

NOTICE OF DECISION

Case File: T2-2019-11466 & EP-2019-11642

Permit: New Forest Dwelling; Significant Environmental Concern – Wildlife Habitat; Exception to Secondary Fire Safety Zone, and Road Rules Variance

Applicant(s): Donis McArdle **Owner(s):** Tammie McArdle

Location: A Tax Lot Adjacent to 17005 NW Skyline Blvd., Portland
Tax Lot 1200, Section 24B, Township 2 North, Range 2 West, W.M.
Tax Account #R972240050 Property ID #R325876

Zoning: Commercial Forest Use – 2 (CFU-2)

Overlays: Significant Environmental Concern – Wildlife Habitat (SEC-h)

Proposal Summary: The applicant requests approval for a new forest dwelling via the Template Test procedures. The request also includes a Significant Environmental Concern – Wildlife Habitat Permit, Exception to the Secondary Fire Safety Zone, and Road Rules Variance for the driveway spacing standards.

Decision: Approved with Conditions

This decision is final and effective at the close of the appeal period, unless appealed. The deadline for filing an appeal is Tuesday, August 13, 2019 at 4:00 pm.

Opportunity to Review the Record: The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review at the Land Use Planning office. Copies of all documents are available at the rate of \$0.30/per page. For further information, contact Chris Liu, Staff Planner at 503-988-2964 or at chris.liu@multco.us.

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

Issued By:



Chris Liu, Assistant Planner



Joanna Valencia, AICP
Planning & Development Manager

For:

Adam Barber
Interim Planning Director

Ian Cannon, P.E.
County Engineer

Date:

Tuesday, July 30, 2019

Vicinity Map

N↑



Applicable Approval Criteria: Multnomah County Code (MCC):

General Provisions: MCC 39.1515 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.3005 Lot of Record - Generally, MCC 39.3030 Lot of Record - CFU-2, MCC 39.6850 Dark Sky Lighting Standards;

New Forest Dwelling (Template): MCC 39.4075(B) Review Uses, MCC 39.4090 Template Dwellings Standards, MCC 39.4105 Building Height Requirements, MCC 39.4110 Forest Practices Setbacks and Fire Safety Zones, MCC 39.4115 Development Standards For Dwellings And Structures, MCC 39.4150 Single Family Dwellings Condition of Approval;

Exceptions to Secondary Fire Safety Zones: MCC 39.4155 Exceptions To Secondary Fire Safety Zones;

Significant Environmental Concern (Type 1): MCC 39.5510 Uses; SEC Permit Required, MCC 39.5520 Application for SEC Permit, MCC 39.5850 & 39.5860 Criteria For Approval of SEC-H Permit

Multnomah County Road Rules (MCRR):

MCRR 16.000 Variance from County Standards and Requirements, MCRR 16.225 Access Variance Standards; B. Access Spacing

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office or by visiting <http://multco.us/landuse/zoning-codes> under the link *Chapter 39: Multnomah County Zoning Code* and <https://multco.us/transportation-planning/> under the link *Plans and Documents*.

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** as detailed in (a) and (b) below:
 - a) When construction has not commenced within **four years of the date of the final decision**. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure. [MCC 39.1185(C)]
 - b) When the structure has not been completed within **four years of the date of commencement of construction**. 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 39.1185(C)]

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

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 6 of this Notice of Decision with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and shall be filed with the Land Use Planning Division. Recording shall be at the applicant's expense. [MCC 39.1175]
 - b) Record a covenant, conditions, and restrictions form with the County Recorder specifying the following:
 - i. The landowner and the landowner's successors in interest are prohibited from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
 - ii. That the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices. [MCC 39.4090]
 - iii. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the tract is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands;
 - iv. Enforcement of the covenants, conditions and restrictions shall be as specified in OAR 660-06-027 (December, 1995)

- c) Provide proof of shared well agreement with the owners of the well associated with the State of Oregon Water Well Report (Exhibit A.35) submitted with the application. [MCC 39.4115(D)]
 - d) Provide proof that the driveway can sustain 60,000 pounds of gross vehicle weight and 12,500 pounds wheel load as required by Tualatin Valley Fire and Rescue.
 - e) The Building Plans shall contain the following:
 - i. Details on the proposed lighting to demonstrate compliance with MCC 39.6850 Dark Sky Lighting Standards.
 - ii. Details demonstrating the dwelling will have a fire retardant roof and a spark arrester on any chimney. [MCC 39.4115(C)]
 - iii. Details demonstrating that the structure will be constructed in accordance the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended. [MCC 39.4155(B)(2)]
 - iv. Fire Sprinkler Plans for the dwelling that will have a central station monitored 13D sprinkler system. [MCC 39.4155(B)(4)]
4. As an on-going condition, the property owner shall:
- a) Establish and maintain the primary fire safety zone of 30 feet in all directions around the dwelling. Trees within the primary fire safety zone shall be spaced with greater than 15 feet between crowns. The Trees shall be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height. [MCC 39.4110(D)]
 - b) The nuisance plants in MCC 39.5580 Table 1 shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property.
 - c) No combustible fences shall be constructed or placed within 12 feet of the exterior surface of the dwelling. [MCC 39.4155]
 - d) The property owner and all future property owners shall not cancel monitoring of the required central station monitored 13D sprinkler system. [MCC 39.4155]
5. The property owner shall plant a sufficient number of trees to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements. Planting shall be conducted and completed in Fall of 2019 or Spring of 2020. When the plantings are complete, the property owner shall submit a stocking survey report to the County assessor and to County Land Use Planning. [MCC 39.4090]
6. The property owner or their representative shall contact the Land Use Planning Division when the exterior of the dwelling is completed to demonstrate that the house was completed within a timely fashion and that the conditions of approval have been met by the time listed in Condition No. 2.
7. The property owner shall obtain a final building permit within the time listed in Condition No. 2. [MCC 39.4110]

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 Staff Planner, Chris Liu, at 503-988-2964 or chris.liu@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.

Conditions of Approval for Multnomah County Transportation Road Rules Variance

1. **Access Permit:** Applicant will need to obtain an Access Permit for the access point onto NW Skyline Blvd. prior to building permit approval. (MCRR 4.100)
2. **Pave a 20-foot approach:** Applicant will need to pave a 20-foot paved approach onto NW Skyline Blvd. The paved approach will be measured from the edge of pavement of NW Skyline Blvd. and must not create any drainage problems along the County road. A deposit will be required for the paved approach. Please contact Right of Way at (503) 988-3582 regarding this requirement. (MCRR 6.100)
3. **Furnish deed restrictions committing the property owner to participate in future right of way improvements.** A non-remonstrance agreement, or deed restriction, will require that the property participate in standard Rural Collector road improvements along the site's frontage that are not completed as a part of the site's required interim improvements. [MCRR 9.400] Contact Pat Hinds at (503) 988-3712 or patrick.j.hinds@multco.us to complete the deed restrictions.

4. **Stormwater:** Any alteration of the storm water discharge onto County right of way requires a Discharge Permit. Any alteration of storm water drainage to the existing discharge needs to be reviewed by the County. Increased run-off to incorporated Multnomah County could negatively impact the roadway system.
5. **Sight Distance:** The property owner shall maintain the sight distance from all access points, including maintenance of vegetation.

