



MULTNOMAH COUNTY
LAND USE AND TRANSPORTATION PROGRAM
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
<http://www.multco.us/landuse>

NOTICE OF DECISION

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

Case File: T2-2012-2380

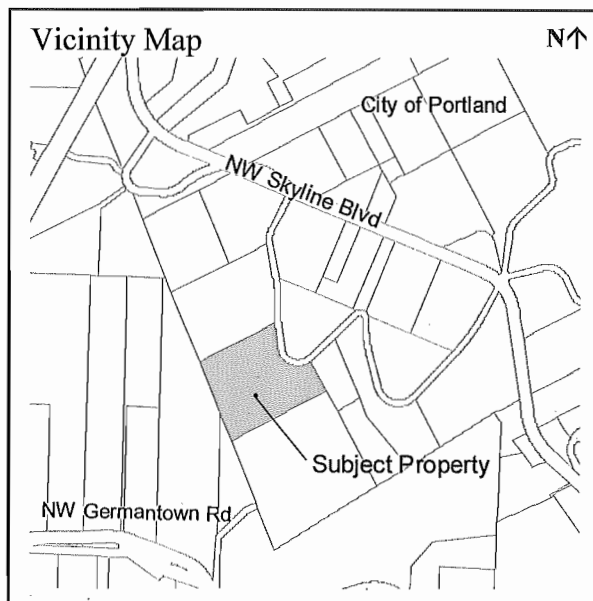
Permit: Significant Environmental Concern –
Habitat; Hillside Development Permit

Location: 9305 NW Skyline Blvd.
Tax Lot 3300, Section 09A,
Township 1N, Range 1W, W.M.
R773503000

**Owners/
Applicants:** Brad and Sarah Coleman

Base Zone: Rural Residential

Overlays: Significant Environmental Concern –
Wildlife Habitat; Slope Hazard



Summary: The applicant is seeking to:


1. Construct a vehicle turnaround in the County Right-of-Way
2. Retroactively permit the location of the dwelling due to incorrect placement at the original time of establishment and a 12x15 foot wood shed, and
3. Construct an addition to the dwelling.

Decision: Approved with Conditions

Unless appealed, this decision is effective Thursday, February 21, 2013

Issued by:

By:


Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Thursday, February 7, 2013

Instrument Number for Recording Purposes: #2009059355

Opportunity to Review the Record: A copy of the Planning Director 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 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 Don Kienholz, Staff Planner at 503-988-3043, ext. 29270.

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 requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals 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 Thursday, February 21, 2013 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR): 37.0560 Code Compliance, 33.0005 Lot of Record, 33.3155 Dimensional Requirements, 33.3170 Lot of Record, 33.3185 Access, 33.4520 Application for SEC Permit, 33.4570 SEC-h Approval Criteria, 33.5515 Application Information Required, 33.5520 Grading and Erosion Control Standards. Multnomah County Road Rules (MCRR): 4.000 Access etc seq.

Copies of the referenced Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR) sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.co.multnomah.or.us/landuse> or <http://web.multco.us/transportation-planning>.

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 two years from the date the decision is final pursuant to MCC 37.0690(B) as applicable. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0695, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.**

Conditions of Approval

1. **After the decision is final and prior to building permit sign-off, the property owner shall record the Notice of Decision cover sheet through the conditions of approval. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and a copy filed with Land Use Planning. Recording shall be at the applicant's expense [MCC 37.0670].**
2. **No nuisance plants as listed in MCC 33.4570(B)(7) shall be planted on the subject property.**

3. No new fencing is authorized by this permit except for that which is associated with the production of agriculture [MCC 33.4570(6)].
4. The property owner shall ensure that the proposed turnaround work is observed by a Certified Engineering Geologist or Geotechnical Engineer. This observation shall be at the owner's expense. The name, address and phone number of the Certified Engineering Geologist or Geotechnical Engineer that will be conducting the observation of the development shall be submitted to the Planning Director prior to zoning review for a building permit. The observation of the development activities by the Certified Engineering Geologist or Geotechnical Engineer shall include but is not limited to excavation, confirmation on installation and effectiveness of all erosion and sediment control measures, and a final observation [MCC 33.5515(F)(3)].
5. The property owner shall implement the erosion and sediment control measures as shown and listed on the site plan (Exhibit A.7,A.10) and described in the HDP Worksheet (Exhibit A.13, A.17), unless amended by the observing Certified Engineering Geologist or Geotechnical Engineer to achieve better site suitability for the development and improve erosion and sediment control [33.5520(A)].
6. Excavated spoils from the project shall be thinly spread over the flat areas of the property as identified in the narrative and site plan. Those spoils materials removed off-site shall be taken to a location approved for the disposal of such material by applicable Federal, State and local authorities. Any stockpiles of top soil to be used for fill shall be covered with plastic sheeting anchored to prevent disruption from wind [MCC 33.5520(A)(2)(m)].
7. The property owner shall ensure that non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters are prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities. On-site disposal of construction debris is not authorized under this permit. This permit does not authorize dumping or disposal of hazardous or toxic materials, synthetics (i.e. tires, etc), petroleum-based materials, or other solid wastes which may cause adverse leachates or other off-site water quality effects [MCC 33.5520(A)(2)(n)].
8. 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 the 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 MCC 33.5520(B)].
9. The County may supplement described erosion control techniques if turbidity or other down slope erosion impacts resulting 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 or sedimentation effects [MCC 33.5520(A), (B), & (C)].
10. The stormwater disposal system described in the Storm Water Certificate (Exhibits A.5, A.12) shall be implemented and constructed. This system shall collect and dispose of

stormwater generated from the impervious surface into the infiltration systems described [MCC 33.5520(A)(1)(d); 33.5520(A)(2)(h), (i), and (j)].

11. 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 will expose the smallest practical area at any one time during construction [MCC 33.5520(A)(2)(b)].
12. Prior to zoning approval for building permits on the addition, the property owners shall complete the road turnaround as required under BCC Resolution 2012-12. Evidence shall be submitted to Land Use Planning verifying the completion of the turnaround to the County Engineer's standards [MCC 37.0560, 33.3155].
13. The addition shall be constructed with a NFPA13D sprinkler system and the dwelling shall be retrofitted with a NFPA13D sprinkler system. Sprinkler plans shall be included at the time of zoning sign-off for building permit review. Evidence of the completed sprinkler system shall be submitted to Land Use Planning within 1 month of the final building inspection [Comprehensive Plan Policy 38 and 1994 Zoning Sign-Off Condition 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.

