class II for forest, and mixed for septic systems. The property is south of State Highway 26 and is bordered on the west, north and east by Rural designations.

A 15.54 acre ownership, described as T2S, R5E, Section 26D, Tax Lot 1000, is located on the west side of this area. The property is in scattered brush and timber. Slopes are generally 12-20%. Soil suitabilities are Class IV for agriculture, Class II for forest, and marginal for septic systems. The property is adjacent to State Highway 26 and is bordered by developed lots of 3 to 4 acres on the west, north and east.

PLAN: Rural

ZONING: RRFF-5

316/18-19

R-13 ALDER CREEK

This 460 acre area is located seven miles east of Sandy on both sides of Highway 26. The area has 379 parcels. There are 264 ownerships of which 251 are 0 to 5 acres, 6 are 5 to 10 acres, 4 are 10 to 20 acres, and 3 are over 20 acres in size. Average parcel size is 1.21 acres, and average ownership size is 1.74 acres. The 157 dwelling units in this area average one per 2.93 acres.

Detailed soil maps for this area show the soil suitability for agriculture is 50% Class III, 20% Class IV, and 30% Class VI-VIII. The soil suitability for Douglas fir is 75% Class II, and 25% Class III. The suitability of the soil for septic tank systems is 55% suitable, 5% marginal, and 40% unsuitable.

The two ownerships which are 15 acres or more are addressed below to demonstrate appropriate designation.

A 28.85 acre ownership, described as T2S, R6E, Section 19, Tax Lot 1100, is located on the north side of this area. About one fourth of this property is cleared and the remainder is in timber. Slopes are less than 12%. Soil suitabilities are Class III for agriculture, Class II for forest, and suitable for septic systems. This property is bordered by a subdivided area of small lots on the south.

A 61.46 acre ownership, described as T2S, R6E, Section 19, Tax Lot 800, is located on the north side of this area. About three-fourths of this land is cleared and the remainder is in woodland. Slopes are generally less than 12%. Soil suitabilities are Class III for agriculture, Class II for forest, and suitable for septic systems. This property is bordered on the south and east by small lot subdivisions.

PLAN: Rural

ZONING: RRFF-5

R-14 DOWLING ROAD

This 280 acre area is located south of Dowling Road and east of McCabe Road approximately 4 miles southeast of Sandy. The area has 25 parcels. There are 20 ownerships of which 12 are 0 to 5 acres, 6 are 5 to 10 acres, 1 is 10 to 20 acres, and 1 is over 20 acres in size. Average parcel size is 5.3 acres, and average ownership size is 6.6 acres. The 15 dwelling units in this area average one per 8.86 acres.

Detailed and general soil maps for this area show the soil suitability for agriculture is 30% Class III, 60% Class IV, and 10% Class VI-VIII. The soil suitability for Douglas fir is 100% Class II. The suitability of the soil for septic tank systems is 40% suitable, 50% marginal, and 10% unsuitable.

The two ownerships which are 15 acres or more are addressed below to demonstrate appropriate designation.

A 27.11 acre ownership, described as T2S, R5E, Section 34B, Tax Lot 100, is located in the center of this area. The property is mostly wooded with a portion cleared. Dowling Road cuts into the tax lot separating a piece of it from the rest. Slopes range from 12% to over 20%. Soil suitabilities are Classes IV and lower for agriculture, Class II for forest, and a mix of qualities for septic systems. This property is situated between parcels of approximately 1 to 9 acres in size. A private Road (Blueberry Lane) borders the property on the west side.

A 17.20 acre ownership, described as T2S, R5E, Section 34B, Tax Lot 400, is located at the west portion of this area. Slopes are under 12%. Soil suitabilities are mostly Classes IV and higher for agriculture, Class II for forest, and mostly suitable for septic systems. The property is bordered on the north and east side by parcels ranging in size from 1 to 9 acres, including a developed five-lot subdivision.

PLAN: Rural

ZONING: Farm Forest-10

R-15 SOUTH-EAST SANDY

This 30 acre area is located directly south of Sandy. The area has 6 parcels. There are 5 ownerships of which 3 are 0 to 5 acres, 1 is 5 to 10 acres, 1 is 10 to 20 acres, and 0 are over 20 acres in size. Average parcel size is 5.00 acres, and average ownership size is 6 acres. The 4 dwelling units in this area average one per 7.5 acres.

Detailed and general soil maps for this area show the soil suitability for agriculture is 40% Class III, 50% Class IV, and 10% Class VI-VIII. The soil suitability for Douglas fir is 90% Class II, and 10% Class III. The suitability of the soil for septic tank systems is 95% suitable and 5% marginal.

The ownership which exceeds 15 acres is addressed below to demonstrate appropriate designation.

A 17.86 acre ownership, described as T2S, R5E, Section 19, Tax Lot 1800, is located in the north portion of this area. Most of the property is wooded. Slopes are under 12%. Soil suitabilities are a mix of Classes II, III, and IV for agriculture, mostly Class II for forest, and mostly suitable for septic systems. This parcel lies between the Sandy city limits and land in small rural lot sizes, thus committing it to rural use.

PLAN: Rural

ZONING: RRFF-5

316/22

R-16 COALMAN ROAD

This 225 acre area is located midway between Sandy and Cherryville, on both sides of Coalman Road. The area has 36 parcels. There are 32 ownerships of which 21 are 0 to 5 acres, 5 are 5 to 10 acres, 4 are 10 to 20 acres, and 2 are over 20 acres in size. Average parcel size is 6.25 acres, and average ownership size is 7.03 acres. The 27 dwelling units in this area average one per 8.33 acres.

Detailed and general soil maps for this area show the soil suitability for agriculture is 20% Class III, 20% Class IV, and 60% Class VI-VIII. The soil suitability for Douglas fir is 90% Class II and 10% Class III. The suitability of the soil for septic tank systems is 70% suitable, 10% marginal, and 20% unsuitable.

The four ownerships in this area comprising 15 acres or more are addressed below to demonstrate appropriate designation.