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

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

Findings of Fact

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

1.0 PROJECT DESCRIPTION:

Staff: The applicant requests approval for a new forest dwelling via the Template Test procedures. The request also includes a Significant Environmental Concern – Wildlife Habitat Permit and Exception to the Secondary Fire Safety Zone.

2.0 PROPERTY DESCRIPTION:

Staff: The subject property is located adjacent to NW Skyline Blvd. in the West Hills area of rural Multnomah County in the Commercial Forest Use – 2 zoning district. There are no buildings or structures on the property and no established uses. The subject property is within the Significant Environmental Concern – Wildlife Habitat (SEC-h) overlay; hence, the proposed development requires a SEC-h permit.

3.0 GENERAL PROVISIONS:

3.1 MCC 39.1515: Code Compliance And Applications

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

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

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

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

Staff: There are no known compliance issues on the subject property. The subject property is currently vacant.

3.2 MCC 39.6850: Dark Sky Lighting Standards

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

Staff: A condition of approval is included requiring that the applicant demonstrate during building plan review that all proposed lighting meets the requirements of MCC 39.6850.
Criteria met through a condition of approval.

4.0 LOT OF RECORD CRITERIA:

4.1 MCC 39.3005: Lot of Record – Generally

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

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

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

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

1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or

2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978;

Staff: Land use case #T2-2012-2530 found, “...the northern 3.31 acres (Area A of Graphic #2) of Tax Lot 1200, 2N2W24B was lawfully established and is a Lot of Record pursuant to MCC 33.2275.” Staff verified that the current configuration of the subject property (Exhibit A.8) matches the configuration described and shown in case #T2-2012-2530 (Exhibit A.3)
Criteria met.

4.2 MCC 39.3030: Lot of Record – Commercial Forest Use – 2

(A) In addition to the standards in MCC 39.3005, for the purposes of the CFU-2 district a Lot of Record is either:

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

(2) A group of contiguous parcels or lots:

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

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

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

2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.

3. Three examples of how parcels and lots shall be aggregated are shown in MCC 39.3070 Figure 1 with the solid thick line outlining individual Lots of Record:

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g. MUA-20, RR, BRC, R10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

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

Staff: As noted in section 4.1 above, land use case #T2-2012-2530 determined the subject property is lawfully established and is a Lot of Record (Exhibit A.3). The configuration of the subject property has not changed since that time. The 2012 decision did not find that the subject property aggregated with adjacent property. *Criteria met.*

- 4.3 (C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 39.4135, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.**

Staff: The subject property is approximately 3.31 acres, which is below the 80-acre minimum lot size for new parcels in the CFU-2 zone. The subject property is a Lot of Record as noted in section 4.1 – 4.2 above and is therefore eligible for occupation by any allowed use, review use, or conditional use provided the use(s) comply with all other relevant requirements of the CFU-2 zone. *Criteria met.*

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

(1) An area of land described as a tax lot solely for assessment and taxation purposes;

(2) An area of land created by the foreclosure of a security interest;

(3) A Mortgage Lot.

(4) An area of land created by court decree.

Staff: The subject property is not an area of land described as a tax lot solely for assessment and taxation purposed, nor is it a mortgage lot or an area of land created by the foreclosure of a security interest or court decree.

Based on the findings in section 4.1 – 4.4, the subject property is a Lot of Record.

5.0 TEMPLATE DWELLING APPROVAL CRITERIA:

5.1 MCC 39.4075: Review Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(B) The following dwellings: Template Dwelling - pursuant to MCC 39.4090 and all other applicable criteria.

Staff: The applicant requests approval of a template dwelling and related physical improvements in the CFU-2 zone. Section 5.2 – 5.16 contains findings for the criteria listed in MCC 39.4090.

5.2 MCC 39.4090: Template Dwelling Standards

(A) A template dwelling may be sited on a tract, subject to the following:

(1) The lot or lots in the tract shall meet the applicable Lot of Record standards of Part 3 of this Chapter.

Staff: As detailed in section 4.1 – 4.4 above, the subject property is a Lot of Record.
Criterion met.

5.3 (2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with MCC 39.4110 and 39.4115;

Staff: The subject site is approximately 3.31 acres. The site is smaller than the current minimum lot size of 80 acres; however, the site is a single Lot of Record as noted in section 4.1 – 4.4 above. Section 6.2 – 6.16 contains findings regarding how the proposal meets the requirements of MCC 39.4110 and 39.4115. *Criterion met*

5.4 (3) The tract shall meet the following standards:

(c) If the tract is predominantly composed of soils which are capable of producing above 85 cf/ac/yr of Douglas Fir timber; and

1. The lot upon which the dwelling is proposed to be sited and at least all or part of 11 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and

Staff: As noted in section 4.1 – 4.4, the subject property is legally created and a Lot of Record. In land use case #T2-2012-2530, staff found that the subject property was created as *a remainder parcel through the recording of deeds implementing case #LE 10-91 on August 15, 1991* (Exhibit A.3). The current configuration of the subject property (Exhibit A.8) matches the configuration from August 15, 1991; therefore, the subject property is a lawfully created lot in existence on January 1, 1993.

The applicant provided a template showing adjacent lots within the 160-acre square (Exhibit A.8). The applicant also provided deed records for the adjacent lots, which demonstrate the following:

| # | Address | Associated Deed | Legal? |
|---|---------------------------------------|---|--------|
| 1 | 17226 NW Skyline Blvd. (R325859) | Book 1521, Page 1818 recorded 05/06/1981 (Exhibit A.10) | Yes |
| 2 | 17225 NW Skyline Blvd. (R325864) | Book 2082, Page 1861 recorded 02/26/1988 (Exhibit A.23) | Yes |
| 3 | 16225 NW Rock Creek Rd. (R325855) | Instrument #2006-174946 recorded 09/20/2006 (Exhibit A.18) | Yes |
| 4 | 16960 NW Skyline Blvd. (R325874) | Book 1133, Page 506-507 recorded 10/15/1976 (Exhibit A.12) | Yes |
| 5 | No Address NW Skyline Blvd. (R325877) | Book 1939, Page 28 recorded 01/27/1959 (Exhibit A.16) | Yes |
| 6 | 17050 NW Skyline Blvd. (R325894) | Instrument #2016-123616 recorded on 10/03/2016 (Exhibit A.14) | Yes |
| 7 | 17005 NW Skyline Blvd. (R236806) | Instrument #2006-106487 recorded on 06/09/2006 (Exhibit A.21) | Yes |
| 8 | 16950 NW Elliot Rd. (R236803) | Instrument #2007-035051 recorded on 02/27/2007 (Exhibit A.22) | Yes |
| 9 | 17100 NW Skyline Blvd. (R325813) | Book 1521, Page 1820 recorded 05/06/1981 (Exhibit A.11) | Yes |

| | | | |
|----|----------------------------------|--|-----|
| 10 | 16940 NW Skyline Blvd. (R325875) | Book 830, Pages 1364-1366 recorded 12/21/1971 (Exhibit A.13) | Yes |
| 11 | 16618 NW Skyline Blvd. (R325878) | Book 830, Pages 1364-1366 recorded 12/21/1971 (Exhibit A.17) | Yes |

As shown on the above table, the applicant demonstrated that there are 11 lawfully created lots existing on January 1, 1993 within the 160-acre square. *Criterion met.*

5.5

2. At least five dwellings lawfully existed on January 1, 1993 within the 160-acre square and those dwellings either continue to exist or have been replaced by lawful replacement dwellings.

