



Applicable Approval Criteria

Multnomah County Code (MCC):

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

Commercial Forest Use – 2 (CFU-2) Zone: MCC 39.4075 Review Uses, MCC 39.4095 Heritage Tract Dwelling Standards, MCC 39.4105 Building Height Standards, MCC 39.4110 Forest Practices Setbacks and Fire Safety Zones, MCC 39.4115 Development Standards for Dwellings and Structures, MCC 39.4150 Single Family Dwellings Condition of Approval

Significant Environmental Concern: MCC 39.5510 Uses; SEC Permit Required, MCC 39.5520 Application for SEC Permit, MCC 39.5860 Criteria for Approval of SEC-h Permit

Geologic Hazards: MCC 39.5075 Permits Required, MCC 39.5080 Exemptions

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link:

Chapter 39 - Zoning Code

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis. 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.

1. Permit Expiration – This land use permit shall **expire** as follows:

- a. Within **four (4) years** of the date of the final decision for residential development on land zoned for Commercial Forest Use outside of an urban growth boundary when construction has not commenced.
 - i. For the purposes of 1.a, commencement of construction shall mean actual construction of the foundation or frame of the approved structure.
 - ii. For purposes of Condition 1.a, notification of commencement of construction 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. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure.
- b. Within **four years** of the date of commencement of construction when the structure has not been completed.
 - i. For the purposes of Condition 1.b, completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval.

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:

- a. Record pages 1 through 5 of this Notice of Decision with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and shall be filed with the Land Use Planning Division. Recording shall be at the applicant's expense. [MCC 39.1175]
- b. Sign and record with the County Recorder a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. [MCC 39.4150]
- c. The property owner or their representative shall drill the domestic well for the approved single family dwelling on the tract. Upon completion of the well, they shall submit a well drillers report to the Land Use Planning office demonstrating the property contains a source for domestic water.
 - i. Upon receiving the well drillers report, the County shall send out a 14-day appealable notice to property owners within 750 feet of the property lines. If the appeal period has expired with no appeal, then the County may sign off for building plan check for the dwelling.
- d. The property owners or their representatives shall plant a sufficient number of trees on the tract to demonstrate that the tract is expected to meet the Department of Forestry stocking requirements.

- c. Demonstrate that all proposed exterior lighting complies with the Dark Sky Lighting Standards of MCC 39.6850(C).
4. **Prior to issuance of the Certification of Occupancy**, the property owners or their representative shall:
- a. Install all required mitigation plantings. Proof of planting shall be provided to Land Use Planning prior to issuance of certificate of occupancy.
 - b. Provide documentation to Land Use Planning that the required primary and secondary fire safety zones have been established on the subject property as outlined in Condition #5 below. [MCC 39.4110(D)]
5. **As an on-going condition**, the property owner shall:
- a. Per MCC 39.4110(D), the property owner shall establish and maintain the required primary fire safety zone, as well as the secondary fire safety zone. If the subject property is sold, any future property owner is required to maintain the primary and secondary fire safety zones.
 - b. The nuisance plants in MCC 39.5580 Table 1, in addition to the nuisance plants defined in MCC 39.2000, shall not be used as landscape plantings within the SEC-h Overlay. Any nuisance plants shall be removed and kept removed from cleared areas of the subject property. [MCC 39.5860]
 - c. No fencing shall be built on the property unless the property owner obtains the necessary County approvals. [MCC 39.5860]
 - d. The mitigation plantings shall be maintained in a living state and cannot be removed without first contacting Land Use Planning. Any dying or diseased trees or shrubs shall be replaced within the next planting season or as agreed to by Land Use Planning. [MCC 39.5860(C)]

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

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, “Prior to land use sign-off for building plan check...” Be ready to demonstrate compliance with the conditions.
2. Contact Right-of-Way Permits at row.permits@multco.us 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.
3. Contact the City of Portland, Bureau of Development Services, On-site Sanitation at 503-823-6892 or e-mail septic@portlandoregon.gov for information on how to complete the Septic Evaluation or Permit process for the proposed development. All existing and/or proposed septic system components (including septic tank and drainfield) must be accurately shown on the site plan.
4. Contact Chris Liu, Planner, at chris.liu@multco.us, **for an appointment** 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.

