

**BEFORE THE LAND USE HEARINGS OFFICER  
OF CLACKAMAS COUNTY, OREGON**

Regarding reconsideration of an application by Mark Dane Planning Inc. for a zone change from R-15 to R-10 and a 43-lot subdivision and PUD on a 3.89-acre parcel at 6320 SE Roethe Road in unincorporated Clackamas County ) **FINAL ORDER**  
 ) **Z0051-25-ZC**  
 ) **and Z0052-25-SL**  
 ) **(Roethe Road Sub Recon)**

**A. SUMMARY**

1. The applicant, Mark Dane Planning Inc., requests approval of a zone change from R-15 (Urban Low Density Residential, 15,00-square foot minimum lot size) to R-10 (Urban Low Density Residential, 10,000-square foot minimum lot size) and a 43-lot subdivision as a Planned Unit Development (PUD) on a 3.89-acre parcel located at 6320 SE Roethe Road, also known as Tax Lot 00100, Section 07DA, Township 2 South, Range 2 East, WM, Clackamas County, Oregon (the “site”).

a. The site is currently zoned R-15 and developed with a single-family detached residence and associated outbuildings. The site consists of a mix of open field and forest land. The southern portion of the site contains steep (20%-35%) slopes associated with a perennial stream that flows into the site from the southeast corner and exits near the northeast corner of the site and a “diurnal” stream originating near the southwest boundary of the site and joining the perennial stream as shown in the applicant’s “Existing Conditions Plan.” (p. 3 of Exhibit 2a). The northeast portion of the site is identified as a water resource area mapped by the Statewide wetland inventory and included on Comprehensive Plan Map 4-6 as a Resource Protection Open Space area. Therefore, the site must be developed as a PUD.

2. In File No. Z0051-25-ZC, the applicant requests approval to change the zoning of the site from R-15 (Urban Low Density Residential, 15,00-square foot minimum lot size) to R-10 (Urban Low Density Residential, 10,000-square foot minimum lot size).

3. In File No. Z0052-25-SL (SE Roethe Road Subdivision), assuming that the zone change is approved, the applicant requests approval of a tentative plan to divide the northern portion of the site into 43 lots for single-family attached (townhome) dwellings, a 0.06-acre stormwater tract (Tract B), and a roughly 1.1-acre open space tract (Tract A) as a Planned Unit Development (“PUD”). The proposed lots range in size from 1,740 to 3,495 square feet.

a. The applicant proposed to remove all of the existing structures on the site in order to accommodate the proposed development. The applicant will retain the streams and the majority of the steep slopes in proposed open space Tract A. By preserving sensitive areas in Tract “A,” the applicant will utilize the Planned Unit Development (PUD) provisions, that allow flexible lot sizes smaller than the typical minimum lot size requirements in the R-10 zoning district.

b. The applicant will extend SE Roethe Road into the site from its existing terminus at the northwest boundary, near the southwest corner of the site. As proposed, SE Roethe Road will extend into the site along the northwest boundary of the site before intersecting a proposed loop road extending southeast from the north end of the SE Roethe Road extension, then southwest, then northwest to reconnect with the on-site section of SE Roethe Road.<sup>1</sup> The applicant will extend a new public street from the southeast corner of the on-site loop street to the northeast boundary of the site to allow for further extension when the abutting property redevelops. (Exhibit 26).<sup>2</sup>

c. The Oak Lodge Water Services District (OLWSD) and Clackamas County Service District No. 1, administered by the County Water Environment Services (WES), will provide domestic water and sanitary sewer services, respectively. The applicant proposes to collect storm water from impervious surfaces within the site and direct it to a facility in proposed Tract B for treatment and detention consistent with WES regulations. The applicant will infiltrate the majority of the treated runoff, discharging excess runoff to the on-site perennial stream at less than predevelopment rates.

4. Hearings Officer Joe Turner (the "hearings officer") approved the applications by Final Order dated August 12, 2025. (Exhibit 40).