Staff: Applicant submitted a Template Map (Exhibit A.8) showing the 160-acre template on the subject parcel. Staff compared the Applicant's list of dwellings on adjacent lots (Exhibit A.9) with County permit records to determine which nearby dwellings existed on January 1, 1993. The table below identifies five (5) legal dwellings within the 160-acre square:

| # | Address | Date of Construction | Legal? |
|---|---------------------------------------|----------------------|--------|
| 1 | 17226 NW Skyline Blvd. (R325859) | 1991* | Yes |
| 2 | 17225 NW Skyline Blvd. (R325864) | 1978 | Yes |
| 3 | 16225 NW Rock Creek Rd. (R325855) | 1987 | Yes |
| 4 | 16320 NW Skyline Blvd. (R228307) | 1976 | Yes |
| 5 | No Address NW Skyline Blvd. (R325877) | 1890 | Yes |

Note: Dates with a () indicates the dwelling subsequently replaced by a new lawful dwelling and the new dwelling remains within the 160 acre template.*

The Applicant referenced additional dwellings in the submitted materials; however, Staff has not reviewed the additional dwellings referenced given the above criteria of five (5) legal dwellings existing on January 1, 1993 is met. *Criterion met.*

5.6

(d) Lots and dwellings within urban growth boundaries shall not be counted to satisfy Subsections (a) through (c) above.

Staff: As illustrated in County aerial imagery maps, which identify the Metro Urban Growth Boundary, the subject property is greater than 3 miles outside of the urban growth boundary. *Criterion met.*

5.7

(e) There is no other dwelling on the tract.

(f) No other dwellings are allowed on other lots (or parcels) that make up the tract.

Staff: The subject property is currently vacant. The subject property is a single parcel and is a Lot of Record and is not part of a larger tract (Exhibit A.3). *Criteria met.*

5.8 (g) Except as provided for a replacement dwelling, all lots (or parcels) that are part of the tract shall be precluded from all future rights to site a dwelling.

(h) No lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling.

Staff: The subject property is a single parcel and is not part of a larger tract (Exhibit A.3). If this template test is approved, the property will have the maximum allowable number of dwellings on the property, which is one single-family dwelling. *Criteria met.*

5.9 (i) Pursuant to the definition of “Date of Creation and Existence” in MCC 39.2000, if the lot, parcel or tract does not qualify for a dwelling under the standards in this section, any reconfiguration after November 4, 1993 cannot in any way enable the tract to meet the criteria for a new dwelling.

(j) Pursuant to the definition of “Date of Creation and Existence” in MCC 39.2000, lots, parcels and tracts that are reconfigured after November 4, 1993 cannot be counted as meeting the “other lawfully created lots” existing on January 1, 1993 standard in subsections (A)(3)(a), (b), and (c) of this Section above: 3, 7, and 11 lots respectively.

Staff: As discussed in section 5.2 – 5.16, the subject property meets the Template Dwelling standards of MCC 39.4090. The property remains in the same configuration as described in land use decision #T2-2012-2530 (Exhibits A.3 & A.8) and was lawfully established in 1991. *Criteria met.*

5.10 (k) “Within” as used in the context of Subsections (a)2., (b)2. and (c)2. of this Section shall mean that all of the dwellings or any part of the dwellings are in the 160-acre square.

Staff: Staff utilized the above definition in the analysis as described in section 5.4 – 5.6. *Criterion met.*

5.11 (4) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals of other dwellings in the area since acknowledgment of the Comprehensive Plan in 1980, will be acceptable.

Staff: Per the 2006 wildlife habitat map from the County’s Comprehensive Plan update, the subject property is outside of the big game winter habitat area as defined by the Oregon Department of Fish and Wildlife (Exhibit B.3). *Criterion met.*

- 5.12 **(5) Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance.**

Staff: Access to the subject property is from NW Skyline Blvd., a public road maintained by Multnomah County (Exhibit A.37). *Criterion met.*

- 5.13 **(6) A condition of approval requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules, provided, however, that:**
- (a) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;**
 - (b) The property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;**
 - (c) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to state law;**

Staff: A condition of approval will be required for the property owner to submit a Stocking Report prior to land use sign off of the building permit to the County Assessor. *Criteria met through a condition of approval.*

- 5.14 **(7) The dwelling meets the applicable development standards of MCC 39.4110 and 39.4115;**

Staff: Sections 6.2 – 6.16 contain findings for the development standards of MCC 39.4110 and 39.4115. The proposed dwelling has met the applicable development standards or is conditioned to meet them. *Criteria met through a condition of approval*

- 5.15 **(8) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;**

Staff: A condition of approval is included in this decision requiring the recording of the above covenant by the property owner. *Criterion met through a condition of approval.*

- 5.16 (9) Evidence is provided, prior to the issuance of a building permit, that the covenants, conditions and restrictions form adopted as "Exhibit A" to the Oregon Administrative Rules (OAR), Chapter 660, Division 6 (December, 1995), or a similar form approved by the Planning Director, has been recorded with the county Division of Records;
- (a) The covenants, conditions and restrictions shall specify that:
 - 1. All lots (or parcels) that are part of the tract shall be precluded from all future rights to site a dwelling; and
 - 2. No lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling;
 - (b) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the tract is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands;
 - (c) Enforcement of the covenants, conditions and restrictions shall be as specified in OAR 660-06-027 (December, 1995).

Staff: The recording of the applicable covenants listed above has been included as a condition of approval in this decision. The condition of approval requires the applicant to provide proof of satisfaction for the above requirements prior to building permit sign-off.
Criteria met through a condition of approval.

6.0 COMMERCIAL FOREST USE ZONE CRITERIA:

6.1 MCC 39.4105: Building Height Requirements

(A) Maximum structure height – 35 feet.

(B) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

Staff: The applicant can demonstrate compliance with the building height requirements during land use building plan review. Staff will verify that the maximum structure height is 35 feet or less at that time. Failure to demonstrate compliance with the above requirements will prevent the County from signing-off on the building plans. *Criteria met.*

6.2 MCC 39.4110: Forest Practices Setbacks and Fire Safety Zones

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

| Use | Forest Practice Setbacks | Fire Safety Zones |
|-----|--------------------------|-------------------|
|-----|--------------------------|-------------------|

| Description of use and location | Front Property Line Adjacent to County Maintained Road | All Other Setbacks | Fire Safety Zone Requirements (FSZ) |
|---------------------------------|--|--------------------|-------------------------------------|
| Template Dwelling | 30 feet | 130 feet | Primary & Secondary Required |

Staff: The proposed dwelling is located approximately 35 feet from the front property line adjacent to NW Skyline Blvd. (Exhibit A.37). The proposed dwelling will be over 130 feet from the other surrounding property lines. The proposed dwelling complies with the Forest Practice Setbacks as required above. The findings for the required Fire Safety Zones for the dwelling can be found below in sections 6.18 – 6.22.