Note: Once this decision is final, application for building permits may be made with the City of Portland. When ready to have building permits signed off, the applicant shall call the Staff Planner, Don Kienholz, at (503) 988-3043 ext. 29270, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Portland. Five (5) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee of \$53.00 will be collected. In addition, an erosion control inspection fee of \$77.00 may be required.

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

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

Findings of Fact

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

1.00 Project Description:

Staff: The applicant is seeking to construct an addition to the existing dwelling at 9305 NW Skyline Blvd and a road turnaround on NW Arcade. The entire property has the Significant Environmental Concern overlay for Wildlife Habitat (SEC-h) while a portion of the property contains overlays for Significant Environmental Concern for Streams (SEC-s) and Slope Hazard (HD)

Based on the location of the proposed development, a Significant Environmental Concern Permit for Wildlife Habitat and Hillside Development Permit are required for the house addition and a Hillside Development Permit is required for the turnaround construction. As part of the project, the applicant has requested Multnomah County vacate a portion of the NW Arcade right-of-way along the property’s front yard.

2.00 Property History and Code Compliance:

Staff: The dwelling on site was approved through County approved Hillside Development Permit (HDP) 38-94. However, the dwelling was ultimately constructed in the wrong location and encroaches within the front yard setback as well as into the County road right-of-way. Additionally, at the time of the original dwelling review, the local fire district required the dwelling be constructed with an in-house sprinkler system, which was never installed (Exhibit B.9).

As a result, the submitted application will retroactively approve the home’s location, the addition, and the new turnaround. A condition of approval has been included that requires the installation of a sprinkler system in the dwelling and addition to comply with the previous condition of approval and current fire code for the addition. Approval of the subject application will bring the property into full compliance with land use requirements (MCC 37.0560).

The construction of the home in the wrong location and within the setbacks and County right-of-way is a violation of the zoning code and the previous approval. The property owners have worked with Multnomah County Transportation and Engineering staff to provide for a portion of the right-of-way to be vacated to correct the yard/setback encroachment issue. The Board of County Commissioners conditionally approved the road vacation as shown in Exhibit B.7 on the requirement that the applicants construct the road turnaround by March 31, 2013.

The completion of the road vacation will change the front lot line from its present location to a short segment along the northwest portion of the road where the turnaround is to be built (Exhibit A.10). The lot line near the dwelling will then become a side lot line and require only a 10-foot setback. Because building permits for the addition cannot be approved until the turnaround is completed, a condition of approval will require sequencing of the permitted activities.

3.00 Lot of Record:

MCC 33.0005 Lot of Record

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 33.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

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

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

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

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

- 1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.**
- 2. An “acknowledged unincorporated community boundary” is one that has been established pursuant to OAR Chapter 660, Division 22.**

*** * ***

MCC 33.3170 LOT OF RECORD

(A) In addition to the Lot of Record definition standards in MCC 33.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR zone applied;**

- (2) July 10, 1958, F-2 zone applied;
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
- (4) October 6, 1977, RR zone applied, Ord. 148 & 149;
- (5) October 13, 1983, zone change from MUF-19 to RR for some properties, Ord. 395;
- (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004, 20 acre minimum lot size for properties within one mile of Urban Growth Boundary;
- (7) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.

(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 33.3185, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(C) Except as otherwise provided by MCC 33.3160, 33.3175, and 33.4300 through 33.4360, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(D) The following shall not be deemed to be a lot of record:

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

Staff: The subject property is part of the Skyline Acres subdivision, a County approved subdivision platted in 1908 (Exhibit A.8). Since the County approved the subdivision, all land division codes were met at the time. The County first adopted zoning requirements for the area in 1955, therefore no zoning requirements were in place when the property was established. Therefore the property is a Lot of Record.

Criterion met.

4.00 Road Turnaround:

This section reviews only the Hillside Development Permit criteria associated with constructing the road turnaround. The turnaround is exempt from the SEC permit since the road use existed prior to January 7, 2010 and does not involve a structure under MCC 33.4515(A)(8).

MCC 33.5520 GRADING AND EROSION CONTROL STANDARDS

Approval of development plans on sites subject to a Hillside Development Permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

Staff: The applicant submitted a completed HDP Worksheet specific to the turnaround (Exhibit A.17) addressing the following standards:

(A) Design Standards For Grading and Erosion Control

A. (1) Grading Standards

1. **(a) 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;**

Staff: The turnaround area does not contain any fill. As noted in the HDP worksheet for the turnaround (Exhibit A.17) and on the site plan (Exhibit A.10), the turnaround is being constructed by cutting out of the existing slope. A condition of approval will require a geotechnical engineer or certified engineering geologist to monitor construction of the turnout construction.

Criterion met.

2. **(b) 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;**

Staff: The applicant modified their proposal for the turnaround and the newest revision, submitted on November 20, 2012 (Exhibit A.10), shows that there will be no slopes greater than 3:1 (horizontal: vertical) resulting from the project. The turnaround will have a slope of 3:1, but no greater.

Criterion met.

3. **(c) Cuts and fills shall not endanger or disturb adjoining property;**

Staff: A cut will be made on the adjacent property but the owners have given their consent to utilize their property for the turnaround (Exhibit A.9). A condition of approval will require a geotechnical engineer or certified engineering geologist to observe the cut and turnaround construction to ensure stability and safety.

Criterion met.

4. **(d) 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;**

Staff: The closest property line is up-slope from the addition and turnaround. Water will flow downstream across the property and a professional engineer has stamped and signed the Storm water certificate certifying that runoff will be handled on site for a 10-year/24-hour event.

Criterion met.

5. **(e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced stream flow for a storm of 10-year design frequency;**

Staff: No water courses are within 300-feet of the earth disturbance in any direction. A professional engineer has determined that runoff attributed to the new development will be handled on site for a 10-year/24-hour storm event.

Criterion met.

B. (2) Erosion Control Standards

1. **(a) 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.**

Staff: The subject site is within the Tualatin River Drainage Basin. The turnaround site is over 300-feet from the nearest water body. Sediment fencing on the downslope side combined with roughly 400-feet of vegetated cover towards the stream will filter any sediment that leaves the development site.

Criterion met.

2. **(b) 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;**

Staff: The applicant has noted that silt fencing and bio bags will be utilized to keep soil on site and to protect disturbed areas. Reseeding will occur upon completion of the work.