5. Majestic Investments LLC (Majestic) appealed the hearings officer's decision to LUBA, arguing that the hearings officer's conclusion that a design modification will ensure compliance with the sidewalk requirement of ZDO 1007.04(F)(1) is not supported by adequate findings or substantial evidence and that the county's conclusion that the application will protect steep slope, environmentally sensitive, and open space areas is not supported by adequate findings or substantial evidence because, if the applicant does not obtain a design modification and is required to dedicate full-width right-of-way for the stub road, nothing prevents the applicant from pushing building envelopes further into those areas.

6. On October 30, 2025, the county withdrew the decision for reconsideration pursuant to ORS 197.830(13)(b) to give the hearings officer an opportunity to issue a new decision in light of Majestic's assignments of error.

7. By revised order dated November 13, 2025, the hearings officer reopened the record to allow the submittal of new evidence regarding the issues raised in Majestic's LUBA appeal. (Exhibit 44). The parties submitted Exhibits 45-49 during the open record period.

8. The principal contested issues in the case include:

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<sup>1</sup> Pursuant to the approved design modification (Exhibit 2h), roads within the site are subject to different standards. Therefore, in order to distinguish these roads, the hearings officer refers to the extension of SE Roethe Road along the northwest boundary of the site as "SE Roethe Road," the streets extending southeast from the on-site section of SE Roethe Road, forming a loop with SE Roethe Road, as the "loop road" or "loop street," and the street stubbed to the northeast boundary of the site as the "stub road."

<sup>2</sup> Exhibit 26 shows a private street to the site boundary. However, as discussed in the Final Order, the applicant will be required to provide a public street connection in this location.

a. Whether the “stub road” extending from the loop road to the northeast boundary of the site is a “through road” as that term is used in ZDO 1007.04(F)(1)(a); and

b. Whether condition 2.g of the Final Order is sufficient to avoid impacts to steep slopes, open space areas and streamways if Applicant is required to dedicate a full-width right-of-way for the stub road.

9. Based on the findings provided or incorporated herein, the hearings officer concludes that:

a. The “stub road” is not a “through road” as that term is used in ZDO 1007.04(F)(1)(a), so sidewalks can be limited to one side of the road; and

b. Condition 2.g should be modified as agreed to by the parties.

10. Therefore the hearings officer affirms the prior Final Order, as modified by this Final Order on Reconsideration, and approves the applications subject to the modified conditions at the end of this final order.

## **B. DISCUSSION**

1. The primary issue on reconsideration is whether the stub street is a “through road” as that term is used in ZDO 1007.04(F)(1)(a).

a. The Code does not define this term nor is it used anywhere else in the Code. Words that are not defined in the Code must be given their plain and ordinary meaning. *Comcast Corp. v. Dept’t of Revenue*, 356 Ore. 282, 296, 337 P3d 768 (2014). As used in common practice, the term “through road” generally means a road that provides a route through an area via connections to other streets. A road that is posted “Not a Through Road” generally serves a limited area and does not provide a through connection to other areas or streets. Whether a road passes through multiple properties is irrelevant for purposes of such signage. It is a reasonable assumption that the Board had this meaning in mind when they adopted this provision.

b. Contrary to the Majestic’s argument, a road can be a non-through road and not a dead-end, i.e., a “lollipop” shape that allows drivers to return to the same intersection on the same road without turning around, or loop street that allows drivers to return to another location on the same road without turning around. Such roads provide access to individual neighborhoods or similar limited areas without providing through access to other areas.

c. Such non-through roads generally carry lower traffic volumes as they only serve properties that abut the road and vehicle trips are limited to those traveling to and from such properties as there are no opportunities for “cut-through” trips; drivers heading to destinations outside of the area served by such non-through roads will use other routes to reach their destinations.

d. The hearings officer finds that the proposed stub street is not a “through road,” as it will not through route connection to other streets in the area. It will terminate in a dead-end north of the site, as discussed in the findings below.