6.3 (A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 39.4155 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

Staff: No reduction to the Forest Practice Setback is required for the proposed development. The applicant requested an Exception to the Secondary Fire Safety Zone and the findings for that request are in sections 6.18 – 6.22. *Criteria met.*

6.4 (C) The minimum forest practices setback requirement shall be increased where the setback 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 setback requirements in consultation with the Road Official.

Staff: County Transportation Planning did not identify additional right-of-way requirements (Exhibit A.36). Therefore, planning staff did not identify subsequent additional forest practices setback requirements. *Criterion met.*

6.5 (D) Fire Safety Zones on the Subject Tract.

(1) Primary Fire Safety Zone.

(a) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

(b) On lands with 10 percent or greater slope the primary fire safety zone shall be extended farther down the slope from a dwelling or structure as follows:

| Percent Slope | Distance in Feet |
|---------------|------------------|
|---------------|------------------|

| | |
|--------------|------------------------|
| Less than 10 | No additional required |
| Less than 20 | 50 additional |
| Less than 25 | 75 additional |
| Less than 40 | 100 additional |

(c) The building site must have a slope less than 40 percent.

Staff: As shown on the submitted site plan (Exhibit A.38), the proposed dwelling will have the required 30 feet minimum primary fire safety zone. The submitted contour information indicated the slopes are less than 10% for the proposed building site; therefore, no additional primary fire safety zone is required. As noted, the building site is on slopes of less than 10 percent which meets the less than 40% slope requirement. *Criteria met.*

- 6.6 (2) Secondary Fire Safety Zone.** A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 39.4155.

Staff: As shown on the submitted site plan (Exhibit A.38), the proposed dwelling will have a 100 ft. secondary fire safety zone to the West, East, and South. The applicant requested an exception to the required secondary fire safety zone North of the dwelling and adjacent to NW Skyline Blvd. This area will only have the 30 ft. primary fire safety zone. Findings for the exception request are in sections 6.19 – 6.22. If the exception is granted the secondary fire safety zone will become voluntary for the property owner. It is recommended that it be installed.

- 6.7 (3) No requirement in (1) or (2) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and**

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

Staff: The applicant has not submitted a forest management plan for the subject property that would contradict the Forest Practice Setbacks or Fire Safety Zones (FSZ) listed above. The required Primary and Adjusted Secondary FSZ will be provided on site as shown on Exhibit

A.38. A condition of approval is included regarding the establishment and maintenance of the Primary FSZ on the property. The secondary FSZ has been waived through the exception process. *Criterion (5) will be met through a condition of approval. Criteria (3) and (4) met.*

6.8 MCC 39.4115: Development Standards for Dwellings and Structures

All dwellings and structures shall comply with the approval criteria in (B) through (D) below except as provided in (A). All exterior lighting shall comply with MCC 39.6850:

Staff: No exterior lighting has been shown as part of the application. The applicant can demonstrate compliance with MCC 39.5850 at the time of land use sign off for building plan review as the Dark Sky Lighting Standards are non-discretionary. A condition of approval is included regarding MCC 39.6850 to ensure that the applicant meets the standards. *Criteria will be met through conditions of approval.*

6.9 ***

(B) New dwellings shall meet the following standards in (1) and (3) or (2) and (3); restored or replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from the existing dwelling shall meet the following standards in (1) and (3) or (2) and (3):

(1) The structure shall satisfy the following requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

Staff: As shown on the Applicant's submitted site plan (Exhibit A.38), the proposed dwelling is located approximately 35 feet from the front property line adjacent to NW Skyline Blvd., a county maintained road. The proposed setback from the west side-property line is approximately 135 feet, and the proposed setback from the rear and east side-property line are approximately greater than 130 feet. *Criteria met.*

6.10 (b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

Staff: As shown in the Applicant's submitted site plan (Exhibit A.38) and County aerial imagery, the proposed dwelling will be located in a cleared of at least 10,000 square feet. According to aerial imagery, the development area is clear of trees with a majority of the trees on the southern portion of the property. *Criterion met.*

6.11 (c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

Staff: As noted above, the submitted site plan shows a proposed development area (excluding the driveway) of less than 30,000 square feet (Exhibit A.38). *Criterion met.*

6.12 (d) The structure is sited within 300- feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

Staff: As shown on the submitted site plan (Exhibit A.37), the proposed dwelling site is approximately 35 feet from NW Skyline Blvd., a public road. The proposed driveway is approximately 175 feet in length. *Criterion met.*

- 6.13 (e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or**

Staff: The applicant submitted a Fire Service Agency Review form completed by Drew Debois of Tualatin Valley Fire & Rescue (TVF&R). TVF&R noted that they have adequate water supply on their fire apparatus to serve the subject property. TVF&R requires that the driveway construction must sustain 60,000 pounds gross vehicle weight and 12,500 pounds wheel load (Exhibit A.29). *Criteria met.*

- 6.14 (3) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:**

(a) Access roadways shall be approved, developed and maintained in accordance with the requirements of the structural fire service provider that serves the property. Where no structural fire service provider provides fire protection service, the access roadway shall meet the Oregon Fire Code requirements for fire apparatus access;

(b) Access for a pumping fire truck to within 15 feet of any perennial water source of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the fire apparatus access standards of the Oregon Fire Code with permanent signs posted along the access route to indicate the location of the emergency water source;

Staff: The applicant submitted a Fire Service Agency Review form completed by Drew Debois of Tualatin Valley Fire & Rescue (TVF&R). TVF&R noted that they have adequate water supply on their fire apparatus to serve the subject property. TVF&R requires that the driveway construction must sustain 60,000 pounds gross vehicle weight and 12,500 pounds wheel load (Exhibit A.29). *Criteria met.*

- 6.15 (C) The dwelling or structure shall:**

(1) Comply with the standards of the applicable building code or as prescribed in ORS 446.003 through 446.200 relating to mobile homes;

(2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;

(3) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

Staff: The proposed dwelling will need to obtain building permits for its construction. It will comply with the County's building codes. The home is not a mobile home. A condition of approval will require that the property owner or their representative demonstrate that the roof

is fire retardant and any chimneys have spark arresters. *Criteria met through a condition of approval.*

- 6.16 (D) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 1 stream as defined in the Forest Practices Rules.**

Staff: The applicant submitted a State of Oregon Water Well Report for an adjacent property indicating the adjacent property has an adequate domestic water supply (Exhibit A.35). The applicant states that there is a well agreement with the owner of the adjacent property (Exhibit A.31). A condition of approval is included requiring proof of the stated well agreement prior to building permit review. *Criterion met through a condition of approval.*

- 6.17 MCC 39.4150: Single Family Dwellings Condition of Approval – Prohibition on Claims Alleging Injury From Farm Or Forest Practices**

As a condition of approval of a single family dwelling, the landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Staff: A condition of approval is included in this decision requiring the recording of the above restriction. *The above criterion will be met through a condition of approval.*

- 6.18 MCC 39.4155: Exceptions To Secondary Fire Safety Zones**

(A) The secondary fire safety zone for dwellings and structures may be reduced pursuant to the provisions of MCC 39.4155 (B) when:

- (1) The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less, or**
- (2) The dwelling or structure will be located within 130 feet of the centerline of a public or private road serving two or more properties including the subject site; or**
- (3) The proposed dwelling or structure will be clustered with a legally existing dwelling or structure.**

Staff: The submitted driveway-detail site plan shows that the proposed dwelling will be located within 130 feet of the centerline of NW Skyline Blvd., a public road (Exhibit A.37). Therefore, the applicant may request a reduction to the required secondary fire safety zones. *Criteria met.*

6.19 (B) Exceptions to secondary fire safety zones shall only be granted upon satisfaction of the following standards:

(1) If the proposed secondary fire safety zone is between 50 and 100 feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban Wildland Interface Code Section 505 Class 2 Ignition Resistant Construction as adopted August, 1996, or as later amended, or

(2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and

Staff: According to the submitted site plan, the proposed secondary fire safety zone for the property line adjacent to NW Skyline Blvd. is less than 5 feet (Exhibit A.38). Therefore, a condition of approval is included in this decision requiring that the dwelling be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended. *Criteria met through a condition of approval.*

6.20 (3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and

Staff: The applicant's proposal does not include the construction of any fences on the subject property. *Criterion met.*

6.21 (4) A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of subsection (B) (1) above are utilized, or

(5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of subsection (B) (2) above are utilized.

Staff: The proposed secondary fire safety zone is equivalent to subsection (B)(2) above; therefore a condition of approval is included requiring that the dwelling have a central station monitored 13D sprinkler system. *Criteria met through a condition of approval.*

6.22 (6) All accessory structures within the fire safety zone setbacks required by MCC 39.4110, and all accessory structures within 50 feet of a dwelling, shall have a central monitored alarm system.

(7) All accessory structures within 50 feet of a building shall have exterior walls constructed with materials approved for a minimum of one-hour rated fire-resistive construction, heavy timber, log wall construction or constructed with noncombustible materials on the exterior side.

(8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the

International Fire Code Institute Urban/Wildland Interface Code Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, or underfloor protection in accordance with Section 504.6 of that same publication.

Staff: The applicant's proposal does not include the construction of any accessory structures. Therefore, this decision does not approve any accessory structures on the subject property at this time. *Criteria met.*

7.0 SIGNIFICANT ENVIRONMENTAL CONCERN – WILDLIFE HABITAT CRITERIA:

7.1 MCC 39.5850: SEC-h Clear And Objective Standards

(A) At the time of submittal, the applicant shall provide the application materials listed in MCC 39.5520(A) and 39.5860(A). The application shall be reviewed through the Type I procedure and may not be authorized unless the standards in MCC 39.5860(B)(1) through (4)(a)-(c) and (B)(5) through (7) are met. For development that fails to meet all of the criteria listed above, a separate land use application pursuant to MCC 39.5860 may be submitted.

Staff: The applicant submitted the required materials. Staff made findings on MCC 39.5860(B)(1) through (4)(a)-(c) and (B)(5) through (7) in sections 7.6 – 7.12 below. Staff found that the applicant meets the requirements for the Type 1 SEC-h permit.

7.2 (B) The proposed development shall meet the applicable stormwater and ground disturbing activity requirements of MCC 39.6200 through 39.6235. Ground disturbing activity within 100 feet of a water body as defined by MCC 39.2000 shall be limited to the period between May 1st and September 15th. Revegetation and soil stabilization must be accomplished no later than October 15th.

Staff: The proposed dwelling will be located in an area with slopes of less than 10% (Exhibit A.38) and is not located within 100 feet of a water body. Staff will verify minimal-impact project requirements/erosion control measures during building plan review. The applicant submitted a Storm Water Certificate (Exhibit A.33) completed by Mia Mahedy-Sexton, P.E., indicating that construction of an on-site storm water drainage control system is not required. The required storm drainage calculations completed by Mahedy-Sexton were included as well (Exhibit A.34). *Criterion met.*

7.3 (C) The nuisance plants listed in MCC 39.5580 Table 1 shall not be used as landscape plantings within the SEC-h Overlay Zone.

Staff: There are no proposed nuisance plantings in the submitted site plans or other application materials. A condition of approval is included ensuring no nuisance plants in MCC 39.5580 Table 1 are planted on the subject property. *Criterion met through a condition of approval.*

7.4 (D) For development that fails to meet all of the standards listed in this section, a separate land use application pursuant to MCC 39.5860 may be submitted.

Staff: The Applicant demonstrated compliance with the standards for the Type 1 SEC-h permit as discussed in the findings contained in sections 7.6 – 7.12. *Criterion met.*

7.5 MCC 39.5860 Criteria For Approval of SEC-H Permit – Wildlife Habitat

(A) In addition to the information required by MCC 39.5520 (A), an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:

(1) Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas; 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.

(2) Location of existing and proposed structures;

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

(4) Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.

Staff: The applicant submitted the required information listed above in the proposed site plan and driveway-detail plan (Exhibits A.37 & A.38). No fencing is included in the proposal. *Criteria met.*

7.6 (B) Development standards:

(1) Where a parcel contains any nonforested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

Staff: The proposed dwelling and driveway are located in a cleared area as pictured in County aerial photographs and on the submitted site plan (Exhibit A.38). *Criterion met.*

7.7 (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: As shown in the submitted driveway detail site plan (Exhibit A.37), the proposed dwelling is approximately 35 feet from NW Skyline Blvd., a public road. The proposed driveway would provide access from NW Skyline Blvd. *Criterion met.*

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

Staff: As shown on the submitted driveway detail site plan (Exhibit A.37), the proposed driveway is approximately 175 feet in length. *Criterion met.*

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

Staff: The adjacent property immediately west of the subject property has a driveway within 30 feet of the shared property line. As shown on the submitted driveway-detail site plan, the proposed driveway access is within 53 feet of the shared side property line (Exhibit A.37). *Criteria met.*

- 7.10 (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: As shown on the submitted site plan (Exhibit A.38) the proposed dwelling is approximately 135 feet from the shared side property line with the adjacent property to the West. *Criterion met.*

- 7.11 (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. (See Figure 4 below.)**
 - (f) Fencing standards do not apply where needed for security of utility facilities.**

Staff: The Applicant did not propose any fencing as part of this proposal. This decision will not approve the construction of any fencing. Any future fencing constructed including a gate will need to meet the above criteria. A condition of approval has been included for the fencing standards. *Criteria met.*

- 7.12 **(7) The nuisance plants in MCC 39.5580 Table 1 shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property.**

Staff: There are no proposed nuisance plantings in the submitted site plans or other application materials. A condition of approval is included ensuring no nuisance plants in MCC 39.5580 Table 1 are planted on the subject property. *Criterion met through a condition of approval.*

8.0 MULTNOMAH COUNTY ROAD RULES CRITERIA:

- 8.1 **FINDINGS:** Written findings are contained herein. The Multnomah County Road Rules 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.