Criterion met.

3. **(c) 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;**

Staff: The only cut proposed is for the turnaround due to the slopes immediately adjacent to the right of way. Since the turnaround must be within the public right-of-way, locations are limited. Any site within the right-of-way would require similar amounts of cut, or fill placement. The proposed cut appears to minimize the amount of cutting while still providing adequate turn-around space for emergency vehicles and the public. A stone or concrete energy diffuser pad will also help retard the velocity of surface runoff at the mouth of the culvert serving the turnaround.

Criterion met.

4. **(d) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;**

Staff: The turnaround is expected to be completed in one day, preventing any exposure of critical areas. Reseeding will immediately occur on exposed slopes after completion of the project.

Criterion met.

5. **(e) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;**
1. **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;**
 2. **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;**

Staff: The turnaround development will require removal of vegetation in order to cut into the slope and provide a level travel surface. However, the ground disturbance is more than 100-feet away from any watercourse, creek, etc.

Criteria met.

6. **(f) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;**

Staff: The applicant has indicated the turnaround construction should take only a day. Once construction is complete they will reseed the site. The applicant has stated erosion control measures will be in place prior to ground breaking.

Criterion met.

7. **(g) 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;**

Staff: An energy diffuser will be installed at the outlet of a culvert (installed under the turnaround to convey collected water from the cut slope, under the roadway, and into the vegetated swale and slope) that will retard water collected from the turnaround. The runoff will then infiltrate back into the ground along the roughly 400-feet to the downslope property line.

Criterion met.

8. **(h) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized;**

Staff: The applicant has proposed silt fencing and biobags to trap sediment.

Criterion met.

9. **(i) 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;**

Staff: The applicant will reseed as soon as the turnaround is complete, which should take roughly a day.

Criterion met.

10. **(j) 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;**

Staff: A proposed driveway swale will help accommodate stormwater as will the 400-feet of downslope vegetation. A completed stormwater certificate has been submitted as part of the application (Exhibit A.5).

Criterion met.

11. **(k) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion;**

Staff: The existing swale is vegetated.

Criterion met.

12. **(l) 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;**
2. **Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;**
3. **Dispersal of water runoff from developed areas over large undisturbed areas.**

Staff: The applicant has proposed silt fencing and bio bags to help with sediment control.

Criterion met.

13. (m) **Disposed spoil material or stock-piled 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;**

Staff: The applicant has noted any spoil material will be removed from site.

Criterion met.

14. (n) **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.**

Staff: A condition of approval will ensure non-erosion pollution occurs on site.

Criterion met with condition of approval.

15. (o) **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 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.**

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

Criterion met.

(B) Responsibility

- (1) **Whenever sedimentation is caused by stripping vegetation, regarding or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to issuance of occupancy or final approvals for the project;**
- (2) **It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream watercourse or swale, or upon the floodplain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or right-of-way during such activity, and to return it to its original or equal condition.**

(C) Implementation

- (1) **Performance Bond – A performance bond may be required to assure the full cost of any required erosion and sediment control measures. The bond may be used to provide for the installation of the measures if not completed by the contractor. The bond shall be**

released upon determination the control measures have or can be expected to perform satisfactorily. The bond may be waived if the Director determines the scale and duration of the project and the potential problems arising there from will be minor.

- (2) **Inspection and Enforcement.** The requirements of this subdistrict shall be enforced by the Planning Director. If inspection by County staff reveals erosive conditions which exceed those prescribed by the Hillside Development, work may be stopped until appropriate correction measures are completed.

(D) Final Approvals

A certificate of Occupancy or other final approval shall be granted for development subject to the provisions of this subdistrict only upon satisfactory completion of all applicable requirements.

Staff: The Responsibility, Implementation, and Final Approval sections are strictly code sections and included for information purposes only.

5.00 Dwelling and Addition to Dwelling:

This section contains the approval criteria of both the Significant Environmental Concern Permit and Hillside Development Permit for the addition to the dwelling.

A. MCC 33.4570 CRITERIA FOR APPROVAL OF SEC-H PERMIT –WILDLIFE HABITAT

(B) Development standards:

1. **(1) 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.**

Staff: The location of the dwelling and proposed location of the addition to the dwelling are currently a non-forested cleared area. The 12x15-foot shed to be retroactively reviewed is to the west of the dwelling as seen on the site plan (Exhibit A.10) and in a cleared area as defined.

Criteria met.

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

Staff: The dwelling will be 159-feet from the newly relocated NW Arcade right-of-way after the road vacation. The addition will be 115-feet from NW Arcade Road while the shed will be 145-feet away.

Criterion met.

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

Staff: The dwelling, addition, and accessory shed are all less than 200-feet from the public road.

Criterion met.

4. **(4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:**
- (a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or**
 - (b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.**

Staff: No other dwellings are served by the public road the access is taken from. There is no development on an adjacent property within 200-feet of a common property line.

Criterion met.

5. **(5) The development shall be within 300 feet of a side property line if adjacent property has structures and developed areas within 200 feet of that common side property line.**

Staff: No adjacent property has development within 300 feet of a common side property line.

Criterion met.

6. **(6) Fencing within a required setback from a public road shall meet the following criteria:**

(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.

(b) 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.

(c) Cyclone, woven wire, and chain link fences are prohibited.

(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.

(f) Fencing standards do not apply where needed for security of utility facilities.

Staff: The applicant has not included fencing as part of the project.

Criterion met.

