

BEFORE THE LAND USE HEARINGS OFFICER
CLACKAMAS COUNTY, OREGON

Regarding an application for a conditional use permit to construct a new fire station to serve the Hoodland Fire District #74 , and to retain the existing community garden and park-and-ride uses.

Case File No: Z0377-25
(Hoodland Fire District #74)

A. SUMMARY

1. The applicant is Hoodland Fire District #74. The subject property is an approximately 3.95-acre parcel owned by Clackamas County. The subject property is located at 25400 E salmon River Rd., Welches, OR 97067, also known as T3S, R7E, Section 4AA, Tax Lots 3300 and 3600, W.M., a location near the intersection of E Salmon River Road and Hwy 26 and across the street from Welches Middle School. This site was formerly Hoodland Park and the location of the Dorman Center that was constructed by the County in the late 1960s and initially used for community events, meetings, weddings, etc. In later years the site was used as a cooperative pre-school, and was then utilized as a County-affiliated senior center, followed by use as a non-profit day-care center, before it was finally closed to the public in 2012 due to unsafe conditions and was demolished.
2. The subject property is zoned Open Space Management (OSM) zone and is currently developed with a community garden and park-and-ride facility. This proposal to construct a new fire station to serve the Hoodland Fire District #74 includes retaining the community garden and park-and-ride uses.
3. On December 4, 2025, the Hearings Officer conducted a public hearing to receive testimony and evidence about the applicant's proposal. The Hearings Officer approved the application, subject to conditions of approval.

B. HEARING AND RECORD HIGHLIGHTS

1. The Hearings Officer received testimony and evidence at the December 4, 2025 public hearing about this application and during a subsequent open record period, including submittals identified as Exhibits 1-16. All exhibits and records of testimony are filed with the Planning Division, Clackamas County Department of Transportation and Development. The public hearing was conducted virtually over the Zoom platform. At the beginning of the hearing, the Hearings Officer made the declaration required by ORS 197.763. The Hearings Officer disclaimed any *ex parte* contacts, bias, or conflicts of interest. The Hearings Officer stated that the only relevant criteria were those identified in the County's staff report, that participants should direct their comments to those criteria, and failure to raise all arguments may result in waiver of arguments at subsequent appeal forums.
2. At the hearing, County Senior Planner Melissa Lord discussed the November 26, 2025 staff report submitted in this matter and related exhibits, providing a presentation and discussion. Ms. Lord provided a summary of the land use application, noting the subject property is a 4-acre parcel zoned Open Space Management (OSM) located at 25400 E Salmon Road in Welches. Ms. Lord explained that the proposal is to construct a new fire station for the

Hoodland Fire District #74 and to retain the existing community garden and park-and-ride uses. Ms. Lord also stated that a replat of the subject property was filed and approved (file Z0378-25). She pointed to the County's Zoning and Development Ordinance sections 202, 702, 1000-series, 1203 and 1307 as the relevant approval criteria for reviewing this application. Ms. Lord pointed to the staff report reviewing these criteria and recommended approval of the application, with conditions.

3. Ms. Lord shared slides and provided discussion of the applicant's submitted site plan and related slides showing building elevations, noting the location of the existing community garden and a recommended condition of approval to allow the community garden to remain onsite unless substituted with other approved recreational facilities, also pointing to Exhibit 12 as the correct version of the August 4, 2021 "Clackamas County Facility and Property License Agreement" for the community garden. She noted the proposed building area of 25,189 sf and provided a general description of the proposed uses shown on the site plan.
4. Ms. Lord pointed to the proposed access to E Salmon River Road adjacent to the community garden area requiring relocation of the existing Memorial Garden to accommodate alignment of the access with the existing access across E Salmon River Road to the Welches Middle School. She noted that the applicant proposes 49 parking spaces with this site plan whereas staff review of ZDO Section 1015 Parking and Loading indicated 52 parking spaces are required. Ms. Lord pointed to a recommended condition of approval requiring compliance with the ZDO's parking spaces requirements, also noting that the property can accommodate additional parking.
5. Ms. Lord provided discussion reviewing the relevant approval criteria in ZDO Section 702, Open Space Management District (OSM), noting that Section 702.05.B. provides for approval of fire stations as Conditional Uses "...when associated with open space or recreational facilities." Ms. Lord pointed to ZDO Section 702.03.A. allowing "Public and private outdoor recreation facilities..." as Primary Uses, noting that the ZDO further provides that "...such facilities may include...community gardens, [and certain other uses not intended for commercial profit.]" Ms. Lord provided additional discussion explaining that, whether public or private, the community garden is a "recreation facility" within the meaning of the ZDO. She pointed to the IGA with Hoodland Fire District #74 requiring the district to retain the garden, in perpetuity, and recommended a condition that the garden shall remain on site, unless a different open space or recreational facility is approved through a land use permit.
6. Ms. Lord shared a slide and discussion concerning public comments received about this proposal, pointing to concerns that the proposal will eliminate areas of the community garden and the desire for retention of the IWAKT Community Garden, in perpetuity. Ms. Lord pointed to the County IGA with the Fire District and Exhibits 10c and 12 concerning the County facility and property licensing agreement, pointing to language in that agreement that the user (Iwakt Community Garden, or ICG) shall have the right to use the Property solely for the purpose described in Exhibit A attached to that agreement, sharing the following slide with photos showing the existing garden area and a portion shown as a triangle area in the left photo referred to as the Memorial Garden or pollinator garden that will be relocated to an area between the front of the proposed building and the new public sidewalk along E Salmon River Road.

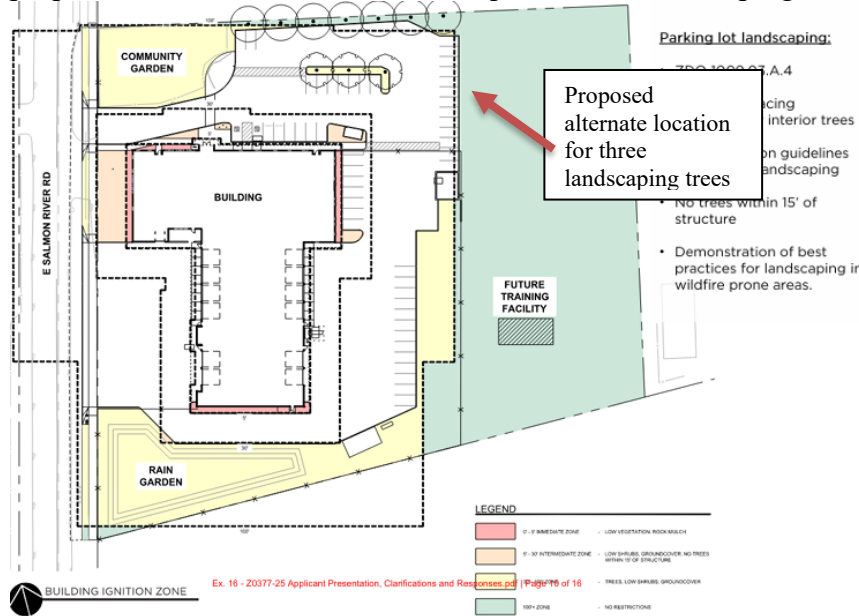


Exhibit A

Under this Agreement, Iwak Community Garden (ICG), shall have the use of approximately 7,400 square feet of the northwest corner of the property, for use as a community garden space. Approximately 6,500 square feet are inside a chain link fence, north of the parking lot; the other approximately 900 square feet is a landscaped area just outside the garden fence, between the garden and the parking lot.

7. Ms. Lord provided additional discussion of relevant approval criteria in ZDO Section 1005 concerning Site and Building Design requirements, pointing to areas addressing the needs of the users of the proposed facility, the design for an on-site walkway system, building design compatibility, entrance emphasis, and overhangs. Ms. Lord recommended Condition of Approval #4 requiring coating of metal exterior building materials to prevent rust/corrosion.
8. Ms. Lord provided a slide and discussion of ZDO Section 1009 Landscaping requirements relevant to this proposal, pointing to requirements for a minimum of 1 tree located every 8 interior parking spaces, and pointing to ZDO Section 1009.03.A.4. allowing variable spacing of the required trees where “necessary to accommodate other design considerations...”. Ms. Lord pointed to proposed Condition of Approval 8 and discussed the applicant’s alternative proposal to locate the required trees away from the perimeter of the proposed building.
9. Ms. Lord shared an additional slide and discussion concerning ZDO Section 1015 Parking and Loading, pointing to Table 1015-1, Automobile Parking Space Requirements, and sharing staff calculations showing the proposal requires 52 parking spaces. Ms. Lord recommended a condition of approval requiring compliance with the ZDO.
10. Ian Sisson is a Land Use Planner with Mackenzie, the applicant’s contractor. Mr. Sisson provided a presentation and discussion concerning the applicant’s proposal, noting the location of the subject property and the request for Conditional Use approval for an approximately 25,000 SF new fire station for the Hoodland Fire District and the USFS, with associated site improvements, in conjunction with the existing community garden and park-and-ride uses.
11. Mr. Sisson provided related slides and discussion addressing Conditional Use review criteria in the ZDO, pointing to ZDO 702 Open Space Management (OSM) District provisions allowing fire stations when associated with open space or recreational facilities such as the community garden as conditional uses. He also pointed to the development standards within the ZDO Section 1000-series, criteria for conditional uses in ZDO Section 1203, and the County’s Comprehensive Plan provisions within Chapter 10, Community Plans and Design Plans, including the Mount Hood Community Plan and the Wemme/Welches Village Area.
12. Mr. Sisson shared a slide and discussion of the submitted Site Plan showing the proposed building and the design for the property. He also shared a slide showing a Parking Plan for the proposal indicating 49 parking spaces are planned. Mr. Sisson shared a slide and discussion of

the existing and proposed parking lot landscaping showing the location of the existing Community Garden and new landscaping areas. Mr. Sisson pointed to a 15-foot perimeter drawn around the proposed building, explaining that OSU Extension guidelines for fire-safe landscaping state there should be no trees within 15 feet of a structure. He explained that the applicant is proposing alternate spacing for interior trees to maintain this 15-foot perimeter as a demonstration of best practices for landscaping in wildfire prone areas consistent with those guidelines, pointing to the accommodation for other design considerations in ZDO Section 1009.03.A.4 also referenced by Ms. Lord. Mr. Sisson shared the following slide showing the proposed alternate location for the required three landscaping trees:

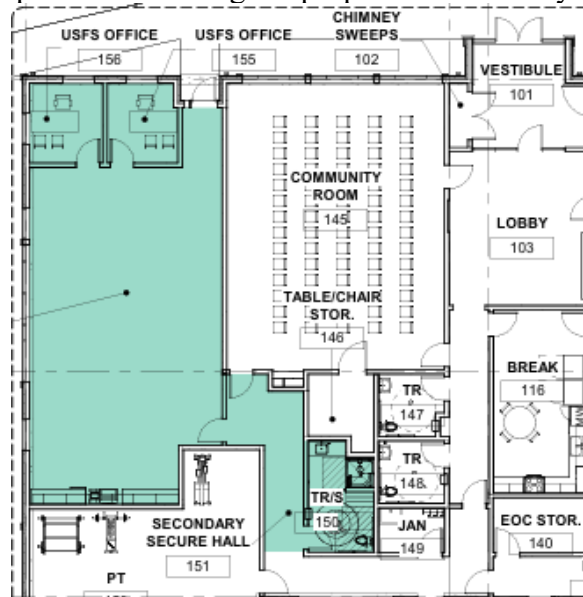


13. Mr. Sisson shared a slide and discussion of the applicant's Traffic Impact Study, pointing to findings that all relevant intersections meet County and ODOT standards. He provided discussion of a proposed new traffic signal and pedestrian crossing at E Salmon River Road and Highway 26 that is currently under review by ODOT as Highway 26 falls within their jurisdiction. Mr. Sisson also pointed to frontage improvements on E Salmon River Road, including new curb and sidewalk and landscaping.
14. Mr. Sisson referenced several public comments that were submitted in advance of the hearing. He pointed to comments concerning the community garden, asserting that the proposed design is consistent with the requirements of HFD's IGA. Mr. Sisson also pointed out that the ZDO does not contain specific design standards for community gardens. Mr. Sisson addressed concerns regarding the adequacy of the proposed parking, pointing out that the proposal provides for 1 parking space per 100 SF of community meeting room as required by the ZDO. With respect to comments regarding the need for a lighted pedestrian crossing on E Salmon River Road connecting the subject property with the middle school for overflow parking for community meetings, Mr. Sisson contends that a crosswalk is not required by the ZDO or other applicable County ordinances.
15. Mr. Sisson addressed comments requesting that areas of the subject property remain available for additional recreation areas and amenities, stating that the community garden is a recreational

use consistent with ZDO 702.05.B. and other areas of the site are not available for recreation as they are reserved for required landscaping, a required stormwater facility, and fire department training areas. Mr. Sisson referenced local support for the formation of a Community Advisory Group for the project, pointing to the County's conditional use review procedures, including this public hearing, and asserting the procedures used by the County to review this proposal satisfy Goal 1 requirements. With respect to public comments concerning the allocation of project funding, Mr. Sisson points out that these comments are not related to applicable criteria for review of this application. Mr. Sisson contends that the application satisfies all applicable review criteria and should be approved. He further states that the applicant accepts the findings and recommended conditions of approval in the Staff Report, except Condition #8 regarding parking lot trees.

