
NOTICE OF DECISION

Case File: T2-2019-11964

Permits: New Forest Dwelling, Lot of Record, Accessory Use Determination, Geologic Hazards (GH), Significant Environmental Concern – Streams (SEC-s) and Address Assignment

Applicant: Ben Altman, Pioneer Design Group **Owner:** Sage Bush, LLC

Location: Properties are accessed from NW 124th Avenue
Tax Lot 800 & 600, Section 22, Township 1 North, Range 1 West, W.M.
Alternate Account: R961220120 & R961220060 Prop. ID: R324374 & R324369

Base Zone: Commercial Forest Use - 2

Overlays: Geologic Hazards and Significant Environmental Concern - Streams

Proposal Summary: Request to build a single-family dwelling, a windmill, a water tower, an outdoor in-ground pool, an outdoor sports court*, to make improvements to NW 124th Avenue and to improve an on-site forest practices road for residential driveway access.

**Note – The original request for an 18,380 square foot detached accessory building for various indoor recreational activities has been amended by the applicant. Revised plans submitted 9.11.20 eliminated the recreational accessory building and instead proposed an outdoor sports court.*

Decision: The request to build a single-family dwelling, a windmill, a water tower, an outdoor in-ground pool, an outdoor sports court, to make improvements to NW 124th Avenue and to improve an on-site forest practices road for residential driveway access is approved with conditions.

This land use permit does not authorize construction of the detached recreational accessory building. Any illustration of or reference to the detached accessory building for recreational purposes in the submitted information is irrelevant since that building has been eliminated from the proposal by the applicant after the application was submitted.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is October 15, 2020 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 Adam Barber via email at adam.t.barber@multco.us or phone (503) 988-0168.

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:

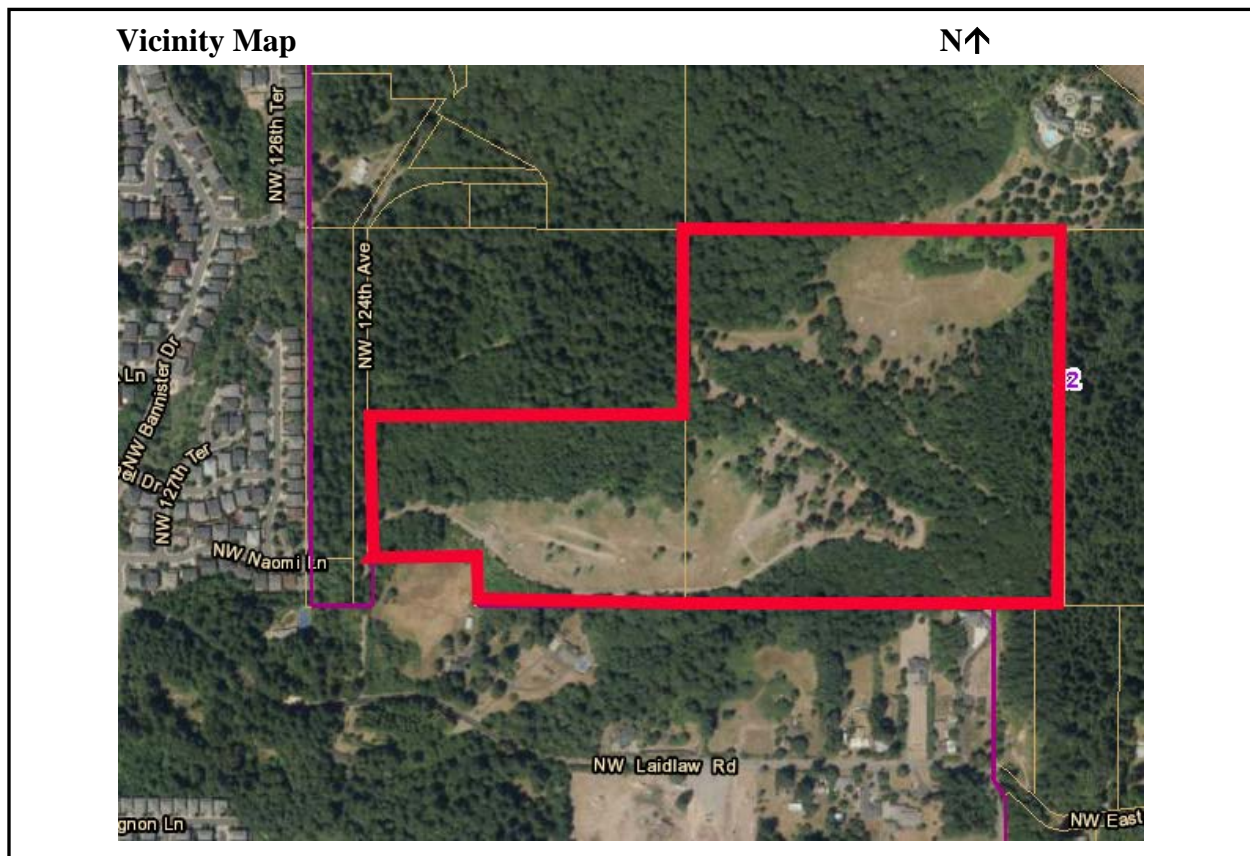


Adam Barber,
Deputy Planning Director

For: Carol Johnson, AICP
Planning Director

Date: October 1, 2020

Instrument Number for Recording
Purposes: # (2017125204)



Applicable Approval Criteria:

For this application to be approved, the proposal will need to meet applicable approval criteria below. Multnomah County Code (MCC):

- **General Provisions:**
 - MCC 39.1515, Code Compliance and Applications
- **Lot of Record:**
 - MCC 39.2000, Definitions
 - MCC 39.3005, Lot of Record – Generally
 - MCC 39.3030, Lot of Record – Commercial Forest Use-2 (CFU-2)
- **Commercial Forest Use (CFU-2) Base Zone (MCC 39.4050 - 39.4155):**
 - MCC 39.4075, Review Uses
 - (B) Large Acreage Dwelling,
 - MCC 39.4085, Large Acreage Dwelling Standards
 - MCC 39.4105, Building Height Requirements
 - MCC 39.4110, Forest Practice Setbacks and Fire Safety Zones
 - MCC 39.4115, Development Standards for Dwellings and Structures
 - MCC 39.4135, Access
 - MCC 39.4150, Single Family Dwellings Condition of Approval - Prohibition on Claims Alleging Injury from Farm or Forest Practices
- **Geologic Hazards (MCC 39.5070 – 39.5090)**
- **Significant Environmental Concern Districts:**
 - MCC 39.5540, Criteria for Approval of SEC Permit
 - MCC 39.5750, Criteria for Approval of SEC-S Permit – Streams
- **Common Development Standards:**
 - MCC 39.6235, Stormwater Drainage Control
 - MCC 39.6850, Dark Sky Lighting Standards
- **Transportation Standards:**
 - Multnomah County Road Rules, MCRR 1.000 – 26.000

Copies of the referenced Multnomah County Road Rules (MCRR) sections can be obtained by contacting our office at (503) 988-3043 or by visiting the Transportation website at:

<https://multco.us/transportation-planning/> under the link: **Multnomah County Road Rules**

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

[brackets]. 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. **This land use permit does not authorize construction of the detached recreational accessory building. Any illustration of or reference to the detached accessory building for recreational purposes in the submitted information is irrelevant since that building has been eliminated from the proposal by the applicant after the application was submitted.**

1. Permit Expiration – This land use permit shall expire as follows [MCC 39.1185(C)]:
 - a. When construction of the single-family dwelling has not commenced within four (4) years of the date of the final decision.
 - i. For the purposes of 1.a, commencement of construction shall mean actual construction of the foundation or frame of the approved single-family dwelling structure.
 - ii. For purposes of Condition 1.a, written notification of commencement of construction of the single-family dwelling will be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to date of commencement. Work may commence once notice is completed.
 - b. When the single-family dwelling structure has not been completed within four (4) years of the date of commencement of construction.
 - i. For the purposes of Condition 1.b, completion of the single-family dwelling structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval.

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.

2. Prior to land use sign-off for building plan check, the property owners or their representative shall contact Graham Martin, Multnomah County Transportation Planning, at 503-988-0204 or graham.martin@multco.us to ensure all county transportation development standards have been satisfied. The property owners or their representative shall demonstrate this condition has been satisfied prior to land use sign-off for building plan check. See Exhibits A.6 & A.7 for more information.
3. Once the land use decision is final, and prior to land use sign-off for building plan check, the property owners or their representative shall record pages 1 through 7 of this Notice of Decision with the Multnomah 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].
4. Once the land use decision is final, and prior to land use sign-off for building plan check, the property owners or their representative shall record the covenant in Exhibit B.6 on each of the tract properties within Multnomah County stating no lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling. A covenant with substantially similar language to that presented in Exhibit B.6 shall also be recorded on each of the

properties within Columbia County used to justify the Large Acreage dwelling. 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 39.4085(C)&(H)].

5. Once the land use decision is final, and prior to land use sign-off for building plan check, the property owners or their representative shall record the covenant in Exhibit B.13 on each of the Multnomah County properties subject to this application documenting 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. 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 39.4085(E)].
6. Once the land use decision is final, and prior to land use sign-off for building plan check, the property owners or their representative 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 [MCC 39.4115 (D)].
7. Once the land use decision is final, and prior to land use sign-off for building plan check, the property owner shall contact the county case planner so that a rural property address number can be assigned pursuant to the provisions of MCC 39.9965.
8. At the time of land use sign-off for building plan check, the property owners or their representative shall submit an Onsite Sanitation Septic Review Certification form signed by the City of Portland Sanitarian [MCC 39.6235(E)(2) & Multnomah County Comprehensive Plan Policy 11.13].
9. At the time of land use sign-off for building plan check, the property owners or their representative shall demonstrate using scaled plans that the proposed water tower structure is no more than 35-feet tall [MCC 39.4105(A)].
10. At the time of land use sign-off for building plan check, the property owners or their representative shall demonstrate that the fixture designs for all exterior lighting meet the dark sky lighting requirements of MCC 39.6850(C).
11. The owner of the tract shall 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 [MCC 39.4085(G)]. The following process shall be followed to demonstrate compliance:
 - (a) The planning department shall notify the Multnomah County Assessor and the Columbia 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 assessors and the assessors will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessors 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 assessors, 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 assessors that the land is not being managed as forest land. The assessors will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to state law.

12. Each chimney on the dwelling shall contain a spark arrestor to reduce fire risk [MCC 39.4115(C)(4)].
13. The property owners shall follow all geotechnical recommendations provided by GeoPacific Engineering, Inc. [MCC 39.5090(C)(3)(c)].
14. The applicant shall follow all erosion and sediment control best management practices outlined in Exhibit A.84, including the Inspection Frequency table noted on plan sheet P1 [MCC 39.5090(G); 39.5540(J)].
15. Soil disturbing activities within a Significant Environmental Concern 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 39.5750(E)(6)].
16. At the time of land use sign-off for building plan check, the property owner or their representative shall illustrate on the site plan the required primary and secondary fire safety zones around all structures as required by county code. This shall include a primary fire safety zone around the dwelling, water tower and windmill.

The owner shall establish and maintain a primary fire safety zone extending a minimum of 30 feet in all directions around each structure (dwelling, windmill and water tower). 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.

The owner shall establish and maintain a secondary fire safety zone a minimum of 100 feet in all directions around the dwelling's primary fire safety zone. 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. [MCC 39.4110(D)(1) & (D)(2)].

17. The applicant shall complete all access improvements, and schedule a re-inspection with the Tualatin Valley Fire and Rescue (TVFR) before flammable materials are brought on site and

prior to issuance of the building permit as required by Drew DeBois, TVFR Deputy Fire Marshal within Exhibit A.107 [MCC 39.4115(B)(3)].

18. The applicant is required as a condition of approval to demonstrate compliance with Oregon Department of State Lands and the United States Army Corps of Engineers permit requirements prior to land use signoff for building plan check [MCC 39.5750(E)(7)].

Note: Once this decision is final, application for building permits may be made with the City of Portland after County Land Use Planning stamps and signs the plans. When ready to have building permits signed off by County 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. To ensure the proposal conforms to County transportation standards, contact Right-of-Way Permits at row.permits@multco.us to review your plans, obtain your access permit, and satisfy any other requirements. You may schedule an appointment at <https://multco.us/transportation-planning/webform/right-way-appointment-request/> or leave a message at 503-988-3582. Failure to make an appointment with County Right-of-Way will result in delaying your building plan review and obtaining building permits. See Exhibits A.6 & A.7 for more information.
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 obtain a septic installation permit which is required prior to building permit issuance.
4. Contact Staff Planner, Adam Barber via email at adam.t.barber@multco.us or phone (503) 988-0168, **for an appointment** to submit the plans for review of the conditions of approval and to sign the building permit plans. Please ensure that any items required under, “At the time of land use sign-off for building plan check...” are ready for land use planning review. Land Use Planning must sign off on the plans and authorize the building permit before you can go to the Building Department.
5. The above steps must be completed before the applicant can obtain building permits from the City of Portland. Five (5) sets each of the site plan on the front, building plans including elevation drawings and floor plans are needed County Land Use Planning for building permit sign off. At the time of building permit review, Land Use Planning may collect additional fees, including an erosion control inspection fee, if applicable.

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.

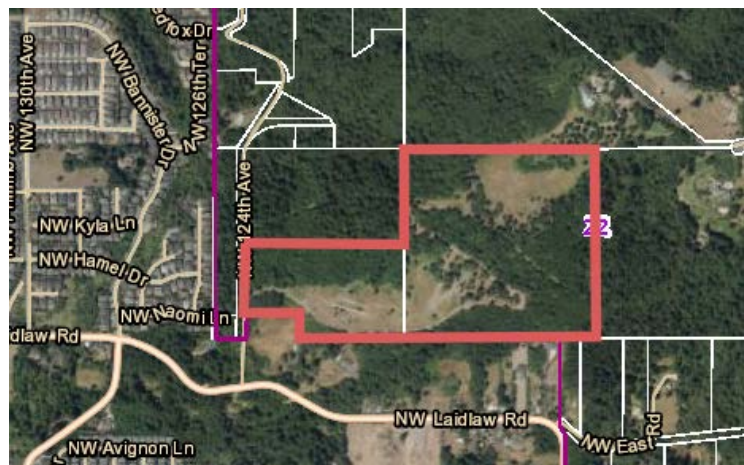
Findings of Fact

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*.

Excerpts from applicant’s responses in Exhibit A are provided after select approval criteria below. In these instances, staff felt it would be helpful for the reader to understand how the applicant addressed a criterion and these statements are generally provided in association with the most discretionary and/or technical criterion and where staff reached a different conclusion than the applicant. Staff did not provide the applicant’s response after every criterion in an attempt to minimize the staff report length. All materials and narrative submitted by the applicant are presented within Exhibit A.

1.0 PROJECT AND PROPERTY DESCRIPTION

The applicant is requesting land use authorization from Multnomah County to develop vacant forestland in western unincorporated Multnomah County north of NW Laidlaw Road and east of NW 124th Avenue. The 55.25-acre property subject to this development request, highlighted in red below, is north and east of the step like border between Multnomah and Washington Counties. The subject property is comprised of Tax Lots 800 and 600.

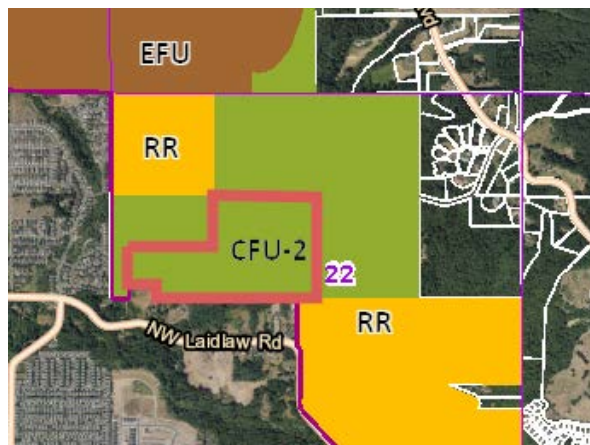


In general, the request is for residential development of one single-family dwelling, two detached accessory structures, an outdoor in ground pool and an outdoor sports court all located towards the northeast corner of the property. More specifically, the proposal includes the following:

- A one-story single family dwelling (with basement) with an attached two (2) car garage. The proposed dwelling is 12,434 square feet including the 1,020 square foot attached garage (*Note - an earlier version of the application proposed a two-story 27,626 square feet single family dwelling*);
- In-ground pool adjacent to the dwelling (54,360 gallons);
- Above ground water storage tank (appears to be roughly 34.5 feet tall with 21' x 21' base & 10,000 gallon capacity);
- Windmill (~71.2 foot tall, including blade length, with 15' x 15' base);

- A 11,200 square foot outdoor sports court (*Note – an earlier version of the application originally proposed a 35-foot tall, 18,380 square foot detached accessory building for indoor personal recreational activities including tennis court, multi-purpose gathering/exercise space, rock climbing wall, trampoline, indoor play structure and indoor swimming pool. Support facilities within the accessory building included three bathrooms (each with one toilet and one sink), five storage areas, a laundry area and two drinking fountains. This building is no longer proposed.*);
- Widening a portion of NW 124th Avenue to a minimum width of 15-feet;
- Improvements to the existing gravel forest practices road on the subject property so that this access road can also serve as a residential driveway. The asphalt driveway will be roughly ¾ mile long;
- General landscaping, including various in-ground water features, around the dwelling vicinity; and
- Ground disturbance facilitating all construction activities. Total ground disturbance is estimated to cover 9.2-acres and require 44,998 cubic yards of on-site geotechnical cuts (excavations). This volume of cut material will then be utilized onsite in the form of deposited fill materials. (*Note: The applicant initially proposed importation of additional earthen fill materials from an off-site location but the applicant revised the proposal after submittal to avoid the need to import any fill.*)

The subject property is zoned Commercial Forest Use-2 (CFU-2) with overlay zones for Geologic Hazards (GH) and Significant Environmental Concern-streams (SEC-s). Portions of the property are forested and other areas cleared. Onsite timber includes big leaf maple, Douglas fir, western red cedar and a walnut orchard. A zoning map of the subject property and surrounding area can be seen below including Commercial Forest Use-2 (CFU-2), Rural Residential (RR) and Exclusive Farm Use (EFU) zones. Land west of these rural county zones is located within Washington County and land to the east is located within the City of Portland.



The map below shows portions of the subject property located within the Geologic Hazards (aka Slope Hazard) zoning overlay, noted with orange shading. Portions of the southern and eastern side of property shown in blue hatching are located within the Significant Environmental Concern-Streams zoning overlay protecting an unnamed tributary drainage to Bronson Creek. The site generally slopes westerly with localized topography ranging from 3-50 percent slope. The highest point is at the northeast corner (TL 600), which sits at

approximately 842 feet above sea level. The lowest point occurs at the southwest corner, at the road (124th) at 394 feet elevation.



The applicant has applied to establish the residential use under the Large-Acreage Dwelling Standards of the Multnomah County CFU-2 zoning regulations. These provisions, in part, require an applicant to demonstrate possession of *“Two or more tracts of at least 200 combined acres in one ownership that are not contiguous, but are in Multnomah County or adjacent counties, and all zoned for forest use (MCC 39.4085(B)(2)).”* In addition to the 55.25 acres in Multnomah County, the applicant has identified 154.55-acres in Columbia County (209.80 combined acres) to be utilized for this Large-Acreage Dwelling qualification. Approval of the dwelling in Multnomah County under the Large-Acreage Dwelling provisions would require that restrictive covenants be recorded on the 154.55-acres of forestland owned by the applicant in Columbia County so that these lands in Columbia County are not developed into the future and are preserved for future commercial forest uses.

The proposed development requires a New Forest Dwelling permit, Lot of Record Determination, Accessory Use Determination, Geologic Hazards permit, Significant Environmental Concern Streams permit and Address Assignment. The applicant must also demonstrate compliance with a range of county development criteria including but not limited to Dark Sky Lighting standards and Code Compliance.

The staff report below provides an analysis, on a standard-by-standard basis, for whether the proposal meets all applicable approval criteria. The report has been broken into sections that generally align with various permits and other criteria of approval. The Exhibit List in Section 12.0 of this report details all application materials submitted. The record for this application is extensive, with copies of both duplicate and updated plans entered into the Exhibit List. The most significant amendment to the application occurred August 19, 2020 when the applicant informed staff that the detached accessory building proposed east of the dwelling would be eliminated from the proposal and instead replaced with an outdoor sports court and that the dwelling would be reduced slightly in height and reduced in square footage. Revised building plans were submitted by the applicant on September 11, 2020 (Exhibit A.112).

*** The detached accessory building for recreational purposes is no longer proposed. Any plan illustration of or narrative to the detached accessory building for recreational purposes in the submitted information below is outdated and irrelevant to the most recent proposal. Additionally, the structural development plans in Exhibit A.112 control over**

any conflicting development details illustrated in older plans submitted to highlight other development aspects, such as tree removal, exterior lighting, comparative site analysis, erosion and sediment control, storm water management, etc.

Exhibit Number	General Description
A.112	Overall site plans, dwelling floor plans and dwelling elevations
A.39	Windmill accessory structure plans (water tower design illustrated in Exhibit A.39 has been revised – see Exhibit A.99)
A.99	Water tower accessory structure plans
A.84, A.58 & A.101 together	Erosion and sediment control plans
A.79	Tree removal plan
A.53	Updated project description narrative responses to approval criteria. Responses to SEC-s permit criteria within Exhibit A.53 have been superseded by the more recent SEC-s analysis report in Exhibit A.106.
A.81	Driveway construction plans & NW 124 th Ave improvements
A.80	Fire safety zone plan
A.63	Exterior lighting plans
A.32 & A60 together	Comparative site analysis for lower portion of the property (two different development footprints) and the upper portion of the property
A.102, A.103 & A.105 together	Geologic Hazards Permit form 1, Geologic Hazards Permit Worksheet, Geotechnical Report - GeoPacific Engineering, Inc.
A.49 & A.113 together	Stormwater certificate, stormwater memo and site plan - Pioneer Design Group, Inc.
A.106	Significant Environmental Concern-Streams Assessment Report - Environmental Science & Assessment, LLC

Public comments submitted on the proposal are attached as “C” Exhibits. To summarize, commenters raised the following categories of issues:

- *Concern about the height and setbacks of the largest accessory building;*

Staff Comment: The largest accessory building has been eliminated from the proposal.

- *Concern that the proposal is not consistent with the purpose of the CFU zoning district;*

Staff Comment: The purposes of the CFU zoning district is listed in MCC 39.4050(A), which in part states:

The purposes of the Commercial Forest Use Base Zones (CFU) are to conserve and protect designated lands for continued commercial growing and harvesting of timber and the production of wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement applicable Comprehensive Plan policies, and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

The purposes section of the CFU code is informative and not an approval criterion. Any proposal meeting all of the applicable approval criteria outlined in this report is consistent with the purposes of the CFU base zone.

- *Concern about loss of forest land;*

Staff Comment: The finding in Section 6.2.2 of this Report explains why the proposed building location near the NE corner of the site will have the least impact on nearby or adjoining forest lands.

- *Observation that the proposed buildings are too large and more similar in size to a hotel, theme park or warehouse;*

Staff Comment: Multnomah County land use code does not restrict dwelling sizes and instead regulates the type of housing allowed which is limited in the Commercial Forest Zone to one single-family dwelling per tract. Multnomah County code does regulate the size of accessory buildings. The applicant has removed the detached recreational accessory building from the proposal.

- *Parking area not specified;*

Staff Comment: A two-car garage is attached to the dwelling and outdoor auto parking areas for approximately seven vehicles are shown on the site plan located east of the garage in Exhibit A.112.

- *Impacts to natural resources (watershed and wildfire habitat); and*

Staff Comment: Standards related to impacts to watershed and wildlife habitat are addressed in the Geologic Hazards Permit (Section 7.0) and the Significant Environmental Concern Permit (Section 8.0). Staff analysis of both permits concludes that all applicable protection measures have been met.

