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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 or don.d.kienholz@mutlco.us.

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 Friday, March 21, 2014 at 4:00 pm.

NOTICE OF POTENTIAL APPEAL HEARING
CASE FILE T2-2013-2921

If an appeal of this decision is filed, a public hearing will be held on March 28, 2014. The hearing will begin at 10:30 AM or soon thereafter.

The hearing will take place in Room 103 at the Land Use Planning Division office located at 1600 SE 190th Avenue, Portland, OR 97233. If no appeal is filed, a notice canceling this hearing will be posted on the outside of the Yeon Annex Building doors. You can also call the receptionist at 503-988-5050 option '0' to inquire on the status of the hearing.

The Hearing shall be regarding the approval of a single family dwelling in the SEC-wr overlay on the property south of 3745 SE 317th Ave. The applicable criteria are listed in the Staff Decision.

Any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing.

This Decision serves as the staff report available at the hearing pursuant to MCC 37.0620(D). Copies of the referenced Multnomah County Code sections and staff report can be obtained by contacting our office at 503-988-3043 or visiting our website at web.multco.us/land-use-planning.

Any issue that is intended to provide a basis for an appeal to the Land Use Board of Appeals (LUBA) must be raised prior the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the County and all parties an opportunity to respond to the issue.

The application and all supporting materials and evidence submitted in regard to the application may be inspected at no charge, and copies may be obtained at cost, at the Multnomah County Land Use Planning Division during normal business hours.

A public hearing to consider any appeal will be conducted before one of the following County Hearings Officer's: Joan Chambers or Liz Fancher

Applicable Approval Criteria: Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR): MCC 37.0560 Code Compliance, MCC 36.0005 Lot of Record, MCC 36.2855 Dimensional Standards and Development Requirements, MCC 36.2870 Lot of Record, MCC 36.2885 Access, MCC 36.4540 Application for SEC Permit, MCC 36.4550 General Requirements for Approval in Areas Designated as SEC-wr or SEC-h, MCC 36.4555 Criteria for Approval of SEC-wr Permit -Water Resource. MCRR 4.000 Access, MCRR 5.000 Transportation Impact, and MCRR 6.000 Improvements Required.

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

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. **Prior to zoning sign-off for building permits, the owner shall record the Notice of Decision (Pages 1-5 of this decision), the site plan documenting the location of the planting plan (Exhibit A.42), and the specifics of the planting plan (Exhibit A.23.) in the deeds records and title for the property. The owner shall submit proof of recording prior to zoning sign-off [MCC 37.0670].**
2. **Prior to submitting for zoning sign-off for building permits, the owners shall provide a copy of an approved City of Portland Septic Permit for the specific system to be constructed on site [MCC 36.2855(F)].**
3. **Prior to zoning sign-off for building permits, the applicant shall obtain approval of a Grading and Erosion Control Permit [MCC 36.2855(G), 36.4550(A) and MCC 29.356].**
4. **Prior to zoning sign-off for building permits, the owner shall record a covenant provided by the Planning Director indicating the owner “recognizes and accepts that farm activities including tilling, spraying, harvesting, and farm management**

activities during irregular times, occur on adjacent property and in the general area.” [MCC 36.2855(H)].

5. Exterior lights on the dwelling must not shine directly into undeveloped water resources or habitat areas. The lights submitted by the applicant and detailed in Finding #6(A)(2) are approved [MCC 36.4550(B)].
6. Nuisance plants listed in Table 1 of MCC 36.4550(C) are prohibited from being planted on the property.
7. Prior to occupancy of the dwelling, the mitigation plan (Exhibit a.23) consisting of 46 trees and 230 shrubs shall be implemented. The owner shall submit evidence that the mitigation plan has been completed prior to issuance of final occupancy. All disturbed areas associated with the development of the home shall be revegetated as soon as practicable [MCC 36.4555(D)(4) and (6)].
8. Prior to work commencing, and through the duration of the project, equipment access areas shall be clearly marked and flagged to prevent equipment from encroaching into the water resource areas other than what is necessary to construct the woody debris structures and the placement of boulders [MCC 36.4555(D)(5) and (7)].
9. After the mitigation plan is installed, the owner shall submit to Land Use Planning a maintenance report by April 1st by SWCA Environmental Consultants, or a similar environmental firm, for a period of three years, verifying the survival rate of the mitigation plantings. Survival rates must be 80% or greater otherwise the owner shall replace the expired plantings with new plantings [MCC 36.4555(E)(3)].
10. An NFPA 13D Residential Fire Sprinkler System shall be installed into the dwelling. Sprinkler plans shall be submitted at the same time as other building plans for zoning sign-off [Comprehensive Plan Policy 38].
11. Prior to zoning sign-off for building permits, the owner shall obtain an Access Permit for the property’s access onto SE 317th Ave. Contact Alan Young at 503-988-3582 for more information [MCRR 4.000 and 18.250].
12. Prior to zoning sign-off for building permits, the owner shall provide evidence of a cross-over access easement having been recorded for the subject property and for property known as 3745 SE 317th Ave (#R751706250) [MCRR 4.100].
13. Prior to zoning sign-off for building permits, the owner shall dedicate 10-feet of right-of-way along the property’s SE 317th Ave frontage to Multnomah County for road purposes. The owner shall also dedicate a 5-foot slope/utility/drainage/sidewalk/landscaping/traffic control device easement along the property’s SE 317th Ave frontage for the benefit of Multnomah County. Contact Pat Hinds at (503) 988-5050 Ext. 83712 to complete the easement dedications [MCRR 6.100A].
14. Prior to zoning sign-off for building permits, the owner shall furnish deed restrictions committing the property owner to participate in future right-of-way

improvements. Contact Pat Hinds at (503) 988-5050 Ext. 83712 to complete the deed restrictions [MCRR 6.100B].