16. The Hearings Officer reviewed and discussed proposed Condition #8 with Ms. Lord and Mr. Sisson and agreed on a substitute proposed condition consistent with County criteria at 1009.03.A.4.a providing flexibility to accommodate other design considerations and the applicant's need to incorporate design elements demonstrating best practices for fire safety.
17. Several members of the public attended the hearing and provided testimony and comments concerning the applicant's proposal and related matters. Patricia Erdenberger is an interested citizen who is active in the local community. Ms. Erdenberger stated she was present as an individual community member expressing her own views and not in her capacity as Chair of the Hoodland CPO. Ms. Erdenberger pointed to the written statement she submitted in advance of this hearing that discusses the concerns of the Hoodland CPO. Ms. Erdenberger stated that she loved the original proposal submitted for the new proposed fire station as it was presented to the community. However, Ms. Erdenberger does not support the plans submitted with this application that are redesigned to accommodate the USFS. She contends that the USFS is taking up valuable community space at the site and is only paying for their part of the design and building. Ms. Erdenberger also points to the parking needs for the community meeting space in the proposed building, asserting that local community meetings are well-attended and the limited public parking proposed onsite will result in the need to park across the street at the middle school. She asserts that the County should install a lighted crosswalk between the access drive for the proposed new facility and the access drive to the middle school parking lot for the safety of people parking there and crossing the street to attend community meetings.
18. Marti Bowne is an active member of the local Welches community. She is a board member of the Hoodland CPO and on the land use planning committee for the Hoodland CPO. Ms. Bowne pointed to the Hoodland CPO's written comments responsive to this application. Ms. Bowne points to the need for adequate and safe parking at the proposal site, stating that the Hoodland CPO has approximately 125 active members who are expected to utilize the proposal's community meeting space. Ms. Bowne asserts that the proposal provides for insufficient public parking on site which will result in overflow parking utilizing the parking lot across the street at Welches Middle School. Ms. Bowne contends that the applicant should be required to install a lighted crosswalk for the safety of community members crossing the street to utilize the proposed community meeting space. Ms. Bowne points to the Dorman Building that was previously on this site but was torn down, stating that the local community has lacked a community meeting space. She points to the strong community involvement and active participation of the Citizen Advisory Group in this proposal and others.

19. Gerald Murphy is an active member of the local Welches community. He is vice-chairman of the Hoodland CPO land use planning committee and is in support of approving this application. However, Mr. Murphy points to the site's Open Space Management zoning and questions whether the new addition to the building design to include USFS facilities is consistent with this zoning. He points out that there are many available areas for the USFS to build a new facility that are not on this OSM zoned property. Mr. Murphy also advocates for the requirement of a lighted crosswalk between the access to the proposal site and the access to parking at the middle school across the street.
20. Dona Rogers is an active member of the local Welches community and serves as IWAKT Community Garden trustee. In addition to appearing and providing testimony at the hearing, she submitted several written comments prior to the hearing date. Ms. Rogers is concerned with the USFS's participation in the proposed uses for the Property but is not adverse to the proposal. However, she does feel strongly that the County should have had participation from a Hoodland CPO advisory committee in reviewing the plans and providing input into the final submitted plans. Ms. Rogers points to the impacts of the USFS-related changes to the proposal to the community meeting room and community garden area, further detailed in the written comments she submitted. Ms. Rogers draws attention to the submitted plans for the building that include facilities for the USFS, pointing out that the largest room in the front corner of the proposed structure (nearest the community garden) is now dedicated to the USFS offices. Ms. Rogers reports that this room was originally the location of the proposed community meeting room and asserts the community meeting room is a better use of this space. She points to the fact that this room will have windows facing E Salmon River Road in the front, and windows facing the community garden, providing natural light within this space. Ms. Rogers contends that the USFS will use the area largely as open space for temporary forest service employees and leave this large space empty most of the time, referring to the following submitted plans highlighting the proposed USFS space and showing the proposed community room adjacent to it:



21. Ms. Rogers also draws attention to the proposed requirement for only half-street improvements for E Salmon River Road, describing the other side of this road as also needing significant

improvements, and also pointing out that Clackamas County owns the properties on both sides of the street at this location.

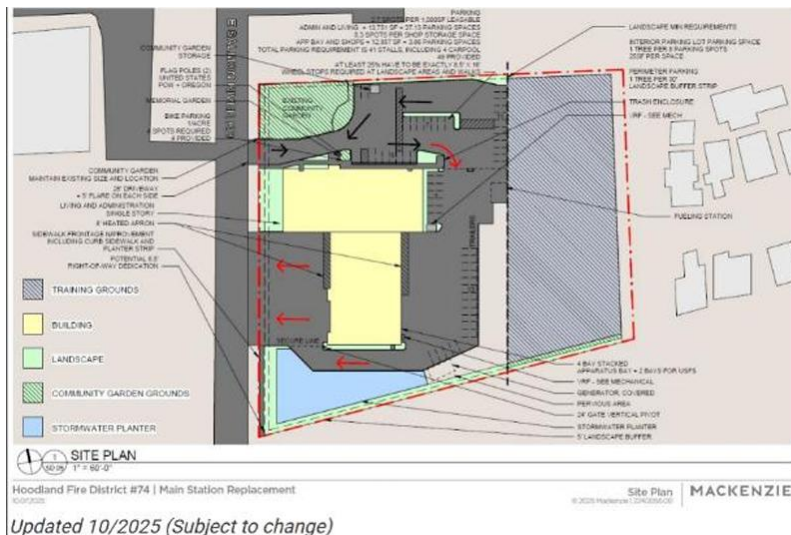
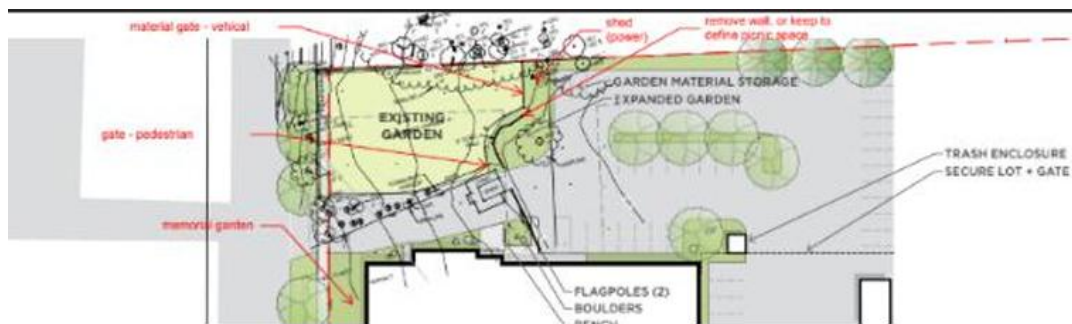
22. Ms. Rogers provided additional commentary at the hearing in her capacity as a representative for the community garden. She described how appreciative the local community is of the community garden and the use of this space on the property site. Ms. Rogers also expressed how crucial the memorial garden is to the community garden, as it provides habitat for pollination and pest control for the community garden. She points to requirements that the memorial garden be moved due to the location of the proposed new site access and discussions with the engineering company that this memorial garden would be relocated to an area adjacent to the proposed new fire department facility. However, she also points to Mr. Sisson's testimony at the hearing concerning the proposed 15-foot perimeter for a fire-safe zone, explaining that this will affect their ability to plant trees for the new memorial garden consistent with the current memorial garden that is 16 years old with mature landscaping, and mature trees housing birds. Ms. Rogers points to the Community Garden area that will be affected by the required half-street improvements, stating that six existing garden plots will need to be relocated or reconfigured. She also points to an area adjacent to the community garden that the community thought would be garden space but is now intended for a large concrete area. Ms. Rogers is hoping this area will be designated for the location of the new memorial garden and is concerned it will become a concrete area for use associated with the park-and-ride service instead.
23. Ms. Cathy Bowman is an Architect with Mackenzie, involved in designing this area of landscaping for the proposal. Ms. Bowman explained that this area adjacent to the community garden is planned for concrete landscaping including picnic tables that will be available for use by the members of the community garden. She explained that this area is still being designed in collaboration with the fire district as part of the landscaping and discussion is ongoing concerning what the memorial garden will look like and where it will be located. Ms. Bowman reported it is her understanding that the community garden has already flagged plants for relocation to the new location in that area, and these requests will be discussed further to ensure alignment with the requirements of the County.
24. At the conclusion of the public hearing, the Hearings Officer asked whether any party or member of the audience wanted an opportunity to provide additional evidence, arguments, or testimony, and no one requested this opportunity. The applicant affirmed that they wished to waive the period for final written argument. The hearings officer closed the hearing, leaving the record open until 4:00 p.m. December 4, 2025 (the day of the hearing) to submit the exhibits and documents discussed at the hearing, and any additional written public comments. Ms. Lord submitted her hearing presentation (Exhibit 15). Mr. Sisson also submitted his hearing presentation. (Exhibit 16).

C. APPLICATION and ADDITIONAL WRITTEN COMMENTS

1. The application includes a completed land use application form, site plan, application fee and completed supplemental application addressing the criteria in Section 1203 of the ZDO. The application also includes a description of the proposed use and vicinity map. All the submittal requirements under Subsection 1203.02 are included in the application. The application was

submitted on September 8, 2025, additional materials were submitted, and the application was deemed complete on October 6, 2025.

2. Notice was sent to applicable agencies and owners of property within 300 feet. Staff received comments from the Oregon Department of Transportation (ODOT), County Engineering, Clackamas Water Environment Services and the Hoodland Community Planning Organization (CPO). These comments were reviewed by staff and the comments or issues raised related to relevant approval criteria were addressed in the staff report, including proposed conditions of approval where relevant. Other comments were submitted after preparation of the staff report that were reviewed and considered by the hearings officer, with some discussion of these comments at the hearing.
3. The Hoodland CPO's review comments were submitted by Patricia Erdenberger, Chair of the Hoodland CPO, and expressed concerns with the adequacy of parking associated with the community meeting space within the proposed new fire station. The CPO's comments assert that a Memorandum of Understanding should be established with the school district for use of the Welches Middle School parking lot for overflow parking. The CPO also requested that conditions of approval require four handicap spaces and a lighted pedestrian crosswalk from the middle school to the fire station to accommodate anticipated parking needs for daytime and evening community meetings. The CPO points to the description of the existing community garden and contends that it is not actually a public recreation facility, pointing out that it is a private area that has a fence, gate, and lock, and is accessible only to those that have a garden plot inside the fence. The CPO requests a review to determine if a public recreation facility could be included in the plans to develop this site, to enhance community engagement and well-being and that such amenities be inclusive of all community members. The CPO proposes amenities such as benches, picnic tables, and accessible walking paths.
4. Dona Rogers, IWAKT Community Garden trustee, submitted several written comments shortly prior to the hearing date that were not addressed in the staff report. (Exhibit 10 – 10d). Patricia Erdenberger and Marti Brown also submitted written comments shortly prior to the hearing date that were not addressed in the staff report. (Exhibits 11 and 13) All written comments submitted were provided to the hearings officer for review and were considered and addressed in this decision.
5. Dona Rogers, IWAKT Community Garden (ICG) trustee, submitted several written comments in response to this proposal. Ms. Rogers points to the Clackamas County Facility and Property License Agreement providing ICG with the use of approximately 6,500 square feet of the northwest corner of the property, bounded by a chain-link fence and between the center parking lot and adjacent commercial business, for the use of a community garden space. Ms. Rogers states that during promotion of this Hoodland Fire Department (HFD) proposal at community open-houses, the applicant's engineering company represented a configuration of the garden that would allow for doubling its size. She asserts that shortly after the bond measure for the new fire station passed, a new site plan developed by this engineering company recommended to HFD to reduce the garden site to only its current use inside the fence, with deconstruction of the entire pollinator garden, a triangular parcel contiguous with the community garden area referred to as the Celebration of Life pollinator garden. (Exhibit 10)