A 45.47 acre ownership, described as T2S, R5E, Section 23, Tax Lots 1300 and 1600, is located on the north side of the area. Tax lot 1300 is mostly in timber and scattered brush while Tax Lot 1600 is cleared with several buildings. Slopes mostly range between 12% and 20% with some areas falling under 12%. Soil suitabilities are a mix of Classes III, IV, and higher for agriculture, Class II for forest, and suitable and marginal for septic systems. To the east, south, and southwest are small lots ranging in size from 1 to 10 acres including a developed 14-lot subdivision, Forest Land Acres.

A 18.20 acre ownership, described as a portion of T2S, R5E, Section 24, Tax Lot 1800, is located in the middle of this area. The property is mostly wooded with approximately 5 acres cleared and with buildings. Slopes generally range between 12 and 20%. Soil suitabilities are mostly Classes IV and higher for agriculture, Class II for forest, and suitable for septic systems. This property is a connecting piece between lands which are committed to rural development, including a developed subdivision.

A 30.59 acre ownership, described as T2S, R5E, Section 25B, Tax Lots 100 and 300, is located in the eastern portion of this area. Tax Lot 100 is entirely wooded while Tax Lot 300 is about one-quarter woodland with the remainder cleared. Slopes range from 0-20%. Soil suitabilities are Classes IV and higher for agriculture, Classes II and III for forest, and suitable and unsuitable for septic systems. Surrounding properties except to the west are in ownerships generally 5 to 10 acres in size committing this ownership to rural development.

A 30.10 acre ownership, described as T2S, R5E, Section 25B, Tax Lot 1300, is located on the south side of this area. The property is mostly timbered with a clearing for a homesite. Slopes mainly range from 12-20%. Soil suitabilities are Classes III and V-VIII for agriculture, Class II for forest, and mostly marginal for septic systems. Ownerships of generally 5 to 10 acres, the majority of which are developed surround this property except to the north. This property is divided by S.E. Cherryville Drive.

PLAN: Rural

ZONING: RRFF-5 and Farm Forest-10

316/23-24

R-17 KIRKWOOD ACRES

This 80 acre area is located two miles east of Sandy on Coalman Road. The area has 25 parcels. There are 20 ownerships of which 16 are 0 to 5 acres, 4 are 5 to 10 acres, 0 are 10 to 20 acres, and 0 are over 20 acres in size. Average parcel size is 3.2 acres, and average ownership size is 4 acres. The 24 dwelling units in this area average one per 3.33 acres.

Detailed and general soil maps for this area show the soil suitability for agriculture is 100% Class III. The soil suitability for Douglas fir is 100% Class II. The suitability of the soil for septic tank systems is 100% suitable.

There are no ownerships 15 acres or larger in this area.

PLAN: Rural

ZONING: RRFF-5

R-18 HILLCREST

This 56 acre area is located along both sides of S.E. Coalman Road approximately four miles east of Sandy. The area has 22 parcels. There are 21 ownerships of which 18 are 0 to 5 acres, 3 are 5 to 10 acres, 0 are 10 to 20 acres, and 0 is over 20 acres in size. Average parcel size is 2.55 acres, and average ownership size is 2.67 acres. The 20 dwelling units in this area average one per 2.80 acres.

Detailed and general soil maps for this area show the soil suitability for agriculture is 100% Class III. The soil suitability for Douglas fir is 100% Class II. The suitability of the soil for septic tank systems is 95% suitable, and 5% unsuitable.

There are no ownerships 15 acres or larger in this area.

PLAN: Rural

ZONING: RRFF-5

316/26

EXHIBIT E

FIRWOOD/BULL RUN
RESOURCE DATA BASE USED FOR THE
FIRWOOD/BULL RUN RURAL PLAN AMENDMENT

Exhibits

1. Firwood/Bull Run Current Plan
2. Firwood/Bull Run Current Zoning
- 3A. Firwood/Bull Run Plan Amendment Alternative "A"
- 3B. Firwood/Bull Run Plan Amendment Alternative "B"
- 4A. Firwood/Bull Run Zoning Amendment Alternative "A"
- 4B. Firwood/Bull Run Zoning Amendment Alternative "B"
5. Firwood/Bull Run Existing Land Use
6. Firwood/Bull Run Parcel Sizes
7. Firwood/Bull Run Slope Map
8. Firwood/Bull Run Housing Density
9. Firwood/Bull Run Agricultural Suitability of Soils
10. Firwood/Bull Run Forest Suitability of Soils
11. Firwood/Bull Run Septic Suitability of Soils
12. Firwood/Bull Run Tax Deferrals
13. Firwood/Bull Run Large Ownerships
14. Firwood/Bull Run Book 1 Containing Tax Maps and Aerial Photos
15. Firwood/Bull Run Book 2 Containing Tax Maps and Aerial Photos
16. Firwood/Bull Run Individual Map Area Data
17. 1974 Clackamas County Comprehensive Plan (As Amended)
18. LCDC Goals and Guidelines

EXHIBIT F

FIRWOOD/BULL RUN
MEETINGS, HEARINGS, AND NOTIFICATION

Clackamas County provided opportunities for citizens to participate in the exceptions process. Announcement of proposed changes in land use categories was made in August 1979. Approximately 3,000 notices were mailed to property owners in the Firwood/Bull Run area describing the lands that would be affected and announcing informational meetings and public hearings by the Planning Commission and the Board of County Commissioners. Explanation was given of the exceptions process and the basis upon which exceptions would be made. The notice also was distributed to federal, state and regional agencies, special districts, affected local governments, and public utilities. Newspaper notices also were published.

More than 100 citizens attended the September 4, 1979 informational meeting which included a description of LCDC goals and an overview of the process and proposals. On September 13, the County Planning Commission held a public hearing to receive testimony concerning staff proposals, alternative proposals, and specific requests. About 100 people attended. A work session followed on September 24 to consider and make recommendations on specific requests. The Board of County Commissioners held a hearing September 27 to receive public testimony. Firwood Neighbors made a request for a 90 day delay to allow for more citizen participation. The BCC indicated it would accommodate the CPO's request and continued the hearing until December 3. Three work sessions were held on December 12 and 28, and January 4, 1980, to consider geographically specific testimony. A final decision was made on January 14.