Note: Once this decision is final, application for building permits may be made with the City of Gresham. **When ready to have building permits signed off, the applicant shall call or email the Staff Planner, Don Kienholz,** at (503) 988-3043 ext. 29270 or don.d.kienholz@multco.us, 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 Gresham. Three (3) 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 \$61.00 will be collected. In addition, an erosion control inspection fee of \$82.00 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 requesting to build a new single family dwelling in Multiple Use Agriculture-20 (MUA-20) zone with a Significant Environmental Concern overlay for Water Resources (SEC-wr). The proposal includes a shared driveway with the property immediately adjacent to the north and building a spur off the existing driveway south onto the subject parcel.

2.00 Code Compliance:

MCC 37.0560 CODE COMPLIANCE AND APPLICATIONS.

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

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

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

Staff: There are no known code compliance issues on the subject property. The property is vacant and does not have any building permits on record and no land use actions have levied conditions of approval requiring completion.

Criteria met.

3.00 Lot of Record:

MCC 36.0005 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 36.7785. 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 36.2870 LOT OF RECORD.

(A) In addition to the Lot of Record definition standards in MCC 36.0005, 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, MUA-20 zone applied, Ord. 148 & 149;**
- (5) October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;**
- (6) May 16, 2002, Lot of Record section amended, Ord. 982.**

(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 36.2885, 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 36.2860, 36.2875, and 36.4300 through 36.4360, 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 applicant has submitted a deed recorded on January 17, 1973 (Exhibit A.7) describing the property in its current configuration. To be a lot of record, the property needed to have satisfied the zoning and land division laws in place on that date.

On January 17, 1973, the property was zoned F2, which required a 2-acre minimum lot size at that point in time and did not have other requirements. The property was 2.39-acres at the time of the land division, satisfying the minimum lot size requirement. The property has not changed configuration since that land division and remains at 2.39-acres today.

Partition of properties into three or fewer lots or parcels did not require a land division until October of 1978. As such, property owners could simply record a deed with a new legal description to divide land. It appears that is what occurred for the subject property in 1973. As the land division created only to properties, partition requirements were not applicable.

Based on the facts in the record, the property is a Lot of Record.

Criteria met.

4.00 Comments Received:

Staff: Two comments were emails received from Barbara Hentges and raised the following questions, issues and concerns during the public opportunity to comment period:

- General concerns over erosion, landslides and pollution.
- Is the home a residence, or a group home for adult foster care or similar type of business?
- Concerns over the health of the stream on site with the proximity of a septic system and capacity of the stream to accept runoff.
- Concern of the impact on wildlife in the area from the home.
- Traffic concerns from the Make It Light property adjacent to the north in conjunction with the proposed dwelling.

Erosion control issues are addressed through a Grading and Erosion Control Permit which is required prior to the issuance of building permits. The grading permit will also address issues related to landslides; however, it does not appear that the building site contains slopes steep enough to be associated with sliding or slumping issues. Pollution generated from single family residences is not regulated by the Multnomah County Code. Water pollution is addressed in the Grading and Erosion Control programs and the Oregon State Department of Environmental Quality would address other pollution issues such as wood burning or other similar issues.

In Oregon, state statutes require jurisdictions to treat group homes of five or fewer non-related adults as a single family dwelling. Since the underlying Multiple Use Agriculture-20 (MUA-20) zone permits single family dwellings as an outright use, staff would not consider a group home as a zoning issue. Evidence in the record, including floor plans, indicates the proposed structure is a single family dwelling and not a business or a home for six or more non-related adults. Similarly, a cumulative effect of having two group homes on adjacent properties is not a land use issue under our code as each parcel must be looked at separately on its own merits.

The County recognizes that new uses increase trips to the road system. However, the County does not regulate trips for single family dwelling such as resident trips, generalized deliveries or specialized transportation services as such uses are allowed.

Impacts on wildlife and the existing water resources are addressed in Finding #6.00 for the Significant Environmental Concern overlays.

5.00 Multiple Use Agriculture-20 Zone:

A. MCC 36.2820 ALLOWED USES.

(A) A single-family detached dwelling on a Lot of Record, including a home built on or off- site.

Staff: The applicant is proposing a single family residence, which is allowed in the zone.

Criterion met.

B. MCC 36.2855 DIMENSIONAL STANDARDS AND DEVELOPMENT REQUIREMENTS.

All development proposed in this district shall comply with the applicable provisions of this section.

1. **(A) Except as provided in MCC 36.2860, 36.2870, 36.2875, and 36.4300 through 36.4360, the minimum lot size shall be 20 acres.**

Staff: The applicant is not proposing to create a new lot.

Criterion not applicable.

2. **(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.**

Staff: The applicant is not proposing to create a new lot.