7. (7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:

Scientific Name	Common Name
<i>Chelidonium majus</i>	Lesser celandine
<i>Cirsium arvense</i>	Canada Thistle
<i>Cirsium vulgare</i>	Common Thistle
<i>Clematis ligusticifolia</i>	Western Clematis
<i>Clematis vitalba</i>	Traveler's Joy
<i>Conium maculatum</i>	Poison hemlock
<i>Convolvulus arvensis</i>	Field Morning-glory
<i>Convolvulus nyctagineus</i>	Night-blooming Morning-glory
<i>Convolvulus seppium</i>	Lady's nightcap
<i>Cortaderia selloana</i>	Pampas grass
<i>Crataegus sp. except C. douglasii</i>	hawthorn, except native species
<i>Cytisus scoparius</i>	Scotch broom
<i>Daucus carota</i>	Queen Ann's Lace
<i>Elodea densa</i>	South American Water-weed
<i>Equisetum arvense</i>	Common Horsetail
<i>Equisetum telemateia</i>	Giant Horsetail
<i>Erodium cicutarium</i>	Crane's Bill
<i>Geranium roberianum</i>	Robert Geranium
<i>Hedera helix</i>	English Ivy
<i>Hypericum perforatum</i>	St. John's Wort
<i>Ilex aquafolium</i>	English Holly
<i>Laburnum watereri</i>	Golden Chain Tree
<i>Lemna minor</i>	Duckweed, Water Lentil

Scientific Name	Common Name
<i>Loentodon autumnalis</i>	Fall Dandelion
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Phalaris arundinacea</i>	Reed Canary grass
<i>Poa annua</i>	Annual Bluegrass
<i>Polygonum coccineum</i>	Swamp Smartweed
<i>Polygonum convolvulus</i>	Climbing Binaweed
<i>Polygonum sachalinense</i>	Giant Knotweed
<i>Prunus laurocerasus</i>	English, Portugese Laurel
<i>Rhus diversiloba</i>	Poison Oak
<i>Rubus discolor</i>	Himalayan Blackberry
<i>Rubus laciniatus</i>	Evergreen Blackberry
<i>Senecio jacobaea</i>	Tansy Ragwort
<i>Solanum dulcamara</i>	Blue Bindweed
<i>Solanum nigrum</i>	Garden Nightshade
<i>Solanum sarrachoides</i>	Hairy Nightshade
<i>Taraxacum officinale</i>	Common Dandelion
<i>Utricularia vulgaris</i>	Common Bladderwort
<i>Urtica dioica</i>	Stinging Nettle
<i>Vinca major</i>	Periwinkle (large leaf)
<i>Vinca minor</i>	Periwinkle (small leaf)
<i>Xanthium spinosum</i>	Spiny Cocklebur
various genera	Bamboo sp.

Staff: Nuisance plant removal and long term abatement in the development area shall be a condition of approval.

Criterion met with condition of approval.

B. MCC 33.5520 GRADING AND EROSION CONTROL STANDARDS

Approval of development plans on sites subject to a Hillside Development Permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

Staff: The applicant submitted a completed HDP Worksheet specific to the dwelling addition and surrounding area (Exhibit A.13) addressing the following standards:

(A) Design Standards For Grading and Erosion Control

1. Grading Standards

- a. (a) 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;

Staff: A small amount of cut will occur to place the addition as noted in the HDP worksheet (Exhibit A.13). The foot print of the addition will replace an existing retaining wall associated with the daylight basement portion of the existing home. The cut materials from placing the addition on that area will be spread over the flat portions of the property, including the parking area and yard within the retaining wall located on the site plan (Exhibit A.10).

Criterion met.

- b. **(b) 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;**

Staff: No portion of the addition project will create slopes steeper than 3:1 (Horizontal: Vertical). The existing dwelling utilizes a retaining wall as part of the daylight basement and the addition will cover the retaining wall. The addition's structural components will be the new retaining wall and will be engineered as part of the building permit.

Criterion met.

- c. **(c) Cuts and fills shall not endanger or disturb adjoining property;**

Staff: A small amount of cut will be made to accommodate the addition in an area currently held in place by a retaining wall and the basement wall. Slopes on the property run downward from north to south. The earth disturbance associated with the addition is more than 400-feet upslope from the adjacent property to the south with a vegetated corridor in between. As such, the addition project will not endanger or disturb adjacent properties.

Criterion met.

- d. **(d) 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;**

Staff: The closest property line is up-slope from the dwelling addition. Water will flow downstream to the south across the property and a professional engineer has stamped and signed the Storm Water Certificate (Exhibit A.12) certifying that runoff will be handled on site for a 10-year event.

Criterion met.

- e. **(e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced stream flow for a storm of 10-year design frequency;**

Staff: No water courses are within 300-feet of the earth disturbance in any direction. A professional Engineer has determined that runoff attributed to the new development will be handled on site for a 10-year storm event.

Criterion met.

2. **(2) Erosion Control Standards**

- a. **(a) 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.**

Staff: The subject site is within the Tualatin River Drainage Basin. The dwelling addition site is over 300-feet from the nearest water body. Sediment fencing on the downslope side combined with roughly 400-feet of vegetated cover towards the stream will filter any sediment that leaves the development site.

Criterion met.

- b. **(b) 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;**

Staff: The addition is in a graveled area utilized for parking, so vegetation removal will be minimal. Silt fencing is shown on the downslope side (Exhibit A.10) and the project area will be reseeded.

Criterion met.

- c. **(c) 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;**

Staff: Small amounts of cut will be required for the addition due to the location over the retaining wall next to the daylight basement. The cut will be minimal as the addition will conform to the daylight basement alignment and contain multiple stories. Water flow over the development site will be directed towards sediment fencing that will help trap sediment and debris as well as retard the velocity of the water.

Criterion met.

- d. **(d) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;**

Staff: Mulching or plastic covering will be required for soils or spoils left exposed to the elements during the project's duration. Reseeding will occur immediately after completion of the project.

Criterion met.

- e. **(e) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;**

(1) 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;

(2) 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;

Staff: The dwelling addition will require minimal removal of vegetation for the new foundation. The area is already dedicated to graveled parking with minimal natural vegetation. That said, the ground disturbance is more than 100-feet away from any watercourse, creek, etc.

Criteria met.

- f. **(f) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;**

Staff: Once construction on the addition is complete the applicant will reseed the site. The applicant has stated erosion control measures will be in place prior to ground breaking.

Criterion met.

- g. **(g) 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;**

Staff: Construction for the dwelling addition will require only minimal altered soil conditions. Silt fencing will be located downslope at the bottom of the project area to trap debris. The fencing and vegetated yard will also slow the rate of runoff.

Criterion met.

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

Staff: The applicant has proposed silt fencing and bio bags to trap sediment.

Criterion met.

- i. **(i) 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;**

Staff: The applicant will reseed as soon as the project is complete.

Criterion met.

- j. **(j) 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;**

Staff: A completed stormwater certificate has been submitted as part of the application (Exhibit A.12) demonstrating the increased runoff will be adequately handled on site.

Criterion met.

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

Staff: No swales are utilized near the addition.

Criterion met.

- l. **(l) 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;**
- (2) Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;**
- (3) Dispersal of water runoff from developed areas over large undisturbed areas.**

Staff: The applicant has proposed silt fencing and bio bags to help with sediment control.