2. The hearings officer finds that the steep topography to the north of the site precludes the connection of the stub road with other roads in the area; it will terminate in a cul-de-sac or similar turnaround within Majestic’s properties (tax lots 507 and 2706) to the north of the site. The applicant’s engineer provided a conceptual plan showing that it is physically feasible to route a road through Majestic’s properties and other properties to connect with SE Stohler Road to the northeast of the site. (Exhibit 46 at 7-8). However, there is no evidence that a reasonable developer would actually build such a road connection or that such a road can comply with applicable County regulations.

a. As noted by County Development Engineering staff, Majestic’s conceptual road would extend through “[a]reas where there are cross slopes of at least 35 percent and a width of approximately 105 feet available for grading at one point” which would require “[s]ubstantial street improvements ... including retaining walls and associated grading...” (Exhibit 48). The County would be unlikely to require that Majestic extend the stub road through their property to allow for further extension when properties to the north redevelop. (*Id.*).

b. Majestic’s conceptual road design would extend through portions of tax lots 2706, 4213, and 4100 that are mapped as “Major Hazard Open Space” on County Comprehensive Plan Map 4-6. (Exhibit 3 at 2). Comprehensive Plan Policy 4.GG.2.2 defines “Major Hazard Open Spaces” as a. “the floodway of 100-year floodplains,” b. “areas of known landslide hazards,” and c. “areas of severe erosion, unstable soil, or earth movement.” Comprehensive Plan Policy 4.GG.6 requires the County to “Prohibit development of areas designated Major Hazard Open Space except as provided in Policy 3.L.2.1 of the Natural Resources and Energy chapter, Natural Hazards Section, and Policy 4.R.4.3.b.”

c. The owner of tax lot 4100 is unlikely to extend the stub street through its property to connect to SE Stohler Road as shown in the applicant’s conceptual road design. The western portion of tax lot 4100 is encumbered by steep slopes that are designated Major Hazard Open Space and the flatter areas in the eastern portion of tax lot 4100 can be developed with access from SE Stohler Road. (Exhibit 46 at 8 and Exhibit 3 at 2). Therefore, there is no need to extend a road through the western portion of tax lot 4100 and the stub road is unlikely to connect with SE Stohler Road as shown in Majestic’s conceptual design.

d. Given these constraints the hearings officer finds that the stub road will not be extended to create a through road connection with other roads in the area; it will terminate in a cul-de-sac or similar turnaround within Majestic’s properties (tax lots 507 and 2706) to the north of the site. Therefore, the hearings officer finds that the stub road extension between the on-site loop road and tax lot 507 is not a “through-road” as that term is used in ZDO 1007.04(F)(1)(a).

3. ZDO 1007.04(F)(1) generally requires sidewalks on both sides of public streets. However, ZDO 1007.04(F)(1) provides exceptions, allowing sidewalks on only one side of the road under certain circumstances, including where “The road is not a through road.” (ZDO 1007.04(F)(1)(a)). The stub road proposed in this case is not a “through-road” and sidewalks are only required on one side of the stub road. Condition 2.h should be modified to that effect.

4. The hearings officer further finds that condition 2.g should be modified as agreed to by the parties: to prohibit any increase in disturbance on slopes greater than 20% beyond that disturbance already proposed in the Application.

#### **D. CONCLUSION**

Based on the findings provided or incorporated herein, the hearings officer concludes that the “stub road” is not a “through road,” so sidewalks can be limited to one side of the road and condition 2.g should be modified as agreed to by the parties. Therefore the hearings officer affirms the prior Final Order, as modified by this Final Order on Reconsideration, and approves the applications subject to the modified conditions at the end of this final order.

#### **E. DECISIONS**

1. Based on the findings, discussion and conclusions provided or incorporated herein and the public record in this case, the hearings officer hereby approves File No. Z0051-25-ZC changing the zoning of the entire site from R-15 to R-10 and orders the planning director to amend the zoning map accordingly.

