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

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 37.0560 Code Compliance and Applications, MCC 33.0005 Definitions

Multiple Use Agriculture MUA-20: MCC 33.2820 Allowed Uses, MCC 33.2825 Review Uses, MCC 33.2855 Dimensional Requirements and Development Standards, MCC 33.2870 Lot of Record, MCC 33.2885 Access

Significant Environmental Concern: MCC 33.4515 Exceptions, MCC 33.4567 SEC-h Clear and Objective Standards, MCC 33.4570 Criteria for Approval of SEC-h Permit – Wildlife Habitat, MCC 33.4575 Criteria for Approval of SEC-s Permit – Streams

Hillside Development and Erosion Control – HD: MCC 33.5505 Permits Required, MCC 33.5515 Application Information Required, MCC 33.5520 Grading and Erosion Control Standards, MCC 33.5525 Hillside Development and Erosion Control Related Definitions

Multnomah County Code (MCRR): MCRR 4.000 Access to County Road, MCRR 5.000 Transportation Impact

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-304 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link *Chapter 33: West Hills Rural Plan Area* and *Chapter 37: Administration & Procedures*.

Copies of the referenced Multnomah County Road Rules (MCRR) sections can be obtained by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/transportation-planning/>.

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. 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 pursuant to MCC 37.0690(B) when construction has not commenced within two (2) years from the date the decision is final. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For roads, commencement of construction shall mean actual grading of the roadway. Alternatively, this land use permit expires pursuant to MCC 37.0690(B) when the structure has not been completed within four years of the date of commencement of construction from the date the decision is final. Completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval. MCC 37.0690(B)]

Note: 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.

3. Prior to Land Use Planning review and sign-off for a building permit, the property owners or their representative shall:
 - a) Record pages 1 through 7 and Exhibit A.22 of this Notice of Decision with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and shall be filed with the Land Use Planning Division. Recording shall be at the applicant's expense. [MCC 37.0670]
 - b) Record a covenant with County Records that states that the owner understands and agrees that the proposed structure cannot be occupied as a dwelling or for any other form of permanent or temporary residential use. [MCC 33.0565, MCC 33.2820(F)(5), and MCC 33.2825(J)(7)]
 - c) Acquire an access permit for the site's reconfigured access onto NW Springville Road and provide a 20-foot paved approach to the County road. [MCRR 18.250]

Note: No access permits were found on file for the subject property. All new or reconfigured access points to County right of way must be permitted. The paved approach will be measured from the edge of pavement of NW Springville Road. It must not create any drainage problems along the County road. This paved approach standard will help to protect the County road from debris from the new driveway, and will improve the safety of this access. Note that a \$1,000 deposit is required for the paved approach. Contact Right of Way Permits at row.permits@multco.us or (503) 988-3582.

- d) Decommission the eastern-most existing access or obtain an approved Road Rules Variance to retain both accesses onto NW Springville Road. [MCRR 4.200]

Note: One driveway access per property is the County standard for approval. Approval of more than one driveway access must be requested through the variance procedure. The driveway must be decommissioned, or the applicant

must obtain an approved Road Rules Variance [MCRR 16.000] prior to County Land Use approving Building Permits. 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.

4. Prior to construction, the property owner or their representative shall:
 - a) Contact Rithy Khut at rithy.khut@multco.us, a minimum of ten (10) days prior to when ground-disturbing activities authorized by this permit are ready to commence. The e-mail shall contain notice of the commencement date of the ground disturbing activities. Work may commence once written notice is completed. The County's inspector will be visiting the project site to ensure that Best Management Practices are occurring. [MCC 33.5520(C)(2)]
 - b) Obtain a permit notice card that is to be posted at the driveway entrance in a clearly visible location. This notice is to remain posted until such time as the grading work is completed. In the event the notice is lost, destroyed, or otherwise removed prior to completion of the grading work, the applicant shall immediately contact the Land Use Planning office to obtain a replacement. [MCC 33.5520(C)(2)]
 - c) Flag, fence, or otherwise mark, the project area as described in applicant narrative and Grading and Erosion Plan (Exhibit A.22). These measures shall remain undisturbed except as otherwise allowed by this district. Such flagging, fencing, and/or markings shall be maintained until construction is complete. [MCC 33.5520(A)(2)(h) and MCC 33.5520(A)(2)(l)]
5. Soil disturbing activities within a Stream Conservation Area shall be limited to the period between June 15 and September 15. Revegetation/soil stabilization must be accomplished no later than October 15. Best Management Practices related to erosion control shall be required within a Stream Conservation Area. [MCC 33.4575(E)(6)]
6. Prior to and during construction, the property owner or their representative shall ensure that:
 - a) Any development related manipulation of the site prior to issuance of a permit shall be subject to corrections as recommended by the Geotechnical Report to ensure safety of the proposed development. [MCC 33.5515(F)]
 - b) All work shall be in accordance to the approved Geotechnical Report and observed by a Certified Engineering Geologist or Geotechnical Engineer. [MCC 33.5515(F)]
 - c) Spoil material or stockpiled topsoil associated with the development shall be prevented from eroding by installing protective plastic covering. [MCC 33.5515(G) and MCC 33.5520(A)(2)(m)]
 - d) Erosion and sediment control measures are in proper working order. The property owner and project engineer shall monitor the erosion and sediment control measures to ensure the measures are in proper working order. Additional measures shall be immediately installed to remedy the problem if sediment is determined to be escaping the development area. [MCC 33.5520(A)(2)(a), MCC 33.5520(A)(2)(h), MCC 33.5520(A)(2)(j), and MCC 33.5520(D)]
 - e) The disturbed soil area is reseeded with grass seed in spring once it is warm enough for the seed to germinate. Until there is permanent vegetative cover, disturbed soil area shall be mulched with straw to prevent sediment runoff. The applicant shall inspect the site after all large rain events to determine that the erosion control is working and that no sediment is leaving the property. If there is any evidence that the installed erosion

control silt fencing is not properly working and sediment is leaving the property, the applicant shall immediately reinstall the silt fence to prevent any further sediment from leaving the property. [MCC 33.5520(A)(2)(a), MCC 33.5520(A)(2)(b), MCC 33.5520(A)(2)(d), MCC 33.5520(A)(2)(f), MCC 33.5520(A)(2)(h), MCC 33.5520(A)(2)(i), MCC 33.5520(A)(2)(l), and MCC 33.5520(B)]

- f) 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, polyethylene, 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)]
 - g) Any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems is removed. 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(A)(2)(m) and MCC 33.5520(A)(2)(n)]
7. At the completion of the proposed development and construction activities, the applicant(s), owner(s) or their representatives shall:
- a) Apply and implement all of the recommended actions and planting required by the Natural Resource Assessment and Wildlife Conservation Plan. [MCC 33.4570(C) and MCC 33.4575(D)]
 - i. At minimum the applicant will plant 30 trees, 140 shrubs/small trees, 100 cuttings, and 200 herbaceous plants in areas labeled as Planting Area A and Planting Area B.
 - b) Seed and mulch all disturbed soils to prevent erosion and sedimentation in the channel. [MCC 33.5520(A)(2)(f) and MCC 33.5520(A)(2)(h)]
8. The applicant or their representative shall monitor all project sites as recommended in the Natural Resource Assessment and Wildlife Conservation Plan to determine whether 80% of each type of vegetation (trees, shrubs, ground cover) planted continues to live, thrive, and grow for a minimum period of 5 growing seasons after completion of all the initial plantings. Annual monitoring reports are required. [MCC 33.4570(C) and MCC 33.4575(D)(1)(d)]
- a) For any replanted area that falls below the 50% threshold, that area shall be replanted during the next planting season.
 - b) Annual Monitoring Report Due Date: Annual monitoring reports are due by November 30th of each year.
 - c) Extension of the Monitoring Period: The monitoring period may be extended, at the discretion of Land Use Planning for failure to provide monitoring reports, failure of the site to meet performance standards for two consecutive years (without irrigation or replanting), or when needed to evaluate replanting or other corrective or remedial actions.
 - d) Release of Monitoring Obligation: Monitoring is required until Land Use Planning has officially released the site from further monitoring.

