



## **MULTNOMAH COUNTY OREGON**

### **LAND USE AND TRANSPORTATION PROGRAM**

1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233

PH: 503-988-3043 FAX: 503-988-3389

[http://www.co.multnomah.or.us/dbcs/LUT/land\\_use](http://www.co.multnomah.or.us/dbcs/LUT/land_use)

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# NOTICE OF DECISION

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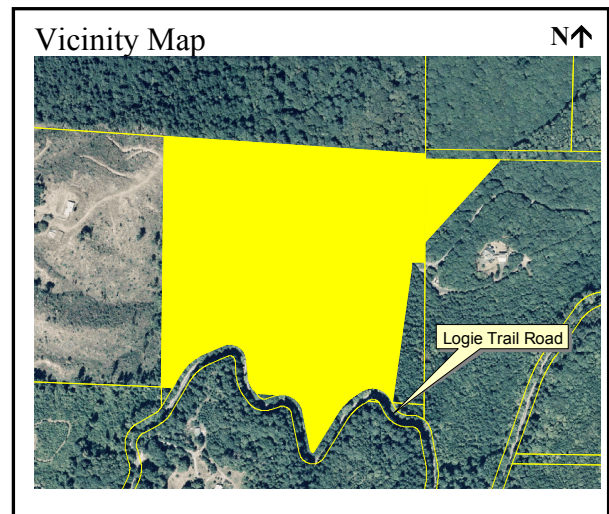
This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

**Case File:** T2-04-014

**Permit:** Significant Environmental Concern and Hillside Development Permit associated with a replacement dwelling request.

**Location:** 19869 NW Logie Trail Road  
Portland, Oregon 97231  
TL 100, Sec 14D, T2N, R2W, W.M.  
Tax Account #R97214-0100

**Applicant/** David Kruger  
**Owner:** 19869 NW Logie Trail Road  
Portland, Oregon 97231



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**Summary:** This is a request to build a 4,000 square foot replacement dwelling and 800 square foot barn on Commercial Forest Use-1 zoned land in the West Hills Rural Plan area. The development request is subject to the Significant Environmental Concern review for wildlife habitat, scenic views and streams as well as the Hillside Development Permit review (**Multnomah County Code, MCC 33.5500 – 33.5525 & 33.4500 - 33.4575**).

**Decision:** **Approved, with conditions.**

**Unless appealed, this decision is effective Friday, August 20, 2004 at 4:30 PM.**

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Issued by:

By: \_\_\_\_\_

Adam Barber, Planner

For: Karen Schilling - Planning Director

Date: Friday, August 6, 2004

**Opportunity to Review the Record:** A copy of the Planning Director's Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director's Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Adam Barber, Staff Planner at 503-988-3043.

**Opportunity to Appeal:** This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of **MCC 37.0640**. An appeal costs \$250 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 offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals (LUBA) until all local appeals are exhausted.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is **Friday, August 20, 2004 at 4:30 pm**.

**Applicable Approval Criteria: Multnomah County Code (MCC): MCC 33.2000 – 33.2110**, Commercial Forest Use-1; **MCC 33.5500 – 33.5525**, Hillside Development Permit; **MCC 33.4500 – 33.4575**, Significant Environmental Concern; Chapter 37 – Administration and Procedures.

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at:

[http://www.co.multnomah.or.us/dbcs/LUT/land\\_use/index.shtml](http://www.co.multnomah.or.us/dbcs/LUT/land_use/index.shtml)

### **Scope of Approval**

1. 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.
2. **This land use permit expires four years from the date the decision is final** if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required.

### **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.

1. **The property owner shall record a copy of the Notice of Decision cover sheet and conditions of approval with the Multnomah County Recorder within 30 days of the date this decision becomes final. This decision will become final Friday, August 20, 2004 at 4:30 pm if no appeal is filed. A copy of the recorded document shall be submitted to the Land Use Planning Office prior to the building permit sign-off (MCC 37.0670).**
2. **The existing residence shall be removed from the property within three (3) months of occupancy of the new home, as agreed upon by the applicant in the Replacement Dwelling agreement (Exhibit A1).**

3. All exterior lighting on the new residence and barn shall be directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of non-reflective, opaque materials (MCC 33.4565(C)(3)).
4. The land owner shall have the access drive improvements installed prior to occupancy of the replacement dwelling and barn, as required by the Scappoose Fire District Chief, Michael Greisen. The improvement details are outlined in a letter sent to the County on March 10, 2004 (Exhibit A2).
5. A primary fire safety zone shall be installed around the new home and shall extend 100-foot to the north and 50-feet to the east, south and west. A 100-foot secondary fire safety zone shall surround the primary zone. A 30-foot primary and 100-foot secondary fire safety zone shall be installed around the proposed barn. Installation of the fire safety zones shall occur prior to construction and in accordance with MCC 33.2105(A)(5)(c). All fire safety zones shall be continuously maintained in accordance with MCC 33.2105(A)(5)(c). A rough map showing fire break locations is presented as Exhibit A15 for orientation.
6. The proposed landscaping, as illustrated in Exhibit A3, shall be monitored annually by the land owner. Annual monitoring shall occur up to five years and shall ensure an 80 percent or better annual survival rate of any required plantings (MCC 34.4575(D)(1)(d)). All proposed landscaping in Exhibit A3 shall be installed within one year of occupancy of the new home.
7. Soil disturbing activities within the Stream Conservation Area shall be limited to the period between June 15 and September 15 in any year in which soil disturbance occurs. Revegetation/soil stabilization must be accomplished no later than October 15 of that year (MCC 34.4575(E)(5)).
8. Either Warren Krager, C.E.G., or Troy Hull, P.E. shall observe the site and verify in writing that the geotechnical recommendations outlined in the Professional Services Industries, Inc. February 2, 2004 Geotechnical Site Reconnaissance Report (Exhibit A21) have been followed (MCC 33.5515(F)(3)). Written verification of geotechnical compliance shall be submitted to the County by one of these two professionals prior to occupancy of the new single family dwelling. The use of services from any other Certified Engineering Geologist or Oregon Licensed Professional Engineer will first need to be approved by the County in order to meet this condition of approval.
9. The property owner shall maintain best erosion control practices through all phases of development. Erosion control measures are to include the installation of sediment fences/barriers at the toe of all disturbed areas and post construction re-establishment of ground cover. Straw mulch, erosion blankets, or 6-mil plastic sheeting shall be used as a wet weather measure to provide erosion protection for exposed soils. All erosion control measures are to be implemented as prescribed in the current edition of the *Erosion Prevention Sediment Control Plans Technical Guidance Handbook*, copies of which are available for purchase at our office, or through the City of Portland.
10. All disturbed areas shall be stabilized (by re-seeding or mulching) within 30-days of the completion of ground disturbance.

11. Drainage of storm run-off attributed to this development shall be handled, on-site, with the drainage swale design that is to be constructed consistent with the specifications outlined by Erik Esparza (P.E.) of LANPACIFIC on June 9, 2004 (Exhibit A4).
12. The property owner is responsible for removing any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems. If any features within adjacent public right-of-way are disturbed, the property owner shall be responsible for returning such features to their original condition or a condition of equal quality.
13. On-site disposal of construction debris is not authorized under this permit. Spoil materials removed off-site shall be taken to a location approved for the disposal of such material by applicable Federal, State and local authorities. This permit does not authorize dumping or disposal of hazardous or toxic materials, synthetics (i.e. tires), petroleum-based materials, or other solid wastes which may cause adverse leachates or other off-site water quality effects.
14. The County may supplement described erosion control techniques if turbidity or other down slope erosion impacts result from on-site grading work. The Portland Building Bureau (Special Inspections Section), the local Soil and Water Conservation District, or the U.S. Soil Conservation Service can also advise or recommend measures to respond to unanticipated erosion effects.
15. The access road turnouts illustrated in Exhibit A-14 shall be continuously maintained as described by the Scappoose Rural Fire Protection District (Exhibit A-2). Michael Conn, neighbor at 19863 NW Logie Trail Road, has verified the applicant can continuously maintain the turnouts (Exhibit A-24). All future owners of the subject property shall continue to maintain the turnouts illustrated in Exhibit A-14, and described in Exhibit A-2.