The above must be completed before the applicant can obtain building permits from the City of Portland. Five (5) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, 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*.

1.0 PROJECT DESCRIPTION:

Staff: The Applicant proposes to construct a Heritage Tract Dwelling on the approximately 20.04 acres subject property. As part of the proposed development, the property owners would install a driveway access from NW Beck Road, a County maintained public road. In addition, they will be installing related physical improvements to the dwelling such as an on-site sewage disposal system, well and stormwater system. The subject property is currently vacant. The proposed development is within the SEC-h overlay; hence, a SEC-h permit is required. As the proposed development does not fall within the SEC-s or GH overlay, the SEC-s and GH permits are not required for this project.

2.0 PROPERTY DESCRIPTION & HISTORY:

Staff: The subject property is located in rural West Multnomah County, approximately 20.04 acres in size, and zoned Commercial Forest Use – 2 (CFU-2). Multiple overlays cover the entire property or portions of the property including the Significant Environmental Concern – Streams (SEC-s), Significant Environmental Concern – Wildlife Habitat (SEC-h), and Geologic Hazards (GH). The property is outside of the Metro urban growth boundary.

3.0 PUBLIC COMMENT:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties per MCC 39.1105 (Exhibit C.2.). Staff did not receive any public comments during the 14-day comment period.

4.0 GENERAL PROVISIONS:

4.1 § 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: This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

This standard was originally codified in the Zoning Code chapter related to land use application procedures and, by its terms, expressly applies to the application review process. Although now codified in the enforcement Part of the Zoning Code as a result of the more recent code consolidation project, the language and intent was not changed during that project and remains applicable to the application review process and not to the post-permit-approval enforcement process.

Importantly, a finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance. As such, an applicant has no initial burden to establish that all elements of the subject property are in full compliance with the Zoning Code and all previously approved permits; instead, in the event of evidence indicating or establishing one or more specific instances of noncompliance on the subject property, the applicant bears the burden to either rebut that evidence or demonstrate satisfaction of one of the exceptions in MCC 39.1515.

For purposes of the current application, staff is not aware of any open compliance cases on the subject property, and there is no evidence in the record of any specific instances of noncompliance on the subject property. *Criterion met.*

4.2 MCC 39.3005 Lot of Record – Generally

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

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

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

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

- 1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or**
- 2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; 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**

* * *

Staff: The subject property is contained in two tax lots (2N2W22A - 00600 & 2N2W22A – 00500) but is only one 20.04 acre parcel (subject property). The Applicant provided a deed recorded in January 1962 (Exhibit A.5) that describes the subject property in its current configuration. In January 1962, the subject property was zoned ‘F-2’ per the historic county zoning map included as Exhibit B.3. The F-2 zone had a minimum lot size requirement of 2.0 acres. The F-2 zone at the time did not have any other dimensional requirements or access requirements (Exhibit B.4). As the subject property is approximately 20.04 acres, the subject property met the minimum lot size requirement of the F-2 zone at the time of the property’s creation / reconfiguration. *Therefore, the subject property complied with all zoning minimum lot size, dimensional standards, and access requirements of the F-2 zone in 1962 when it was created / reconfigured.*

In 1962, one process to divide a single property from another required a deed or sales contract dated and signed by the parties to the transaction. The document needed to be in recordable form or recorded with the County Recorder prior to October 19, 1978. As evidenced by the deed recorded in January 1962 (Exhibit A.5), the applicable land division laws were satisfied.

Based on the above, the subject property satisfied all applicable zoning and land division laws in 1962.

4.3 MCC 39.3030 Lot of Record – Commercial Forest Use – 2 (CFU-2)

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

- (1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or**
- (2) A group of contiguous parcels or lots:**
 - (a) Which were held under the same owner**
 - (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.**

* * *

Staff: The Cohen family has owned the subject property since 1962 (Exhibit A.5) and they did not own any contiguous parcels on February 20, 1990 per historic County tax records. As the subject property was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, the subject property is a single Lot of Record and not subject to aggregation. *Criteria met.*

4.4 (B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, F-2 zone applied;**

* * *

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

Staff: Subsection (B) is for informational purposes. The approximately 20.04 acres subject property is a Lot of Record under the 80 acre minimum lot size for new parcels in the CFU-2 zone. As stated in Subsection (C), the subject property may be occupied by any allowed use, review use or conditional use when in compliance with other requirements of the CFU-2 zone. *Criteria met.*

4.5 (D) The following shall not be deemed a Lot of Record:

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

Staff: The subject property has not changed configuration since its creation / reconfiguration in 1962. The subject property is not an area of land described as a tax lot solely for assessment and taxation purposes; an area of land created by the foreclosure of a security interest; a mortgage lot; or an area of land created by court decree.