- *Traffic impacts on NW 124th*

Staff Comment: Multnomah County Transportation Planning has reviewed the proposal and did not determine that traffic impacts on NW 124th would occur that could not be mitigated through imposing a condition of County Transportation Planning approval if needed. Improvements to the NW 124th right-of-way may be required by the County and that determination will be made by County Transportation Planning prior to county plan signoff for building permits.

2.0 CODE COMPLIANCE

2.1 § 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: With exceptions for public safety actions and work within easements, Multnomah County Code 39.1515 requires that any known violations on the subject property be resolved prior to issuance of the requested land use permits, or be addressed in a voluntary compliance agreement that sequences the necessary approvals to address those violations.

Two shipping containers are visible towards the southern portion of the property adjacent to the driveway in a 2018 aerial photo. The applicant clarified that both structures were removed from the site and the properties are now vacant. Staff is not aware of any unresolved violations, nor any open compliance investigations in association with either tax lot 800 or tax lot 600 (together comprising the subject property). *Therefore, there are no known compliance issues that prevent issuance of the land use permits requested per MCC 39.1515.*



3.0 LOT OF RECORD VERIFICATION

3.1 Lot of Record – Generally

3.1.1 MCC 39.3005 (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.

Staff: The two properties within Multnomah County that the applicant has identified in this application to justify the Large Acreage Dwelling are subject to Multnomah County Lot of Record verification. This requires a two-part assessment, first being the evaluation of the general Lot of Record provisions in (B), followed by evaluation of the specific Lot of Record provisions within the Commercial Forest Use regulations (the Zoning District). The first assessment is provided below in Section 3.1.2 and the second within Section 3.2 of this report.

Multnomah County Lot of Record provisions apply only within unincorporated Multnomah County. Development is only proposed on the Multnomah County properties. Therefore, the applicant is not required to demonstrate as part of this application that the non-contiguous 154.55-acre combined properties in Columbia County are Lots of Record.

3.1.2 (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; 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.)

Staff: The general Lot of Record provisions of MCC 39.3005(B) require a finding that all applicable zoning and all applicable land division laws were met when the property was created or reconfigured. The application includes, as part of Exhibit A.20, a copy of a Warranty Deed signed on October 14, 1969 in the presence of a Notary Public recorded on July 31, 1980 in Book 1458, on Page 1783. That deed includes two legal descriptions as Parcel I and Parcel II demonstrating that the two parcels that are part of the Large Acreage Tract within Multnomah County (known as Tax Lots 600 and 800 of Section 22, Township 1 North, Range 1 West, Willamette Meridian) existed on October 14, 1969.

Also submitted and included as Exhibit A.20.1 is a Statutory Warranty Deed recorded as Instrument 2017-125204 that shows Sage Bush, LLC as the purchaser. This deed includes the same legal description as the 1969 Deed recorded in Book 1458, on Page 1783.

The zoning in 1969 was Agriculture (F-2) as shown on the 1962 Zoning Map included as Exhibit B.3. The F-2 Zone District had a two acre minimum for land divisions as the only zoning standard required for dividing land in 1969 (Exhibit B.4). County Assessment shows Tax Lot 600 is 40 acres and Tax Lot 800 is 15.25 acres (Exhibit B.1) exceeding the minimum parcel size that was adopted on July 10, 1958. There were no other dimensional standards, or access requirements for the F-2 Zone until 1977. The 1969 deed confirms the two parcel were created prior to the adoption of a larger minimum acreage requirement on December 9, 1975.

There were no applicable land division laws for creating two parcels in the 1960s or prior to the 1960s. The two parcels satisfied all applicable zoning laws and satisfied all applicable land division laws or predated those laws when they were created. *In conclusion, staff finds the two properties within Multnomah County that the applicant has identified in this application to justify the Large-Acreage Dwelling meet the general Lot of Record provisions.*

3.2 Lot of Record – Commercial Forest Use-2

MCC 39.3030 (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.

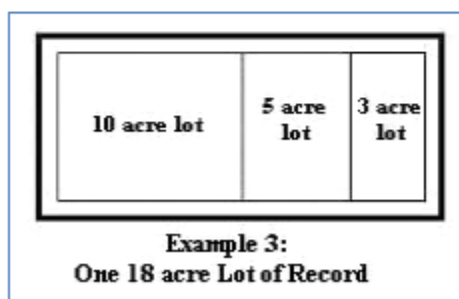
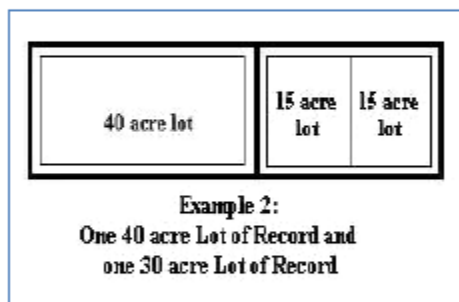
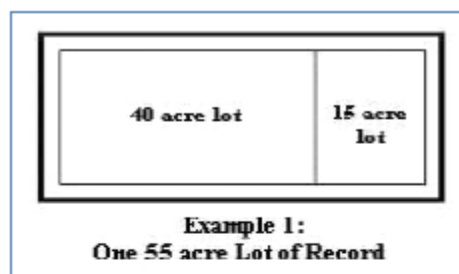
1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot,

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:

Figure 1



* * * (Lot of Record provisions unrelated to this application have been omitted) * * *

The symbol * * * is used later in this report to signify omission of unrelated provisions

Staff: The Lot of Record provisions specific to CFU-2 zones require an evaluation of property size(s) and ownership(s) on February 20, 1990. The intent of these provisions generally being to aggregate small forest zoned properties under common ownership on this date into one Lot

of Record of at least 19-acres in size to help facilitate the continuation of commercial forest operations.

The Exhibit A.20.1 deed shows ownership of both Tax Lot 600 and Tax Lot 800 was transferred to Charles B. Balogh and Marie E. Balogh in 1969. Exhibit A.20.3 Warranty Deed recorded in 1994 as Instrument 94-105750 shows Charles B. Balogh and Marie E. Balogh owners transferring Tax lot 600 and Tax Lot 800 to a Charles B. Balogh and Marie E. Balogh Family Trust. This shows that the two parcels were in the same ownership on February 20, 1990. Tax Lot 800 is 15.25 acres, which is less than the 19-acre threshold. *Therefore, the two parcels are aggregated as one lot of record per MCC 39.3030(A)(b)(1).*

4.0 COMMERCIAL FOREST USE – 2 (CFU-2) ZONE

4.1 Allowed Uses (MCC 39.4070)

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

*** * ***

(T) Accessory Structures subject to the following:

- (1) The accessory structure is customarily accessory or incidental to any use permitted or approved in this base zone, is located within 100 feet of the dwelling 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 unites, heat pumps and electrical boxes; and**
 - (n) Similar structures.**

Staff: The applicant has proposed a windmill, water tower, swimming pool and outdoor sports court. Staff finds the water tower and windmill can be considered customarily accessory to a dwelling use because they are both similar to other common utility buildings supporting a dwelling in the CFU district such as a pump house, storage shed and mechanical equipment. The Allowed Use provisions list swimming pools, pool houses, changing rooms

and sports courts as common accessory uses. Therefore, staff finds the pool and sports court area also are uses accessory to a dwelling use. *This standard 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: According to the architectural elevations in Exhibit A.39 (windmill) and Exhibit A.99 (water tower), neither the water tower nor the windmill contain enclosed areas (other than for water storage) that could practicably be occupied as a dwelling unit on either a temporary or permanent basis. Staff finds none of the proposed accessory structures are designed or could reasonably be used in any residential capacity given the lack of walls and internal features necessary for occupation. *This standard is met.*

- (3) The Accessory Structure may contain one sink.**

Staff: None of the proposed accessory structures contain a sink. *This standard 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: None of the proposed accessory structures contain any of these prohibited features. *This standard is met.*

- (5) Compliance with MCC 39.8860 is required.**

Staff: MCC 39.8860 requires a covenant to be recorded acknowledging that any proposed accessory building cannot be occupied as a dwelling or any other residential use. The applicant has not proposed an accessory building, which is defined in MCC 39.2000 as ‘any structure used or intended for supporting or sheltering any use or occupancy’. Staff comes to this conclusion because none of the proposed structures have walls, or create the opportunity for personal occupancy. *This standard is not applicable.*

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

Staff: No accessory buildings are proposed. *This standard is not applicable.*

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

* * *

Staff: No accessory buildings are proposed. All the proposed accessory structures meet all applicable allowed use provisions above. *The Review Use provisions for accessory buildings do not need to be met.*

4.2 Review Uses (MCC 39.4075)

4.2.1 (B) The following dwellings:

Base Zone	Large Acreage Dwelling -pursuant to MCC 39.4085 and all other applicable criteria.	Template Dwelling - pursuant to MCC 39.4090 and all other applicable criteria.	Heritage Tract Dwelling - pursuant to MCC 39.4095 and all other applicable criteria.
* * *	* * *	* * *	* * *
CFU-2	YES	YES	YES

Staff: Large Acreage Dwellings are a Review Use in the CFU-2 zone, and must comply with MCC 39.4085 and all other applicable criteria. CFU-2 Large Acreage Dwelling findings for MCC 39.4085 are provided within Section 5.0 of this report.

4.3 Building Height Requirements (MCC 39.4105)

(A) Maximum structure height – 35 feet.

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

Staff: Proposed structures subject to the 35-foot maximum height requirement include the dwelling, and water tower. Windmills are exempt from the maximum structure height by MCC 39.4105(B).

The term ‘Building Height’ is defined in MCC 39.2000 as:

(a) The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- 1. The elevation of the highest adjoining sidewalk or ground surface within a 5– foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade.**
- 2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item (1) above is more than 10 feet above the lowest grade.**

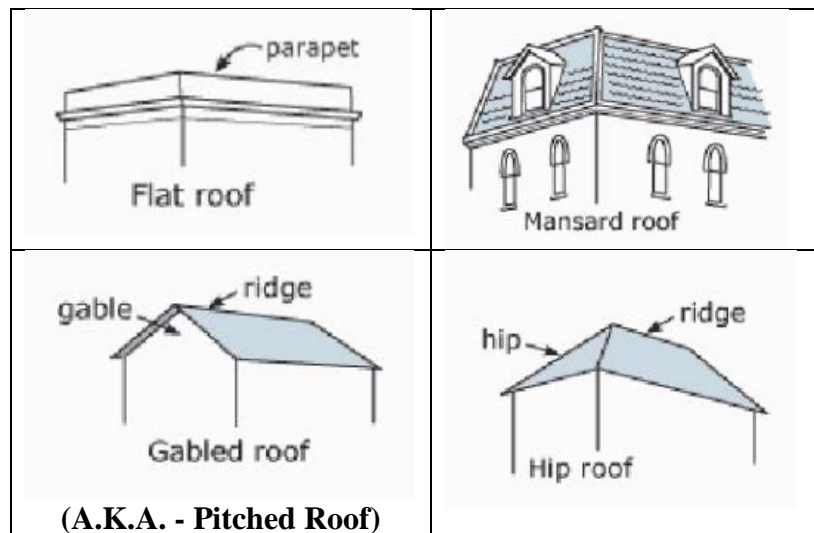
(Assessing the height of the dwelling) – Exhibit A.112

The architectural style of the dwelling roof can be best described in staff's opinion as having a gabled roof given individual roof segments pitch in no more than two cardinal directions. Therefore, the vertical distance shall be measured to the average height of the highest gable based on the definition of Building Height in MCC 39.2000. The dwelling height in A.112 complies with the 35-foot maximum height and appears to average around roughly 27-feet tall excluding chimneys, which are exempted from the height requirement by MCC 39.4105(B).

(Assessing the height of the water tower) – Exhibit A.99

The water tower has a conical roof pitching in all cardinal directions. This roof design does not exactly represent the form of either a flat, mansard, pitched or hipped roof but it is most similar to a hipped roof in that it is not flat and pitches in greater than two directions. Therefore, staff will measure to the average height of the roof pitch. Using this methodology, staff finds the water tower is roughly 34.5-feet above the ground pad as illustrated in Exhibit A.99 (Note - the electronic version of Exhibit A.99 would not scale properly during staff's review so the stated height is an estimate). However, it appears clear from visual inspection of Exhibit A.99 that the average roof height is slightly less than 35-feet tall. *The water tower appears to comply with the district's building height requirements, which will be verified at time of land use signoff for building plan review.*

(The following images are general representations of roof types referenced in the county's building height requirements. These images have not been adopted into county code and were found on-line by staff).



4.4 Forest Practices Setbacks and Fire Safety Zones (MCC 39.4110)

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 (feet)	All Other Setbacks (feet)	Fire Safety Zone Requirements (FSZ)
Large Acreage Dwelling	30	130	Primary & Secondary required
Accessory structures within 100 ft. of the dwelling	30	30	Primary required

Staff: The distance between the dwelling and each accessory structure subject to these requirements is less than 100-feet as detailed below (Exhibit A.112).

- 25- foot separation between dwelling and the water tower to the north of the dwelling.
- 66.6- foot separation between dwelling and the windmill to the east of dwelling. This measurement was made to the windmill blade because the blade is the closest portion of that structure to the dwelling.

Assessing Required Forest Practices Setbacks

As explained in the definition of “Forest Practices Setback” in MCC 39.2000, the purpose of Forest Practices Setbacks is to set new structures back away from property lines so that adjacent commercial forest practices can occur without affecting uses on the subject property (tree felling, noise, spray, etc.). Different uses are subject to different Forest Practices Setbacks as seen in the table above. The dwelling must be located at least 30-feet from the front (west) property line and 130-feet from all other property lines in order to meet the applicable Forest Practices Setbacks. The dwelling is located hundreds of feet from the west (front), south (side), and east (rear) property lines, and roughly 144-feet from the north (side) property line which is the closest property line to the dwelling. *The proposed dwelling meets all Forest Practices setbacks.*

Accessory structures must be located at least 30-feet from all property lines to meet the Forest Practices Setbacks. As evidenced in Exhibit A.112, it is apparent that setbacks for both the water tower and windmill far exceed 30-feet from all property lines with the closest setback being roughly 108-feet between the water tower and the north (side) property line. Staff finds that the Forest Practice Setbacks do not apply to either the in-ground pool or outdoor sports court because both are at ground level and are similar to a landscaping feature. *In conclusion, all proposed accessory structures meet the Forest Practices Setbacks.*

Assessing Required Fire Safety Zones

The purpose of Fire Safety Zones is to require thinning of forest fuel around new structures and for that thinning to be maintained over time to help protect lands and structures from wildfire impacts. Thinning requirements are more stringent in primary fire safety zones closest to structures and some uses require establishment and maintenance of both primary and secondary zones, while other uses only require primary fire safety zones. The width of a required primary fire safety zone is increased as the slope below (downhill of) a development

area increases. The reason for the additional regulations is that the risk of wildfire impacts increase on steeper slopes where fires can more quickly spread uphill.

For purposes of this application; the dwelling is required to have both a primary and secondary Fire Safety Zone and the windmill and water tower must only have a primary Fire Safety Zone, as illustrated in the table above. The in-ground pool and outdoor sports court are not subject to Fire Safety Zones because they are at ground level like a landscaping feature and are not flammable. *The widths required for each structure's primary fire safety zone are determined in the next section of this report.*

4.5 Fire Safety Zones on the Subject Tract (MCC 39.4110(D))

(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.**

Staff: The Fire Safety Zone plan in Exhibit A.80 shows a dashed 30-foot primary fire safety zone around the dwelling. It does not appear that any trees exit within this primary fire safety zone. Both the water tower and windmill are structures subject to the primary fire safety zone requirements, yet no fire safety zones are shown around either structure on Exhibit A.80 or Exhibit A.112. It is evident from site plan measurements that room on the subject property exists to establish a 30-foot primary fire safety zone around each structure.

A condition of approval will require primary fire safety zones to be provided on the site plan prior to land use authorization for building plan signoff. Additionally, a condition of approval will require that all primary fire safety zones be established and maintained pursuant to the provisions in MCC 39.4110(D)(1)(a). *As conditioned, this standard is met.*

- (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

Staff: According to slope information available in the county's Geographic Information System (GIS), slopes immediately downhill of the proposed dwelling (measured at a point 620 feet from the east property line) range from 0-10% slope which corresponds to slope percentage categories illustrated on the Fire Safety Zone site plan (Exhibit A.80). Staff and the applicant are in agreement that no additional distance is required to be added to the 30-foot primary fire safety zone required for the dwelling.

Both the water tower and windmill are proposed on slopes less than 10 percent and no additional width is required beyond the 30-foot primary fire safety zone. *This standard can be met through conditions of approval.*

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

Staff: Slopes of the building site range from less than 10 percent to up to 20 percent according to contour information in Exhibit A.80. Staff considers the building site to include the area of the dwelling, pool, sports court, windmill, water tower, and driveway and pathways immediately adjacent to these buildings. *Staff finds the building site has a slope less than 40 percent.*

(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: The 100-foot secondary fire safety zone has been established around the dwelling as illustrated in Exhibit A.80. As shown in the table in Section 4.4, secondary fire safety zones are not required around the accessory structures because they are all located within 100-feet of the dwelling. Establishment and maintenance of the secondary fire safety zone as required by the provision above has been made a condition of approval. *As conditioned, this criterion is met.*

(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

Staff: Staff is not aware of any Oregon Department of Forestry approved forest management plan that might interfere with the applicant's ability to establish and maintain the required fire safety zones as required by county code. *This standard is met.*

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

Staff: The previous findings in this section of the report explain how the fire safety zones will 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: Establishment and maintenance of required primary fire safety zones and secondary fire safety zone has been made a condition of approval. The appropriate code citations for this authority has been provided in the condition. *As conditioned, this standard is met.*

4.6 Access (MCC 39.4135)

All lots and parcels in this base zone 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 preexisting lot and parcel that constitutes a Lot of Record described in MCC 39.3010(C), 39.3020(C), 39.3030(C), 39.3040(C), 39.3050(C) or 39.3060(C).

Staff: This standard requires certain access standards to be met, however these requirements do not apply to a preexisting Lot of Record. Staff has determined that in Section 3.0 of this report that the two Multnomah County tax lots together qualify as a Lot of Record. This Lot of Record is currently in existence and therefore is preexisting for purposes of this evaluation. *This criterion does not apply to this request.*

5.0 CFU-2 LARGE-ACREAGE DWELLING

MCC 39.4085: A large acreage dwelling may be sited on a tract or tracts, subject to the following:

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

Staff: The provisions of (A) above require the tract or tracts on which the large acreage dwelling is sited to be subject to the Lot of Record provisions. Staff determined in Section 3.0 of this report that the two contiguous properties within Multnomah County involved in this request are together one Lot of Record. A ‘Tract’ is defined, in relevant part, within MCC 39.4060 as ‘**One or more contiguous Lots of Record in the same ownership...**’. Multnomah County tax records list Sage Bush LLC as the owner of both Multnomah County properties listed on the front page of this report (Exhibit B.1). *Therefore, Tax Lots 800 and 600 are a single Tract, subject to the Lot of Record standards which have been addressed.*

No development is proposed on the lot or lots within Columbia County associated with this request and no Lot of Record finding is required for these properties as explained in Section 3.0. However, an assessment of the applicable zoning, ownership and development status of the Columbia County parcels is required and is addressed below. *The lots in the tract in Multnomah County meet the applicable county Lot of Record standards.*

5.2 (B) The property consists of:

- (1) A single tract of at least 160 contiguous acres in one ownership within Multnomah County and all zoned for forest use; or,**

- (2) **Two or more tracts of at least 200 combined acres in one ownership that are not contiguous, but are in Multnomah County or adjacent counties, and all zoned for forest use.**

Staff: The applicant seeks approval of a large acreage dwelling through the provisions of MCC 39.4085(B)(2) which require two or more tracts of at least 200 combined acres of forest use zoned land in one ownership located in Multnomah County and an adjacent county. The applicant has identified a 55.25-acre tract in Multnomah County and a combined 154.55-acre property (four separate tracts) in adjacent Columbia County for purposes of this provision (209.80 acres total). The map of local Oregon counties below demonstrates the contiguous relationship between the northwest edge of Multnomah County and the adjacent SE edge of Columbia County, Oregon. *Staff finds Columbia County is adjacent to Multnomah County.*



Multnomah County Tract (55.25 combined acres)

The Multnomah County tract, comprised together of Tax Lots 800 and 600, total 55.25 acres. Both properties are zoned Commercial Forest Use-2 as previously established in this report which is a zone for forest use as described in (B)(2) above. Multnomah County tax assessment records list Sage Bush LLC, as owners of both tax lots in the tract. Sage Bush, LLC is a domestic limited liability company managed by Justin R Thelin of Portland, Oregon (Exhibits B.1 & B.12).

Township, Range, Section	Tax Lot	Acres
T1N, R1W, Sec. 22	TL 800	15.25-ac.
T1N, R1W, Sec. 22	TL 600	40.00-ac.
	Total Acreage	55.25-ac

Columbia County Tracts (154.55 combined acres)

The applicant has submitted a map in Exhibit A.54 showing the location of the following large acreage qualifying properties in Columbia County totaling 154.55 acres.

Township, Range, Section	Tax Lot	Acres
T6N, R3W, Sec. 25	TL 2301	23.65-ac.
T6N, R2W, Sec. 14	TL 600	56.82-ac.
T7N, R3W, Sec. 20	TL 200	45.16-ac.
T8N R4W, Sec. 25	TL 703	28.92-ac.

	Total Acreage	154.55-ac
--	----------------------	------------------

Email correspondence from Columbia County staff Deborah Jacob in Exhibit A.22 confirms zoning of Tax Lots 2301 and 600 is Primary Forest-80 (PF-80). Neither Tax Lot 200, nor Tax Lot 703 are referenced in Exhibit A.22. However, tax assessment information in Exhibit A.23 confirms Tax Lot 200 and Tax Lot 703 are also both zoned Primary Forest-80 (PF-80). Staff finds all four Columbia County tax lots are zoned for forest use. Justin Ryan Thelin is listed as the owner of each of the four Tax Lots according to the Columbia County tax records.

- Owner Justin Ryan Thelin (Tax Lot 2301) – see Exhibits A.22 & A.23
- Owner Justin Ryan Thelin (Tax Lot 600) – see Exhibits A.22 & A.23
- Owner Justin Ryan Thelin (Tax Lot 200) – see Exhibits A.22 & A.23
- Owner Justin Ryan Thelin (Tax Lot 703) – see Exhibits A.22 & B.11

Together, the four Columbia County tracts and the Multnomah County tract total 209.80-acres which exceeds the minimum 200 combined non-contiguous acres required by (B)(2). The applicant has demonstrated the combined acres are in one ownership controlled by Justin Thelin. *The provisions of (B)(2) have been met.*

5.3 (C) There is no other dwelling on the tract and no other dwellings are allowed on other lots (or parcels) that make up the tract.

Staff: No dwelling is visible in recent aerial photos and no dwelling is referenced on the county tax records for the Multnomah County tract (Exhibit B.1). Staff finds the Multnomah County tract is vacant.

The only information referencing a dwelling in the property tax records is related to Tax Lot 200 in Columbia County with a property address listed as 74879 Lost Creek RD (Exhibit A.23). Comments from a Columbia County inspector noted on 06/08/2011 indicate “dwelling in poor condition.” Within Exhibit A.54 a letter from the Clatskanie People’s Utility District on August 20, 2019 confirms all (utility) facilities have been removed from the residence at 74879 Lost Creek Road as requested by the landowner so the home could be demolished. The Columbia County Building department approved a demolition permit for this same property on August 28, 2019 (Permit # 192-19-001217-DEMO) – Exhibit A.54.

An online search conducted by staff on 6/9/20 discovered the following photos of the structure in question at 74879 Lost Creek Road posed on-line when the property was last sold in 2018 (T7N, R3W, Sec. 20, TL 200). It appears the structure is damaged, is not being maintained, and no evidence has been discovered suggesting that the structure is occupied.