Criterion met.

- m. **(m) Disposed spoil material or stock-piled 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;**

Staff: Spoil materials will be spread over the flat parking and yard areas of the property.

Criterion met.

- n. **(n) 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.**

Staff: A condition of approval will ensure non-erosion pollution occurs on site.

Criterion met with condition of approval.

- o. **(o) 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 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.**

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

Criterion met.

6.00 Transportation Standards

MCRR 4.000 Access to County Roads

MCRR 4.100 Required Information: Applicants for a new or reconfigured access onto a road under County Jurisdiction may be required to provide all of the following:

- A. Site Plan;**
- B. Traffic Study-completed by a registered traffic engineer;**
- C. Access Analysis-completed by a registered traffic engineer;**
- D. Sight Distance Certification from a registered traffic engineer; and**
- E. Other site-specific information requested by the County Engineer**

Staff: The property takes access over NW Arcade, an unimproved county road. An access permit has been issued for the property. The Board of County Commissioners has conditionally approved a road

vacation for the majority of NW Arcade along the subject property. That approval is a separate action from this land use permit and will not impact the property's access requirement.

7.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Significant Environmental Concern and Hillside Development Permits to establish a road turnaround and an addition to the dwelling in the Rural Residential zone. This approval is subject to the conditions of approval established in this report.

8.00 Exhibits

'A' Applicant's Exhibits

'B' Staff Exhibits

Exhibits with a "*" after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2012-2380 at the Land Use Planning office.

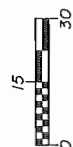
Exhibit #	# of Pages	Applicant Exhibits
A.1	1	General Application Form
A.2	11	Significant Environmental Concern – Habitat Worksheet
A.3	6	June 29, 2012 HDP Worksheet
A.4	4	June 29, 2012 HDP Form-1 Geotechnical Reconnaissance Study
A.5	1	June 29, 2012 Storm Water Certificate For Road Turnaround
A.6	3	Fire Service Agency Review Form and Stamped Site Plan
A.7	2	June 29, 2012 Site Plan and Erosion Control Details
A.8	1	Signed Applicant Response Form
A.9	1	Letter of Consent From Adjacent Property Owners For Turnaround Construction
A.10*	1	November 20, 2012 Site Plan
A.11	4	November 20, 2012 HDP Form-1 Geotechnical Reconnaissance Study For Dwelling Addition
A.12	1	Storm Water Certificate For Dwelling Addition
A.13	6	November 20, 2012 HDP Worksheet For Dwelling Addition
A.14*	2	Dwelling Elevation Plans (Full Size In Case Folder)
A.15*	3	Floor Plans (Full Size in Case Folder)
A.16	4	November 20, 2012 HDP Form-1 Geotechnical Reconnaissance Study For Road Turnaround
A.17	6	November 20, 2012 HDP Worksheet For Road Turnaround
'B'	#	Staff Exhibits
B.1	2	A&T Property Information

B.2	1	Tax Map with Property Highlighted
B.3	3	July 20, 2012 Incomplete Letter
B.4	1	December 20, 2012 Complete Letter
B.5	5	December 31, 2012 Opportunity to Comment and Mailing List
B.6	7	Board of County Commissioners Resolution No. 2012-012 Adopted January 26, 2012
B.7	6	Sanitarian Approval, Completed On-Site Sewage Disposal Certification Form and Signed Plans
B.8	1	1908 Skyline Acres Subdivision Plat
B.9	5	1994 Zoning Sign-Off For New Single Family Dwelling, Including Fire District Review Requiring In House Sprinkler System.