Based on the above, the subject property qualifies as a single Lot of Record.

4.6 MCC 39.6850 Dark Sky Lighting Standards

* * *

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

- (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: A condition of approval (Condition #3) requires the applicant to demonstrate compliance with the Dark Sky Lighting standards prior to land use approval for building plan check. *As conditioned, the above criteria are met.*

5.0 HERITAGE TRACT DWELLING CRITERIA:

5.1 MCC 39.4095 Heritage Tract Dwellings Standards

(A) A heritage tract dwelling may be sited, subject to the following:

(1) On a tract:

(a) That is not developed with a single family residence, and

(b) That is not capable of producing 5,000 cubic feet per year of commercial tree species based on soil type, and

Staff: The subject property is currently vacant (Exhibit A.7). Based on County soil maps, the subject property contains soils 7C and 7D (Cascade silt loam), which have a productivity rating of 140-164 cubic feet per year for Douglas Fir yield. At 20.04 acres, the property is capable of producing approximately 2,806 to 3,040 cubic feet per year of the commercial tree species. The subject property is not capable of producing 5,000 cubic feet per year of tree growth. *Criteria met.*

5.2 (c) That is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract. The road within the public right-of-way shall be maintained to the standards set forth in the County Right-of-Way Access Permit and be, as applicable, either paved or surfaced with rock. The road shall not be:

1. A U.S. Bureau of Land Management road; or

2. A U.S. Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

Staff: NW Beck Road, a public road maintained by Multnomah County, is adjacent to the subject property (Exhibit A.7). *Criteria met.*

5.3 (d) For which deeds or other instruments creating the lots or parcels were recorded with the County Recorder, or were in recordable form prior to January 1, 1985;

(e) That is comprised of lots or parcels that were lawfully created and pursuant to the definition of “Date of Creation and Existence” in MCC 39.2000, if the lot, parcel or tract does not qualify for a dwelling under the standards in this section, any reconfiguration after November 4, 1993 cannot in any way enable the tract to meet the criteria for a new dwelling;

Staff: The Applicant provided a deed from January 25, 1962 (Exhibit A.5) that describes the subject property in its current configuration. The subject property consists of one parcel contained in two tax lots (“TL 600” and “TL 500”) and is a lawfully created parcel that existed prior to November 4, 1993., as discussed in section 4.2 – 4.5 above. No reconfiguration(s) have occurred since 1962 and the County has not authorized any reconfiguration(s). *Criteria met.*

5.4 (f) Notwithstanding the same ownership grouping requirements of the Lot of Record section, the tract was acquired and owned continuously by the present owner:

1. Since prior to January 1, 1985; or

2. By devise or by intestate succession from a person who acquired the lot or parcel since prior to January 1, 1985. 3. For purposes of this subsection, “owner” includes the spouses in a marriage, son, daughter, parent, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, parent-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

Staff: As per the deed from January 25, 1962 (Exhibit A.5), Aaron & Helen Cohen (the Cohen family) took ownership of the subject property prior to January 1, 1985 and has continued to own the subject property since that time. In 2006, the Cohen family put the subject property into a family trust (Exhibit A.17 & B.5) and the family trust continues to be the listed owner of the property in County tax records (Exhibit B.1 & B.2). *Criterion met.*

5.5 (g) Where the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, that no dwelling exists on another lot or parcel that was part of that tract.

Staff: The subject property is a single parcel (Exhibit A.5 & B.5) consisting of two tax lots (TL 600 and TL 500) and is not part of any other tract (See Sections 4.2 and 4.3 above.). The subject property is currently vacant (Exhibit B.1 & B.2). *Criterion met.*

5.6 (2) When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling shall be consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.