6. In her written comments, Ms. Rogers notes that current plans are for this area to become paved roadway as the main visitor access, and the adjacent area earlier designated for future garden use is substantially reduced with concrete. Ms. Rogers states that ICG was not consulted on this change and cannot use this area as designed. She contends the currently submitted site plan does not reflect the intent of the IGA county agreement nor protect the future of the garden. Ms. Rogers requests that the entire Pollinator Garden be retained, and if any part of it is approved for removal that ICG retain the plants, pavers, boulders, signs, and topsoil for use in the remaining garden areas, with no deconstruction of this area before notice is provided to ICG. Ms. Rogers further requests assurance that the ICG expanded area proposed to the east is added and the concrete area shown on the submitted site plan is removed from this proposal. She requests that ICG is consulted concerning any future site plan changes proposed by the applicant's contractors involving the area surrounding the Community Garden. Further, Ms. Rogers requests assurances that no herbicides are used for vegetation and weed removal on the project site, asserting that herbicides are detrimental to the health and welfare of ICG organic practices. (Exhibit 10)
7. Ms. Rogers provided a copy of a June 27, 2024 Intergovernmental Agreement (IGA) with Hoodland Fire District #74, highlighting certain sections. Specifically, Ms. Rogers highlights requirements for "Community Garden: Retention of the IWAKT Community Garden, in perpetuity, for community garden use...". She also highlights requirements for a community room available for local community groups' use, and requirements for 12 parking spaces for the Mt. Hood Express Park and Ride program. Ms. Rogers further highlights within the license

terms of the agreement the following restriction, with similar limitations repeated within the document:

“The Property is currently used for public purposes including, but not limited to, public parking and a community garden. As such, the right to use the Property under this Agreement is non-exclusive, meaning others, including the public and County employees, may also use the Property. Agency’s use may not interfere with any preexisting use of the Property without the County’s prior written permission.” (Exhibit 10a)

8. Ms. Rogers submitted a copy of meeting minutes from a May 30, 2025 meeting hosted by the applicant’s contractor, Mackenzie, concerning the proposed fire station and how to address impacts on the existing community garden. Ms. Rogers attended this meeting on behalf of ICG, and the minutes show discussion of a number of requests and concerns by ICG representatives regarding design options for the community garden and the memorial garden landscape area. The minutes state that the updated design keeps the garden plats “as is” but the memorial garden will be relocated. The minutes show Ms. Rogers requested several design elements, including a buffer between the garden and proposed drive aisle, provision of a shed for ICG use in the northeast corner, a picnic table and space for picnics or meetings, and a new fence. Further, ICG representatives requested that the design include no trees along E Salmon River Road (to provide for sun exposure for the garden), a written agreement between the fire department and ICG, and discussion of impacts due to right of way work required by the County affecting several of the existing garden plots. Specifically, about six feet of the garden on the west side (adjacent to E Salmon River Road) will be removed to accommodate a public sidewalk, affecting 6-7 of the existing garden plots. The minutes show discussion of each of these topics. (Exhibit 10b)
9. Ms. Rogers submitted a partial copy of the Clackamas County Facility and Property License Agreement between Iwakt Community Garden and Clackamas County dated August 4, 2021, highlighting a portion of Exhibit A stating that the ICG “shall have the use of approximately 6,500 square feet of the northwest corner of the property, bounded by a chain link fence and between the Center’s parking lot and adjacent commercial business, for use as a community garden space.” The exhibit has an aerial photo and several provisions related to the license terms. (Exhibit 10c)
10. County Senior Planner Melissa Lord submitted a full copy of the Clackamas County Facility and Property License Agreement between Iwakt Community Garden and Clackamas County dated August 4, 2021, showing a different version of Exhibit A stating that the ICG “shall have the use of approximately 7,400 square feet of the northwest corner of the property, for use as a community garden space. Approximately 6,500 square feet are inside a chain link fence, north of the parking lot; the other approximately 900 square feet is a landscaped area just outside the garden fence, between the garden and the parking lot.” The exhibit has the same aerial photo as used in Exhibit 10c, and several provisions related to the license terms that, while not identical to those in Exhibit 10c, are largely consistent. (Exhibit 12)
11. Ms. Rogers submitted an email with links to articles showing community support for the Iwakt Community Garden and its positive impacts, and to Hoodland Fire District #74 Board meeting minutes that included discussion of community garden concerns. (Exhibit 10d)

12. Patricia Erdenberger, (Chair of the Hoodland CPO), also submitted written comments on her own behalf as an interested member of the community and not on behalf of the CPO. In these comments, Ms. Erdenberger expresses being impressed with the first drawings she saw of the proposed fire station, noting how well it would suit the needs of the fire apparatus and employees and allow space for other community activities, asserting that most members of the community who voted for the related bond measure voted for a plan resembling that proposal. Ms. Erdenberger also expresses opposition to the subsequent inclusion of the US Forest Service facilities within the proposal. She asserts that the community “gladly voted to give space to the community garden and Hoodland Fire Station, not 9000 square feet plus parking to a federal agency.” Ms. Erdenberger contends that while the US Forest Service may be paying for the building space they will utilize and occupy, they are not paying for the community’s managed open space.
13. Ms. Erdenberger points to the 3.95 acre parcel and asserts that: “Our managed community space has lost parking spaces, direct building access, some measure of facilities for the Fire Station staff, diminished driveway space, and a smalling down of our community garden. The planned community meeting room is diminished as well.” She also points to issues with crossing E Salmon River Road to park at the middle school and the need for a lighted crosswalk. Ms. Erdenberger requests that use of the property by the US Forest Service is denied.

D. DISCUSSION

The evidence presented is reliable, probative and substantial evidence upon which to base a determination in these matters. This application is being processed as a Type III Permit, pursuant to Clackamas County Zoning and Development Ordinance (ZDO) Section 1307. The Type III procedure is quasi-judicial in nature and involves land use actions governed by standards and approval criteria that require the use of discretion and judgment. The issues associated with the land use action may be complex and the impacts significant, and conditions of approval may be imposed to mitigate the impacts and ensure compliance with this Ordinance and the Comprehensive Plan. The Type III procedure is a quasi-judicial review process where the review authority receives testimony, reviews the application for conformance with the applicable standards and approval criteria, and issues a decision.

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Sections 202, 702, 1000-series, 1203 and 1307; and the Comprehensive Plan. Clackamas County Planning and Zoning Staff reviewed these Sections of the ZDO and Comprehensive Plan in conjunction with this proposal and submitted a staff report with the recommended findings below identifying the standards and criteria that are relevant to this decision, stating the facts relied upon, and explaining the justification for the recommendation. These findings are reviewed and adopted and/or modified by the Hearings Officer as denoted by boldface type in italics:

1. Background/Overview of Applicant’s Proposal:

Staff Finding: The applicant proposes to construct a new fire station for the Hoodland Fire District #74, and to retain the existing community garden and park-and-ride uses. Inside the fire station

there will be a “community room”. Per the land transfer agreement with the County, the Fire District will be required to provide a room to the community available for their use.

Previously, the site was developed with an A-frame building and associated parking (the “Dorman Center”). The County constructed the building from 1965 to 1968. The building was initially used for community events, meetings, women’s club meetings, weddings, etc. and those uses were eventually phased out. A cooperative pre-school operated by a community non-profit was initiated in the early 1970s. A county-affiliated senior center opened in the 1970s. In the early 1980s, a non-profit 501[C](3) opened a day care center on site. In 2006, the site received approval to construct a 31,500 square foot building that would house indoor recreation and meeting space for local residents, youth sport groups, adult and senior groups (land use file number Z0844-06). The facility was to be operated by the Hoodland Woman’s Club, a non-profit organization, but was never constructed. The Dorman Center was closed to the public in 2012 due to unsafe structural conditions, and around 2017, the Dorman Center was demolished (demolition permit reference number B0433217).

The subject property currently has a community garden and is a park-and-ride station for the Mt. Hood Express bus. It is no longer the site of the Hoodland Park. A pre-application conference was held on June 5, 2025 to discuss the preliminary proposal (ZPAC0049-25).

The subject property is sited on multiple underlying lots and vacated rights-of-way originally platted as part of the Cedarfir Park subdivision. The applicant has also filed a replat land use application with the county to eliminate the underlying lot lines. This file is under review as permit number Z0378-25.

The Hearings Officer finds the above background and overview statement by staff accurate and relevant, noting that the proposal also includes facilities for the USFS. The Hoodland CPO and several community members expressed opposition to the inclusion of facilities for the use of the USFS in the proposed new fire station; however, the decision to include such facilities is outside the scope of this hearing. This decision addresses whether the application meets requirements for a conditional use permit to construct a new fire station to serve Hoodland Fire District #74, while retaining the existing community garden as a primary use, retaining the existing park-and-ride as a community service, and providing a meeting rooms as a community resource.

2. ZDO Section 702, Open Space Management (OSM) District

Subsection 702.02, 702.03, and 702.05 Primary, Accessory, and Conditional Uses:

Staff Finding: The subject property is located in the OSM zoning district. The proposed use is a fire station, which is a Conditional use in the zoning district “when associated with open space or recreational facilities”.

There is an existing community garden which will remain on site. "Public and private outdoor recreation facilities" are permitted as primary uses; a community garden is listed as an example of an outdoor recreation facility in subsection 702.03. Therefore, the fire station is on a property that has a recreational facility and is allowed with an approved conditional use permit. The applicants have successfully applied for a conditional use permit and, with approval, this standard is met.

The Hearings Officer concurs with this staff finding. The Hoodland CPO and its members

Hearings Officer Final Order

Z0377-25

Hoodland Fire District #74 CUP

12 of 39

question whether the community garden is a public use of the Property. Staff have correctly identified that a community garden, whether public or private, is an outdoor recreation facility within the meaning of the ZDO and thus meets the criterion as a primary use that is a “recreation facility.” Community members also questioned whether the community garden is a public use, pointing out that the gate to the area is locked and only members of the ICG have access to the garden. County ZDO Section 202 Definitions provides:

*“**COMMUNITY GARDEN** A site where any kind of plant, except marijuana, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners, or for donation, and sales are prohibited.”*

ZDO Section 702.01 provides:

*“**PURPOSE** The intent of the Open Space Management (OSM) District is to preserve and manage the County’s committed open space resources for the benefit, health, and welfare of the people. These resources provide the community with recreation areas, help satisfy a need for contrast with the built environment, protect natural areas and provide areas of quiet contemplation and enjoyment of the natural environment.”*

The ICG community garden consists of community members cultivating individually allotted gardens within the fenced area. I reviewed the materials submitted by Ms. Rogers and noted the articles and testimonials concerning the community built around this dedicated use of this portion of the site, encouraging participation by the community, and sharing testimonials of the public benefits of this community resource. County staff correctly identified the ICG as a community garden within the meaning of the ZDO and this primary use as within the purpose of the OSM District.

Subsection 702.06 Development Standards:

Development in the OSM District is subject to the applicable provisions of Sections 1000, Development Standards, and 1100, Development Review Process. In addition, improvements shall comply with the following standards:

- A. Landscape the site to produce a setting appropriate to its function.
- B. Provide an efficient internal circulation system and facilities layout plan.
- C. Maximize access for pedestrians, bicyclists, transit riders, and people with disabilities in active recreation areas.
- D. Provide conveniences for users with disabilities.
- E. In the case of parks, conform to the classifications and standards in Comprehensive Plan Table 9-1.
- F. Locate principal and accessory buildings a minimum of 10 feet from any lot in a residential zoning district.
- G. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10, Community Plans and Design Plans, of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.

Staff Finding: Applicable standards of Section 1000 for institutional uses are provided in this report. Section 1100 is not applicable because the property is in the OSM zoning district and is not an open space resource described in Section 1011, and shown generally on Comprehensive Plan Map IV-6, North Urban Area Land Use Plan Map, as Resource Protection, Major Hazards, or Public and Community Use Open Space. Standards for replats in Section 1105 are being reviewed in a separate land use application, file Z0378-25.

