

NOTICE OF DECISION

Case File: T2-2021-14323

Permit: Administrative Decision of the Planning Director
Significant Environmental Concern for Streams (SEC)

Applicants: Brad Troutner, Springdale Gardens, LLC **Owners:** Springdale Gardens, LLC

Location: 127 NE Lucas Road, Troutdale **Map, Tax lot:** 1N4E32D -01300
Tax Account #: R944320110 **Property ID #:** R322488

Base Zone: Exclusive Farm Use (EFU)

Overlays: Significant Environmental Concern for Streams (SEC-s)

Proposal Summary: The applicant requests an Administrative Decision by the Planning Director to confirm the presence of a “Farm Use” as defined in ORS 215.203 on the subject property in order to allow agricultural buildings on the property and a Significant Environmental Concern for Streams (SEC-s) permit to authorize the establishment of a private driveway.

Decision: **Approved with Conditions**

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Monday, October 18, 2021 at 4:00 pm.

Opportunity to Review the Record: The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review by contacting Rithy Khut, Staff Planner at 503-988-0176 or at rithy.khut@multco.us. Copies of all documents are available at the rate of \$0.40/per page.

Opportunity to Appeal: An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

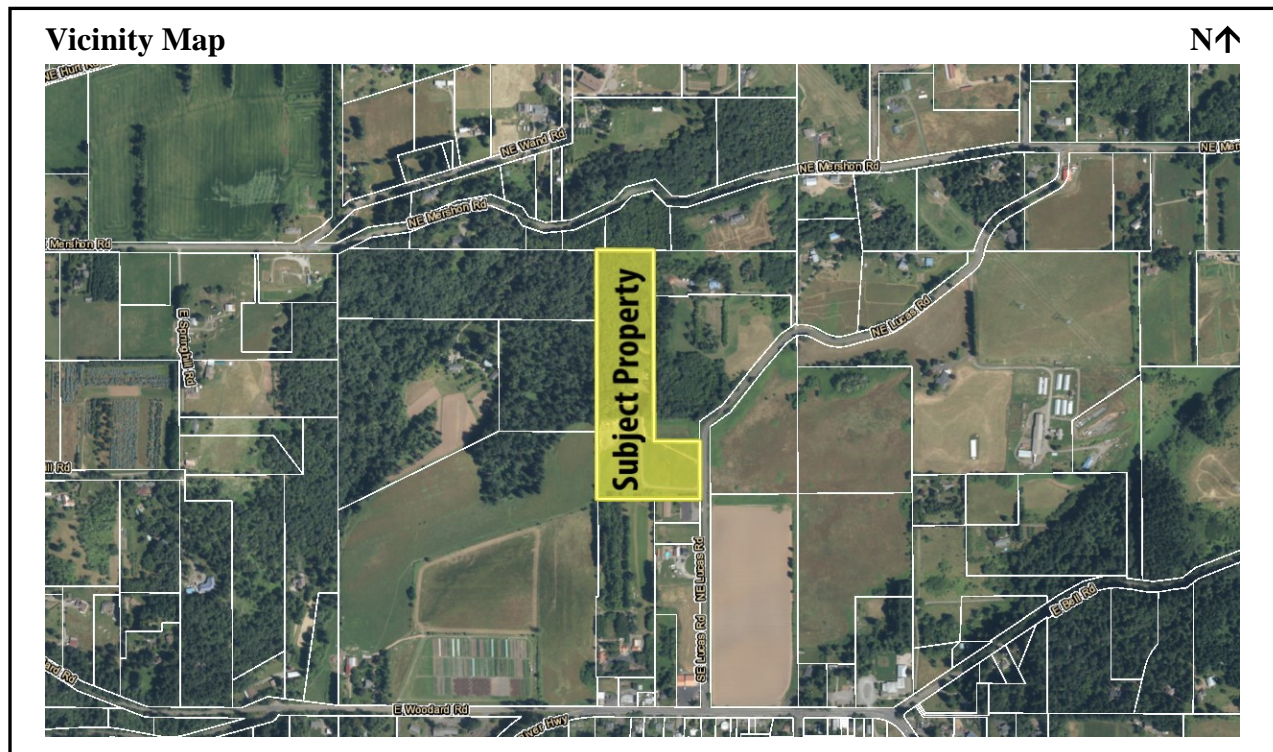
Issued by:

By: _____
Rithy Khut, Planner

For: Carol Johnson, AICP
Planning Director

Date: Monday, October 4, 2021

Instrument Number for Recording
Purposes: #2019084721



Applicable Approval Criteria:

For this application to be approved, the proposal will need to meet applicable approval criteria below:

Multnomah County Code (MCC): General Regulations: MCC 39.1515 Code Compliance and Applications, MCC 39.2000 Definitions

Lot of Record: MCC 39.3005 Lot of Record – Generally, MCC 39.3070 Lot of Record – Exclusive Farm Use (EFU)

Exclusive Farm Use (EFU): MCC 39.4215 Uses, MCC 39.4220(A) Allowed Uses - Farm use, MCC 39.4245 Dimensional Requirements and Development Standards

Significant Environmental Concern: MCC 39.5510 Uses; SEC Permit Required, MCC 39.5580 Nuisance Plant List, MCC 39.5750 Criteria for Approval of SEC-s Permit – Streams

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link: **Chapter 39 - Zoning Code**

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 parenthesis. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.

1. Permit Expiration – This land use permit shall expire as follows:
 - a. Shall expire two (2) years after the date of the final decision, unless the Mitigation Plan is established according to all specifications and conditions of approval in the land use approval. [MCC 39.1185(A)]
 - i. For the purposes of 1.a, expiration of an approval means that a new application is required to verify a Farm Use exists on the property and authorize the associated development tied to the Farm Use.
 - ii. For purposes of Condition 1.a, two (2) days prior to starting the project, notification of commencement of planting for the Mitigation Plan will be given to Multnomah County Land Use Planning Division by e-mail to Staff Planner, Rithy Khut at rithy.khut@multco.us. Work may commence once notice is completed.

Note: The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 39.1195, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.

2. Prior to land use sign-off for zoning review the property owner(s) or their representative shall:
 - a. Record pages 1 through 7 and Exhibit A.22 of this Notice of Decision with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and shall be filed with the Land Use Planning Division. Recording shall be at the applicant's expense. [MCC 39.1175]
3. Prior to starting the project as described in 1.a, property owner(s) or their representative shall:
 - a. Obtain an Erosion and Sediment Control Permit [MCC 39.5750(E)(5)]
 - b. Submit and obtain Zoning Approval to register the three buildings as "agricultural buildings." The buildings include the "Barn", "Well House", and "Hoop House" [MCC 39.4220(B)]
4. The applicant(s), property owner(s), or their representative shall comply with the following limitations on the development project:
 - a. Soil-disturbing activities (i.e., trenching, excavating, filling, or combination thereof) within the Stream Conservation Area shall be limited to the period between June 15 and September 15. Revegetation/soil stabilization must be accomplished no later than October 15 of the year ground disturbance occurs. [MCC 39.5750(E)(6)]

- b. The 21 native trees (Douglas-fir and western redcedar) to be planted south of the constructed driveway shall be planted between June 15, 2022 and September 15, 2022. All disturbed ground shall be revegetated by October 15, 2022. [MCC 39.5750(E)(6)]
5. Prior to and during implementation of the Mitigation Plan, the property owner(s) or their representative shall ensure that:
 - a. The Mitigation Plan within Exhibit A.22 is implemented. The Mitigation Plan outlines the minimum restoration requirements, which includes 2,880 square feet of mitigation work. The mitigation includes the planting of 21 native trees (Douglas-fir and western redcedar). The trees shall be at least one-half inch in caliper, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round). The trees shall be planted between 8 and 12 feet on center. [MCC 39.5750(D)(1)]
 - i. The applicant shall send an email to Rithy once the mitigation work and plantings are complete. The email shall be sent to e-mail to Staff Planner, Rithy Khut at rithy.khut@multco.us.
6. At the completion of the implementation of the Mitigation Plan, the applicant(s), property owner(s), or their representatives shall:
 - a. Monitor the Mitigation Area as described in Exhibit A.22 to determine whether each type of tree planted continues to live, thrive, and grow. The monitoring shall be for a minimum period of five (5) growing seasons after completion of all the initial plantings. Annual monitoring reports are required. [MCC 39.1170 and MCC 39.5750(D)(1)(d)]
 - i. For any replanted area that falls below the 80% threshold, the property owner shall be replant the area during the next planting season. [MCC 39.1170 and MCC 39.5750(D)(1)(d)]
 - ii. Annual Monitoring Report Due Date: Annual monitoring reports are due by November 30th of each year and shall be sent to LUP-submittal@multco.us and shall include the subject line as: "T2-2021-14323". [MCC 39.1170 and MCC 39.5750(D)(1)(d)]
 1. Extension of the Monitoring Period: The monitoring period may be extended, at the discretion of Land Use Planning for failure to provide monitoring reports, failure of the site to meet performance standards for two consecutive years (without irrigation or replanting), or when needed to evaluate replanting or other corrective or remedial actions. [MCC 39.1170 and MCC 39.5750(D)(1)(d)]
 2. Release of Monitoring Obligation: Monitoring is required until Land Use Planning has officially released the site from further monitoring. [MCC 39.1170 and MCC 39.5750(D)(1)(d)]
 3. Failure to Submit Monitoring Reports: Failure to submit the required monitoring report by the due date may result in an extension of the monitoring period, forfeiture of the financial security and/or enforcement action. [MCC 39.1170 and MCC 39.5750(D)(1)(d)]

iii. The annual monitoring report shall include the following information:

1. The permit number, monitoring date, report year, and a determination or whether the site is meeting performance standard of Condition No. 6.a.iii.3 through No. 6.a.iii.5 below.
2. Current photographs of the Mitigation Area taken within the last 30 day prior to the report date.
3. A brief narrative that describes maintenance activities and recommendations to meet performance standard. This includes when irrigation occurred and when the above ground portion of the irrigation system was or will be removed from the site.
4. The number and location of any Mitigation Plantings that have been replaced or need to be replaced each year due to death or disease and planting date for their replacements.
5. Any other information necessary or required to document compliance with the performance standard listed in Condition No. 5. [MCC 39.1170 and MCC 39.5750(D)(1)(d)]

7. As an on-going condition, the property owner shall:

- a. Ensure that nuisance plants in MCC 39.5580 Table 1 below, any plants listed in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, and any plants listed in the latest edition of the State of Oregon Noxious Weed List not be planted or allowed to grow freely. None of these plants shall be used as landscape plantings on the subject property. All nuisance plants shall be kept removed from developed areas of the property. [MCC 39.5750(A)(1), 39.5750(F)(1), and MCC 39.5750(F)(2)]

Table 1 - Nuisance Plant List:

Common Name	Scientific Name
Lesser celandine	<i>Chelidonium majus</i>
Canada Thistle	<i>Cirsium arvense</i>
Common Thistle	<i>Cirsium vulgare</i>
Western Clematis	<i>Clematis ligusticifolia</i>
Traveler' s Joy	<i>Clematis vitalba</i>
Poison hemlock	<i>Conium maculatum</i>
Field Morning-glory	<i>Convolvulus arvensis</i>
Night-blooming Morning-glory	<i>Convolvulus nyctagineus</i>
Lady's nightcap	<i>Convolvulus sepium</i>
Pampas grass	<i>Cortaderia selloana</i>
Hawthorn, except native species	<i>Crataegus sp. except C. douglasii</i>
Scotch broom	<i>Cytisus scoparius</i>
Queen Anne's Lace	<i>Daucus carota</i>
South American Waterweed	<i>Elodea densa</i>
Common Horsetail	<i>Equisetum arvense</i>
Giant Horsetail	<i>Equisetum telmateia</i>
Cranesbill	<i>Erodium cicutarium</i>
Roberts Geranium, Herb Robert	<i>Geranium robertianum</i>

Common Name	Scientific Name
English Ivy	<i>Hedera helix</i>
St. John's Wort	<i>Hypericum perforatum</i>
English Holly	<i>Ilex aquafolium</i>
Golden Chain Tree	<i>Laburnum watereri</i>
Duckweed, Water Lentil	<i>Lemna minor</i>
Fall Dandelion	<i>Leontodon autumnalis</i>
Purple Loosestrife	<i>Lythrum salicaria</i>
Eurasian Watermilfoil	<i>Myriophyllum spicatum</i>
Reed Canary grass	<i>Phalaris arundinacea</i>
Annual Bluegrass	<i>Poa annua</i>
Swamp Smartweed	<i>Polygonum coccineum</i>
Climbing Bindweed, Wild buckwheat	<i>Polygonum convolvulus</i>
Giant Knotweed	<i>Polygonum sachalinense</i>
English, Portuguese Laurel	<i>Prunus laurocerasus</i>
Poison Oak	<i>Rhus diversiloba</i>
Himalayan Blackberry	<i>Rubus discolor</i>
Evergreen Blackberry	<i>Rubus laciniatus</i>
Tansy Ragwort	<i>Senecio jacobaea</i>
Blue Bindweed	<i>Solanum dulcamara</i>
Garden Nightshade	<i>Solanum nigrum</i>
Hairy Nightshade	<i>Solanum sarrachoides</i>
Common Dandelion	<i>Taraxacum officinale</i>
Common Bladderwort	<i>Utricularia vulgaris</i>
Stinging Nettle	<i>Urtica dioica</i>
Periwinkle (large leaf)	<i>Vinca major</i>
Periwinkle (small leaf)	<i>Vinca minor</i>
Spiny Cocklebur	<i>Xanthium spinosum</i>
Bamboo sp.	<i>various genera</i>

- b. Be prohibited from the storage of hazardous materials outside as determined by DEQ within the Stream Conservation Area [MCC 39.5750(F)(3)].
8. Prior to the installation of any exterior lighting, the property owner shall contact Land Use Planning and submit a Lighting Plan demonstrating that the lights will comply with MCC 39.6850. Any exterior lighting associated with a proposed development shall be placed and either shaded or screened to avoid shining directly into a Stream Conservation Area [MCC 39.5750(E)(3)].

Note: Once this decision is final, application for Zoning Review may be made with Staff Planner, Rithy Khut. When ready for Zoning Review to be signed off by Land Use Planning, the applicant shall complete the following steps:

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, "Prior to land use sign-off for zoning review..." Be ready to demonstrate compliance with the conditions.
2. Contact Right-of-Way Permits at row.permits@multco.us to review your plans, obtain your access permit, and satisfy any other requirements. You may schedule an appointment at

<https://multco.us/transportation-planning/webform/right-way-appointment-request/> or leave a message at 503-988-3582. Failure to make an appointment with County Right-of-Way will result in delaying your building plan review and obtaining building permits.

3. Contact Rithy Khut, Planner, at 503-988-0176 or rithy.khut@multco.us, **for an appointment** for review of the conditions of approval and to sign the plans. Please ensure that any items required under, “Prior to starting the project as described...” are ready for land use planning review.

Please follow the directions on the County’s Agricultural “Farm” Building Application form and provide the required information. The completed forms and materials shall be sent to LUP-submittals@multco.us and identify Rithy Khut as the case planner. At the time of Zoning Review, Land Use Planning may collect additional fees, including an erosion control inspection fee, if applicable.

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.0 Project Description:

Staff: The applicant requests an Administrative Decision by the Planning Director confirming the presence of a “Farm Use” as defined in ORS 215.203 on the subject property and a Significant Environmental Concern for Streams (SEC-s) permit to authorize the establishment of a private driveway.

2.0 Property Description & History:

Staff: This application is for 1N4E32D -01300, otherwise known as 127 NE Lucas Road, Troutdale. The subject property is located on the west side of NE Lucas Road in unincorporated east Multnomah County in the area known as the East of Sandy River Rural Area. The subject property is zoned Exclusive Farm Use (EFU) and is located inside of Metro’s jurisdictional boundary. The subject property is approximately 12.79 acres in size and contains both forested and farmed areas. There is an environmental overlay, Significant Environmental Concern for Streams (SEC-s) covering the eastern portion of the subject property.

The subject property is being assessed for farm-use special assessment and forestland special assessment. Aerial photo review from 2020 shows the presence of one building and multiple structures on the subject property (Exhibit A.7). It appears that the building is a greenhouse and the structures are raised beds.

3.0 Public Comment:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties per MCC 39.1105 as Exhibited in Exhibit C.5. Staff did not receive any public comments during the 14-day comment period.

4.0 Code Compliance and Applications Criteria:

4.1 § 39.1515 CODE COMPLIANCE AND APPLICATIONS.

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit for any property that is not in full compliance with all applicable provisions of the Multnomah County Zoning Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Zoning Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**
- (2) It is necessary to protect public safety; or**

(3) It is for work related to and within a valid easement over, on or under an affected property.

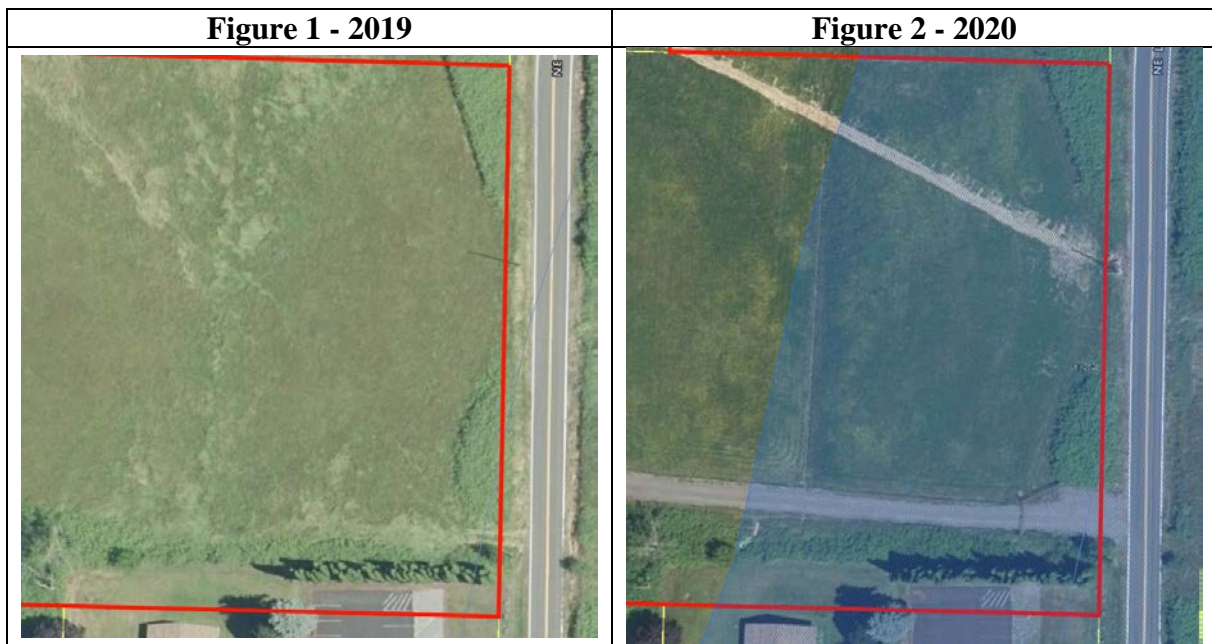
(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

This standard was originally codified in the Zoning Code chapter related to land use application procedures and, by its terms, expressly applies to the application review process. Although now codified in the enforcement Part of the Zoning Code as a result of the more recent code consolidation project, the language and intent was not changed during that project and remains applicable to the application review process and not to the post-permit-approval enforcement process.