2. Based on the findings, discussion and conclusions provided or incorporated herein and the public record in this case, and on the above decision approving the zone change, the hearings officer hereby approves File No. Z0052-25-SL (SE Roethe Road Subdivision) for a 43-lot townhome PUD subdivision, subject to the following conditions of approval:

#### **Conditions of Approval**

1. Approval of this land use permit is based on the submitted written narrative and plans filed with the County on February 5, 24, and 27 and March 4 and 6, 2025, and additional documents submitted on March 20, June 11, 12, 19, and 24, and July 16 and 17, 2025. No work shall occur under this permit other than which is specified within these documents, unless otherwise required or specified in the conditions below. It shall be the responsibility of the property owner(s) to comply with these documents and the limitation of any approval resulting from the decision described herein.
2. Prior to the final plat submittal, the applicant/property owner shall complete the following and provide documentation of completion to the Planning and Zoning Program for the file:

- a. Evidence that the homeowners association has been incorporated, or evidence that ownership of the open space tract has been transferred to a government or nonprofit conservation organization. ZDO 1105.05(D)
- b. Documentation that the storm drainage management proposed:
  - i. Includes positive drainage and adequate conveyance of surface water from roofs, footings, foundations, and other impervious or near-impervious surfaces to an appropriate discharge point. ZDO 1006.06(A)
  - ii. Can meet the DEQ Rule Authorization and water quality requirements. ZDO 1006.06 and Comprehensive Plan Policy 4.R.3.2
  - iii. Clearly identifies any areas of concern related to slope and soil and provides adequate recommendations for appropriate construction methods. Additionally, a copy of the preliminary geotechnical review prepared by Rapid Soil Solutions, LLC shall be provided for the file. ZDO 1002.01(B)(2) and 1103.02(B)
  - iv. The location, design, installation, and maintenance of all utility lines and facilities shall be carried out consistent with the rules and regulations of the surface water management regulatory authority, which is Clackamas Water Environmental Services (WES). ZDO 1006.01
  - v. The final stormwater plan and accompanying geotechnical engineering report shall clearly identify any impacts to slopes exceeding 35% and provide adequate recommendations for appropriate construction methods.
- c. The applicant shall provide evidence that any wells in the tract subject to temporary or permanent abandonment under Oregon Revised Statutes (ORS) 537.665 have been properly abandoned. ZDO 1006.03(C)
- d. Development which has a need for, or will be provided with, public or community water service shall install water service facilities and grant necessary easements pursuant to the requirements of the district serving the development, Oak Lodge Water Services District (OLWSD), pursuant to ZDO 1006.03(A).
- e. Connect to WES District public sanitary sewer system pursuant to Comprehensive Plan Sub-Policy 4.R.2.2 and ZDO 1006.01):
  - i. Permit Required (Rules, Section 4.2)A permit shall be required to connect to the District system, including, but not limited to a Service Connection, pipes, pollution reduction manholes, and detention facilities, whether constructed or natural. Before connecting to the District system, a permit authorizing such connection shall first be secured from the District and all applicable fees paid.
- f. The following direction was provided regarding service provider easement requirements required pursuant to ZDO 1006.01(D):
  - i. Public Easements – Existing (Section 5.2.7): Existing Surface Water, Storm Drainage, and Sanitary Sewer Easements located on the site and

granted to WES/CCSD#1 are permanent and not extinguishable. No development shall encumber the use or access to these easements by WES.

With future development on Lot 12, no footing or foundation of any permanent structure shall be allowed to encroach within the existing easement, whether above or below ground.