#### **Note**

Once this decision becomes final, applications for building permits may be made with the City of Portland. **When ready to have building permits signed off, call the Staff Planner, Adam Barber, at (503)-988-3043 to schedule an appointment.** Multnomah County must review and sign off building permit applications before they are submitted to the City of Portland. Six (6) sets each of the site plan and building plans are required at the building permit sign-off.

#### **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.

## **DECISION OF THE PLANNING DIRECTOR**

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### **Findings of Fact**

#### **1.0 Summary of Request**

Staff: The applicant proposes to construct a replacement dwelling and new barn on the 37.79 acre subject property located at 19869 NW Logie Trail Road. The property is zoned Commercial Forest Use-1 and is located in the West Hills Rural Plan Area in western Multnomah County (Exhibit A5). The replacement dwelling, including an attached residential garage, will have a rough footprint of 4,000 square feet and will be partially built over the footprint of the existing dwelling. The new home will be located towards the northeast corner of the property as illustrated in Exhibit A6. The proposed barn will have a footprint of 800 square feet and will be located in the same portion of the property to the west of the new home. All proposed development will occur in the northeastern portion of the property in a previously cleared area containing a residence and shed today (Exhibit A6). The development will be occurring within a mapped slope hazard zone and within the Significant Environmental Concern zone for wildlife habitat, streams and views. Development within these zoning overlays requires land use review – the objective of this decision. More specifically, this decision evaluates if the proposal meets the approval criteria contained within these code sections on a standard by standard basis. All narrative supplied by the applicant is presented in Exhibit A16.

#### **2.0 Vicinity and Property Description**

Staff: The development area is located on the northwest flank of the West Hills, roughly 470-feet above Mean Sea Level in western Multnomah County. The subject property and surrounding areas can be generally classified as steeply sloped forest land sparsely developed with single family dwellings. The majority of the homes in the area are located west of the subject site and Commercial Forest Use zoned land surrounds the subject property (Exhibit A7). This portion of the West Hills area is deeply incised with small, un-named seasonal tributaries flowing northeasterly towards Multnomah Channel, located 1.7 miles to the northeast. Logie Trail Road, a public road, parallels the south side of the property and provides indirect access to the site. The site is accessed using a private drive passing through the adjacent property to the east (Exhibit A8). The subject property is heavily forested minus a cleared area at the northeast corner of the property where existing development is located (Exhibit A6).

#### **3.0 Noticing Requirements**

**Upon receipt of a complete application, notice of the application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750-feet of the subject tract (MCC 37.0530(B)).**

Staff: Written comments were submitted by only the owner of 19875 NW Logie Trail Road who stated, *"I support the application, and believe that the applicant has gone far and beyond the minimum requirements necessary to ensure compliance with all applicable land use and environmental rules."* A copy of the letter is presented as Exhibit A9 to this decision. No

comments were received revealing concerns, questions, or issues relating to the applicable approval criteria.

#### **4.0 Lot of Record**

- 4.1 **MCC 34.3370 and 34.0005(L)(12) states, a Lot of Record, For the purposes of this district is a parcel, lot, or group thereof which when created and when reconfigured satisfied all applicable zoning and land division laws.**

Staff: A Lot of Record needed to have satisfied all applicable zoning laws and land division laws at the time of creation (MCC 33.0005(L)(13)). The subject property was placed into the current 37.79 acre configuration through an approved Property Line Adjustment in 1995 (Multnomah County case PLA 10-95). It was determined in that decision that the subject property was a Lot of Record before the adjustment and that the adjustment would not create an illegal parcel. The configuration of the property today matches the configuration approved by PLA 10-95 and is still a Lot of Record today as the PLA was properly executed. A plan showing the current 37.79-acre configuration is presented as Exhibit A10.

#### **5.0 Ownership Authorization**

- 5.1 Proof of record ownership of the tract and the representative's authorization must be demonstrated to process any land use application (**MCC 37.0590(A) & (C)**). A signature provided by David Kruger, owner, is provided on the General application form presented as Exhibit A11. This signature provides adequate authorization for the County to process this request.

#### **6.0 Commercial Forest Use-1 (Allowed Use)**

Replacement of an existing lawfully established habitable dwelling on the same lot is an allowed use, subject to the following:

- 6.1 **The replacement dwelling will be located within 200 feet of the existing dwelling (MCC 33.2020(E)(1)); and**

Staff: The replacement dwelling will be within 200-feet of the existing dwelling since the replacement dwelling will partially cover the existing dwelling's footprint (Exhibit A12). The existing dwelling was lawfully established as a replacement dwelling in 1992 as evident with the associated City of Portland building permit number is 92-001183-000-00-CO. The applicant has submitted photos to the permanent case file demonstrating the existing home has an intact roof, intact exterior walls, indoor plumbing, interior wiring and a heating system (**MCC 33.0005(H)(1)**). It was confirmed during a site visit conducted by Staff on July 16, 2004 that the existing home is a habitable dwelling eligible for this request.

- 6.2 **The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling (MCC 33.2220(E)(2)); and**

Staff: The applicant has signed a replacement dwelling agreement verifying this condition will be met. A copy of the agreement is located in the case file.

- 6.3 **The replacement dwelling shall satisfy the dimensional standards of MCC 33.2260 and the development standards of MCC 33.2305; (MCC 33.2220(E)(3)).**

Staff: Evaluation of compliance to the dimensional standards of **MCC 33.2260** and the development standards of **MCC 33.2305** are evaluated below.

## **7.0 Dimensional Requirements**

- 7.1 **Except as provided in MCC 33.2065; 33.2070; 33.2075, and 33.2080, the minimum lot size for new parcels or lots shall be 80 acres (MCC 33.2060(A)).**

Staff: A land division creating a new parcel is not proposed. This criterion does not apply.

- 7.2 **That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the size of such lot (MCC 33.2060(B)).**

Staff: No street will be vacated.

- 7.3 **Minimum Forest Practices Setback Dimensions from tract boundary (MCC 33.2060(C)).**

<b>Road Frontage (feet)</b> <b>(60 from road centerline)</b>	<b>Side (feet)</b> <b>130</b>	<b>Rear (feet)</b> <b>130</b>
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### **Maximum Structure Height - 35 feet**

Staff: The proposed home and new barn will be located more than 130-feet from all property lines as illustrated in Exhibit A6. The maximum height of the proposed home will be roughly 22 feet as illustrated in the structural elevations presented as Exhibit A13. The maximum height of the new barn roof will be roughly 18.5 feet (Exhibit A13). This standard will be met.

- 7.4 **The minimum forest practices setback requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance (MCC 33.2060(D)).**

Staff: The proposed development will be roughly 900 feet from the nearest street – Logie Trail Road to the South. The Logie Trail road Right-of-Way is located too far away to be relevant to this proposal.

- 7.5 **Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements (MCC 33.2060(E)).**

Staff: The proposed structures meet the height requirement of the zone district.

## **8.0 Development Standards for Dwellings and Structures**

- 8.1 **Except as provided for the alteration, replacement or restoration of dwellings under MCC 33.2020 (D) and (E) and 33.2025 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following (MCC 33.2105).**

Staff: The applicable standards are addressed below.

- 8.2 **The dwelling or structure shall be located such that (MCC 33.2105(A)(1)): It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of 33.2060 (C) through (G);**

*Applicant: "The proposed barn location is clear and free of any trees and is a mostly level site. It would not impact any nearby or adjoining forest or agricultural lands and exceeds the required setback requirements."*

Staff: Land in the area is zoned Commercial Forest Use is used for commercial forest product production and harvest and residential purposes. Agricultural land is not located in the area (Exhibit A7). The dwelling and barn proposed will be located in an existing cleared portion of the site impacted by pre-existing residential development. No other existing cleared area large enough to facilitate development exists today on the subject site. Development on flat sites tends to create less risk of creating a rapidly spreading wildfire than similar development on steep sites. The existing developed area is located on the flattest portion of the site which would slightly lessen the potential of rapid wildfire spreading on to adjacent forest lands. For these reasons, Staff believes the proposed building location is the most appropriate site in light of protecting surrounding forest lands. The minimum yard setback requirements of 33.2060 will be met as discussed in the previous decision section. This will ensure the structures are located far enough from surrounding forest operations to not be impacted by practices such as spraying and thinning.