Staff incorporates the findings provided by the applicant in their submitted project narrative. A buffer of existing trees will be retained along the eastern boundary of the property, separating it from the adjacent residential use. Other existing trees will be removed from the site to accommodate the proposed development and provide outdoor training areas, meeting the needs of the Fire District. Landscaping proposed along the street frontage will provide an attractive and inviting atmosphere that contributes to the E Salmon River Road scenic road corridor.

The proposed internal circulation system and facilities layout plan has been designed to efficiently serve the operating needs of the fire station, park-and-ride, and community garden, and to comply with the applicable standards in Section 1000. The interconnected onsite walkway provides safe and adequate site circulation.

702.06(C) requires developments to maximize access for pedestrians, bicyclists, transit riders, and people with disabilities in active recreation areas. This subsection is not applicable to this site since there are no active recreation areas associated with this proposal. This subsection of the ZDO does not require a development to provide public recreation areas. ZDO Section 202 defines “active recreational area” as “An area such as a park, sports field, or golf course, where turf lawn provides a playing surface that is dedicated to active play.” The ZDO does not define “passive recreational area”. From the definition of “active recreational area”, we can infer that the community garden is intended as *passive* recreation, rather than active, since there are no areas of turf lawn or areas dedicated for active play. Since there are no active recreation areas on this property, the standard is not applicable. Nevertheless, the applicant has designed a site that will include ADA compliant vehicle parking spaces and walkways/curb ramps to ensure access for people with physical disabilities. The project will include the construction of a sidewalk along the frontage for pedestrians, and the site will accommodate 12 vehicle parking spaces for the Mt. Hood shuttle park-and-ride, which will provide transit riders access to the recreation opportunities on the mountain.

The proposed use is not a park and therefore not subject to the classifications and standards in Comprehensive Plan Table 9-1.

702.06(F) requires the development to locate principal and accessory buildings a minimum of 10 feet from any lot in a residential zoning district. There are no adjacent residential zoning districts as the property is surrounded by Rural Tourist Commercial, Timber and OSM zoning districts and so this subsection is not applicable. A portion of the lot across E Salmon River Road (66-foot right-of-way width), is in the Hoodland Residential (HR) District and all structures on the subject site will be more than 10 feet from this lot.

The property is within the Wemme/Welches Village Area of the Mt. Hood Community Plan. The specific policies and standards for Comprehensive Plan Chapter 10 are being met.

These standards are met, or can be met with conditions.

The Hearings Officer concurs with this staff finding, adopting proposed related conditions. This OSM District property includes a community garden as a primary use and does not include any active recreational areas. This application proposes to continue the community garden use, which in this case includes "... the use of approximately 7,400 square feet of the northwest corner of the property, for use as a community garden space. Approximately 6,500 square feet are inside a chain link fence, north of the parking lot; the other approximately 900 square feet is a landscaped area just outside the garden fence, between the garden and the parking lot." See Exhibit 12 Clackamas County Facility and Property License Agreement between Iwakt Community Garden and Clackamas County dated August 4, 2021. I understand that the indicated 900 square foot area variously referred to as the memorial garden, pollinator garden, or triangle area requires relocation to provide for the site access, and it appears the anticipated new location at the front of the proposed fire station will not work as it is within the designated 15-foot perimeter "Building Ignition Zone" sought by the applicant Mackenzie's Architect, Ms. Bowman, addressed concerns expressed at the hearing concerning the new location for the memorial garden, and also an area immediately adjacent to the community garden shown as concrete and picnic tables. Ms. Bowman stated that the design for this area is not set and further input will be sought. In my review of the submitted exhibits, I noted that ICG members have had input into the design features and sought a picnic table area consistent with that shown in the site plan, as well as a garden shed consistent with that shown in the site plan. These features will take up space if they are included in the final design as indicated on this site plan. I also understand that a portion of the 6,500 area within the chain link fence is affected by required frontage improvements that include a sidewalk. The County ZDO requires frontage improvements associated with this development but provides flexibility in the location of street trees as requested by the ICG. This application also proposes continuing an existing park-and-ride use, while proposing a new fire station as a conditional use of the property. The building will also include a new community meeting room and related parking as an additional resource available to the community. Fire stations and meetings rooms are both identified conditional uses within the OSM zoning district.

3. **ZDO Section 1001, General Provisions**

Section 1001.03 and Table 1001-1 establishes the applicability of Section 1000 for Institutional uses. A fire station is an "institutional use". Applicable sections are reviewed below.

4. **ZDO Section 1002, Protection of Natural Features**

Section 1002 addresses the protection of various natural features including hillsides, the excessive removal of trees prior to development, the protection of trees and wooded areas through development, river and stream corridors, the winter ranges of deer and elk populations, certain open spaces near Mount Hood, significant natural areas, and significant landforms and vegetation.

Staff Finding: Staff incorporates the findings provided by the applicant. The site is generally flat and does not contain any slopes of 20% or greater. The subject property is not within the Metropolitan Service District Boundary or the Portland Metropolitan Urban Growth Boundary and so the excessive tree removal standards do not apply. The property is not within 100 feet of a

resource identified on Comprehensive Plan Map X-MH-2. There are no designated Type F river and stream corridors on the subject property.

The property is located within the deer and elk winter range, as identified on Comprehensive Plan Map III-2 and so development shall be designed to minimize adverse wildlife impact. While this section does not establish standards to minimize adverse impacts to wildlife, the applicant understands best management practices generally include avoiding landscaping with non-native species and minimizing potential physical hazards to deer and elk. Staff concur. The proposed planting plan does not include any species known to be toxic to deer or elk. The proposed security fencing and other site improvements do not include elements that would be likely to injure deer or elk moving through the site; the fence does not include any barbed wire.

A tree removal and protection plan is included on Sheet L0.02. As shown on the plan, an approximately 40-foot buffer of existing trees will be protected and retained along the eastern property boundary. Other existing trees on the site will need to be removed to accommodate the proposed site improvements and outdoor fire department training area and training tower behind the building. The proposed building and drive aisles will be located generally where the existing asphalt and impervious surfacing already exists, which strategically reduces the amount of vegetation/bare land that needs to be impacted by this development.

The standards of Section 1002, as applicable, are met.

The Hearings Officer concurs with this staff finding.

5. ZDO Section 1003 and 1004, Hazards to Safety and Historic Preservation

Section 1003 addresses various hazards to safety including flood, soils, fire, and mass movement areas. Section 1004 addresses standards related to historic preservation.

Staff Finding: The property is not within a mass movement hazard area and does not include soil hazards, as identified on the State Department of Geology and Mineral Industries Bulletin 99 maps. The property is not within the flood hazard area and was not identified as an area of significant fire hazard on the repealed State wildfire maps (reference Senate Bill 83). The property is served by Hoodland Fire District #72. Specific techniques for fire hazard mitigation include a dedicated 6-inch water line for fire suppression; use of fire-resistant building materials such as metal roofing and fiber cement siding; landscaping with native plant species and rock mulch; and keeping tree canopies a safe distance from buildings. Therefore, as applicable, the standards are met.

The Hearings Officer concurs with this staff finding.

6. ZDO Section 1005, Site and Building Design

Section 1005 addresses the development of sites and design of buildings so as to efficiently utilize land, create lively, safe, and walkable centers, support the use of non-auto modes of transportation, reduce impact of development of natural features, utilize opportunities arising from a site's configuration, design illumination so dark skies are maintained when possible and accommodate the needs of users of developments. It applies to institutional, commercial, and industrial

development; multifamily dwellings; and developments of more than one, two- or three-family dwelling.

Subsection 1005.02 – General Site Design Standards establishes standards for the sites of commercial, industrial, and multifamily developments and addresses standards for the placement and orientation of buildings, on-site pedestrian circulation, the placement and orientation of building entrances, and other use- and zone-specific standards.

Staff Finding: Staff incorporates the findings made by the applicant in their written narrative. There is only one building proposed on site, and so clustering buildings is not feasible. The proposed development includes a single building (fire station). The orientation of the fire apparatus bays is critical to the functionality of the site and the ability for the Fire District to respond to emergencies efficiently. The orientation of the building is designed for maximum efficiency of the Fire District. The photometric plan shows that the parking lot, walkways, and trash enclosure will all be illuminated to promote site safety.

The public entrance on the north side of the proposed fire station will be directly connected to the sidewalk and street (E Salmon River Road). All walkways will be hard-surfaced and illuminated. Where walkways cross drive areas, they are clearly identifiable through the use of both striping and signage which is acceptable pursuant to subsection 1005.02(D)(5)(a and d). As proposed, the walkway system meets the standards of this section.

The Community Planning Organization (CPO) reviewed the proposal and requested that a lighted crosswalk be provided between the subject property and the Welches Middle School, located across Salmon River Rd. Overflow parking from community meetings that are held at the new fire station is believed to be provided at the school. The CPO asked if there was a Memorandum of Understanding (MOU) with the School District for use of their parking lot, but at the time of this staff report, Planning staff has not been made aware of an agreement or MOU. Nevertheless, staff has reviewed the proposal for compliance with the minimum number of parking spaces required for the site, including the community room. The parking requirement and analysis is provided in greater detail under the findings for Section 1015, below, but the overall site is two parking spaces short of the minimum parking requirement. The site is large enough to accommodate the additional required spaces and so there is no nexus for the County to require off-site parking. The subject property can accommodate the minimum parking requirement, and as conditioned, the minimum parking requirement can be met. Subsections 1005.02(E, F, G, H, I, J, K and L) are not applicable to this development.

The Hearings Officer concurs with this staff finding, adopting proposed related conditions. The applicant is required to meet the parking requirements stated in ZDO Section 1015, Parking and Loading. Provided that these parking requirements for the proposed uses of the Property are met onsite, there is no requirement to provide for off-site parking.

Subsection 1005.03 – Building Design provides standards for building facades, entrances roof design, exterior building materials, the screening of mechanical equipment, and other use- and zone-specific standards.

Staff Finding: Staff incorporates the findings made by the applicant in their written narrative and concludes that the proposed design meets the standards of this subsection. The public entry to the proposed fire station is located on the north elevation of the building and is defined by large windows and sheltered by a 4-foot overhang. The fire station will have a pitched roof and eaves will be at least 24-inches. The applicant has chosen building materials that are durable and suitable for the climate and a color palette/material palette that is compatible with the area. Ground mounted equipment is limited to an emergency backup generator on the south side of the site, which will be over 200 feet from the public right-of-way and screened by landscaping in the proposed stormwater facility. With conditions, these standards are met.

The Hearings Officer concurs with this staff finding, adopting proposed related conditions.

Subsection 1005.04 – Outdoor Lighting provides standards to ensure that onsite lighting is compatible with the site and surrounding uses while preventing light trespass and pollution.

Staff Finding: The applicants submitted a photometric plan that includes footcandle information and light fixture details. The proposed light fixtures do not shine light skyward. The pole-mounted site lighting can be mounted at a maximum height of 25 feet. Entrance lighting may not exceed a height of 12 feet. The proposed plans suggest that these standards will be met. As conditioned, these standards can be met.

The Hearings Officer concurs with this staff finding, adopting proposed related conditions.

Subsection 1005.05 – Additional Requirements requires projects to employ one additional design element per 20,000 square feet of site area. Regardless of site size, a minimum of one and a maximum of five techniques are required.

Staff Finding: Section 1005.05 requires applicants to employ one “Additional Requirement” for every 20,000 square feet of site area. The site area is 3.95 acres, or 172,062 square feet and so the maximum of five design elements are required. The applicant proposes more than the five design elements/techniques that are required. As described in the applicant’s narrative, the standard is met.

The Hearings Officer concurs with this staff finding.

7. ZDO Section 1006, Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control

Section 1006 addresses the provision of appropriate infrastructure for utilities, water supply, and sewage disposal, as well as the management of surface water and site erosion.

Subsection 1006.01 General Standards. Except where otherwise prohibited by the utility district or company, utility service lines shall be installed underground.

Staff Finding: The proposal demonstrates compliance with this subsection; all utility lines will be underground. Easements will be provided by the applicant if deemed necessary by the water, sewer and surface water management authorities. This standard is met.

The Hearings Officer concurs with this staff finding.

Subsection 1006.02 Street Lights. Street lights are required for all development inside the Portland Metropolitan Urban Growth Boundary (UGB).