Staff: Per available County Maps, the subject property is not an area designated as a habitat of big game. *Criterion met.*

- 5.7 (3) When the tract on which the dwelling will be sited consists of more than one lot or parcel, the remaining lots or parcels shall be consolidated into a single lot or parcel prior to the issuance of any development permits.**

Staff: The subject property is a single parcel consisting of two tax lots (TL 600 and TL 500), as described in sections 4.2 – 4.5 above. Tax lots are for taxation purposes only; therefore, the proposed dwelling would be located on a single parcel. *Criterion met.*

- 5.8 (4) Prior to the issuance of any development permits 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, provided, however, that:**

* * *

Staff: In 2018/2019, the subject property was logged leaving mostly the perimeter trees and a couple of interior areas. Stumps were removed and the slash burned. The applicant has provided information that the property has been reforested (Exhibit A.6). . A condition of approval has been included requiring the property owner to demonstrate that the property has been restocked to meet the Department of Forestry administrative rules. *As conditioned, criteria will be met.*

- 5.9 (5) The dwelling meets the applicable standards of MCC 39.4110 and 39.4115.**

Staff: The proposed dwelling is required to meet the applicable standards of MCC 39.4110 and 39.4115. Staff addresses these criteria in Sections 6.3 – 6.14 below.

6.0 COMMERCIAL FOREST USE -2 ZONE CRITERIA:

6.1 MCC 39.4075 Review Uses

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

* * *

(B) The following dwellings:

Heritage Tract Dwelling – pursuant to MCC 39.4095 and all other applicable criteria.

* * *

Staff: The Applicant requests approval for a Heritage Tract Dwelling on the subject property. Staff addresses MCC 39.4095 and all other applicable criteria in Section 5.1 – 6.15.

6.2 MCC 39.4105 Building Height Requirements

(A) Maximum structure height – 35 feet.

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

Staff: A condition of approval (Condition #3) requires the Applicant to demonstrate that the proposed dwelling satisfies the height requirement noted in (A) above at the time of building plan review. The proposal is for a single family dwelling, which is not similar to the structures listed in (B) above. *As conditioned, the above criteria are met.*

6.3 MCC 39.4110 Forest Practices Setbacks and Fire Safety Zones

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

Use	Forest Practice Setbacks			Fire Safety Zones
	Description of use and location	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)
Heritage Tract Dwelling	N/A	30	130	Primary and Secondary required

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

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

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

Staff: The proposal conforms to the required setbacks and fire safety zones noted in the table above per the site plan included as Exhibit A.7. This application does not include a request for a reduction to the forest practices setback or an exception to a secondary fire safety zone. The County Transportation Division did not provide any comments during the notice period to indicate that additional setbacks were necessary due to insufficient right-of-way. A condition of approval (Condition #2) requires the property owner to adjust the proposal if the County Transportation Division indicates prior to building plan review that additional setbacks are necessary due to insufficient right-of-way. *As conditioned, the above criteria are met.*

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

(1) Primary Fire Safety Zone.

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

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

* * *

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

Staff: A primary fire safety zone of 30 feet is required around the dwelling. The slopes in the area of the proposed development do not exceed 10% (Exhibit A.10); hence, the primary fire safety zone does not need to be extended. The building site has slopes under 40% as required (Exhibit A.10). A condition of approval (Condition #5) requires the property owner to establish and maintain the required primary fire safety zone. *Criteria met.*

6.5 (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: A secondary fire safety zone of 100 feet is required around the primary fire safety zone. A condition of approval (Condition #5) requires the property owner to establish and maintain the required secondary fire safety zone. *Criteria met.*

6.6 (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: The subject property is currently in forest deferral with the County Assessor. In 2018/2019, the property owner harvested / replanted a portion of the property (Exhibit A.6). The required primary fire safety zone (“PFSZ”) will be established within the area that will be converted to a non-forested “cleared” area (Exhibit A.7); hence, establishing and maintaining

the PFSZ will not interfere with the forest management on the subject property. Establishing and maintaining the secondary fire safety zone is feasible without restricting the ability to conduct future harvests. *Criteria met.*

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

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

Staff: A condition of approval (Condition #5) requires the property owner to establish and maintain the required primary and secondary fire safety zones within the subject property. A condition of approval (Condition #4) requires proof of establishment of the primary and secondary fire safety zones prior to the certificate of occupancy. *As conditioned, the above criteria are met.*