Importantly, a finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance. As such, an applicant has no initial burden to establish that all elements of the subject property are in full compliance with the Zoning Code and all previously approved permits; instead, in the event of evidence indicating or establishing one or more specific instances of noncompliance on the subject property, the applicant bears the burden to either rebut that evidence or demonstrate satisfaction of one of the exceptions in MCC 39.1515.

Staff identified development that occurred without review from the County. On June 27, 2019, staff described the permit requirements for the creation of a private driveway and access from NE Lucas Road (Exhibit B.4). As shown in aerial photo review below, some point after the pre-file conference meeting the applicant developed a private driveway, access and additional extensive ground-disturbing activities within the Significant Environmental Concern for Streams (SEC-s) overlay. As discussed in the pre-file meeting conference notes, MCC 39.5515(B) requires that a permit be obtained for all development activities within the SEC-s overlay that occurs within the jurisdictional boundary of Metro.



The applicant responded through the submittal of an application for an Administrative Decision by the Planning Director and a Significant Environmental Concern for Streams (SEC-s) permit to review the development activities that occurred on the property since the pre-file conference meeting. This application seeks to resolve the code compliance issues related to the ground disturbance in the SEC-s overlay. If the applicant fulfills the requirements of the decision, which will require the obtaining an Erosion and Sediment Control permit, it will result in the property coming into compliance. *As conditioned, this criterion is met.*

5.0 Lot of Record Criteria:

5.1 § 39.3005- LOT OF RECORD – GENERALLY.

(A) An area of land is a “Lot of Record” if it meets the standards in Subsection (B) of this Section and meets the standards set forth in this Part for the Zoning District in which the area of land is located.

(B) A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, either satisfied all applicable zoning laws and satisfied all applicable land division laws, or complies with the criteria for the creation of new lots or parcels described in MCC 39.9700. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or
2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or

3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or
4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and
5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

Staff: The subject property was previously found to be a Lot of Record in land use case, T2-2019-12037 (Exhibit A.11). As the subject property has not been subject to a subsequent boundary reconfiguration since those findings were written, the subject property continues to satisfy all applicable zoning and land division laws. *These criteria are met.*

(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an “acknowledged unincorporated community” boundary which intersects a Lot of Record.

1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.

2. An “acknowledged unincorporated community boundary” is one that has been established pursuant to OAR Chapter 660, Division 22.

Staff: The property subject to this land use application is not congruent with an “acknowledged unincorporated community” boundary, which intersects a Lot of Record. The subject property is entirely located in an area zoned EFU. *This criterion is not applicable.*

5.2 § 39.3070 LOT OF RECORD – EXCLUSIVE FARM USE (EFU).

(A) In addition to the standards in MCC 39.3005, for the purposes of the EFU district a Lot of Record is either:

(1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or

(2) A group of contiguous parcels or lots:

(a) Which were held under the same ownership on February 20, 1990; and

(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.

2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or

lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.

3. Three examples of how parcels and lots shall be aggregated are shown in Figure 1 below with the solid thick line outlining individual Lots of Record:

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g., MUA-20, RR, RC, SRC, BRC, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

(4) Exception to the standards of (A)(2) above:

(a) Where approval for a “Lot of Exception” or a parcel smaller than 19 acres under the “Lot size for Conditional Uses” provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the same ownership on February 20, 1990.

Staff: The subject property was previously found to be a Lot of Record in land use case, T2-2019-12037 (Exhibit A.11). As the subject property has been conveyed in its entirety from the previous owners, CDC Properties II LLC to the current owners, Springdale Gardens LLC in its entirety, the subject property remains in the same ownership and are aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line. *These criteria are met.*

(B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, F-2 zone applied;
- (2) December 9, 1975, RL-C zone applied, F-2 minimum lot size increased, Ord. 115 & 116;
- (3) October 6, 1977, MUA-20 and EFU-38 zones applied, Ord. 148 & 149;
- (4) August 14, 1980, zone change from MUA-20 to EFU-38 for some properties, zone change from EFU-38 to EFU-76 for some properties. Ord. 236 & 238;
- (5) February 20, 1990, lot of record definition amended, Ord. 643;
- (6) April 5, 1997, EFU zone repealed and replaced with language in compliance with 1993 Oregon Revised Statutes and 1994 Statewide Planning Goal 3 Oregon Administrative Rules for farmland, Ord. 876;
- (7) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997;

Staff: Criterion (B) does not affect the determination on this case, as the text is a list of significant dates and ordinances. *This criterion is not applicable.*

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 39.4260 may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

Staff: The Lot of Record is approximately 12.79 acres. The minimum lot size to create a new parcel in the EFU zone is 80 acres. The EFU zone has a required 50-foot Front Lot Line length for the creation of new parcels or lots. The front lot line of the subject property fronts onto a public right-of-way known as NE Lucas Road. The frontage length is approximately 448.5 feet (Exhibit B.2).

As the subject property is less than the minimum lot size for new parcels or lots, the Lot of Record is subject to subsection (C) above. As such, it may be occupied by any allowed, review, or conditional use when in compliance with the other requirements of the EFU district provided that it remains a Lot of Record. These requirements are discussed below in Section 6.0 *This criterion is met.*

(D) The following shall not be deemed a Lot of Record:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;**
- (2) An area of land created by the foreclosure of a security interest;**
- (3) A Mortgage Lot.**
- (4) An area of land created by court decree.**

Staff: As discussed above, the subject property is a Lot of Record. The Lot of Record is not an area of land described as a tax lot solely for assessment and taxation purposes. Further, the subject property is not an area of land created by foreclosure of a security interest, a Mortgage Lot, or an area of land created by court decree. *These criteria are met.*

6.0 Exclusive Farm Use Criteria:

6.1 § 39.4220 ALLOWED USES.

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

(A) Farm use, as defined in ORS 215.203.

Staff: The applicant is requesting a discretionary decision that a Farm Use is occurring on the subject property. As outlined in the Approval Process Table contained in MCC 39.1105, “All Other Discretionary Decisions” are processed as an Administrative Decision by the Planning Director.

Farm use is defined in ORS 215.203: A farm use is:

ORS 215.203(2)(a) Farm Use - Means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. “Farm use” includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. “Farm use” also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or

training equines including but not limited to providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. “Farm use” includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. “Farm use” does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees or land described in ORS 321.267 (3) or 321.824 (3).

To demonstrate that a farm use is occurring on the subject property, the applicant is required to show that the land meets the definition above. The applicant has provided a narrative with photos showing the farming equipment being used on the subject property (Exhibit A.5 and A.23). The applicant also provided additional documentation and permits to show that the current employment of land for primary purpose of obtaining a profit in money is through the raising, harvesting, and selling crops is occurring on the subject property. The applicant has included various invoices, tax information, receipts, etc. documenting that there is a commercial farm operating at the property (Exhibit A.19 and A.20). Farming activities include growing clover seed, hay, hemp starts, and honeybees.

Lastly, as further defined in ORS 215.203, “current employment” of land for farm use includes:

215.203(2)(b)(A) Farmland, the operation or use of which is subject to any farm-related government program

The applicant has provided a copy of the Hemp Growers License issued by the Oregon Department of Agriculture from 2016 through 2020 (Exhibit A.21). As the growing of hemp is subject to Oregon Department of Agriculture requirements, it is a farm-related government program. *This criterion is met.*

(B) Buildings other than dwellings customarily provided in conjunction with farm use.

Staff: The applicant has provided a site plan that shows various buildings on the subject property that are being used in conjunction with a farm use. The buildings are labeled as a “pump house”, “barn”, and “hoop house” (Exhibit A.9). As discussed previously, a farm use is occurring on the subject property. The pump house and hoop house are existing on the property and the barn is proposed. The hoop house is being used to grow seedlings and the pump house is for the well. The proposed barn will be used to store the farm equipment (tractor, dozer, sprayer, etc.) that was shown in the applicant narrative (Exhibit A.5 and A.23). Further, as defined in MCC 39.2000, the buildings meet the definition of “Agricultural Building”. To ensure that the buildings are properly permitted, a condition will be required that the buildings be registered. *As conditioned, this criterion is met.*

6.2 § 39.4245 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

* * *

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road.

