

Quilici Architecture and Design

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June 1st, 2022

Chris Liu  
1600 SE 190<sup>th</sup> Ave  
Portland, OR 97233

**RE: Application for Accessory Use Determination, Significant Environmental Concern for Wildlife Habitat (SEC-h) permit, and Geologic Hazards exemption (Case #T2-2022-15509)**

Chris,

Please see below for responses to the pre-application (PF-2020-13523) as previously provided and reference the attached PDF for required drawing updates/coordination which include a signed site plan for items 2 & 3 per the Incomplete Letter we received on 3/3/22.

In addition to the drawing submittal updates mentioned above for Items 2&3, you'll find the requested narrative information from the incomplete letter dated 3/3/22 below by item number.

**Item 1 – Incomplete Letter 3/3/22**

*39.8200 - ADJUSTMENTS AND VARIANCES; GENERALLY*

*(A) MCC 39.8200 through MCC 39.8215 (Adjustments and Variances) are designed to implement the Policies of the Comprehensive Plan. However, it is also recognized that because of the diversity of lands and properties found in the county there should be a zoning provision that permits justifiable departures from certain Zoning Code dimensional standards where literal application of the regulation would result in excessive difficulties or unnecessary hardship on the property owner.*

*(B) To address those situations, modification of the dimensional standards given in MCC 39.8205 may be permitted if the approval authority finds that the applicant has satisfactorily addressed and met the respective approval criteria in MCC 39.8210, Adjustments, or 39.8215, Variances. If an Adjustment or Variance request is approved, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.*

*(C) The Adjustment review process provides a mechanism by which certain dimensional standards may be modified no more than 40 percent if the proposed development continues to meet the intended purpose of the regulations. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the regulation.*

*(D) The Variance review process differs from the Adjustment review by providing a mechanism by which a greater variation from the standard than 40 percent may be approved for certain zoning dimensional requirements. The Variance approval criteria are based upon the traditional variance concepts that are directed towards consideration of circumstances or conditions on a subject property that do not apply generally to other properties in the same vicinity.*

*(E) All proposed modification of the dimensional standards given in MCC 39.8205(A)(2) shall be reviewed under the Variance review process regardless of the proposed percentage modification.*

**Applicant is seeking a Type III Variance for a retroactive permit and approval of an existing pump/well house. The existing structure contains the property well casing, water infrastructure tanks/pumps and limited farm storage. Per MCC 39.4110, Accessory Structures located more than 100 ft. from the dwelling require a 30 ft. setback from the front property line and 130 ft. setback from all other property lines.**

**The existing pump/well house is located 65' from the property line to the south as dimensioned on the site plan. The existing structure is also located within 130' of the centerline of Moreland Rd, which provides TVFR access to the structure in the event of a fire from a R.O.W. per the attached approved site plan review from TVFR.**

39.8205 - SCOPE.

*(B) Dimensional standards that may be modified under a Variance review are yards, setbacks, forest practices setbacks, buffers, minimum front lot line length, building height, sign height, flag lot pole width, cul-de-sac length, cul-de-sac turnaround radius, and dimensions of a private street, except the following:*

*(1) Reduction of resource protection setback requirements within the Significant Environmental Concern (SEC) and Willamette River Greenway (WRG) Overlays; and*

*(2) Modification of fire safety zone standards given in Commercial Forest Use base zones; and*

*(3) Increase to any billboard height or any other dimensional sign standard.*

*(C) The dimensional standards listed in (A) and (B) above are the only standards eligible for Adjustment or Variance under these provisions. Adjustments and Variances are not allowed for any other standard including, but not limited to, minimum lot area, modification of a threshold of review (e.g. cubic yards for a Large Fill), modification of a definition (e.g. 30 inches of unobstructed open space in the definition of yard), modification of an allowed density in a Planned Development or houseboat moorage, or to allow a land use that is not allowed by the Base zone.*

**Applicant seeks approval for a Type III Variance on a 65' setback as indicated above in 39.8200 and further outlined in the approval criteria of 39.8215 below for your review/approval.**