- e) Failure to Submit Monitoring Reports: Failure to submit the required monitoring report by the due date may result in an extension of the monitoring period, forfeiture of the financial security and/ or enforcement action.
- f) The annual monitoring report shall include the following information:
- i. The permit number, monitoring date, report year, and a determination of whether the site is meeting performance standard of Condition No. 8 and 9.
 - ii. Post construction photographs of each monitoring area taken within the last 30 day prior to the report date.
 - iii. A brief narrative that describes maintenance activities and recommendations to meet performance standard. This includes when irrigation occurred and when the above ground portion of the irrigation system was or will be removed from the site.
 - iv. Any other information necessary or required to document compliance with the performance standard listed in Condition No. 8 and 9.

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

- g) Ensure that 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.
[MCC 33.4570(B)(7)]

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

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, Portuguese 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

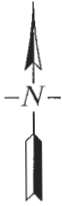
Scientific Name	Common Name
<i>Lemna minor</i>	Duckweed, Water Lentil

Scientific Name	Common Name
<i>various genera</i>	Bamboo sp.

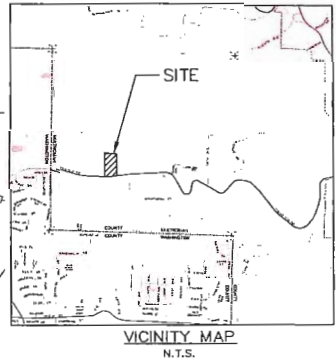
Note: Once this decision is final, application for building permits may be made with the City of Portland. When ready to have building permits signed off by land use planning, the applicant shall complete the following steps:

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, "Prior to land use sign-off for building plan check..." Be ready to demonstrate compliance with the conditions.
2. Contact Right-of-Way Permits at row.permits@multco.us, or schedule an appointment at <https://multco.us/transportation-planning/webform/right-way-appointment-request/>, or at 503-988-3582 for an appointment to review your plans, obtain your access permit, and satisfy any other requirements. **Failure to make an appointment with County Right-of-Way will result in delaying your building plan review and obtaining building permits.**
3. Contact the City of Portland, Bureau of Development Services, On-site Sanitation at 503-823-6892 or e-mail septic@portlandoregon.gov for information on how to complete the Septic Evaluation or Permit process for the proposed development. All existing and/or proposed septic system components (including septic tank and drainfield) must be accurately shown on the site plan.
4. Contact Rithy Khut, Planner, at 503-988-0176 or rithy.khut@multco.us, for an appointment for review of the conditions of approval and to sign the building permit plans. Land Use Planning must sign off on the plans and authorize the building permit before you can go to the Building Department. At the time of this review, Land Use Planning will collect additional fees.

The above must be completed before the applicant can obtain building permits from 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 will be collected. In addition, an erosion control inspection fee may be required.



13937 NW
SPRINGVILLE RD.
T.L. 100



ENVIRONMENTAL ZONING
LINE FOR STREAMS
(LINE DRAWN FROM
MULTI-MEDIA COUNTY'S
ONLINE INTERACTIVE
MAPPING PROGRAM)

EXISTING STREAM

VICINITY MAP
N.T.S.