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.

Staff: The yard dimensions are required to ensure that there is sufficient open space between buildings and property lines to provide space, light, air circulation, and safety from fire hazards. Additionally, as required under criterion (D), minimum yard dimensions are required to be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The right-of-way adjacent to the subject property is NE Lucas Road, a rural local road. A rural local road is required to be 50 feet. As indicated in DART assessment maps, right-of-way along NE Lucas Road is 60 feet wide (Exhibit B.2). The right-of-way along is sufficient to serve the area.

As required by the Table in MCC 39.4245(C), the minimum yard dimensions need to be met by all buildings and structures on the subject property. The applicant has provided a site plan showing the location of all the existing buildings and structures on the property (Exhibit A.9). The Figure below indicates the front, side, and rear lot lines.

Figure #3 – Front, Side, and Lot Lines



The yard requirements and distance from lot lines are shown in the table below:

Table 1: Distance of the Agricultural Buildings from Property Lines

Lot Line	Yard Requirement	Distance of building to Property Line	Encroachment
Agricultural Building (“Barn”)			
Front (adjacent to NE Lucas Rd.)	30’	± 411’	0’
Side #1	10’	± 582’	0’
Rear (line opposite of NE Lucas Rd.)	30’	±311’	0’
Side #2	10’	± 783’	0’
Side #3	10’	30’	0’

Lot Line	Yard Requirement	Distance of building to Property Line	Encroachment
Side #4	10'	± 231'	0'
Agricultural Building ("Hoop House")			
Front (adjacent to NE Lucas Rd.)	30'	± 477'	0'
Side #1	10'	± 684'	0'
Rear (line opposite of NE Lucas Rd.)	30'	± 320'	0'
Side #2	10'	± 734'	0'
Side #3	10'	± 36'	0'
Side #4	10'	± 332'	0'
Agricultural Building ("Well House")			
Front (adjacent to NE Lucas Rd.)	30'	± 359'	0'
Side #1	10'	± 463'	0'
Rear (line opposite of NE Lucas Rd.)	30'	± 343'	0'
Side #2	10'	± 970'	0'
Side #3	10'	± 30'	0'
Side #4	10'	± 113'	0'
Exhibit A.9			

All of the buildings meet the minimum yard requirements.

The applicant has also provided building elevations for each of the buildings. As defined in MCC 39.2000, the building height is:

Building Height - The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.

Using the definition above, the "Barn" has a pitched roof is approximately 22.5 feet and the "well house" has a pitched roof that is approximately 8.5 feet (Exhibit A.25 and A.27). The "hoop house" has a curved roof that is undefined, however using the average height of the highest gable results in a building that is 3.75 feet (Exhibit A.26).

All of the buildings are below the maximum height requirements.

Lastly, the front lot length is 448.5 feet, which exceeds the minimum front lot line length requirement of 50 feet. *These criteria are met.*

(E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.

Staff: As discussed above, all of the structures meet the minimum yard and are below the maximum height requirements; therefore, this criterion is not applicable. *This criterion is not applicable.*

(F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, shall be provided on the Lot of Record.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

Staff: The applicant has provided a Storm Water Drainage Certificate and a Landowner's Water Well Permit. No Septic Review Certification was provided, as the subject property does not have a bathroom or other plumbing fixtures that requires an on-site sewage disposal system.

The Storm Water Drainage Certificate was reviewed and signed by Kelli Grover, Registered Professional Engineer on November 12, 2019 (Exhibit A.14). The Certificate and calculations indicated that the construction of an on-site storm water drainage system would not be required. The rate of runoff from a 10 year/24 hour storm event will daylight into an open field to the south of the proposed development and use natural infiltration.

Lastly, the applicant supplied a Landowner's Water Well Permit. A well was granted from the Oregon Department of Water Resources on August 20, 2020. (Exhibit A.18). *These criteria are met.*

(G) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

(1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the rear property line of the adjacent tract, or

(2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the side property line of the adjacent tract.

(3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

Staff: As discussed above, all of the structures meet the minimum yard. The applicant is not requesting to reduce the minimum rear yard. Additionally, none of the buildings exceeds the maximum height requirements; therefore, this criterion is not applicable. *This criterion is not applicable.*

(H) All exterior lighting shall comply with MCC 39.6850.

Staff: As required above, compliance with MCC 39.6850 is required. MCC 39.6850 states:

§ 39.6850 DARK SKY LIGHTING STANDARDS.

(C) The following standards apply to all new exterior lighting supporting a new, modified, altered, expanded, or replaced use approved through a development permit and to all existing exterior lighting on property that is the subject of a development permit approval for enlargement of a building by more than 400 square feet of ground coverage.

(1) The light source (bulbs, lamps, etc.) must be fully shielded with opaque materials and directed downwards. “Fully shielded” means no light is emitted above the horizontal plane located at the lowest point of the fixture’s shielding. Shielding must be permanently attached.

(2) The lighting must be contained within the boundaries of the Lot of Record on which it is located. To satisfy this standard, shielding in addition to the shielding required in paragraph (C)(1) of this section may be required.

The applicant has not indicated that exterior lighting will be required for the proposed buildings. However, to ensure that if exterior lighting is used or installed, a condition of approval will be required that exterior lighting on the agricultural buildings be directed downwards and contained within the boundaries of the Lot of Record on which it is located. As *conditioned, this criterion is met.*

7.0 Significant Environmental Concern (SEC) Criteria:

7.1 § 39.5510 USES; SEC PERMIT REQUIRED.

(A) All uses allowed in the base zone are allowed in the SEC when found to satisfy the applicable approval criteria given in such zone and, except as provided in MCC 39.5515, subject to approval of an SEC permit pursuant to this Subpart.

Staff: The applicant is requesting a permit to authorize the construction of a new private driveway and other development activities that included the trenching of a power line on the subject property. The private driveway and the development activities are accessory to the “farm use” are allowed uses in the underlying zoning district, if they meet certain requirements of Multnomah County Code. As the private driveway and other development activities were constructed within the Significant Environmental Concern for Streams (SEC-s) overlay, they are subject to the SEC permit requirements. They have met the approval criteria as described in this decision; however, a few criteria will require additional action by the applicant using Conditions of Approval to demonstrate compliance with all of the applicable approval criteria.

(B) Any excavation or any removal of materials of archaeological, historical, prehistorical or anthropological nature shall be conducted under the conditions of an SEC permit, regardless of the zoning designation of the site.

Staff: There have been no indications of known areas where materials of an archaeological nature, a historical nature, a prehistorical nature, or an anthropological nature on the subject property. *This criterion is met.*

7.2 § 39.5750- CRITERIA FOR APPROVAL OF SEC-S PERMIT –STREAMS.

* * *

7.2.1 (B) Except for the exempt uses listed in MCC 39.5515, no development shall be allowed within a Stream Conservation Area unless approved by the Approval Authority pursuant to the provisions of MCC 39.5750 (C) through (F).

Staff: The applicant is requesting a permit to authorize the construction of a new private driveway and other development activities on the subject property. The subject property is located within Metro's 2009 jurisdictional boundary and the construction of the private driveway and other development associated with farm practices is therefore subject to the SEC's permit requirements, which are discussed below.

7.2.2 (C) In addition to other SEC Permit submittal requirements, any application to develop in a Stream Conservation Area shall also include:

- (1) A site plan drawn to scale showing the Stream Conservation Area boundary, the location of all existing and proposed structures, roads, watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval equivalent to the best available U.S. Geological Survey 7.5' or 15' topographic information;**
- (2) A detailed description and map of the Stream Conservation Area including that portion to be affected by the proposed activity. This documentation must also include a map of the entire Stream Conservation Area, an assessment of the Stream Conservation Area's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;**
- (3) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;**
- (4) A study of any flood hazard, erosion hazard, and/or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards as required by subsection (E) (5) below;**
- (5) A detailed Mitigation Plan as described in subsection (D), if required; and**
- (6) A description of how the proposal meets the approval criteria listed in subsection (D) below.**

Staff: The applicant has included the required submittal requirements above.

- (1) The site plan is labeled as Exhibit A.8 and A.9
- (2) A detailed description and map are labeled as Exhibit A.5, A.8, A.9, A.16, A.17, and A.22.
- (3) A description and map of soil types are labeled as Exhibit A.16 and A.22.
- (4) A study of flood hazard, erosion hazard, and/or other natural hazards is labeled as Exhibit A.16 and A.22.
- (5) A Mitigation Plan is labeled as Exhibit A.16 and A.22.
- (6) A description of how the proposal meets the approval criteria listed in subsection (D) below is labeled as Exhibit A.16 and A.22.

These submittal requirements are met.

7.2.3 (D) For the protected stream resources, the applicant shall demonstrate that the proposal:
(1) Will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its pre-

development state, as documented in a Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:

- (a) A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by subsection (C) above;**
- (b) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;**
- (c) A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in subsection (D) (1) above;**

Staff: The applicant has provided a narrative, site plan, and a report that discusses how the proposal will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality, and visual amenities characteristic of the stream in its pre-development state. The Mitigation Plan was written by David Gorman, Registered Professional Engineer at Ecological Engineering, LLC (Exhibit A.16 and A.22). The Mitigation Plan includes a site plan and other written documentation that addresses the approval criteria above.