6.8 MCC 39.4115 Development Standards for Dwellings and Structures

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

* * *

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

(1) The structure shall satisfy the following requirements:

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

Staff: The proposal meets the required Forest Practices Setbacks as evidenced by the site plan included as Exhibit A.7. *Criterion met.*

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

Staff: As per the proposed site plan (Exhibit A.7), the development area to site the dwelling is a cleared area of at least 10,000 square feet and contains no trees in the primary fire safety zone. *Criterion met.*

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

Staff: As per the proposed site plan (Exhibit A.7), the development area to site the dwelling is less than 30,000 square feet in total cleared area. *Criterion met.*

6.11 (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

* * *

Staff: Per the proposed site plan (Exhibit A.7), the dwelling will be located within 300 ft. of NW Beck Road (a public road) and the driveway access will be less than 500 ft. long. Tualatin Valley Fire & Rescue (“TVF&R”) serves the area where the subject property is located. A fire service agency review is included as Exhibit A.12. The review completed by TVF&R indicates that the fire apparatus will be able to reach the structure utilizing the proposed driveway, per the signed site plan attached to the review form. *Criteria met.*

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

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

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

Staff: TVF&R completed a fire service agency review (Exhibit A.12). The review indicates that the fire apparatus will be able to reach the structure utilizing the proposed driveway, per the signed site plan attached to the review form. No perennial water source is located within 100 feet of the proposed driveway on the subject property. Therefore, the Applicant does not need to satisfy the requirement in (b). *Criteria met.*

6.13 (C) The dwelling or structure shall:

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

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

(3) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

Staff: The proposal is not for a mobile home. A condition of approval (Condition #3) requiring compliance with (C)(3), (C)(4), and the Dark Sky Lighting Standards of MCC 39.6850 is included in this decision. *As conditioned, the above criteria are met.*

6.14 (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.

(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.

(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 Applicant proposes to use a private well located on the subject property to serve the single family dwelling. Well reports are included as Exhibit A.14. A condition of approval has been included requiring the property owners or their representative to provide Land Use Planning a copy of the well driller report prior to land use sign off for building plan check (Condition #2). *Criteria met.*

6.15 MCC 39.4150 Single Family Dwellings Condition of Approval

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

Staff: A condition of approval requiring the property owner to record the above-described covenant is included as Condition #2. *Criterion met.*

7.0 SIGNIFICANT ENVIRONMENTAL CONCERN – WILDLIFE HABITAT (SEC-H) PERMIT CRITERIA:

7.1 MCC 39.5860 Criteria for Approval of SEC-H Permit – Wildlife Habitat

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

* * *

Staff: The Applicant provided the required information in Exhibits A.1 – A.18.

7.2 (B) Development standards:

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

Staff: The proposed development area has been was part of an active forest harvest in 2018/2019. All other areas surrounding the proposed development area, except for approximately 2.0 acres, were replanted (Exhibit A.6) per the forest practices rules. As the remaining cleared area would be subject to replanting, the area is not a non-forested “cleared” area. Therefore, the Applicant must propose a wildlife conservation plan per the requirement in MCC 39.5860(C). *Criterion not met.*

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

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

Staff: Per the proposed site plan (Exhibit A.7), the proposed development is located within 200 ft. of the NW Beck Road right-of-way. The proposed access leading from the right-of-way to the face of the garage is less than 500 ft. in length (Exhibit A.7). *Criteria met.*

7.4 (4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:

(a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or

(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.

* * *

Staff: The adjacent property to the south that shares a common side property line with the subject property, does not contain any development (Exhibit A.7). On the opposite side of NW Beck Road, an existing single family dwelling has a driveway that is located further than 480 ft. to the north of the proposed driveway location. The development on the subject property could meet the requirement of being within 50 feet of this neighbor's driveway but has chosen a different development location. The proposed driveway location does not meet the requirement for clustering of access roads/driveways. (Exhibit A.7). *Criteria not met.*

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

Staff: None of the adjacent properties sharing a common side property line with the subject property contains development within 200 ft. of the common side property line (Exhibit A.7). Therefore, the proposed development does not need to be located within 300 ft. of either common side property line. *Criterion met.*