REGISTERED PROFESSIONAL
ENGINEER
#46,576

RONALD J. DERRICK
CALIFORNIA
FEB 1 1961

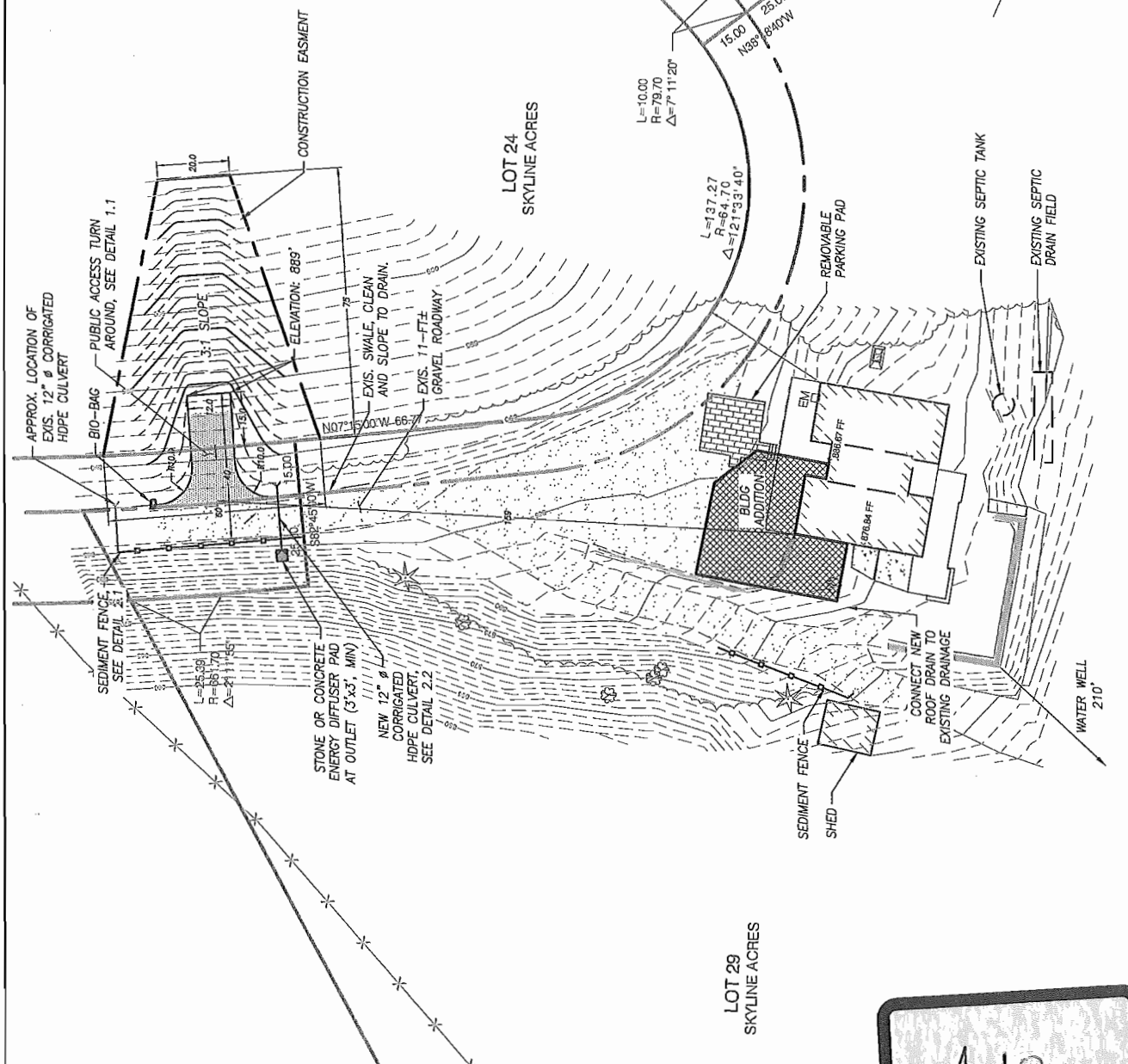


LOT 31
SKYLINE
ACRES

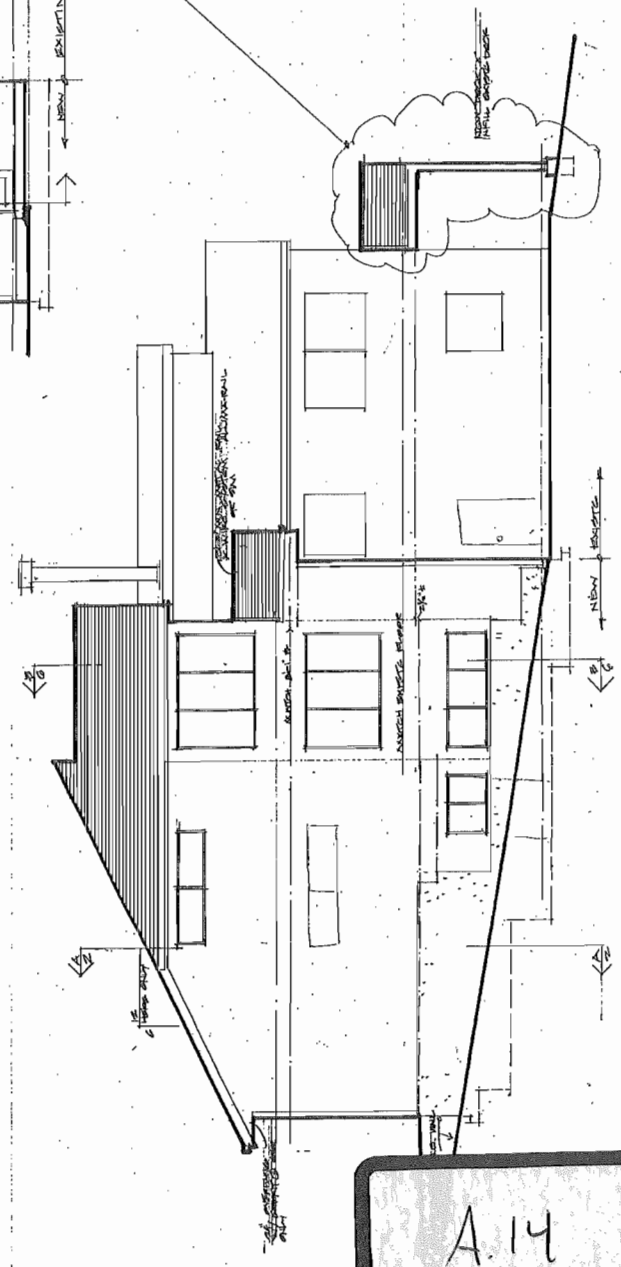
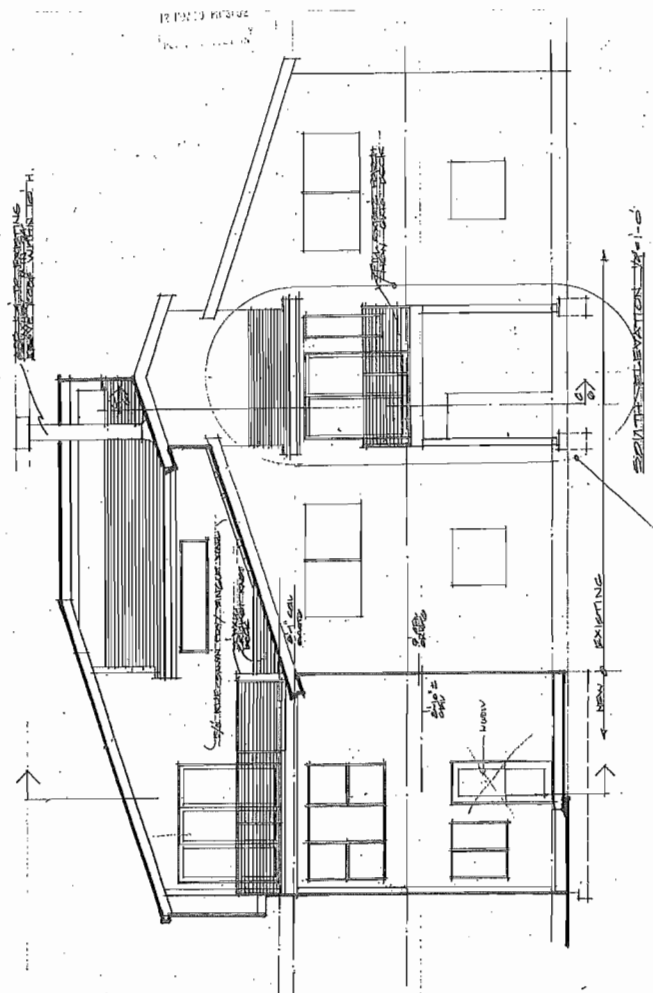
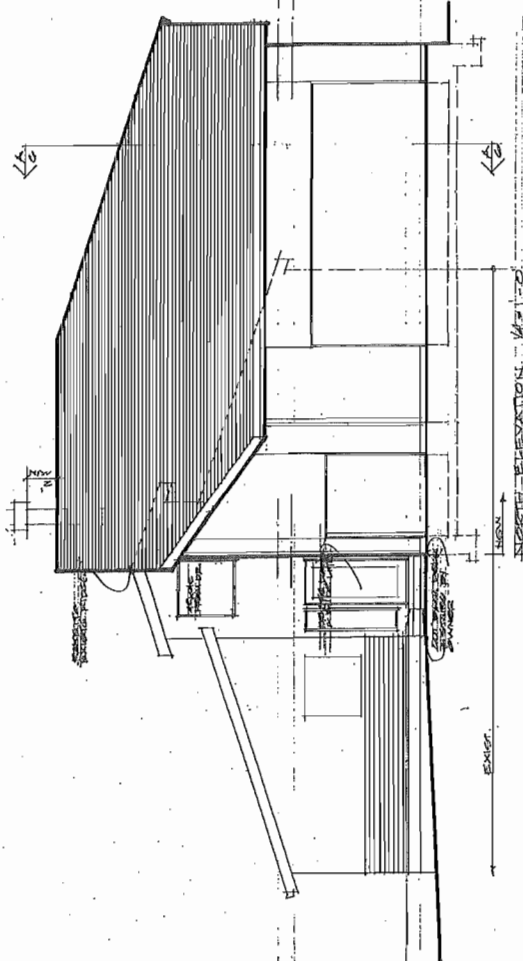
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SKYLINE ACRES