Multnomah County defines a ‘dwelling unit’ in MCC 39.2000 as **‘a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.’** Staff finds a dwelling no longer exists at 74879 Lost Creek Road given the evidence in entirety. In conclusion, there is no other dwelling on the tract and a condition of approval will require a covenant to be recorded that no other dwellings are allowed on other parcels that make up the tract. *As conditioned, this criterion is met.*

5.4 (D) 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: This standard requires a dwelling to either be located outside of an Oregon Department of Fish and Wildlife (ODFW) big game winter habitat, or certification by ODFW provided that the dwelling will not cause impacts. Examples of relevant big game include deer and elk. The dwelling is proposed on the Multnomah County Tract located within Township 1 North, Range 1 West, Section 22. There are no Oregon Department of Fish and Wildlife defined big game habitat areas within this Section (Exhibit B.5). The closest big game winter habitat area within Multnomah County is located over 9-miles to the northwest. *This standard has been met because the dwelling will not be located in a big game winter habitat area, and therefore ODFW approval is not required.*

- 5.5 (E) 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: Recording this statement with the County Division of Records related to nearby farming and forestry practices is a condition of approval that must be satisfied prior to land use signoff for building plans. *As conditioned, this standard is met.*

- 5.6 (F) 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: This standard requires certain proof of long-term access is access to the dwelling relying on land owned and maintained either by a private party or by certain state and federal agencies. No such proof a long-term road access use permit or agreement is necessary in this application. The Multnomah County tract to be developed is provided direct access from NW 124th Avenue, a county owned Local Access Road. A county owned road is not one of the ownership scenarios listed above requiring proof of long-term access. *This standard is met.*

- 5.7 (G) 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:**

- (1) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;**
- (2) 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;**
- (3) 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: This intent of this standard is to require the tract, or tracts, used to justify the large acreage dwelling meet Oregon Department of Forestry (ODF) forest stocking survey requirements in order to qualify for a reduced commercial forest use property tax rate. This application involves a tract of land in Multnomah County and four separate tracts in Columbia

County. All tracts of land involved in this application are subject to the process above. The applicant has submitted stocking survey reports for forested parcels owned by Justin Thelin in Multnomah and Columbia Counties (Exhibit A.25). Compliance with the process above in (G)(1)-(3) has been made a condition of approval and the planning department identified as the responsible party to initiate this process at the time the land use decision on the dwelling becomes final. *As conditioned, this standard is met.*

5.8 (H) 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) has been recorded with the county Division of Records;

(1) The covenants, conditions and restrictions as specified in "Exhibit A" above shall specify that it is not lawful to use the acreage of the subject tract to qualify another tract for the siting of a dwelling;

(2) The covenants, conditions and restrictions as specified in "Exhibit A" are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County and any other county where the property subject to the covenants, conditions and restrictions is located;

(3) Enforcement of the covenants, conditions and restrictions shall be as specified in OAR 660-06-027 (December, 1995).

Staff: Prior to land use sign-off for building plan check, the property owners or their representative shall record the covenant in Exhibit B.6 on each of the tract properties within Multnomah County stating no lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling. A covenant with substantially similar language to that presented in Exhibit B.6 shall also be recorded on each of the properties within Columbia County used to justify the Large Acreage dwelling. Staff is requiring through a condition that substantially similar language be recorded on the Columbia County tracts, rather than the covenant in Exhibit B.6, because that covenant uses a Multnomah County logo and references property in Multnomah County, which would not be appropriate to record in a different county. *As conditioned, this standard is met.*

5.9 (I) The dwelling meets the applicable development standards of MCC 39.4110 and 39.4115.

Staff: Compliance with the applicable development standards of MCC 39.4110 is addressed in Section 4.0 of this report and the standards of MCC 39.4115 within Section 6.0.

6.0 CFU-2 FOREST DEVELOPMENT STANDARDS

6.1 Accessory Buildings

6.1.1 MCC 39.4115(A) For the uses listed in this subsection, the applicable development standards are limited as follows:

* * *

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 39.4115(C);

Staff: MCC 39.4115(A)(3) refers to the phrase ‘accessory buildings’. An ‘accessory building’ is defined in MCC 39.2000 as **a subordinate building, the use of which is clearly incidental to that of the main building on the same lot.** The term ‘building’ is defined in this same section as **a structure used or intended for supporting or sheltering any use or occupancy.** The windmill and the water tank structures do not have walls and will not shelter any use or occupancy. MCC 39.2000 defines ‘structure’ as **that which is built or constructed. An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.** Read together, it should be concluded that every building is a structure, but not every structure is a building. Examples of structures that are not buildings include a fence and a retaining wall. Back to this particular application; Staff finds the windmill and water tank structures are not buildings and therefore are not subject to the development standards of MCC 39.4115(C). Staff also finds the in-ground outdoor pool and outdoor sports court are not buildings and are not subject to MCC 39.4115(C). *This standard does not apply to this application.*

6.2 New Forest Dwelling

6.2.1 MCC 39.4115(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):

Staff: This section of the report analyzes the request for a new dwelling. The applicant has applied under the provisions of (2) and (3) because the structure cannot meet the provisions of (1)(a) which are not relevant criteria, but provided below for context:

(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;**
- (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;**
- (c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;**
- (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;**
- (e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or**

6.2.2 (2) The structure shall satisfy the following requirements:

- (a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 39.4110;**

Applicant Response: *The proposed dwelling and accessory structures have been designed and located to create the least impact on nearby or adjoining forest or agricultural lands, which are located to the north and northeast of the property. The proposed home and accessory structures are being located in an existing cleared area at the top of the hill in the northeast corner of the property.*

This hilltop clearing consists of flatter ground than other areas of the site, while also having downhill slopes for appropriate drainage and septic drain fields. The proposed home site minimizes the need for tree removal, other than as needed for secondary fire zones. The proposed hilltop location also reinforces the clustering of large acreage homes in the immediate area.

There are four existing large acreage dwellings to the northeast and east of Applicant's property. The northeast corner of the property is the closest to these existing homes. The hilltop location also allows for logging operations to continue, below the home, and closer to the public street, thereby providing better functional separation and minimization of conflicts. The lower areas of the property will be replanted consistent with forest practices.

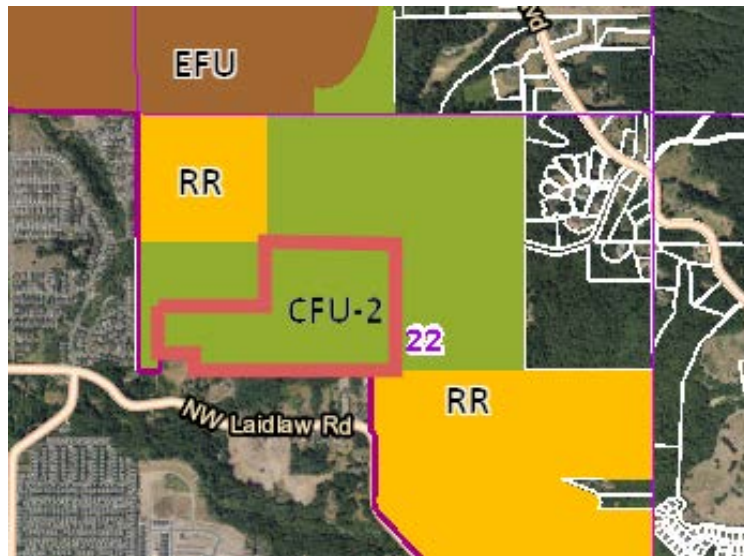
Finally, the proposed improvements for the access driveway will not only serve the house, but also maintains access for any on-going logging operations. The driveway also will provide enhanced emergency access, as well as maintenance access for the pipeline that runs through the property. For these reasons, the structure shall satisfy MCC 39.4115(B)(2)(a).

Staff: This finding assesses whether the proposed dwelling location towards the northeast side of the tract has the least impact on nearby or adjoining forest or agricultural lands. Compliance with the applicable development standards of MCC 39.4110 is addressed in Section 4.0 of this report.

Staff must first describe nearby forest and agricultural lands before an assessment of potential impact on those lands can be determined. Zoning is the most common designator of the main land uses that either are occurring, or could reasonably be expected to occur in the future. Forestry and agriculture are types of land uses. Therefore, zoning can be a valuable tool in describing the nature of nearby lands. Forest zoned property (shown in green below) is found generally to the north and east of the two subject properties and will be defined as forestland for purposes of this criterion. Review of recent aerial photos support the assertion that the CFU properties below are predominately forested.

The closest farmland (Exclusive Farm Use, EFU, zone in brown) is located roughly 2,000 feet north of the tract. Staff finds impacts do not need to be considered to farmland given the great distance to the closest farmland. Staff foresees no scenario where establishment of a single-family dwelling nearly ½ mile from the nearest farmland could result in any measurable impact, which need be considered.

Therefore, for purposes of this standard Staff will consider whether the proposed building location on the tract has the least impact on adjacent and nearby forestlands as compared to other potential building sites on the tract.



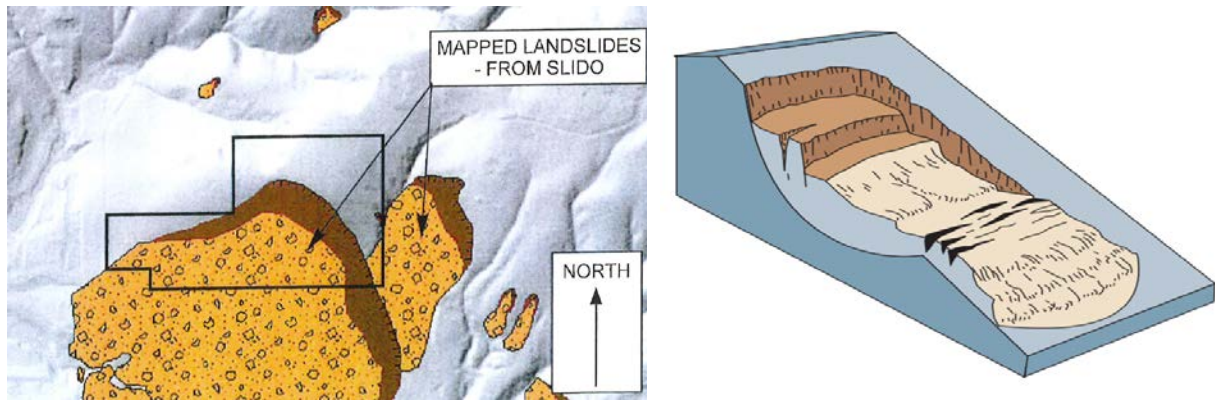
The applicant concludes that the proposed building site towards the northeast corner of the tract best meets this standard. The applicant explains that this conclusion is reached because this portion of the site is flatter than other possible building locations, provides a larger clearing than available on other portions of the site, and because this location helps cluster the proposed development with other similar developments to the northeast (see aerial photo below). Staff agrees with the applicant's conclusion.



Clustering development is recognized by county forest development standards as one way to help minimize impacts on forestland and this is the reason why clustered development is subject to less strict forest practices setbacks and fire safety zones. Additionally, minimizing the number of trees that need to be cut down to establish a use is another common best forest preservation practice achieved through the proposal to develop within a cleared area on the flattest portion of the site towards the northeast corner of the tract. Staff measures the cleared area identified for development at roughly 4.5-acres.

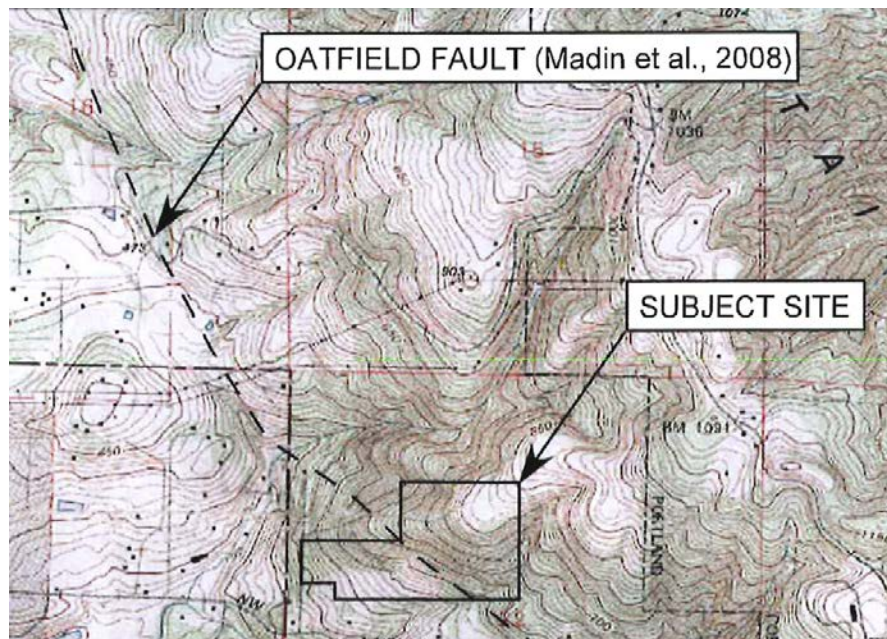
When considering possible alternative development sites on a tract, Staff first contemplated known natural hazard areas to help identify areas that should be avoided such as areas prone to flooding or landslides. No portions of the subject tract are located in a regulatory floodplain and staff is not aware of any areas on the tract that are prone to flooding other than three small wetlands (A, B & C) located near the southern central portion of the tract in the vicinity of the southernmost hair pin driveway turn (Exhibit A.81). The applicant's Certified Engineering Geologist identifies two mapped landslides in Exhibit A.102, which should be central to any assessment of forestland impacts. These landslide areas has already failed and the earth moved in the past. Development on a landslide can re-trigger earth movement events, which can permanently affect forestland in many ways. Landslides can destroy existing timber resources, can render land unsafe to manage for future timber production and can cut off producers from the forestlands they manage when landslides compromise forest access roads.

The identified landslides appear to cover more than half of the tract. A screen shot of that landslide map is provided in the left image below. The dark brown crescents along the northeast side of the landslide areas are landslide head scarps and the textured lighter brown areas are mapped landslide deposits (Exhibit A.102). In simple terms, the deposits are sections of the hillside including rock, soil and trees that have detached, slipped downhill and settled in a new location at some point in the past. Whereas a head scarp is an exposed, often steeper, section of the landslide failure plain which functioned much like a sliding board when the landslide moved downhill. A cartoon schematic of typical landslide morphology is provided in the right image below as a visualization aid.



The proposed residential building site avoids and sits above (to the northeast of) this landslide area. Staff supports risk reduction through avoidance before mitigating risk through design considerations. This is particularly relevant for an occupied residential use where land failure can result in not only the loss of property, but also loss of life.

Additionally, the Oatfield geologic fault trends NW-SE through the center of the tract (screenshot from a fault map in Exhibit A.105 is provided below). In simple terms a geologic fault is a very deep crack, or a spider web like series of deep cracks, in the ground caused by geologic pressures exceeding what the rigid bedrock below the soil can handle. Often faults are created during earthquake shaking, but they can also be created by slower mountain building or valley spreading pressures. A building straddling a fault zone either can be torn apart as both sides of the fault continue to move in different directions either rapidly during an earthquake or more slowly as natural geologic pressures push and pull on the ground below. Buildings near fault zones can become damaged or destroyed as nearby land shifts and/or tilts. The United States Geologic Survey estimates slip rate movement of the Oatfield Fault ranging from 0.05-0.4-mm/year¹.



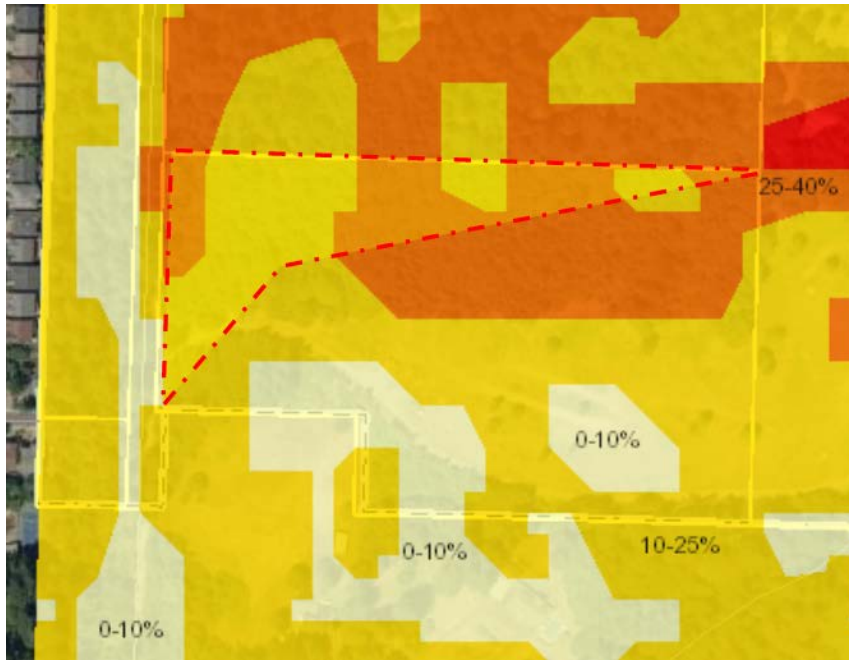
¹ https://earthquake.usgs.gov/cfusion/qfault/show_report_AB_archive.cfm?fault_id=875§ion_id=

The proposed building site has been located away from this fault alignment. The only other potential building site located outside of that landslide and fault area is located at the west side of the property, north of the proposed driveway entrance.

Below, staff has freehand traced the wedge shaped area of the subject property that is located *outside* of the SLIDO mapped landslide feature and mapped fault line. This area is illustrated in yellow below. However, two portions of that potential building site have been mapped by Multnomah County as potential slope hazard areas identified in orange shading. These slope hazard areas indicate land that may be subject to future landslide risk, high levels of erosion due to local soil and slope conditions, and /or high groundwater levels. Avoiding development within the regulatory slope hazard areas is preferable to disturbing these potentially unstable areas whenever possible. Avoiding the slope hazard areas further reduces the size of this other potential building area on the tract.



Additionally, roughly half of the potential building site slopes are in the 25-40% grade range. Avoiding development on slopes exceeding 25% grade is also a recommended best practice in county codes, which is reflected in the need for additional geotechnical evaluation on these steeper slopes (see MCC 39.5075). Altogether, Staff finds more than half of the area outside of a known landslide and fault zone is located in a potentially unstable area due to the Geologic Hazard overlay or slopes steeper than 25% grade.



The image below uses a 2017 aerial photo, rather than the 2018 (latest available) photo used above, because the 2018 aerial image would not display in the county mapping system when this portion of the finding was being drafted by staff. The use of the 2017 aerial photo, rather than a 2018 photo, has no bearing on the conclusions below. New to the image below are dashed forest practices setbacks applicable to a new forest dwelling in the CFU-2 zone, which must be set back from the front (west) property line at least 30-feet and at least 130-feet from all other property lines. This reduces the size of the potential building area to roughly 150-feet (measuring north-south) by 140-feet (measuring east-west) or ~21,000 square feet.



Staff then took average length and width measurements across both the dwelling footprint (including outdoor pool area and vehicle parking /maneuvering areas) and the outdoor sports

court area shown on the most recent overall site plan in Exhibit A112. Together, the proposed development occupies an area of roughly 109,750 square feet which would require roughly five (5) times more land than is available within the lower building site described above:

Dwelling development area:	~ 365 feet x 270 feet	98,550 square feet (sf) total
Sports court area:	~140 feet x 80 feet	11,200 square feet (sf) total
Total combined area =	98,550 sf + 39,000 sf	109,750 sf total

Staff agrees with the applicant that the proposed building location will have the least impact on nearby or adjoining forestlands given the location of the development constraints describe above. Building on the upper site as proposed will best meet the intent of this standard. It places the development on the flattest portion of the tract, reduces the number of trees that need to be removed and clusters development with other similar development on nearby properties. The only other area outside of a known landslide deposit and fault zone on the subject tract is steeper, forested, contains regulatory slope hazard areas and is quite narrow when considering all required CFU setbacks. Additionally, an existing forest practices road leads to the proposed development site which can be improved to provide dual use as a forest practices road and residential driveway. *Staff finds this standard has been met.*

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

Applicant Response: *There are no accepted farming practices on the tract. As described above, the location of the proposed home site takes advantage of an existing hilltop clearing, containing approximately 308,563 square feet. The total proposed developed area will be approximately 126,735 square feet, including the driveway up to the home site. Therefore, except for a few trees to be removed associated with driveway improvements, construction of the dwelling and accessory structures at the hilltop location results in no net loss of forested land on the property.*

Utilizing the hilltop clearing for the home site preserves the lower cleared area for replanting. The lower cleared area is considered to be more productive and easier to harvest than the upper clearing. Maintaining the lower clearing and the steeper slopes for forestry provides for better operational separation. For these reasons, the proposal minimizes adverse impacts to forest operations on the property.

Staff: This finding requires an analysis of potential adverse impacts on forest and farming practices on the tract. No agricultural practices are occurring on the tract. Both properties in the tract are listed in county tax records as having ‘FOU-Forest Unit’ exemption status. Staff understands that FOU is the tax category used by Multnomah County to indicate forest deferral that confirms commercial forest use, such as growing and harvesting trees, is occurring on the tract. Staff must consider how the proposed development could cause adverse impacts on the tract’s forest operations.

The previous finding concluded that the proposed development site towards the northeast corner of the property not only has the least impact on local forest operations, but also is

effectively the only reasonable building site available to the applicant due to a range of development constraints. Therefore, staff does not need to consider impacts on forest operations for the minor improvements to the existing forest practices road, which will serve in the future as a dual forest practices road and residential driveway. The reason why no analysis is required is that no other potential long-term access option exists to reach the residential development area with recreational vehicles. No public road abuts the tract to the north, east or south leaving the existing forest practices road off NW 124th to the west as the only reasonable option. Instead, staff will focus on whether the proposed structural (building) development minimizes adverse impacts on the tract's forest operations.

The applicant states the proposed 126,735 square foot of hilltop development will occur in existing cleared area of 308,563 square feet. The applicant has revised the proposal since the applicant provided this development estimate as previously described. Staff measures the current proposal to include roughly 109,750 square feet of hilltop development (Exhibit A.112). Placing development in a cleared area helps minimize adverse impacts on the tract's forest resources because it dramatically minimizes the number of trees (resources) that need to be removed from production permanently.

Additionally, the applicant is proposing development on the flattest portion of the site, and clustering all accessory structures within 100-feet of the dwelling. This has the result of reducing the size of required fire safety zones, which must be cleared and continuously maintained for fire protection. Staff believes that clustering the proposed development near the corner of the property close to other residential development to the northeast will help consolidate local residential uses which helps preserve the majority of the remaining tract for continual forest operations into the future. *Staff finds the proposed development complies with this standard.*

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

Applicant Response: *As described above, the proposed home site is located on an existing hilltop clearing and is currently accessed by an existing, gravel logging road. By using previously disturbed locations for development, Applicant is minimizing impacts and avoiding, to the extent possible impacts to forested land.*

In total, only approximately 5.3 percent of the site is proposed for non-forest use, and that includes the driveway, which will continue to support forest practices, and maintenance access for the pipeline.

Currently, 8.52 acres of the property has been cleared of timber in the lower area near the street. Then there is the hilltop clearing, which accounts for another 7.09 acres. This leaves 39.64 acres or 71.7 percent remaining in tree cover.

If development was proposed for the lower portion of the site, greater tree removal would be required, including additional tree removal for the forest setbacks and fire zones, which would further impact the steeper slopes to the north. Tree removal on the steeper slopes would increase erosion potential and destabilize the slopes. Accordingly, the proposal minimizes the amount of impacts to forestland and this standard is met.