MCRR 4.000 Access to County Roads

MCRR 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 creating a new access onto NW Skyline Blvd., shown on the applicant’s site plans. The proposed driveway does not meet driveway spacing standards and is being requested via a Multnomah County Road Rules Variance (RRV), see below. *As conditioned, Criterion is met.*

- 8.2 **MCRR 4.200 Number of Accesses Allowed:** 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 is the standard for approval pursuant to the Multnomah County Code. 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. If more than one access is desired, a land use application must be submitted in compliance with applicable Multnomah County Codes.

Staff: This project proposes a single access point onto NW Skyline Blvd. *Criterion is met*

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

Staff: For a Rural Collector (NW Skyline Blvd.) the minimum driveway spacing standard is 100 feet and minimum intersecting street setback is 100 feet (MCDCM, Table 1.2.5, Minimum Private Access Driveway Spacing Standards). The centerline of this project's proposed access is 82 feet from the centerline of an existing gravel driveway immediately north of it on the same side of road, will be aligned directly across from the existing driveway at 19640 NW Skyline Blvd., and will be 59 feet from the centerline of the driveway at 17050 NW Skyline Blvd., and thus requires a Multnomah County Road Rules Variance to spacing standards.

Multnomah County Transportation finds these conditions satisfactory, as the existing driveway 82 feet away on the neighboring property only serves a farm structure, but not any residences. Additionally, the driveway spacing standards are subject to the Road Rules Variance (below). *As conditioned, and through approval of the Road Rules Variance, this criterion is met.*

8.4 Multnomah County Road Rules Variance

Variance Request Procedure

For the County Engineer to consider a variance request, it must be submitted in writing with the appropriate fee to the County prior to the issuance of any development permit. The written variance request shall be signed by a person with the authority to bind the applicant and shall include the following information as applicable:

A. Applicant name, telephone/fax number(s), email address, mailing address,

Applicant Response:

Donis McArdle

(Contact information omitted for purposes of this decision)

B. Property location and zoning;

Applicant Response:

Next to 17005 NW Skyline Blvd., Portland, Oregon 97231

Zoning: CFU-2

C. Current or intended use of the property;

Applicant Response:

Vacant land. Intended use: Single Family Residence

D. The nature and a full description of the requested variance;

Applicant Response:

Applicant is requesting variance for the distance between adjacent driveways and driveways across the street.

E. Site plan, sight distance, pedestrian traffic, intersection alignment, traffic generation, vehicle mix, traffic circulation including impact on through traffic, and other similar traffic safety considerations;

Applicant Response:

Attached is a site plan with the subject property. Said site plan includes the location of the proposed dwelling, the driveway to said dwelling, location of the adjacent and the surrounding driveways with the distances between said driveways are all marked. Pedestrian traffic is nil. Placing the driveway where indicated clusters the driveways which meets the SEC-h requirements and since the line of sight from to and from all of the driveways is not encumbered in any way, it should not have any adverse impact of said driveways and the line of sight onto NW Skyline is more than adequate.

F. Existing right-of-way or improvement limitations, and utility considerations;

Applicant Response:

The driveway will be constructed in accordance with the requirements of the TVFD. The first 25 feet of the driveway (driveway apron) will be paved. All adjacent driveways and the proposed driveway all have unobstructed sight of each other.

G. Adjacent land uses, their types, access requirements, and impact of traffic on them;

Applicant Response:

The adjacent land uses are residential homes on CFU-2 lands with trees of varying degrees planted on those parcels. The access on the parcels across NW Skyline are clustered which meets the SCE-h requirements. However, it should be noted that those driveways, including the driveway to the barn that is on the same side of NW Skyline as the subject parcel, were all put in back in the mid to late 1990s when the area was zoned MUF-19. The driveways across NW Skyline from the proposed driveway are the driveways to three single family dwellings. Constructing the proposed driveway where indicated on the site plan should not adversely impact any of the existing driveways. Each existing driveway and the proposed driveway all have clear, unobstructed view of each other. The driveway to the north is the driveway to the barn located on the adjacent property (17005 NW Skyline) and is seldom used.

H. Topography, grade, side hill conditions, and soil characteristics;

Applicant Response:

Topography, grade is a slight incline of approximately 10% or less. Actually, if my calculations are correct, it is between 7 to 10% grade. Attach site plan has the elevations marked. I've also attached a copy of the County slope map.

I. Drainage characteristics and problems;

Applicant Response:

There are no drainage issues. The soil is native soil and not in a slope hazard area. Even in torrential downpours, there is never a water problem there.

J. Fire Department access requirements within a public right-of-way and their written approval of the proposed modification;

Applicant Response:

The driveway will be constructed in accordance with the requirements listed in Drew DuBois instructions on the Fire Department Review.

K. Natural and historic features including but not limited to trees, shrubs or other significant vegetation, water courses, wetlands, rock outcroppings, development limitation, areas of significant environmental concern, etc;

Applicant Response:

There are no historic features on the site, no rock outcroppings, no significant vegetation, no water courses, or wetlands. There is a SEC-h (Significant Environmental Concern for wildlife habitat) which is an overlay on most if not all of the entire West Hills. This means that there has to be a wildlife conservation plan if the driveways are not clustered. This would be difficult to accomplish on this 2.9± acre parcel.

L. Multnomah County Comprehensive Plan policies applicable to the particular parcel or location.

Applicant Response:

This parcel is zoned CFU-2 and has an overlay for wildlife habitat (SEC-h).

8.5 16.200 General Variance Criteria: In order to be granted a variance, the applicant must demonstrate that:

A. Special circumstances or conditions apply to the property or intended use that do not apply to other property in the same area. The circumstances or conditions may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses;

Applicant Response:

This is a small parcel in a CFU-2 zone which has an SEC-h (Significant Environmental Concern for Wildlife Habitat). SEC-h requires the driveways to be clustered. If they are not clustered, it requires a wildlife conservation plan which would be difficult on a parcel this small and still accommodate the trees currently existing on the parcel and still accommodate the septic drain field requirements. As it is, no trees have to be removed to accommodate drain field, driveway and dwelling construction.

Staff Response:

As identified in the applicant's response, their proposed driveway location is resulting from site conditions that result in minimizing impacts on wildlife habitat and avoid removal of existing tree cover. *As conditioned, the criterion is met.*

8.6

B. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the standards;

Applicant Response:

The variance is necessary to accommodate the driveway distances and accommodate the SEC-h requirement for clustering the driveways.

Staff Response:

As identified in the applicant's response, their proposed driveway location is resulting from site conditions that result in minimizing impacts on wildlife habitat and avoid removal of existing tree cover. *As conditioned, the criterion is met.*

8.7

C. The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity, or adversely affect the appropriate development of adjoining properties;

Applicant Response:

Placing the driveway where indicated on the site plan will not be detrimental to the public welfare and will not adversely affect the adjoining properties. In fact it is the most logical place to put the driveway and have unobstructed site of the adjacent properties. It also has a good line of sight for all properties entering NW Skyline.

Staff Response:

Transportation staff pulled traffic count/traffic speed data for Multnomah County traffic station SKY-4, noting a prevailing speed of 50 mph near this location.