Criterion not applicable.

3. **(C) Minimum Yard Dimensions - Feet**

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

Staff: As seen on the applicant's site plan (Exhibit A.42), the proposed dwelling measures 220-feet from the front property line; 10-feet from the north side property line; 85-feet from the south side property line; and more than 300-feet from the rear property line.

As seen on the applicant's elevation plans (Exhibit A.38), the proposed dwelling is two stories and is under 20-feet in height.

Criteria met.

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

Staff: SE 317th Ave has inadequate right-of-way width. However, the proposed location of the new dwelling is more than 200-feet from the front property line, a large enough setback to take into account inadequate right-of-way width.

Criterion met.

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

Staff: A dwelling is the only proposed building.

6. **(F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.**

Staff: The applicant's site plan shows the required utilities on the subject parcel (Exhibit A.42). The applicant has submitted a completed On-Site Sewage Disposal Certification Form signed by the City of Portland Sanitarian certifying the property can adequately handle a septic system on site as generally depicted on the site plan. That septic system will need to be located in the northeast corner of the property. A condition of approval will require the owners to obtain a septic permit for a specific system prior to obtaining building permit sign-off for land use.

Criterion met.

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

Staff: The project is for new development.

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

Staff: Storm water has been reviewed for the new impervious surface. The applicant has submitted a completed Storm Water Certificate (Exhibit A.24) stamped and signed by an Oregon registered Professional Engineer certifying the storm water will be handled on site for a 10-year/24-hour storm event.

Criterion met.

7. **(G) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.**

Staff: A Grading and Erosion Control Permit shall be required prior to the issuance of zoning sign off for building permits.

Criterion met with condition of approval.

8. **(H) New, replacement, or expansion of existing dwellings shall minimize impacts to existing farm uses on adjacent land (contiguous or across the street) by:**

(1) Recording a covenant that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 where the farm use is on land in the EFU zone; or

(2) Where the farm use does not occur on land in the EFU zone, the owner shall record a covenant that states he recognizes and accepts that farm activities including tilling, spraying, harvesting, and farm management activities during irregular times, occur on adjacent property and in the general area.

Staff: Since the property is not in, nor adjacent to, Exclusive Farm Use zoned property, a condition of approval will require the recording of a covenant noting the owners recognize and accept that the farm activities listed above occur on adjacent property and in the general area.

Criterion met with Condition of Approval

6.00 Significant Environmental Concern Permit:

A. MCC 36.4550 GENERAL REQUIREMENTS FOR APPROVAL IN AREAS DESIGNATED AS SEC-WR OR SEC-H.

The requirements in this section shall be satisfied for development in the SEC-wr and SEC-h areas in addition to the provisions of 36.4555 or 36.4560 as applicable.

1. **(A) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.**

Staff: A Grading and Erosion Control Permit will be required as a condition of approval. The grading permit will review appropriate erosion control methods for the site.

Criterion met with a Condition of Approval.

2. **(B) Outdoor lighting shall be of a fixture type and shall be placed in a location so that it does not shine directly into undeveloped water resource or habitat areas. Where illumination of a water resource or habitat area is unavoidable, it shall be minimized through use of a hooded fixture type and location. The location and illumination area of lighting needed for security of utility facilities shall not be limited by this provision.**

Staff: Lighting for the home is shown on a electrical plan received on September 13, 2013. It shows low voltage can lights included under the eaves of the home on the exterior. The applicant in their September 13, 2013 narrative (Exhibit

A.35) note that the can lights will be Progress Lighting P5774-31 and included a manufactures detail (Exhibit A.36). The can lights do not shine up or into the water resource area on site and satisfy the approval criterion.

The applicant also included a manufacturer's detail on the Progress P 5204 – pagoda Path Lights (Exhibit A.36) proposed for the footpath along the driveway seen on the site plan (Exhibit A.42). The foot path is on the northeast quadrant of the home with the dwelling situated between the lights and the water resource. The proposed footpath lights are hooded and downward directed and will not shine into the water resource on site and meet the criterion.

Criterion met.

3. (C) The following nuisance plants, in addition to the nuisance plants defined in 36.4510, shall not be used as landscape plantings within the SEC-wr and SEC-h Overlay Zone:

**Table 1
Nuisance Plant List**

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

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

Staff: A condition of approval will prohibit any of the listed nuisance plants from being used as landscaping and planted on site.

Criterion met with condition of approval.

B. MCC 36.4555 CRITERIA FOR APPROVAL OF SEC-WR PERMIT - WATER RESOURCE

Except for the exempt uses listed in MCC 36.4520 and the existing uses pursuant to 36.4525, no development shall be allowed within a Water Resource Area unless the provisions of section (A) or (B) or (C) below are satisfied. An application shall not be approved unless it contains the site analysis information required in 36.4540(A) and (C), and meets the general requirements in 36.4550.