Staff: The dwelling and other structures will be sited in an existing clearing towards the northeast corner of the property. This minimizes the amount of forestland required to establish the buildings. Staff comes to this conclusion because the cleared area towards the northeast of the property is not currently used to commercially propagate and harvest trees. The future driveway does not need to be “sited” since residential vehicles will use the existing forest practices road once it is approved. The existing road will be improved with turnouts, drainage control, widening and slope stability measures. No measurable amount of forestland will need to be removed to site the structures, which are proposed in a clearing.

Although this is a large development proposal, the applicant has taken steps to reduce the development footprint such as amending plans during review to reduce the size of the outdoor pool west of the dwelling from 57,044 cubic feet to 7,248 cubic feet as seen in the two screen capture images below. The initial pool design is on the left (Exhibit A.40) and the updated pool design on the right (Exhibit A.112).

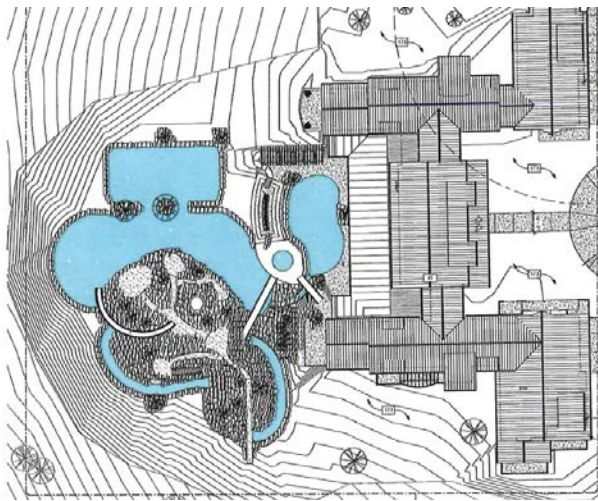


Exhibit A.40, page 3 screenshot

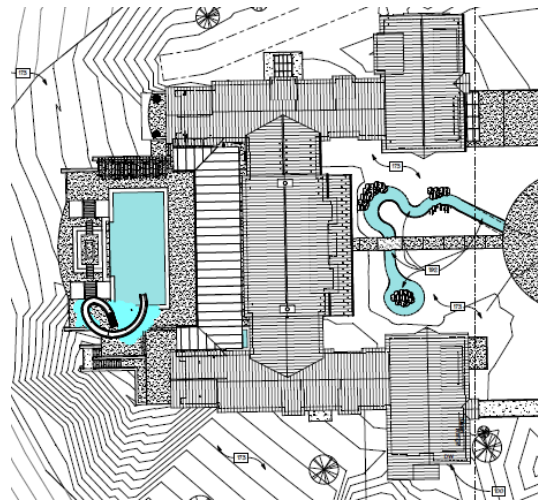


Exhibit A.112, page 2 screenshot

Finally, the proposal to establish an 18,380 square foot accessory building has been reconsidered by the applicant who decided to eliminate this building from the request, which helps again reduce the amount of forestland required to site the development. *Staff finds this standard has been met.*

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

Applicant Response: The proposed driveway is approximately 2,550 feet in length, see Sheets 6-9, Exhibit 3. Therefore, Applicant must identify the “physical limitations” that are unique to the property and then demonstrate why it is necessary to have a longer road because of those limitations.

The property is forested with an existing hilltop clearing. The property also has an existing logging road that provides access throughout the site and to the existing hilltop clearing. The remainder of the property is forested and portions are subject to the SEC overlay as well as a Geologic Hazards overlay. The slope, designated natural resource areas, and ongoing forest

cultivation are all constraints on development and amount to physical limitations unique to the property.

In order to avoid and minimize impacts to these physical features, Applicant proposes to site the proposed dwelling in the existing clearing and use the existing logging road alignment to access the clearing. In contrast, locating the proposed homesite within 500 feet of 124th would require clearing of forest trees in an area that otherwise is dedicated to ongoing forest operations.

The length of the driveway is dictated by the steep topography of the site, which requires switchbacks to accommodate the grades. Attempting to realign the driveway for a more direct, shorter route would cause greater impacts and erosion issues in a physically limited area (the Geologic Hazard overlay). The Geological Engineering Report, Attachment 13 prepared for the Hillside Development Permit concludes, that,

”that the subject site in the vicinity of the proposed homesite is suitable from a geologic standpoint for support of conventional spread foundations provided that the following recommendations are incorporated into the design and construction phases of the project. The proposed home and outbuilding are situated on gently to moderately sloping topography located above the scarp of a large, deep-seated landslide with an approximate failure depth of 68 feet. In our opinion, the potential for slope instability to result in damage to the proposed single-family home foundation is low, provided adverse drainage conditions are not allowed to develop on the surrounding slopes.”

From a forest management perspective, the proposed hilltop improvements only affect 3.8 percent of the site, including the full length of the driveway, thereby maintaining 96.2 percent of the property for forestry. Further the Geologist’s Report found, “The southern portion of the subject site is underlain by a large, deep-seated earth flow landslide with a failure depth of approximately 68 feet as indicated on Figure 1B (Burns et al., 2011; Dogami Slido, 2018)”. Given the greater slide hazard, the southern portion of the site is determined to be much less suitable for the residential use, than the hilltop site.

While the County does not consider the old logging road legal access, the road exists and using the alignment avoids new non-forest impacts. Applicant proposes to realign a segment of the roadway however to avoid the SEC overlay (remediating what currently is an encroachment into the SEC overlay). The proposed driveway realignment and improvements will result in minor new wetland impacts (2,099 sf) to Wetland A. These impacts and proposed mitigation are addressed later under Sections 39.5500 and 39.5700 and in the Biologist’s Environmental Assessment Report, see Exhibit 4.

As aligned, the grades for the road are predominantly 2 to 10 percent with sections ranging from 12 to 15 percent and a short section parallel to the pipeline is 18 percent. With the extended length of the driveway, pullouts are provided consistent with fire district standards. This alignment allows the access drive to serve the residential use while also maintaining accessibility to the forested portions of the site, to support continued forest management functions. The driveway also serves the pipeline company for maintenance access to their pipeline, see letter from SPPL, Inc.

Staff: The proposed driveway connects the proposed development site to NW 124th Avenue and exceeds 500-feet in length. The applicant estimates the driveway length to be 2,550 feet long. No other public road abuts the subject property from which residential access could be obtained. The applicant has provided information in Exhibit A.32 highlighting existing residential driveways serving properties to the NE of the subject tract for comparison ranging from 927 feet to 1,040 feet long.

The finding in section 6.2.2 explains why the proposed development site towards the northeast corner of the tract is the only viable option given geologic hazards (known and potential), terrain, required zoning setbacks and existing forest cover. Driveway grades reaching the development area utilizing the existing forest practices road typically range from ~3% to ~9%, with short sections slightly exceeding 14% grade near the intersections with NW 124th, up to 15% grade near the middle of the driveway alignment, and as steep as 18% at the driveway approaches the proposed development area (Exhibit A.36).

Driveway grades would need to be increased in order to shorten the driveway length. This approach could be unsafe for a few reasons. One is that a shorter driveway would need to climb more directly up the slope further increasing slope grades. Increasing slope grades makes it more difficult for emergency response vehicles (ambulances and fire trucks) to access a development and increases potential storm water impacts as the roadside ditch would pitch at a greater angle increasing runoff velocity. A steeper driveway also makes residential and emergency services travel riskier during snow and ice events. This driveway will also be used for future forest practices. A steeper driveway could result in a logging truck bottoming out and being stuck on a steep section due to vehicle clearance constraints.

Finally, relocating sections of the driveway in an attempt to shorten the overall length would require additional cutting and filling through known landslide deposits. Even minor ground disturbing activities, particularly near the toe (base) of a slide, can re-active historic slides. This presents a risk to the local community and to the environment given potential water quality impacts created during a slope movement event. Finally, the proposed driveway surface is not new. An existing forest access road in excess of 500 feet will be utilized and modified to serve the residence. *In aggregate, Staff finds that the proposed access road has been demonstrated necessary to serve the development due to local physical limitations affecting this forest tract.*

6.2.3 (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;**

Applicant Response: The proposed access driveway has been designed with 12-foot width and includes turn-outs spaced approximately every 400 feet. There is also very adequate turn-around area provided at the top by the house. The driveway will be maintained consistent with Tualatin Valley Fire & Rescue (Exhibit 5) and Multnomah County and Oregon Fire Code to support wildfire apparatus access standards. See also Attachment 4b, letter from Kevin

Nelson, Oregon Dept. of Forestry, Stewardship Forester regarding the essential role of forest roads.

Staff: Fire service for the subject property is served by Tualatin Valley Fire and Rescue (TVFR). TVFR Deputy Fire Marshall, Drew DeBois, conditionally approved the proposed access roadway to the development site in April 11, 2019 (see stamped plan, last page of Exhibit A.107). Deputy Fire Marshall DeBois conditioned that range of access improvements be made, and a fire service re-inspection occur before flammable materials are placed on the property and prior to building permit issuance by the building official (see TVFR April 11, 2019 letter in Exhibit A.107). Compliance with all requirements of TVFR has been made a condition of this land use approval. *As conditioned, this standard is met.*

- (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;**

Applicant Response: *Applicant's design team has closely coordinated with Drew Debois, Tualatin Valley Fire & Rescue (TVF&R) to ensure that the proposed access driveway is designed consistent with Oregon Fire Code requirements. Specifications provided by TVF&R ensure that the driveway and building accessibility is adequately designed to accommodate the typical wildfire brush trucks anticipated to respond to any emergency on this property, see Exhibit 5 (TVF&R. There is no perennial water source the property capable of providing fire-fighting water supply. Instead, fire-fighting water is provided by the on-site water storage tank and the swimming pool. Both of these sources are within 100 feet of the driveway, providing adequate access for fire responders. See Sheet 5, Exhibit 3 (Revised Civil Site Development Plans).*

Staff: This criterion requires the Oregon Fire Code to be met with respect to access to on-site emergency firefighting water sources and posting of associated signs along the access way. The Oregon Fire Code is implemented by the structural fire service provider, which for this property, is TVFR. It appears a section of the access road may come within 100 feet of a water source, although the potential yield of this water source is not known information to staff. The applicant states above that there is no perennial water source on the property capable of providing fire-fighting water supply, but such supply will be provided by the proposed water tower and outdoor swimming pool.



Within Exhibit A.107, the TVFR Deputy Fire Marshal concludes on page 2 that an on-site firefighting water supply is not required. Staff defers to the structural fire service provider for confirmation that all applicable Oregon Fire Codes are met with respect to access, availability of water source(s), and any associated signage requirements. Staff takes no issue with the applicant voluntarily providing on-site firefighting water reserves exceeding any minimum Oregon Fire Code requirements such as the water tower and outdoor pool. *Conditional approval granted by TVFR in Exhibit A.107 for the proposed development equates to a finding of full compliance with this criterion.*

6.3 MCC 39.4115 (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;**

Staff: The provisions of MCC 39.4115(C)(1)-(2) are not applicable because the proposed dwelling is not a mobile home.

- (3) Have a fire retardant roof; and**

Staff: Plan notes 42 and 27 on sheet A.20 & A.21 in Exhibit A.112 indicate proposed roofing materials on the home include standing seam metal roofing with a glass roof system proposed for a portion of the roofing area, presumably for added light availability. *Staff finds metal and glass are both fire retardant roofing materials because neither is a flammable material.*

- (4) Have a spark arrester on each chimney.**

Staff: Chimneys are proposed on the roof of the dwelling (Exhibit A.112). A condition of approval will require each chimney to have a spark arrestor installed. *As conditioned, this standard is met.*

6.4 MCC 39.4115 (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.

Applicant Response: *There is no public water source or perennial stream on this property, capable of providing water supply for fighting fires. The water source for this home will be from a well.*

Staff: The applicant is proposing to drill a well on the property to provide a domestic water supply and that well has not yet been drilled. The applicant has submitted a letter from A.M. Janssen Well Drilling Company providing an assessment of likely water yield (Exhibit A.13). Ron Janssen concludes in Exhibit A.13 that “*we believe that there should be sufficient yield of ground water for domestic usage for this parcel.*” *Providing evidence that this standard has been met has been made a condition of approval.*

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

Staff: The applicant is proposing to drill a well on the subject property to access groundwater. A vertical well accesses resources below the property which will be interpreted as being located *entirely on the property* for purposes of this standard. Proof of legal easement related to private property water line trespass is not required. *This standard has been met.*

(2) Evidence of a domestic water supply means:

- (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or**
- (b) A water use permit issued by the Water Resources Department for the use described in the application; or**
- (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.**

Staff: The information above defines adequate evidence of a domestic water supply, which will be referenced by staff when verifying compliance with these provisions as a condition of approval.

7.0 GEOLOGIC HAZARDS

7.1 Permit Required (MCC 39.5075)

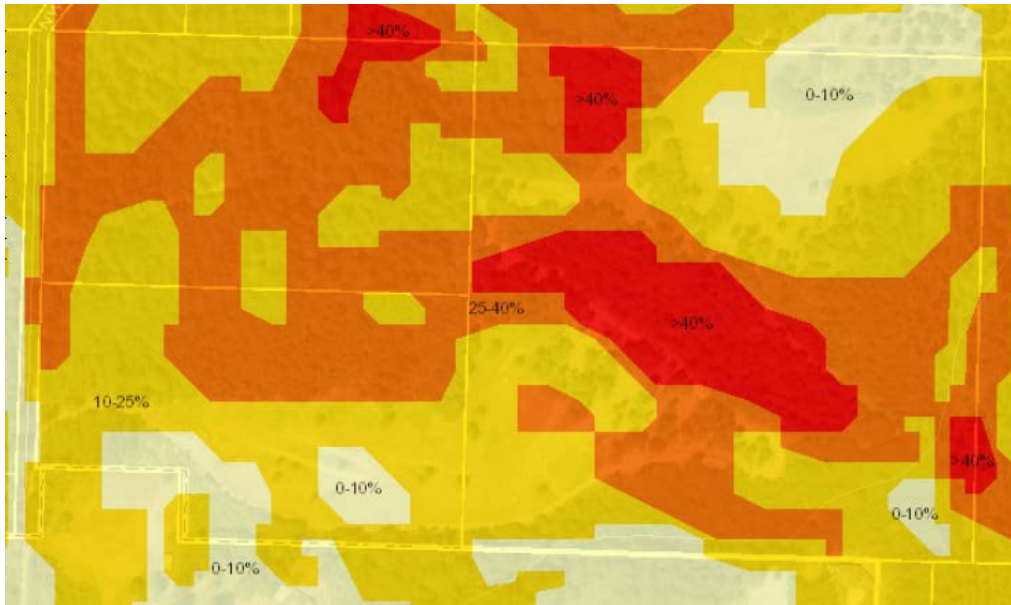
Unless exempt under this code or authorized pursuant to a Large Fill permit, no development, or ground disturbing activity shall occur: (1) on land located in hazard areas as identified on the Geologic Hazards Overlay map, or (2) where the disturbed area or the land on which the development will occur has average slopes of 25 percent or more, except pursuant to a Geological Hazards permit (GH).

Staff: The Permit Required section requires non-exempt ground disturbing activities on lands identified on the Geologic Hazards Overlay map, or on slopes of 25% or more to be authorized through a Geologic Hazards permit unless instead authorized through the Large Fill permit provisions.

The ground disturbing activity proposed is not an exempt activity listed in MCC 39.5080, nor has the applicant applied for a Large Fill permit. Maps of the Geologic Hazards Overlay (shown in orange within the first screen shot blow), and slope percent maps (second screen shot below) of the subject property are provided below. Staff finds ground-disturbing activity is proposed both within a hazard area identified on the Geologic Hazards Overlay map, and within areas having average slopes of 25 percent or more. **A Geologic Hazards permit is required.**



(Geologic Hazards Overlay map above)



(Average slope percent map above. Areas in orange and red have slopes of 25% or more)

7.2 **Geologic Hazards Permit Application Information Required (MCC 39.5085)**

An application for a Geologic Hazards Permit shall include two copies of each of the following:

7.2.1 (A) A scaled site plan showing the following both existing and proposed:

- (1) Property lines;
- (2) Building structures, driveways, roads and right of way boundaries;
- (3) Location of wells, utility lines, site drainage measures, stormwater disposal system, sanitary tanks and drainfields (primary and reserve);
- (4) Trees and vegetation proposed for removal and planting and an outline of wooded areas;
- (5) Water bodies;
- (6) Boundaries of ground disturbing activities;
- (7) Location and height of unsupported finished slopes;
- (8) Location for wash out and cleanup of concrete equipment;
- (9) Storage location and proposed handling and disposal methods for potential sources of non-erosion pollution including pesticides, fertilizers, petrochemicals, solid waste, construction chemicals, and wastewaters;
- (10) Soil types;
- (11) Ground topography contours (contour intervals no greater than 10-feet); and
- (12) Erosion and sediment control measures.

Staff: The applicant has provided the required information found within the following exhibits:

***Any illustration of or reference to the detached accessory building for recreational purposes in the information below is irrelevant since that building is no longer proposed.**

Exhibit Number	General Description
A.112	Overall site plan and dwelling construction plans
A.79	Tree removal plan

A.80	Fire safety zone plan
A.81	Driveway construction plans
A.102, A.103 & A.105 together	Geologic Hazards Permit form 1, Geologic Hazards Permit Worksheet, Geotechnical Report - GeoPacific Engineering, Inc.
A.49 & A.113	Stormwater certificate, stormwater memo and site plan - Pioneer Design Group, Inc.
A.84 & A.58 together	Erosion and sediment control plans
A.29	Soils report
A.96	Updated plan estimating volume of imported fill

7.2.2 (B) Calculations of the total area of proposed ground disturbance (square feet), volume of proposed cut (cubic yards) and fill (cubic yards), total volume of fill that has been deposited on the site over the 20-year period preceding the date of application, and existing and proposed slopes in areas to be disturbed (percent slope). For purposes of this subsection, the term “site” shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area.

Staff: This criterion requires the applicant to estimate areas and volumes of proposed cuts and fills, including the volume of fill placed on the site (or tract in this case) over the past 20-years. The applicant has provided the required information. The plan in Exhibit A.96 illustrates areas proposed ground disturbance across various portions of the development plan. The email from the applicant in Exhibit A.97 provides an updated estimate of proposed on-site cut and fill volumes. The applicant has not identified, and staff is not aware, of any previous fill deposited on the site over a 20-year period.

Ground disturbance facilitating all construction activities, estimated by the applicant to total 9.2-acres, including 44,998 cubic yards of earthen cuts, which will be utilized as fill materials on the property. No additional fill materials will be imported to the site as previously proposed by the applicant (see email update in Exhibit A.97).

7.2.3 (C) Written findings, together with any supplemental plans, maps, reports or other information necessary to demonstrate compliance of the proposal with all applicable provisions of the Geologic Hazards standards in MCC 39.5090. Necessary reports, certifications, or plans may pertain to: engineering, soil characteristics, stormwater drainage control, stream protection, erosion and sediment control, and replanting. The written findings and supplemental information shall include:

(1) With respect to fill:

(a) Description of fill materials, compaction methods, and density specifications (with calculations). The planning director may require additional studies or information or work regarding fill materials and compaction.

(b) Statement of the total daily number of fill haul truck trips, travel timing, loaded haul truck weight, and haul truck travel route(s) to be used from any fill source(s) to the fill deposit site.

Staff: See geotechnical, storm water and soils reports and plans in the exhibits outlined in section 7.2.1 of this report for the required information outlined above.

(2) A description of the use that the ground disturbing activity will support or help facilitate.

Staff: The request is to establish a single-family dwelling and associated support infrastructure including two accessory structures, driveway and residential utilities including an on-site septic system.

(3) One of the following:

(a) Additional topographic information showing the proposed development to be on land with average slopes less than 25 percent and located more than 200 feet from a 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

(b) A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or,

Staff: The applicant is required to demonstrate all development will be on slopes less than 25%, more than 200-feet from a landslide, and that no cuts or fills exceeding 6-feet in height/depth are proposed (option 3(a)). Alternatively, the applicant can provide a geological report meeting the standards of 3(b). The applicant is unable to qualify the project through first option, 3(a), for the following reasons:

- Driveway improvements involving ground disturbing activities are proposed on land with average slopes exceeding 25 percent according to county slope maps presented in Section 7.1 of this report;
- The Geologic Hazards Permit Form 1 in Exhibit A.102 states “cuts up to 16 feet at 2H:1V and fills up to 19 feet at 2H:1V or less” are proposed. Cross-section detail A-A within Exhibit A.58 shows a slope height of roughly 24-feet created by combined cut and fill activities proposed to support the driveway and construct the storm drainage dispersion ditch south of the dwelling. One unsupported slope to a property line is seen on page 7 of 9 within Exhibit A.84 where unsupported driveway fill slopes come to with an estimated 8.5-feet of a property line. It appears from site plan contours that this fill slope will have a height of roughly 10-feet. An unsupported cut roughly 8-feet tall is also proposed extending to the northern property line north of the sports court (see page 9, Exhibit A.94); and
- The geologic hazard map presented on page 7 of Exhibit A.102 shows the driveway improvements extending through both a landslide deposit and landslide headscarp (Burns et al., 2011). This map also confirms portions of the residential home will be located within 200-feet (above and to the NE of a landslide head scarp).

The applicant submitted a geotechnical report in Exhibit A.105 and a Geologic Hazards Permit Form 1 Geotechnical Reconnaissance and Stability Study in Exhibit A.102.

Additionally, a Geologic Hazards Permit Worksheet has been prepared and submitted (Exhibit A.103). These reports generally summarize investigations to evaluate subsurface site conditions and to provide geotechnical recommendations for site development. *This information satisfies the submittal requirements of 3(b).*

(c) A GHP Form– 1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with their stamp and signature affixed indicating that the site is suitable for the proposed development.

Staff: A GHP Form-1, completed and signed and certified by a Certified Engineering Geologist (CEG) is presented as Exhibit A.102. The CEG found that the possibility of proposed earthwork causing stability problems was possible, but remote. No additional geotechnical studies were recommended by the CEG beyond the geotechnical report that had already been prepared (Exhibit A.105). The geotechnical report in Exhibit A.105 (page 7) concludes that the development site is suitable from a geologic standpoint for support of conventional spread foundations if the recommendations outlined in the report are followed. *Following all geotechnical recommendations made by GeoPacific Engineering, Inc. has been made a condition of approval. This standard has been met.*

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

[a] A geotechnical investigation in preparation of a geotechnical report 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 landslide hazards.

[b] 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.

[c] 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.

[d] The director, at the applicant's expense, may require an evaluation of GHP Form– 1 or the geotechnical report by another Certified Engineering Geologist or Geotechnical Engineer.

Staff: No need for further investigation has been recommended by the applicant's geotechnical professionals and the director does not request any additional geotechnical studies, maps or reports.

(4) Documentation of approval by each governing agency having authority over the matter of any new stormwater discharges into public right-of-way.

Staff: Approval by Multnomah County transportation will be required before land use signoff of building plans for any stormwater discharges into the public right-of-way. The memo from County Transportation in Exhibit A.7 describes stormwater discharge requirements. *Compliance with this standard will be met through a condition of approval.*

(5) Documentation of approval by the City of Portland Sanitarian and any other agency having authority over the matter of any new stormwater surcharges to sanitary drainfields.

Staff: No new surcharge of stormwater to an existing sanitary drainfield is proposed given the site is currently vacant. *This criterion is not applicable to this development request.*

7.3 Geologic Hazards Permit Standards (MCC 39.5090)

A Geologic Hazards (GH) permit shall not be issued unless the application for such permit establishes compliance with MCC 39.6210 and satisfaction of the following standards:

(A) The total cumulative deposit of fill on the site for the 20-year period preceding the date of the application for the GH permit, and including the fill proposed in the GH permit application, shall not exceed 5,000 cubic yards. For purposes of this provision, the term “site” shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area.

Staff: This standard requires confirmation that no more than 5,000 cubic yards of fill will be imported to a site including any proposed fill importation related to the development request and any fill that has been placed on the site over the past 20-years. Scenarios resulting in greater than 5,000 cubic yards of cumulative fill deposit require a Large Fill permit instead.