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

(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

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

* * *

Staff: As per the Applicant's narrative and proposed site plan, no fencing is included as part of the proposed development (Exhibits A.18 & A.7). A condition of approval (Condition #5) ensures that no fencing is built on the subject property without County approval. *Criterion met.*

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

Staff: As described in the Applicant's narrative, no nuisance plants are proposed as part of the project (Exhibit A.18). A condition of approval (Condition #5) is included in this decision to ensure compliance with the above criterion. *As conditioned, this criterion is met.*

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

(1) The applicant cannot meet the development standards of subsection (B) because of physical characteristics unique to the property. The applicant must

show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or

(2) The applicant can meet the development standards of subsection (B), but demonstrates that the alternative conservation measures exceed the standards of subsection (B) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in subsection (B).

Staff: The Applicant can meet the development standards of subsection (B). Following the recent forest harvest in 2018/2019, the forested areas surrounding the proposed development site were replanted (Exhibit A.6). Of the approximately 20.04 acres subject property, 2.0 acres are proposed to be subject to alternative conservation measures. A wildlife conservation plan described below ensures the preservation of the forested wildlife habitat. *Criteria met.*

7.9 (3) Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (C)(5), the wildlife conservation plan must demonstrate the following:

(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

Staff: Of the 20.04 +/- acres subject property, approximately 2.0 acres were left cleared following the 2018/2019 forest harvest (Exhibit A.18). Per the Applicant, approximately 1.0 acres of the remaining cleared areas will be converted to a mitigation planting area, with the other 1.0 acres dedicated to the development. The mitigation planting area will utilize native plants such as fir and cedar trees, as well as various native shrubs (i.e. Madrone, Saskatoon, Huckleberries, Sweet Woodruff, Bleeding Heart, etc.). Proposed plantings will be west and south of the house location, which ensures the development is consolidated to an approximately 1.0 acres area (Exhibit A.18). As a majority of the property remains forested [18.04 +/- acres] and approximately 1.0 acres will be converted to a mitigation area, the proposal ensures the minimal disturbance to the overall forest canopy. *Criterion met.*

7.10 (b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

Staff: The approximately 2.0 acres left cleared following the 2018/2019 forest harvest, primarily consisted of blackberry vines and several spindly saplings of maple that were between 2-6 inches in diameter (Exhibit A.18). As noted above, and further described in Section 7.14 below, approximately 1.0 acre will be converted to a mitigation planting area. Through the proposed conversion of approximately 1.0 acre to a mitigation planting area, the remaining area dedicated to the development is approximately 1.0 acre (Exhibit A.18). *Criterion met.*

7.11 (c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.

Staff: As per the Applicant narrative (Exhibit A.18) and proposed site plan (Exhibit A.7), no fencing is proposed as part of the project. A condition of approval (Condition #5) requires that no fencing be built without County approval. *As conditioned, the above criteria is met.*

7.12 (d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.

Staff: The Applicant converted two acres of land from forest practices into non-forest land for the development. They are proposing one acre of mitigation plantings and one acre for the home site and related improvements. (d) above requires two acres of plantings for the one acre home site. As such they are not meeting the intent of (d), but they have proposed Mitigation Option 1 under (C)(5). Mitigation Option 2 under (C)(5) requires more plantings than Option 1 and is the applicable code section for the applicant to use (C)(5). Planning staff analyzed the available area and finds the number of trees and shrubs to be planted under (C)(5) Mitigation Option 2 to be more than the land can handle. Based upon staff analysis, we are utilizing a combination of (C)(3) and (C)(5). Staff finds to meet the Wildlife Conservation Plan, the Applicant can plant 100 trees and 150 shrubs. The required trees and shrubs will be planted in the areas to the west and to the south of the proposed dwelling (Exhibit A.18) in the one acre mitigation area. All plantings will be selected from the native plants list. Any remaining area of bare ground will be seeded with native grasses. Additional requirements include:

Trees to be planted: Trees shall be at least one-half inch in caliper, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are oak or madrone which may be one gallon size. Shrubs shall be in at least a 1/2-gallon container or the equivalent in ball and burlap and shall be at least 12 inches in height.

Spacing: Trees shall be planted between 8 and 12 feet on-center and shrubs shall be planted between 4 and 5 feet on-center, or clustered in single species groups of no more than four (4) plants, with each cluster planted between 8 and 10 feet on-center. When planting near existing trees, the drip line of the existing tree shall be the starting point for plant spacing measurements.