Based on available information, the applicant and consultant assessed the existing conditions, delineated water resources on the site, and provided mitigation strategies to offset the development impacts. The stream resource is a tributary of Springdale Creek that originates in a pasture area and then flows into a ditch on the east side of Lucas Road. The Protected Stream and Stream Conservation Area contains riparian non-forested areas. Much of the non-forested areas consist of Himalayan blackberry, equisetum, ornamental non-native trees, and a mixed grass hay field. The non-forested areas are on both sides of the right-of-way. There were no known flood hazards to exist in the Protected Stream or Stream Conservation Area.

As the existing conditions have been established, the applicant is proposing one mitigation strategy to offset the permanent impacts of the construction of a private driveway and additional development. The applicant constructed a 12-foot wide and approximately 273-foot long (3,276 square feet) driveway within the SEC-s overlay zone. Other development activities completed include the trenching of a power line. The trench was approximately 6 inches wide and approximately 150 feet in length (75 square feet).

In order to mitigate the impacts of the development activities, the applicant is proposing multiple measures. The Mitigation Report recommends 2,880 square feet of mitigation. The mitigation plan includes the removal of invasive species and the planting of two rows of native evergreen trees in the mitigation areas. The Report recommends 21 trees planted approximately 10 feet apart (Exhibit A.22, page 13). The trees will be a mixture of western redcedar (*Thuja plicata*) and Douglas-fir (*Pseudotsuga menziesii*). Additionally, as a best practice, the trees shall be at least one-half inch in caliper, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round). In consultation with the East Multnomah Soil and Water Conservation District (EMSWCD), EMSWCD stated that, "planting a riparian forest immediately as a mitigation area directly to the south of your driveway will provide stormwater and wildlife habitat benefits for your property...it will break up concentrated flow, allowing it to infiltrate within the mitigation area [and] provide wildlife habitat as well" (Exhibit A.22, page 15). As the private driveway is largely impervious, water that falls on the road typically will sheet flow towards the southern property line where the trees and grass are slated to be planted. The trees after they grow for a

period of time will slow the rate of rainfall allowing the soil to absorb more of the water before it leaves the property. The canopy of the grown trees will act to disperse rainfall over a wider area and contain erosion and pollution from leaving the property and continuing down towards the Springdale area.

The measures above demonstrate retention and enhancement of the resource values addressed in subsection (D)(1) above. *As conditioned, these criteria are met.*

(d) An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.

Staff: To ensure that the measures contained in the Mitigation Plan are carried out and the plantings thrive, a condition of approval will be required that an annual monitoring plan for a period of five years, which ensures an 80 percent annual survival rate, is required. *As conditioned, this criterion is met.*

7.2.4 (E) Design Specifications: The following design specifications shall be incorporated, as appropriate, into any developments within a Stream Conservation Area:

(1) A bridge or arched culvert which does not disturb the bed or banks of the stream and are of the minimum width necessary to allow passage of peak winter flows shall be utilized for any crossing of a protected streams.

Staff: The culvert under the driveway carries water that is not the protected stream. The applicant is not proposing a bridge or altering the existing culvert as part of this application. The proposed project does not cross the protected stream. *This criterion is met.*

(2) All storm water generated by a development shall be collected and disposed of on-site into dry wells or by other best management practice methods which emphasize groundwater recharge and reduce peak stream flows.

Staff: The applicant provided a Storm Water Drainage Certificate was reviewed and signed by Kelli Grover, Registered Professional Engineer on November 12, 2019 (Exhibit A.14) for the stormwater being generated by the impervious surfaces. The Certificate and calculations indicated that the construction of an on-site storm water drainage system would not be required. The rate of runoff from a 10 year/24 hour storm event for the proposed agricultural buildings and structures will daylight into an open field to the south of the proposed development and use natural infiltration.

The applicant has also provided a Mitigation Plan that discusses best management practice methods for managing storm water. As recommended by EMSWCD and supported by the David Gorman, Professional Engineer, the planting of trees, “will break up concentrated flow, allowing [storm water] to infiltrate within the mitigation area” generated by the sheet flow of water off the private driveway (Exhibit A.22). The planting of native trees are considered as a best management practice, as the trees encourage a natural infiltration process emphasizing groundwater recharge and reducing peak stream flows by dispersing and slowing the stormwater, so it can be filtered and infiltrate into the soil. *This criterion is met.*

(3) Any exterior lighting associated with a proposed development shall be placed, shaded or screened to avoid shining directly into a Stream Conservation Area.

Staff: The applicant is not proposing any exterior lighting at this time associated with a proposed development. A condition of approval has been included in case exterior lighting will be placed in the future. *As conditioned, this criterion is met.*

(4) Any trees over 6" in caliper that are removed as a result of any development shall be replaced by any combination of native species whose combined caliper is equivalent to that of the trees removed.

Staff: The applicant is not proposing to remove any trees over 6" in caliper; therefore, this criterion is not applicable. *This criterion is not applicable.*

(5) Satisfaction of the erosion control standards of MCC 39.5090.

Staff: The applicant has submitted an Erosion and Sediment Control (ESC) permit request. The application, T1-2021-14324, is being review concurrently to this application. To ensure that his criterion is met, a condition will be required that the ESC permit be issued demonstrating satisfaction with MCC 39.5090. *As conditioned, this criterion is met.*

(6) Soil disturbing activities within a Stream Conservation Area shall be limited to the period between June 15 and September 15. Revegetation/soil stabilization must be accomplished no later than October 15. Best Management Practices related to erosion control shall be required within a Stream Conservation Area.

Staff: The applicant constructed the private driveway and other soil disturbing activities without review from the County. As those soil disturbing activities have already occurred, but the planting of trees has not occurred, a condition will be required that the soil disturbing activities relating to the revegetation and mitigation within a Stream Conservation Area shall be limited to the period between June 15, 2022 and September 15, 2022. *As conditioned, this criterion is met.*

(7) Demonstration of compliance with all applicable state and federal permit requirements.

Staff: The applicant provided a letter from the Department of State Lands (DSL) concerning the closure of Enforcement File No. 8372-ENF. An additional follow-up report from DSL was provided discussing a site visit was conducted on March 22, 2021 (Exhibit A.22, B.5, and B.6). Based on those letters, the applicant demonstrated compliance with state permit requirements. County Staff is not aware of any additional state or federal permit requirements. *This criterion is met.*

7.2.5 (F) For those Stream Conservation Areas located within Metro's jurisdictional boundaries, the following requirements apply in addition to subsections (C) through (E) above:

Staff: The proposal is located within Metro's jurisdictional boundary; therefore, the following requirements are applicable as discussed below.

(1) The planting of any invasive non-native or noxious vegetation as listed in subsection (A)(4) above is prohibited. In addition, the species listed in MCC 39.5580 Table 1 shall not be planted.

Staff: Due to a scrivener's error subsection (A)(4) in MCC 39.5750 does not exist. In a previous iteration prior to the adoption of Chapter 39, Chapter 33 contained MCC 33.4575(A)(4). This previous code section was renumbered to MCC 39.5750(A)(1) and the above criterion was not renumbered to reflect the change. As required, the invasive non-native or noxious vegetation are those plants listed in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, and include those plants listed in the latest edition of the State of Oregon Noxious Weed List. The Mitigation Plan does not recommend the planting of any of those plants listed (Exhibit A.22). *This criterion is met.*

(2) The revegetation of disturbed areas shall primarily use native plants. A list of native plants can be found in the latest edition of the Metro Native Plant List.

Staff: As this proposal relate to the creation of a private driveway, the applicant is proposing mitigation areas adjacent to the private driveway using native plants. *This criterion is met.*

(3) Outside storage of hazardous materials as determined by DEQ is prohibited, unless such storage began before the effective date of the applicable SEC ordinance; or, unless such storage is contained and approved during development review.

* * *

Staff: A condition of approval will be required that no outside storage of hazardous materials as determined by DEQ will be permitted as part of this project. *As conditioned, this criterion is met.*

8.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden for an Administrative Decision by the Planning Director demonstrating a "Farm Use" on the subject property and additionally a Significant Environmental Concern for Streams (SEC-s) permit to authorize a previous constructed private driveway and address development activities related to the trenching of a power line in the Exclusive Farm Use (EFU) zone. This approval is subject to the conditions of approval established in this report.