(B) Alternatives Analysis - Development proposed within a Water Resource Area may be allowed if there is no alternative, when the other requirements of this district including the Development Standards of (D) and the provisions for Mitigation in (E) are met. The applicant shall prepare an alternatives analysis which demonstrates that:

1. **(1) No practicable alternatives to the requested development exist that will not disturb the Water Resource Area; and**

Staff: The County's GIS Maps show the SEC-wr overlay as covering the entire subject property except for a small triangle in the northeast corner. The applicant's water resource survey (Exhibit A.15) and ground truthing found a previously unknown wetland located in the southeast corner of the property as shown on the resource buffer map and site plan (Exhibits A.15 and A.42). The identification of the wetland and its subsequent SEC-wr buffer render the property entirely covered by the overlay, providing no practicable alternative to locate the proposed dwelling outside of the SEC-wr buffer zone.

Criterion met.

2. **(2) Development in the Water Resource Area has been limited to the area necessary to allow for the proposed use;**

Staff: The subject property is vacant so for developing a dwelling, basic utilities and ancillary areas are required. For a standard dwelling this would include the dwelling itself; a septic system; back up septic field; area for stormwater disposal; access for vehicles and pedestrians; and to a limited extent, a yard. This criterion can not be used to take a property owners right to the allowed use of a dwelling but can limit accessory and ancillary uses.

The identified water resources on the subject property include a creek/stream that runs east-west near the southern boundary of the property and the wetland areas found in the southeast corner. Together, the resources make a shape similar to a "G" on its side. So the area that is furthest from both resources is the north central portion of the property.

The applicant originally proposed a dwelling to be located in the middle of the property, roughly 80-feet from the southern property line (closest property line to the stream) and 55-feet from the stream resource. The original dwelling was also shown as being roughly 120-feet from the newly identified wetland near the property's road frontage.

The applicant's next iteration of the dwelling changed its shape from an L shaped ranch to a "+" shaped contemporary dwelling in roughly the same location. The final submittal by the applicant is shown on the November 14, 2013 site plan (Exhibit A.42) and is again the "+" shaped contemporary dwelling, but it was moved as far north as possible with still meeting the 10-foot yard setback. So the proposed dwelling is 10-feet from the north property line, satisfying the minimum setback found in MCC 36.2855. It is also 85-feet from the southern property line and 65-feet from the closet point of the stream. The closest edge of the dwelling is also 120-feet from the wetland near the property's road frontage.

The proposed dwelling location has been shifted to move the dwelling as far from the identified water resources as possible while still meeting the minimum setbacks required by the MUA-20 zone. It is located in the open center of the "G" shaped continuous water resource. Rather than building a new driveway from the dwelling site to the public road, the applicant is proposing a shared access with the property to the north. The applicant is proposing to build an access spur off the existing driveway on 3745 SE 317th and cut it south to the dwelling. The proposed garage attached to the proposed dwelling faces north and eliminates unnecessary driveway length by having a direct connection.

Because of the wet nature of the majority of the subject property, it appears the only location to place the drainfield is the extreme northeast corner of the property adjacent to the public road. This corresponds to the City of Portland Sanitarian's note that the area matches the area from the original Land Feasibility Study LFS #45-95.

The proposed development also contains a 220-square foot rain garden area that will accommodate the storm water attributed to the development nestled up against the southwest corner of the proposed dwelling.

No area has been identified by the applicant as a residential 'yard' typical of a single family dwelling. For this purpose, yard is considered to be grass, landscaping, and a personal garden. Since dwellings generally have some yard established and none was proposed, staff has identified an area (Exhibit B.8) that may be utilized as a personal yard that will still satisfy the development standard of limiting area of development. The identified areas will be disturbed during construction and is isolated to the area immediately surrounding the proposed dwelling and on the northern side of the home, furthest away from the water resource.

With the dwelling, limited driveway, limited personal yard and rain garden clustered together and located in the portion of the property that overall provides the greatest distances from identified water resources and the septic system in the extreme northeast corner of the property, the proposal limits the area necessary for development in the SEC-wr overlay.

Criterion met.

3. **(3) Development shall occur as far as practically possible from the stream; and**

Staff: The stream on the subject property runs east-west and is located along the southern property line. The proposed dwelling and other physical developments are located 65-feet from the stream at its closed point. The proposed dwelling has been shifted north as much as possible while still meeting the required side yard setback. The dwelling could have been shifted clockwise a few feet to increase the distance from the stream but that would have only gained roughly 5-feet of extra distance. The shift would have altered the orientation of the garage and have required additional grading and site disturbance for a change to the proposed driveway alignment. Taken as a whole, the development is proposed to be as far as practically possible from the stream while also protecting a wetland identified during the resource delineation.

Criterion met.

4. **(4) The Water Resource Area can be restored to an equal or better condition; or**

Staff: Since the entire property is within the SEC-wr overlay, the applicant has no other choice than to develop in the overly zone. The areas immediately around the stream water resource have been found to be in 'good' condition. Significant portions of the property have also been surveyed as having 'degraded' condition as noted in the Vegetated Corridor (VECO) Condition Assessment (Exhibit A.22) and the environmental report authored by SWCA Environmental Consultants (Exhibit A.23). Those areas found to be degraded are all areas above the 25% slope break – such as the proposed location of the dwelling and associated development. The proposed mitigation includes a roughly 4,500 square foot area to the west of the proposed dwelling in addition to a roughly 350-foot long linear mitigation buffer measuring anywhere from 5 to 15-feet in width along the top of the 25% slope crest south of the dwelling east to SE 317th Ave (Exhibit A.42). Taken together, the mitigation area includes roughly 7,000 square feet that will be improved from 'degraded' to 'good' condition. The developed area is roughly 80x80, or 6,400 square feet. As such, the applicant is proposing to develop in the already degraded area as well as improve the overall square footage of the water resource area in 'good' condition by 7,000 square feet.