Plant Diversity: Shrubs shall consist of at least two (2) different species. No more than 50% of the trees may be of the same genus.

Nuisance Plants: Any nuisance plants listed in MCC 39.5580 Table 1 shall be removed within the mitigation area prior to planting.

Monitoring and Reporting: Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die shall be replaced in kind so that a minimum of 80% of the trees and shrubs planted shall remain alive on the fifth anniversary of the date that the mitigation planting is completed.

A condition of approval (Condition #4) requires the property owner to demonstrate completion of the required plantings. *As conditioned, the above criteria are met.*

7.13 (e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.

Staff: No stream riparian areas are proposed to be disturbed as part of the project (Exhibit A.7 & A.18). *Criterion met.*

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

* * *

Staff: The proposed project does not involve an addition to an existing structure. Therefore, the Applicant is not able to address the criteria of (C)(4) in lieu of a separate wildlife conservation plan.

7.15 (5) Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (C)(3) of this section, the wildlife conservation plan must demonstrate the following:

Staff: The Applicant cannot satisfy the criteria in subsection (C)(3), as discussed in Section 7.9 – 7.13 above. Therefore, the Applicant is required to satisfy the criteria of subsection (C)(5). Planning staff address the criteria in (C)(5) in Sections 7.16 – 7.19 below. *Criteria met.*

7.16 (a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

Staff: Of the 20.04 +/- acres subject property, approximately 2.0 acres were left cleared following the 2018/2019 forest harvest (Exhibit A.18). Per the Applicant, approximately 1.0 acres of the remaining cleared areas will be converted to a mitigation planting area, with the other 1.0 acres dedicated to the development. The mitigation planting area will utilize native plants such as fir and cedar trees, as well as various native shrubs (i.e. Madrone, Saskatoon, Huckleberries, Sweet Woodruff, Bleeding Heart, etc.). Proposed plantings will be west and south of the house location, which ensures the development is consolidated to an approximately 1.0 acres area (Exhibit A.18). As a majority of the property remains forested [18.04 +/- acres] and approximately 1.0 acres will be converted to a mitigation area, the proposal ensures the minimal disturbance to the overall forest canopy. *Criterion met.*

7.17 (b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

Staff: The approximately 2.0 acres left cleared following the 2018/2019 forest harvest, primarily consisted of blackberry vines and several spindly saplings of maple that were between 2-6 inches in diameter (Exhibit A.18). As noted above, and further described in Section 7.14 below, approximately 1.0 acre will be converted to a mitigation planting area. Through the proposed conversion of approximately 1.0 acre to a mitigation planting area, the remaining area dedicated to the development is approximately 1.0 acre (Exhibit A.18). *Criterion met.*

- 7.18** (c) **That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes. Existing fencing located in the front yard adjacent to a public road shall be consistent with subsection (B)(6).**

Staff: As per the Applicant narrative (Exhibit A.18) and proposed site plan (Exhibit A.7), no fencing is proposed as part of the project. A condition of approval (Condition #5) requires that no fencing be built without County approval. *As conditioned, the above criteria is met.*

- 7.19** (d) **For mitigation areas, all trees, shrubs and ground cover shall be native plants selected from the Metro Native Plant List. An applicant shall meet Mitigation Option 1 or 2, whichever results in more tree plantings; except that where the total developed area (including buildings, pavement, roads, and land designated as a Development Impact Area) on a Lot of Record will be one acre or more, the applicant shall comply with Mitigation Option 2:**

- 1. Mitigation Option 1. In this option, the mitigation requirement is calculated based on the number and size of trees that are removed from the development site. Trees that are removed from the development site shall be replaced as shown in the table below. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs**

Tree Replacement Table

Size of tree to be removed (inches in diameter)	Number of trees and shrubs to be planted
6 to 12	2 trees and 3 shrubs
13 to 18	3 trees and 6 shrubs
19 to 24	5 trees and 12 shrubs
25 to 30	7 trees and 18 shrubs
over 30	10 trees and 30 shrubs

- 2. Mitigation Option 2. In this option, the mitigation requirement is calculated based on the size of the disturbance area associated with the development. Native trees and shrubs are required to be planted**

at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals .66, and .66 times five equals 3.3, so three trees must be planted, and .66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground shall be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

* * *

Staff: As noted above, the property owner removed a single maple tree (12-15 inches in diameter), the remainder of a split maple tree, and approximately 10 saplings (2-6 inches in diameter). Based on the tree replacement table, 23 trees and 36 shrubs are necessary for mitigation purposes under Mitigation Option 1.