The applicant has not indicated that fill has previously been placed on the site and staff is not aware of any historic fill importation activities. The geotechnical report in Exhibit A.105 finds undocumented fill was not encountered during field explorations. The applicant originally considered importing close to 5,000 cubic yards to the site but ultimately revised the proposal to avoid the need to import any fill material property (see updated information in Exhibit A.97). *This standard is met.*

(B) Fill shall be composed of earth materials only.

Staff: The applicant’s geotechnical professional indicates within Exhibit A.102 that fill will consist of approved native soils from cuts and placed as engineered fill. Soil is an earth material. *This standard is met.*

(C) Cut and fill slopes shall not exceed 33 percent grade (3 Horizontal: 1 Vertical) unless a Certified Engineering Geologist or Geotechnical Engineer certifies in writing that a grade in excess of 33 percent is safe (including, but not limited to, not endangering or disturbing adjoining property) and suitable for the proposed development.

Staff: This standard requires an additional geotechnical assessment if cut or fill slopes exceed 33%. The reason for this requirement is due to the potential for slope instability which increases on steeper slopes as either additional weight is added to a slope (fill) or supporting material is removed (cut). The Geologic Hazards Permit Form 1 in Exhibit A.102 describes cuts and fills up to slopes of 2H:1V (2 Horizontal: 1 Vertical), which equals 50% grade. A 50% grade is steeper than a 33% grade referenced in the standard. Therefore, the additional geotechnical assessment is required.

Within Exhibit A.102, the Certified Engineering Geologist concludes the proposed development will not create potential stability problems for the subject and/or adjacent properties and the potential for stability problems caused by earthwork is possible, but remote. Additionally, the geotechnical report in Exhibit A.105 (page 7) concludes that the proposed home site location is suitable from a geologic standpoint for support of conventional spread foundations provided that the recommendations outlined in the report are followed. A statement from a Certified Engineering Geologist that a site is suitable equates to a requirement that a professional find a development site is safe. Following all geotechnical recommendations made by GeoPacific Engineering, Inc. has been made a condition of approval. *This standard is met through a condition of approval.*

(D) Unsupported finished cuts and fills greater than 1 foot in height and less than or equal to 4 feet in height at any point shall meet a setback from any property line of a distance at least twice the height of the cut or fill, unless a Certified Engineering Geologist or Geotechnical Engineer certifies in writing that the cuts or fills will not endanger or disturb adjoining property. All unsupported finished cuts and fills greater than 4 feet in height at any point shall require a Certified Engineering Geologist or Geotechnical Engineer to certify in writing that the cuts or fills will not endanger or disturb adjoining property.

Staff: This standard requires additional geotechnical assessment when certain cuts and fills (up to 4-feet tall) are either located near a property line, or are over 4-feet in height. A Certified Engineering Geologist has confirmed that “Cuts up to 16 feet at 2H:1V and fills up to 19 feet at 2H:1V or less” are proposed (Exhibit A.102).

One unsupported slope near a property line is seen on page 7 of 9 within Exhibit A.84 where unsupported driveway fill slopes come to with an estimated 8.5-feet of a property line. It appears from site plan contours that this fill slope will have a height of roughly 10-feet. An unsupported cut roughly 8-feet tall is also proposed extending to the northern property line north of the recreational accessory building (see page 9, Exhibit A.94). Therefore, the additional geotechnical assessment is required.

Within Exhibit A.102, the Certified Engineering Geologist concludes the proposed development will not create potential stability problems for the subject and/or adjacent properties and the potential for stability problems caused by earthwork is possible, but remote. A Certified Engineering Geologist has reviewed the proposed ground disturbing activities and provided geotechnical observations and recommendations in Exhibits A.102, A.103 and A.105. *This standard is met.*

(E) Fills shall not encroach on any water body unless an Oregon licensed Professional Engineer certifies in writing that the altered portion of the waterbody will continue to provide equal or greater flood carrying capacity for a storm of 10-year design frequency.

Staff: This standard requires additional information if fill is to be placed in a water body. The applicant's Certified Engineering Geologist confirmed on page 6 of Exhibit A.103 that no fill is planned within a water body. *This proposed development plan does not trigger a need for this additional information.*

(F) Fill generated by dredging may be deposited on Sauvie Island only to assist in flood control or to improve a farm's soils or productivity, except that it may not be deposited in any SEC overlay, WRG overlay, or designated wetland.

Staff: This criterion is not applicable. The project is located in the Tualatin Mountains (aka West Hills), and not on Sauvie Island which is located east of the subject properties.

(G) On sites within the Tualatin River drainage basin, erosion, sediment and stormwater drainage control measures shall satisfy the requirements of OAR 340-041-0345(4) and shall be designed to perform as prescribed in the most recent edition of the City of Portland Erosion and Sediment Control Manual and the City of Portland Stormwater Management Manual. Ground-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 340-041-0345(4) is approved for alterations within the buffer area.

Staff: This standard requires a mitigation plan consistent with Department of Environmental Quality nonpoint source water quality protection measures of OAR 340-041-0345(4) if ground disturbance is proposed within 100 feet of a water body (including wetlands) or if the project area is located within the Tualatin River drainage basin. Within the Tualatin River drainage basin, erosion sediment and stormwater drainage control measures must also be designed to perform as prescribed in the City of Portland Erosion and Sediment Control and Stormwater Manuals. This project is subject to the criteria described above given the site is located within the Tualatin River drainage basin and because the applicant indicates in Exhibit A.53 narrative that the realigned driveway crosses Wetland A.

After reviewing plan sheets P1-P9 in Exhibit A.84, The applicant's Certified Engineering Geologist indicated that it is *"our opinion that the proposed erosion and sediment control plans have been designed to perform as prescribed in the City of Portland Erosion and Sediment control and Stormwater manuals and meet DEQ water quality provisions of OAR 340-041-0345(4) provided proper inspections are performed at the frequency described on Sheet P1 by the permittee's site inspector (Pioneer Design Group) to ensure the erosion and sediment control measures are constructed per the design or modified design based on specific site conditions encountered during construction."*

Inspection frequency noted on plan sheet P1 in Exhibit A.84 ranges from *daily, weekly, monthly and once* depending on the site condition. Complying with the inspection frequency noted on this plan sheet has been made a condition of approval. *This standard is met.*

(H) Stripping of vegetation, ground disturbing activities, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction.

Staff: The applicant's Certified Engineering Geologist indicates on page 3 of Exhibit A.103 *"any stripping, grading, or ground disturbing activities will be done as minimalistic as possible and any disturbed areas will have erosion control measures in place before and during these activities."* Erosion and Sediment Control BMP Implementation note 4 within Exhibit A.84 (page 8) states *"All 'sediment barriers (to be installed after grading) shall be installed immediately following the establishment of finished grade as shown on these plans."* The applicant has provided sufficient evidence that the plans have been designed in a way that meets this standard.

(I) 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.

Applicant Response: *The proposed development plans minimize cut and fill operations to the degree practicable. The majority of the cut/fill operations are related to improvements to the existing logging road, to provide access to the dwelling, as well as to maintain access for logging purposes. Appropriate storm drainage and erosion control measures, including temporary vegetation and/or mulching as needed to minimize erosion will be employed.*

Staff: The applicant must demonstrate that cut and fill operations are minimized to help reduce impacts caused by altered topography, namely erosion. The applicant is proposing a total of 9.2-acre of ground disturbance and 44,998 cubic yards of cut material which will all be utilized on-site as fill (Exhibits A.102, A.96 & A.97). The applicant states above that the majority of cut and fill operations are related to improvements converting the existing logging road to an access way meeting single family dwelling emergency response access requirements related to width, grade, required pullouts and turnarounds for emergency service vehicles. The TVFR Deputy Fire Marshal has reviewed and conditionally approved the proposed access modifications and indicated the access improvements are required by TVFR to meet Oregon Fire Code requirements (Exhibit A.107).

The site plan in Exhibit A.96 illustrates the locations where fill will be placed on site. The majority (57.2%) will be placed along the driveway road shoulder. The erosion control plan in Exhibit A.84 shows where cuts and all other fills (from on-site materials) will occur. In addition to the driveway, fill is proposed extending 25- feet west of the dwelling development area footprint and 50-feet south of the dwelling. Cuts are proposed to extend 30 feet to the north of the sports court. Such cuts and fills are proposed around the structures and sports court to help provide a level building pad given the southwesterly natural slope across the development area. This approach is typical of residential development utilizing traditional foundation design. The creation of the level building pads also helps the applicant provide adequate emergency vehicle access around the buildings as required by Tualatin Valley Fire and Rescue (Exhibit A.107).

Another notable area where topography is being altered through cut and fill operations is for the creation of a storm drainage dispersion ditch the south of the dwelling across (south of) the driveway (Exhibit A.58). A combination of cutting and filling will be used to create a flat

depression in the hillside adequate to retard storm water runoff from uphill impervious surfaces. Similar cut and fills, but on a smaller scale, are found in the vicinity of the driveway entrance to the public road. This earthwork is necessary to create a storm drainage dispersion ditch (to be lined with class 50 riprap) and hardened culvert inlet protection on either side of the private driveway culvert (see page 5, Exhibit A.84). These cut and fill activities are designed to help slow the storm water runoff velocity which is precisely the intent of this standard. Staff finds the proposed cuts and fills support the required development and are necessary for safe access meeting fire apparatus standards, leveling building pads and constructing stormwater control facilities. *This standard is met.*

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

Staff: The applicant's narrative proposes the use of appropriate storm drainage and erosion control measures, including temporary vegetation and/or mulching as needed to minimize erosion (Exhibit A.53). Proposed best management practices detailed within Exhibit A.84 include the use of organic mats/blankets installed on disturbed slopes. 'Grading, Street and Utility Erosion and Sediment Control Note 6'. On page 8 of Exhibit A.84 states "*Exposed cut or fill slopes shall be stabilized through the use of temporary seeding and mulching, erosion control blankets or mats, mid-slope sediment fences or wattles or other appropriate measures. Slopes exceeding 25% may require additional erosion control measures.*" Staff finds the use of seeding, mulching, erosion control blankets/mats and wattles qualifies as temporary vegetation and/or mulching. *This standard has been met.*

(K) 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 subsection (K)(1) may only be disturbed upon the approval of a mitigation plan which utilizes erosion, sediment, and stormwater control measures designed to perform as effectively as those prescribed in the most recent edition of the City of Portland Erosion and Sediment Control Manual and the City of Portland Stormwater Management Manual and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River drainage basin in OAR 340-041-0345(4).

Applicant Response: *Removal of native vegetation will be minimized. The Development Plans identify and maintain the 150-foot buffer from the stream, as addressed in the Environmental Assessment attached hereto. The driveway is proposed to be realigned to remove all current encroachment in the outer 150-foot buffer, with restoration of the prior encroachment area to natural conditions.*

Wetland impacts are also addressed in the Environmental Assessment and in the Wetland Delineation Assessment. Wetland impacts are limited to (Wetland A), where the realigned driveway crosses it, which is slightly north of the alignment of the old logging road. Consequently, mitigation for the wetland impacts will be a combination of restoration and

enhancement. The Environmental Assessment also provides a Resource Area Mitigation and Enhancement Plan.

Staff: This standard either requires a 100-foot undisturbed buffer between any stream or wetland or approval of an erosion control plan meeting the water quality standards of OAR 340-041-0345(4).

Ground disturbing activities are proposed within Wetland A, and within 100-feet pf Wetland B and Wetland C (Exhibit A.84). One tree, located 95.7-feet from Stream A, is proposed to be removed (see page 2, Exhibit A.79). The same plan sheet shows, ten (10) trees proposed for removal within 100-feet of (east of) Wetland-A and approximately 12 (12) trees proposed for removal northwest and west of Wetland C. Staff finds a 100-foot undisturbed buffer required in (K)(1) will not be provided. Therefore, the applicant must meet the requirements of (K)(2) when a mitigation plan meeting the water quality requirements of OAR 340-041-0345(4) is submitted.

Elizabeth Rapp, Certified Engineering Geologist confirms within Exhibit A.103 that the site is within the Tualatin River basin. A mitigation plan meeting the requirements of OAR 340-041-0345(4) must be met when land-disturbing activity is within 100-feet of a water body. Ms. Rapp confirms within Exhibit A.103 that erosion and sediment control measures will be utilized such that no visible or measurable erosion will occur and she confirms in Exhibit A.98 that the erosion and sediment control plans in Exhibit A.84 have been designed to meet the water quality requirements of OAR 340-041-0345(4). *This standard has been met.*

(L) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical.

Staff: The applicant's Certified Engineering Geologist indicates in Exhibit A.103 that "*any disturbed areas will have erosion control measures in place before and during these (ground disturbing) activities*", and "*The storm design provides for open field sheet flow to the greatest degree practicable, as required by the Forest Zone*", and "*Provisions such as straw wattles or slope matting shall be used on cut and fill slopes until seeding is established*". A geotechnical recommendation provided within Exhibit A.105 by the applicant's Certified Engineering Geologist requires that "*cut and fill slopes should be seeded or planted as soon as possible after construction, so that vegetation has time to become established before the onset of the next wet-weather season.*" The property owner is required to comply with all geotechnical recommendations. *This standard is met.*

(M) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary.

Staff: The applicant states within narrative responses in Exhibit A.53 that "*The proposed Development Plans include appropriate Storm Drainage and Erosion Control measures to protect the cut face of excavations and the sloping surfaces of fills. The storm drainage plan ensures adequate carrying capacity of existing and added storm flows and directs flows from the house and driveway to drywells or return to sheet flow. No site development related storm water is discharged directly to the stream.*"

The applicant's geotechnical professional states in Exhibit A.103 that "*proposed drainage ditches that divert runoff will be rip-rap lined to minimize erosion potential*", and "*provisions such as straw wattles or slope matting shall be used on cut and fill slopes until seeding is established*", and "*Increased runoff has been controlled by the use of rip-rap ditches and diversion ditches that store and release runoff at a more natural state.*" The applicant has adequately addressed this standard.

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

Staff: The applicant's Certified Engineering Geologist indicates on page 3 of Exhibit A.103 "*any stripping, grading, or ground disturbing activities will be done as minimalistic as possible and any disturbed areas will have erosion control measures in place before and during these activities.*" Erosion and Sediment Control BMP Implementation note 4 within Exhibit A.84 (page 8) states "*All 'sediment barriers (to be installed after grading) shall be installed immediately following the establishment of finished grade as shown on these plans.*" This standard is met.

(O) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding.

Staff: The intent of this provision is to avoid the creation of disturbed slopes (cut or fill) that are left exposed to the impacts of surface water including rain impact and stormwater runoff, whether by concentrated flow or sheet flow. The applicant's geotechnical professional states in Exhibit A.103, "*provisions such as straw wattles or slope matting shall be used on cut and fill slopes until seeding is established*".

(P) All drainage measures shall be designed to prevent erosion and adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural water bodies, drainage swales, or an approved drywell system.

Staff: This standard aims to have concentrated stormwater runoff, from impervious surfaces for example, directed to areas designed to accept runoff such as ditches, stormwater basins, etc. The applicant states within narrative responses in Exhibit A.53 that "*The proposed Development Plans include appropriate Storm Drainage and Erosion Control measures to protect the cut face of excavations and the sloping surfaces of fills. The storm drainage plan ensures adequate carrying capacity of existing and added storm flows and directs flows from the house and driveway to drywells or return to sheet flow. No site development related storm water is discharged directly to the stream.*" The erosion and sediment control plans in Exhibits A.84 & A.58 show the use of stormwater drainage paralleling the driveway and stormwater basins along various sections of the development including the driveway entrance, along the driveway and south (downhill) of the proposed structures. This standard has been satisfied.

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

Staff: This standard requires drainage swales to be vegetated, or otherwise protected, to avoid hydraulic scour. The applicant's geotechnical professional states in Exhibit A.103 that *"proposed drainage ditches that divert runoff will be rip-rap lined to minimize erosion potential"*, and *"Increased runoff has been controlled by the use of rip-rap ditches and diversion ditches that store and release runoff at a more natural state."* Staff notes that the erosion and sediment control plan in Exhibit A.84 shows class 50 sized rip-rap lining the storm drainage dispersion ditch south of the dwelling, the storm drainage dispersion ditches along the driveway alignment at the first and second steep bend in the driveway, and within the storm drainage dispersion ditch near the driveway entrance at NW 124th Avenue. Class 50 riprap lining drainage swales is a design that qualifies as protection as required by this standard.

(R) Erosion and sediment control measures must be utilized such that no visible or measurable erosion or sediment shall exit the site, enter the public right-of-way or be deposited into any water body or storm drainage system. Control 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: This standard establishes that no visible or measurable erosion shall result, and provides examples of erosion and sediment control best practices. Adequate control measures, like the examples listed above, are described by the geotechnical professionals hired by the applicant (Exhibits A.103, A.102 and A.105). Such measures are also illustrated on the erosion and sediment control plans in Exhibit A.84. More specific to this standard, Ms. Rapp confirms within Exhibit A.103 that erosion and sediment control measures will be utilized such that no visible or measurable erosion will occur. *A signature and professional seal by a Certified Engineering Geologist on the Geologic Hazards Permit Worksheet in Exhibit A.103 satisfies this requirement.*

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

Staff: This standard requires that either stockpiles be covered or located away from waterbodies to minimize potential sedimentation impacts. A rectangular stockpile area is designated north of the driveway near the entrance at NW 124th (Sheet 5, Exhibit A.84). Sediment fencing is shown surrounding that stockpile area, and lining the southern side of the driveway. Staff finds two layers of sediment fencing between the stockpile and stream located roughly 1,400 feet to the southwest (measured in a downhill direction paralleling site contours) can reasonably be expected to prevent erosion into water bodies.

Another stockpile location is noted on sheet 8 within Exhibit A.84 between the dwelling and sports court area (former location of the recreational accessory structure). This stockpile is also surrounded by a sediment control fencing, and a second fence is located south of the driveway downhill of that stockpile located roughly 1,300 feet from the stream, measured in a downhill

direction paralleling site contours. *The use of sediment fencing and remote locations away from water bodies meet this standard.*

(T) 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: This standard requires containment of chemicals and associated wastewater (from equipment cleanup, for example). Construction staging equipment areas have been designated immediately downhill of both stockpile areas and the staging equipment areas (Exhibit A.84). A Certified Engineering Geologist states in Exhibit A.103 that “*Best management practices will be employed regarding equipment fueling and wastes to be disposed of in an appropriate manner.*” *Staff finds the applicant has adequately considered ways to contain possible chemical spills related to the construction activities.*

(U) On sites within the Balch Creek drainage basin, erosion, sediment, and stormwater control measures shall be designed to perform as effectively as those prescribed in the most recent edition of the City of Portland Erosion and Sediment Control Manual and the City of Portland Stormwater Management Manual. All ground disturbing activity 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: This standard requires certain erosion and sediment control measures to be followed, and establishes limits on construction timelines within the Balch Creek basin. Balch Creek is a tributary of the Willamette River located on the east side of the Tualatin Mountains. This project is not located within the Balch Creek drainage. The subject property is in the Tualatin River drainage basin on the west side of the Tualatin Mountains. *This standard is not applicable.*

(V) Ground disturbing activities within a water body shall use instream best management practices designed to perform as prescribed in the City of Portland Erosion and Sediment Control Manual and the City of Portland Stormwater Management Manual.

Staff: This standard requires certain best practices when ground disturbing activity is proposed within a water body. The only ground disturbing activities proposed within a water body will occur when 81 feet of driveway improvements bisect 0.169 acre ‘Wetland A’ identified on page 6 of Exhibit A.84. A wetland is a type of water body. Improvements include:

- Installation of a Type 4 storm water inlet on the north side of the driveway;
- Installation of a 7-foot by 8-foot class 50 sized rip-rap drainage pad;
- Ditch improvements north of the driveway; and
- Construction of an ultra-block gravity wall north of the driveway ditch to help minimize the footprint of slope disturbance required in the wetland area.

A series of bio-bag check dams will be placed roughly 95-feet apart within the driveway drainage ditch uphill of Wetland A (Exhibit A.84). This BMP will help minimize turbidity entering the Wetland. Staff finds the use of an inlet drainage, riprap energy dissipation pad, retaining wall and bio-bag energy dissipation and filtration design provides adequate best management practices. *This standard is met.*

(W) The total daily number of fill haul truck trips shall not cause a transportation impact (as defined in the Multnomah County Road Rules) to the transportation system or fill haul truck travel routes, unless mitigated as approved by the County Transportation Division.

Staff: This standard requires evaluation of the total daily number of truck trips involved with either importing earthen fill to a site, or hauling earthen fill off a site. The applicant originally proposed importation of 4,472 cubic yards of additional fill materials from offsite. The applicant subsequently amended the application to avoid the need to import any fill materials from offsite (Exhibit A.97). The applicant is proposing to re-use all cut material excavated as on-site fill and will not be hauling off any earthen material (Exhibit A.97). Therefore, the proposal does not involve any fill haul truck trips. No transportation impact related to fill haul truck trips will occur. *This standard is met.*

(X) Fill trucks shall be constructed, loaded, covered, or otherwise managed to prevent any of their load from dropping, sifting, leaking, or otherwise escaping from the vehicle. No fill shall be tracked or discharged in any manner onto any public right-of-way.

Staff: Importation of off-site fill materials is not proposed. On-site trucks redistributing soil materials (from cuts to filled areas) will not be entering a public right-of-way. *This standard is not applicable.*

(Y) No compensation, monetary or otherwise, shall be received by the property owner for the receipt or placement of fill.

Staff: All fill will come from on-site cut sources. The property owner will not be receiving fill from offsite. *This standard is not applicable.*

8.0 SIGNIFICANT ENVIRONMENTAL CONCERN FOR STREAMS

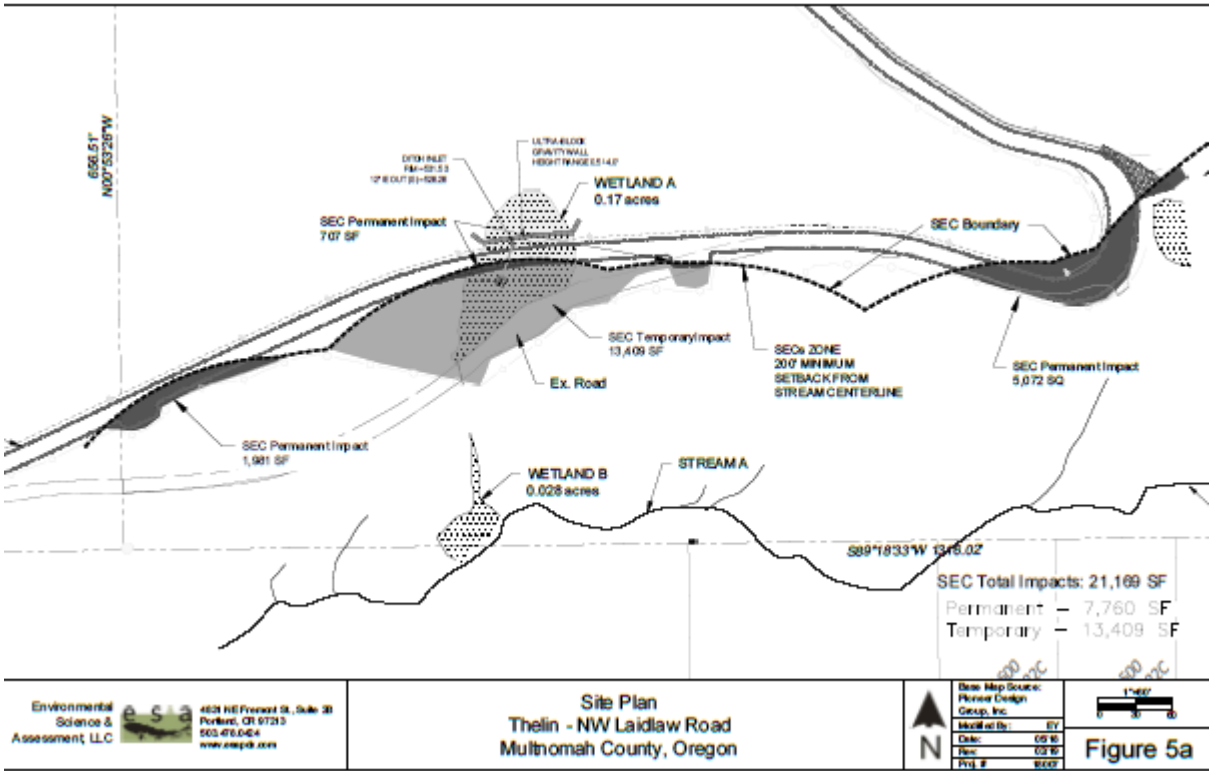
8.1 SEC Permit Required (MCC 39.5510)

(A) All uses allowed in the base zone are allowed in the SEC when found to satisfy the applicable approval criteria given in such zone and, except as provided in MCC 39.5515, subject to approval of an SEC permit pursuant to this Subpart.