39.8215 - VARIANCE APPROVAL CRITERIA

*The Approval Authority may permit and authorize a variance from the dimensional standards given in MCC 39.8205 upon finding that all the following standards in (A) through (F) are met:*

*(A) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or base zone. The circumstance or condition may relate to:*

*(1) The size, shape, natural features and topography of the property, or*

**The natural features and topography of the site are in context with the surrounding area. It is the applicants desire to maintain the existing natural features of the area by allowing this structure to remain and provide water to an approved dwelling.**

*(2) The location or size of existing physical improvements on the site, or*

**The location and size of physical improvements to the site are identical and well represented in the surrounding area per the context of barns, livestock and forestry practices. The existing physical improvement for the well casing can't be moved to outright meet the setback requirements. The well casing is over 800' deep and of considerable cost to the subject property.**

**The application of this setback on a well or pump housing structure hasn't been routinely applied to adjacent structures and properties in the area.**

*(3) The nature of the use compared to surrounding uses, or*

**The nature and use of the existing well and pump house is identical to practices and typologies in the area. It has been identical and compatible with the surrounding area since the late 1980's.**

*(4) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or base zone, or*

**Many properties in the base zone and surrounding vicinity have a well and pump house established in close proximity to their property lines. A structure around this infrastructure is typically used to keep out the cold and provide limited storage on a farm/forest parcel.**

**The structure was on site at the time of building permit in some form of construction but needs to be materialized now for the permitting of a new storage building. Please see the attached drawings as they document the existing structure and outline why the applicant would face unnecessary hardship as opposed to the surrounding parcels if this structure was required to be moved.**

*(5) A circumstance or condition that was not anticipated at the time the Code requirement was adopted.*

**The well casing was drilled in this location at the time of the historical building permit for the dwelling. The zoning requirement and setback changed sometime later, it was not anticipated, however a structure is needed to house the well infrastructure in its current location.**

**The application of this setback on a well or pump drilling was not applied when the original well was drilled in the late 1980's**

*(6) The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of these approval criteria.*

*(B) The circumstance or condition in (A) above that is found to satisfy the approval criteria is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.*

*(C) There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.*

**The Variance is the minimum that the applicant can provide without the hardship of moving/drilling a new well and moving the water infrastructure at the subject property. The structure exists and is in use currently for an approved residential dwelling to provide water.**

*(D) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or base zone in which the property is located, or adversely affects the appropriate development of adjoining properties.*

**The structure has existed at the subject property since around the time of building permit and it hasn't had a detrimental effect on the surrounding neighborhood. The typology of a house and a separate structure to house the well pumps/infrastructure is both common in the area aesthetically and also needed given climate and frost issues.**

*(E) The Variance requested is the minimum necessary variation from the Code requirement which would alleviate the difficulty.*

**The Variance is the minimum that the applicant can provide without the hardship of moving/drilling a new well and moving the water infrastructure at the subject property. The structure exists and is in use currently for an approved residential dwelling to provide water.**

*(F) Any impacts resulting from the variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.*

**The impacts from the variance are mitigated through adequate site access to NW Moreland Rd in the event of fire/emergency. The structure has local access to a R.O.W. within 130' radius and has been approved by TVFR per the attached agency review forms and site plan.**

## **Item 2 – Incomplete Letter 3/3/221**

**Please see email correspondence from TVFR on page 60 of the documents as AHJ has indicated they don't sign site plans for development proposals of this type per the reasons outlined therein.**

## **Item 3 – Incomplete Letter 3/3/221**

**Stormwater Certificate info has been updated to include a signed site plan by Conor Lamb, PE, see page 1 near the note referencing the storm water certificate/design.**

## **Item 4 – Incomplete Letter 3/3/221**

**Please see Item 1a below which has been updated to address both structures per MCC 39.4075(L)(1)-(6)**

## **Item 5 – Incomplete Letter 3/3/221**

**See Item 1d below for approval criteria per MCC 39.5860(C)(3) for each structure. Please note that the driveway and access was measured and provided to the existing and proposed structures on site from Moreland Rd and is under 500' in length. The access road around the perimeter of the property is for mowing and site maintenance, not to access a structure on a routine basis. Nevertheless, the applicant has provided a narrative response meeting the approval criteria of MCC 39.5860(C)(3) as requested.**