Staff Finding: The property is located outside of the Portland Metropolitan UGB. This subsection not applicable.

The Hearings Officer concurs with this staff finding.

Subsection 1006.03 Water Supply. 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 or company serving the development. Approval of a development that requires public or community water service shall be granted only if the applicant provides a preliminary statement of feasibility from the water system service provider.

Staff Finding: Salmon Valley Water Company is the water provider in this area. A signed preliminary statement of feasibility was provided by the applicant confirming that 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. This criterion is met.

The Hearings Officer concurs with this staff finding.

Subsection 1006.04 Sanitary Sewer Service. All development that has a need for sanitary sewers shall install the facilities pursuant to the requirements of the district or company serving the development. Approval of a development that requires sanitary sewer service shall be granted only if the applicant provides a preliminary statement of feasibility from the sanitary sewage treatment service provider and the collection system service provider.

Staff Finding: Clackamas Water Environment Services is the sewer provider in this area. A signed preliminary statement of feasibility was provided by the applicant confirming that 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. This criterion is met.

The Hearings Officer concurs with this staff finding.

Subsection 1006.06 Surface Water Management. Positive drainage and adequate conveyance of surface water shall be provided from roofs, footings, foundations, and other impervious or near-impervious surfaces to an appropriate discharge point. Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water management, treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.

Staff Finding: Clackamas Water Environment Services is the surface water management authority in this area; a signed preliminary statement of feasibility was provided by the applicant confirming that adequate surface water management, treatment, and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner with conditions. This criterion is met.

The Hearings Officer concurs with this staff finding.

8. **ZDO Section 1007, Roads and Connectivity**

Staff Finding: The project is a relocation of the existing Hoodland Fire Station located on Highway 26 west of E Salmon River Road. The proposal also includes retention of the existing community garden and park-and-ride uses currently on the project site. The proposed development is subject to the provisions of *Clackamas County Zoning and Development Ordinance (ZDO)* section 1007 pertaining to roads and connectivity, section 1015 pertaining to parking and loading, and roadway Standards Chapter 4 pertaining to surface water management. Additionally, the applicant is subject to other *ZDO* requirements, the *Clackamas County Comprehensive Plan* and *Clackamas County Roadway Standards*.

E Salmon River Road is classified as a rural minor arterial roadway. Clackamas County has adopted roadway standards that pertain to the structural section, construction characteristics, minimum required right-of-way widths and access standards for arterial roads. Per Comprehensive Plan Figure 5-2b, the right-of-way range is 60-78, depending on the specific frontage improvements. The current right-of-way width of E Salmon River Road appears to be 66 feet, which would accommodate the required road frontage improvements.

Consistent with *ZDO* Section 1007, the applicant is required to improve the roadway frontage of the project site to current standards, including, but not necessarily limited to, up to a one-half street improvement, pavement widening, sidewalk and storm drainage facilities.

The project site is located within the Mount Hood Community Plan, and within the Welches Unincorporated Rural Community, as designated in the Comprehensive Plan. *ZDO* Section 1007.06.E specifies that developments located on arterial roadways within unincorporated rural communities construct a sidewalk along the site frontage. The applicant will be required to construct a minimum 7-foot wide sidewalk along the E Salmon River Road site frontage.

Per Clackamas County Roadway Standards, Standard Drawing C140, a rural collector road requires a 40-foot wide paved driving surface providing two travel lanes and bike lanes. The applicant will be required to improve the frontage to provide a minimum 20-foot-wide one-half street improvement.

The applicant will be required to provide adequate on-site circulation for all vehicles anticipated to use the site. The proposed parking and maneuvering areas appear to provide adequate access. Vehicle parking spaces, loading space, and bicycle parking spaces will be required to meet minimum *ZDO* section 1015 and Roadway Standards dimensional requirements. Parking areas in the rural area, including unincorporated rural communities require a minimum surface of screened

gravel or better. The applicant is proposing to pave the proposed parking and maneuvering area, meeting the minimum standards.

ZDO section 1007.07 requires that development is served by a transportation system that has adequate capacity to handle any increased vehicle trips generated by new development, and will continue to perform within adopted roadway and intersection performance standards. In addition, conditional use applications are required to comply with ZDO Section 1203.03(C) requiring verification that the roadway capacity (ZDO Section 1007.07) and safety of the transportation system are adequate to serve the proposed development.

The applicant has provided a Traffic Impact Study (TIS) prepared by McKenzie, dated 8/10/2025. The proposed fire station, including Forest Service use will generate 80 average daily vehicle trips, with an estimated 11 trips in the AM peak hour, and 12 trips in the PM peak hour. The TIS concludes that the roadways within the influence area of the project site will have adequate capacity will be adequate to serve the proposed development. County Engineering agrees with the methodologies, findings, and recommendations of the TIS.

The current fire station includes a pedestrian/emergency access signal on Highway 26 west of E Salmon River Road. The applicant is proposing to construct a full traffic signal at the E Salmon River Road/Highway 26 intersection and remove the existing pedestrian/emergency access signal. State Highway 26 is classified as a principal arterial roadway and is under the jurisdiction of the Oregon Department of Transportation (ODOT). Although, a traffic signal is not specifically required to meet the concurrency requirements of ZDO Section 1007, it is requested by the applicant to provide for safe and efficient access to Highway 26 for emergency response. In addition, with removal of the existing pedestrian access signal to the west, access for pedestrians would be served by a new signal. Approval and permitting through ODOT is required for the proposed signal on Highway 26. The TIS has noted that relocating the pedestrian/emergency access signal to the intersection of a public road with the highway would not meet ODOT standards. Therefore, a full signal is necessary. The TIS states that Manual on Uniform Traffic Control Devices (MUTCD) traffic signal warrants 2, 3 and 8 are met under either build-year or future traffic volumes. Importantly, the TIS also notes that a traffic signal is warranted based on criteria outlined in Section 6.1 of the ODOT Traffic Signal Policy and Guidelines.

County Engineering supports the installation of a new traffic signal at E Salmon River Dr Highway 26, and removal of the existing signal subject to ODOT review and approval. ODOT reviewed the land use application and provided the following comments:

“As indicated during the pre-application meeting, the request to relocate the existing emergency/pedestrian signal at mile point 41.31 will require a new signal warrant analysis to be met. The Traffic Impact Analysis (TIA) has been received by ODOT District 2C for review by ODOT Technical Center. The document and proposed signal will require extensive evaluation/review before approval/denial can be determined. Therefore, ODOT recommends the County condition the proposed signal subject to ODOT approval. The applicant should continue to coordinate with ODOT District 2C Permit Specialist, Joey Allen (Joseph.S.ALLEN@odot.oregon.gov) for this project.”

With conditions, these standards can be met.

The Hearings Officer concurs with this staff findings, adopting proposed related conditions. The Traffic Impact Study (TIS) prepared by McKenzie, dated 8/10/2025, provided analysis of the E Salmon river Road/US Hwy 26 intersection, the E Lolo Pass Road/ US Hwy 26 intersection, the E Salmon River Road/North Welches Schools/Subway driveways, and the E Salmon River Road/South Welches Schools/community garden driveways (the proposed site driveway). The analysis discusses the provision of new sidewalks as street frontage improvements for pedestrians, noting also there are no bicycle lanes. The study provided safety analysis showing there were three crashes from 2017 through 2023 at the E Salmson River Road/US 26 intersection, and none at E Salmon River Road driveways. The data showed zero fatalities, zero severe injuries, and zero crashes involving pedestrians reported within the last five years of crash data. This data supports the study's conclusion and recommendations for a full actuated traffic signal and an eastbound right turn lane with 200' of storage per ODOT standards. The study does not recommend nor the data support a requirement for a lighted crosswalk connecting the access to the proposed fire station with the access to the parking area at the existing middle school across the street. While there is strong community support for a lighted crosswalk, the submitted data does not support such a requirement. As long as the proposal's onsite parking meets requirements for the proposed uses, such accommodation is not required.

9. ZDO Section 1009, Landscaping

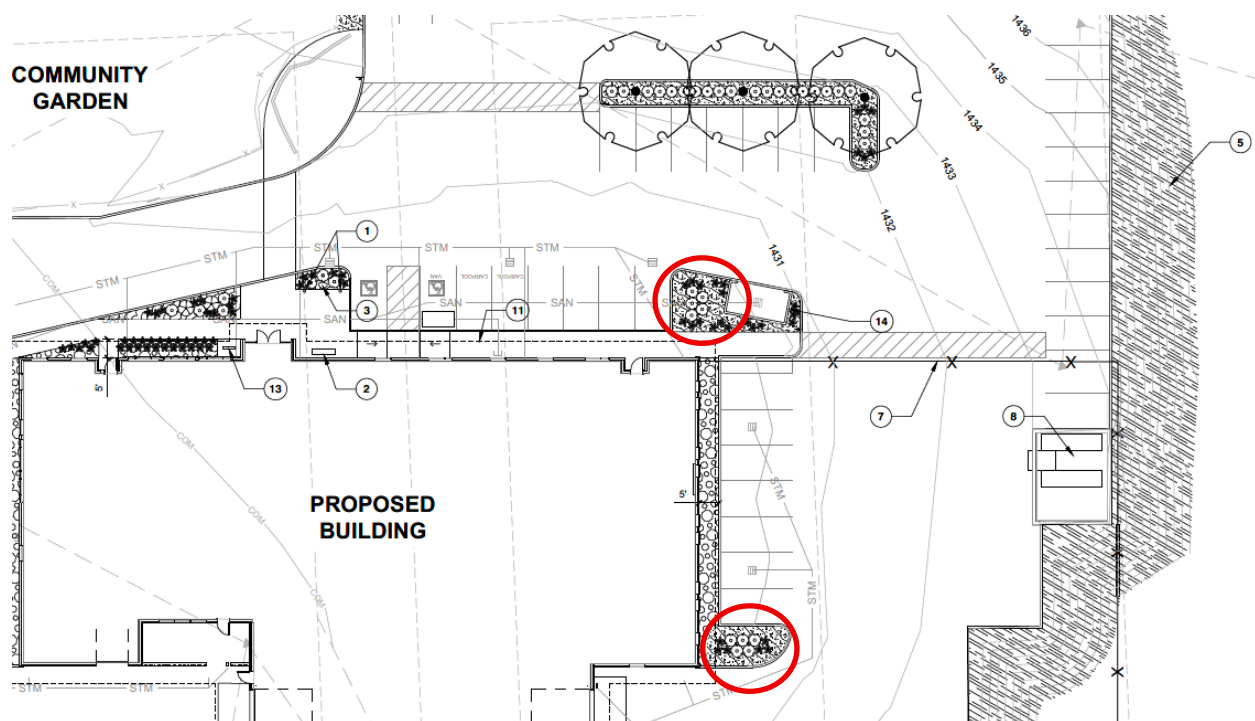
The Section 1009 seeks to ensure that sites are designed with appropriately selected, designed, installed, and maintained landscape materials and that landscaped areas are used for appropriate purposes.

Staff Finding: There is no minimum required amount of landscaped area for properties in the OSM district. Instead, Section 702.06 requires the applicant to “landscape the site to produce a setting appropriate to its function.” As explained earlier in this report, and in the applicant’s submitted narrative, the proposed landscaping meets this criterion.

A minimum of one tree located every eight interior parking spaces is required. There are 22 interior parking spaces proposed with this development and so a total of three trees are required to meet the interior landscaping requirement. Three trees are proposed in front of the internal parking spaces in a landscaped area but the design does not meet the locational/tree frequency requirements as intended by the ZDO. Where necessary to accommodate other design considerations, variable spacing of the trees required by Subsection 1009.03(A)(4) is allowed, but in no case shall there be less than one tree planted in every 12 parking spaces. The placement and frequency of trees are intended to provide the maximum shading of surface parking areas. Staff has identified two areas, circled in red below, where a tree is necessary to comply with subsection 1009.03(A).

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A condition of approval is recommended to ensure that the tree spacing is correct. Since only three trees are required to meet the minimum interior landscaping requirement, the two westernmost of the three trees proposed may be eliminated from the plans. Subsection 1009.03(A)(3) requires that interior landscaping be arranged in areas at the ends of rows, and so the location of the easternmost tree complies.

The landscaping plans demonstrate compliance with the perimeter landscaping requirements by providing a minimum 5-foot wide landscaping strip with a mix of low-lying shrubs, ground cover, and trees. The eastern portion of the parking lot does not abut a lot line or right-of-way and so a landscape strip is not necessary.