Staff: The information most relevant to this section of the report is found in the SEC-s Assessment Report prepared by Environmental Science & Assessment, LLC in Exhibit A.106. The applicant's responses to the SEC-s criteria in Exhibit A.53 are outdated and based on the applicant's earlier incorrect understanding of the adopted SEC-s buffer width. While preparing the application, the applicant understood the adopted SEC-s buffer was narrower than it actually is and concluded that the driveway could be realigned to avoid the SEC-s buffer. Staff confirmed during review of the application materials that this was not the case and the

applicant submitted a revised report in Exhibit A.106 based on this updated information. Staff will use the most recent information presented within the SEC-s Assessment Report in Exhibit A.106 to assess the SEC-s approval criteria.

The applicant proposes improvements to the exiting driveway along a roughly 500-foot driveway segment passing through the SEC-streams overlay below. A portion of the existing logging road will be relocated north (away from the protected unnamed stream) to reduce impacts on the SEC-s overlay as seen in the screenshot below taken from page 16 (figure 5a of Exhibit A.106). No other portion of the project enters the SEC overlay on the subject tract. The driveway will serve the proposed single-family dwelling and accessory structures which are Review Uses listed in the base zone. Therefore, the improvements proposed within the SEC overlay are subject to an SEC permit as required in MCC 39.5510(A).



8.2 Applicable Approval Criteria (MCC 39.5525)

(A) The approval criteria that apply to uses in areas designated SEC-sw, SEC-v, SEC-w, SEC-s, SEC-wr, SEC-h on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

Zoning Designation	Approval Criteria (MCC#)
SEC-s (streams)	39.5750

Staff: The only relevant SEC zoning overlay related to the proposed development is SEC-s which is subject to MCC 39.5750 addressed in Section 8.5 of this report.

(B) An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

Staff: This provision is not applicable to this request. The subject property is mapped with only one SEC overlay and therefore there is no possibility of conflicting criteria for more than one protected resource.

(C) For protected stream resources, the approval criteria shall be used to determine the most appropriate location, size and scope of the proposed development, in order to make the development compatible with the purposes of this Overlay, but shall not be used to prohibit a use or be used to require removal or relocation of existing physical improvements to the property. Any proposed development must comply with the approval criteria in order to be approved.

Staff: This standard emphasizes that the SEC approval criteria shall be used to help guide the location, size and scope of the proposed development and not be used to prohibit a use or require removal or relocation of existing physical improvements. A relevant example for this project is the existing logging road, which will be partially relocated and improved within the SEC-s overlay to better serve the future residential use while minimizing impacts on the protected stream buffer. The partial relocation of the driveway further from the stream was proposed by the applicant and not required by staff.

8.3 SEC Permit – Required Findings (MCC 39.5530)

A decision on an application for an SEC permit shall be based upon findings of consistency with the purposes of the SEC and with the applicable criteria for approval specified in MCC 39.5540 through 39.5860.

Staff: Findings of fact for the relevant criteria specified in MCC 39.5540 and 39.5750 are provided below in sections 8.4 and 8.5 of this report.

8.4 General Approval Criteria for all SEC permits (MCC 39.5540)

The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, cultural areas, and wild and scenic waterways that are designated SEC on Multnomah County sectional zoning maps. Any proposed activity or use requiring an SEC permit shall be subject to the following:

(A) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.

Staff: The primary use proposed is a single-family dwelling that has been located outside of the SEC-s overlay and is not subject to these standards. The same is true for the accessory structures proposed in support of the dwelling which also will be located outside the SEC-s overlay. The only supporting development located in the SEC-s overlay is the existing logging

road, which will be improved to better serve the future residential use and a segment of that driveway partially relocated further north away from the protected stream. The applicant has estimated required grading of the new driveway within the SEC-s overlay will result in 13,409 square feet (0.31-acre) of temporary impacts in the SEC-s overlay and 7,760 square feet (0.18-acre) permanent impacts (Exhibit A.106).

The applicant has voluntarily proposed to relocate all by a 500-linear foot segment of the existing logging road to lands outside of the SEC-s overlay to help provide the maximum possible landscaped area between the use (the access road) and the protected stream. Figure 6 in Exhibit A.106 identifies a 141,464 square foot preservation area on the property between the logging road and the stream as well as over 28,000 additional square feet for future riparian restoration and enhancement after a section of the logging road is relocated an average of roughly 80-feet to the north. *This standard is met.*

(B) Agricultural land and forest land shall be preserved and maintained for farm and forest use.

Staff: Staff is not aware of any commercial agricultural practices occurring on this site. The proposed improvements to the logging road will allow this access to not only serve the dwelling but also continue to be used for future logging (commercial forest) use. The proposed improvements in the SEC-s overlay will help preserve the on-site forest use. *This standard is met.*

(C) A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.

Staff: All buildings and structures are proposed outside of the SEC-s overlay. The applicant has voluntarily proposed to partially relocate a portion of the existing logging road outside of the SEC-s overlay so that only 500-feet of road within the SEC-s overlay must be improved to serve as a residential driveway. The logging road does not need to be “located” because it is already in existence. *Staff finds this standard is not applicable to this particular request.*

(D) Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.

Staff: This application involves only private property. The applicant is not obligated to provide public recreational needs. Members of the family and the family’s guests, will use the proposed driveway to reach the dwelling site which will provide for any needed private recreational needs. The personal recreational uses proposed (outdoor pool and outdoor sports court) would not overburden the carrying capacity of the land given the non-commercial scale of any recreational activity. *This standard is met.*

(E) The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

Staff: Improving the logging road to meet residential access requirements will help improve safety for owners and guests traveling through the property. Concerns of vandalism and

trespass can be managed by the property owner using surveillance and alarm technologies. The installation of a driveway gate on private property may also help, along with other preventative measures if determined necessary by the property owner.

(F) Significant fish and wildlife habitats shall be protected.

Staff: Areas designated as significant are mapped as SEC-s. A finding of compliance with the SEC-s criteria in MCC 39.5750 equates to a finding of adequate protection for the provision of sub (F) above.

(G) The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion, and continuous riparian corridors.

Staff: Figure 6 in Exhibit A.106 identifies a 141,464 square foot preservation area on the property between the logging road and the stream as well as over 28,000 additional square feet for future riparian restoration and enhancement after a section of the logging road is relocated an average of roughly 80-feet to the north. The proposal protects and enhances natural vegetation along the protected stream corridor to the maximum extent practicable.

(H) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.

Staff: No known archaeological areas are known to exist in the SEC-s overlay on this property.

(I) Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.

Applicant's Response:

“SEC-s Impacts

Grading for the new driveway will result in disturbance of a total of 21,169 SF (0.49 ac) of the SEC, including 7,760 SF (0.18 ac) of permanent impact and 13,409 SF (0.31 ac) of temporary impact (Figure 6a).

Wetlands

Construction of the new driveway will result in impacts to Wetland A totaling 5,929 SF (0.13 ac), of which 2,334 SF (0.05 ac) are permanent impact and 3,595 SF (0.08 ac) are temporary. Permanent impact to wetlands within the SEC totals 317 SF. Temporary impacts to wetlands within the SEC total 3,595 SF (0.08 ac). A summary of these impacts is included in Table 1.

Table 1. SEC-s Impact Summary

	<i>Permanent (ac)</i>	<i>Temporary (ac)</i>	<i>Total (ac)</i>
<i>SEC-s</i>	<i>0.31</i>	<i>0.18</i>	<i>0.49</i>

Wetland w/in SEC	0.01	0.08	0.09
Wetland adj. to SEC	0.05	0.08	0.13

PROPOSED MITIGATION

No impacts to the stream will result from construction of the new driveway. A 560-foot segment of the existing access road will be removed and restored with native plant species, including a 100-foot segment where historic wetland conditions will be reestablished (See Figure 6). A forested area totaling 3.25 acres immediately south of the existing access road will also be designated for preservation.

Table 2. SEC-s Mitigation Summary

	<i>Enhancement (acres / square-feet)</i>	<i>Restoration (acres / square-feet)</i>	<i>Preservation (acres / square feet)</i>	<i>Total (acres / square feet)</i>
<i>Riparian</i>	<i>0.55 /23,730</i>	<i>0.12 /5,409</i>	<i>3.25 /141,464</i>	<i>3.92 /170,603</i>
<i>Wetland</i>	<i>0.08 /3,570</i>	<i>0.05 /1,998</i>	<i>n/a</i>	<i>0.13 /5,568</i>

The portion of Wetland A within the SEC-s zone limits will also be enhanced with native plantings, and the existing access road at the southern end of Wetland A will be removed to create a restored wetland area totaling 1,998 square feet. It is anticipated that the removal of the existing gravel roadway south of Wetland A will allow wetland conditions to expand southward, following the natural slope drainage (Figure 6).

The remainder of the existing gravel road within the SEC-s zone (approximately 460 linear feet) will also be removed and replanted, resulting in an additional 5,409 square feet of restored riparian habitat. No trees will be removed to construct the new access road. Wetland restoration both within and outside the SEC-s zone limits totals 5,612 square feet and will include installation of soil amendments and wetland plantings (Figure 6).

A complete list of proposed plant species, locations and quantities is included in Figure 6, SEC-s Planting Plan. The total plant quantities outlined in the planting plan is based on a density of 1,600 stems/acre for restoration areas to restore to the approximate density of surrounding area, and a density of 400 stems/acre for enhancement areas to increase overall diversity.

Staff: Figure 5a (page 16) within Exhibit A.106 identifies four locations that qualify as either water areas, or wetlands in the vicinity of the SEC overlay: Stream A (the protected SEC-s stream), Wetland A (0.17-acres), Wetland B (0.028 acres) and Wetland C (staff unable to find acreage reported for Wetland C in submitted materials). The proposed development along the

access driveway avoids Wetland B and Wetland C. The applicant describes the following anticipated impacts with the SEC overlay and within Wetland A in Exhibit A.106 which is summarized above in the applicant's response. In summary, the applicant's environmental consultant concludes:

- *"No impacts to the stream will result from construction of the new driveway";*
- *"Construction of the new driveway will result in impacts to Wetland A, totaling 5,929 SF (0.13 ac), of which 2,334 SF (0.05 ac) are permanent impact"; and*
- *"The portion of Wetland A within the SEC-s zone limits will also be enhanced with native plantings, and the existing access road at the southern end of Wetland A will be removed to create a restored wetland area totaling 1,998 square feet. It is anticipated that the removal of the existing gravel roadway south of Wetland A will allow wetland conditions to expand southward, following the natural slope drainage (Figure 6)."*

Overall, the applicant anticipates a total of 1.29 acres of SEC-s impact, which will be offset with a total of 4.05 acres of SEC-s mitigation. Staff finds the proposal exceeds this criterion's requirement of retention of protected areas given the proposed mitigation area exceeds the area of impact by a factor of more than three times. Generally, mitigation involves removal of invasive species and establishing a total of 520 plants in identified restoration areas and establishing 486 plants in identified enhancement areas. Additionally, hydroseed at a rate of 35 pounds per acre will also be used to help mitigate any temporary damage (see Figure 6, Exhibit A.106). *This standard is met.*

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

Staff: The applicant has applied for a Geologic Hazards permit, which ensures erosion, and sediment control measures will minimize risk of un-natural levels of soil movement. Erosion and sediment control measures proposed by the applicant are illustrated within Exhibit A.84. Measures in the vicinity of the SEC-s overlay include bio-bag check dams in the ditch north of the driveway, inlet protection and associated 7-foot by 8-foot class 50 rip rap outlet protection, and installation of sediment fencing downhill of all disturbed areas. The applicant is required to establish and properly maintain all measures. *This standard has been met.*

(K) The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.

Staff: Establishing a dwelling on the property will result in additional vehicular trips along the driveway which, once re-aligned, will pass through the SEC-s overlay for approximately 500-feet. This roughly halves the distance the existing forest practice road passes through the SEC-s overlay. Although the proposed improvements will result in an increase in vehicular activity, that activity will largely be moved further from the SEC-s area. The applicant is also proposing to enhance the quality of the riparian area between the driveway and SEC-s stream with an additional 486 plants, which will help preserve the quality of air and water and help reduce ambient noise levels. Staff finds the driveway improvements will result in no measurable change to either the air and water quality or the ambient noise levels within the SEC-s area.

(L) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.

Staff: No structures or signs are proposed within the SEC-s overlay. The driveway lighting plan in Exhibit A.86 shows three light poles to be erected in the vicinity of the SEC-s overlay, but each along the north side of the existing/relocated portions of the driveway which will be outside of the SEC-s overlay. The existing access road will be widened and hardened to accept residential traffic and all changes will be at grade. Disturbed areas will be replanted and/or hydroseeded. Staff finds the design of the proposed driveway changes will be compatible with the natural quality of the areas of significant environmental concern. *This standard is met.*

(M) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.

Staff: No areas of fragile or endangered plant habitat is known to exist in the vicinity of the SEC-s access road improvements. *This criterion does not apply.*

(N) The applicable policies of the Comprehensive Plan shall be satisfied.

Staff: Policies of the Comprehensive Plan relating to residential development have mostly been implemented through the adoption of the SEC-s zoning code. However, Comprehensive Plan Policy 11.13 requires disposal of wastewater for new development either through connection to a public sewer or through a private system that meets Oregon Department of Environmental Quality regulations. The applicant has not provided evidence of approval through either method. A condition has been established requiring the applicant to demonstrate approval by the City of Portland Sanitarian before land use signoff for building plan check. *This standard is met through a condition.*

8.5 Approval Criteria for SEC-Streams Permits (MCC 39.5750)

(A) For purposes of this Section, the following terms and their derivations shall have the meanings provided below:

(1) Nuisance and invasive non-native plants – Those plants listed in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, and include those plants listed in the latest edition of the State of Oregon Noxious Weed List.

(2) Protected Streams -- Those streams which have been evaluated through a Goal 5 ESEE analysis and protected by Ordinance and those streams and wetlands mapped by Metro's Title 13 as Habitat Conservation Areas as modified through the planning process are designated SEC-s on the Multnomah County Zoning Maps.

(3) Stream Conservation Area – For the protected streams originally designated by Ordinance, the Stream Conservation Area designated on the zoning maps as SEC-s is an area extending upslope from and perpendicular to the centerline on both

sides of a protected stream. The width of the Stream Conservation Area varies and shall be as depicted on the Multnomah County Zoning Maps and is from the centerline on both sides of the protected stream for the width of the mapped overlay. Any development proposed within a Stream Conservation Area shall be required to demonstrate that the development satisfies the standards of MCC 39.5750 (B) through (E).

Staff: Noted. The definitions above do not require findings of fact.

(B) Except for the exempt uses listed in MCC 39.5515, no development shall be allowed within a Stream Conservation Area unless approved by the Approval Authority pursuant to the provisions of MCC 39.5750 (C) through (F).

MCC 39.2000 MCC Development – Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including, but not limited to, a building, land use, occupancy, sewer connection or other similar permit, and any associated ground disturbing activity. As the context allows or requires, the term “development” may be synonymous with the term “use” and the terms “use or development” and “use and development.”

Staff: The driveway improvements in the SEC-s overlay are not an exempt activity listed in MCC 39.5515 and therefore are subject to the provisions of MCC 39.5750 (C) through (F) which are addressed below.

(C) In addition to other SEC Permit submittal requirements, any application to develop in a Stream Conservation Area shall also include:

(1) A site plan drawn to scale showing the Stream Conservation Area boundary, the location of all existing and proposed structures, roads, watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval equivalent to the best available U.S. Geological Survey 7.5’ or 15’ topographic information;

Staff: Site plans meeting these requirements are attached as Exhibit A.106.

(2) A detailed description and map of the Stream Conservation Area including that portion to be affected by the proposed activity. This documentation must also include a map of the entire Stream Conservation Area, an assessment of the Stream Conservation Area’s functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;

Staff: A detailed description and map of the Stream Conservation Area are found in Exhibit A.106.

(3) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;

Staff: The applicant provides description and maps of soil types, and locations and specifications of all proposed ground disturbance and vegetation removal in the following exhibits:

***Any illustration of or reference to the detached accessory building for recreational purposes in the information below is irrelevant since that building is no longer proposed.**

Exhibit Number	General Description
<i>A.29</i>	USDA soil resource report
<i>A.112</i>	Overall site plan
<i>A.79</i>	Tree removal plan
<i>A.81</i>	Driveway construction plans & NW 124 th Ave improvements
<i>A.102, A.103 & A.105 together</i>	Geologic Hazards Permit form 1, Geologic Hazards Permit Worksheet, Geotechnical Report - GeoPacific Engineering, Inc.
<i>A.84, A.58 & A.101 together</i>	Erosion and sediment control plans
<i>A.106</i>	Significant Environmental Concern-Streams Assessment Report - Environmental Science & Assessment, LLC

(4) A study of any flood hazard, erosion hazard, and/or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards as required by subsection (E) (5) below;

Staff: This information is provided in geotechnical report Exhibits A.102, A.103 and A.105.

(5) A detailed Mitigation Plan as described in subsection (D), if required; and

Staff: Mitigation is required. The detailed mitigation plan is presented as Exhibit A.106.

(6) A description of how the proposal meets the approval criteria listed in subsection (D) below.

Staff: The applicant responded to the following individual approval criteria below within Exhibit A.53. Many of the applicant's responses have been superseded by the revised SEC-s assessment report in Exhibit A.106. Staff will attempt to summarize the most relevant and recent responses to each criterion below.

(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:

Staff: The applicant has submitted a Mitigation Plan in Exhibit A.106 that involves moving a section of the existing logging road further from the resource and enhancing the riparian area vegetation. Within that Mitigation Plan the applicant's environmental consultant assessed the existing conditions against the proposed mitigation plan enhancement potential using the City of Portland Wetlands and Waterways Wildlife Habitat Assessment. Features considered included Fish and Wildlife, Shoreline Protection, Flood Storage, Water Quality and Visual Amenities. Existing conditions rated 124 with the enhanced potential rated 131 signaling an anticipated improvement in conditions. *Staff finds the proposed mitigation plan will enhance features as required by this standard.*

(a) A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by subsection (C) above;

Applicant Response: *"The revised application includes A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by subsection."*

Staff: See Exhibit A.106 for the required information.

(b) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;

Applicant Response: *"The applicant has coordinated the proposed development and mitigation plans with DSL and the Corps of Engineers through the JPP process."*

Staff: The applicant has provided the necessary description.

(c) A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in subsection (D) (1) above;

Applicant Response: *"The Revised Environmental Assessment Report (Exhibit 4) provides a proposed Mitigation and Restoration Plan consistent with code requirements".*

Staff: The mitigation plan outlining retention, rehabilitation and enhancement measures within the SEC-s overlay is attached as Exhibit A.106.

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

Applicant Response: *"The Revised Environmental Assessment Report (Exhibit 4) provides a proposed annual monitoring program."*

Staff: The mitigation plan in Exhibit A.106 commits to monitoring enhancement areas annually for a period of five years to ensure an 80 percent planting survival rate.

(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.

***Applicant Response:** The proposed realigned driveway includes an arched culvert which to allow passage of peak winter flows related to Wetland A. The realigned driveway does not cross the stream.*

Staff: Staff concurs.

(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.

***Applicant Response:** The storm drainage design utilizes best management practice methods which emphasize groundwater recharge and reduce peak stream flows.*

Staff: Stormwater runoff in the vicinity of the SEC-s area will be controlled temporarily with bio bag check dams installed along the northern roadside ditch and with the inlet and drainage design daylighting into the rip rap basin downhill of the driveway west of Wetland A (Exhibit A.106). Staff finds stormwater generated by the development in the vicinity of the SEC-s area will be appropriately conveyed and disposed.

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

***Applicant Response:** Exterior lighting is proposed to be located and appropriately shaded within close proximity to the stream corridor, thereby avoiding light shining directly into the Stream Conservation Area.*

Staff: The driveway lighting plan in Exhibit A.86 shows three light poles to be erected in the vicinity of the SEC-s overlay, but each along the north side of the existing/relocated portions of the driveway which will be outside of the SEC-s overlay. Lighting details in Exhibit A.63 show downward hooded and shielded light fixtures will be used. Lighting has been placed and designed to avoid shining directly in a Stream Conservation Area.

(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.

***Applicant Response:** With the realigned driveway no trees will be removed within the SEC-s corridor. The Mitigation and Restoration Plan provides for supplemental tree planting within the outer edge of the 150-foot buffer.*

Staff: The applicant states in Exhibit A.53 that no trees will be removed in the SEC-s overlay, which matches a statement in the mitigation plan in Exhibit A.106. *Staff finds no trees will be removed in the SEC-s overlay which need to be replaced.*

(5) Satisfaction of the erosion control standards of MCC 39.5090.

Staff: Staff findings of fact within Section 7.3 of this report confirm satisfaction of the erosion control standards of MCC 39.5090.

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

Applicant Response: “All roadbed removal, restoration and mitigation activities will be limited to the period between June 15 and September 15. Revegetation/soil stabilization will be accomplished no later than October 15, with, best Management Practices related to erosion control shall be required within the Stream Conservation Area.”

Staff: The applicant has acknowledged these limitations, which have been made a condition of approval. *As conditioned, this standard is met.*

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

Applicant Response: “The applicant has submitted a JPP application to DSL and the Corps.”

Staff: The applicant has identified the Oregon Department of State Lands and the United States Army Corps of Engineers as applicable state and federal agencies requiring permit approval for the proposed development. The applicant is required as a condition of approval to demonstrate compliance with all applicable state and federal permit requirements prior to land use signoff for building plan check. *This criterion is met through a condition of approval.*

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

Applicant Response: *The proposed Mitigation and Restoration Plan includes removal of invasive non-native species and mitigation and restoration plantings consistent with the Metro Native Plant List.*

Staff: The subject property is located within Metro’s jurisdictional boundary. The following requirements apply.

(1) The planting of any invasive non-native or noxious vegetation as listed in subsection (A)(4) above is prohibited. In addition, the species listed in MCC 39.5580 Table 1 shall not be planted.

Staff: The mitigation plan in Exhibit A.106 makes no mention of using any invasive, non-native or noxious vegetation in the mitigation plan. Related quotes in the mitigation plan include:

- *“Invasive species will be removed from the planting areas by hand removal followed by application of herbicide spray.”;*
- *“A 560-foot segment of the existing access road will be removed and restored with native plant species...”;* and
- *“All areas of bare ground within the SEC-s enhancement and restoration areas exceeding 25 SF after invasive plant removal will be planted with native trees (10ft -12ft on center spacing) and shrubs (6ft on center). Herbaceous plant species will be planted in clumps of 3 plugs each (3ft on center).”*

Staff reviewed the common names of plantings proposed for enhancement and restoration and finds the mitigation plan does not involve any invasive, non-native or noxious vegetation. *This standard is met.*

(2) The revegetation of disturbed areas shall primarily use native plants. A list of native plants can be found in the latest edition of the Metro Native Plant List.