LOT 29
SKYLINE ACRES

A.10



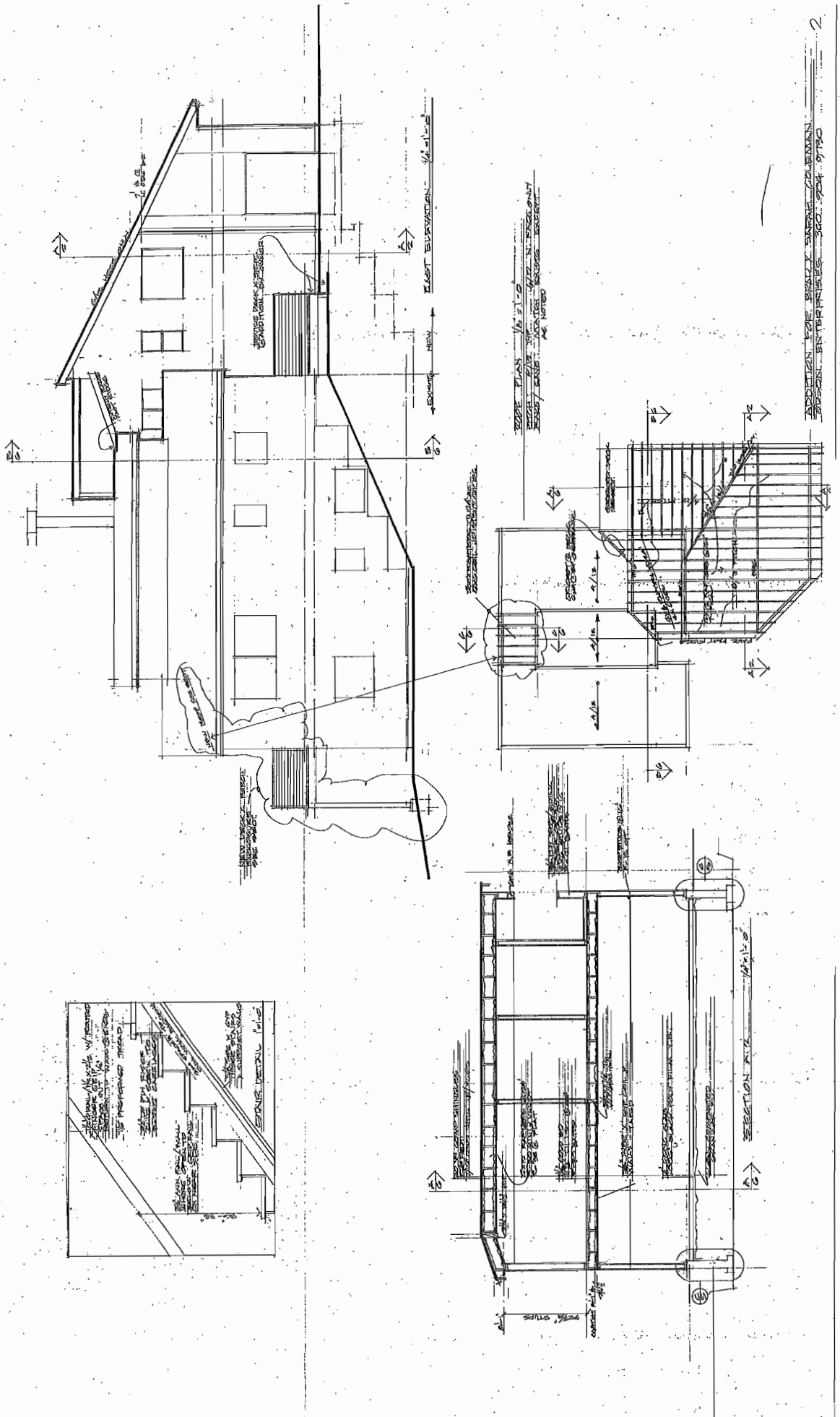
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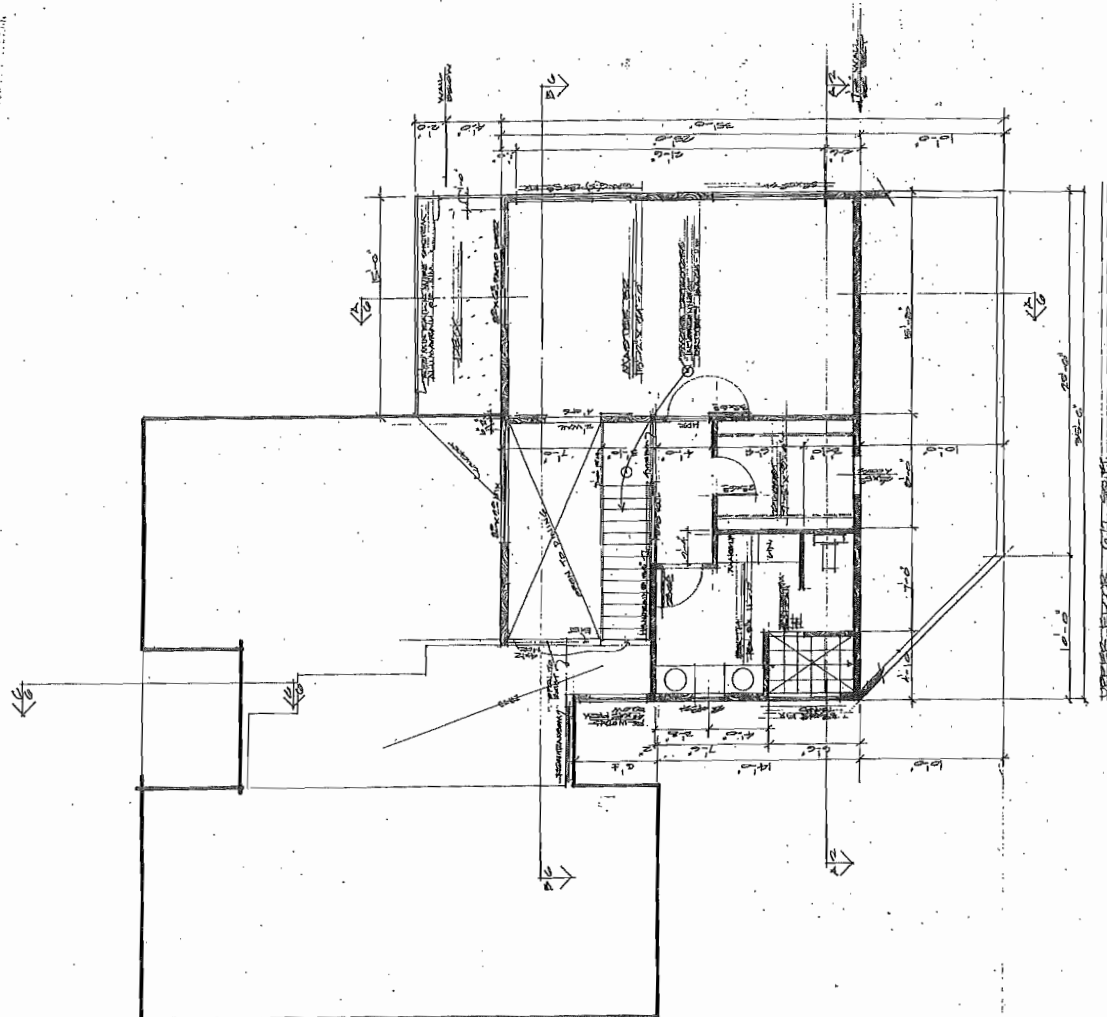