- 8.3 **Adverse impacts on forest operations and accepted farming practices on the tract will be minimized (MCC 33.2105(A)(2));**

*Applicant: "The proposed barn location is clear and free of any trees and is a mostly level site. It would not impact any forest operations or agricultural practices."*

Staff: The subject property is not used today for farm or forest practices. The applicant confirmed that no active forest service harvest plan or permit was associated with this site. The development has been clustered in a nearly level, previously cleared area in the northeast portion of the property to minimize the amount of forest land that would be taken out of production to facilitate the residential use. Clustering development in this way has maximized the amount of forest land available for future harvest. This standard is met.



- 8.4 **The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized (MCC 33.2105(A)(3));**

*Applicant: "The proposed barn location is clear and free of any trees and is a mostly level site situated at the north end of where we propose to locate the fire district required turn-around. Thereby minimizing the use of land."*

Staff: All development will be occurring in a previously cleared area at the northeast corner of the site. No new forest land will be taken out of production during construction. No new access roads or service corridors are proposed.

- 8.5 **Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required (MCC 33.2105(A)(4));**

Staff: No new access roads are proposed.

- 8.6 **The risks associated with wildfire are minimized. Provisions for reducing such risk shall include access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC 33.2105 (D) with permanent signs posted along the access route to indicate the location of the emergency water source (MCC 33.2105(A)(5)(b));**

*Applicant: "The perennial water sources on the lot is a seasonal creek, and would not supply sufficient water for fire fighting purposes, and the 345 foot well which supplies 11 gallons per minute. Fire Chief. Mr. Greisen indicated at the time of his inspection of the subject property that his department would employ pumper/tanker trucks to supply the necessary water adequate for fire fighting purposes."*

Staff: The Scappoose Fire District Chief, Michael Greisen, determined that no issues exist with obtaining the necessary water for fire fighting purposes but that improvements to the access drive would be required. The required improvements were outlined in a letter sent to the County on March 10, 2004 which is presented as Exhibit A2. These improvements include the installation of turnouts, limb and bush clearance adjacent to the access drive, address posting requirements and the installation and maintenance of firebreaks. The applicant has shown the location of all required turn around on the proposed site plans (Exhibit A14) and has agreed to meet these improvement requirements. A condition of this approval is that these improvement requirements be met. The adjacent neighbor has agreed to allow the installation of the required turnarounds on his property and for the continued maintenance and clearing of brush along the access drive passing through his property to the east (Exhibit A8).

- 8.7 **Maintenance of a primary and a secondary fire safety zone on the subject tract (MCC 33.2105(A)(5)(c).**

**1. A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and**

accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

**2. On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:**

<b>Percent Slope</b>	<b>Distance In Feet</b>
<b>Less than 10</b>	<b>Not required</b>
<b>Less than 20</b>	<b>50</b>
<b>Less than 25</b>	<b>75</b>
<b>Less than 40</b>	<b>100</b>

**3. A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 33.2060 (F) and 33.2110.**

*Applicant: "A primary and secondary fire break in all directions will be established and maintained as outlined by standards."*

Staff: Slopes north of the home site exceed 40% but level out to less than 20% grade in all other directions on average. These slope configurations require that primary fire safety zone extend 100-feet to the north of the home and 50-feet in all other directions. A secondary fire safety zone of 100-foot radius would need to surround the primary fire break. According to the site plans submitted as Exhibit A15, it appears the total fire protection zones surrounding the home will be fully contained on the subject site.

Slopes surrounding the proposed barn are nearly level and as such require a 30-foot primary fire safety zone and a 100-foot secondary fire safety zone to be installed and maintained. Since the nearest property line is roughly 310 feet to the north of the barn, Staff finds that installation of the necessary fire breaks surrounding the barn are possible. A condition of this approval is that the necessary fire breaks be installed and maintained.

- 8.8 No requirement in 1., 2., or 3. above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules (MCC 33.2105(A)(5)(c)(4); and**

Staff: Neither Staff or the applicant is not aware of any active forest management plan for the subject property. As a result, a conflict referenced in **MCC 33.2105(A)(5)(c)(4)** has not been identified.

- 8.9 Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line), (MCC 33.2105(A)(5)(c)(5).**

Staff: Proper maintenance of the fire safety zones surrounding the new home and barn are a condition of this approval.

**8.10 The building site must have a slope less than 40 percent (MCC 33.2105(A)(5)(d)).**

*Applicant: "The proposed barn location is clear and free of any trees and is a mostly level site."*

Staff: The home site (i.e. area of ground disturbance) is nearly level but quickly drops off to the north with slopes in the 100% range. These steep slopes will not be disturbed during construction. Staff finds the building site will be less than 40% grade. The barn site is nearly level.

**8.11 The dwelling or structure shall: Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes (MCC 33.2105(B)(1));**

*Applicant: "The proposed barn will comply with all standards of applicable building codes."*

Staff: The applicant plans on submitting structural plans for the home and barn to the City of Portland Building Bureau as soon as a land use permit is issued. This subsequent review is required before construction and will assure consistency with this standard.

**8.12 Have a fire retardant roof (MCC 33.2105(B)(3)); and**

Staff: The roof of the home will be composition shingles and the barn roof will be painted galvanized steel. Both materials are fire resistant.

**8.13 Have a spark arrester on each chimney (MCC 33.2105(B)(4)).**

Staff: A chimney will not be installed on either the home or barn.

**8.14 The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 11 stream as defined in the Forest Practices Rules (MCC 33.2105(C)).**

*Applicant: "The domestic water supply source is a legally established, 345 foot, 11 gallons per minute well."*

Staff: A residential well is an acceptable and typical system for shallow groundwater extraction. This standard is met.

**8.15 If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners (MCC 33.2105(C)(1)).**

*Applicant: "The domestic water supply source is located entirely on the property. I have and can supply the well constructor's report."*

## **9.0 Significant Environmental Concern Permit (General Application Materials)**

- 9.1 **An application for an SEC permit shall include the following: A written description of the proposed development and how it complies with the applicable approval criteria of MCC 33.4560 through 33.4575 (MCC 33.4520(A)(1)).**

*Applicant: "The Applicant seeks approval of Significant Environmental Concern Permits relative to visual impact, wildlife conservation and stream protection for a proposed development in the CFU-2 zone, West Hills Rural Plan Area and within SEC-v, SEC-h and SEC-s overlay zones. The proposed development is for a replacement dwelling, of approximately 4000 square feet, with an attached garage, that would cover the footprint of the existing dwelling and a pole barn structure approximately 800 square feet to be located in an already cleared area of the property. The subject parcel is a 39.71 acres lot located at 19869 NW Logie Trail Road. The property slopes to the northeast and is forested. The northeast corner of the property is the most level and contains the residence the applicant proposes to replace.*

*The location for the proposed pole barn is clear and free of any trees and is a mostly level site. Any grading activities would be very minimal and would only be to provide level conditions for the interior. The proposed development has been designed for minimal adverse impact on the neighborhood and the surrounding environment including indigenous wildlife, streams and views of the property from any viewpoint outside it. It will provide for pro-active conscientious stewardship of the land. The proposed development meets all requirements for the CFU-2 West Hills Rural Plan Area and SEC-v, SEC-h and SEC-s zoning requirements.*

- The proposed development shall remain Visually Subordinate to all significant scenic resources.*
- The proposed development is a replacement dwelling that would cover the footprint of the existing dwelling and is designed to have minimal impact on the vegetation and wildlife on the subject property.*
- The proposed developments storm water management and exterior lighting plan is designed to have minimal impact on the protected Stream Conservation Area."*

Staff: The required information has been provided.

- 9.2 **An application for an SEC permit shall include a map of the property showing (MCC 33.4520(A)(2): (a) Boundaries, dimensions, and size of the subject parcel; (b) Location and size of existing and proposed structures; (c) Contour lines and topographic features such as ravines or ridges; (d) Proposed fill, grading, site contouring or other landform changes;**

*Applicant: "The proposed structure is a replacement dwelling of an existing structure covering the existing footprint which is located on a level, cleared portion of the property. The minor grading proposed is located at the top of the existing driveway to*

*widen the approach to the proposed garage access. The location for the proposed pole barn is clear and free of any trees and is a mostly level site. Any grading activities would be very minimal and would only be to provide level conditions for the interior.”*

Staff: All required information has been provided. This information will be addressed and referenced on a point-by-point basis within this decision.

- 9.3 **Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas (MCC 33.4520(A)(2)(e));**

*Applicant: “See plan for location of the tree to be removed. The location and species of plants intended to replace the removed vegetation has yet to be determined.”*

Staff: This information is best illustrated in Exhibit A3.