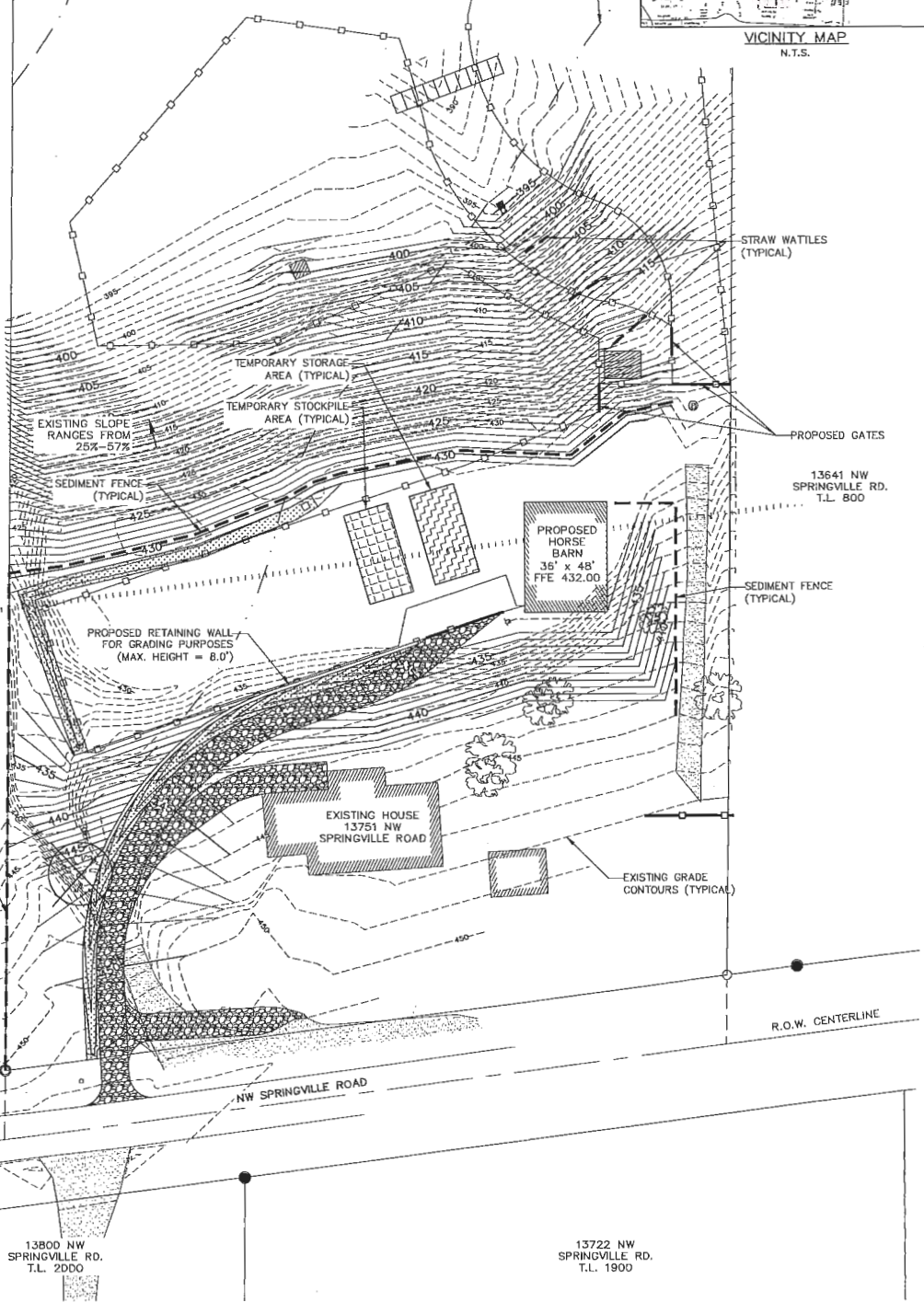


EXHIBIT
A.22

DATE	AUG 2017
SCALE	AS NOTED
DRAWN	CDV
JOB	SQL17-012
SHEET	1
OF 3 SHEETS	

SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 857-0188

Preliminary
Grading and Erosion
and Sediment Control Plan

13751 NW
SPRINGVILLE ROAD
KEVIN SENN

REVISIONS	BY
DATE	
DESCRIPTION	
1	
2	
3	

Findings of Fact

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

1.0 Project Description:

Staff: The applicant is requesting a permit to construct a new horse barn, horse riding area, manure shed, fencing for the pasture, a small bridge, and driveway. The permit will also retroactively correct work associated with UR-2016-5223 that include non-permitted property development, specifically significant excavation, grading and ground disturbance work, including work within an SEC overlay area.

2.0 Property Description & History:

Staff: The proposed construction of a new horse barn, horse riding area, manure shed, fencing for pasture, a small bridge, driveway, and retroactive review of non-permitted development will be located on a property located on Springville Road within the Multiple Use Agriculture-20 (MUA-20) zoning district in the West Hills Rural Area. The property has multiple overlays including Significant Environmental Concern for Streams (SEC-s), Significant Environmental Concern for Wildlife Habitat (SEC-h), and Hillside Development and Erosion Control (HD). The SEC-h overlays covers the entire property, the SEC-s overlay is located in the northwest corner of the property, and the HD overlay is located in the middle of the property where the slope is greater than 25%.

The Multnomah County Department of Assessment, Records, and Taxation indicate that Richard and Mariam Pilcher previously owned the property. The current property owners, Kevin and Nancy Senn purchased the property in 2015. The property is 3.79 acres and currently contains a single-family dwelling. The single-family dwelling is located in the southern portion of the property with rest of the property being a mixture of open pasture and forest.

The single-family dwelling was first taxed in 1949 as demonstrated from Multnomah County Department of Assessment, Records and Taxation (DART) records. There are no building permits associated with the property.

3.0 Administrative Procedures Criteria:

§ 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.

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

Staff: Tax Lot 700, Section 16C, Township 1 North, Range 1 West has had three previous code compliance cases, ZV 98-048, ZV 99-020 and UR-2016-5223. Both ZV cases were closed, however UR-2016-4701 is still open. The open UR case is associated with non-permitted property development, specifically significant excavation, grading and ground disturbance work, including work within an SEC overlay area.

The property owner is currently working with County staff to resolve the issues and fulfill the requirements of UR-2016-4701. This land use permit and any associated conditions of approval will result in the property coming into full compliance with all applicable provisions of the Multnomah County Code. *As conditioned, these criteria are met.*

4.0 Multiple Use Agriculture MUA-20 Criteria:

4.1 § 33.2820 ALLOWED USES

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

- (a) Garages or carports;
- (b) Pump houses;
- (c) Garden sheds;
- (d) Workshops;
- (e) Storage sheds, including shipping containers used for storage only;
- (f) Greenhouses;
- (g) Woodsheds;
- (h) Shelter for pets, horses or livestock and associated buildings such as: manure storage, feed storage, tack storage, and indoor exercise area;
- (i) Swimming pools, pool houses, hot tubs, saunas, and associated changing rooms;
- (j) Sport courts;
- (k) Gazebos, pergolas, and detached decks;
- (l) Fences, gates, or gate support structures; and
- (m) Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and
- (n) Similar structures.

Staff: The applicant is proposing to construct a new 1,728 square foot horse barn, a 192 square foot manure shed, and a 400 square foot bridge. The property already contains a 500 square foot detached garage and a 49 square foot well house. The horse barn, manure shed and bridge

are considered as accessory structures pursuant to MCC 33.2820(F)(1)(h). The property is not in farm deferral and there is no indications that a farm use as defined by ORS 215.203 is occurring on the property. All of the structures are accessory to the single-family dwelling.

The purpose of the barn will be used to shelter horses and storage. The building plan indicates that the barn will contain six stalls, a wash area, and a loft for hay storage (Exhibit A.6). The manure shed and proposed bridge will be an associated building that is used in connection with the shelter of horses.

In comparing the buildings and structures in the surrounding area, it is common to have barns that house horses and other livestock. The adjacent property owner has a barn and riding arena. It is also common to find structures, like a manure shed, associated with the keeping of horses. The proposed structures are also similar in size to other accessory buildings and structures within the immediate vicinity (Exhibit B.4). *This criterion is met.*

(2) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

Staff: The proposed horse barn will be used to shelter horses and storage. The building plan indicates that the barn will contain six stalls, a wash area, and a loft for hay storage. The manure shed will be used for manure storage. There are no indications that the structures will be designed or used as a dwelling. *This criterion is met.*

(3) The Accessory Structure may contain one sink.

Staff: The proposed horse barn and manure shed plans do not contain a sink (Exhibit A.6 and A.7). *This criterion is met.*

(4) The Accessory Structure shall not contain:

- (a) More than one story;**
- (b) Cooking Facilities;**
- (c) A toilet;**
- (d) Bathing facilities such as a shower or bathing tub;**
- (e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or**
- (f) A closet built into a wall.**

Staff: The proposed horse barn plans indicate that it will be two stories which is not allowed under the Allowed Uses (Exhibit A.6). An Accessory Use Determination will be required because the accessory structure exceeds the provisions above. *This criterion is not met.*

(5) Compliance with MCC 33.0565 is required.

Staff: A condition will be required to ensure that compliance with MCC 33.0565 is met. *As conditioned, this criterion is met.*

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

Staff: The applicant is proposing to construct a new 1,728 square foot horse barn, a 192 square foot manure shed, and a 400 square foot bridge. The property already contains a 500 square foot detached garage and a 49 square foot well house. The combined footprints of all Accessory Buildings is 2,469 square feet, which is below the 2,500 square foot threshold. The bridge is a structure and not included in the square foot calculation. *This criterion is met.*

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

Staff: As discussed above, the proposed horse barn plans indicate that it will be two stories, which is not allowed under the Allowed Uses (Exhibit A6). An Accessory Use Determination under the Review Use provisions will be required.