Based on the proposed mitigation plan and chosen development site, the Water Resource Area is being restored to a better condition.

Criterion met.

5. **(5) Any net loss on the property of resource area, function and/or value can be mitigated.**

Staff: The area of the property being lost to development is currently in a "degraded" condition and as such, there is no function or value lost for the resource. However, the applicant is proposing significant mitigation to improve

other areas of the degraded resource totaling roughly 7,000 square feet as required under the Alternatives Analysis and Development Standards.

Criterion met through condition of approval.

C. MCC (D) Development Standards - Development within the Water Resource Area shall comply with the following standards:

1. **(1) Development of trails, rest points, viewpoints, and other facilities for the enjoyment of the resource must be done in such a manner so as to minimize impacts on the natural resource while allowing for the enjoyment of the natural resource.**

Staff: The applicant is not proposing any trails, rest points, viewpoints or other similar facilities.

Criterion met.

2. **(2) Development in areas of dense standing trees shall be designed to minimize the numbers of trees to be cut. No more than 50 percent of mature standing trees (of 6-inch DBH greater) shall be removed without a one-for-one replacement with comparable species. The site plan for the proposed activity shall identify all mature standing trees by type, size, and location, which are proposed for removal, and the location and type of replacement trees.**

Staff: The area of proposed development is in the north central portion of the property, outside of the canopy area and drip line area established on the property as seen on the site plan and on air photos.

Criterion met.

3. **(3) Areas of standing trees, shrubs, and natural vegetation will remain connected or contiguous, particularly along natural drainage courses, so as to provide a transition between the proposed development and the natural resource, to provide food, water, and cover for wildlife, and to protect the visual amenity values of the natural resource.**

Staff: The applicant's proposed development site is outside of the natural vegetation on the subject property so the vegetated areas on site will stay connected and contiguous – including along the stream. In addition, the applicant has proposed mitigation plantings along the identified wetlands and between the dwelling and the vegetated corridor to the west (Exhibit A.42).

Criterion met.

4. **(4) The Water Resource Area shall be restored to "good condition" and maintained in accordance with the mitigation plan pursuant to (E) below and the specifications in Table 2.**

Staff: The applicant provided a map showing the portion of the water resource area that is in a degraded condition (Exhibit A.15). That area consists of the building site and a large area west of the building site between the proposed dwelling and the top of the 25% slope line. The rest of the property has been determined to be in “good condition” as noted in the Vegetated Corridor (VECO) Condition Assessment (Exhibit A.22) and identified on the site plan. The applicant has proposed a mitigation area roughly 4,500 square feet covering the degraded area of the water resource area west of the building site. Completion of the mitigation plan will satisfy this criterion and is a condition of approval.

Criterion met with a condition of approval.

5. **(5) To the extent practicable, existing vegetation shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to the Water Resource Area. Trees in the Water Resource Area shall not be used as anchors for stabilizing construction equipment.**

Staff: The proposed building site is in an open field that has been classified as ‘degraded.’ The only vegetation proposed to be removed is the grassy ground cover for the development of the home. The vegetated areas of the protected water resource area are located to the west of the property and along the southern property line near the stream. The applicant will also add roughly 7,000 square feet of new vegetated area to provide mitigation for the dwelling and associated development.

Criterion met with condition of approval.

6. **(6) Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated, and the vegetation shall be established as soon as practicable. Nuisance plants, as identified in Table 1, may be removed at any time. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Nuisance plants shall be replaced with non-nuisance plants by the next growing season.**

Staff: A condition of approval will require the revegetation of disturbed area as soon as practicable and prior to occupancy of the home. A condition of approval will also prohibit any of the nuisance plants listed in Table 1.

Criterion met with condition of approval.

7. **(7) Prior to construction, the Water Resource Area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as otherwise allowed by this district. Such markings shall be maintained until construction is complete.**

Staff: A condition of approval will require that the water resource area will be marked prior to earth disturbance and maintained through the project.

Criterion met.

8. **(8) Stormwater quantity control and quality control facilities:**

(a) Stormwater management shall be conducted in a manner that does not increase the flow of stormwater to the stream above pre-development levels.

(b) The stormwater quantity control and quality control facility may only encroach a maximum of 25 feet into the outside boundary of the Water Resource Area of a primary water feature; and

(c) The area of encroachment must be replaced by adding an area equal in size and with similar functions and values to the Water Resource Area on the subject property.

Staff: The applicant has proposed a 220 square foot rain garden to accommodate storm water on site generated from the new impervious surface. An Oregon Registered Professional Engineer has completed and stamped a storm water certificate (Exhibit A.24) to demonstrate the rain garden will satisfy the 10-year/24-hour storm event requirement. However, the proposed location does not satisfy the criterion (b) above and needs to be moved as far from the water resource as possible. As such, a condition of approval will require the rain garden to be moved adjacent to the northern property line near the northern most portion of the dwelling within the approved "yard" area. The applicant is proposing roughly 7,000 square feet of mitigation that will include the required replacement vegetation as part of these criteria.