- 9.4 **Location and width of existing and proposed roads, driveways, and service corridors.**

Staff: This information is illustrated in Exhibit A6 and A8.

## **10.0 Significant Environmental Concern Permit (Scenic Views)**

- 10.1 **In addition to the information required by MCC 33.4520, an application for development in an area designated SEC-v shall include: Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure (MCC 33.4565(B)(1));**

Staff: This information is shown on the structural elevations provided in Exhibit A13.

- 10.2 **Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades (MCC 33.4565(B)(2));**

Staff: Structural elevations are provided in Exhibit A13. Construction plans showing alterations to grades are presented as Exhibit A12.

- 10.3 **A list of identified viewing areas from which the proposed use would be visible (MCC 33.4565(B)(3); and,**

*Applicant: “Although the hillside on which the existing structure sits is visible from some of the viewing areas to the northeast, the structure could not be located by the applicant using binoculars from any of the specified viewing areas.”*

Staff: The applicant has provided a map of all identified viewing areas and photos towards the property from each viewing area (Exhibit A23). Since the entire property slopes to the northeast, the development would be visible from identified viewing areas located northeast of the property. Such areas include all identified viewing areas listed in **MCC 33.4565(A)(2)**. Although the new home may be visible, the new barn will be located behind the home in a topographic low spot and is not expected to be visible from

an identified viewing area.

- 10.4 **A written description and drawings demonstrating how the proposed development will be visually subordinate as required by (C) below, including information on the type, height and location of any vegetation or other materials which will be used to screen the development from the view of identified viewing areas (MCC 33.4565(B)(4));**

*Applicant: "As visible in the site plan, there is a northeast sloping hillside with stands of fir, maple and alder blocking views of the structure from the east. And stands of fir, maple and alder located on a northern downward slope toward the creek blocking the house from areas located to the north. No additional vegetation or other materials used to screen the development from identified viewing areas are proposed."*

Staff: All written descriptions of the proposal are presented as Exhibit A16. The written materials submitted meet the requirements of submittal listed above.

- 10.5 **Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be visually subordinate. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include: (1) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas (MCC 33.4565(C));**

*Applicant: "As visible in the plans, there is a northeast sloping hillside with stands of fir, maple and alder blocking views of the structure from the east. And stands of fir, maple and alder located on a northern downward slope toward the creek blocking the house from areas located to the north."*

Staff: Since all new development will not be blocked by permanent topography as viewed from the identified viewing areas, there is potential for the new development to be seen although tree cover will help break up the base and sides of the home. The standard in question is not whether the development will be seen, but if it will noticeably contrast with the surrounding landscape.

The new development proposed is a two-story, 22 foot tall home and 18.5 foot barn. The home may be visible from identified viewing areas but the barn will not be seen as views to the barn will be blocked by the home. The proposed home will be constructed of wood siding painted a natural, muted gray-green color with putty colored trim (Benjamin Moore HC-102 and HC-99, respectively). The home's roof will be a grey composition shingle roof. The barn will be a pre-fabricated metal structure painted dark green with lighter grey trim and a grey roof. Although the grey color may not blend into the natural landscape as well as a darker color, the barn is not expected to be visible from an identified viewing area and therefore the barn color is not critical. The barn paint colors are manufactured by Fabral Metal Wall and Roof Systems and are referenced as #574, 599 and 589, in the same order as introduced above. Staff finds the barn will be visually subordinate as it will be located in an area that should not be visible from an identified viewing area.

The area surrounding the site is most simply described as steep terrain blanketed with mature trees. The subject site is no exception. The proposed home has a long and short axis with the narrower part of the structure oriented such that the narrowest side of the building faces the identified viewing areas (Exhibit A12). This exposes less of the structure and makes the structure appear smaller as viewed from the northeast – towards the identified view areas. A double tiered roof system was designed for the north side of the home to help visually break up the bulk of the structure. In an attempt to create a low profile, the home's roof has a very low pitch angle as seen in Exhibit A13. Again, this reduces the visual bulk of the structure while shading the upper portions of the five main window sections on the north side of the structure. Shading the windows will help reduce window reflections during sunrise, as viewed from the identified viewing areas. It should be noted that the home has been designed such that the narrowest side of the home faces the identified viewing area in the attempt to minimize the amount of glass facing the identified viewing area. The colors used for the bulk of the home's exterior and roof will be a natural, earth toned grayish green and dark grey that should blend in with the surrounding green trees and dark grayish basalt exposures throughout the area.

Mature trees located northeast and southwest of the home site should help partially screen the lower portion of the home as viewed from all identified viewing areas. In conclusion, these various attempts to tone down the size, minimize the amount of window use along the north side of the structure, shade the windows with large roof overhangs, and the use of natural colors should successfully achieve visual subordination.

**10.6 Use of non-reflective or low reflective building materials and dark natural or earth tone colors (MCC 33.4565(C)(2)).**

*Applicant: "With consideration to compliance of SEC-v guidelines the design of the proposed structure features large overhanging rooflines shading the widows and doors to prevent reflection toward the subject SEC."*

Staff: The building materials for the home and barn will be low reflective materials. The home will incorporate wood and composition shingles. The windows proposed are typical windows not identified as highly reflective in design. The barn's walls and roof will be constructed of galvanized steel coated with two layers of sealer, two layers of primer and backer coat and a top coat of paint. These layers will cover the galvanized steel resulting in a low reflective building material. Staff finds that all building materials proposed meet the standard of **MCC 33.4565(C)(2)**.

**10.7 No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of non-reflective, opaque materials (MCC 33.4565(C)(3)).**

*Applicant: "Any exterior lighting would be situated on and limited to the cleared area immediately around the proposed development and in all circumstances would be sited to avoid visibility from all identified viewing areas."*

Staff: At this time, the applicant has not decided on the exact locations and styles of external lighting fixtures for the home or barn. A condition of this decision is that all

exterior lighting be hooded and downward directed to minimize visibility of the development at night.

- 10.8 **Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening (MCC 33.4565(C)(4)).**

*Applicant: "As visible in the submitted plans, there is a northeast sloping hillside with stands of fir, maple and alder blocking views of the structure from the east. And stands of fir, maple and alder located on a northern downward slope toward the creek blocking the house from areas located to the north. No additional vegetation or other materials used to screen the development from identified viewing areas are proposed."*

Staff: The applicant does not propose construction of earth berms to obscure views of the development. Since the nearest identified viewing is over one mile away, the use of an earthen berm to partially screen the base of the development is not the most reasonable alternative. A much more reasonable alternative is limiting the bulk of the structure through architectural design and using earth tones colors – all of which have been proposed. Mature tree cover stands between the home and the property line to the northeast of the home. This tree cover must be continuously maintained as a fire break in order to meet the Commercial Forest Use development standards. Planting additional landscaping in this area could create more fuel helping to spread wildfire and would not be effective at further reducing visibility of the home considering the existing vegetative cover.

The applicant has submitted a landscaping plan to better screen the barn, as viewed from the east and help increase diversity of vegetation in the development area. Vegetation to be planted includes Incense Cedar, Western Red Cedar, Orange White Oak, Rhododendron, Azalea and Fruit Trees including Apple, Pear and Plum. A landscaping plan is presented as Exhibit A3.

- 10.9 **Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics (MCC 33.4565(C)(5)).**

*Applicant: "The proposed structure is a replacement dwelling of an existing structure covering the existing footprint which is located on a level, cleared portion of the property. No visible grading or other modifications of the landforms, vegetation cover and natural characteristics are proposed. The location for the proposed pole barn is clear and free of any trees and is a mostly level site. Any grading activities would be very minimal and would only be to provide level conditions for the interior."*

Staff: The new development will be located in an existing cleared area significantly reducing damage to existing vegetation. The home will be located on a flat knoll in order to minimize grading (Exhibit A17). The barn will be located adjacent to an existing shed in a level area in order to avoid having to pioneer a new road to various accessory structures in different locations on the property. The applicant has sited



development in the most logical location in light of this standard.

**10.10 Limiting structure height to remain below the surrounding forest canopy level (MCC 33.4565(C)(6)).**

*Applicant: "The height of the proposed structure is 27' 6". The height of the proposed structure is well below the surrounding forest canopy."*

The heavily forested property rises hundreds of feet behind the proposed development and will provide a backdrop as viewed from all identified viewing areas to the northeast. This rise in topography will prevent the development to skylight, or rise above the canopy as viewed from the northeast. In short, the forested hillside behind the home (south west) is orders of magnitude taller than the proposed development which will eliminate the structure rising above the canopy behind the development.