Staff: The mitigation plan in Exhibit A.106 states *“All areas of bare ground within the SEC-s enhancement and restoration areas exceeding 25 SF after invasive plant removal will be planted with native trees (10ft -12ft on center spacing) and shrubs (6ft on center). Herbaceous plant species will be planted in clumps of 3 plugs each (3ft on center).”*

Staff reviewed the common names of plantings proposed against the latest edition of the Metro Native Plant list and finds the mitigation plan primarily uses a total of 1,006 native plants and native wildflower/grass hydroseed mix at an application rate of 35 pounds of seed per acre. *This standard is met.*

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

Staff: No storage areas of hazardous materials are identified within the SEC-s overlay.

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

Staff: This criterion is not applicable as the subject property is not located in the PAM Overlay.

9.0 COMMON DEVELOPMENT STANDARDS: DARK SKY LIGHTING STANDARDS AND STORMWATER DRAINAGE CONTROL

9.1 MCC 39.6850 (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.

- (1) The light source (bulbs, lamps, etc.) must be fully shielded with opaque materials and directed downwards. “Fully shielded” means no light is emitted above the horizontal plane located at the lowest point of the fixture’s shielding. Shielding must be permanently attached.**
- (2) The lighting must be contained within the boundaries of the Lot of Record on which it is located. To satisfy this standard, shielding in addition to the shielding required in paragraph (C)(1) of this section may be required.**

Staff: All exterior lighting is subject to the county dark sky lighting standards. The applicant has submitted an exterior lighting plan, which appears to detail lighting proposed along the driveway (Exhibit A.63). Staff counts 15 lights along the driveway alignment on that plan. County dark sky standards do not limit the number of lights allowed.

Light fixture details are presented in Exhibit A.63. It is not clear from the submitted materials how many exterior lights are proposed, or the lighting design for each fixture, particularly on the exterior of the proposed buildings including the dwelling and accessory structures. Rather than limit the applicant to certain lighting locations and designs as part of this decision, staff instead will provide more flexibility by conditioning that staff confirm the dark sky requirements are met for applicable exterior lighting at the time of building plan signoff. Determining whether proposed fixtures meet the dark sky regulations is a non-discretionary exercise that can be deferred to a condition of approval. *As conditioned, these standards are met.*

9.2 39.6235 STORMWATER DRAINAGE CONTROL.

(A) Persons creating new or replacing existing impervious surfaces exceeding 500 square feet shall install a stormwater drainage system as provided in this section. This subsection (A) does not apply to shingle or roof replacement on lawful structures.

Staff: The applicant’s engineer estimates in Exhibit A.113 that the project involves a total of 2.32 acres of new impervious areas. The proposal involves more than 500 square feet of new impervious surfaces and the applicant has proposed to install a storm water drainage system (Exhibits A.49 & A.113). *This standard has been met.*

(B) The provisions of this section are in addition to and not in lieu of any other provision of the code regulating stormwater or its drainage and other impacts and effects, including but not limited to regulation thereof in the SEC overlay.

(C) The provisions of this section are in addition to and not in lieu of stormwater and drainage requirements in the Multnomah County Road Rules and Design and Construction Manual, including those requirements relating to impervious surfaces and proposals to discharge stormwater onto a county right-of-way.

(D) The stormwater drainage system required in subsection (A) shall be designed to ensure that the rate of runoff for the 10-year 24-hour storm event is no greater than that which existed prior to development at the property line or point of discharge into a water body.

Staff: The applicant's engineer states within the drainage report on page 7 of Exhibit A.113 that "Based on the supporting stormwater calculations and attached analysis, it is the opinion of Pioneer Design Group that all private stormwater design elements related to the development of the large forest dwelling are appropriately sized to convey the 25-year storm. The stormwater design criteria related to this project are met." *This standard has been met.*

(E) At a minimum, to establish satisfaction of the standards in this section and all other applicable stormwater-related regulations in this code, the following information must be provided to the planning director:

(1) A site plan drawn to scale, showing the property line locations, ground topography (contours), boundaries of all ground disturbing activities, roads and driveways, existing and proposed structures and buildings, existing and proposed sanitary tank and drainfields (primary and reserve), location of stormwater disposal, trees and vegetation proposed for both removal and planting and an outline of wooded areas, water bodies and existing drywells;

(2) Documentation establishing approval of any new stormwater surcharges to a sanitary drainfield by the City of Portland Sanitarian and/or any other agency authorized to review waste disposal systems;

(3) Certified statement, and supporting information and documentation, by an Oregon licensed Professional Engineer that the proposed or existing stormwater drainage system satisfies all standards set forth in this section and all other stormwater drainage system standards in this code; and

(4) Any other report, information, plan, certification or documentation necessary to establish satisfaction of all standards set forth in this section and all other applicable stormwater-related regulations in this code, such as, but not limited to, analyses and explanations of soil characteristics, engineering solutions, and proposed stream and upland environmental protection measures.

Staff: All of the information above has been provided and entered into the record except for authorization by the City of Portland sanitarian, which has been made as a condition of approval. *This standard can be met through a condition of approval.*

10.0 ADDRESS ASSIGNMENT

Numbering of Property (MCC 39.9965)

Staff: Assignment of a property address is not a pre-requisite for issuance of a land use decision for a large acreage dwelling, and an address specific to the subject property need not be assigned before the land use decision is finalized. The Director will assign a rural property address number pursuant to the non-discretionary provisions of MCC 39.9965 once the land use decision is final and prior to land use sign-off for building plan check.

11.0 CONCLUSION

The request to build the single-family dwelling, windmill, water tower, outdoor in-ground pool, outdoor sports court, to make improvements to NW 124th Avenue and to improve an on-site forest practices road for residential driveway access is approved with conditions.

12.0 EXHIBITS

- ‘A’ Applicant’s Exhibits
- ‘B’ Staff Exhibits
- ‘C’ Procedural Exhibits
- ‘D’ Comments Received

All exhibits are available for review in Case File T2-2019-11964 at the Land Use Planning Office.

***Any illustration of or reference to the detached accessory building for recreational purposes in the submitted information below is irrelevant since that building has been eliminated from the proposal by the applicant.**

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	Application Form	5/14/19
A.2	1	Justin Thelin signature authorizing the application as property owner though Sage Bush LLC is the property owner.	5/14/19
A.3	1	Google Earth aerial photo of the site	5/14/19
A.4	55	“Compliance Narrative” address code sections	5/14/19
A.5	5	Prefile PF-2018-11100 notes by Lisa Estrin, County Land Use Senior Planner	5/14/19
A.6	8	Prefile PF-2017-9741 notes by Rithy Khut, County Land Use Planner	5/14/19
A.7	3	Memorandum December 6, 2017 from Joanna Valencia, County Transportation Planning Division Manager detailing transportation standard requirements	5/14/19

A.8	5	Pioneer Design Group narrative for the prefile request	5/14/19
A.9	1	Letter of introduction from Justin and Ashley Thelin property owners	5/14/19
A.10	1	Letter from Kevin Nelson, Stewardship Forester, Oregon Department of Forestry regarding the driveway as a forestry road.	5/14/19
A.11	2	Ryan Dahl, manager, Kinder Morgan regard petroleum pipeline on the properties with map attached	5/14/19
A.12	1	Letter from Nathan Agalzoff, Stewardship Forester, Oregon Department of Forestry regarding forestry management.	5/14/19
A.13	1	Letter from Roy N. Jannsen, Owner/Driller, A.M. Jannsen Well Drilling Co. INC regarding future well.	5/14/19
A.14	2	Unsigned Fire Review Form	5/14/19
A.15	3	Letter from Drew S. DeBois, Deputy Fire Marshall, Tualatin Valley Fire & Rescue	5/14/19
A.16	7	Grass Pave and Gravel Pave brochure with site plans of the driveway attached	5/14/19
A.17	12	Septic System Site Evaluations with site plans attached but not signed by the sanitarian (undated plans)	5/14/19
A.18	33	Preliminary Storm Drainage Report Thelin Forest Dwelling by T.C. Campbell, P.E.	5/14/19
A.19	1	County Assessment Tax Lot Map with subject properties labeled	5/14/19
A.20	21	<p>Ticor Title deed history for Tax Lot 600</p> <ul style="list-style-type: none"> Exhibit A.20.1: Warranty Deed recorded in Book 1458 on Page 1783 (Exhibit A.20.2: Statutory Warranty Deed recorded as Instrument 2017-125204 (2 pages) Exhibit A.20.3: Warranty Deed recorded as Instrument 94 105750 (2 pages) 	5/14/19
A.21	19	Ticor Title deed history for Tax Lot 800	5/14/19
A.22	1	Email from Columbia County staff Deborah Jacob regarding Lot of Record	5/14/19
A.23	16	Columbia County Assessment Tax Lot Maps and Info	5/14/19
A.24	83	Ticor Title Preliminary Report for the Columbia County parcels	5/14/19

A.25	48	Mason, Bruce & Girard, INC, Natural Resource Consultants memorandum by Jason Dorn and Rogar Lord regarding “Stocking Surveys on forested properties owned by Justin Thelin.	5/14/19
A.26	35	Site Assessment Report by Environmental Science & Assessment, LLC	5/14/19
A.27	7	Hillside Development Permit (HDP) Form, Geologic Reconnaissance by and Stability Preliminary Study with maps attached .	5/14/19
A.28	29	Geotechnical Engineering Report by Beth K Rapp C.E.G., Senior Engineering Geologist and James D. Imbrie, G.E., C.E.G., Principal Engineer with attachments.	5/14/19
A.29	27	USDA, Natural Resources Conservation Service, Custom Soil Resource Report for the Multnomah County Area, properties	5/14/19
A.30	5	State of Oregon, Water Supply Well Report for adjacent property to the north of proposed dwelling site.	5/14/19
A.31	4	Memorandum dated December 6, 2017 from Joanna Valencia, County Transportation Planning Division Manager detailing transportation standard requirements.	5/14/19
A.32	2	Driveway site plans show neighborhood property driveway and exiting forestry driveway topographic map without contours labeled and Comparative Site Analysis (11" x 17" plan dated 12/2018 with file path date of 12/21/20 on left side of plan)	5/14/19
A.33	1	Driveway site plans for proposed residential driveway conversion from forestry driveway topographic map without contours labeled and showing proposed dwelling, proposed accessory building and pools shown (11" x 17" plan undated)	5/14/19
A.34	1	Introductory Page for the site plans (plan dated 5/7/19)	5/14/19
A.35	3	Existing Conditions Site Plan showing tree removal plan (11" x 17" plan dated 5/7/19)	5/14/19
A.36	3	Site Plan of the driveway showing grading cuts and driveway profile (11" x 17" plan dated 5/7/19)	5/14/19
A.37	1	Site Plan of the proposed dwelling, accessory building and pools showing labeled grading contours (11" x 17" plan dated 5/7/19)	5/14/19
A.38	1	Aerial Photo Site Plan (plan dated 5/7/19)	5/14/19
A.39	2	Elevation Drawings of water tank and old fashion water pump windmill (plans dated 8/20/18)	5/14/19
A.40	26	Dwelling Elevation Drawings and Floor Plans (plans dated 3/4/19)	5/14/19

A.41	5	Accessory Building Floor Plan and Elevation Drawings (plans dated 3/4/19)	5/14/19
A.42	9	Site Plans (22" x 34" plans dated 5/7/19) with labeled contours showing: <ul style="list-style-type: none"> Existing Condition with tree removals labeled (Pages 2 – 4) Driveway showing grading cut contours and driveway profile (Pages 5 – 7) Proposed dwelling, access building, pools, septic system and driveway with grading contour Aerial Photo Site Plan 	5/14/19
A.43	3	Dwelling Plans Introductory Page and Dwelling Site Plans with contours (30" x 42" plans dated 3/4/19)	5/14/19
A.44	15	Dwelling Floor Plans (30" x 42" plans dated 3/4/19)	5/14/19
A.45	4	Dwelling Elevation Drawings (30" x 42" plans dated 3/4/19)	5/14/19
A.46	3	Accessory Building Plans Introductory Page and Accessory Building Site Plan with contours (30" x 42" plans dated 3/4/19)	5/14/19
A.47	4	Accessory Building Floor Plans and Elevation Drawings (30" x 42" plans dated 3/14/19)	5/14/19
A.48	2	Letter from Pioneer Design Group addressing storm water with attached transmittal doc	10/04/19
A.49	4	Storm Water Certification complete, stamped and signed by Brent E. Fitch P.E. with Assessor's Map and general site location map.	10/04/19
A.50	38	Preliminary Storm Drainage Report, Thelin Forest Dwelling stamped and signed by Tyler Christian Campbell P.E, dated 5.7.19 rev. 8.21.19	10/04/19
A.51	1	Email from the applicant deeming the application complete as of 11/8/19	11/8/19
A.52	17	Letter from Elaine Albrich, Davis Wright Tremaine, LLP Response to Incompleteness Letter with County Land Use Planning incompleteness letter attached and Applicant Response form completed by applicant	11/13/19
A.53	26	Supplemental Compliance Narrative	11/13/19
A.54	26	"Lost Creek Demo" documents related demolition permitting for old dwelling at 74879 Lost Creek Road, Clatskanie, OR including Columbia County demolition permit	11/13/19
A.55	1	Introductory Page for the site plans (11" x 17" plan dated 8/13/19)	11/13/19
A.56	4	Existing Conditions Site Plan with illegible labeled contours showing tree removal plan not (11" x 17" plan dated 8/22/19)	11/13/19

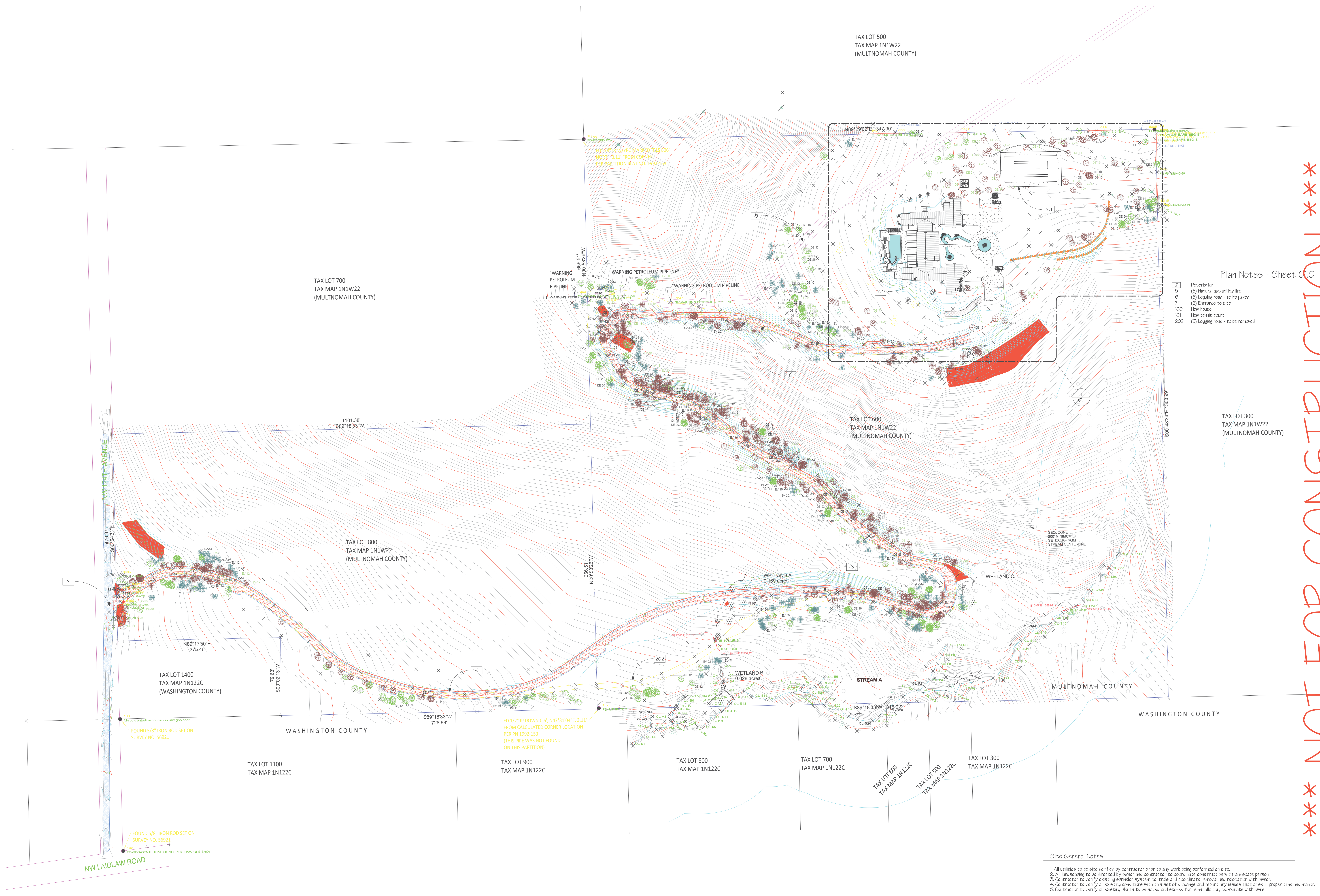
A.57	5	Revised Site Plan of the driveway showing grading cuts with page labeled 7 of 12 show revised driveway location and driveway profile (11" x 17" plan dated 8/22/19)	11/13/19
A.58	1	Revised Site Plan of the proposed dwelling, accessory building and pools showing labeled grading contours now including the storm water system swale (11" x 17" plan dated 8/22/19)	11/13/19
A.59	1	Aerial Photo Site Plan (plan dated 8/22/19)	11/13/19
A.60	3	<p>“Comparative Site Analysis”</p> <ul style="list-style-type: none"> • “Thelin Dwelling w/ Basic 5,000 Sq. Ft. House Comparative Site Analysis” located little more than 500 feet from NW 124th Avenue • “Thelin Dwelling Fire Zone” shown proposed dwelling in proposed location • “Thelin Dwelling w/Comparative Site Analysis” with the proposed dwelling shown at 500 feet from NW 124th Av. 	11/13/19
A.61	16	Proposed Dwelling Site Plan and Floor Plan no legible scale (plans dated 11/5/19)	11/13/19
A.62	2	Proposed Accessory Building Site Plan and Floor Plan no legible scale (plans dated 11/5/19)	11/13/19
A.63	14	Driveway Lighting Site Plan and lighting details (plans dated 10/9/19)	11/13/19
A.64	25	Other Large / Homes Accessory Structures sales brochures showing only large dwellings	11/13/19
A.65	7	Google Earth aerial photo showing mostly large dwellings and a couple horse farms agriculture buildings	11/13/19
A.66	7	Geologic Hazards Permit Worksheet stamped and signed by Elizabeth K. Rapp, Engineering Geologist	11/13/19
A.67	7	Geologic Hazards Permit (GHP) Form 1: Geotechnical Reconnaissance and Stability Preliminary Study stamped and signed by Elizabeth K. Rapp, Engineering Geologist	11/13/19
A.68	66	Site Assessment Report by Environmental Science & Assessment, LCC, September 2019 with appendixes	11/13/19
A.69	6	Fire Service Review with attached letter to Justin Thelin from Drew S DeBois, Deputy Fire Marshall, Tualatin Valley Fire and Rescue details requirements and a signed site plan.	11/13/19
A.70	2	Manufacture’s brochure for “Grasspave 2” and Gravelpave 2”	11/13/19
A.71	39	Wetland Delineation Report by Environmental Science & Assessment, LCC, August 2019 with appendixes	11/13/19
A.72	1	Letter dated October 1, 2019 from Brent Fitch, P.E., Principal Pioneer Design Group addressing the Storm Water Certificate	11/13/19

A.73	1	(Duplicate of Exhibit 49, Page 1) - Storm Water Certificate competed, stamped and signed by Brent E. Fitch P.E. dated October 1, 2019 without check one of two options and stating a third.	10/04/19
A.74	39	(Duplicate of Exhibit 50) - Preliminary Storm Drainage Report, Thelin Forest Dwelling by Tyler Christian Campbell revised August 21, 2019 with attached maps, calculations and culver capacity	10/04/19
A.75	4	Transportation Planning Form (not completed) with sites plans for the driveway access connect to NW 124 th Ave.	11/13/19
A.76	1	Police / Sheriff Service Review	11/13/19
A.77	4	Certificate of Water Service form not completed with email attached from Yen, Tan, City of Portland Water Bureau, stating water service not available.	11/13/19
A.78	1	Introductory Page for the site plans (22" x 34" plans dated 10/29/19)	11/13/19
A.79	3	Existing Conditions Site Plan (not to scale) with labeled contours showing tree removal plan (22" x 34" plans dated 10/29/19)	11/13/19
A.80	1	Fire Safety Zones Site Plan with grading contours of dwelling and accessory building showing incorrect fire safety zones (22" x 34" plans dated 10/29/19)	11/13/19
A.81	5	Revised Site Plan of the driveway showing grading cut contours with page labeled 7 of 12 showing revised driveway location going through a wetland, labeled contours and driveway profile (22" x 34" plans dated 10/29/19)	11/13/19
A.82	1	Revised Site Plan of the proposed dwelling, accessory building and pools showing labeled grading contours now including the storm water system swale (22" x 34" plans dated 10/29/19)	11/13/19
A.83	1	Aerial Plan (22" x 34" plan dated 10/29/19)	11/13/19
A.84	9	Erosion Control Plans including cover sheet with narrative, erosion control site plans, and erosion control details (22" x 34" plans dated 10/2019)	11/13/19
A.85	9	Revised Dwelling Plans including site plans, floor plans and elevation plans (30" x 42" cover sheet dated 11/5/19, 30" x 42" plans dated 10/9/19)	11/13/19
A.86	1	Driveway Lighting Plan (30" x 42" plans dated 10/9/19)	11/13/19
A.87	7	Operating Agreement of Sage Bush, LLC naming Justin R. Thelin the manager	3/5/20

A.88	4	Email from Carol Johnson, AICP, Planning Director, Multnomah County Land Use to Ben Altman the applicant discussing cupolas	3/5/20
A.89	2	Driveway grading and erosion control plan (plans dated 8/22/19)	3/3/20
A.90	66	Site Assessment Report prepared by Environmental Science & Assessment, LLC	3/3/20
A.91	39	Wetland Delineation Report prepared by Environmental Science & Assessment, LLC	3/3/20
A.92	9	Revised cupola design (plans dated 7/5/19)	3/4/20
A.93	13	Tennis structure plans (plans dated 3/5/20)	3/19/20
A.94	60	Architectural plans (plans dated 3/4/19)	5/14/19
A.95	9	Applicant responses to public comments	5/5/20
A.96	1	Updated imported fill calculations (plan dated 5/4/20)	5/5/20
A.97	1	Email from applicant with updated grading volumes (cut and fill)	6/4/20
A.98	1	Email from Beth K. Rapp, Certified Engineering Geologist, confirming proposed erosion and sediment control plans meet DEQ water quality provisions of OAR 340-041-0345(4)	6/11/20
A.99	1	Revised water tower structure reducing height	6/18/20
A.100	14	Revised recreation accessory structure reducing height and with revised (smaller) copula design	6/18/20
A.101	1	NW 124 th Avenue Improvement Plan	6/1/20
A.102	7	Geologic Hazards Permit (GHP) Form - 1	6/29/20
A.103	7	Geologic Hazards Permit (GH) Work Sheet	6/29/20
A.104	7	Hillside Development Permit (HDP) Application	6/29/20
A.105	29	Geotechnical Engineering Report, GeoPacific Engineering, Inc.	6/29/20
A.106	23	SEC-s Assessment Report, Environmental Science & Assessment, LLC	7/16/20
A.107	6	Signed Fire Service Agency Review form & 4/11/19 letter from Drew S. DeBois, TVFR Deputy Fire Marshal	7/22/20
A.108	1	Email from applicant revising proposal to eliminate recreational accessory structure, add outdoor sport court and reduce home size	8/19/20
A.109	1	Revised overall site plan	8/24/20