DP:rf

324/7

EXHIBIT F - Page 2

MEETINGS AND HEARINGS

Public Information

<u>Date</u>	<u>Location</u>	<u>Present</u>	<u>Subject</u>
9/4/79	Firwood Grade School	114	Explanation of proposed two Comprehensive Plan alternatives and two zoning alternatives

Planning Commission Hearing/Work Session

9/13/79	Firwood Grade School	100	To receive public testimony concerning alternative proposals, and specific requests
9/24/79	Environmental Services	27	To consider testimony and make recommendations on specific requests

BCC Hearings/Work Sessions

9/27/79	Firwood Grade School	68	To receive public testimony concerning Planning Commission recommendation, alternative proposals and specific requests
12/3/79	Firwood Grade School	59	To continue public hearing of 9/27/79, postponed at request of Firwood Neighbors, Inc.
12/12/79	Environmental Services	-	To consider testimony and make decisions on specific requests
12/28/79	Environmental Services	-	To consider testimony and make decisions on specific requests
1/4/80	Environmental Services	-	To consider testimony and make decisions on specific requests
1/14/80	Courthouse Annex	-	Final decision

DP:rf
423/8

EXHIBIT F - Page 3

LIST OF AGENCIES NOTIFIED

Department of Environmental Quality T. J. Osborne 1234 S.W. Morrison Portland OR 97025	Portland General Electric Gresham Division Vic Wilson P.O. Box 609 Gresham OR 97030
Portland Metro Boundary Commission Don Carlson 527 S.W. Hall Portland OR 97201	State Highway Jim McClure 9200 S.E. McLoughlin Blvd. Milwaukie OR 97222
Health Division Jack Armstrong Public Health Engineering P.O. Box 231 Portland OR 97207	Metropolitan Service District Tom O'Connor 527 S.W. Hall Portland OR 97201
Department of Geology Andy Corcoran 1069 State Office Building Portland OR 97201	Land Board William Cox Division of State Lands 1445 S. State Street Salem OR 97310
U.S. Army Corps of Engineers Bill Adre Flood Plain Management 2850 S.E. 82nd Avenue Portland OR 97266	LCDC Linda Macpherson 1775 Court Street N.E. Salem OR 97310
Portland Planning Bureau Ernie Bonner, Director 424 S.W. Main Portland OR 97204	Soil Conservation Service Robert Lonzway 256 Warner-Milne Road Oregon City OR 97045
Multnomah County Planning Bureau Martin R. Crampton, Director 2115 S.E. Morrison Portland OR 97214	Sandy Fire District No. 72 P.O. Box 518 Sandy OR 97055
City of Sandy Paul Helton P.O. Box 116 Sandy OR 97055	Bureau of Land Management Merrill Storms P.O. Box 2965 Portland OR 97208
Sandy School District No. 46 Anton Bryant P.O. Box 547 Sandy OR 97055	U.S. Forest Service 319 S.W. Pine Portland OR 97204
	Sandy Union High School Joseph DeMarsh Route 3 Box 215 Sandy OR 97055

EXHIBIT F - Page 4

LIST OF AGENCIES NOTIFIED (Cont'd)

Bonneville Power Administration
Charles Libby
P.O. Box 3621
Portland OR 972

General Telephone Co.
George Everett
P.O. Box 31
Gresham OR 97030

1000 Friends of Oregon
519 S.W. Third
Dekum Building
Portland OR 97204

NEIGHBORHOOD ORGANIZATIONS NOTIFIED

Firwood Neighbors, Inc.
c/o Walter Dennis
53400 S.E. Terra Fern Drive
Sandy OR 97055

Sandy Community Association of Neighborhoods
c/o Don Braeder
34900 S.E. Colorado
Sandy OR 97055

Bull Run-Cascade Study Group
c/o John Bloodworth
2250 S.E. 104th Drive
Portland OR 97216

INDIVIDUALS NOTIFIED

All owners of property within the area under consideration were mailed notice of the proposed Comprehensive Plan and zoning changes, and of the information meetings, Planning Commission hearing, and Board of County Commissioners hearing.

DP:rf
324/11

R.4E.

R.5E.