**10.11 Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property, except (MCC 33.4565(C)(7)):**

*Applicant: "The building site is situated well below the ridgeline of the hill which rises upward to the southwest concealing the silhouette of the proposed dwelling."*

Staff: See response above.

**11.0 Significant Environmental Concern Permit (Wildlife Habitat)**

**11.1 In addition to the information required by MCC 33.4520(A), an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass (MCC 33.4570(A)): (1) Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas;**

Staff: An August, 2002 aerial photo is presented as Exhibit A6. Both forested and cleared areas around the site can be identified in this exhibit.

**11.2 Location of existing and proposed structures (MCC 4570(A)(2));**

Staff: A map showing the existing structures (home and shed) is presented as Exhibit A18. Locations of the proposed home and barn are also illustrated in Exhibit A18.

**11.3 Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels (MCC 4570(A)(3));**

*Applicant: "The width of the existing access road is approximately twelve (12) feet. No*

*additional roads, driveways or service corridors are proposed.”*

Staff: The location of the access road is illustrated on Exhibit A8. Since the map is scaled, the rough width can be measured off the map. The applicant has indicated with this plan that the road is roughly 12-feet wide.

**11.4 Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property (MCC 4570(A)(4));**

*Applicant: “The existing fence (shown on the plans) is a wooden post and rail style encompassing a small paddock area part of which serves as the septic drain field. The existing fence is a wooden picket style that partially runs the perimeter of the back yard adjacent to the existing structure. No additional fencing is proposed.”*

Staff: See Exhibit A19 for fencing locations. No new fencing is required.

**11.5 Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety (MCC 33.4570(B)(1)).**

*Applicant: “The proposed structure is a replacement dwelling of an existing structure covering the existing footprint. Impact to forested area will be limited to the possible removal of 1 tree as illustrated on Exhibit 4520 (D) in order allow for vehicle turnaround and to meet minimum clearance standards for fire safety. The location for the proposed pole barn is clear and free of any trees and is a mostly level site. No forested area will be impacted by the proposed barn development except to meet minimum clearance standards for fire safety.”*

Staff: Development will only be occurring in the existing cleared area in the northeastern portion of the property (Exhibit A6).

**11.6 Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site (MCC 33.4570(B)(2)).**

*Applicant: “The proposed structure is a replacement dwelling of an existing structure covering the existing footprint. The existing access road will be improved to meet fire district required standards by providing one turnaround and one pullout.”*

Staff: The existing development is located more than 200-feet from the nearest public road. This is the only non-vegetated (cleared) portion of the property large enough to facilitate the proposed development and as such is the most appropriate development site in light of applicable approval criteria designed to minimize disturbance to existing vegetation ((MCC 33.5520(A)(2)(b)); MCC 33.4570(C)(3)(e); (MCC 34.4575(E)(4)).

This standard (MCC 33.4570(B)(2) can not be met as another cleared area large enough to facilitate development does not exist within 200-feet of Logie Trail Road. Stated another way, development on any other portion of the property would conflict with other protection standards outlined in the Significant Environmental Concern for streams,

wildlife habitat, in the Commercial Forest Use standards and in the Hillside Development ordinance. As a result, the applicant has proposed a wildlife conservation plan in line with the requirements of **MCC 33.4570(C)(1)**. The wildlife conservation standards are evaluated later in this decision.

- 11.7 **The access road/driveway and service corridor serving the development shall not exceed 500 feet in length (MCC 33.4570(B)(3)).**

*Applicant: "No new or additional driveway or service corridor is proposed. The length of the existing driveway on the subject property is approximately 450 feet."*

Staff: No new access roads will be constructed. The existing access road needs a turnaround and turnouts constructed but the road is pre-existing.

- 11.8 **The access road/driveway shall be located within 100 feet of the property boundary if adjacent property has an access road or driveway within 200 feet of the property boundary (MCC 33.4570(B)(4)).**

*Applicant: "The existing access road onto the subject property is shared with the adjacent property by way of an easement right-of-way."*

Staff: No new access roads are proposed.

- 11.9 **The development shall be within 300 feet of the property boundary if adjacent property has structures and developed areas within 200 feet of the property boundary (MCC 33.4570(B)(5)).**

*Applicant: "The proposed structure is a replacement dwelling of an existing structure covering the existing footprint."*

Staff: The replacement dwelling will be located roughly 150-feet from the eastern property line and the barn will be located 300-feet from the eastern property line (Exhibit A6).

- 11.10 **Fencing within a required setback from a public road shall meet the following criteria (MCC 33.4570(B)(6)): (a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.**

*Applicant: "There two (2) existing fences on the subject property (See Exhibit 4570 (A-1, A-2, A-3). Fence (A-2) is a wooden fence that runs the perimeter of a cleared paddock area which also serves as the septic drain field. Fence (A-3) is a 3-foot picket fence that only partially encircles the back yard area. There are no additional fences proposed."*

Staff: This standard does not apply as no new fencing is proposed.

- 11.11 **Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code (MCC 33.4570(B)(6)(b)).**

*Applicant: "There aren't any proposed fences."*

- 11.12 **The nuisance plants listed in MCC 33.4575(B)(7) shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:**

*Applicant: "To the best of my knowledge no nuisance plants reside on the cleared area of the property. All efforts to eliminate nuisance species and their management will be maintained."*

Staff: The landscaping plan presented as Exhibit A3 includes Incense Cedar, Western Red Cedar, Orange White Oak, Rhododendron, Azalea and Fruit Trees including Apple, Pear and Plum. These plantings will be located to the southwest and west of the home. None of these plantings are listed as a nuisance plant in **MCC 33.4570(B)(7)**.

- 11.13 **Wildlife Conservation Plan. An applicant shall propose wildlife conservation plan if one of two situations exists. (1) The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or (2) The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section (B) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (B) – MCC 33.4570(C).**

*Applicant: "The proposed structure is a replacement dwelling of an existing structure covering the existing footprint and to the best of my knowledge meets or exceeds the conservation standards...No impact on existing wildlife is anticipated and no wildlife conservation plan is proposed."*

Staff: The proposed development area contains the only cleared portion of the heavily forested site. This area already contains a residence and outbuilding and is located more than 200-feet from a public road. Any alternative building location within 200-feet of a public road would require removal of large stands of mature tree cover, great amounts of soil disturbance and would most likely need to be located on slopes steeper than the nearly level proposed building area. For these reasons, Staff finds that the forested, steep nature of the property creates a unique situation in which the proposal of a wildlife conservation plan is the best alternative in the attempt to minimize damage to the site.

- 11.13.1 **The wildlife conservation plan must demonstrate the following: That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover MCC 33.4570(C)(3)(a).**

*Applicant: "There is a possibility that two (2) trees that meet this criteria will be removed to allow for a vehicle turn around area. We will replace them with a variety of native species whose combined caliper is greater than that of the trees removed."*

Staff: The amount of clearance required to facilitate development will not be altered from the existing condition. No additional clearing of forested areas will be required

minus the possible removal of two trees located near the center of the cleared area. These trees would need to be removed to better allow for fire truck access. In the attempt to offset any impacts, the applicant proposes to replace the two trees that may need to be removed with an Incense Cedar, Western Red Cedar and Oregon White Oak, all roughly 4-5-foot tall. Rhododendron, Azalea and Fruit Trees including Apple, Pear and Plum will also be planted.

- 11.13.2 That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary access way required for fire safety purposes MCC 33.4570(C)(3)(b).**

Staff: It is possible that development can occur without the removal of one tree. At most, the applicant anticipates the removal of two fir trees roughly 10-inch diameter. The estimated cleared area in this case would be orders of magnitude smaller than one acre. These trees would be removed to create better access for fire fighting apparatus which is exempted from the one acre threshold. The applicant will be removing the minimum number of trees to facilitate development as the home has been designed to fit the existing cleared area.

- 11.13.3 That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes MCC 33.4570(C)(3)(c).**

*Applicant: "The existing fence (shown on the plans) is a wooden post and rail style encompassing a small paddock area part of which serves as the septic drain field. The existing fence is a wooden picket style that partially runs the perimeter of the back yard adjacent to the existing structure. No additional fencing is proposed."*

Staff: New forested area will not need to be cleared to facilitate development and as such, no existing fencing will need to be removed to offset clearing impacts. No new fencing is proposed.