(8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. Such buildings shall be used for their allowed farm purposes only and, unless so authorized, shall not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

Staff: The property is not in farm deferral and there is no indications that a farm use as defined by ORS 215.203 is occurring on the property. *This standard is not applicable.*

4.2 § 33.2825 REVIEW USES

(J) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.2820 Allowed Uses, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment guesthouse, housing rental unit, sleeping quarters or any other residential use.**
- (2) The Accessory Structure shall not contain a bathing tub.**
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.**
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.**
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.**
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.**

Staff: As discussed above, the applicant is proposing to construct a new 1,728 square foot horse barn that contains a second story. The purpose of the barn will be to shelter horses and storage of hay. The building plan indicates that the barn will contain six stalls, a wash area, and a loft for hay storage (Exhibit A.6). The second story loft for the storage of hay is more ideal for the storing hay because ground moisture can come up into the hay, thus damaging the hay.

In comparing the buildings and structures in the surrounding area, it is common to have barns that house horses and other livestock. The adjacent property owner has a barn and riding arena. The proposed buildings are beneath the Allowed Use provisions for combined building

footprints and the proposed barn plans do not show a bathing tub, toilet or bathing facilities, or cooking facilities. *This criterion is met.*

(7) Compliance with MCC 33.0565 is required.

Staff: A condition will be required to ensure that compliance with MCC 33.0565 is met. *As conditioned, this criterion is met.*

4.3 § 33.2855 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS

(A) Except as provided in MCC 33.2860, 33.2870, 33.2875 and 33.4300 through 33.4360, the minimum lot size for new parcels or lots shall be 20 acres.

(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: No new parcels or lots are being created, therefore these standards do not apply. *This criterion is met.*

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

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

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

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

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

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

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

Staff: As shown on the Grading and Erosion and Sediment Control Plan all of the buildings and structures meet the minimum yard dimensions (Exhibit A.22). The proposed barn is located 53 feet from the nearest side lot line. The minimum side yard is 10 feet. The 53 feet is well in excess of the 10 foot side yard minimum. The manure shed is 40 feet from the nearest side lot line, which is larger than the 10 foot side yard minimum.

The Grading and Erosion and Sediment Control Plan also shows rail fencing throughout the property. Rail fencing is typically less than six feet in height.

The proposed barn plan indicates that the height of the barn will be 25 feet to the top of the cupola and the proposed manure shed plan indicates that the height will be approximately 16 feet, which are both less than 35 feet maximum. *These criteria are met.*

(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.

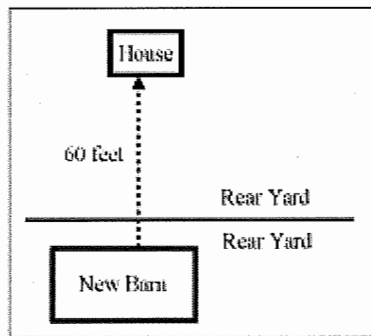
Staff: Multnomah County Transportation Division has reviewed the project and determined there is sufficient right-of-way width. The County Standard right of way for a Rural Collector facility is 60 feet. Therefore, the yard does not need to be increased. *This criterion is met.*

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

Staff: The proposed barn plan indicates that the height of the barn will be 25 feet to the top of the cupola and the proposed manure shed plan indicates that the height will be approximately 16 feet, which are both less than 35 feet maximum. *These criteria are met.*

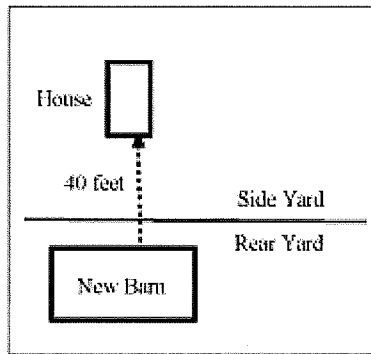
(F) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

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



For illustrative purposes only.

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



For illustrative purposes only.

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

Staff: The proposed buildings and structures are not considered as agricultural structures or equine facilities. The buildings and structures are accessory buildings and structures, therefore these standards are not applicable. *These criteria are met.*

(G) All exterior lighting shall comply with MCC 33.0570.

Staff: A condition will be required to ensure that compliance with MCC 33.0570 is met. *As conditioned, this criterion is met.*

4.4 § 33.2870 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, MUA-20 zone applied, Ord. 148 & 149;
- (5) October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;
- (7) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.

Staff: As defined in MCC 33.0005, the definition of a Lot of Record is as follows:

“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."

The applicant has provided a number of deeds to support their claim that tax lot 700, 1 North, 1 West, Section 16C is a Lot of Record. The Warranty Deed, recorded in Book 1319, Page 257 on February 14, 1949 describes Tax Lot 700, Township 1 North, Range 1 West, Section 16C, (Exhibit A.9). The County did not commence zoning until 1955. Therefore, the property was established before any applicable zoning laws or land division laws were in place to lawfully establish a unit of land. The Warranty Deed was recorded by a deed, was dated and signed by the parties to the transaction, and was recorded with the Recording Section of the County's Department of Assessment, Records, and Taxation prior to October 19, 1978.

The most recent deed recorded as Instrument #2015-088391 on July 15, 2015 matches the 1949 Warranty Deed (Exhibit A.8). Based on the information above, the unit of land met all applicable zoning laws or land divisions laws that were in place to lawfully establish a unit of land lawfully and remains a legal separate unit of land. *This criterion is met.*

(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 33.2885, 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 33.2860, 33.2875, 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: Criterion (B), (C), and (D) do not affect the determination on this case as Tax Lot 700, , Township 1 North, Range 1 West, Section 16C is a legal unit of land that is a Lot of Record. The parcel is not a new parcel and no sale or conveyance is being proposed as part of this application. The subject property is also not an area of land described as a tax lot solely for assessment and taxation purposes, created by the foreclosure of a security interest, or created by court decree. *These criteria are met.*

4.5 § 33.2885 ACCESS

All lots and parcels in this district shall abut a public street or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 33.2870(B).

Staff: The parcel abuts NW Springville Road, which is a public street. *This criterion is met.*

5.0 Significant Environmental Concern Criteria:

5.1 § 33.4570 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT

(B) Development standards:

(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: As defined in MCC 33.4570, the definition of a non-forested "cleared" areas are as follows:

"For the purposes of this section, a forested area is defined as an area that has at least 75 percent crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A non-forested "cleared" area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan."

The applicant has indicated on the Significant Environmental Concern for Wildlife Habitat worksheet that the location of the proposed barn, riding area, fenced pasture, manure shed, and driveway improvements are located in existing cleared areas. In reviewing historical aerial photos from 1994, the area has been relatively clear of trees (Exhibit B.3). *This criterion is met.*

(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 site plan indicates that some of the proposed structures and development are located further than that 200 feet as allowed above (Exhibit A.22). The table below outlines the distances from the nearest public road.