(PF-2020-13523)

## 1.

A narrative has been provided on sheet A0.0, and is copied below for reference:

**“APPLICANT PROPOSES TO CONSTRUCT AN ADDITIONAL ACCESSORY USE STRUCTURE PER A5.0 WHICH SHOWS ALL EQUIPMENT DRAWN AT SCALE AND WITHIN THE PROPOSED FOOTPRINT OF THE STRUCTURE.**

**THE EQUIPMENT AND PROPERTY SHOWN ON A5.0 IS IN CURRENT OWNERSHIP AND ACTIVE USE BY THE APPLICANT IN THE DAY TO DAY MAINTAINENCE OF THIS HEAVILY FORESTED AND AGRICULTURAL PARCEL.**

**THE APPLICANT HAS CONFIGURED THE FLOOR PLAN TO ALLOW FOR SOME PIECES OF EQUIPMENT TO BE STORED OUTSIDE, ONLY STORING THE MOST IMPORTANT PIECES INSIDE THE PROPOSED STRUCTURE. AS SUCH, THE FLOOR PLAN REPRESENTS THE MINIMUM POSSIBLE SIZE/DEPARTURE FROM THE ALLOWABLE SQ FT. PLEASE SEE KEYNOTES ON SHEET A5.0 FOR CLARIFICATION.”**

### 1a.

39.4075(L)(1-6)

*(L) Structures or uses customarily accessory or incidental to any use permitted or approved in the CFU, which do not meet the “accessory structures” standard in MCC 39.4070 Allowed Uses, but which meet the following provisions:*

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

**Confirmed. Both the existing pump house and the new structure contain no design amenities for dwelling, sleeping, or any residential use – see plans.**

- (2) The Accessory Structure shall not contain a bathing tub.*

**Confirmed. Both the existing pump house and the new structure do not contain a bathing tub - see plans.**

- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.*

**Confirmed. Both the existing pump house and the new structure contain no plumbing fixtures.**

- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain CookVariance ing Facilities.*

**Confirmed. Both the existing pump house and the new structure contain no plumbing fixtures and shall not contain Cooking Facilities.**

- (5) *The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.*

**Confirmed. Both the existing pump house and the new structure do not contain a mattress, bed, murphy bed, or any other item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.**

- (6) *The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.*

**Please reference sheet A5.0 – The building footprint as designed is proposed to house equipment currently in the ownership of our client. The equipment is used primarily in the maintenance and stewardship of the active agricultural vineyard and timber practices on-site.**

**In addition, the retroactive permit for the**

## **1b.**

*MCC 39.4110 Forest Practices Setbacks and Fire Safety Zones*

- i. *Accessory structures within 100 feet of the dwelling:*  
**Proposed structure is 69'-6" from the existing residence. See A0.0**
1. *Front Property Line Adjacent to County Maintained Road – 30 feet*  
**Confirmed. Front setback is 44'-10" as designed. See A0.0**
  2. *All Other Setbacks – 30 feet*  
**Confirmed. 30' setback provided around proposed structure. See A0.**
  3. *Fire Safety Zone (FSZ) Requirements – Primary required*
  4. **Confirmed. FSZ setback provided around proposed structure. See A0.**
- ii. *Accessory structures located more than 100 feet of the dwelling:*
1. *Front Property Line Adjacent to County Maintained Road – 30 feet*
  2. *All Other Setbacks – 130 feet*
  3. *Fire Safety Zone (FSZ) Requirements – Primary and secondary required*
- Not required. Proposed structure is 69'-6" from the existing residence. Secondary**
- iii. *MCC 39.4110(D)(1) – Primary Fire Safety Zone.*

*(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.*

**Primary Fire Safety Zone provided per sheet A0.0. 30' clear dimension is provided in all directions around the structure as indicated. No trees are existing, proposed or planned in this area. Ground cover in this area is native grasses specifically configured to allow for mowing and keeping this fire safety zone clear.**