- 11.13.4 That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property MCC 33.4570(C)(3)(d).**

Staff: A 2:1 revegetation plan is not required to offset clearing impacts as new forested area will not need to be cleared to facilitate development.

- 11.13.5 That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property MCC 33.4570(C)(3)(e).**

Staff: The riparian area to the north of the home will not be physically disturbed. The applicant has proposed removing all nuisance plants on the extent of the existing clearing within the forested portion of the site surrounding the development. This will allow native species to re-establish in the areas surrounding the development, enhancing the riparian area to the north of the development from current conditions.

## **12.0 Significant Environmental Concern Permit (Streams)**

- 12.1 **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 (MCC 33.4575(C)(1);**

Staff: As illustrated in Exhibit A20, all development will be occurring within the Stream Conservation Area.

- 12.2 **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 (MCC 33.4575(C)(2);**

*Applicant: "The subject creek lies in a gully bordered by steep rising slopes to the west and southwest that run off into the creek during the rainy season. The intermittent creek flows on an eroded basalt bedrock surface. Fir, maple, alder, sword ferns and other native brush vegetate the areas and banks around the subject creek. To the best of my knowledge no fish populate the subject creek annually or seasonally."*

Staff: A map meeting these requirements is presented as Exhibit A20.

- 12.3 **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 (MCC 33.4575(C)(3);**

*Applicant: "See plan titled "Site Soil Conditions" from Engineering Geologic and Geotechnical Visual Site Reconnaissance regarding soil types in the proposed development area: Surface soils exposed in the general area of the proposed home consist of medium stiff, moist, medium reddish brown clayey silt, with a trace of sand to fine gravel sized fragment of decomposed basaltic rock...The hand auger hole, drilled to a maximum depth of about 2.5 feet, encountered stiff, medium reddish brown silty clay with scattered weathered basalt rock fragments, which we interpret as native residual soil derived from in place decomposition of the underlying basaltic bedrock. Scattered fragments of highly weathered basalt rock could also be observed in the surface soils over much of the lawn, and adjacent to the existing residence.*

*See plan labeled "Conclusions" from Engineering Geologic and Geotechnical Visual Site Reconnaissance regarding proposed draining: ...We recommend that fabric wrapped, perforated foundation subdrains be installed adjacent to the base of the footings to collect water from the excavation and reduce potential for water accumulation in the crawl space. We also recommend the installation of a gravity drain or sump pump at the low point in the crawl space to drain to the exterior. The footing subdrains should be routed to drain by gravity to a discharge point over the slope to the south of the home site. Flow from roof down spouts should be collected and routed independently from the foundation drainage. We recommend that coarse angular rock*

*be placed at the discharge point of the roof drainage outlet to dissipate the energy and allow the water to seep down slope through the natural humic and topsoil cover.”*

Staff: A geotechnical feasibility report prepared by Professional Service Industries, Inc. (PSI) provides the required information. A copy of the report dated February 2, 2004 is presented as Exhibit A21.

**12.4 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 (E)(5) below (MCC 33.4575(C)(4);**

Staff: The development area is not located within a known flood area and is located on a knoll roughly 75-feet above an incised seasonal channel. A discussion of the soils and any associated erosion and stability concerns were addressed in the PSI geotechnical report presented as Exhibit A21. Staff finds a flood study is not necessary and all other required information has been submitted.

**12.5 (MCC 34.4575(D)(1)(a)-(c)): For stream resources designated "3-C" 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 MCC 33.4575 (C); (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 MCC 33.4575 (D) (1);**

*Applicant: “All efforts to manage and maintain the elimination of nuisance species will be made regularly throughout the year each and every year the applicant occupies the subject property.”*

Staff: The development is occurring 75-feet above an intermittent stream bed on a topographic knoll. Construction will not be occurring directly within a fish habitat or critical wildlife habitat although erosion leaving the site could adversely impact fish and wildlife habitat. All construction will be occurring in previously cleared areas containing existing residential development. In order to mitigate these concerns, the applicant hired a geotechnical firm to provide recommendations on how to control storm water runoff, capture suspended sediment and perform construction in a way that minimizes structural instability of the slope. These recommendations are explained in detail within the Hillside Development Permit section of this decision. Complying with these geotechnical recommendations qualifies as a reasonable plan mitigating any foreseeable impacts to fish or wildlife habitat. The applicant has also proposed planting native vegetation and removing nuisance vegetation to improve the diversity of the flora in the development area thus enhancing the resource area significantly.

**12.6 An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings (MCC 34.4575(D)(1)(d)).**

*Applicant: "All efforts to maintain and ensure the survival of any required planting will be made regularly throughout the year each and every year the applicant occupies the subject property."*

Staff: A condition of this approval is that an annual monitoring plan be instated ensuring an 80% survival rate or better for the landscaping presented as Exhibit A3.

- 12.7 **The following design specifications shall be incorporated, as appropriate, into any developments within a Stream Conservation Area (MCC 34.4575(E)): (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**

*Applicant: "A culvert exists near the northeast portion of the stream and is of adequate width necessary to allow passage of peak winter flows. No additional development requiring a culvert is proposed."*

Staff: This standard is not applicable as no stream crossings are proposed.

- 12.8 **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 (MCC 34.4575(E)(2)):**

*Applicant: "See plan labeled "Conclusions" from Engineering Geologic and Geotechnical Visual Site Reconnaissance regarding storm drain management: ... Flow from roof down spouts should be collected and routed independently from the foundation drainage. We recommend that coarse angular rock be placed at the discharge point of the roof drainage outlet to dissipate the energy and allow the water to seep down slope through the natural humic and topsoil cover."*

Staff: Storm water generated by the new development will be contained on-site as verified by LANPACIFIC in a June 9, 2004 report (Exhibit A4). A 100-foot long vegetated swale is proposed for conveyance, filtering and natural infiltration of all stormwater runoff. An Oregon Licensed Professional Engineer has verified within the report that the swale has been sized for the 10-year storm of 24-hour duration.

- 12.9 **Any exterior lighting associated with a proposed development shall be placed, shaded or screened to avoid shining directly into a Stream Conservation Area (MCC 34.4575(E)(3)).**

*Applicant: "Any exterior lighting would be situated on and limited to the cleared area immediately around the proposed development and in all circumstances would avoid shining in the direction of the Stream Conservation Area."*

Staff: At this time, the applicant has not decided on the exact locations and styles of external lighting fixtures for the home or barn. A condition of this decision is that all exterior lighting be hooded and downward directed in the attempt to minimize visibility of the development at night. Compliance to this condition will assure all lighting is directed towards the base of the proposed structures and not outward (north) down into the creek gully.



- 12.10 **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 (MCC 34.4575(E)(4)).**

*Applicant: "There is a possibility that two (2) trees that meet this criteria will be removed to allow for a vehicle turn around area. We will replace them with a variety of native species whose combined caliper is greater than that of the trees removed."*

Staff: The applicant may need to remove two trees to facilitate development. The applicant proposes to replace these trees with Incense Cedar, Western Red Cedar, Orange White Oak, Rhododendron, Azalea and Fruit Trees including Apple, Pear and Plum. Together, the trees will have a comparable combined caliper larger than the two trees that will be removed.

- 12.11 **MCC 34.4575(E)(5): Satisfaction of the erosion control standards of MCC 33.5520.**

Staff: The erosion control standards of **MCC 33.5520** are evaluated in the next section of the decision dedicated to the Hillside Development Permit application.

- 12.12 **MCC 34.4575(E)(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.**

*Applicant: "We hope to break ground on the proposed dwelling as soon as possible after June 15, 2004 when the County and City permitting requirements have been met. Any revegetation required as a result of any development will be implemented no later than October 15<sup>th</sup>."*

Staff: This approval is conditioned such that soil disturbing activities 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 (**MCC 34.4575(E)(6)**). Imposing this condition of approval assures this standard will be met.