STRUCTURE SHORTEST DISTANCE FROM PUBLIC ROAD

RAIL FENCING	482 feet
BRIDGE	305 feet
MANURE SHED	270 feet
HORSE BARN	210 feet
GRADING	180 feet

The proposal will be required to meet the requirements of MCC 33.4560(C) using a Wildlife Conservation Plan. *This criterion is not met.*

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

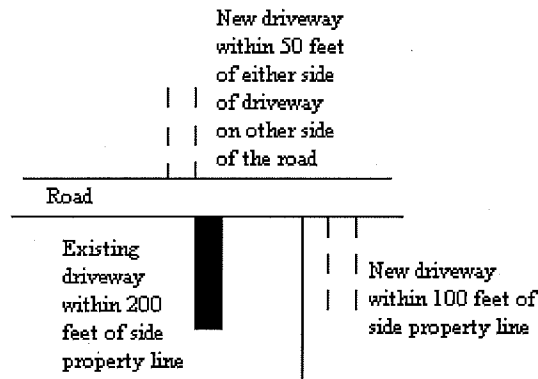
Staff: The site plan indicates that the proposed single-family dwelling has a driveway that is over 1,000 feet in length (Exhibit A.22). Based on the site characteristics provided on the site plan, the applicant cannot reduce the length of the driveway to less than 500 feet. The proposal will be required to meet the requirements of MCC 33.4560(C) using a Wildlife Conservation Plan. *This criterion is not met.*

(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.

(c) Diagram showing the standards in (a) and (b) above.



For illustrative purposes only.

(d) The standards in this subsection (4) may be modified upon a determination by the County Road Official that the new access road/driveway approach would result in an unsafe traffic situation using the standards in the Multnomah County "Design and Construction Manual," adopted June 20, 2000, (or all updated versions of the manual). Standards to be used by the Road Official from the County manual include Table 2.3.2, Table 2.4.1, and additional referenced sight distance and minimum access spacing standards in the publication A Policy on Geometric Design of Highways and Streets by the American Association of

State Highway and Transportation Officials (AASHTO) and the Traffic Engineering Handbook by the Institute of Transportation Engineers (ITE).

1. The modification shall be the minimum necessary to allow safe access onto the public road.
2. The County Road Official shall provide written findings supporting the modification.

Staff: The site plan and aerial photos indicate that the property has adjacent properties with driveways (Exhibit A.22 and Figure 1).

Figure 1 – Adjacent Driveways



The subject property accesses NW Springville Road and is the red dot in Figure 1 with adjacent driveways marked in blue. The proposed development driveway is not located within 200 feet of a driveway on the same side of the street. The closest same side driveway is located over 250 feet away. On the opposite side of the street there is a driveway that is approximately 42 feet from the subject property's driveway. MCC 33.4570(4)(b) requires that the driveway on the subject property be within 50 feet, if there is driveway on the opposite side of the road. *This criteria are met.*

(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: The aerial photos indicate that the property has adjacent properties that have development areas within 200 feet of the common side property lines.

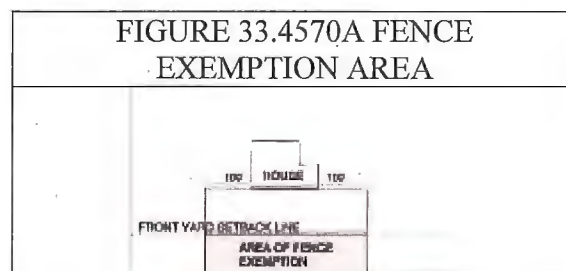
Figure 2 – Adjacent Development



The site plan indicates that the proposed development will occur within 300 feet of the property lines. *This criterion is met.*

(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 is no proposing any fencing along the required setback from a public road. *This criterion is met.*

(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 Waterweed
<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, Portuguese 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
<i>various genera</i>	Bamboo sp.

Staff: The applicant shall remove and keep removed from cleared areas the list the nuisance plants referred to in this criterion. To ensure compliance with this requirement, a condition will be required that the applicant shall remove and keep removed the plants listed in the table above. *As conditioned, this criterion is met.*

(C) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.

(1) The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or

Staff: The applicant indicates that physical characteristic unique to the property require that the proposed barn be located in the proposed location. The narrative discusses that the buildable areas are separated by steep slopes. The proposed barn is located in a flat area north of the

existing single-family dwelling. It is located in the flat middle section of the property. The manure shed is located within 35 feet of the proposed barn. Due to the relative steep slopes on the remainder of the property, it would seem appropriate to locate these two structures in this location.

The applicant is also proposing to install rail fencing to create two horse enclosures in the northern portions of the property. As discussed in the Natural Resources Assessment, the fencing that will be installed, "is a wildlife friendly split-rail fence that is expected to allow movement of wildlife through the pasture area." *This criterion is met.*

(4) For a property meeting (C)(1) above, the applicant may utilize the following mitigation measures for additions instead of providing a separate wildlife conservation plan:

(a) Each tree removed to construct the proposed development shall be replaced on a one to one ration with a six foot tall native tree.

(b) For each 100 square feet of new building area, the property owner shall plant, one, 3-4 foot tall native tree or three native tree seedlings. The trees shall be planted to improve wildlife habitat first within non-forested cleared areas contiguous to forested areas, second within any degraded stream riparian areas before being placed in forested areas or adjacent to landscaped yards.

(c) Existing fencing located in the front yard adjacent to a public road shall be consistent with MCC 33.4570(B)(6).

(d) For non-forested "cleared" areas that require nuisance plant removal pursuant to MCC 33.4570(B)(7), the property owner shall set a specific date for the work to be completed and the area replanted with native vegetation. The time frame must be within two years from the date of the permit.

Staff: The applicant indicates that physical characteristic unique to the property require that the proposed barn, manure shed, fencing, and bridge be located in the proposed locations. To mitigate against the impacts those buildings and structures will have on the property a wildlife Conservation Plan was created.

The wildlife conservation plan submitted by the applicant includes a Natural Resources Assessment conducted by Anita Cate Smyth, Professional Wetland Scientist and Environmental Scientist at Winterbrook Planning (Exhibit A.15). The Natural Resources Assessment indicates that, "the subject property contains two primary habitat areas: the areas converted to residential and farm usage and the Abbey creek tributary." The Assessment also found that the, "residential agricultural areas are open areas that have low habitat values."

The Assessment recommends Mitigation actions that could be undertaken to ensure that the development is the minimum departure from the standards of MCC 33.4570(B). The minimum requirements of (4)(a) and (b) above would require 17 trees based on 1,728 square feet of new building area. The recommended Mitigation within the Natural Resource Assessment requires the applicant plant of 30 trees, 140 shrubs/small trees, 100 cuttings and 200 herbaceous plants. Additional mitigation measures include nuisance plant control and water quality enhancement.

If the Conservation Plan is enacted, it should result in an improve wildlife habitat area adjacent to the stream conservation area. To ensure that these measures are put in place, a condition will be required. *As conditioned, this criterion is met.*

- (D) For the protected stream resources, the applicant shall demonstrate that the proposal:**
- (1) Will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its pre-development state, as documented in a Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:**
 - (a) A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by MCC 33.4575 (C);**
 - (b) A description of the applicant’s coordination efforts to date with the requirements of other local, State, and Federal agencies;**
 - (c) A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in MCC 33.4575 (D) (1);**
 - (d) An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.**

Staff: The applicant has include a site plan and written documentation that provides information about the Stream Conservation Area and a proposed Mitigation Plan. The applicant also indicated in the narrative that a preliminary study of the site was conducted by the West Multnomah Soil and Water Conservation District (WMSWCD). In 2015, in coordination with WMSWCD, the applicant enrolled this section of a tributary of Abbey Creek into the Healthy Streams Program. As part of the program 950 native trees and shrubs were planted in the winter of 2015-2016.

