



NOTICE OF DECISION ON A TYPE II LAND USE PERMIT

Decision: Approved with Conditions

Permit Type: Mass Movement Hazard Area Development

File No. Z0223-26

Applicant's Proposal: Development of a 40 x 40 foot cabin and septic system in an identified mass movement hazard area, on slopes less than 20%.

Decision Date: September 23, 2026

Deadline for Filing Appeal: October 5, 2026 at 4:00 pm.

Issued By: Mya Ganzer, Planner I, MGanzer@clackamas.us, 503-742-4520

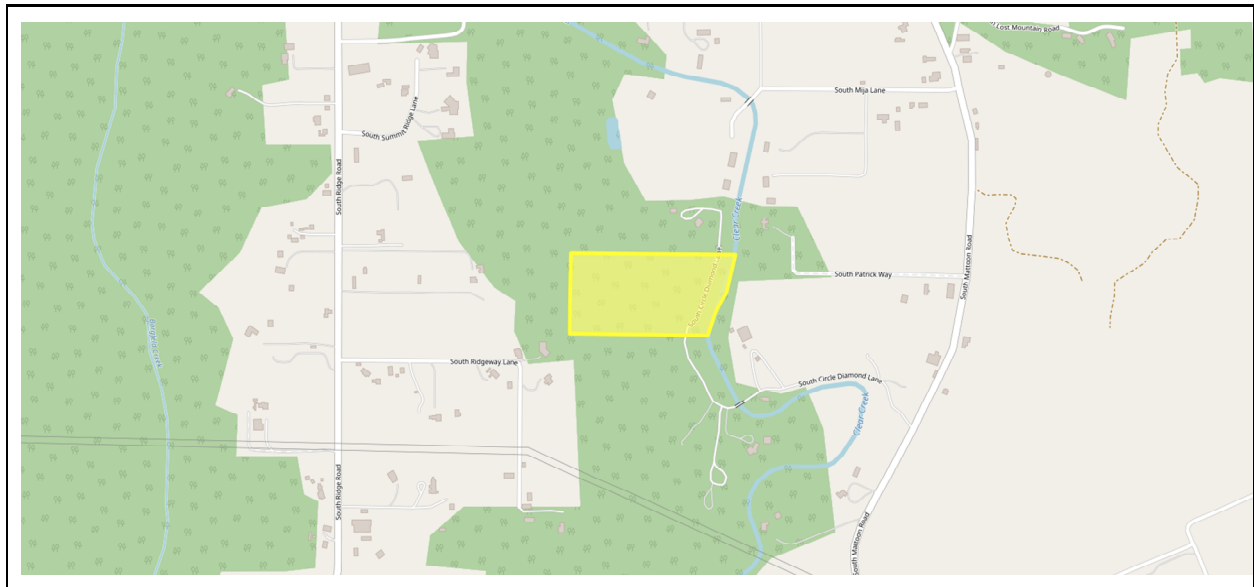
Applicant: Berenice and Michael Kolber

Owner of Property: Berenice and Michael Kolber

Zoning: FF-10

Assessor's Map & Tax Lot(s): T3S R3E Section 15A Tax Lot 800

Site Address: 21962 S CIRCLE DIAMOND LN, ESTACADA, OR 97023



Community Planning Organization (CPO) for Area:

Redland-Viola-Fischers Mill CPO
Lance Ward 503-631-2550
Redland-CPO@CCGmail.net

Community Planning Organizations (CPOs) are part of the county's community involvement program. They are advisory to the Board of County Commissioners, Planning Commission and Planning and Zoning Division on land use matters affecting their communities. CPOs are notified of proposed land use actions and decisions on land within their boundaries and may review these applications, provide recommendations or file appeals. If this CPO currently is inactive and you are interested in becoming involved in land use planning in your area, please contact Clackamas County Community Engagement at 503-655-8751.