On the east side of the site, a 40-foot buffer of trees will be maintained. The plans submitted clearly show the extent of the protected vegetative buffer zone and the location of the tree protection fencing.

E Salmon River Rd is designated as a scenic road on Comprehensive Plan Map 5-1, *Scenic Roads*, however, the standards of subsection 1009.05 do not apply in the OSM zoning district.

A landscaping strip a minimum of five feet wide shall be provided abutting front lot lines. In front of the new fire station, there is a “pollinator garden” proposed, which is approximately 20 feet in depth. The frontage on the northern portion of the property is abutted by the community garden, and the remainder of the frontage is developed with either driving surfaces, or plantings associated with the stormwater feature. To the extent feasible, the landscaping strip requirements are met.

The Hearings Officer agrees with the applicant’s representative, Mr. Sisson, and County Senior Planner Ms. Lord, that ZDO 1009.03.A.4 allows for variable spacing of the trees required by Subsection 1009.03(A)(4) where necessary to accommodate other design considerations, provided no less that one tree is planted in every 12 parking spaces. Here, the applicant proposes construction of a fire station and seeks a design accommodation consistent with OSU guidelines for fire-safe landscaping, proposing that trees planted on the site will be outside a 15-foot

perimeter around the building designated a “Building Ignition Zone.” Otherwise, I concur with this staff finding, adopting related conditions amended consistently with this additional discussion.

10. ZDO Section 1010, Signs

The provisions of section 1010 are intended to maintain a safe and pleasing environment for the people of Clackamas County by regulating the size, height, number, location, type, structure, design, lighting, and maintenance of signs.

Staff Finding: Subsection 1010.12 regulates flags; of particular importance are subsections (C) and (D) which limit the height of the flagpole to 35 feet and the number of flagpoles on site to one. The proposed public building is required to display three flags simultaneously: United States flag, Oregon State flag and National League of Families’ POW/MIA flag. Per Oregon Revised Statutes (ORS) 186.110, “new construction of all county, municipal, school district and special district buildings, upon which or near which it is customary and suitable to display the United States flag, must include sufficient infrastructure to properly display all three flags simultaneously: United States flag, Oregon State flag and National League of Families’ POW/MIA flag.” The applicant submitted a mockup drawing of the flagpole if the three required flags were flown on a pole at 35 feet in height (see Exhibit 2c). The mockup clearly demonstrates that the flags would touch the ground if there were no wind, and would be at a 2.5-foot height if they were in the wind. The United States Flag Code Title 36, Chapter 10, Section 176, *Respect for Flag*, states that “the flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise”, and so putting all three flags on one flagpole is not possible because it would violate this code. Moreover, even if the flags were open during windy conditions, the 2.5-foot height of the flag clearly poses a safety issue to pedestrians which is undoubtedly a safety hazard. ORS 186.110 requires “sufficient infrastructure” to allow all three flags to be flown simultaneously. Section 1010.12 of the County’s zoning and development ordinance (ZDO) clearly is out of compliance with State law, because strict adherence to the ZDO would not sufficiently allow the fire station to fly all three flags simultaneously. The applicant must be authorized to have more than one flagpole, or to have one flagpole that exceeds the 35-foot height limitation to comply with ORS 186.110. At this time, the applicant proposes to have two 35-foot-tall flagpoles to accommodate the three flags. This complies with ORS 186.110.

The Hearings Officer concurs with this staff finding, adopting proposed related conditions.

11. ZDO Section 1015, Parking and Loading

Section 1015 is designed to ensure that developments in Clackamas County provide sufficient and properly designed parking for motor vehicles and bicycles as well as appropriate off-street loading areas.

Staff Finding: Parking and loading requirements for uses and structures not specifically listed in Tables 1015-1, Automobile Parking Space Requirements; 1015-3, Minimum Required Bicycle Parking Spaces; and 1015-4, Minimum Required Off-Street Loading Berths shall be subject to the requirements for the most similar use.

The proposed uses are not expressly listed in Table 1015-1 and so the most similar use must be

used to determine the minimum number of vehicle parking spaces required. Staff reviewed the listed uses in Table 1015-1 and conclude that the following are the most similar uses:

| Land Use Category Listed in Table 1015-1 | Proposed Use | Parking Requirement |
|--|--------------------------------|---|
| Office Use (includes Office Park, “FlexSpace”, Government Office and Miscellaneous Services) | Office/administrative areas | 2.7 spaces per 1,000 square feet of gross leasable area |
| Hotels and Motels | Fire fighter sleeping quarters | 1 per unit (room) |
| Public Meeting Places | Community room | 0.25 per seat, or 1 per 100 sq. ft. exclusive of stage |
| Produce Stand | Community garden | 4 (total) |

The County's IGA with Hoodland Fire specifies that 12 dedicated spaces should be provided for the Mt. Hood shuttle park-and-ride. Ridership data for the shuttle service was not available to the applicant as of the date of this application; however, the applicant understands that the terms of the IGA have been established to meet the needs of the shuttle service. Staff concurs and finds that **12** parking spaces are required to accommodate the demand for the shuttle.

Just less than 6,000 square feet of the building will serve as office/admin areas. This requires **15.8** parking spaces. The sleeping quarters and associated kitchen and living area are similar to the function of a hotel because the occupants of the rooms and living spaces are there temporarily, for a work shift, rather than for long-term residential stays like in a dwelling. Nine sleeping units are proposed, and so **nine** parking spaces are required for this use.

The “public meeting place” is most similar to the community room. When there is no fixed seating, the “1 space per 100 square feet” ratio is used. The community room is 1,029 square feet, which requires **10.29** spaces. With the addition of the **4** spaces for the community garden, the minimum number of on site parking spaces needed is 52 spaces (51.09 rounded up to the nearest whole). The proposal is for 49 parking spaces, and so the site requires three additional spaces to meet the minimum requirement. A condition of approval is warranted to ensure that the minimum number of parking spaces are met.

The area of the apparatus bay is not included in the calculations for parking requirements since the space supports the fire hall operations. No additional personnel will be using this area who is not otherwise accounted for within the office or living quarters area of the fire station itself.

25%, or 13 of the 52 required parking spaces, are not larger than 8.5 feet by 16 feet in size. All proposed parking stalls are 90 degree angle stalls. All other vehicle parking requirements have been met as proposed.

Bicycle parking area is provided within 50 feet of the building entrance; all bicycle parking is outdoors.

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Staff finds that the most similar uses listed in Table 1015-3 for bicycle parking are:

- “Retail and commercial including offices and clinics” for the fire station (excluding the apparatus bays)
- “Park-and-Ride Lots, Transit Centers, and Community Parks (per acre)” for the community garden and Mt. Hood Express shuttle

The minimum bicycle parking for properties outside of the Urban Growth Boundary is 20% of the requirement listed in Table 1015-3. The community garden would necessitate 1 bicycle parking space. The fire station, with the exception of the apparatus bays, is approximately 12,000 square feet which would necessitate 0.96 bicycle parking spaces, rounded up to the nearest whole. Therefore, two bicycle spaces are required, and two bicycle parking spaces are proposed.

The Hearings Officer concurs with this staff finding, adopting proposed related conditions requiring that the applicant provide sufficient and properly designed parking for motor vehicles and bicycles as well as appropriate off-street loading areas. It appears that the minimum number of onsite parking spaces the applicant is required to provide is 52, which is 3 more than the proposal states, but there appears to be adequate space to ensure that the minimum number of parking spaces are provided onsite.

ZDO Section 1021, Solid Waste and Recyclable Material Collection

Section 1021 applies to multifamily dwellings, and institutional, commercial, and industrial developments. It provides standards for the design, placement, and accessibility of trash enclosures.

Staff Finding: The applicant proposes to construct an approximately 16-foot by 8.5-foot CMU trash and recycling enclosure on a concrete pad with double gates. The vertical clearance of the roof is 9-feet 7-inches and the service gates provide 12 feet of clearance with restrainers in the open and closed positions. A drain to the sewer is proposed in the enclosure. The enclosure is constructed of masonry blocks and so a bumper rail is required pursuant to subsection 1021.04(D). The Clackamas County Sustainability division reviewed the submitted plans and determined that, although minor details were missing from the submittal, the proposal demonstrates that the standards of this section can be met with conditions. As conditioned, this section can be met.

The Hearings Officer concurs with this staff finding, adopting proposed related conditions.

12. ZDO Section 1203, Conditional Uses

1203.02: Submittal Requirements

This application includes a completed land use application form, site plan, application fee and completed supplemental application addressing the criteria in ZDO Section 1203. The application also includes a description of the proposed use and vicinity map. All the submittal requirements under Subsection 1203.02 are included in the application. The application was submitted on September 8, 2025 and application was deemed complete on October 6, 2025.

1203.03(A): The use is listed as a conditional use in the zoning district in which the subject property is located.

Staff Finding: The subject property is located in the OSM zoning district. The proposed use is a fire station, which is a Conditional use in the zoning district “when associated with open space or recreational facilities”.

There is an existing community garden and park-and-ride station for the Mt. Hood Express Bus (accessory use) which will remain on site. "Public and private outdoor recreation facilities" are permitted as primary uses; a community garden is listed as an example of an outdoor recreation facility in subsection 702.02. Therefore, the fire station is on a property that has a recreational facility and is allowed with an approved conditional use permit. This standard is met.

The Hearings Officer concurs with this staff findings, adopting proposed related conditions.

1203.03(B): The characteristics of the subject property are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.

Staff Finding: In addition to the findings provided by the applicant in their narrative, staff finds the following: The location of property is suitable for the proposed fire station because it is in an area that allows the Fire District to adequately serve their region. The size of the property is adequate to support the proposed fire station as well as retain the community garden and the park-and-ride shuttle parking spaces. When considering the characteristics of the subject property, staff finds that this criterion is met.

The Hearings Officer concurs with this staff finding.

1203.03(C): The proposed use is consistent with Subsection 1007.07, and safety of the transportation system is adequate to serve the proposed use.

Staff Finding: Clackamas County Development Engineering staff reviewed the proposal for compliance with 1007.07 and determined that the transportation system is adequate to support the proposed use. This criterion is met.

The Hearings Officer concurs with this staff finding, , adopting proposed related conditions.

1203.03(D): The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located.

Staff Finding: Staff incorporates the findings provided by the applicant. The surrounding area is the Wemme/Welches Area within Mt. Hood Village, which is an unincorporated community consisting of a mix of residential, commercial, recreational, and institutional development. Land uses adjacent to the site include dining and retail to the north and northeast, residential to the east, a gravel stockpile site to the south, and an elementary and middle school to the west. Proposed uses of the site include the existing community garden and park-and ride, and a new fire station, which will replace the existing fire station that is only about 750 feet from the site. Based on the continuation of existing uses and proximity of the existing fire station to be replaced, the proposed development is not anticipated to alter the character of the area in a way that limits, impairs, or precludes allowed uses of surrounding properties.

The Hearings Officer concurs with this staff finding.

1203.03(E): The proposed use is consistent with the applicable goals and policies of the Comprehensive Plan.

Staff Finding: Staff has reviewed this proposal relating to the Comprehensive Plan and finds the goals and policies from Chapter 5, Transportation, and Chapter 10, Mount Hood Community Plan are met. The project has been reviewed to ensure compliance with Chapter 5 of the Comprehensive Plan, with particular interest in ensuring that the County Roadway Standards are met. Cooperation with ODOT to maintain a reasonable level of safety can be met through conditions of approval. The park-and-ride for the Mt Hood shuttle will encourage alternatives to single-occupant automobile trips up to the ski areas. This criterion is met.

The Hearings Officer concurs with this staff finding.

1203.03(F): The proposed use complies with any applicable requirements of the zoning district and overlay zoning district(s) in which the subject property is located, and Section 1000 Development Standards.

Staff Finding: Staff reviewed compliance with ZDO Section 1000, as applicable. The findings are included in this staff report.

The Hearings Officer reviewed the staff report and adopted and/or modified the staff findings.