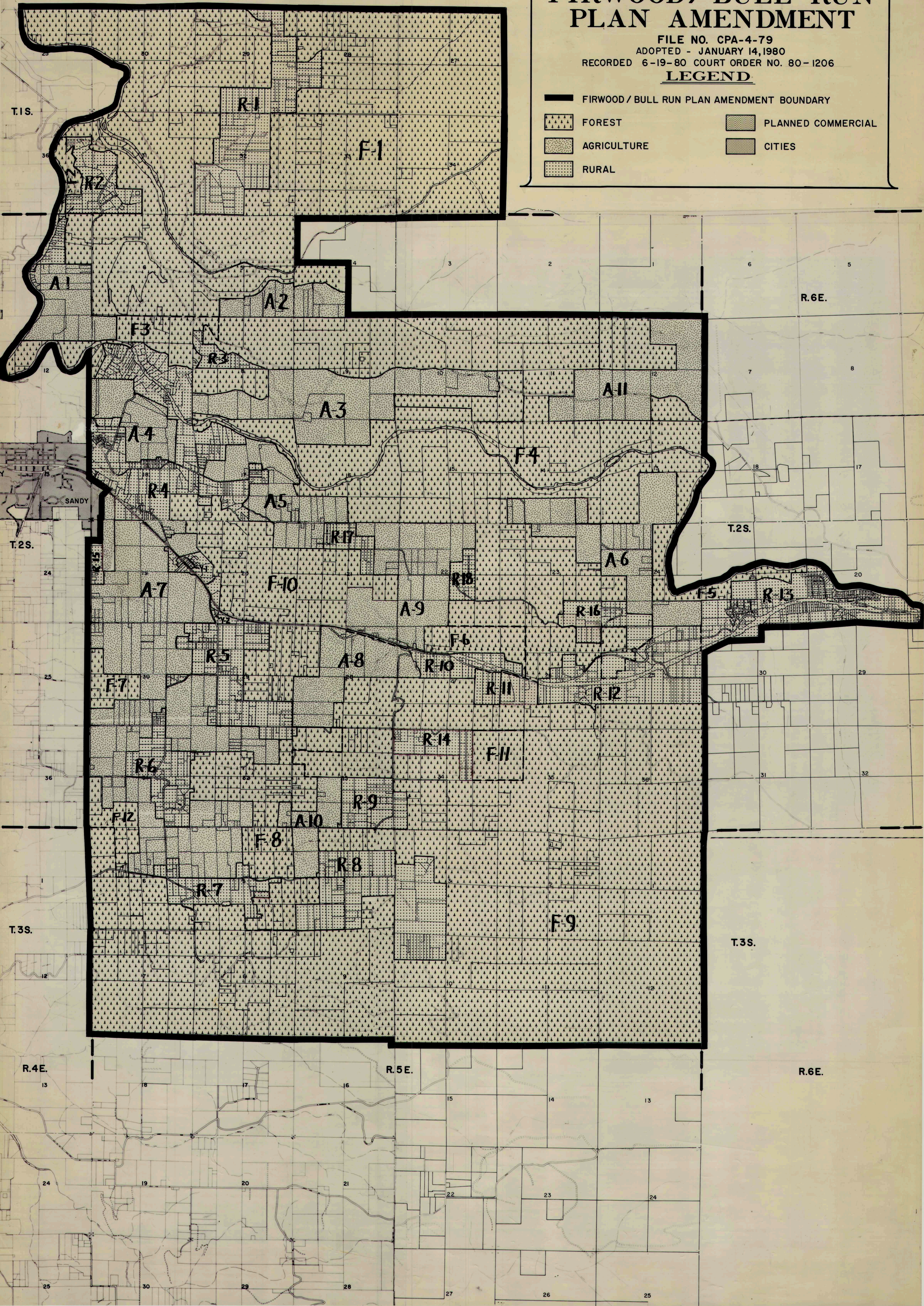
0 1000' 2000' 3000' 4000' 5000' mi.

FIRWOOD / BULL RUN PLAN AMENDMENT

FILE NO. CPA-4-79
ADOPTED - JANUARY 14, 1980
RECORDED 6-19-80 COURT ORDER NO. 80-1206

LEGEND

- | | |
|--|--------------------|
| FIRWOOD / BULL RUN PLAN AMENDMENT BOUNDARY | PLANNED COMMERCIAL |
| FOREST | CITIES |
| AGRICULTURE | |
| RURAL | |





January 13, 2026

VIA email to zoninginfo@clackamas.us, mfritzie@clackamas.us

Clackamas County Planning and Zoning
150 Beavercreek Road Room #225
Oregon City, OR 97045

**Re: Clackamas County Land Use Application #Z0315-25 & #Z0316-25:
Comprehensive Plan Amendment and Zone Change**

1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities, protect family farms, forests and natural areas, and provide transportation and housing choices. Thank you for the opportunity to comment.

Applicants Michael and Mary Paden request an exception to Statewide Planning Goal 3 (“Goal 3”) to remove the agricultural land use plan designation from a 14.97-acre parcel and change the zoning of the parcel from Exclusive Farm Use (EFU) to Rural Residential Farm Forest, 5-acre (RRFF-5). *See* Notice of Public Hearings before the Planning Commission and the Board of County Commissioners on a Proposal in Your Area, Z0315-25/ZO316-25, Clackamas County Planning and Zoning Division, Dec. 18, 2025, at 1.

For the reasons that follow, the application fails to meet Goal 2’s requirements to justify an exception to Goal 3. ORS 197.732, OAR 660- 004-0028. First, soil classifications are irrelevant to the Goal 3 exception process. Second, the applicant has failed to demonstrate that the subject parcel is irrevocably committed to non-resource uses. Notably, among other things, the applicants cannot justify a Goal 3 committed exception based on a finding that the subject property is not capable of supporting an economically self-sufficient agricultural operation. *Lovinger v. Lane County*, 36 Or LUBA 1 (1999). The application also fails to meet the goals and policies of Clackamas County comprehensive plan (“comprehensive plan”) section 3.H and 4.NN (Agriculture Goals and Policies) and 4.MM (Rural Goals and Policies). For these reasons, the application should be denied.

I. Soils are irrelevant to a Goal 3 exception process.

A substantial portion of the application addresses soil classification and suitability assessment for agricultural uses. Applicants’ determination that the soil quality renders the subject parcel unsuitable for farm use is both incorrect and irrelevant to the exceptions process. To justify an exception, an applicant must show that the subject parcel is either built or committed to such a point that it is no longer available for a farm or forest use. Soil quality

relevant to the inquiry of whether a subject parcel is properly zoned agricultural. Applicants do not appear to assert that the parcel is misidentified as agricultural land under the definition of Goal 3; they are proposing an exception to Goal 3. Accordingly, soil quality is irrelevant to this request.

In any event, the soil on the subject parcel is suitable for farming, contrary to applicants' assertions. First, the subject area meets soil classification in the statewide and local definition of agricultural land. Goal 3 defines "agricultural land" as:

"in western Oregon is land of *predominantly Class I, II, III and IV soils* [...] as identified in the Soil Capability Classification System of the United States Soil Conservation Service"

OAR 660-015-0000(3)(Definitions)(emphasis added). The comprehensive plan defines "agricultural areas" as:

"*predominantly Class I through IV soils* as identified by the United States Natural Resources Conservation Service or as identified in more detailed data; and other lands that are suitable for farm use due to soil fertility, suitability for grazing, climatic conditions, existing or future potential for irrigation, land use patterns, or accepted farming practices or are necessary to permit farming practices to be undertaken on adjacent or nearby lands."

CC Comp. Plan, 4-4 (Emphasis added). The application demonstrate that the soil classification of the subject area is predominantly Class I through IV:

"Detailed soil maps for this area show the soil suitability for agriculture is 20% class II, 50% class III, 20% class IV, and 10% class VI-VII."