Criteria met.

D. **(E) Mitigation - Mitigation shall be required to offset the impacts of development within the SEC-wr. This section establishes how mitigation can occur.**

1. **(1) Mitigation Sequence. Mitigation includes avoiding, minimizing or compensating for adverse impacts to regulated natural resource areas.**

(a) When a proposed use or development activity could cause adverse impacts to a natural resource area, the preferred sequence of mitigation as defined in 1. through 5. below shall be followed unless the applicant demonstrates that an overriding public benefit would warrant an exception to this preferred sequence.

1. Avoiding the impact altogether by not taking a certain action or parts of actions on that portion of the site which contains the regulated natural resource area;

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

3. Compensating for the impact by repairing, rehabilitating, or restoring the affected environment;

4. Compensating for the impact by replacing, enhancing or providing substitute resources or environments on-site.

5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments off-site.

(b) When evaluating potential impacts to the natural resource, the County may consider whether there is an overriding public benefit, given:

1. The extent of the public need for the proposed development;

2. The functional values of the Water Resource Area that may be affected by the proposed development;

3. The extent and permanence of the adverse effects of the development on the Water Resource Area, either directly or indirectly;

4. The cumulative adverse effects of past activities on the Water Resource Area, either directly or indirectly; and

5. The uniqueness or scarcity of the Water Resource Area that may be affected.

Staff: The entire property is covered with the SEC-wr overlay so development on the property will require disturbance within the overlay. The applicant has proposed development to be in an area that is currently in a 'degraded' condition and is also as far as practicable from the resource areas identified on site. The proposed dwelling is 2,500 square feet, including an attached garage and is much smaller than the majority of other new dwellings approved within the county. Ancillary development like the driveway has been minimized by connecting to an existing driveway on an adjacent property and locating the septic system in the extreme northeast corner of the property away from the water resource. Lastly, the applicant is proposing roughly 7,000 square feet of mitigation planting in the degraded area to offset the dwelling.

Criteria met.

2. **(2) Compensatory Mitigation: General Requirements. As a condition of any permit or other approval allowing development which results in the loss or degradation of regulated natural resource areas, or as an enforcement action, compensatory mitigation shall be required to offset impacts resulting from the actions of the applicant or violator.**
 - a. **(a) Any person who alters or proposes to alter regulated natural resource areas shall restore or create natural resource areas equivalent to or larger than those altered in order to compensate for resource losses.**

Staff: In general, staff calculates the disturbed area of a dwelling by adding 5-feet to each side of a building as an area of influence of the equipment to construct the home. With the dwelling having a central rectangle measuring 70x25 feet, staff would calculate the influenced area as being 80x35 feet, or 2,800 square feet. The two remaining square areas measure 20x20 feet but with only 3-sides exposed and a 100-square foot area already calculated as being influenced under the rectangle above. So staff would calculate each one as 20x30 feet, or 600 square feet each, 1,200 square feet for both. The driveway measures 65x15 feet but with the west side calculated in the buffer for the dwelling, we only would add a 5 foot buffer on the east side for a measurement of 65x20 feet, or 1,300 square feet. The total area for the dwelling and driveway is 5,300 square feet of disturbed area.

The applicant proposes a mitigation area of roughly 7,000 square feet. As such, the mitigation area is larger than the disturbed area.

Criterion met.

- b. **(b) The following ratios apply to the creation or restoration of natural resource areas. The first number specifies the amount of natural resource area to be created and the second specifies the amount of natural resource area to be altered or lost.**

Creation (off-site)	2:1
Restoration (off-site)	1.5:1
Creation (on-site)	1.5:1
(Restoration (on-site)	1:1

Staff: The mitigation will be on site and will be held to a 1:1 ratio.

Criterion met.

- c. **(c) Only marginal or degraded water resource areas as described in Table 2 may be the subject of a restoration project proposed as part of a Mitigation Plan.**

Staff: The proposed mitigation is all within areas found to be degraded (Exhibits A.15 and A.42).

Criterion met.

- d. **(d) Highest priority sites for mitigation are marginal or degraded corridors that are closest to a natural drainage, and areas which will increase contiguous areas of standing trees, shrubs, and natural vegetation along drainages.**

Staff: The applicant has proposed the mitigation areas wholly within degraded corridors. In addition, the applicant has included some of the mitigation along the identified wetland area.

Criterion met.

- e. **(e) The off-site mitigation shall be as close to the development as is practicable above the confluence of the next downstream tributary, or if this is not practicable, within the watershed where the development will take place or as otherwise specified by the County.**

Staff: The proposed mitigation is to be located on site in degraded areas between the development and the water resource area (Exhibit A.15 and A.42).

Criterion met.

- f. **(f) Compensation shall be completed prior to initiation of development where possible.**

Staff: A condition of approval requires the mitigation to be completed prior to occupancy of the dwelling in order to initiate the mitigation as soon as possible. The property is vacant and must have access built in to the property for both mitigation and the dwelling development to be initiated.

Criterion met.