E. DECISION

Based on the findings, discussion, conclusions, and record in this matter, the Hearings Officer APPROVES application Z0377-25 for a conditional use permit to construct a new fire station to serve the Hoodland Fire District #74 , and to retain the existing community garden and park-and-ride uses on the subject property, subject to the following conditions of approval:

F. CONDITIONS OF APPROVAL

Hearings Officer: I reviewed and considered the proposed conditions of approval submitted by staff and additional related testimony and discussion presented at the hearing and find the following conditions adequate to ensure that the requirements of this Conditional Use permit are met, with changes or additions denoted by boldface type in italics. The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parentheses. At all times, the use shall be sited and conducted in compliance with these conditions of approval. Noncompliance may result in code enforcement action or revocation of this permit.

1. Approval of this land use permit is based on the submitted written narrative and plan(s) filed with the County on September 8, 2025 and additional documents submitted on October 2, 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 issuance of a Building Permit**, land use file Z0378-25 (replat) must be approved and the final plat must be filed with the County Surveyor and the revised legal

description of the property shall be submitted to the County Surveyor, as required by the land use decision.

3. The applicant is authorized to have two 35-foot tall flagpoles [ORS 186.110].
4. The surfaces of metal exterior building materials that are subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and the surfaces of metal exterior building materials with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. [1005.03(E)]
5. **Prior to issuance of a Development Permit or a Building Permit**, the applicant shall provide County Planning and Zoning an updated parking plan demonstrating compliance with the minimum number of parking spaces required, based on the following vehicle parking ratios: [1015.02]
 - a. Office/administrative areas: 2.7 spaces per 1,000 square feet of gross leasable area
 - b. Sleeping quarters and living area: 1 per room
 - c. Community room: 1 per 100 square feet
 - d. Community garden: 4 (total)
 - e. Park-and-Ride shuttle: 12 (total)
6. **Prior to issuance of a Development Permit and/or prior to issuance of a building permit for the trash enclosure**, the applicant shall provide an updated trash enclosure plan and details to Clackamas Planning and Zoning demonstrating the following:
 - a. Compactors, containers, and drop boxes shall be located on a level Portland Cement concrete pad, a minimum four inches thick, at ground level or other location compatible with the local collection service franchisee's equipment at the time of construction. The pad shall be designed to discharge surface water runoff to avoid ponding [1021.03(A)]
 - b. A minimum of two feet, including pad area, shall be provided around the sides and rear of each container. When containers face each other, a minimum 4-foot separation is required. [1021.05(A)].
 - c. Enclosures constructed of concrete, brick, and masonry block or similar materials shall contain a bumper curb described in Subsection 1021.04(C) or a bumper rail to prevent damage from container impacts. The rail shall be secured by anchor bolts recessed in the rail within the perimeter walls of the enclosure at a height compatible with the receptacle. [1021.04(D)]
 - d. "No parking" signs shall be placed in a prominent location on the enclosure or shelter and painted on the pavement in front of the enclosure or shelter to provide unobstructed and safe access for servicing receptacles. Signs clearly identifying recycling containers and type of recyclable material shall be posted on each container. [1021.07]

For assistance and to discuss plans, please contact Sustainability & Solid Waste staff at wasteinfo@clackamas.us, 503-557-6363 (option 7).

7. The height of pole-mounted outdoor light fixtures shall not exceed 25 feet. At entrances, outdoor lighting shall be glare-free. Entrance lighting may not exceed a height of 12 feet and must be directed downward. [1005.04(A)]
8. *Landscaping trees shall be planted outside the designated “Building Ignition Zone” and within the 30’ – 100’ foot zone as shown on Exhibit 14. [Amended by hearings officer]*
9. **Prior to issuance of Certificate of Occupancy** the applicant/property owner shall complete the following:
 - a. All landscaping shall be installed in accordance with the approved landscaping plan. [1009]
 - b. The developer shall either submit a signed maintenance contract for the one-year period or provide a performance surety pursuant to Section 1311, Completion of Improvements, Sureties, and Maintenance, covering the landscape maintenance costs for the one-year period [1009.10(F)]
10. All frontage and on-site improvements shall be in compliance with *Clackamas County Roadway Standards*. Frontage improvements in, or adjacent to State of Oregon right-of-way, shall be in compliance with Oregon Department of Transportation standards.
11. The applicant shall obtain a Development Permit from Clackamas County Development Engineering prior to the initiation of any construction activities associated with the project.
12. The proposed traffic signal at the E Salmon River Road/Highway 26 intersection shall be reviewed, approved and constructed to ODOT standards. Written approval shall be obtained from ODOT, in the form of a permit, for all work in Highway 26 right-of-way.
13. The applicant shall design and construct the following improvements along the entire site frontage of E Salmon River Road. These improvements shall consist of:
 - a. Up to but not limited to a 20-foot wide one half street improvement from centerline of right-of-way. The half street structural section shall comply with Standard Drawing C100 for an arterial roadway, and Roadway Standards Section 225.5(e)(f)(h)(i).
 - b. The half street improvement design shall include cross sections every 25 feet, and shall comply with Roadway Standards Section 250.7.5.
 - c. Standard curb, or curb and gutter if curblane slope is less than one percent.
 - d. A 7-foot wide concrete sidewalk along the entire site frontage, including the driveway.
 - e. A minimum 5-foot wide landscape strip or water quality swale/rain garden shall be located between the sidewalk and curb. If the swale is a water quality facility, a maintenance agreement will be required with the property owner/applicant to provide ongoing monitoring and maintenance of the facility.
 - f. An ADA compliant curb ramp will be required at the south end of the sidewalk, per Oregon Standard Drawings, Series RD900.

- g. A minimum 28-foot wide concrete driveway approach shall be constructed, per Standard Drawing D650. The fire apparatus drive may exceed 35 feet in width and shall be limited to emergency vehicle use.
 - h. Off-site roadway tapers shall be provided per Section 250.6.4 of the Roadway Standards.
 - i. Drainage facilities in conformance with Water Environment Services Standards and Clackamas County Roadway Standards Chapter 4 shall be provided.
14. The applicant shall design and construct on-site parking and maneuvering areas as follows:
- a. Adequate on site circulation shall be provided for the parking and maneuvering of all vehicles anticipated to use the site.
 - b. All parking and maneuvering areas shall be constructed per Roadway Standards Drawing R110, with a minimum surface of screen gravel or better.
 - c. Parking spaces shall meet minimum dimensional requirements of ZDO Section 1015 and Roadway Standards, Standard Drawing P100/P200. The plans shall list the number of parking spaces required and the number of parking spaces provided. The applicant shall label all compact, carpool, disabled, and loading berth spaces on the plans.
 - d. The paths traced by the extremities of trucks and emergency vehicles shall be demonstrated.
 - e. All curbs shall typically be type "C", or curb and gutter if curb line slope is less than one percent, if they carry, direct or channel surface water. Alternative curbs will be considered when it is determined by the Clackamas County Department of Transportation and Development that type "C" curbs or curb and gutter are not appropriate. Extruded curbs for carrying, directing or channeling surface water, or used as a vehicle wheel stop, shall not be allowed.
 - f. A pavement marking and signage plan shall be provided. All traffic control devices on private property, located where private driveways intersect County facilities shall be installed and maintained by the applicant, and shall meet standards set forth in the *Manual on Uniform Traffic Control Devices* and relevant Oregon supplements.
 - g. Drainage facilities shall be provided, as required, in conformance with Water Environment Services Standards and Clackamas County Roadway Standards Chapter 4.
15. **Prior to Certificate of Occupancy**: all required improvements shall be constructed and inspected, or financially guaranteed in the form of a performance bond per Roadway Standards Section 190. Performance bonds shall be accepted only when access has met minimum Substantial Completion requirements.
16. 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 all materials and improvements have been installed per approved plans and manufacture's specifications.

17. Prior to the issuance of a building permit, the applicant shall submit to Clackamas County Engineering Office:

- a. Written approval from Hoodland Fire District for the planned access, circulation and water source supply.
- b. Written approval from Salmon Valley Water District for adequate water supply to service the development.
- c. Written approval from ODOT, for all work in Highway 26 right-of-way.
- d. Written approval from Water Environment Services for surface water management facilities, surface water detention facilities, and erosion control measures.
- e. A set of street and site improvement construction plans, including a striping and signing plan, for review, in conformance with *Clackamas County Roadway Standards* Section 140, to Clackamas County's Engineering Office and obtain written approval, in the form of a Development Permit.

18. Improvements along the State highway shall be constructed consistent with ODOT Highway Design Manual, ODOT Traffic Manual, and Americans with Disabilities Act (ADA) standards. Construction of a new signal at US 26 & Salmon River Road will be subject to ODOT approval.

19. An ODOT Miscellaneous Permit must be obtained for all work in the State highway right of way. When the total value of improvements within the State highway is estimated to be \$100,000 or more, a Cooperative Improvement Agreement (CIA) with ODOT is required. A CIA will address the transfer of the improvements to ODOT and any associated technical and administrative costs for projects that meet this improvement threshold. Agreements shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements.

20. The community garden shall remain on site, unless a different open space or recreational facility is approved through a land use permit.

In accordance with WES Rules, the following conditions shall apply:

1. **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
2. **Connection 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.
3. **Rates, Charges, and Billings (Rules, Section 5)**
- a. **Plan review fees** shall apply at the following rates:
 - i. Sanitary Review: 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 (based on 2.66 acre area of disturbance).
 - c. **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.
 - i. The sewer SDC shall be calculated based on the equivalent dwelling unit (EDU) ratios defined in WES Rules, Table 2 – Class 23 (Other Classifications): 1 EDU per 3,800 sf of building floor area.
 1. 24,682 sf = 6.5 EDUs
 - ii. 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. Effective November 1, 2025, the sanitary sewer SDC rate = \$9,375.00 per EDU
 1. Estimate: 6.5 EDU = \$60,937.50
 - iii. Surface water SDCs are not applicable with Rate Zone 2.

In accordance with WES Sanitary Standards, the following conditions shall apply:

4. **Use of Public Sanitary Sewers (Rules, Section 6.3):** The owner of any building situated within the District and proximate to any street or sewer easement in which there is a public sanitary sewer of the District may request permission, at owner's expense, to connect said building directly to the public sanitary sewer. Before connecting to the public sewerage system, a permit authorizing such connection shall first be secured in writing from the District and fees paid.
5. **Sewer Connection Permit:** A Sewer Connection Permit shall be required to connect to the Public Sanitary Sewer System owned by, or intended to be conveyed to, the District. Prior to issuance of the permit, the applicant shall demonstrate the sanitary sewer system meets the technical standards found in the District Sanitary Standards and these

conditions of approval. All other sanitary sewer piping not intended to be conveyed to the District shall be permitted by the Local Plumbing Authority.

6. Sewer Permit Requirements (Section 4.1):

- a. Upon land use approval, the Applicant shall submit sanitary sewer plans and supporting documentation to WES for plan review and approval. Submittal requirements are listed in Appendix A – Plan Submittals (a. thru m.). The submittal package shall include:
 - i. One full-size paper copy and PDF file of complete civil sanitary sewer construction plans.
 - ii. Signed Sanitary Sewer Engineering Agreement (form available online).
 - iii. \$400 minimum sanitary plan review fee

7. Service Connections (Section 5.4):

- a. The applicant shall utilize the existing 6-inch service connection stubbed to the property line if feasible, as determined by the District.
- b. Sanitary laterals shall be marked by a “SS” curb stamp, as shown on Detail SAN-019.

8. Pretreatment Requirements (Section 6.5) - Any facility as prescribed by uniform plumbing code with the potential to discharge fats, oils, and grease (FOG) to the sanitary sewer system shall install Grease Removal Devices in accordance with the appropriate Oregon Plumbing Specialty Code. The location of the devices shall be clearly shown on the applicant’s site utility plans.

9. Non-Residential Questionnaire (NRQ) - The Applicant shall complete the NRQ and describe any service activities performed on the site. The NRQ is available on the WES website.

In accordance with WES Stormwater Standards, the following conditions shall apply:

10. Applicability (Section 2.3): All new Development and Redevelopment activities that result in 5,000-sf or greater of new or replaced impervious surface area, cumulative over the last 3 years, are subject to the requirements of these Standards for all newly proposed and replaced impervious surface areas within the overall project boundary.