A Natural Resources Assessment was subsequently conducted by Anita Cate Smyth, Professional Wetland Scientist and Environmental Scientist at Winterbrook Planning as part of this application (Exhibit A.15). The Natural Resources Assessment indicates that, “the subject property contains two primary habitat areas: the areas converted to residential and farm usage and the Abbey creek tributary.” The Assessment also found that the, “residential agricultural areas are open areas that have low habitat values.”

The Assessment recommends Mitigation actions that could be undertaken to ensure that the protected stream resources are enhanced. As part of the Wildlife Conservation Plan, the applicant will plant 30 trees, 140 shrubs/small trees, 100 cuttings, and 200 herbaceous plants in areas closest to the Stream Conservation Area. Areas closer to NW Springville Road that were disturbed without permit to create a driveway are also located in the Stream Conservation Area. The driveway area will be re-seeded.

Other mitigation actions required by the Assessment are the creation of an improved stormwater management facility in a low spot of the pasture and conduct nuisance plant control. To ensure that these measures will ensure that wildlife resources, water quality, and the visual amenities of stream will be enhanced a condition will be required that the applicant carryout the requirements of the Natural Resource Assessment, conduct an annual monitoring plan for a period of five years and ensure an 80 percent annual survival rate of any required planning. *As conditioned, these criteria are met.*

(E) Design Specifications

The following design specifications shall be incorporated, as appropriate, into any developments within a Stream Conservation Area:

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

Staff: The applicant is not proposing any bridges or culverts which cross a protected stream. *This criterion is met.*

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

Staff: The applicant has submitted a Storm Water Certificate completed by Thomas J. Sisul, Registered Professional Engineer and a Natural Resources Assessment was conducted by Anita Cate Smyth, Professional Wetland Scientist and Environmental Scientist at Winterbrook Planning. The Storm Water Certificate recommends that V-ditch swale be placed alongside the west edge of the gravel road to convey the runoff to a daylight rip rap pad located in the lower pasture. The stormwater system will be planted with native vegetation to slow the runoff and encourage the storm water to be slowly recharged into the ground. *This criterion is met.*

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

Staff: No new exterior lights are being proposed. *This criterion is met.*

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

Staff: No trees will be removed in the Stream Conservation Area. The applicant is also required to plant 30 trees, 140 shrubs/small trees, 100 cuttings, and 200 herbaceous plants in areas closest to the Stream Conservation Area. *This criterion is met.*

(5) Satisfaction of the erosion control standards of MCC 33.5520.

Staff: Erosion Control Standards are discussed in the Section below.

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

Staff: To ensure that this requirement is met, a condition will be required that any soil disturbing activities within a Stream Conservation Area shall be limited to the period between June 15 and September 15. Revegetation/soil stabilization must be accomplished no later than October 15. Best Management Practices related to erosion control shall be required within a Stream Conservation Area. *As conditioned, this criterion is met.*

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

Staff: No State or Federal permit requirements were identified as part of this project. *This criterion is met.*

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

(1) The planting of any invasive non-native or noxious vegetation as listed in MCC 33.4570(B)(7) and MCC 33.4570(A)(4) is prohibited. A list of native plants can be found in the latest edition of the Metro Native Plant List.

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

Staff: The proposed project is not located within Metro’s jurisdictional boundaries, therefore these requirements are not applicable. *This criterion is met.*

(G) For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the Mitigation Plan must comply only with measures identified in the Goal 5 protection program that has been designated for the site.

Staff: The proposed project is not located within the Protected Aggregate and Mineral (PAM) subdistrict, therefore these requirements are not applicable. *This criterion is met.*

6.0 Hillside Development and Erosion Control - HD Criteria:

6.1 § 33.5505 PERMITS REQUIRED

Hillside Development Permit: All persons proposing development, construction, or site clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall obtain a Hillside Development Permit as prescribed by this subdistrict, unless specifically exempted by MCC 33.5510.

Staff: The proposed development is not located in a mapped hazard area on the “Slope Hazard Map,” however; the development area and finished slopes will exceed an average slope of 25 percent as shown on the Steep Slopes site plan (Exhibit A.5). The applicant will be required to obtain a Hillside Development and Erosion Control Permit to authorize the proposed development.

6.2 § 33.5515 APPLICATION INFORMATION REQUIRED

An application for development subject to the requirements of this subdistrict shall include the following:

(A) A map showing the property line locations, roads and driveways, existing structures, trees with 8-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s) and trees proposed for removal.

(B) An estimate of depths and the extent and location of all proposed cuts and fills.

(C) The location of planned and existing sanitary drainfields and drywells.

(D) Narrative, map or plan information necessary to demonstrate compliance with MCC 33.5520 (A). The application shall provide applicable supplemental reports,

certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.

(E) A Hillside Development permit may be approved by the Director only after the applicant provides:

- (1)** Additional topographic information showing that the proposed development to be on land with average slopes less than 25 percent, and located more than 200 feet from a known landslide, and that no cuts or fills in excess of 6 feet in depth are planned. High groundwater conditions shall be assumed unless documentation is available, demonstrating otherwise; or
- (2)** A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or,
- (3)** An HDP Form– 1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with his/her stamp and signature affixed indicating that the site is suitable for the proposed development.

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

Staff: The applicant has provided a map showing the above, a Grading and Erosion Control Worksheet indicating depths and extent of proposed cuts and fills, and a Geotechnical Engineering Report completed by Beth K. Rapp, Certified Engineering Geologist and James D. Imbrie, Registered Professional Engineer and Certified Engineering Geologist on March 8, 2018 (Exhibit A.5, A.14, and A.21). The documents provided satisfy the requirement above. *These criteria are met.*

(F) Geotechnical Report Requirements

- (1)** A geotechnical investigation in preparation of a Report required by MCC 33.5515 (E) (3) (a) shall be conducted at the applicant's expense by a Certified Engineering Geologist or Geotechnical Engineer. The Report shall include specific investigations required by the Director and recommendations for any further work or changes in proposed work which may be necessary to ensure reasonable safety from earth movement hazards.
- (2)** Any development related manipulation of the site prior to issuance of a permit shall be subject to corrections as recommended by the Geotechnical Report to ensure safety of the proposed development.
- (3)** Observation of work required by an approved Geotechnical Report shall be conducted by a Certified Engineering Geologist or Geotechnical Engineer at the applicant's expense; the geologist's or engineer's name shall be submitted to the Director prior to issuance of the Permit.
- (4)** The Director, at the applicant's expense, may require an evaluation of HDP Form– 1 or the Geotechnical Report by another Certified Engineering Geologist or Geotechnical Engineer.