- ii. Public Easements – New (Section 5.2.7): All new Surface Water, Storm Drainage, and Sanitary Sewer Easements shall be reviewed and approved by the District prior to final Plan approval. Public easements shall be granted to “Water Environment Services” and recorded via plat map or deed instrument. All public sanitary sewer easements shall be labeled on the plat as ‘SSE’ and public storm drainage easements as ‘SDE’. Public easements shall have a minimum width of 15-feet. Easements that combine both mainline sanitary sewers and storm sewers shall have a minimum width of 20-feet.
  - g. Dedicate full-width right of way to Clackamas County consistent with the Road Standard requirements for the classification of the street stub that provides access to the property northeast of the site (Tax Lot 22E08CB00507). ZDO 1007.02(B)(1) and Comprehensive Plan Policy 4.R.13) or obtain County approval of a design modification to vary from the Road Standard requirements. If a full width right-of- way is provided, no increase in disturbance on slopes greater than 20% shall be permitted beyond that disturbance already proposed in the Application.
  - h. Provide sidewalks and street trees at required spacing on both sides of all public roads within the site, ZDO 1007.04(F) and 1007.06(A), with the following exceptions:
    - i. Street trees and sidewalk are not required on the northwest edge of the roadway abutting Tax Lot 22E07DA00200, as this section of the street will be constructed as a partial-width improvement;
    - ii. A sidewalk is required on one side of the stub road extending between the on-site loop road and the northeast boundary of the site. Street trees are required on both sides of this roadway.
    - iii. Street trees may be located outside of the right-of-way, on lots abutting the street.
    - iv. Sidewalks may be limited to one side of the stub road extension between the loop road and the boundary of tax lot 507.
  - i. Provide documentation of Fire District Approval, including approval of a single access to the site. ZDO 1003.05
  - j. The applicant shall submit and abide by an erosion Protection and Sediment Control plan approved by Clackamas Water Environment Services. ZDO 1002.01(A)(2).
3. The final plat shall:

- a. Comply with the County's final decision approving the preliminary plat and applicable provisions of Chapters 11.01 and 11.02 of the Clackamas County Code and Oregon Revised Statutes Chapters 92, 94, 100, and 209.
  - b. Include dedicated access to the open space for all residents of the subdivision. ZDO 1013.03(C)(5)
  - c. Dedicate an Open Space tract that is a minimum of 20 percent of the gross site area. ZDO 1013.03(C)(1)
  - d. Be submitted to the County for review.
  - e. All conditions of approval included in the County's final decision on the application shall be satisfied or guaranteed pursuant to Section 1311, Completion of Improvements, Sureties, and Maintenance, prior to final plat approval.
  - f. Include the service provider easements as required by the provider. (ZDO 1006.01(D))
4. All of the WES Sewer And Surface Water Management requirements must be completed following the specifications included in Exhibit 4. ZDO 1006.01(B)
  5. Prior to issuance of final occupancy (Certificate of Occupancy) the applicant/property owner shall complete the following:
    - a. Type I slope review will be required for Lot 23 prior to building permit approval. Lots 24-28, and 31-35 will be evaluated for slopes during building permit review and if the areas of 20% slope are disturbed for dwelling development additional land use review will be needed. ZDO 1002.01(A).
  6. A sign permit will be needed prior to the installation of a sign for the development. ZDO 1010.
  7. An Open Space land use application shall be reviewed for disturbance of hillsides with slopes over 35%, lands including the riverine wetlands identified on site in the site plan, wet, any recreation areas added to the Open Space "Tract A" . ZDO 1011.03.
  8. The Homeowners Association shall ensure that all street trees remain and are maintained on both sides of the streets in the locations and extent shown on the final plans approved by the County.
  9. The extension of SE Roethe Road at the entrance of the development shall be modified to meet the full-width street improvement standard for an Urban Local Cross Section shown in Figure 5-1d of the Comprehensive Plan, including street trees, along the entire length of the boundary with Tax Lot 2E07DA02200.
  10. Street lights shall be installed consistent with ZDO 1006.02
  11. The applicant shall submit a copy of the soils analysis report, which shall ensure no impact to the natural features (streams, wetlands, and steep slopes) was found by the specialist who completed the report.