A.110	1	Revised enlarged site plan	8/24/20
A.111	1	Memo introducing revised house and site plans	9/11/20
A.112	17	Revised site and dwelling plans	9/11/20
A.113	44	Revised Preliminary Storm Drainage Report, Pioneer Design Group, Inc.	9/11/20
‘B’	#	Staff Exhibits	Date
B.1	4	County Assessment Division Property Information for Subject Properties located in Multnomah	NA
B.2	1	County Assessment Division Tax Lot Map with Subject Properties labeled	NA
B.3	1	1962 Zoning Map showing subject parcels	NA
B.4	3	1968 Ordinance 100 amended Zoning Code listing F-2 Zone District minimum parcel size.	NA
B.5	1	ODFW big game winter habitat map in Multnomah County	NA
B.6	2	CFU Conditions and Restrictions Covenant	NA
B.7	11	Online Article – Rethinking Rural Water Supplies	NA
B.8	6	Wikipedia Article – Tennis Courts	NA
B.9	9	Multnomah County Ordinance No. 1100	NA
B.10	4	Covenant to Prohibit Residential Use of Accessory Structure	NA
B.11	10	Columbia County property assessment and deed records for Tax Lot 703	NA
B.12	5	Sage Bush, LLC company information	NA
B.13	1	Agricultural and Forest Practices Covenant	NA
B.14	19	Blumenkron Accessory Use Decision T2-2017-7000	NA
B.15	4	2019 Oregon Structural Specialty Code Chapter 29 – Plumbing Systems	NA
‘C’	#	Comments	Date
C.1	1	Email dated 2.5.20 submitted by Dick Jaffe	2/5/20
C.2	1	Comments submitted by the Widicus/Zeipelt family dated 2.6.20	2/6/20
C.3	4	Comments submitted by Jerry Grossnickle, Forest Park Neighborhood Association Land Use Committee Chair, dated 2.6.20	2/6/20
C.4	1	Comments submitted by Dorothy M. Dunstan, Dunstan Family Trust, dated 2.7.20	2/7/20

‘D’	#	Administration & Procedures	Date
D.1	5	Incomplete letter	6/13/19
D.2	1	Applicant’s email deeming application complete	11/8/19
D.3	1	City of Portland Authorizing Representative Form, wastewater management	2/26/18
D.4	16	Opportunity to comment & mailing list	1/24/20
D.5	1	Applicant’s emailed request to toll the statutory application processing clock from March 19, 2020 to April 20, 2020	3/19/20
D.6	2	Applicant’s emailed request to toll the statutory application processing clock from April 24, 2020 to May 29, 2020	4/24/20
D.7	1	Applicant’s emailed request to toll the statutory application processing clock from May 29, 2020 to June 30, 2020	5/28/20
D.8	2	Applicant’s emailed request to toll the statutory application processing clock from June 30, 2020 to July 31, 2020	6/26/20
D.9	4	Applicant’s emailed request to toll the statutory application processing clock from July 31, 2020 to September 14, 2020	7/22/20
D.10	1	Staff email to applicant clarifying the maximum allowed 215 tolled days expires September 9, 2020	8/19/20
D.11		Administrative decision & mailing list	



1 Overall Site Plan
1" = 80'-0"

Exhibit A.112

*** NOT FOR CONSTRUCTION ***

Site General Notes

1. All utilities to be site verified by contractor prior to any work being performed on site.
2. All landscaping to be directed by owner and contractor to coordinate construction with landscape person.
3. Contractor to verify existing sprinkler system controls and coordinate removal and relocation with owner.
4. Contractor to verify all existing conditions with this set of drawings and report any issues that arise in proper time and manner.
5. Contractor to verify all existing plants to be saved and stored for reinstallation, coordinate with owner.

Plan Notes - Sheet C1.0

#	Description
5	(E) Natural gas utility line
6	(E) Logging road - to be paved
7	(E) Entrance to site
100	New house
101	New tennis court
202	(E) Logging road - to be removed

DATE: September 8, 2020

DRAWN BY: RRD

CHECKED BY: JN

PROJECT NO.: Overall Site Plan

SHEET NAME: Overall Site Plan

NO. 01

DATE 08/27/20

REVISION

Permit & Construction Set

***WARNING DO NOT SCALE OFF DRAWINGS ***

N^o NORDBY DESIGN
ARCHITECTURE + INTERIORS

WWW.NORDBY.DESIGN

Project for:

Justin & Ashley Theelin

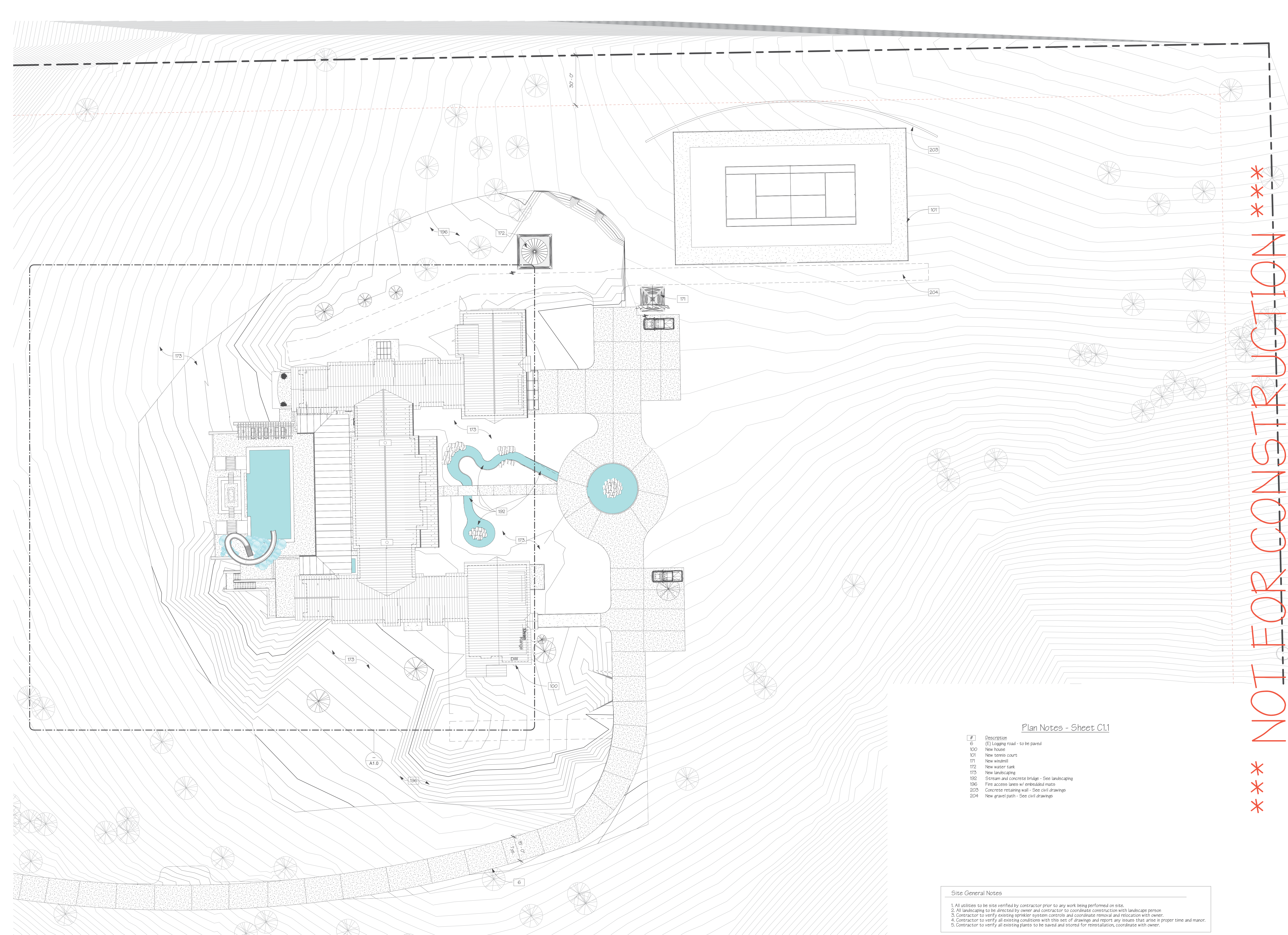
N/NW Laidlaw Rd.

Portland, OR 97231

16148 SW Boones Ferry Rd.,
Lake Oswego, Or 97035
PH/Fax 503-305-6426

C1.0

COPYRIGHT 2002-2019



Plan Notes - Sheet C1.1

#	Description
6	(E) Logging road - to be paved
100	New house
101	New tennis court
171	New windmill
172	New water tank
173	New landscaping
192	Stream and concrete bridge - See landscaping
196	Fire access lanes w/ embedded mats
203	Concrete retaining wall - See civil drawings
204	New gravel path - See civil drawings

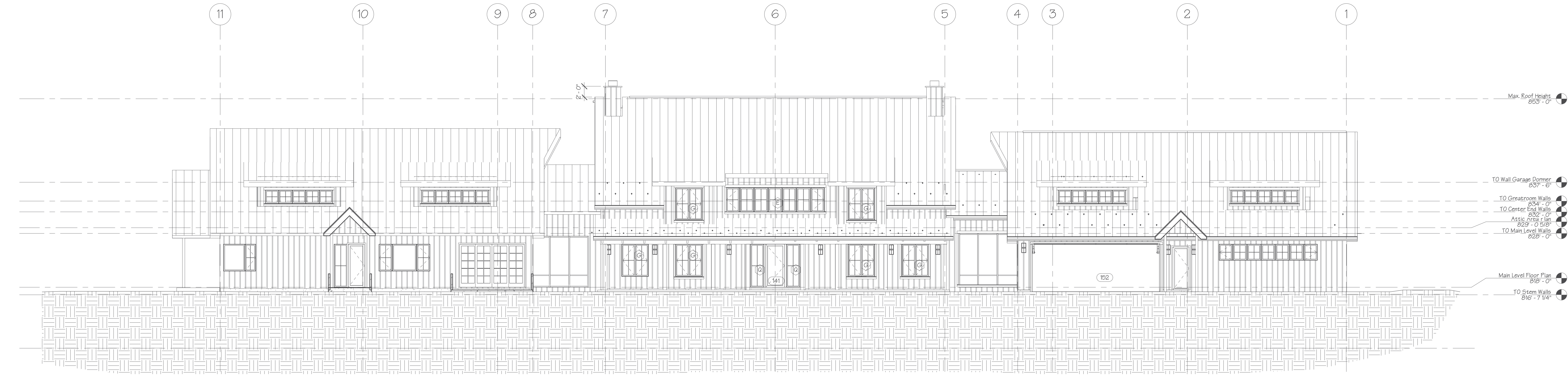
Site General Notes

1. All utilities to be site verified by contractor prior to any work being performed on site.
2. All landscaping to be directed by owner and contractor to coordinate construction with landscape person.
3. Contractor to verify existing sprinkler system controls and coordinate removal and relocation with owner.
4. Contractor to verify all existing conditions with this set of drawings and report any issues that arise in proper time and manner.
5. Contractor to verify all existing plants to be saved and stored for reinstallation, coordinate with owner.



*** NOT FOR CONSTRUCTION ***

DATE: September 8, 2020		No. 001		DATE 08/27/20		REVISION	
DRAWN BY: RCD		CHECKED BY: JN		PROJECT No.:		SHEET NAME: Enlarged Site Plan	
PROJECT No.:		SHEET NAME: Enlarged Site Plan		***WARNING DO NOT SCALE OFF DRAWINGS ***		Project for: Justin & Ashley Theilin N/NW Laidlaw Rd. Portland, OR 97231	
C1.1		N ^o NORDBY DESIGN ARCHITECTURE + INTERIORS		WWW.NORDBY.DESIGN		16148 SW Boones Ferry Rd., Lake Oswego, Or 97035 PH/Fax 503-305-6426	
COPYRIGHT 2002-2019							



1 East Elevation
1/8" = 1'-0"

Plan Notes - Sheet A2.0

- | # | Description |
|-----|---|
| 10 | 1x8/1x10 Strucked cont. fascia board |
| 42 | Typical Roof- Standing seam metal roofing over 30# building paper, 3/4" plywood, 2x12 framing @ 12" o.c. (typical) - see structural |
| 58 | Chimney- board and batt cladding and s/s flue |
| 63 | Cont. prefinished metal gutter system. Provide wedge shims for horizontal installation and cont. sheet metal flashing |
| 71 | Custom curtain wall system |
| 72 | Dashed line indicates approx. footings below grade, to be site verified |
| 73 | Dashed line indicates cont. sheet metal flashing (typ. at door and window heads) |
| 76 | Exterior lighting, typ. |
| 82 | Final grade to be min. 6" below bottom of siding (site verify)(Typical) |
| 96 | Pre-fab cont. roof ridge vent system (typical), match roof material |
| 106 | Solid wood veneer corner boards, typical - See details |
| 110 | Typ. wood trim (door swn). See details |
| 139 | Porch Roof- Standing seam metal roofing over 30# building paper, over 2x decking, with 4x framing (typical) - see structural |
| 179 | 36" high, 4" CMU wall w/ conc. cap |
| 201 | Pad style snow guard, typ. |

*** NOT FOR CONSTRUCTION ***

DATE: September 8, 2020

DRAWN BY: RRD

CHECKED BY: JN

PROJECT No.:

SHEET NAME: Exterior Elevations

No. DATE REVISION

08/27/20 Permit & Construction Set

16148 SW Boones Ferry Rd.,
Lake Oswego, Or 97035
PH/Fax 503-305-6426

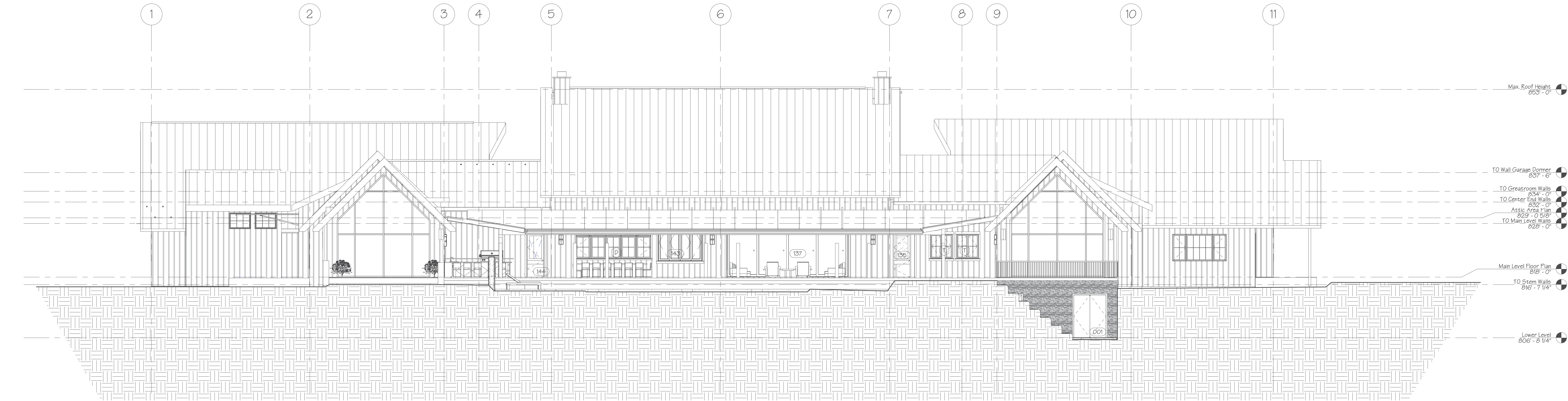
N^o NORDBY DESIGN
ARCHITECTURE + INTERIORS

WWW.NORDBY.DESIGN

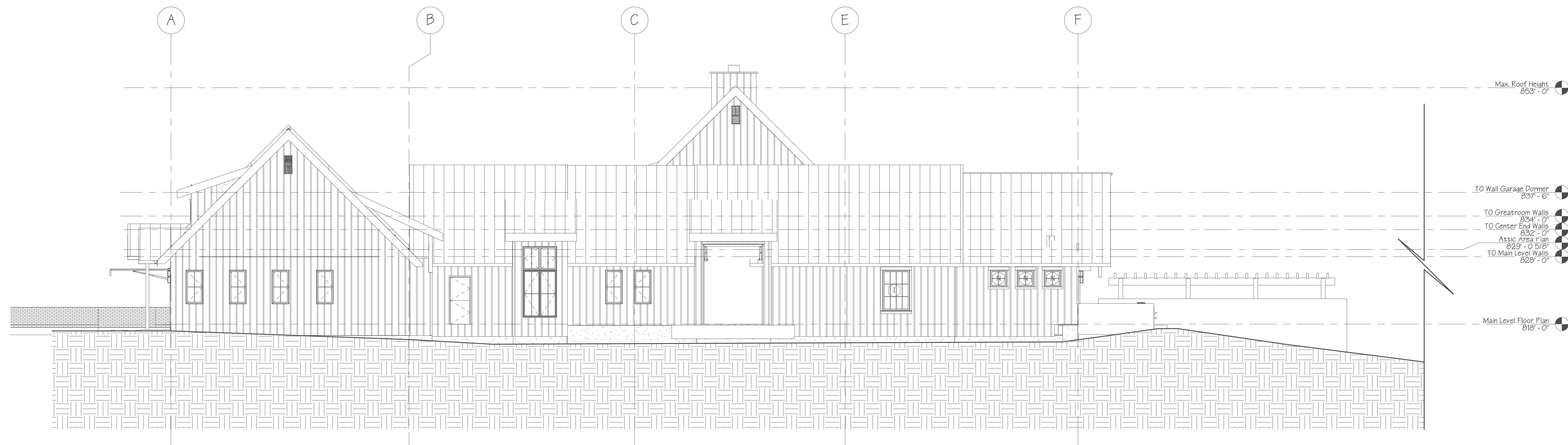
Project for:
Justin & Ashley Theelin
N/NW Laidlaw Rd.
Portland, OR 97231

A2.0

COPYRIGHT 2002-2019



1 West Elevation
1/8" = 1'-0"



2 North Elevation
1/8" = 1'-0"

Plan Notes - Sheet A2.1

#	Description
10	1x6/1x10 Stacked cont. fascia board
26	Wood trolley (4x PT framing on 8x PT beams) - see structural
27	Glass roof system on 4x PT wood framing under panel mullions- see structural
28	Board and batten siding
33	6x framing roof supports - See structural
42	Typical Roof- Standing seam metal roofing over 30# building paper, 3/4" plywood, 2x12 framing @ 16" o.c. (typical) - see structural
58	Chimney- board and batt cladding and s/s flue
63	Cont. prefinished metal gutter system. Provide wedge shims for horizontal installation and cont. sheet metal flashing.
71	Custom curtain wall system
72	Dashed line indicates approx. footings below grade, to be site verified
73	Dashed line indicates cont. sheet metal flashing (typ. at door and window heads)
76	Exterior lighting, typ.
82	Final grade to be max. 6" below bottom of siding (site verify)(Typical)
91	Metal railing - Coordinate style and finish w/ Owner and architect
96	Pre-fab cont. roof ridge vent system (typical), match roof material
106	Solid wood veneer corner boards, typical - See details
110	Typ. wood trim (door rim). See details
159	Porch Roof- Standing seam metal roofing over 30# building paper, over 2x decking, with 4x framing (typical) - see structural
173	36" high, 4" CMU wall w/ conc. cap
201	Pad style snow guard, typ.

*** NOT FOR CONSTRUCTION ***

DATE: September 8, 2020		No. 01		DATE 08/27/20	REVISION
DRAWN BY: RRD		01		Permit & Construction Set	
CHECKED BY: JN					
PROJECT No.:					
SHEET NAME: Exterior Elevations					
***WARNING DO NOT SCALE OFF DRAWINGS ***					
Project for: Justin & Ashley Theelin N/NW Laidlaw Rd. Portland, OR 97231					
N ^o NORDBY DESIGN ARCHITECTURE + INTERIORS WWW.NORDBY.DESIGN					
16148 SW Boones Ferry Rd., Lake Oswego, Or 97035 PH/Fax 503-305-6426					
A2.1					
COPYRIGHT 2002-2019					



4 Elevation - Guest Suite North Side
3/16" = 1'-0"



3 Elevation - Four Car Garage - South Side
3/16" = 1'-0"

#	Description
10	1x6/nx10 Stacked cont. fascia board
28	Board and batten siding
42	Typical Roof- Standing seam metal roofing over 30# building paper, 3/4" plywood, 2x12 framing @ 16" o.c. (typical) - see structural
65	Cont. prefinished metal gutter system. Provide wedge shims for horizontal installation and cont. sheet metal flashing.
71	Custom curtain wall system
72	Dashed line indicates approx. footings below grade, to be site verified
73	Dashed line indicates cont. sheet metal flashing (typ. at door and window heads)
77	Steel I-Beam track for electric crane, suspended from ridge beam - see structural and coordinate w/ Owner and Architect
82	Final grade to be min. 6" below bottom of siding (site verify)(Typical)
96	Pre-fab cont. roof ridge vent system (typical), match roof material
106	Solid wood veneer corner boards, typical - See details
110	Typ. wood trim (door sim.). See details
139	Porch Roof- Standing seam metal roofing over 30# building paper, over 2x decking, with 4x framing (typical) - see structural
179	36" high, 4" CMU wall w/ conc. cap
201	Pad style snow guard, typ.

Project for:
Justin & Ashley Thelin
N/NW Laidlaw Rd.
Portland, OR 97231

N^P NORDBY DESIGN
ARCHITECTURE + INTERIORS
WWW.NORDBY.DESIGN

16148 SW Boones Ferry Rd.,
Lake Oswego, Or 97035
PH/Fax 503-305-6426

DATE:	September 8, 2020	REVISION	No.	DATE	08/27/20	Permit & Construction Set
DRAWN BY:	RED					
CHECKED BY:	JN					
PROJECT No.:						
SHEET NAME:	Exterior Elevations					
***WARNING DO NOT SCALE OFF DRAWINGS ***						



#	Description
10	1x6/1x10 Stacked cont. fascia board
20	Glass roof system on 4x14 PT wood framing under panel mullions- see structural
26	Board and batten siding
27	Typical Roof - Standing seam metal roofing over 3x10' building joist, 2x14' plywood, 2x12' framing @ 16" typical - see structural
53	Chimney - board and batten cladding and 6/s flue
63	Pre-finished metal gutter system. Provide wide eaves for horizontal installation and cont. sheet metal flashing. Dashed line indicates approx. footings below grade, to be site verified
72	Paint line indicates cont. sheet metal flashing (typ. at door and window heads)
76	Exterior lighting, typ.
81	Faux stone on each side of 8" thick concrete wall w/ concrete cap on thickened slab (typ. see structural)
82	Final grade to be min. 6" below bottom of siding (site verify)(typical)
91	Metal railing - Coordinate style and finish w/ Owner and architect
96	Pre-fab cont. roof ridge vent system (typical) match roof material
106	Solid wood veneer corner boards, typical - see details
110	Typ. wood trim (door sill). See details
136	Deck sips
139	Built-in outdoor counters and counter - Coordinate w/ Owner and architect
201	36" High, 4" CMU wall w/ cont. cap
279	Field style, CMU wall, typ.

NOZ FOR CONSTRUCTION

Level Floor Plan
818' - 0"

Attic Area Plan
523' - 0" / 518' - 0"
Max. Roof Height
953' - 0"

Garage Dome
937' - 0"

Center End Walls
1382' - 0"

N^p NORDBY DESIGN
ARCHITECTURE + INTERIORS
WWW.NORDBY.DESIGN

NO.	DATE	REVISION
	08/27/20	Perms & Construction Set
DRAWN BY:	RCD	
CHECKED BY:	JN	
PROJECT NO.:		
SHEET NAME:	Exterior Elevations	
***WARNING DO NOT SCALE OFF OR		

COPYRIGHT 2002-2019