Staff: The Geotechnical Engineering Report completed by Beth K. Rapp, Certified Engineering Geologist and James D. Imbrie, Registered Professional Engineer and Certified Engineering Geologist outlines and details specific information about the property to ensure reasonable safety from earth movement hazards (Exhibit A.21). The Report discusses the regional

geology, seismic setting, and specific site characteristics. The site is underlain by Quaternary age loess, which is underlain by the Columbia River Basalt Formation. Exploratory Tests were dug on the site on January 9, 2018.

Based on the results of those test, it was found that the undocumented fill on the northern slope to be no steeper than 3H:1V and a footing to slope setback of 20 feet should be maintained for new structures adjacent to the fill slope. The conclusions also recommended action items that should be done prior, during, and after development. Those actions included judicious use of straw wattles and silt fences throughout site preparation and construction and immediate and/or temporary protection of exposed soil against exposure using mulch or erosion control netting/blankets. Therefore to ensure that those recommendations are met, a condition will be required. *As conditioned, these criteria are met.*

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

Staff: The applicant shall be subject to the requirements of the Design Standards for Grading and Erosion Control as discussed in Section 6.3 below.

6.3 § 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:

(A) Design Standards For Grading and Erosion Control

(1) Grading Standards

- (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;**
- (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;**
- (c) Cuts and fills shall not endanger or disturb adjoining property;**
- (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;**
- (e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced streamflow for a storm of 10-year design frequency;**

Staff: A Geotechnical Engineering Report was completed by Beth K. Rapp, Certified Engineering Geologist and James D. Imbrie, Registered Professional Engineer and Certified Engineering Geologist on March 8, 2018 (Exhibit A.21). The report outlines and details specific information about the property including soil composition, fill materials, compaction methods and recommended cut and fill slopes.

The investigation found that the site had four different subsurface conditions with top two soil layers containing undocumented fill and quaternary loess at a depth of approximately 17 feet. Based on the soil characteristics, the report recommended that the undocumented fill on the northern slope be no steeper than 3H:1V and a footing to slope setback of 20 feet should be maintained for new structures adjacent to the fill slope. The conclusions also recommended action items that should be done prior, during, and after development. Those actions included judicious use of straw wattles and silt fences throughout site preparation and construction and immediate and/or temporary protection of exposed soil against exposure using mulch or erosion control netting/blankets.

To control for potential stormwater, the report recommended that surface runoff be collected and water discharged to existing drainage channels. To accomplish these recommendations, the applicant submitted a Storm Water Certificate that recommends that V-ditch swale be placed alongside the west edge of the gravel road to convey the runoff to a daylight rip rap pad located in the lower pasture (Exhibit A.10). The stormwater system will be planted with native vegetation to slow the runoff and encourage the storm water to be slowly recharged into the ground.

Based on information from the report and Storm Water Certificate, a condition will be required those recommendations are followed and met. *As conditioned, these criteria are met.*

(2) Erosion Control Standards

(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 applicant's site plan includes erosion and stormwater control plans (Exhibit A.10, A.22, and A.23). The plans indicate that there will be sediment fencing and staked fiber wattles installed prior to land disturbing activities. To ensure that these actions occur a condition will be required that erosion control measures be installed prior to construction or land disturbance.

The applicant has also provided a Storm Water Certificate completed by Thomas J. Sisul, Registered Professional Engineer on March 7, 2017 (Exhibit A.10). The applicant submitted a Storm Water Certificate that recommends that V-ditch swale be placed alongside the west edge of the gravel road to convey the runoff to a daylight rip rap pad located in the lower pasture. The stormwater system will be planted with native vegetation to slow the runoff and encourage the storm water to be slowly recharged into the ground.

Therefore to ensure that those recommendations are met, a condition will be required. *As conditioned, this criterion is met.*

(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 Grading and Erosion Control worksheet and site plan indicates that the stripping of vegetation, grading, and other soil disturbance shall be done using a dozer, compactor, and a backhoe (Exhibit A.14 and A.22). The site plan illustrates disturbance area will be limited to an area near the proposed buildings and structures and to level portions of the property. The disturbance area will be surrounded by sediment fencing and staked fiber wattles (Exhibit A.22). To ensure that erosion control is managed on the property, a condition will be required that these measures be installed prior to land disturbing activities. *As conditioned, this criterion is met.*

(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 site plan indicates that the area west of the proposed barn will be recontoured and a retaining wall constructed (Exhibit A.22). The retaining wall will reduce erosion potential as bare slopes are stabilized. To ensure that bare soil is stabilized, a condition will be required that temporary vegetation and/or mulching shall be used to protect exposed areas during development. *As conditioned, this criterion is met.*

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

Staff: This standard can be met with a condition that will require that temporary vegetation and/or mulching be used to protect exposed areas during development. *As conditioned, this criterion is met.*

(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 applicant is proposing encroachment into the 100-foot buffer area with the installation of horse fencing and a bridge. The encroachment is mitigated to limit impacts to the buffer area. The Natural Resources Assessment conducted by Anita Cate Smyth, Professional Wetland Scientist and Environmental Scientist at Winterbrook Planning recommended mitigation actions that could be undertaken to ensure that the protected stream resources are enhanced. As part of the Wildlife Conservation Plan, the applicant will plant 30 trees, 140 shrubs/small trees, 100 cuttings, and 200 herbaceous plants in areas closest to the Stream Conservation Area. Areas closer to NW Springville Road that were disturbed without permit to create a driveway are also located in the Stream Conservation Area. The driveway area will be re-seeded.

Other mitigation actions required by the Assessment are the creation of an improved stormwater management facility in a low spot of the pasture and conduct nuisance plant control. The stormwater management facility was reviewed as part of the Storm Water Certificate completed by Thomas J. Sisul, Registered Professional Engineer on March 7, 2017 (Exhibit A.10). The Storm Water Certificate recommends that V-ditch swale be placed alongside the west edge of the gravel road to convey the runoff to a daylight rip rap pad located in the lower pasture. The stormwater system will be planted with native vegetation to slow the runoff and encourage the storm water to be slowly recharged into the ground. *These criteria are met.*

- (f) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;**
- (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;**
- (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;**
- (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;**
- (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;**
- (k) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion;**

Staff: The site plan includes erosion control measures, which indicates that there will be sediment fencing and staked fiber wattles installed prior to land disturbing activities (Exhibit A.22). To ensure that those erosion measures are in place, conditions will be added to ensure that, if necessary, additional provisions shall be made to structurally impede surface runoff through the use of debris basins, silt traps, and other measures to effectively accommodate increased runoff and prevent surface water from damaging the cut face of excavations. Permanent plantings and seeding of bare areas shall be done as soon as practical. *As conditioned, these criteria are met.*

(1) 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 site plan includes erosion indicate that there will be sediment fencing and staked fiber wattles installed prior to land disturbing activities (Exhibit A.22). These erosion measures will ensure that pollution discharges will be prevented. *These criteria are met.*

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

Staff: The site plan indicates that there will be stockpiled soil within the development area adjacent to the proposed barn (Exhibit A.22). To ensure that the soil does not erode into streams or drainageways, a condition will be required that disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering. *As conditioned, this criterion is met.*

(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 will be required that 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. *As conditioned, this criterion is met.*

(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 subject property is not located within the Balch Creek Drainage Basin; therefore, this requirement does not apply. *This criterion is met.*

(B) Responsibility

(1) Whenever sedimentation is caused by stripping vegetation, regrading 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.