### **Development Engineering Conditions**



1. A Development Permit is required from the Engineering Division for review and approval of frontage improvements, access and utilities. The Permit shall be obtained prior to commencement of site work and recording of the partition plat. To obtain the permit, the applicant shall submit construction plans prepared and stamped by an Engineer registered in the State of Oregon, or plans acceptable to the Engineering Division, provide a performance guarantee equal to 125% of the estimated cost of the construction, and pay a plan review and inspection fee. The fee will be calculated as a percentage of the construction costs if it exceeds the minimum permit fee. The minimum fee and the percentage will be determined by the current fee structure at the time of the Development Permit application.
2. All required improvements shall be constructed and inspected. Performance bonds shall be in the amount of 125% of the approved engineer's cost estimate of the required improvements, and shall be accepted only when access has met minimum Substantial Completion requirements, per Roadway Standards Section 190.
3. All required street, street frontage, and related improvements shall comply with the standards and requirements of the Clackamas County Zoning and Development Ordinance and the Clackamas County Roadway Standards unless otherwise noted herein.
4. Prior to final plat approval, the applicant shall design and construct improvements for the proposed internal public streets to local roadway standards, consistent with Standard Drawing C110, as modified by these conditions. These improvements shall consist of the following:
  - a. From the existing terminus of the SE Roethe Road right-of-way, a minimum 46-foot wide public right-of-way shall be dedicated up to the northeasterly property corner of Tax Lot 22E07DA02200.
  - b. Beyond Tax Lot 22E07DA02200, adjacent to Tax Lot 22E07DA00200, a right-of-way width of 34 shall be dedicated to accommodate an approximate three quarter street width.
  - c. A minimum 33 foot wide public right-of-way shall be dedicated for the public loop road extending southeast of the on-site section of SE Roethe Road. The right-of-way centerline and half-width shall be verified by a professional survey to the satisfaction of DTD Engineering and Survey Departments. Centerline monuments shall be provided per Roadway Standards Section 150.3. The applicant shall grant an 8-foot wide public easement for signs, slope, sidewalk, and public utilities on both sides of the new public streets within the plat.
  - d. From the loop road extending northeast to Tax Lot 22E08CB00507, a minimum 26-foot wide public right-of-way shall be dedicated. A minimum 8-foot wide public easement for sign, slope, sidewalk, and public utilities shall be granted on easterly side of the right-of-way.
  - e. From the existing terminus of the SE Roethe Road right-of-way up to the northeasterly property corner of Tax Lot 22E07DA02200, a public road shall be constructed, as follows:

- i. A minimum paved width of 32 feet, curb to curb, with a structural section per Standard Drawing C100 for a local roadway shall be constructed.
  - ii. A 6-inch curb shall be constructed on both sides of the roadway, per Standard Drawing S180.
  - iii. From the existing terminus of the SE Roethe Road, minimum 5-foot wide sidewalk shall be constructed on both sides of the road up to the northeasterly property corner of Tax Lot 22E07DA02200. The sidewalk on the northerly side of the right-of-way shall connect to the existing sidewalk on SE Roethe Road.
  - iv. Street trees shall be provided along the entire site frontage at 25-40-foot spacing, based on tree species.
  - v. A minimum 8-foot wide public easement for sign, slope, sidewalk, and public utilities shall be granted on one side of the right-of-way.
- f. From the northeasterly property corner of Tax Lot 22E07DA02200 to the northerly terminus, a three- quarter public road shall be constructed, as follows:
- i. A minimum paved width of 22 feet, curb to curb, with a structural section per Standard Drawing C100 for a local roadway shall be constructed.
  - ii. A 6-inch curb shall be constructed on easterly side of the roadway, per Standard Drawing S100.
  - iii. A minimum 6-foot wide sidewalk shall be constructed on the southeasterly side of the roadway.
  - iv. Street trees shall be provided along the entire site frontage on the southeasterly side of the roadway at 25-40-foot spacing, based on tree species.
  - v. A minimum 8-foot wide public easement for sign, slope, sidewalk, and public utilities shall be granted on the easterly side of the roadway.
- g. The loop road shall be constructed as a public street, as follows:
- i. A minimum paved width of 26 feet, curb to curb, shall be constructed with a structural section per Standard Drawing C100 for a local roadway.
  - ii. A 6-inch mountable curb shall be constructed on the side of the roadway where driveways are located, per Standard Drawing S180. A 6-inch curb shall be constructed on the side of the roadway not serving garages, per Standard Drawing S100.
  - iii. A 6-foot wide unobstructed curb-tight sidewalk shall be constructed per Standard Drawing S960. The sidewalk may be located partially within the easement for public utilities, with the condition that a minimum of 20 foot setback is provided from a garage opening to the back of sidewalk.
  - iv. Street trees shall be provided on both sides behind the sidewalk along the entire site frontage at 25-40-foot spacing, based on tree species.