9.0 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. Those exhibits have been reduced to a size of 8.5” x 11” for mailing purposes. All other exhibits are available for review by contacting case planner, Rithy Khut at rithy.khut@multco.us

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	02/11/2021
A.2	1	Authorization Letter	02/11/2021
A.3	1	Table of Contents	02/11/2021
A.4	1	Cover Page – Section 1	02/11/2021
A.5	7	Narrative	02/11/2021
A.6	3	Checklist of Completed Items listed in PF-2019-12046	02/11/2021
A.7	1	Aerial Photo	02/11/2021
A.8	1	Site Plan showing graveled areas	02/11/2021
A.9*	1	Revised Site Plan	02/11/2021
A.10	1	Cover Page – Section 2	02/11/2021
A.11	2	Land use case #T2-2019-12037	02/11/2021
A.12	2	Department of County Management Division of Assessment, Recording, and Taxation: Request for Consolidation	02/11/2021
A.13	1	Cover Page – Section 3	02/11/2021
A.14	17	Storm Water Drainage Control Certificate completed by Kelli A. Grover, Registered Professional Engineer on November 12, 2019	02/11/2021
A.15	1	Cover Page – Section 4	02/11/2021
A.16	10	Mitigation Plan	02/11/2021
A.17	6	Significant Environmental Concern for Wildlife Habitat Worksheet (Type I)	02/11/2021
A.18	2	Well Permit	02/11/2021
A.19	8	2019 and 2020 Schedule F: Profit or Loss From Farming and Spreadsheet Breakdown	05/17/2021

A.20	13	Receipts from 2019 and 2020 for Farm Purchases and Sales	05/17/2021
A.21	6	Letter regarding Hemp Business and Oregon Department of Agriculture Hemp Licenses from 2016-2020	05/17/2021
A.22	16	Revised Significant Environmental Concern Narrative	05/17/2021
A.23	9	Farm Equipment Photos	08/11/2021
A.24*	1	Barn Floor Plan	08/11/2021
A.25*	7	Barn Plans 9. C1.0 – Cover Sheet 10. *P1.0 – Plan View 11. *E1.0 – Elevation Views 12. S1.0 – Sections & Details 13. S2.0 – Sections & Details 14. D1.0 – Posthole, Purlin & Girt Details 15. D2.0 – Sheathing Details	08/11/2021
A.26*	1	Hoop House Floor Plan and Elevation	08/11/2021
A.27*	1	Pump House Floor Plan and Elevation	08/11/2021
A.28	2	Fire Service Agency Review	08/11/2021
‘B’	#	Staff Exhibits	Date
B.1	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 1N4E32D -01300 (Alt Acct #R944320110)	02/11/2021
B.2	1	Division of Assessment, Recording, and Taxation (DART): Map with 1N4E32D -01300 (Alt Acct #R944320110) highlighted	02/11/2021
B.3	2	State of Oregon Secretary of State Corporate Division: Amended Annual Report for Springdale Gardens, LLC	02/11/2021
B.4	8	PF-2019-12046 Pre-file Meeting Summary Notes	02/11/2021
B.5	50	Department of State Lands (DSL) Letter concerning site visit that was conducted on March 22, 2021	03/22/2021
B.6	1	Department of State Lands (DSL) Letter concerning closure of Enforcement File No. 83372-ENF	04/12/2021
‘C’	#	Administration & Procedures	Date
C.1	2	Request for Waiver of Pre-Filing / Pre-Application Meeting Requirement	02/11/2021
C.2	7	Incomplete letter	03/10/2021
C.3	1	Applicant’s acceptance of 180 day clock	03/11/2021
C.4	1	Complete letter (day 1)	06/07/2021

C.5	7	Opportunity to Comment and mailing list	08/31/2021
C.6	15	“Short” Administrative Decision and mailing list	10/04/2021
C.7	35	Administrative Decision and mailing list	10/04/2021