- g. **(g) In order to ensure that on-site mitigation areas are established and maintained, the property owner shall record the mitigation plan approval in the deed records of Multnomah County. In order to ensure that off-site mitigation areas will be protected in perpetuity, the owner shall cause a deed restriction to be placed on the property where the mitigation is required. The deed restriction shall be irrevocable unless a statement of release is signed by an authorized representative of Multnomah County.**

Staff: A condition of approval will require the owner to record both the planting plan from the mitigation plan and a deed restriction covering the areas of mitigation on the property.

Criterion met with condition of approval.

- 3. **(3) Mitigation Plan Standards - Natural resource mitigation plans shall contain the following information:**

- (a) A description of adverse impacts that could be caused as a result of development.**

(b) An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated.

(c) A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site.

(d) A map drawn to scale, showing where the specific mitigation activities will occur.

(e) An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All in-stream work in fish-bearing streams must be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

Staff: Being as the property is currently vacant potential adverse impacts resulting from development could include sedimentation in the water resource, concentrated storm water run-off and loss of native vegetation.

Adverse impacts will be avoided by constructing the dwelling and associated development along the north property line as far away as practicable from the stream and wetlands on site. Development will only take place in the degraded areas. Issuance of a grading and erosion control permit will ensure sedimentation does not enter into the water resources. Construction fencing will help keep construction vehicles and activity to the area immediately adjacent to the homesite and out of those areas described as being in 'good' condition. Additionally, the applicant will be planting 46 trees and 330 shrubs as mitigation for the development. The owner, Tim Unger is the responsible party for the property and has identified Mirth Walker as being responsible for the planting plan.

The applicant has submitted a site plan detailing the mitigation areas (Exhibit A.42).

The applicant's time table for construction and planting was very general. However, the SEC-wr permit is valid for two years. The construction of the dwelling and mitigation plantings may occur roughly concurrently in order to minimize the time frame of the project. However, the dwelling may not be occupied until the mitigation plan is fully in place. The proposed mitigation plan includes a three year maintenance and review plan that will be implemented as part of a condition of approval.

Criterion met with condition of approval.

7.00 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 applicant is not proposing a new access. Access shall be taken off the existing driveway of the property to the north. However, because the new development will cause trips onto the public road system an access permit is required. As a part of this access permit, a crossover easement from the neighboring property from which access is to be taken will be necessary.

MCRR 4.200 *Number:* Reducing the number of existing and proposed access points on Arterials and Collectors and improving traffic flow and safety on all County roads will be the primary consideration when reviewing access proposals for approval. One driveway access per property will be the standard for approval. Double frontage lots will be limited to access from the lower classification street. Shared access may be required in situations where spacing standards cannot be met or where there is a benefit to the transportation system.

Staff: The applicant is proposing a shared access with the property to the immediate north in order to reduce the number off access points onto the public street and to reduce the overall impact of the development on site to the water resource.

MCRR 4.300 *Location:* All new access points shall be located so as to meet the access spacing standards laid out in the Design and Construction Manual.

Staff: The proposal includes a shared access point with the property to the north so there will be no new access onto SE 317th Ave.

MCRR 4.400 *Width:* Driveway and Accessway widths shall conform to the dimensions laid out in the Design and Construction Manual.

Staff: The proposal includes a shared access point with the property to the north so there will be no new access onto SE 317th Ave.

MCRR 4.500 *Sight Distance:* All new access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the Design and Construction Manual and AASHTO's A Policy on Geometric Design of Highways and Streets.

Staff: Multnomah County Road Rules Section 4.500 states that access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the County Design and Construction Manual or AASHTO's A Policy on Geometric Design of Highway and Streets. County staff has reviewed the sight distance at this location and find that there no concerns for sight distance. Since SE 317th is a Local Access Road, there are no sight distance requirements. Additionally, the proposed access is a shared access with the driveway on the property immediately to the north.

MCRR 5.000 Transportation Impact

MCRR 5.100 To determine if a Transportation Impact is caused by a proposed development, the County Engineer will determine the number of new trips generated by a site by one of the following methods:

A. Calculations from the most recent edition of the Institute of Transportation Engineers' Trip Generation (ITE); or

B. A site development transportation impact study conducted by a professional engineer registered in the State of Oregon and accepted by the County.

MCRR 5.200 The County Engineer will use the information obtained pursuant to subsection 5.100 and/or the frontage length of the subject property to determine the pro-rata share of the requirements set forth in Section 6.000.

MCRR 5.300 Except where special circumstances require the County Engineer to make an alternate determination, any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour shall be found to have a *Transportation Impact*. A minimum increase of 10 new trips per day is required to find a transportation impact.

Staff: The Multnomah County Road Rules defines a Transportation Impact as the affect of any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour [MCRR 3.000]. A minimum increase of 10 new trips per day is required to find a transportation impact.

According to the ITE Manual, 8th Edition, a single family dwelling generates an average of 10 trips per day. The property is currently vacant. Therefore, a transportation impact will be caused by the proposed development since trips generated by the site will be increased by more than 20 percent.