Multnomah County Road Rules Section 4.500 states that all new 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 and AASHTO's A Policy on Geometric Design of Highway and Streets. Based on a site visit (4/12/19) and traffic data analysis, Transportation staff have determined a prevailing speed of 50 mph, which requires 570' of sight distance; 580' of sight distance is currently available and meets this requirement. *As conditioned, the criterion is met.*

8.8

D. The circumstances of any hardship are not of the applicant's making.

Applicant Response:

This hardship is not of the applicant's making nor the property owner's. It is a conflict between the SEC requirements and the transportation requirements. Another issue is also the size and shape of the parcel.

Staff Response:

As identified in the applicant's response, the proposed driveway location meets clustering requirements for the SEC-h environmental zoning overlay, as locating the

driveway further south along the property's frontage would require a Wildlife Conservation Plan, which is infeasible on a 2.9 acre property. *As conditioned, the criterion is met.*

- 8.9 16.225 Access Variance Standards:** Exceptions to access standards may be made by the County Engineer when spacing or other safety considerations make non-standard access acceptable. In addition to the variance requirements of Section 16.200 of these Rules, the applicant will be required to demonstrate that the proposed variance will not negatively impact the safety or capacity of the transportation system for a variance to be granted. The following are examples of variances that may be considered along with specific criteria that must be addressed before such a variance can be granted.

B. Access Spacing: If it is not feasible to access a site and meet the access spacing standards, access may be located so as to provide the best access spacing possible. The County Engineer may require additional measures to mitigate sub-standard access spacing, such as a median or other restrictions.

Applicant's Response:

The applicant requests a variance to the access spacing standard. As discussed in this request due to property constraints and sight distance considerations compliance with all County road standards is not possible.

Staff Response:

As identified in the applicant's response, an environmental zoning overlay (SEC-h) is dictating their driveway location to meet clustering standards. Transportation staff will make removal of blackberry bushes and other non-tree vegetation south of the driveway a Condition of Approval in order to maintain adequate sight distance.

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

Staff: For a Residential use, a new or reconfigured driveway must be a minimum 12 feet wide and maximum 24 feet wide (MCDCM, Table 1.2.4, Private Access Driveway Width Standards) The proposed access onto NW Skyline Blvd. is 12 feet wide. *Criterion is met.*

- 8.10 MCRR 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: Transportation staff pulled traffic count/traffic speed data for Multnomah County traffic station SKY-4, noting a prevailing speed of 50 mph near this location.

Multnomah County Road Rules Section 4.500 states that all new 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 and AASHTO's A Policy on Geometric Design of Highway and Streets. Based on a site visit (4/12/19) and traffic data analysis, Transportation staff have determined a prevailing speed of 50 mph, which requires 570' of sight distance; 580' of sight distance is currently available and meets this requirement. *Criterion is met.*

8.11 MCRR 5.000 Transportation Impact

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

- A.** Calculations from the most recent edition of the Institute of Transportation Engineers' Trip Generation (ITE); or
- B.** A site development transportation impact study conducted by a professional engineer registered in the State of Oregon and accepted by the County.

MCRR 5.200 The County Engineer will use the information obtained pursuant to subsection 5.100 and/or the frontage length of the subject property to determine the pro-rata share of the requirements set forth in Section 6.000. The County Engineer determination of pro-rata share of improvements will expire twelve months from the date of the County Engineer's determination or after the associated land use permit is granted or closed. If expired, a review process and new determination will be required.

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

Staff: The Multnomah County Road Rules defines a Transportation Impact as the 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.

A typical new single-family detached house generates 10 trips per day, so this project will create a Transportation Impact. *As conditioned, this criterion is met.*

8.12 MCRR 6.000 Improvement Requirements

MCRR 6.100 Site Development: All subject parties with respect to any property proposed for development, including but not limited to the owner of the site and the applicant (if different than the owner), will be responsible for improvements to the right-of-way for any said development of the property which is found to cause a Transportation Impact, those improvements shall include:

- A. Dedication of Right of Way Requirement:** The subject parties are responsible for a pro-rata share, as determined by the County Engineer, of right-of-way and easement dedications necessary to bring the affected, existing, created or planned public streets and other facilities within and abutting the development to the current County standard. The dedication of the required easements and right-of-way may be conditions of approval of Design Review or any other development permit related to the proposal.

Staff: The County's standard cross-section for a Rural Collector as identified in Functional Classification Map facility includes 60 feet of right of way (See Table 2.2.5 in DCM) feet with 5-foot easements on each side. A 5-foot easement dedication allows the County to provide the services necessary to maintain the function of the roadway, provide adequate pedestrian facilities, and reduce the impact of utility upgrades on the traveling public while reducing right-of-way dedication requirements for property owners. The applicant will be filing a 5' public easement. *As conditioned, this criterion is met.*

- 8.13 B. Frontage Improvement Requirements:** In addition to easement and right-of-way dedication requirements, a prorata share may include half-street improvements along all of the site's County Road frontage(s). Right of Way improvements shall satisfy the standards of the County Design and Construction Manual based upon the functional classification of the road(s). The commitment to improve the affected streets or other facilities to the required standards shall be conditions of approval of Design Review or any other development permit related to the proposal. Half-street improvements can include all of the following:

Staff: The proposal for a new single family home constitutes a transportation impact as defined in MCRR 5.000 and thus improvements will be required. The driveway serving the site must have a 20-ft wide paved approach to County Road Name, a county road. This paved approach will be measured from the edge of pavement of County Road Name. It must not create any drainage problems along the County Road. This paved approach will help to protect the County Road from debris from the new driveway, and will improve the safety of this access.

There are no other physical improvements required at this time; However, the applicant will be required to record deed restrictions provided by County Transportation, committing the property owner to participate in future right of way improvement costs. A non-remonstrance agreement, or deed restriction, will require that the property owner to participate in standard Rural Collector road improvements along the sight's frontage that are not completed at this time. See MCRR 9.400 below. *As conditioned, this criterion is met.*

- 8.14 C. Required Submissions by Subject Parties.** Subject parties shall submit to the County Engineer the following: engineered plans, traffic studies, traffic analysis, reports, surveys or similar documents as requested or required by the County Engineer under this Subsection 6.100 or as may additionally be required under Section 18.
- D. Transportation Demand Management Options that address strategies to reduce travel demand generated by the proposed development.**

Staff: As determined in MCRR 5.000, a new single family detached house generates only ten (10) trips per day. County Transportation finds that proposal has submitted sufficient documentation related to the proposal, and does not warrant developing transportation demand management options. These criteria are not applicable.

8.15 MCRR 9.000 Compliance Method

MCRR 9.100 Once frontage or off-site improvement requirements have been established, one or any combination of the following methods must be used to satisfy those requirements:

MCRR 9.400 Non-Remonstrance Agreement: This agreement shall be recorded in the County's Deed Records against the affected property and "runs with the land", thereby obligating the property owner and any successors in interest to share in the cost of the necessary improvements and to not remonstrate (object) against a petition or resolution for necessary improvements. In approving this method, the County Engineer may require a temporary improvement appropriate to the circumstances.

Staff: As indicated above, this project creates a Transportation Impact and Non-Remonstrance Agreements (i.e. deed restrictions) are the County's most common application of Transportation Impact-related requirements to new construction single-family detached house sites.