### **13.0 Hillside Development Permit**

- 13.1 **An application for development subject to the requirements of this subdistrict shall include the following (33.5515(A)): A map showing the property line locations, roads and driveways, existing structures, trees with 8-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s) and trees proposed for removal.**
- 13.2 **An estimate of depths and the extent and location of all proposed cuts and fills (MCC 33.5515(B)).**

Staff: A grading plan for the home is presented as Exhibit A22. This plan outlines the volumes and locations of cuts and fills required to prepare the building pad. The area

under the proposed shop is level and will only require minimal grading to remove the top few inches of organics.

**13.3 The location of planned and existing sanitary drainfields and drywells (MCC 33.5515(C)).**

Staff: The proposed septic tank and drainfield area is located to the southwest of the proposed home as seen in Exhibit A6.

**13.4 Narrative, map or plan information necessary to demonstrate compliance with MCC 33.5520 (A). The application shall provide applicable supplemental reports, certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting (MCC 33.5515(D)).**

Staff: Narrative descriptions of the geotechnical recommendations and the recommended storm water disposal methods are presented as Exhibits A21 and A4 respectively.

**13.5 A Hillside Development permit may be approved by the Director only after the applicant provides (MCC 33.5515(E)(1)): Additional topographic information showing that the proposed development to be on land with average slopes less than 25 percent, and located more than 200 feet from a known landslide, and that no cuts or fills in excess of 6 feet in depth are planned. High groundwater conditions shall be assumed unless documentation is available, demonstrating otherwise; or**

Staff: See response below.

**13.6 A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development (MCC 33.5515(E)(2)); or,**

Staff: Warren Krager, a Certified Engineering Geologist with PSI, Inc., has verified in two separate geotechnical reports that the site is suitable for the development proposed assuming construction commences as recommended. The specific recommendations relate to compaction of fill lifts, requirements of foundation inspection, retaining at least a 25-foot setback from the break in slope to the north of the home and sub drain construction. These recommendations are presented as Exhibit A21. The plans submitted for review appear consistent with the geotechnical recommendations.

**13.7 An HDP Form– 1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with his/her stamp and signature affixed indicating that the site is suitable for the proposed development (MCC 33.5515(E)(1)).**

Staff: See response below.

**13.8 If the HDP Form– 1 indicates a need for further investigation, or if the Director requires further study based upon information contained in the HDP Form– 1, a geotechnical report as specified by the Director shall be prepared and submitted (MCC 33.5515(E)(1)(a)).**

Staff: Although the geotechnical reconnaissance and recommendations were not documented on the County's HDP Form-1, PSI, Inc. submitted two comparable geotechnical reports stamped by a Certified Engineering Geologist verifying the site is suitable for development if particular geotechnical recommendations were followed. Copies of the reports are presented as Exhibit A21.

- 13.9 **A geotechnical investigation in preparation of a report required by MCC 33.5515 (E) (3) (a) shall be conducted at the applicant's expense by a Certified Engineering Geologist or Geotechnical Engineer. The report shall include specific investigations required by the Director and recommendations for any further work or changes in proposed work which may be necessary to ensure reasonable safety from earth movement hazards (MCC 33.5515(F)(1)).**

Staff: The PSI geotechnical reports (Exhibit A21) recommend the home be set back at least 25-feet from the sharp break in slope northwest of the existing home. PSI, Inc. verified the existing home was 20-feet away from the break in slope and the submitted plans show the proposed residence will meet this recommendation. PSI, Inc. verified in the February 2, 2004 report that the proposed home location alleviated these concerns. All other geotechnical recommendations dealt with bearing surface and foundation design that will be verified through building permit review and site inspections. Preliminary development plans suggest the geotechnical recommendations relating to the siting of the structure have been followed.

- 13.10 **Any development related manipulation of the site prior to issuance of a permit shall be subject to corrections as recommended by the Geotechnical Report to ensure safety of the proposed development (MCC 33.5515(F)(2)).**

Staff: Staff visited the site July 16, 2004 to better understand how the proposal conforms to the existing topography. No signs of recent grading activities were present suggesting the site had been manipulated prior to the issuance of a permit. The subject site appears to be in compliance with this criterion.

- 13.11 **Observation of work required by an approved Geotechnical Report shall be conducted by a Certified Engineering Geologist or Geotechnical Engineer at the applicant's expense; the geologist's or engineer's name shall be submitted to the Director prior to issuance of the Permit (MCC 33.5515(F)(3)).**

Staff: A condition of this approval is that *"Either Warren Krager, C.E.G., or Troy Hull, P.E. shall observe the site and verify in writing that the geotechnical recommendations outlined in the Professional Services Industries, Inc. February 2, 2004 Geotechnical Site Reconnaissance Report (Exhibit A21) have been followed (MCC 33.5515(F)(3)). Written verification of geotechnical compliance shall be submitted to the County by one of these two professionals prior to occupancy of the new single family dwelling. The use of services from any other Certified Engineering Geologist or Oregon Licensed Professional Engineer will first need to be approved by the County in order to meet this condition of approval."*

The required written verification by an Oregon Certified Engineering Geologist or Oregon Licensed Professional Engineer will assure the site conditions are observed and

compliance with the geotechnical recommendations provided by PSI, Inc. will be achieved before the new dwelling is occupied.

- 13.12 **The Director, at the applicant's expense, may require an evaluation of HDP Form-1 or the Geotechnical Report by another Certified Engineering Geologist or Geotechnical Engineer (MCC 33.5515(F)(4)).**

Staff: No such second review is required as the geotechnical reconnaissance report prepared by PSI, Inc. adequately describes current site conditions, geotechnical constraints and provides clear recommendations. Site conditions observed July 16, 2004 by Staff did not vary from those described in the February 2, 2004 geotechnical report (Exhibit A21).

- 13.13 **Development plans shall be subject to and consistent with the Design Standards for Grading and Erosion Control in MCC 33.5520 (A) through (D). Conditions of approval may be imposed to assure the design meets those standards (MCC 33.5515(G)).**

Staff: Noted.

- 13.14 **Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The Director or delegate may require additional studies or information or work regarding fill materials and compaction (MCC 33.5520(A)(1)(a));**

Staff: This information is provided in the geotechnical report prepared by PSI, Inc. (Exhibit A21). The graphical representations of the information requested in MCC 33.5520(A)(1)(a) is presented within Exhibits A6, A17 and A22.

- 13.15 **Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified (MCC 33.5520(A)(1)(b));**

Staff: As illustrated on Exhibit A22, unsupported fill slopes southeast of the new home will be 10:1, which is shallower than 3:1 (Horizontal: Vertical). Fill under and around the dwelling building pad will be a maximum of 12-inches deep lift. A typical compacted 6 to 12-inch "lift" does not apply to this standard which is intended to assure significant cuts and fills will be stable.

The only unsupported cut proposed will be a roughly 1-foot tall cut with a 5:1 (H:V) ratio to the southwest of the proposed garage (Exhibit A22). This cut complies with this standard as it will be shallower than the 3:1 threshold and again, is not tall enough to cause concern. No unsupported cuts or fills are proposed to facilitate the new barn as the development area is nearly level.

- 13.16 **Cuts and fills shall not endanger or disturb adjoining property (MCC 33.5520(A)(1)(c));**

Staff: All cuts and fills will occur on the subject property hundreds of feet from the nearest property line.

- 13.17 **The proposed drainage system shall have adequate capacity to bypass through the development the existing upstream flow from a storm of 10-year design frequency (MCC 33.5520(A)(1)(d));**

Staff: Erik Esparza (P.E.) with LANPACIFIC has verified that the stormwater drainage system has been designed to handle the 10-year, 24-hour storm event. The system proposed is a 100-foot long vegetated drainage swale designed to convey water away from steep slopes, through a control structure and ultimately discharging into an existing ditch paralleling the driveway. A copy of the stormwater analysis and details of the recommended system is presented as Exhibit A4.

- 13.18 **Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced streamflow for a storm of 10-year design frequency (MCC 33.5520(A)(1)(e));**

Staff: Fills will occur immediately around the proposed home as indicated in Exhibit A22. The development area is located at the crest of a topographic knoll over 100-feet away from the nearest watercourse – a seasonal tributary north of the home.

- 13.19 **On sites within the Tualatin River Drainage Basin, erosion and stormwater control plans shall satisfy the requirements of OAR 340. Erosion and stormwater control plans shall be designed to perform as prescribed by the currently adopted edition of the "*Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)*" and the "*City of Portland Stormwater Quality Facilities, A Design Guidance Manual (1995)*". Land-disturbing activities within the Tualatin Basin shall provide a 100-foot undisturbed buffer from the top of the bank of a stream, or the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland; unless a mitigation plan consistent with OAR 340 is approved for alterations within the buffer area (MCC 33.5520(A)(2)(a));**

Staff: The site is not located in the Tualatin River Drainage Basin but within the Multnomah Channel Drainage Basin. This standard does not apply.