MCRR 6.000 Improvement Requirements

MCRR 6.100 Site Development: The owner of the site or the applicant for a proposed development, which is found to cause a Transportation Impact will be responsible for improvements to the right-of-way as follows:

A. Dedication and Easement Requirements

Staff: : The County's preferred standard cross-section for a Rural Local facility includes 60 feet of right of way (ROW) with 5-foot easements on each side. Currently the right-of-way in this location is only 40 feet. A 10-foot dedication will be required along the site's 317th Ave frontage to Multnomah County for road purposes in order to achieve a proportional share of this standard. This right of way will be used to improve the roadway to serve growing travel demand, which in part will be generated by this proposed action. A 5-foot slope/utility/drainage/sidewalk/landscaping/traffic control device easement along the site's 317th Ave frontage for the benefit of Multnomah County easement dedication will also be required. The 5-foot easement allows the County to provide the services necessary to maintain the function of the roadway, provide adequate pedestrian facilities, and reduce the impact of utility upgrades on the traveling public while reducing right-of-way dedication requirements for property owners. No other easements

are to be created overlaying this easement. Contact Pat Hinds at (503) 988-5050 Ext. 83712 to complete the easement dedication.

As conditioned, this standard is met.

B. Frontage Improvement Requirements

Staff: In lieu of completing frontage improvements at this time, the applicant shall furnish deed restrictions committing the property owner to participate in future right-of-way improvements. A non-remonstrance agreement, or “deed restriction” will require that the property participate in standard urban local road improvements along the site’s frontage that are not completed as a part of the site’s required interim improvements. Contact Pat Hinds at (503) 988-5050 Ext. 83712 to complete the deed restrictions .

8.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Significant Environmental Concern - Water Resource (SEC-wr) to establish a single family dwelling in the MUA-20 zone. This approval is subject to the conditions of approval established in this report.

9.00 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘D’ Comments Received

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 T2-2013-2921 at the Land Use Planning office.

Exhibit #	# of Pages	Applicant Exhibits
A.1	1	General Application Form
A.2	3	June 4, 2013 Summation of Project
A.3	3	Title Company Information on Property
A.4	1	Letter of Authorization from Eunice Phillipi and Jim Unger of Make It Light – the Property Owner.
A.5	2	Instrument Number 2007-053192 Recorded March 27, 2007
A.6	1	Deed Instrument Recorded November 29, 1988 in Book 2158, Page 2137
A.7	1	Deed Instrument Recorded January 17, 1973 in Book 905, Page 375 – The Deed of Creation
A.8	1	Deed Instrument Recorded December 14, 1977 in Book 1182, Page 1423 for Property North of Subject Lot.
A.9	10	June 13, 2013 Narrative Authored by SWCA Environmental Consultants

A.10	1	Reference List For Narrative
A.11	1	Large Scale Vicinity Site Plan
A.12	1	Air Photo and Tax Lot Map
A.13	1	Contour and Tax Lot Map for Property
A.14	1	Soil Survey Map
A.15*	1	SEC-wr Buffer Map with Topography and Vegetated Corridor's Rated as Good
A.16	1	100-Foot Slope Buffer Map
A.17	1	Applicant Appendices List
A.18	5	Excerpts From West of Sandy River ESEE Report for Beaver Creek
A.19	9	Excerpt From Oregon Freshwater Wetland Assessment Methodology Handbook
A.20	14	Wetland Delineation Forms for Site
A.21	2	Applicant's Site Photos
A.22	6	Vegetated Corridor (VECO) Condition Assessment
A.23*	5	Mitigation Plan By SWCA Environmental Consultants
A.24	21	Completed Storm Water Certification Signed and Stamped by Charles Gregory, PE; Storm Water System Design; Plant List for Storm Water Systems
A.25	6	On-Site Sewage Disposal Certification Form; Signed Plans; Land Feasibility Study
A.26	2	Fire Service Agency Certification Form
A.27	1	Certification of Water Service
A.28	1	Police Service Review
A.29	1	June 4, 2013 Site Plan
A.30	1	June 4, 2013 Buffer Enhancement Mitigation Plan
A.31	1	June 4, 2013 Storm Water System Site Plan
A.32	2	June 4, 2013 Floor Plans
A.33	3	June 4, 2013 Elevation Plans
A.34	1	Applicant's Incomplete Response Acceptance Letter
A.35	6	Applicant's September 13, 2013 Revised Narrative
A.36	2	Progress Lighting Specifications for Pagoda Path Lights (P5204) and 5" Cylinder Can Lights (P5774)
A.37	1	September 13, 2013 Site Plan
A.38*	2	September 13, 2013 Elevation Plans

A.39*	2	September 13, 2013 Floor Plans
A.40	2	September 13, 2013 Electrical Plans
A.41	7	November 14, 2013 Narrative Addendum
A.42*	1	November 14, 2013 Updated Site Plan
A.43	2	Applicant's January 7, 2014 Email Response to Comments
A.44	1	Applicant's March 3, 2014 Email Response to Required Design Changes
'B'	#	Staff Exhibits
B.1	2	A&T Property Information
B.2	2	July 3, 2013 Incomplete Letter
B.3	2	October 29, 2013 Incomplete Letter
B.4	1	November 22, 2013 Complete Letter
B.5	8	Opportunity to Comment Sent December 24, 2013 and Mailing List
B.6	1	1962 Zoning Map
B.7	1	Zoning as of October 5, 1977 on a 1966 Tax Lot Map
B.8*	1	Area Designated for Residential Yard and Rain Garden Placement
'C'	#	Comments Received
C.1	1	January 2, 2014 Questions Emailed from Barbara Hentges
C.2	2	January 6, 2014 Comments Received from Barbara Hentges