Application, 18. 90% of the soil in the area is Class I through Class IV soils, and is therefore appropriately characterized as agricultural land under both Goal 3 and comprehensive plan.¹

What's more, a soil study conducted by Applicants' soil expert further demonstrates that the soil on the subject parcel is generally suitable for farm use. Applicants refer to a soil study prepared by Soil Scientist Garty Kitzrow in their determination that the subject parcel is not suitable for farming. Applicants summarize Mr. Kitzrow's findings as finding predominantly non-high value soils, and while Cazadero, a high-value soil, was found on the parcel, it is "contrasted by the infertile nature of the non-high value soils with which it is mixed." Application, 9.

¹ See *Pekarek v. Wallowa County*, 36 Or LUBA 494 (1999) (Soils on the subject property are unsuitable for farm use is an inadequate, unexplained conclusion where the subject property is predominantly Class VI soils and the comprehensive plan provides that such soils have significant importance for grazing).

This conclusion does not match the findings in Mr. Kitzrow's study; in fact, most of Mr. Kitzrow's findings suggest that sections of the subject parcel contain excellent, fertile soil. Mr. Kitzrow's study is included in the application as attachment B, which include several pages of soil profile documentation sheets. Several profile sheets contain suggest high-value soil is present: Mr. Kitzrow left comments including "excellent soil!", "strong high-value soil" etc. Attachment B, 17-18. 15 profile sheets were collected, and on all 15 profiles, Mr. Kitzrow circled "gen. suited" under the soil suitability classification (on 6 profiles Mr. Kitzrow circled both "gen. suited" and "gen. unsuited." This suggests that the soil is in fact suitable for farm use, even if not all of the soil is high-value.

In summary, soil classification is not relevant to the process of taking a Goal 3 exception. In any event, the soil quality of the subject area, as determined by applicants' soil expert, is predominantly Class I-IV, making it appropriately zoned as agricultural land and suitable for farm use. Accordingly, the applicants' finding that the soils on the subject parcel are unsuitable for farm is therefore inadequate.

II. The applicants have not justified an exception to Statewide Planning Goal 3.

A. The subject property is not irrevocably committed to uses not allowed by Goal 3 under ORS 197.732 (2)(b) and OAR 660-004-0028.

The applicants seek to justify an exception to Goal 3 under OAR 660-004-0028 and ORS 197.732(2)(b) by arguing the subject property is irrevocably committed to uses not allowed by the Goal. ORS 197.732(2)(b) authorizes a "committed" exception where:

"The land subject to the exception is irrevocably committed as described by LCDC rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable."

ORS 197.732(2)(b). Under the referenced LCDC rule, whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. OAR 660-004-0028(2). For exceptions to Goal 3, local governments must find that farm uses, as defined in ORS 215.203, propagation or harvesting of a forest product as specified in OAR 660-033-0120 and forest operations or forest practices as specified in OAR 660-006-0025(2)(a), are impracticable due to adjacent uses and development. OAR 660-004-0028(3)(a). The application fails to justify a Goal 3 exception as land irrevocably committed to other uses for the following reasons.

First, applicants fail to adequately explain how the characteristics of the subject parcel itself make farm use impracticable. *Brown v. Jefferson County*, 33 Or LUBA 418 (1997) (findings do not demonstrate that the subject property is irrevocably committed to non-resource uses where they describe the characteristics of the subject property, but do not explain what impact those characteristics have on the practicability of uses on the property).

The applicants outline characteristics (zoning, size, dimensions, soil quality, and resources) of the parcel that they determine relate to the practicability of resource use, but fail to explain the impact of the characteristics on the practicability of farming.

The subject parcel has a history of farming, and applicants have failed to show how recent or imminent changes have rendered the continued use of the property impracticable. To show that land with a history of farm use is now irrevocably committed to nonfarm use, the applicants must identify recent or imminent changes affecting the subject property that, by themselves or in combination with other factors, render continued farm use of the property impracticable. *Jackson County Citizens League v. Jackson County*, 38 LUBA 357 (2000). This subject parcel had a history of farm use, specifically hay farming. Aerial photos in the record and the land use application show the patterns in the ground of where the hay was cut. A zoomed in version of the aerial reveals the recognizable windrows of hay, demonstrating that this property has been hayed. The applicants have failed to sufficiently highlight recent and imminent changes and how these changes have rendered the parcel impracticable for farm use.



Application, Attachment A.



Application, Attachment A (rotated and zoomed in).

Second, the applicant has failed to demonstrate how adjacent uses make farm use of the subject property impracticable. *Pekarek v. Wallowa County*, 36 Or LUBA 494 (1999) (“Adequate findings regarding adjacent uses must specifically identify adjacent uses and explain what it is about the adjacent uses that make the farm use of the subject property impracticable”). The applicants argue that the following distinct characteristics of the adjacent land render resource use of the Site impracticable:

- “(a) proximity to an existing exception area;
- (b) parcelization/development;
- (c) drift of sprayed pesticides/herbicides;
- (d) unavailability of water;
- (e) transportation system impacts; and
- (f) the infeasibility of farming the Site.”

Application, 18.

i. Proximity to an existing exception area

Applicants note that the subject parcel touches the Firwood School Exception Area, an area with 150 parcels with an average parcel size of 3.20 acres. *Application*, 18. As demonstrated above, this exception area barely touches the subject parcel, the rest of the adjacent properties are zoned EFU, with parcels sizes of 19.54-acre, 29.35-acre, 21.45-acre, 16.28-acre, 16.01-acre, and 8.08-acre. Accordingly, applicants’ argument that being close to an exception area is insufficient to demonstrate that farming on the site is impracticable. Further, the applicants assert that “the intensity of use and development next to the Site tends to *decrease* the practicability of farm use thereon.” *Id.* The applicant does not state that farm use is impracticable, just that it’s likely less practicable to farm on the subject parcel. This is not sufficient. *1000 Friends of Oregon v. Yamhill County*, 27 Or LUBA 508 at 17 (1994) (“the impracticability standard for committed exceptions is a demanding standard”).