Opportunity to Review the Record and Decision: The complete decision, including findings and conditions of approval, and the submitted application are available for review online at <https://aca-prod.accela.com/CLACKAMAS>. Select the **Planning** tab and enter the file number to search. Select **Record Info** and then select **Attachments** from the dropdown list, where you will find the submitted application. A copy of the decision, application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost by contacting the Planner listed above. Copies of all documents may be purchased at a cost established by the County fee schedule.

Appeal Rights: This decision will not become final or effective until the period for filing an appeal with the County has expired without the filing of an appeal. Any person who is adversely affected or aggrieved or who is entitled to written notice of the decision pursuant to Subsection 1307.09(C) of the Clackamas County Zoning and Development Ordinance may appeal this decision to the Clackamas County Land Use Hearings Officer by filing a written appeal. An appeal must include a completed Appeal Form available at www.clackamas.us/planning/supplemental.html and a \$250.00 filing fee and must be **received** by the Planning and Zoning Division by the appeal deadline identified above.

Appeals may be submitted in person during office hours (8:00 am to 4:00 pm Monday through Thursday, closed Friday and holidays). Appeals may also be submitted by email or US mail.

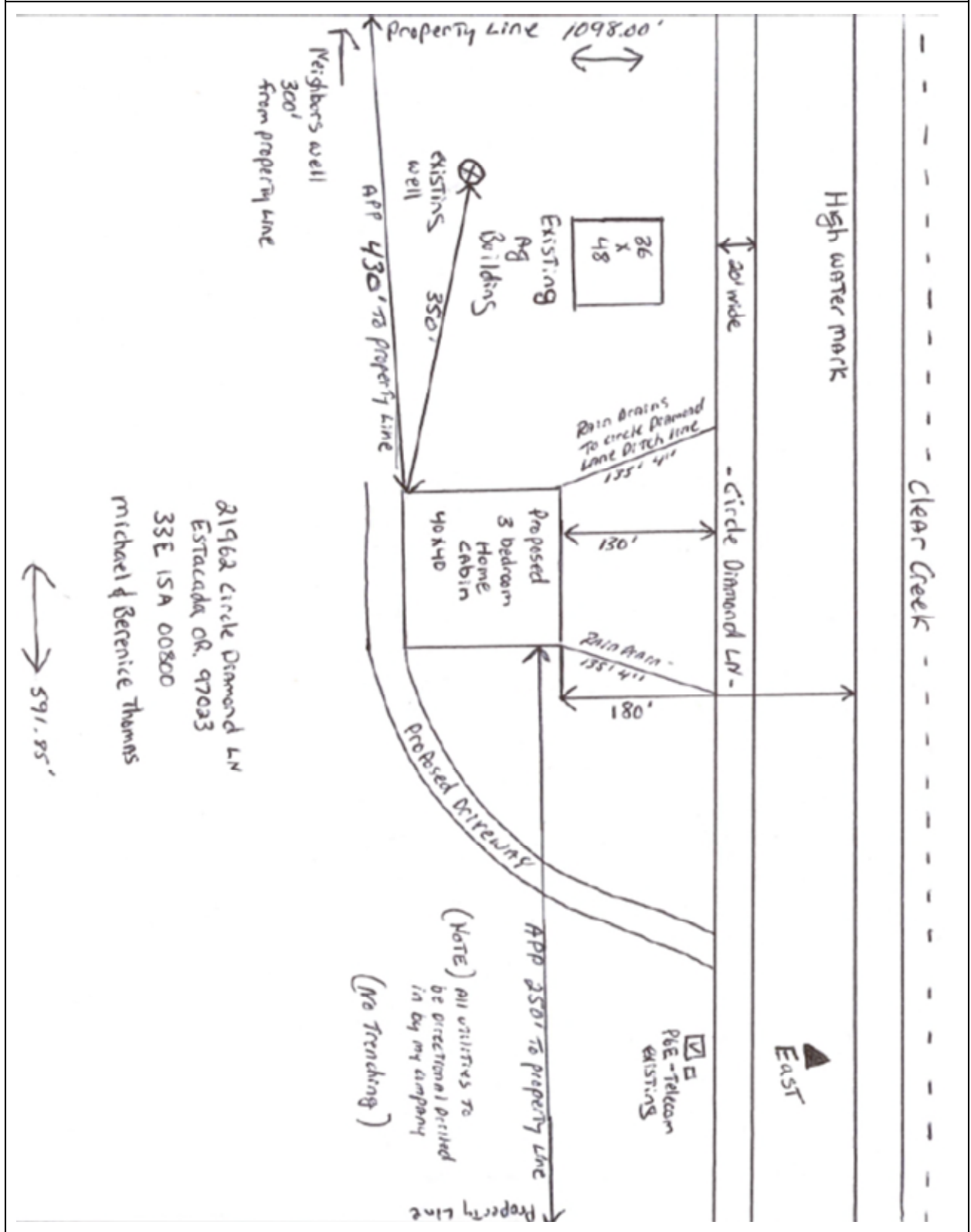
A person who is mailed written notice of this decision cannot appeal this decision directly to the Land Use Board of Appeals under ORS 197.830.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