A.14

SECTION FOR BEANS & SWEET CORN
SECTION FOR BEANS & SWEET CORN

CHLOE: THE CONTEMPORARY INTERIOR
 INTERIOR DESIGN AND INTERIORS
 12 MAY 2022





DATE	IN	OUT	BALANCE	REMARKS
10/10/50			100.00	INITIAL BALANCE
10/11/50	50.00		50.00	PAYROLL
10/12/50		25.00	25.00	REPAIRS
10/13/50	75.00		100.00	SALES
10/14/50		10.00	90.00	EXPENSES
10/15/50	100.00		190.00	RECEIPTS
10/16/50		30.00	160.00	PAYROLL
10/17/50	150.00		310.00	SALES
10/18/50		40.00	270.00	EXPENSES
10/19/50	200.00		470.00	RECEIPTS
10/20/50		50.00	420.00	PAYROLL
10/21/50	250.00		670.00	SALES
10/22/50		60.00	610.00	EXPENSES
10/23/50	300.00		910.00	RECEIPTS
10/24/50		70.00	840.00	PAYROLL
10/25/50	350.00		1190.00	SALES
10/26/50		80.00	1110.00	EXPENSES
10/27/50	400.00		1510.00	RECEIPTS
10/28/50		90.00	1420.00	PAYROLL
10/29/50	450.00		1870.00	SALES
10/30/50		100.00	1770.00	EXPENSES
10/31/50	500.00		2270.00	RECEIPTS
11/01/50		110.00	2160.00	PAYROLL
11/02/50	550.00		2710.00	SALES
11/03/50		120.00	2590.00	EXPENSES
11/04/50	600.00		3190.00	RECEIPTS
11/05/50		130.00	3060.00	PAYROLL
11/06/50	650.00		3710.00	SALES
11/07/50		140.00	3570.00	EXPENSES
11/08/50	700.00		4270.00	RECEIPTS
11/09/50		150.00	4120.00	PAYROLL
11/10/50	750.00		4870.00	SALES
11/11/50		160.00	4710.00	EXPENSES
11/12/50	800.00		5510.00	RECEIPTS
11/13/50		170.00	5340.00	PAYROLL
11/14/50	850.00		6190.00	SALES
11/15/50		180.00	6010.00	EXPENSES
11/16/50	900.00		6910.00	RECEIPTS
11/17/50		190.00	6720.00	PAYROLL
11/18/50	950.00		7670.00	SALES
11/19/50		200.00	7470.00	EXPENSES
11/20/50	1000.00		8470.00	RECEIPTS
11/21/50		210.00	8260.00	PAYROLL
11/22/50	1050.00		9310.00	SALES
11/23/50		220.00	9090.00	EXPENSES
11/24/50	1100.00		10190.00	RECEIPTS
11/25/50		230.00	9960.00	PAYROLL
11/26/50	1150.00		11110.00	SALES
11/27/50		240.00	10870.00	EXPENSES
11/28/50	1200.00		12070.00	RECEIPTS
11/29/50		250.00	11820.00	PAYROLL
11/30/50	1250.00		13070.00	SALES
11/31/50		260.00	12810.00	EXPENSES
12/01/50	1300.00		14110.00	RECEIPTS
12/02/50		270.00	13840.00	PAYROLL
12/03/50	1350.00		15190.00	SALES
12/04/50		280.00	14910.00	EXPENSES
12/05/50	1400.00		16310.00	RECEIPTS
12/06/50		290.00	16020.00	PAYROLL
12/07/50	1450.00		17470.00	SALES
12/08/50		300.00	17170.00	EXPENSES
12/09/50	1500.00		18670.00	RECEIPTS
12/10/50		310.00	18360.00	PAYROLL
12/11/50	1550.00		19910.00	SALES
12/12/50		320.00	19590.00	EXPENSES
12/13/50	1600.00		21190.00	RECEIPTS
12/14/50		330.00	20860.00	PAYROLL
12/15/50	1650.00			

RELATION (MUSKIE) CONTINUED

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