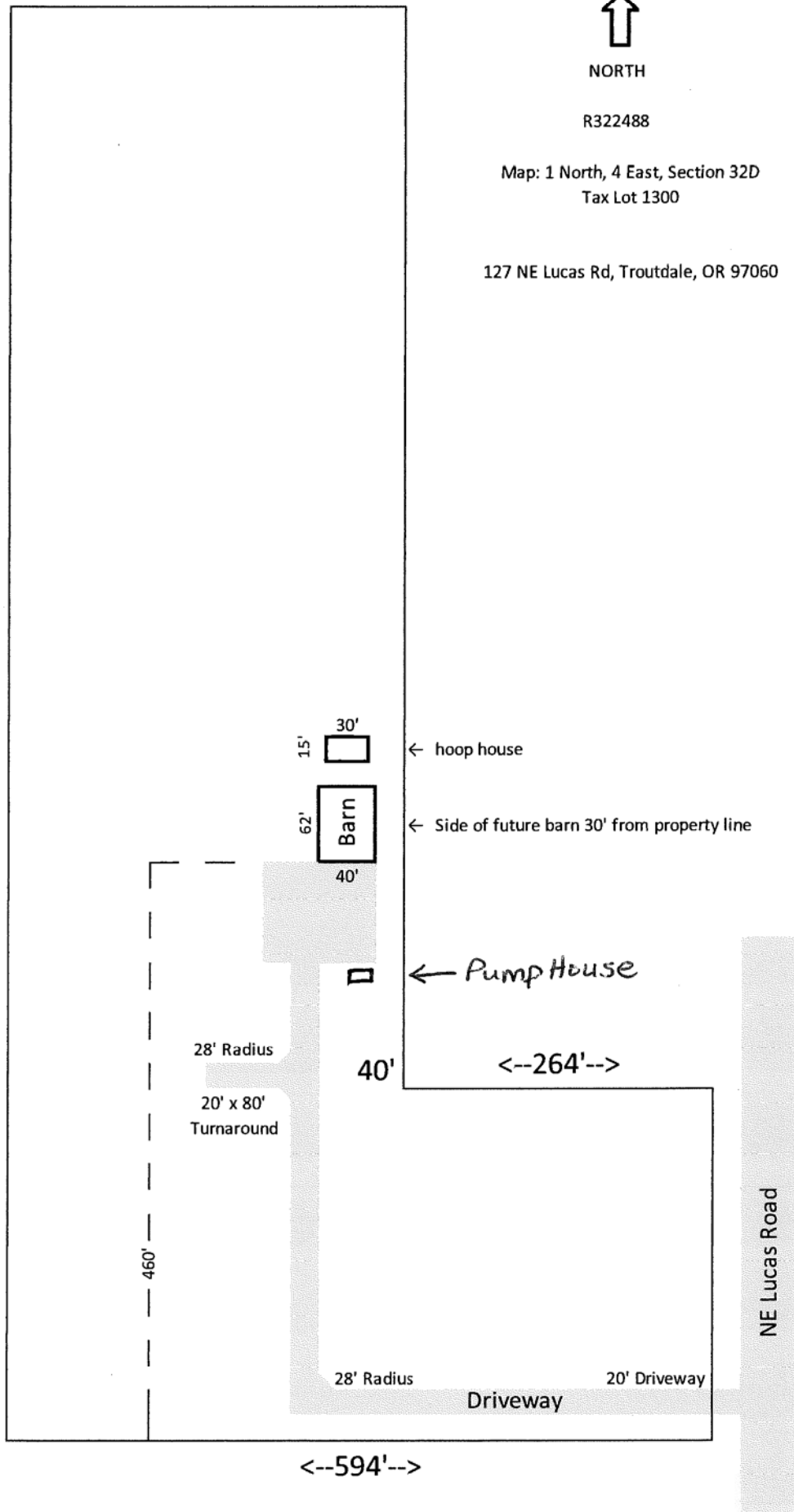


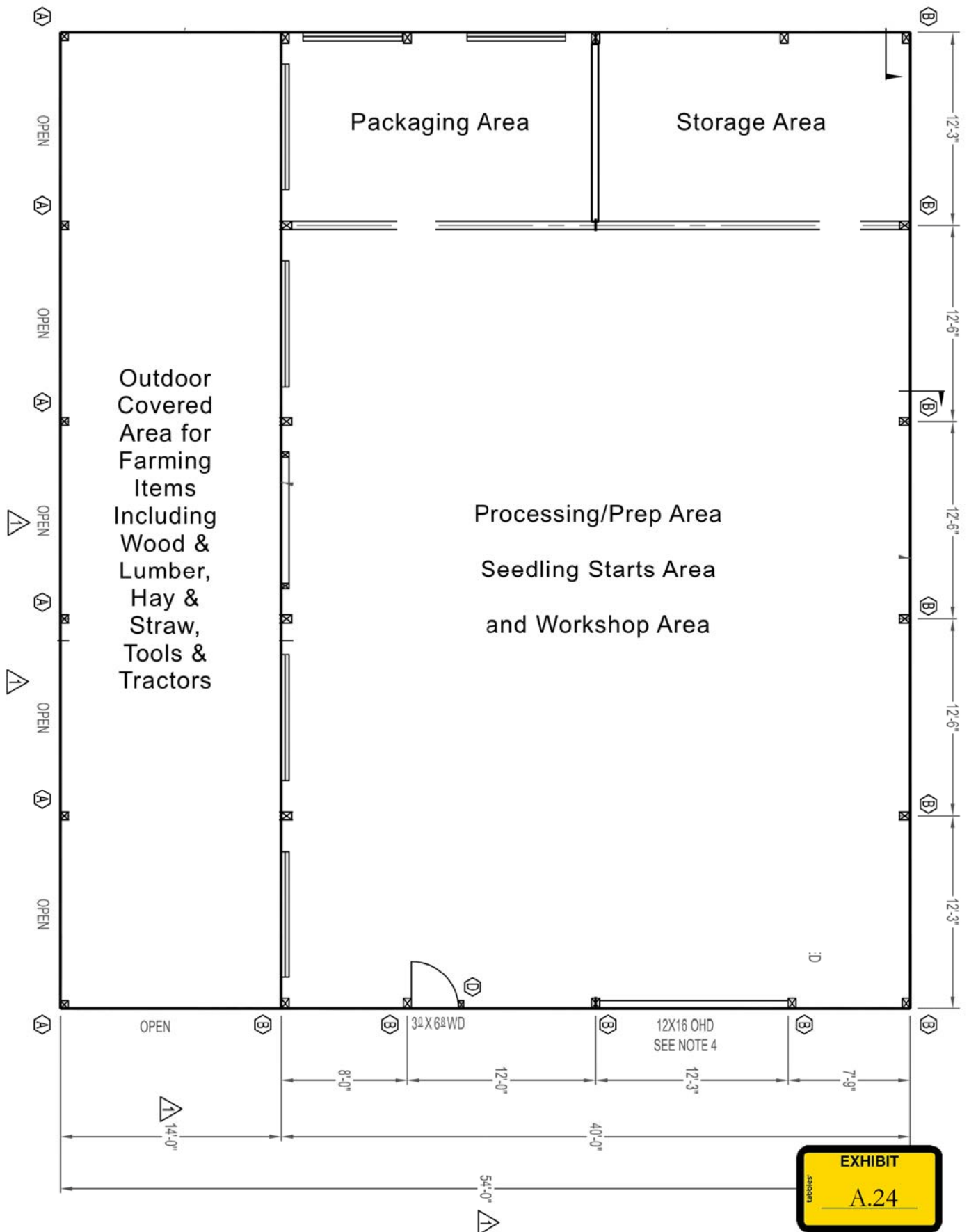
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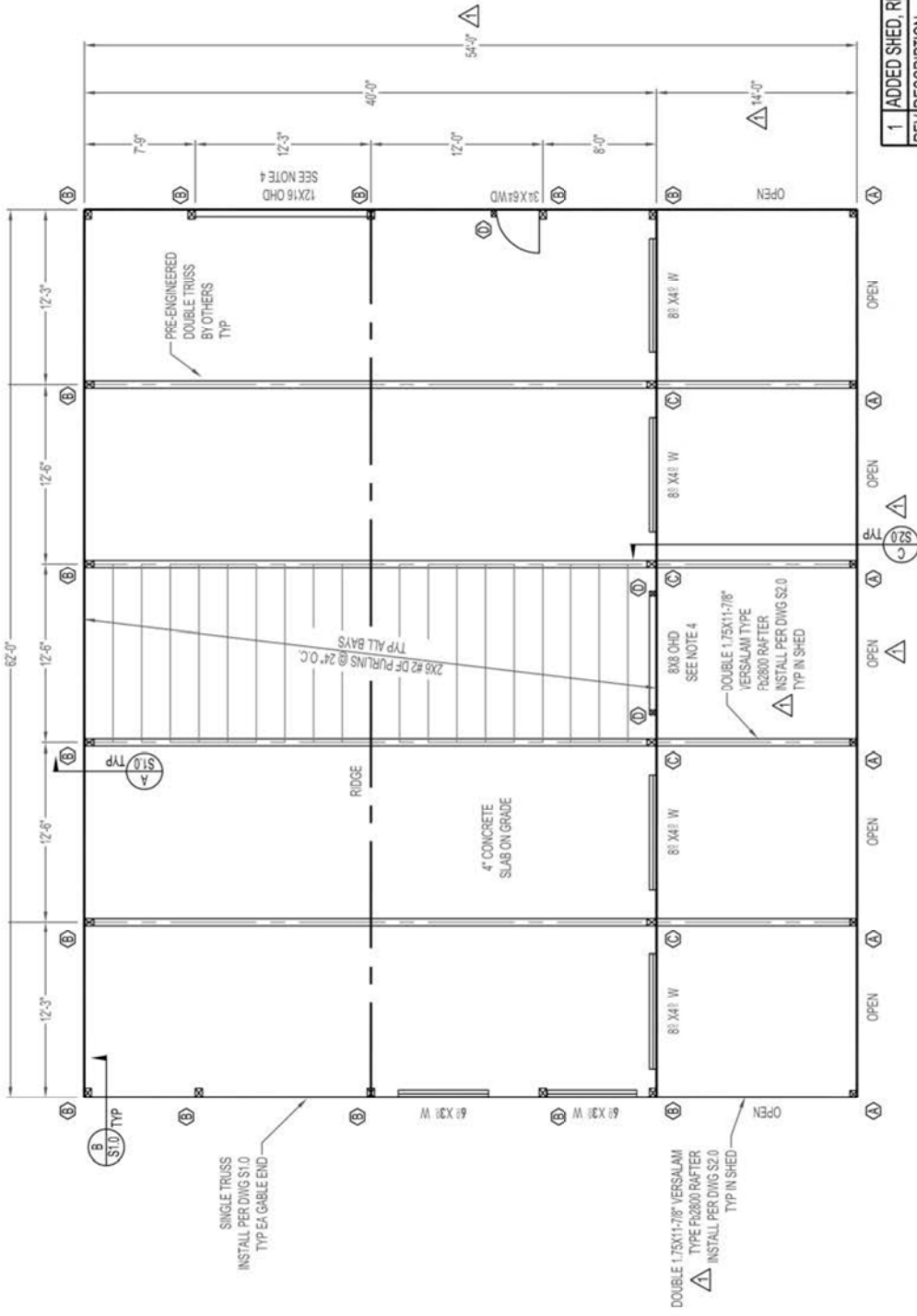
R322488

Map: 1 North, 4 East, Section 32D
Tax Lot 1300

127 NE Lucas Rd, Troutdale, OR 97060







REV	DESCRIPTION	DATE
1	ADDED SHED, REVISED POSTS	3/6/20

DRAWING NO.: P1.0	OWNER: SPRINGDALE GARDENS
REV.: 1	SHEET: 2
PROJECT NO.: 11909062	LOCATION: 127 NE LUCAS RD.
DATE: 23 OCT 2019	SCALE: 1/8" = 1'-0"
DRAWN BY: LD	

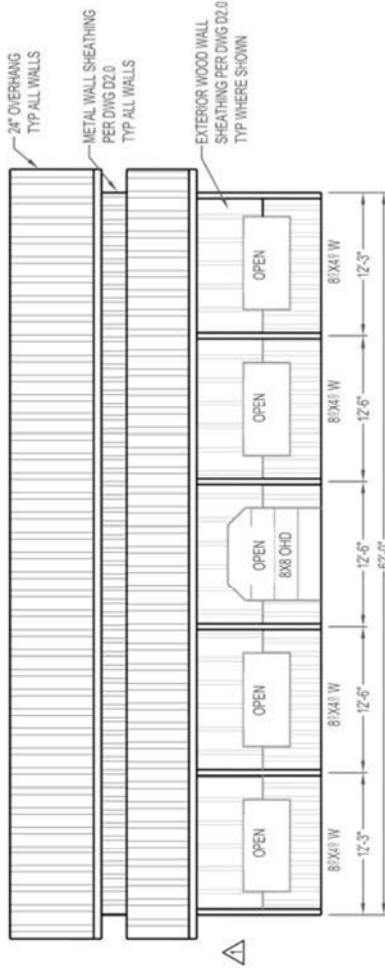
South Valley Engineering
 4742 Liberty Rd. S # 151 • Salem, OR 97302
 Ph. (503) 302-7020 • Fax (888) 535-6341
 www.southvalleyengineering.com



TABLE 1

POST	SIZE	HOLE DIMENSIONS	DEPTH	BACKFILL	NOTES
A	6X6	24" Ø	4'-0"	CONCRETE	
B	6X6	24" Ø	5'-6"	GRANULAR	
C	6X6	30" Ø	5'-6"	GRANULAR	
D	4X6	18" Ø	2'-6"	GRANULAR	INSTALL PER CONSTRUCTION NOTES

- GENERAL NOTES**
- ALL POSTS TO BE #2 HF PRESSURE TREATED FOR BURIAL AND ORIENTED AS SHOWN UNLESS OTHERWISE NOTED
 - UNLESS OTHERWISE DIMENSIONED, ALL WINDOWS AND WALK DOORS MAY BE LOCATED BY THE OWNER/CONTRACTOR IN THE WALLS SHOWN
 - EMBED POSTS AND BACKFILL PER DWG D1.0. CONCRETE BACKFILL MAY BE SUBSTITUTED FOR GRANULAR BACKFILL
 - CONTRACTOR TO VERIFY OVERHEAD DOOR DIMENSIONS AND CLEARANCES PRIOR TO BUILDING CONSTRUCTION AND OVERHEAD DOOR INSTALLATION