Applicants fail to explain how the use and development decrease the practicability of farm use. *Johnson v. Lane County*, 31 Or LUBA 454 (1996) (findings adopted by the county approving a committed exception to Goals 3 and 4 are inadequate where they contain no discussion or explanation of how the existing uses on adjacent parcels make resource use on the subject property impracticable).

ii. Parcelization/development

Applicants acknowledge that case law demonstrates that the number and size of adjacent parcels alone does not suffice as evidence of impracticability of resource use of the site. Application, 20. Applicants next suggest that if parcel size were irrelevant to practicability of farm use, then LCDC would not mandate a statewide minimum 80-acre size for EFU-zoned parcels. *Id.* Next, they quote 1000 Friends of Oregon and assert as evidence that a relatively high density of parcels and land improvements near a farm tends to reduce the practicability of crop production. *Id.* at 20-21.

The mere presence of the residential uses on properties adjacent to the proposed exception area alone does not demonstrate that the subject property is irrevocably committed to non-farm uses. *Wodarczak v. Yamhill County*, 34 Or LUBA 453 (1998). Site maps attached in the land use application show that the subject parcel is completely surrounded by EFU zoned high value farmland, with a tiny portion in the southeast border touching a parcel zoned RRF5.



Application, Attachment C. The green parcels on the map are zoned EFU, the yellow parcels zoned RRF5, and the blue/green rectangle is applicants' subject parcel, zoned EFU.

Further, the aerial images reference above further demonstrate that the subject parcel is surrounded by farmland. There is nothing in these images or the record to indicate why this parcel could not continue to be hayed or farmed on its own or in conjunction with the surrounding farm units. An argument that existing development makes farm practices challenging on a given property does not show that the adjacent residential development and residential uses has made farm and forest operations impracticable on the subject parcel. *Jackson County Citizens League v. Jackson County*, 38 Or LUBA 357 (2000).

Applicants also assert that the rural residential nature of the adjacent parcels and exception areas decreases the practicability of farm use on the subject parcel, and that relatively high density of parcels near a farm tends to reduce the practicability of crop production. Application, 18-19. That adjoining farm-zoned parcels have dwellings is an insufficient basis for concluding that a parcel is irrevocably committed to residential use. *Lancefield Farm Co. v. Yamhill County*, 56 Or LUBA 781 (2008).

iii. Drift of sprayed pesticides/herbicides

Applicants conclude that the use of chemicals on adjacent farms tends to reduce the practicability of farming the subject parcel. Application, 2. They point to *Anderson v. Coos County*, 51 Or LUBA 454, 474 (2006), to show that LUBA has acknowledged that concerns over pesticide and herbicide drift from adjacent farms may be legitimate and relevant in evaluating potential conflicts between resource and non-resource uses.

First, applicants' conclusion contradicts others findings made in the application. Applicants, attempting to demonstrate that the characteristics of adjacent land support a finding that the farm use on subject parcel is impracticable, assert that "the surroundings of the Site feature rural residential uses, rather than active farms." Application, 19. However, Applicants support their conclusion here by asserting that pesticides and herbicides from adjacent farms reduce the practicability of farming the subject parcel.

Second, the potential drift of sprayed pesticides and herbicides are not sufficient on their own to render a farm use on a subject parcel impracticable. *Friends of Douglas County v. Douglas County*, 46 Or LUBA 757 (2004) (Externalities from farm or forest operations such as dust, spray, smoke and noise are inherent aspects of rural life in agricultural or forest zones. Absent evidence that such externalities have or are likely to cause actual conflicts with resource operations, the possibility of such conflicts with rural residential uses is insufficient to demonstrate that resource use is impracticable). Even the risk of liability for negligent application of fertilizers that might contaminate the drinking water on adjacent lands is not a sufficient basis to conclude that farm use is impracticable on the subject property. *Anderson v. Coos County*, 51 Or LUBA 454 (2006). Applicants argue that there are significant difficulties in farming the parcel, but have not provided sufficient evidence to demonstrate that these challenges render farm use of the property impracticable.

It is important to note that Oregon pesticide regulations administered by the Oregon Department of Agriculture (ODA) preclude the drift of any kind of pesticides (herbicides, fungicides and insecticides) from a property where pesticide application is taking place onto to any off-site locales.

iv. Unavailability of water

Applicants rely on a water availability memorandum from water law expert Sarah Liljefelt in their conclusion that water use on adjacent parcels and water availability on the

subject parcel render farm use of the latter impracticable. Application, 21 (referring to water availability memorandum at Attachment J. In the memo, Ms. Liljefelt responds to applicants' inquiry in obtaining a new water right permit for the subject parcel. New water rights are notoriously difficult to obtain. Further, concerns that a property owner's use of large quantities of well water on a resource parcel for farm or forest use might interfere with individual wells used by nearby rural residences does not support a conclusion that farm or forest use of the resource parcel impracticable. *Friends of Linn County v. Linn County*, 44 Or LUBA 349 (2003). Assuming that the existence of water and sewer lines on adjacent lands may be relevant to whether a property is irrevocably committed to non-resource use, findings must explain what that relevance is. *Pekarek v. Wallowa County*, 36 Or LUBA 494 (1999).

v. Infeasibility of farming on site.

Applicant's assert that for a farm to be profitable, on a parcel the size of the subject Site, 14.97 acres, it would require high-value crops, in turn requiring security (ie a dwelling), which the existing zoning prohibits. Application, 21. Under OAR 660-04-028(3), the appropriate standard for determining whether farm use is impracticable on the subject property is whether the property is capable, now or in the future, of being employed for agricultural production for the purpose of obtaining a profit in money. *Brown v. Jefferson County*, 33 Or LUBA 418 (1997). The applicants interpret the financial feasibility of the subject parcel alone, and fail to consider that this parcel could be utilized in conjunction with other agricultural land in a larger farm operation. The question is not whether the parcel itself is a farm, but whether or not the subject parcel can be a part of a farming operation. A Goal 3 committed exception cannot be justified based on a finding that the property is not capable of supporting an economically self-sufficient agricultural operation, or property on which a reasonable farmer could make a living entirely from agricultural use of the land. Farm uses that do not meet that threshold are protected by Goal 3. *Lovinger v. Lane County*, 36 Or LUBA 1 (1999).