- v. Dual concrete curb ramps shall be constructed at all quadrants of the public road intersections, per Oregon Standard Drawings, Series RD900.
- vi. Minimum 12-foot wide concrete driveway approaches shall be constructed for each lot, per Standard Drawing D600. Where turning movements in and out of a driveway required crossing a side property, an access easement shall be provided.
- h. A public street stub shall be constructed from the loop road extending northeast to Tax Lot 22E08CB00507, as follows:
  - i. A minimum full-width right of way to Clackamas County consistent with the Road Standard requirements for the classification of the street shall be dedicated;
  - ii. A minimum 8-foot wide public easement for sign, slope, sidewalk, and public utilities shall be granted on one side of the right-of-way; and
  - iii. Construct minimum full-width street improvements consistent with the Road Standard requirements for the classification of the street, including sidewalks and street trees on both sides of the roadway;
  - iv. Or as modified through an approved design modification.
- i. Concrete curb ramps shall be constructed where sidewalk ends, per Oregon Standard Drawings, Series RD900.
- j. Drainage facilities in conformance with Water Environment Services requirements and *Clackamas County Roadway Standards* Chapter 4.
- 5. Alley Serving Lots 1-11- Prior to final plat approval, the applicant shall design and construct improvements for the private alley, which will consist of:
  - a. The private alley improvements shall be located within a minimum 24-foot wide, private access and utility easement that encompasses the required improvements. The private road shall be referenced on the final plat as a reciprocal and perpetual, common access and utility easement.
  - b. A minimum paved width of 18 feet shall be provided, with a structural section constructed to no less than Standard Drawing R100.
  - c. Minimum 18-foot wide, concrete driveway approaches shall be constructed at the intersection of the private alley with a public roadway, per Standard Drawing D650.
  - d. Standard curb, or curb and gutter if curbline slope is less than one percent, or mountable curb per Drawing S180.
  - e. Concrete driveway approaches for each lot where access is taken from the private road, per Standard Drawing D650.
  - f. A conceptual townhouse plan shall be provided demonstration adequate passenger vehicle turning movement in and out of garages/parking spaces.
  - g. Drainage facilities in compliance with Water Environment Services Rules and Regulations, and *Clackamas County Roadway Standards* Chapter 4.

- h. A road maintenance agreement for the shared private road implementing ORS 105.170 - 105.185 must be recorded with the plat.
6. Street name signs shall be provided at the intersections of public roads and named private roads.
7. Written verification must be received from the Fire District that the roadway will support a fire apparatus, that a sufficient turnaround exists or will be constructed, that corner radii are acceptable, that vertical and horizontal clearances are acceptable, and that a single access is acceptable.
8. Where the public or private roads are 26 feet in width, parking shall be limited to one side of the road. Where the public or private roads are less than 26 feet in width, there shall be no on-street parking. Roads shall be signed and/or striped "FIRE LANE NO PARKING" where required. Installation of signs and/or striping shall be completed prior to recording the plat. The developer is responsible for replacing all signs damaged or removed during home and street construction.
9. Primary Inspector:
  - a. The applicant shall enter into a Developer/Engineer Agreement for primary inspection services per Section 180 of the Roadway Standards. This form will be provided to the applicant and shall be signed and returned to County Plans Reviewer.
  - b. Prior to final plat, the applicant shall provide a Certificate of Compliance signed by the Engineer of Record stating that all materials and improvements have been installed per approved plans and manufacture's specifications.
10. The applicant's attorney and/or surveyor or engineer shall provide written verification that all proposed lots have legal access and utility easements as required prior to recording of the plat.
11. The applicant shall submit, at time of initial paving, reproducible as-built plans for all improvements showing all construction changes, added and deleted items, location of utilities, etc. A professional engineer shall stamp as-built plans.
12. All existing and proposed easements shall be shown on the final plat.
13. All roads shall comply with applicable sight distance and roadside clear zone standards of the Clackamas County Roadway Standards. ZDO 1007.02(D)