The applicant will be required to record deed restrictions provided by County Transportation, committing the property owner to participate in future right of way improvement costs. A non-remonstrance agreement, or deed restriction, will require that the property owner to participate in standard Rural Collector road improvements along the sight's frontage that are not completed at this time. *As conditioned, this criterion is met.*

8.16 26.000 Stormwater and Drainage

26.100 Onsite management of Stormwater is a priority for County.

Staff: Multnomah County Transportation engineering staff will review any future Stormwater report and certificate associated with construction of a single-family house on this site. *Criterion is met.*

9.0 PUBLIC COMMENT:

9.1 Comments from Roger & Carol Wilkerson, neighboring property owners

Wilkerson's noted that they believe the property is not a legitimate lot and did not receive any notice in 2012-2013 regarding a Lot of Record decision. They also expressed concern regarding increased fire danger from a reduced Secondary Fire Safety Zone, the ability for the proposed house to meet the required setbacks, the presence of fill dirt, and lack of an SEC-View permit.

Staff: Section 4 covers the Lot of Record criteria. The record for case #T2-2012-2530 indicates that the County provided the required public notices for the case. Section 7 covers the Forest Practices Setbacks and Fire Safety Zones criteria. The subject property is not within the SEC-View overlay; hence, the SEC-V criteria do not apply. Section 8 covers the County Right-of-way office's findings on the proposed Road Rules Variance. The Erosion and Sediment Control permit or Minimal Impact Project Signoff will address any existing fill prior to construction activities.

9.2 Comments from Kirk Nortman, neighboring property owner

Nortman believes that the proposal will cause negative effects to Wildlife and increase fire danger. They also expressed concern on the setback requirements, possible fill dirt, the road rules variance, and proceedings that determined the lot was legal.

Staff: Section 6 covers the Significant Environmental Concern - Wildlife Habitat criteria. Section 7 covers the Forest Practices Setbacks and Fire Safety Zones criteria. Section 8 covers the County Right-of-way office's findings on the proposed Road Rules Variance. Section 4 covers the Lot of Record criteria. The record for case #T2-2012-2530 indicates that the County provided the required public notices for the case.

10.0 CONCLUSION:

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Template Test for a New Forest Dwelling, Exception to the Secondary Fire Safety Zones, Type-1 SEC-h criteria and Road Rules Variance to establish a New Forest Dwelling in the Commercial Forest Use – 2 (CFU-2) zone. This approval is subject to the conditions of approval established in this report.

11.0 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 T2-2019-11466 at the Land Use Planning office.

| Exhibit # | # of Pages | Description of Exhibit | Date Received/ Submitted |
|------------------|-------------------|---|---------------------------------|
| A.1 | 1 | Application Form | 01.18.2019 |
| A.2 | 15 | Narrative | 01.18.2019 |
| A.3 | 1 | Cover Page for Land Use Case T2-2012-2530 | 01.18.2019 |
| A.4 | 1 | Site Plan – Version #1 | 01.18.2019 |
| A.5 | 1 | Template Map | 01.18.2019 |
| A.6 | 3 | Floor Plans and Renderings of Proposed Dwelling | 01.18.2019 |
| A.7 | 3 | Soil Classification Maps and Information | 01.18.2019 |
| A.8 | 2 | Template Maps | 01.18.2019 |
| A.9 | 1 | Index of Title Reports for Adjacent Lots | 01.18.2019 |
| A.10 | 9 | Title Report for property ID# R325859 | 01.18.2019 |
| A.11 | 9 | Title Report for property ID# R325813 | 01.18.2019 |
| A.12 | 7 | Title Report for property ID# R325874 | 01.18.2019 |
| A.13 | 9 | Title Report for property ID# R325875 | 01.18.2019 |

| | | | |
|------------|----------|---|-------------|
| A.14 | 9 | Title Report for property ID# R325894 | 01.18.2019 |
| A.15 | 3 | Title Report for property ID# R325892 | 01.18.2019 |
| A.16 | 4 | Title Report for property ID# R325877 | 01.18.2019 |
| A.17 | 4 | Title Report for property ID# R325878 | 01.18.2019 |
| A.18 | 6 | Title Report for property ID# R325855 | 01.18.2019 |
| A.19 | 6 | Title Report for property ID# R325830 | 01.18.2019 |
| A.20 | 7 | Title Report for property ID# R325868 | 01.18.2019 |
| A.21 | 4 | Title Report for property ID# R236805 | 01.18.2019 |
| A.22 | 3 | Title Report for property ID# R236803 | 01.18.2019 |
| A.23 | 5 | Title Report for property ID# R325864 | 01.18.2019 |
| A.24 | 2 | Title Report for property ID# R325812 | 01.18.2019 |
| A.25 | 3 | Title Report for property ID# R228307 | 01.18.2019 |
| A.26 | 2 | Driveway access aerial photos | 01.18.2019 |
| A.27 | 11 | Site Septic Evaluation Report completed by County Sanitarian Lindsey Reschke | 01.18.2019 |
| A.28 | 1 | Covenant protecting against claims of injury related to forest practices in the area (unsigned) | 01.18.2019 |
| A.29 | 3 | Fire Service Agency Review | 01.18.2019 |
| A.30 | 2 | Stormwater Certificate completed by Mia Mahedy, P.E. | 01.18.2019 |
| A.31 | 14 | Revised Narrative | 02.19.2019 |
| A.32 | 1 | Revised Site Plan – Version #2 | 02.19.2019 |
| A.33 | 2 | Revised Stormwater Certificate completed by Mia Mahedy, P.E. | 02.19.2019 |
| A.34 | 10 | Stormwater Calculations completed by Mia Mahedy, P.E. | 03.08.2019 |
| A.35 | 1 | State of Oregon Water Well Report | 03.13.2019 |
| A.36 | 4 | Memorandum from Scott Adams, Transportation Planner with Multnomah County Transportation Planning | 03.14.2019 |
| A.37 | 1 | Driveway Detail Site Plan (Submitted with RRV Application) | 06.26.2019 |
| *A.38 | 1 | Revised Site Plan – Version #3 | 07.02.2019 |
| | | | |
| ‘B’ | # | Staff Exhibits | Date |
| B.1 | 1 | A&T Property Information | 01.18.2019 |
| B.2 | 2 | Request for Waiver of Pre-Filing Conference | 01.18.2019 |
| B.3 | 1 | County Comprehensive Plan Wildlife Habitat Map | 07.02.2019 |
| | | | |
| ‘C’ | # | Administration & Procedures | Date |
| C.1 | 3 | Incomplete Letter | 02.07.2019 |

| | | | |
|------------|----------|--|-------------|
| C.2 | 3 | Applicant Response (Acceptance of 180 day clock) | 02.14.2019 |
| C.3 | 1 | Complete Letter (Day 1) | 06.19.2019 |
| C.4 | 3 | Opportunity to Comment | 06.27.2019 |
| C.5 | 34 | Administrative Decision | 07.30.2019 |
| | | | |
| 'D' | # | Comments Received (if needed) | Date |
| D.1 | 1 | Comments from Roger & Carol Wilkerson | 07.09.2019 |
| D.2 | 2 | Comments from Kirk Nortman | 07.10.2019 |



* This copy Not-to-Scale *
For Illustration Only