Applicants also assert that the subject parcel is not capable of supporting commercial farming, and even include a memorandum from Peter Finley Fry on how this site cannot support commercial farming itself or as a part of larger operations. However, a property need not be capable of supporting a commercial farm by itself to be capable of being put to "farm use" as that term is defined in ORS 215.203. *Pekarek v. Wallowa County*, 36 Or LUBA 494 (1999). A Goal 3 committed exception cannot be justified based on a finding that "commercial farming" is impracticable on the subject property. Protection under Goal 3 is not limited to commercial farms. *Lovinger v. Lane County*, 36 Or LUBA 1 (1999).

B. Conclusion

The applicants have not demonstrated that existing development makes either farm use under ORS 215.203, or the other uses listed in OAR 660-004-0028(3), impracticable on the subject property. Accordingly, the application fails to demonstrate that the subject parcel is irrevocably committed to uses not allowed by Goal 3, and cannot justify an exception to Goal 3.

III. The proposal is inconsistent with the goals and policies of the comprehensive plan addressing agricultural lands, land use, and rural area development.

Section 3.H of the natural resources and energy chapter of the comprehensive plan establishes goals and policies for preserving agricultural lands. For example, Section 3.H.1 maintains that Clackamas County shall recognize agricultural areas through appropriate zoning, and that all agricultural areas shall continue unencumbered by activities/land uses unrelated to agriculture in order to insure productive farm land. Additionally, Section 4.NN of the land use chapter of the comprehensive plan further outlines agricultural land designations and related goals and policies. Section 4.NN.2 asserts that “agriculturally related industries shall be encouraged;” and Section 4.NN.3 maintains that “land uses that conflict with agricultural uses shall not be allowed.” The agricultural goals in this section include:

- Preserve agricultural use of agricultural land.
- Protect agricultural land from conflicting uses, high taxation and the cost of public facilities unnecessary for agriculture.
- Maintain the agricultural economic base of the County and increase the County’s share of the agricultural market.
- Increase agricultural income and employment by creating conditions that further the growth and expansion of agriculture and attract agriculturally related industries.

While the application does not include a proposed development, it is nearly certain the land being rezoned from EFU to RRFF-5 is will ultimately to result in rural development on the subject parcel. Applicants have not demonstrated that the rural residential designation will not substantially conflict with or impair agricultural uses of the subject parcel. While the applicants find that “the addition of more density does not have any discernible impact on economic, social or energy situations,” Application, 9, this finding does not address impacts on agricultural uses, including farming. Accordingly, the application does not comply with the agricultural goals and policies of the comprehensive plan.

Finally, the application fails to meet several goals and policies for rural land. Section 4.MM of the land use chapter of the comprehensive plan designates rural policies; specifically, Section 4.MM.6 states that “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.” Applicants’ justification for this section is that the submitted soil study demonstrates that the soil on the subject parcel is marginal and unsuited for commercial agricultural production. As described above, the study demonstrates that the subject parcel contains soil suitable for agricultural uses. Accordingly, applicants’ findings are not in line with section 4.MM.6 of the comprehensive plan.

IV. Conclusion

For the foregoing reasons, Clackamas County should deny Application #Z0315-25 & #Z0316-25. Please ensure these comments are included in the record. Thank you for the opportunity to comment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eve Goldman". The signature is fluid and cursive, with the first and last names being more prominent.

Eve Goldman
Staff Attorney
1000 Friends of Oregon

A handwritten signature in black ink, appearing to read "Jim Johnson". The signature is cursive, with the first and last names being more prominent.

Jim Johnson
Working Lands Director
1000 Friends of Oregon



January 13, 2026



Martha Fritzie, Principal Planner
Clackamas County

By Email: mfritzie@clackamas.us

Subject: Comments on Clackamas County Local File Z0315-25 & Z0316-25, A Comprehensive Plan map amendment from Agriculture (Ag) to Rural (R), zone change from Exclusive Farm Use (EFU) to Rural Residential Farm Forest, 5-acre (RRFF-5), and a Goal 3 exception.

Dear Ms. Fritzie,

Thank you for the opportunity to comment on the above referenced application. We have reviewed the materials submitted and would like to submit the following comments:

We understand the application is requesting an exception to Statewide Planning Goal 3 for a Comprehensive Plan land use designation change from Agriculture to Rural and corresponding zone change from Exclusive Farm Use (EFU) to rural residential zoning. We also understand that the request includes an “irrevocably committed” exception to statewide planning Goal 3.

We find the applicant has not demonstrated that the property is unsuitable for farm use, nor that it is committed to other uses. We find the following problems with this application and recommend that the county deny the application.

Irrevocably committed exceptions to Goal 3 require a demonstration that farm uses, as defined in ORS 215.203, are made impracticable because of existing adjacent uses and development.

First, Oregon’s right to farm law is intended to protect farmers from suits related to accepted farm practices. The applicant claims that the presence of residential properties near the property makes it impossible to conduct agricultural use. While we understand the potential conflicts and concerns the applicant raises, the right to farm law protects farmers to ensure economic use of farm property can endure.

Second, the subject property meets the definition of ‘agricultural land’ in OAR 660-033-0020(1) since the predominance of soils on the property (10.39 acres) are class 1-4. The soils report included with the application demonstrates that the property is composed of 7.07 acres of class 2 Cazadero soils, 3.32 acres of class 4 Delena variant soils and 4.38 acres of class 6 Bull Run

variant soils. We also note that just under 50% of the property consists of high-value Cazadero soils. The presence of 4.38 acres of less-productive Bull Run soils do not constitute the majority of the property and do not make the property unsuitable for farm use.