11. Stormwater Minimum Requirements (Section 2.3): Upon land use approval, the Applicant shall submit a Stormwater Management Plan (SWM Plan) prepared by a registered PE to WES for plan review and approval. The SWM Plan shall demonstrate stormwater management facilities (SMF) that meet the technical standards found in the Stormwater Standards, including sizing methods and calculations. Submittal requirements are listed in Appendix A – Plan Submittals (a. thru m.). The submittal package shall include:

- a. Complete civil stormwater construction plans and EPSC Plan (one full-size paper copy and PDF file)
- b. Stormwater Management Report (one printed copy and PDF file), including:
 - i. The engineered or BMP Sizing Tool method used to size the stormwater facilities.
 - ii. A Storm Drainage System/Hydrologic and Hydraulic Calculations Report
 - iii. Hydrology and hydraulic calculations with drainage area maps

- iv. Tributary drainage areas calculated in table form and identified on maps
- v. Geotechnical Report, including Infiltration Testing, Soils Report, and Geology Report
- vi. Infiltration Testing Report (Appendix A – Table 19)
- c. WES EPSC permit application (PDF file only)
- d. Storm System Engineering Agreement (PDF file only)
- e. Stormwater facilities Operations and Maintenance Plan (PDF file only)

12. Storm Conveyance Systems (Section 7.6):

- a. Surface drainage entering a development from offsite areas shall be intercepted at the naturally occurring locations. Offsite surface drainage shall either be conveyed through the site in a separate stormwater conveyance system or the SMFs shall be designed to manage and treat the additional flows from the upstream drainage basin(s) assuming full development potential.
 - i. *Note: The applicant shall clearly identify on the grading plans the contributing basins for each stormwater planter located within the ROW.*
- b. Storm Drainage Systems within the ROW shall be not less than 12 inches in diameter.
- c. Storm sewers shall be designed with a minimum slope of 0.5 percent.

13. Stormwater Management Performance Standards (Section 6.1):

- a. **Flow Control:** To design for flow duration matching, a hydrologic/hydraulic analytical model capable of performing a continuous simulation of peak flow rates from local long-term rainfall data shall be used to determine the peak flow rates, recurrence intervals, and durations. SMFs shall be designed so that the duration of peak flow rates from Post-Development Conditions shall be less than or equal to the duration of peak flow rates from pre-development conditions for all peak flows between 42 percent of the 2-year peak flow rate up to the 10-year peak flow rate.
- b. **Water Quality:** SMFs shall be designed to capture and treat 80 percent of the average annual runoff volume, to the maximum extent practicable with the goal of 80 percent total suspended solids removal. Based on local rainfall frequency and intensity, the required treatment volume equates to a Water Quality Design Storm of 1.0 inch over 24 hours.
 - i. The water quality facility shall use either an approved vegetated SMF or an approved Proprietary Stormwater Treatment Device (See Section 6.5.10). The District allows the use of Proprietary Stormwater Treatment Devices that have a General Use Level Designation (GULD) as certified by the Washington State Department of Ecology TAPE Program.

14. SMF Sizing Methods (Section 6.2)

- a. **Infiltration (Section 6.2.1):** The Applicant shall conduct infiltration testing and establish a design infiltration rate as described in Section 6.2.1 and Appendix A. For sites with limiting conditions, document the infiltration limitations and design SMFs that do not use infiltration.
 - i. All public and private developments with more than 10,000 sf of new or redeveloped impervious area shall follow the Professional Method testing

criteria outlined in Appendix A. The applicant's SWM Plan shall include a completed Infiltration Test Data Table form (Table 19 – Appendix A).

- b. **Sites that can fully infiltrate the 10-year, 24-hour design storm:** When a SMF is designed to fully infiltrate the 10-year, 24-hour Design Storm, the facility is assumed to meet the flow control performance standard of Section 6.1.2. Emergency overflow pathway requirements shall apply (Section 6.1.3). When a rain garden, planter, swale, or pond is designed to fully infiltrate the 10-year, 24-hour Design Storm, the facility is also assumed to meet the water quality performance standard.
- c. **Sites that cannot fully infiltrate the 10-year, 24-hour design storm:** Flow control facilities designed with partial or no infiltration shall include an underdrain, control structure, and overflow system to manage the release rates from the facility. Release rates from the facility shall meet the flow control performance standard in Section 6.1.2. Water quality facilities shall be designed to capture and treat the first 1-inch of stormwater runoff from a 24-hour storm event.

15. **General Facility Design Requirements (Section 6.4):** The following general design requirements shall apply to all SMFs. Additional facility specific design criteria shall apply, in accordance with Section 6.5.

- a. Stormwater management facilities shall be accurately sized for the total impervious area resulting from the proposed development, including all onsite structures and hardscape and any offsite road improvements required by the local road authority.
- b. Drainage basin maps shall identify runoff within and upstream of the development.
- c. The civil plans shall include individual plan view and cross section details for each proposed facility. Cross section shall detail all elevations in the flow control as well as elevations of each layer of rock, soil, above ground storage, perf pipe, etc.
- d. Soil Mixes: Facilities that include soil, such as swales, planters, curb extensions, and basins, shall use the Blended Soil Specification for Vegetated Stormwater Systems from the most currently adopted City of Portland's Standard Construction Specifications in section 0104.14(d), titled Stormwater Facility Blended Soil.
 - i. *Note: the soil blend shall be identified in the storm report and in the planting notes on Sheet L0.01.*

16. **Stormwater Management Facility Planting Plan (Section 6.4.5 and Appendix A and B):** The SWM Plan shall provide planting information for each vegetated SMF based on requirements of the Standards, including:

- a. Vegetation shall be installed such that 100 percent vegetative cover is achieved through a mix of herbaceous, groundcover, and shrubs at the end of a 2-year period.
- b. Landscape plans and specifications shall comply with the submittal requirements of Appendix A.
- c. Plans shall identify the temporary irrigation strategy to be used during the plant establishment period.

17. **Points of Discharge (Section 7.2.1):** The Applicant shall identify a proposed point of discharge. Any connection to a public or private piped downstream storm drainage system shall be approved by the District.

18. Emergency Overflow Pathway (Section 6.1.3): Grading plans shall clearly identify a 100-year overland emergency overflow pathway that allows runoff from large storm events to discharge without risk of injury or property damage. The emergency overflow pathway must be incorporated into the design to show how flow will escape from the site during rainfall events larger than the design storm and/or from failure of the primary stormwater storm drainage system.

- a. *Note: an emergency overflow pathway shall be clearly identified for all SMFs on the grading plans to an adequate point downstream that demonstrates no damage to neighboring properties, as determined by the District.*

19. Source Control (Section 5)

- a. Informational signage shall be required for activities that have the potential to contaminate stormwater. Proper signage shall meet the criteria outlined in Section 5.1.1.
- b. Spill response supplies shall be available at all potential spill areas and clearly marked and located near the high-risk activity area.

20. Fuel Dispensing Facilities (Section 5.2.1): defined as the area where fuel is transferred from bulk storage tanks to vehicles, equipment, and/or mobile containers (including fuel islands, above- or below-ground fuel tanks, fuel pumps, and the surrounding pad). Requirements include but are not limited to the following:

- a. Cover: The fuel dispensing area shall be covered with a permanent canopy or roof so precipitation cannot come in contact with the fueling activity area.
- b. Drainage: The impervious area beneath the cover shall be hydraulically isolated from the surrounding area through grading, berms, or drains. Drainage from under the cover that is hydraulically isolated shall be directed to the sanitary sewer system. When connecting to sanitary sewer, an oil/water separator shall be installed to collect and detain the runoff from under the cover of a fuel dispensing area.
- c. Shut-Off Valve: A flow-stop or shut-off valve is required downstream of the oil/water separator prior to connection with the public sanitary sewer system.

21. Recycling and Solid Waste Storage Areas (Section 5.2.3):

- a. For any covered storage area, the Building Drain shall be connected to the public sanitary sewer in accordance with local building and plumbing codes. The paved area under the cover shall be hydraulically isolated, meaning no stormwater draining into or liquids draining out of the covered storage area.
- b. An oil/water separator may be required as pretreatment before discharging to the sanitary system, per Section 5.1.3.

22. Equipment and/or Vehicle Washing Facilities (Section 5.2.6):

- a. Cover: The washing area shall be covered with a permanent canopy or roof so precipitation cannot come in contact with the washing activity area.
- b. Drainage: The paved area beneath the cover shall be hydraulically isolated through grading, berms, or drains to prevent uncontaminated stormwater from running onto the area and carrying pollutants away. Drainage from the hydraulically isolated area shall be directed to a pretreatment facility and then the sanitary sewer.

- c. Oil Controls: All vehicle and equipment washing activities shall be equipped with an approved oil/water separator system.
- d. *Note: alternate materials or methods not explicitly approved herein will be considered for approval through the variance process outlined in Section 2.4.*

23. Erosion Prevention and Sediment Control Permits (Section 8.2.3):

- a. **WES EPSC Local Permit:** An EPSC Permit shall be required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils covering an area of 800 sf or greater. No visible or measurable erosion shall leave the property during development, construction, grading, filling, excavating, clearing, or other activity that accelerates erosion, as required by water quality standards set forth in OAR 340-41-445 thru 470.
 - i. See Section 8.4 and Appendix A for EPSC Plan submittal requirements.
 - ii. See Section 8.6 for approved Best Management Practices, including base measures.
 - iii. Permit fee shall apply at a rate of \$460 for 1st acre and \$80/additional acre.
- b. **NPDES 1200-CN (Section 8.2.4):** In addition to the District EPSC Permit, a NPDES 1200-CN permit shall be required for projects disturbing one acre up to less than 5 acres of disturbance. The 1200-CN shall be issued by the District along with the local permit.

24. Wet Weather Stabilization (Section 8.2.6): Where natural vegetation has been removed, or the original land contours disturbed, vegetative ground cover shall be planted and established by October 1 and continue to function through May 31 of the following year, or as approved by the District. If ground cover is not established by October 1, the open areas shall be protected through May 31 of the following year with straw mulch, erosion blankets, or other methods approved by the District.

25. Operations and Maintenance Plans (Section 9.2): An O&M Plan shall be required for all permanent SMFs in accordance with the plan elements noted in **Section 9.2.2** and the facility design and maintenance specifications in **Appendix B**. The O&M Plan and associated agreements, covenants, and easements shall be reviewed prior to District approval of the SWM Plan.

26. Privately Owned and Maintained Facilities (Section 9.3) A Maintenance Covenant shall be recorded into the land record prior to final plan approval. The O&M Plan shall be included as an exhibit in the maintenance covenant. The maintenance covenant shall identify private maintenance responsibilities and shall provide public access rights to inspect the facility and ensure that it is maintained in proper working condition.

Dated: December 23, 2025



Carl D. Cox
Clackamas County Hearings Officer

ADVISORY NOTES

Advisory notes are not a part of the decision on this land use permit. The items listed below are not conditions of land use approval and are not subject to appeal. They are advisory and informational only but may represent requirements of other agencies/departments. As such, they may be required by these other agencies/departments to complete your proposed development.

Oregon Department of Transportation (ODOT)

ODOT Technical Review Requirements: All alterations within the State highway right of way are subject to ODOT standards. Alterations along the State highway but outside of the ODOT right of way may also be subject to ODOT review pending its potential impact on the safe operation of the State highway.

The following ODOT manuals may apply:

- ODOT Traffic Manual
- ODOT Highway Design Manual
- ODOT Hydraulics Design Manual

The ODOT Traffic Manual (TM) identifies items that require ODOT Region Traffic Engineer (RTE) approval. Items requiring RTE approval must be prepared by an Oregon-registered Professional Engineer (P.E.) and will be reviewed by the ODOT Region 1 Technical Center. See the TM for information on authorities and required approvals. Some approvals require a unique request form (Traffic Approval).

Deviations from ODOT Standards

Proposed alterations that deviate from ODOT standards will require a Design Exception/Deviation prepared by an Oregon-registered Professional Engineer (P.E.) for review by the ODOT Region 1 Technical Center. ODOT can only determine if design elements will require a Design Exception/Deviation or RTE approval once detailed plans have been reviewed.

Note: A Design Exception/Deviation or RTE approval items may take **6 months or longer to process**. The preparation of a Design Exception or RTE approval does not guarantee its ultimate approval.

APPEAL RIGHTS

ZDO 1307.10(F) provides that, with the exception of an application for an Interpretation, the Land Use Hearings Officer's decision constitutes the County's final decision for purposes of any appeal to the Land Use Board of Appeals (LUBA). State law and associated administrative rules promulgated by LUBA prescribe the period within which any appeal must be filed and the manner in which such appeal must be commenced. Presently, ORS 197.830(9) requires that any appeal to LUBA "shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final." This decision is "final" for purposes of a LUBA appeal as of the date of the decision appearing by my signature.