Based on the requirements of Mitigation Option 2, approximately 870 trees and 4,350 shrubs would be necessary. To determine the required number of trees and shrubs, Staff used the required calculations described in (C)(5)(d)(2) ($87,120 \text{ sq. ft.} / 500 = 174.24$; $174 \times 5 = 870$ trees; $174 \times 25 = 4,350$ shrubs).

Because Mitigation Option 2 results in more tree plantings, the Applicant would need to utilize Mitigation Option 2 if they wish to proceed under (C)(5). As discussed in Section 7.12 above, required mitigation plantings will be subject to (C)(3) and (C)(5) as crafted by planning staff to provide adequate mitigation for the development proposal. The required trees and shrubs will be planted in the areas to the west and to the south of the proposed dwelling (Exhibit A.18). All plantings will be selected from the native plants list. Any remaining area of bare ground will be seeded with native grasses. A condition of approval (Condition #4) requires the property owner to demonstrate completion of the required plantings. *As conditioned, the above criteria are met.*

8.0 GEOLOGIC HAZARDS CRITERIA:

8.1 MCC 39.5075 Permit Required

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 subject property contains areas that are within the mapped GH overlay and in excess of 25% slopes. As the proposed development is in an area outside of the GH overlay and with slopes less than 25% (Exhibit A.10), a GH permit is not required for the proposed project.
Criteria met.

9.0 CONCLUSION:

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Heritage Tract Dwelling and Significant Environmental Concern – Wildlife Habitat Permit to establish a new single-family dwelling in the CFU-2 zone. This approval is subject to the conditions of approval established in this report.

10.0 EXHIBITS:

- 'A' Applicant's Exhibits
- 'B' Staff Exhibits
- 'C' Procedural Exhibits

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. Those exhibits have been reduced to a size of 8.5” x 11” for mailing purposes. All other exhibits are available for review in Case File T2-2020-13584 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	07.28.2020
A.2	1	Authorizing Representative Form	07.28.2020
A.3	14	Applicant Narrative	07.28.2020
A.4	1	Exhibit List	07.28.2020
A.5	1	App. Exhibit 1 – 1962 Deed	07.28.2020
A.6	2	App. Exhibit 2: Replanting Documents	07.28.2020
A.7*	1	App. Exhibit 3: Site Plan	07.28.2020
A.8	1	App. Exhibit 3A: Site Plan A	07.28.2020
A.9	1	App. Exhibit 3C: Aerial showing driveway	07.28.2020
A.10	1	App. Exhibit 3D: Slope percentage map	07.28.2020
A.11	1	App. Exhibit 4: Pictures of Street	07.28.2020
A.12	4	App. Exhibit 5: Fire Agency Review	07.28.2020
A.13	14	App. Exhibit 6: Septic Letter and Engineer Report	07.28.2020
A.14	11	App. Exhibit 7: Well Reports	07.28.2020
A.15	1	App. Exhibit 8: Covenant re: Farm and Forestry	07.28.2020
A.16	1	Applicant Memo.	11.23.2020

A.17	10	Copy of selected pages from the 2006 Cohen Family Trust	11.23.2020
A.18	15	Revised Applicant Narrative	12.14.2020
'B'	#	Staff Exhibits	Date
B.1	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 2N2W22A -00600 (R972220030)	07.28.2020
B.2	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 2N2W22A -00500 (R972220370)	07.28.2020
B.3	1	1955 Historic Zoning Map for 2N2W22	12.08.2020
B.4	6	1960 'F-2' Zoning Regulations	12.08.2020
B.5	2	Add 2006 Deed to record	12.08.2020
'C'	#	Administration & Procedures	Date
C.1	1	Complete Letter	08.28.2020
C.2	4	Opportunity to Comment	10.19.2020
C.3	1	Decision Clock Toll Request	11.24.2020
C.4	27	Administrative Decision	12.21.2020