### **ADVISORY NOTES**

The items listed below are not conditions of land use approval and are not subject to appeal. They are advisory and informational only but may represent requirements of other agencies/departments. As such, they may be required by these other agencies/departments in order to complete your proposed development.

1. WES has reviewed the proposal and has provided the following Conditions:
  - A. Authority (Rules, Section 2): Clackamas Water Environment Services ("WES" or "District") is an intergovernmental entity formed pursuant to

Oregon Revised Statutes Chapter 190 for the purpose of providing regional sewerage works, including all facilities necessary for collecting, pumping, treating, and disposing of sanitary or storm sewage within its boundaries. Properties located within the WES service area shall be subject to WES Rules and Regulations, 2023, Ordinance No. 02-2023. These Rules and Regulations shall apply to any property that discharges or requests to discharge, via connection request, development permit, or change in use, to the District's public sanitary sewer system or public stormwater system, to groundwater, or to surface waters within District boundaries.

- a. Water Environment Services Sanitary Standards, April 2023
- b. Water Environment Services Stormwater Standards, April 2023
- c. Water Environment Services Buffer Standards, April 2023

**B. Rates, Charges, and Billings (Rules, Section 5)**

- a. Plan review fees shall apply at the following rates:
  - i. Sanitary Review: The fee is equal to 4% of the installed cost of the public sewer extension. A \$400.00 minimum is due with the first plan submittal.
  - ii. Stormwater Review: The total fee is equal to 4% of the construction cost for all stormwater management related facilities. A \$400.00 minimum is due with the first plan submittal.
- b. Erosion Protection and Sediment Control permit fee shall apply in the amount of \$620.00.
- c. With future development on each lot, System Development Charges (SDCs) shall apply on all development that increases usage of the sanitary sewer, storm system or surface water facilities owned, managed, or maintained by WES. WES shall not issue such permit or allow connection or increased usage of the system(s) until the charge has been paid in full. SDC payments shall apply at the rates in effect on the date when a complete building permit application is submitted to the applicable Building Code Division.

**C. Prior to WES signing off on the plat approval, any sanitary or storm systems required by WES Standards shall be substantially complete, as determined by WES, or the Applicant shall obtain a performance surety for all proposed sanitary and stormwater improvements on the approved plan. Substantial completion requires WES review of as built drawings, initial inspection of sanitary and storm systems, and a signed storm maintenance agreement. See Appendix A of Exhibit 4 for Plat Review/Approval criteria.**

DATED this 22nd day of December 2025.

A handwritten signature in black ink, appearing to read 'Joe Turner', with a stylized flourish extending to the right.

Joe Turner, Esq., AICP  
Clackamas County Land Use Hearings Officer

### **APPEAL RIGHTS**

ZDO 1307.10.F provides that the Land Use Hearings Officer's decision is the County's final decision for purposes of any appeal to the Land Use Board of Appeals (LUBA). State law and associated administrative rules adopted by LUBA describe when and how any appeal must be filed. Presently, ORS 197.830(9) requires that any appeal to LUBA "[s]hall be filed not later than 21 days after the date the decision sought to be reviewed becomes final."