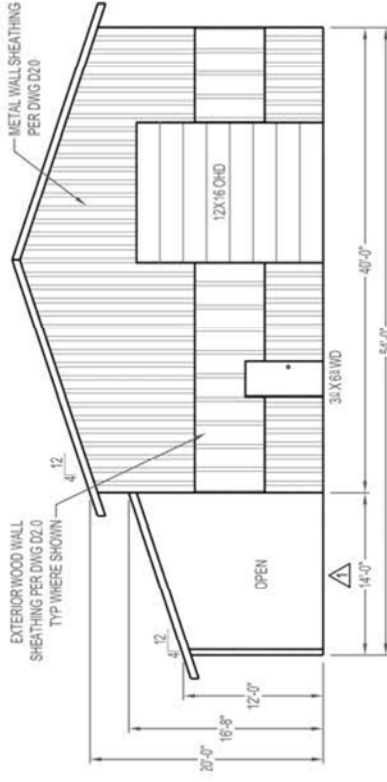


FRONT EAVE

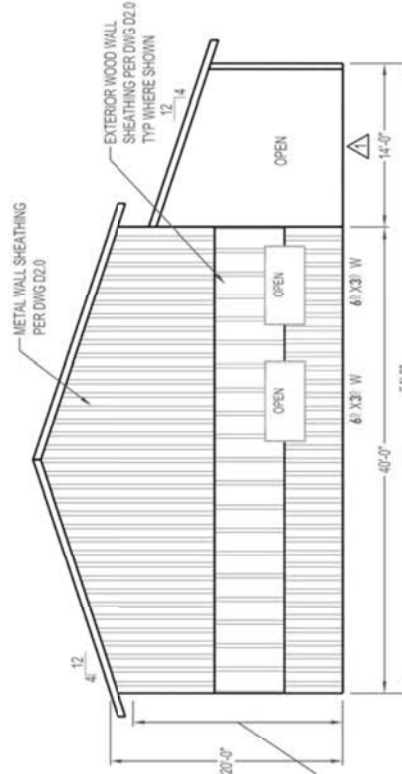
METAL ROOF SHEATHING
PER DWG D2.0
TYP IN MAIN BLDG & SHED



REAR EAVE



RIGHT GABLE



LEFT GABLE

REV	DESCRIPTION	DATE
1	ADDED SHED	3/6/20

ELEVATION VIEWS			
DRAWING NO.: E1.0	OWNER: SPRINGDALE GARDENS		
REV.: 1	SHEET: 3	LOCATION: 127 NE LUCAS RD.	
PROJECT NO.: 11909062	TROUTDALE, OR. 97060		
DATE: 23 OCT 2019	SCALE: 3/32"= 1'-0"	DRAWN BY: LD	

 South Valley Engineering 4742 Liberty Rd. S # 151 • Salem, OR. 97302 Ph. (503) 302-7020 • Fax (888) 535-6341 www.southvalleyengineering.com	
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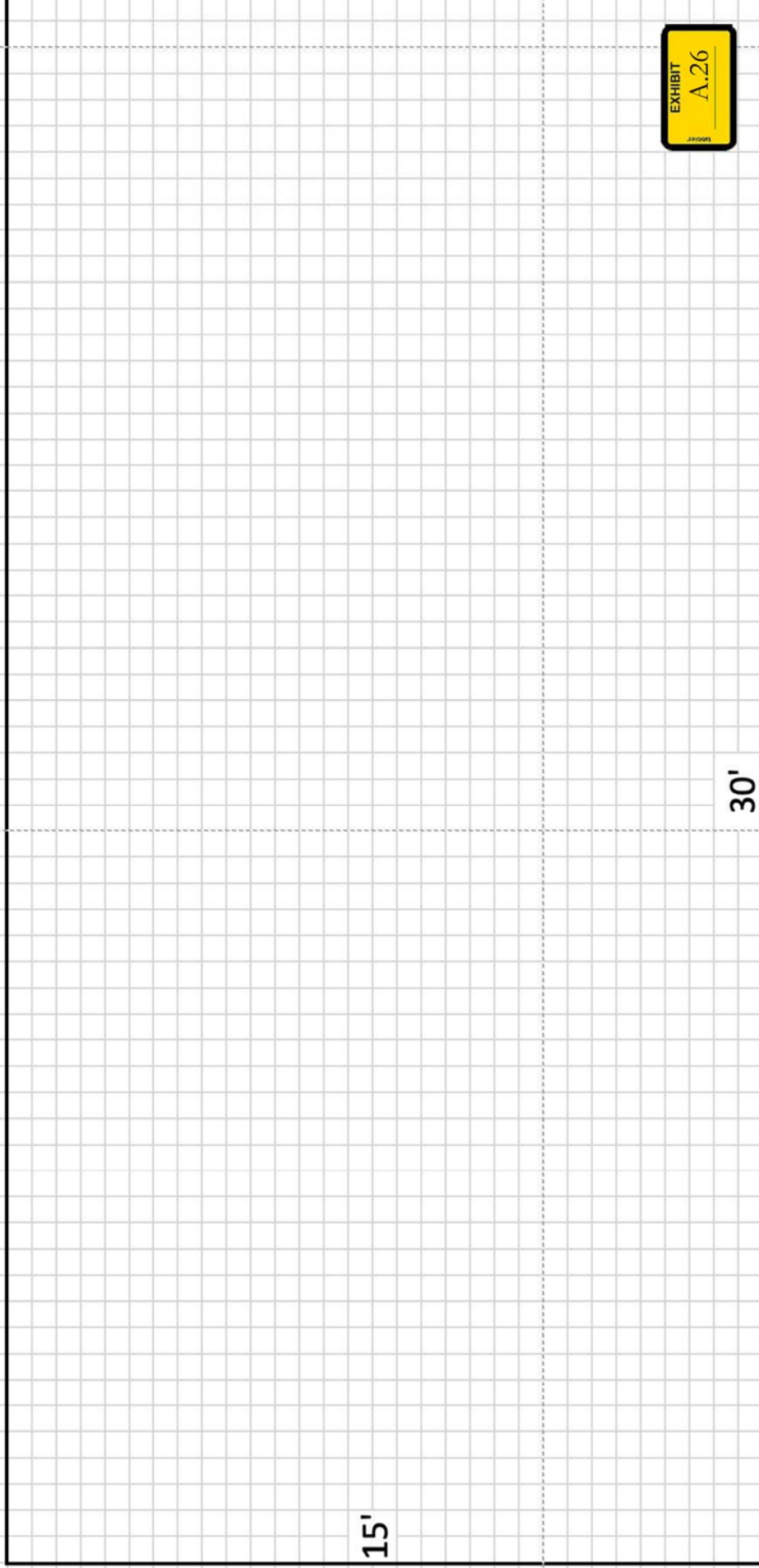
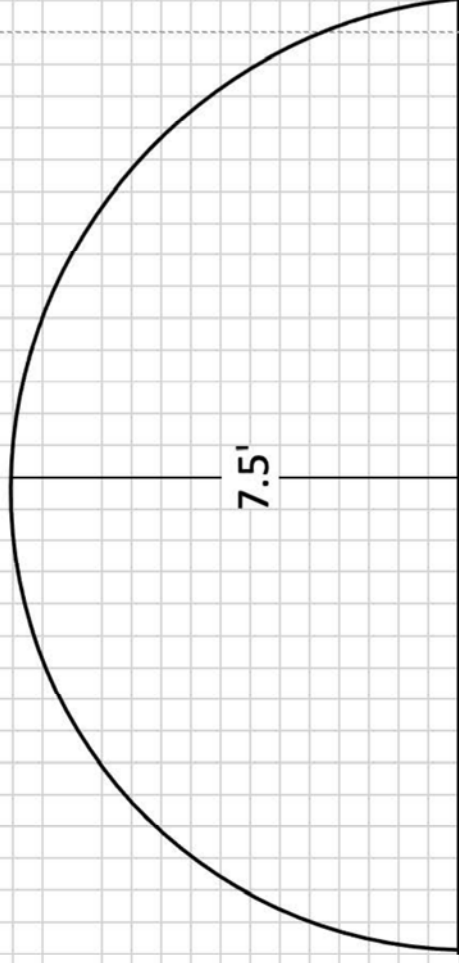


REVISIONS: 6/30/21

Hoop House

1" PVC Pipe Arches & Plastic Sheeting

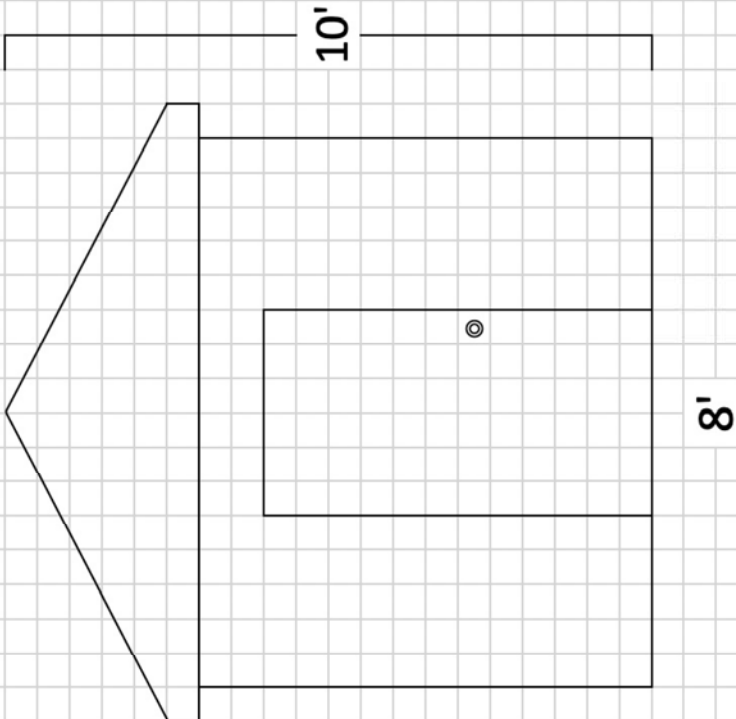
Gravel Floor. No Utilities



Pump House Pole Structure

- (6) 12" diameter x 36" deep holes drilled.
- (6) 4x4x10' Pressure Treated Posts insterted.
Holes back filled with concrete. Slab floor.
- Pumphouse will contain electrical cabinets, pressure tanks, water filtration systems, treatment supplies and maintenance supplies.

Wood siding, metal roofing, no gutters



24'