Staff: A condition will be required that whenever sedimentation is caused by stripping vegetation, regrading 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. *This criterion is met.*

7.0 Transportation Standards:

7.1 MCRR 4.000 Access to County Roads

4.100 Application for New or Reconfigured Access: Applicants for a new, altered, or reconfigured access onto a road under County Jurisdiction are required to submit a site plan. Applicants may be required, to provide all or some of the following

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

Staff: The applicant has proposed to construct a reconfigured access onto NW Springville Road, a Rural Collector under County Jurisdiction. An access is considered reconfigured when it will be physically altered, or when a change in the development that it serves has a Transportation Impact as defined in section 6.000 of the Multnomah County Road Rules. The reconfigured access is shown on the applicant's site plan (Exhibit A.22). All required information has been submitted. *This criterion is met.*

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 subject property is currently served by three driveways. The Applicant's narrative states that the two western-most driveways will be consolidated and reconfigured so that there

will be a single access point located directly across from the neighboring driveway across the street. The applicant is proposing to keep the third easternmost access without any physical alterations. Through a Condition of Approval, County Transportation will require the applicant to either permanently decommission the easternmost driveway, or obtain approval for a second access through the Road Rules Variance process. *As conditioned, this criteria is met.*

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: For a road classified as a Rural Collector, the spacing standard is 30 meters, or approximately 98 feet. The minimum distance is applied to both driveways on the same side of the street as well as driveways opposite to the site. As measured in Figure 1 in Section 5.1, the nearest driveways are located approximately 165-feet to the west, and 215-feet to the east – well over the minimum 98-foot spacing standard. *This criterion is met.*

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

Staff: For a Single Family / Residential use, a new or reconfigured driveway must be 12 to 25 feet wide. The reconfigured driveway as shown in the applicant's site plan will be 12 feet wide. *This criterion is met.*

4.500 Sight Distance: All new or altered 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. With the relatively flat topography and the straight nature of NW Springville Rd adjacent to the property, Transportation engineering staff determined that minimum sight distance requires are met. *This criterion is met.*

7.2 MCRR 5.000 Transportation Impact

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.**

5.200 The County Engineer will use the information obtained pursuant to sub-section 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.

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 effect 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. Staff understands that the land use proposal is for uses that are accessory to the property's primary residential use. There is no transportation impact associated with this proposal. *These criterion have been met.*

8.0 Public Comment:

- 8.1** David Leppla submitted a letter concerning the proposed application and potential impacts to that development might have on his property. He discussed issues of previous ground disturbance, potential water drainage, the smell of manure, and potential commercial business.

Staff: As discussed in this Decision, the previous un-permitted land disturbance and the potential water drainage issues have been reviewed under the Hillside Development and Erosion Control sections above. There is also no indication that a commercial business is occurring. The keeping of horses for pets is allowed as discussed above.

- 8.2** Carol Chesarek submitted an e-mail concerning the potential impacts the manure shed could have to a headwaters creek.

Staff: The manure shed is not located within the Significant Environmental Concern for Stream overlay and is over 250 feet from the stream area.

9.0 Conclusion:

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Accessory Use Determination, Lot of Record Verification, Significant Environmental Concern, and Hillside Development and Erosion Control permit to establish two accessory buildings (barn and manure shed), one accessory structure (bridge) and retroactively permit non-permitted ground disturbance in the Multiple Use Agriculture – 20 (MUA-20) zone. This approval is subject to the conditions of approval established in this report.

10.0 Exhibits

- 'A' Applicant's Exhibits
- 'B' Staff Exhibits
- 'C' Procedural 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 T2-2017-9792 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application Form	12/07/2017
A.2	29	Narrative	12/07/2017
A.3	3	Preliminary Grading and Erosion Plan	12/07/2017
A.4	3	Preliminary Drainage Plan	12/07/2017
A.5	3	Steep Slopes	12/07/2017
A.6	9	Barn Elevations and Floor Plans	12/07/2017
A.7	4	Manure Shed Elevations	12/07/2017
A.8	4	Statutory Warranty Deed recorded as 2015-088391 on July 15, 2015	12/07/2017
A.9	2	Warranty Deed recorded in Book 1319, Page 257 on February 14, 1949	12/07/2017
A.10	2	Storm Water Certificate completed by Thomas J. Sisul, Registered Professional Engineer on November 21, 2017	12/07/2017
A.11	20	Storm Water Calculations completed by Thomas J. Sisul, Registered Professional Engineer on October 2, 2017	12/07/2017
A.12	6	Septic Review Certification	12/07/2017
A.13	6	Fire Service Review	12/07/2017
A.14	9	Grading and Erosion Control Worksheet	12/07/2017
A.15	13	Natural Resource Assessment and Wildlife Conservation Plan written by Anita Cate Smyth, Professional Wetland Scientist and Environmental Scientist at Winterbrook Planning	12/07/2017
A.16	10	Significant Environmental Concern for Wildlife Habitat (SECh) Worksheet	12/07/2017
A.17	4	Soil Study Map	12/07/2017
A.18	2	Completeness Response	06/04/2018
A.19	3	Statutory Warranty Deed recorded as 2015-088391 on July 15, 2015	06/04/2018
A.20	1	Warranty Deed recorded in Book 1319, Page 257 on February 14, 1949	06/04/2018
A.21	21	Geotechnical Investigation and Results conducted by completed by Beth K. Rapp, Certified Engineering Geologist	06/04/2018

		and James D. Imbrie, Registered Professional Engineer and Certified Engineering Geologist on March 8, 2018	
A.22*	1	Revised Preliminary Grading and Erosion Plan	06/04/2018
A.23	1	Revised Preliminary Drainage Plan	06/04/2018
'B'	#	Staff Exhibits	Date
B.1	2	Department of Assessment, Records and Taxation (DART): Property Information for 1N1W16C -00700 (#R961160350)	12/07/2017
B.2	1	Department of Assessment, Records and Taxation (DART): Map for 1N1W16C -00700 (#R961160350)	12/07/2017
B.3	1	Aerial Photo taken in 1994 of 13751 NW Springville Road	08/29/2018
B.4	1	Aerial Photo taken in 2017 of 13751 NW Springville Road	08/29/2018
'C'	#	Administration & Procedures	Date
C.1	15	Incomplete Letter	01/04/2018
C.2	1	Applicant's acceptance of 180 day clock	01/15/2018
C.3	1	Complete Letter (Day 1)	06/05/2018
C.4	12	Opportunity to Comment and Mailing List	08/20/2018
C.5		Administrative Decision	
'D'	#	Comments Received (if needed)	Date
D.1	2	Letter from David Leppla	08/29/2018
D.2	1	E-mail from Carol Chesarek	09/04/2018
D.3	2	Reponse to comments from David Leppla and Carol Chesarek from Ben Schonberger (applicant)	09/20/2018