Last, OAR 660-004-0028(6)(c) requires an analysis of how the existing development pattern in the surrounding area came about and whether findings against the goals were made at the time of partitioning or subdivision. We did not find a discussion of this aspect of the history in the application. In reviewing Clackamas County comprehensive plan documents, it appears this property was part of the Firwood/Bull Run plan amendment, CPA-4-79 adopted in January 1980. In this plan amendment, the property is part of the A-7 area, identified as “West of Firwood.” The plan amendment describes the area as follows, and assigns plan designation Agriculture and zoning of EFU to the area:

“This 2077 acre area is located south of Highway 26 and east of Lagensand Road. The area has 144 parcels. There are 115 ownerships of which 33 are 0 to 5 acres, 21 are 5 to 10 acres, 34 are 10 to 20 acres, and 27 are over 20 acres in size. Average parcel size is 14.42 acres, and average ownership size is 18.06 acres. The 109 dwelling units in this area average one per 19.05 acres.”

Of note is the average parcel size, which is very close to the subject property size of 14.97 acres. The County found in 1980 that the area was suitable for farm use, and the applicant has not demonstrated if or how changes in the area should lead the county to change its conclusions.

The same plan amendment, CPA-4-79, identifies the nearby exception area as Area R-6 Moorefield Meadows, a 270-acre area with an average parcel size of 3.38 acres. Only one parcel in the 80-parcel area is over 10 acres in size. The applicant claims that the exception area consisting of properties with RRFF-5 zoning and sized one to five acres commits the subject property to non-farm uses. DLCD’s position is that the presence of an existing exception area can’t serve to irrevocably commit other lands near the exception area.

The final issue we note is that the applicant has not proposed a Goal 14 exception for the proposed zone change. A Goal 14 exception is required for any rural residential upzone to less than the 10-acre minimum, as established in *DLCD v. Clackamas County*, 335 Or App 205 (2024). This application is technically not an “upzone” in the same sense as the subject parcel in *DLCD v. Clackamas County*, because the land is currently zoned for agricultural use, not rural residential. However, OAR 660-004-0040(7)(i) governs this situation. The rule requires that newly designated rural residential parcels have a minimum parcel size of at least ten acres or have a Goal 14 exception approved. The applicant misunderstands OAR 660-004-0040(8)(i) and ignores OAR 660-004-0040(7), claiming that the proposed five acre zone would be in compliance with state rules and Goal 14 because the county has established a minimum lot size of at least two acres for new lots or parcels.¹

¹ OAR 660-004-0040(7)(i) provides:

(i) For rural residential areas designated after October 4, 2000, the affected county shall either:

(A) Require that any new lot or parcel have an area of at least ten acres, or

Please enter this letter into the official record of proceedings for the land use application known as Local File No.: Z0315-25 & Z0316-25.

Respectfully,



Kelly Reid
Portland Metro Regional Representative

CC:
Gordon Howard, Community Services Division Manager, DLCD
Jon Jinings, Community Services Specialist, DLCD
Hilary Foote, Farm and Forest specialist, DLCD

(B) Establish a minimum size of at least two acres for new lots or parcels in accordance with the applicable requirements for an exception to Goal 14 in OAR chapter 660, division 14. The minimum lot size adopted by the county shall be consistent with OAR 660-004-0018, "Planning and Zoning for Exception Areas."

Fritzie, Martha

From: Snuffin, Christian
Sent: Thursday, January 15, 2026 5:10 PM
To: Fritzie, Martha
Subject: RE: Z0315-25 & Z0316-25

Hi Martha,

I reviewed the applicant's traffic impact study, prepared by Clemow Associates and dated 7/25/25. I take no exception to the conclusions, and I don't have any concerns. Thanks

Christian Snuffin, PE
503.680.5623

From: Fritzie, Martha <MFritzie@clackamas.us>
Sent: Wednesday, January 14, 2026 10:19 AM
To: Snuffin, Christian <CSnuffin@clackamas.us>
Subject: RE: Z0315-25 & Z0316-25

Hi Christian. I am working on the staff report for this application and am wondering if you have any comments on the analysis and conclusions in the traffic study. You noted below that what they submitted was sufficient to address the criteria, but I am now looking to write a finding about their actual analysis. I honestly do not expect the traffic study to be an issue in this application, but if you could please take another look at the traffic study and let me know if you concur with their findings, then I can add that to my staff report.

Thanks,
Martha

Martha Fritzie, Principal Planner
Clackamas County DTD | Planning & Zoning
150 Beaver Creek Road | Oregon City, OR 97045
mfritzie@clackamas.us
(503) 742-4529

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This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

From: Snuffin, Christian <CSnuffin@clackamas.us>
Sent: Tuesday, August 12, 2025 3:33 PM
To: Fritzie, Martha <MFritzie@clackamas.us>
Subject: RE: Z0315-25 & Z0316-25

Hi Martha,

I have reviewed the Transportation impact study for the subject zone change. The study is sufficient to address the TPR and County ZDO safety criteria. Thanks

Christian Snuffin, PE
503.680.5623

From: Fritzie, Martha <MFritzie@clackamas.us>
Sent: Monday, August 11, 2025 11:30 AM
To: Snuffin, Christian <CSnuffin@clackamas.us>
Subject: Z0315-25 & Z0316-25

Hi Christian. I have attached another application (with a traffic analysis) that we have received for a Comprehensive Plan/zone change. I have reviewed the application and will be sending an incomplete notice for some of the land use/zoning requirements, but would like you to review the traffic study. For this purpose, I have two questions for you:

- (1) Is this traffic study sufficient to address the TPR (whether or not you agree with the conclusion); and
- (2) Is there sufficient information in here to address the safety of the system (per ZDO 1202.03(D))?

Please take a look and let me know your thoughts on the completeness in the next couple of days. I need to get the incomplete notice out this week before I am out of the office for the next two.

Let me know if you have any questions.

Thanks,
Martha

Martha Fritzie, Principal Planner
Clackamas County DTD | Planning & Zoning
150 Beaver Creek Road | Oregon City, OR 97045
mfritzie@clackamas.us
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response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

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