- 13.20 **Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction (MCC 33.5520(A)(2)(b));**

Staff: Limited amounts of cutting and filling will be required to prepare the bearing surface and achieve positive grade away from both the new home and barn. It is Staff's opinion that the smallest amount of area will be disturbed in the development area in the attempt to achieve positive grade away from the home. For example, the fill footprint will extend no more than 20-feet away from the majority of the home with 73 cubic yards of fill installed to the immediate southeast of the home to make the slope less steep.

The applicant has delineated designated soil stockpile and construction parking locations on the site plan (Exhibit A22) in the attempt to minimize conflicts during construction when earth is exposed. Grading will be limited to the dry season, as conditioned by this

report which will minimize soil erosion. The applicant has also proposed the installation of sediment fencing entirely surrounding the residence to minimize erosion. Minimal ground disturbance will be required to construct the barn as the ground is nearly level. In fact, the barn will be located in a topographic low spot that will contain any mobilized sediment.

- 13.21 Development Plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff (MCC 33.5520(A)(2)(c));**

Staff: The applicant is locating the development in existing, near level areas sloping between 5% and 10%. Minimal amounts of grading will be required for construction and is mostly proposed to achieve positive drainage away from the foundations. Since the majority of the subject property is steeper than the development area proposed, Staff finds the proposed grading plan involves the least amount of cuts and fills necessary to prepare the site for the uses proposed. Any other location or grading plan would create more ground disturbance.

- 13.22 Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development (MCC 33.5520(A)(2)(d));**

Staff: The stockpile of soil located to the southwest of the home will be covered with either mulch or plastic sheeting to avoid erosion of this critical area. All disturbed areas will be re-seeded within 30-days of the completion of ground disturbance which will provide permanent vegetative cover.

- 13.23 Whenever feasible, natural vegetation shall be retained, protected, and supplemented (MCC 33.5520(A)(2)(e));**

Staff: As illustrated in Exhibit A3, the applicant will be removing one fir over 6-inch caliper and may need to remove a total of two trees. The applicant has submitted a landscaping plan to help supplement the diversity and density of existing vegetation surrounding the development area. Vegetation to be planted includes Incense Cedar, Western Red Cedar, Orange White Oak, Rhododendron, Azalea and Fruit Trees including Apple, Pear and Plum. The landscaping plan is presented as Exhibit A3.

- 13.24 A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland (MCC 33.5520(A)(2)(e)(1));**

- 13.25 The buffer required in 1. may only be disturbed upon the approval of a mitigation plan which utilizes erosion and stormwater control features designed to perform as effectively as those prescribed in the currently adopted edition of the "*Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)*" and the "*City of Portland Stormwater Quality Facilities, A Design Guidance Manual (1995)*" and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340 (MCC 33.5520(A)(2)(e)(2));**

Staff: Fill will not be located within 100-feet of a water body.

- 13.26 **Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical (MCC 33.5520(A)(2)(f));**

Staff: All disturbed areas will be stabilized with re-seeding and mulch within 30-days of ground disturbance being finalized.

- 13.27 **Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary (MCC 33.5520(A)(2)(g));**

Staff: The effect stormwater runoff during the 10-year, 24-hour storm has been reviewed by an Oregon Licensed Professional engineer in the attempt to convey runoff in a way minimizing erosion and impacts to local watercourses and adjoining properties. A design has been proposed which collects, partially infiltrates, retards discharge rates, and cleans stormwater runoff. A copy of the stormwater report is presented as Exhibit A4.

- 13.28 **Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized (MCC 33.5520(A)(2)(h));**

Staff: Mobilized sediment will be trapped by sediment fencing surrounding the development area (Exhibit A22).

- 13.29 **Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding (MCC 33.5520(A)(2)(i));**

Staff: Excavations taller than roughly one foot are not proposed. Rilling, a destructive form of slope erosion, does not typically form on slopes less than 15-feet long<sup>1</sup>. As a result, no highly erodable cut faces will exist in the development area.

- 13.30 **All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system (MCC 33.5520(A)(2)(j));**

Staff: Storm water runoff will be conveyed through a drainage swale to an existing ditch paralleling the driveway which enters a natural drainage swale.

- 13.31 **Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion (MCC 33.5520(A)(2)(k));**

Staff: The drainage swale proposed will be vegetated with grasses.

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<sup>1</sup> 2002, Certified Professional in Erosion and Sediment Control, Exam Review Course Workbook.

- 13.32 **Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to: 1. Energy absorbing devices to reduce runoff water velocity (MCC 33.5520(A)(2)(l)(1));**

Staff: The only concentrated runoff will occur within the vegetated drainage swale designed by LANPACIFIC (Exhibit A3). Energy absorbing devices will not be necessary to reduce runoff water velocity as the design incorporates a velocity control structure to reduce the chance of erosion.

- 13.33 **Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule (MCC 33.5520(A)(2)(l)(2));**

Staff: Sediment fencing will be installed downhill of the construction site. This approval is conditioned such that all erosion control best management practices are maintained throughout construction. Proper maintenance of sediment fencing requires the inspection and removal of trapped sediment behind the fence when over 1/3<sup>rd</sup> the height of the exposed fence is buried by mobilized sediment<sup>2</sup>.

- 13.34 **Dispersal of water runoff from developed areas over large undisturbed areas (MCC 33.5520(A)(2)(l)(3)).**

Staff: The stormwater runoff will ultimately be conveyed down a roadside ditch, through a culvert and into a large undisturbed portion of the property.

- 13.35 **Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures (MCC 33.5520(A)(2)(m));**

Staff: The applicant has proposed locating a stockpile of soil southwest of the new home (Exhibit A22). The stockpile will be covered in either plastic sheeting or mulch when not in use to minimize erosion.

- 13.36 **Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities (MCC 33.5520(A)(2)(n)).**

Staff: The applicant is not proposing the use of any of the products listed above.

- 13.37 **On sites within the Balch Creek Drainage Basin, erosion and stormwater control features shall be designed to perform as effectively as those prescribed in the "*Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)*". All land disturbing activities within the basin shall be confined to the period between May first and October first of any year. All permanent vegetation**

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<sup>2</sup> 2002, Certified Professional in Erosion and Sediment Control, Exam Review Course Workbook.



**or a winter cover crop shall be seeded or planted by October first the same year the development was begun; all soil not covered by buildings or other impervious surfaces must be completely vegetated by December first the same year the development was begun (MCC 33.5520(A)(2)(o)).**

Staff: The project site is not located within the Balch Creek Drainage Basin.

## **Conclusion**

Considering the findings and other information provided herein, this application, as conditioned, satisfies applicable Multnomah County Zoning Ordinance requirements. The replacement dwelling and new barn shall be constructed as indicated in the plans approved by this decision, as further indicated in the **Scope of Approval** section of this report.

## **Exhibits**

All materials submitted by the applicant, prepared by County staff, or provided by public agencies or members of the general public relating to this request are hereby adopted as exhibits hereto and may be found as part of the permanent record of this application. Exhibits referenced herein are enclosed, and a brief description of each is listed below:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
A1	1	Replacement Dwelling Agreement
A2	1	Scappoose Fire District Letter (March 10, 2004)
A3	2	Landscaping Plan
A4	8	Storm Water Drainage Report, LANPACIFIC (June 9, 2004)
A5	1	Vicinity Map
A6	2	Site Maps
A7	1	Zoning Map
A8	1	Access Road Map
A9	1	Comment Submitted, Neighbor (19875 NW Logie Trail Road)
A10	1	Property Configuration
A11	1	General Application Form
A12	3	Construction Plans
A13	6	Structural Elevations
A14	1	Driveway Improvements
A15	1	Rough Map of Fire Safety Breaks.
A16	18	Applicant's Narrative
A17	3	Contour Map
A18	2	Proposed Development
A19	1	Fencing Map
A20	1	Stream Conservation Area
A21	13	PSI Geotechnical Report (February 2, 2004)
A22	3	Grading Plans
A23	6	Identified Viewing Area Map and Photos
A24	1	Letter from Neighbor, 19863 NW Logie Trail Road