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

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

Site Plan



CONDITIONS OF APPROVAL

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 6/17/2026. 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. The structure shall be constructed in accordance with the recommendations of the June 5, 2026 geologic engineering study.

APPLICABLE APPROVAL CRITERIA

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 202, 316, 1003, and 1307.

PUBLIC AND AGENCY COMMENTS

Notice was sent to applicable agencies and owners of property within 500 feet. Comments received relating to the applicable approval criteria listed above are addressed in the Findings Section. Comments from the following were received:

No comments were received.

FINDINGS

The findings below identify the standards and criteria that are relevant to this decision, state the facts relied upon in rendering the decision, and explain the justification for the decision.

1. **Background/Overview of Applicant's Proposal:**

The applicant is proposing a 40 x 40 cabin within a Mass Movement Hazard Area on a slope less than 20% grade. The applicant is also requesting approval for a septic system for the cabin.

2. **ZDO Section 202, Definitions**

Section 202 defines a lot of record as:

1. *A lot or parcel created by a subdivision or partition plat, as defined in ORS chapter 92, filed with the Clackamas County Surveyor and recorded with the Clackamas County Clerk;*
2. *A unit of land created by a recorded deed or recorded land sales contract and in compliance with all applicable planning, zoning, and subdivision or partition ordinances and regulations, if any, in effect on the date the deed or land sales contract was signed by the parties to the deed or contract; or*
3. *A unit of land created solely to establish a separate tax account or for mortgage purposes; that did not conform to all planning, zoning, or subdivision or partition ordinances or regulations in effect on the date it was created; and that was sold prior to September 5, 2023, under the foreclosure provisions of ORS chapter 88.*

Finding: The subject parcel is Lot 5 of the Brent Wood Park subdivision, recorded on September 11, 2000. The lot was created by a subdivisions and recorded with the County Clerk, which makes it a Lot of Record under the first provision. **This criterion is met.**

3. **ZDO Section 316, Farm Forest 10-acre (FF-10)**

316.03 *USES PERMITTED*

Uses permitted in each rural residential and future urban residential zoning district are listed in Table 316-1, Permitted Uses in the Rural Residential and Future Urban Residential Zoning Districts. Uses not listed are prohibited.

Finding: Single family dwellings are an allowed primary use for each Lot of Record in the FF-10 Zoning District. As established above, the subject parcel is a Lot of Record. The proposed development is listed as an allowed primary use in the Zoning District. **This criterion is met.**

316.04 *DIMENSIONAL STANDARDS*

General: Dimensional standards applicable in the rural and future urban residential zoning districts are listed in Table 316-2, Dimensional Standards in the Rural Residential and Future Urban Residential Zoning Districts. As used in Table 316-2, numbers in superscript correspond to the notes that follow the table.

Finding: The submitted site plan demonstrates compliance with the FF-10 Dimensional Standards and will be verified again at time of building permit review. **This criterion is met.**

4. **ZDO Section 1003, Hazards to Safety**

1003.02 *STANDARDS AND CRITERIA FOR MASS MOVEMENT HAZARD AREA DEVELOPMENT*

- A. *No development or grading shall be allowed in areas of land movement, slump or earth flow, or mud or debris flow, unless approved in a Type II application pursuant to Section 1307, Procedures. Unless the criteria for*

such development as listed in Subsection 1003.02(B) are satisfied in the review of another approved Type II application pursuant to Section 1307, a mass movement hazard area development permit is required for development in areas of land movement, slump or earth flow, or mud or debris flow.

Finding: The applicant has submitted the required Type II land use application for development on land within a mass movement hazard area identified on the DOGAMI Bulletin 99 map.

This criterion is met.

B. Approval Criteria:

1. *An engineering geologic study shall be required for development proposed on slopes of twenty (20) percent or greater.*

Finding: The applicant is not proposing development on an area that exceed slopes of twenty percent or greater.

This criterion is met.

2. *An engineering geologic study shall be required, regardless of the slope of the site proposed for development, unless there is stabilization of the identified hazardous condition based on established and proven engineering techniques which ensure protection of public and private property. Appropriate conditions of approval of development approved under this subsection may be attached by the County.*

Finding: The applicant has provided an engineering geologic study dated June 5, 2026, from Strata Design.

This criterion is met.

3. *The engineering geologic study required by Subsections 1003.02(B)(1) and (2) shall establish that the site is stable for the proposed use and development. The study shall include the following:*
 - a. *Index map;*
 - b. *Project description, to include: Location; topography; drainage; vegetation; discussion of previous work; and discussion of field exploration methods;*
 - c. *Site geology, to include: Site geologic map; description of bedrock and surficial materials including artificial fill; location of any faults, folds, etc.; and structural data including bedding, jointing, and shear zones; and*
 - d. *Discussion and analysis of any slope stability problems.*
 - e. *Discussion of any offsite geologic conditions that may pose a potential hazard to the site or that may be affected by onsite development.*
 - f. *Suitability of site for purposed development from geologic*

standpoint.

- g. Specific recommendations for cut slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards.*
- h. If deemed necessary by the engineering geologist to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include: cross sections showing subsurface structure; graphic logs of subsurface explorations; results of laboratory test; and references.*
- i. Signature and certification number of an engineer or engineering geologist registered in the State of Oregon.*
- j. Additional information analyses as necessary to evaluate the site.*

Finding: The submitted engineering geologic analysis includes all required information and items above. Importantly, the study identifies that there is low risk of landslide impacts during the anticipated lifetime of existing structures, and that the cabin does not significantly affect the stability of the slope or increase the risk of the mass movement hazards mapped at the site. The study recommends structural fill in areas to be graded, which should be performed during favorable weather conditions. The final grading should promote positive drainage away from the proposed cabin and adjacent slope, a minimum slope of 2% is recommended. Grading should be constructed in a way that minimized impacts to steeper slopes on the property.

This criterion is met.

- C. Vegetative cover shall be maintained or established for stability and erosion control purposes.*

Finding: The geotechnical report states that only minor striping and clearing would be necessary within the proposed cabin footprint. The soil immediately under the vegetation is loose, unstable, and soft. It should be compacted under the development to preserve slope stability. Vegetation removal outside of the building footprint and immediate vicinity should be avoided.

As conditioned, this criterion is met.

- D. Diversion of stormwater into these areas shall be prohibited.*

Finding: As shown on the submitted plans, stormwater drains east from the cabin site. The mapped mass movement hazard is located to the west of the cabin. The applicant is not proposing to divert stormwater into the mass movement hazard area.

This criterion is met.

- E. The principal source of information for determining mass movement hazards is the State Department of Geology and Mineral Industries*

(DOGAMI) Bulletin 99 and accompanying maps. Approved site-specific engineering geologic studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the mass movement hazards data base.

Finding: The mass movement hazard on site was identified using the State Department of Geology and Mineral Industries Bulletin 99 map and the submitted site-specific engineering geologic study identified the extent and severity of the hazardous conditions on the site.

This criterion is met.