(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.*

**Slope is less than 10% and setup to allow for mowing with a tractor and brush hog per standard agricultural practices to keep PFSZ clear.**

iv. *MCC 39.4110(D)(2) – Secondary Fire Safety Zone.*

**Not required. Structure is 69'-6" away from the primary dwelling per A0.0.**

**1c.**

*MCC 39.5860(B)(1-7) – CRITERIA FOR APPROVAL OF SEC-H PERMIT - WILDLIFE HABITAT.*

*B*

(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.*

**Development of the proposed structure is occurring within an existing cleared open field with a Primary Fire Safety Zone provided (See A0.0).**

**The project proposal exceeds development standards in section (B) (1) because:**

1. The existing open space is close to an existing dwelling and far away from any native forested areas on the project site.
2. No existing trees will be cut down for this proposal
3. All storm water will be treated on-site per storm water engineer.

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

**See A0.0. Development site is within 200' of a public road capable of providing reasonable access. Project proposal uses existing access to NW Moreland Rd. and the proposed project site is in a cleared field.**

**The project proposal exceeds development standards in section (B) (2) because:**

1. The proposed project uses existing driveways to access Moreland Rd.
2. The proposed project is a storage building for a private residence. No additional trips or increased traffic is anticipated per the storage program of the structure

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

**Access/driveways numbers 1 & 2 have been labeled on site plan A0.0. The longest dimension of access/driveway 1 does not exceed 500'**

**The project proposal exceeds the standards in section (B) (3) because:**

1. The project proposal has placed the structure at existing driveways in a way that minimizes the impact on wildlife by using existing established pathways and access driveways.
2. The project proposal is under the maximum length allowed and exceeds the standards of wildlife conservation because the access is existing and will cause no new detrimental disturbance.

**Please note the existing road around the perimeter of the site does not service either the pump house or the proposed new structure. It is a site access road for mowing and to provide access to the vineyard. In any event, a response to MCC 39.5860(C)(3) has been provided below and both structures meet the approval criteria of MCC 39.5860(C)(3)**

*(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.*

**No new access/driveways are proposed for the project. All access/driveways to the structure are using existing infrastructure and current site plan was approved by Transportation Planning EP # 2021-14681.**

*(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.*

**Proposed development is within 300' of the side property line shared with 23502 NW Moreland Rd and 23425 NW Moreland Rd across the street.**

*(7) 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.*

**Confirmed. Existing wood fence has a 17" gap between the bottom rail and the ground. Its max height is under 42" and it's made of natural wood material.**

*(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.*

**Confirmed. An existing 3 rail wood fence is installed. It is neither electrified nor made of wire elements.**

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

**Fence type not proposed, nor existing.**

*(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.*

**Existing fence type is an open 3 rail natural wood design.**

*(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development. (See Figure 4 below.) Figure 4. FENCE EXEMPTION AREA*

**N/A existing fence meets design standards**

*(f) Fencing standards do not apply where needed for security of utility facilities.*

N/A no security fence for utility facility is proposed.

## 1d.

*(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*

**Applicable – due to Type II SEC-h permit. See wildlife conservation plan per MCC 39.5860(C)(3). Approval criteria listed below under 39.5860 (C)(3) for each structure.**

- (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).*

**Please note the existing and proposed development will have a less detrimental impact than the standards of subsection (B) because:**

- 1. No forested land is being displaced for a development site. The building site is currently an empty field.**
- 2. Landscape improvements will be provided to aid native vegetation for forested wildlife habitat.**
- 3. Storm water will be managed on-site per the Storm Water Engineer report.**
- 4. All access will use existing driveways as approved by Transportation Planning EP # 2021-14681**
- 5. The building use and program is for a storage building as documented by the equipment shown on the plans. The applicant does not consider this to be an active use which protects the forest wildlife habitat from additional trips and/or noise and disturbances.**

**Applicant, feels the above information should be considered in addition to meeting the approval criteria for MCC 39.5860 (C)(3) below**

**Approval criteria per MCC 39.5860(C)(3) for each structure:**

- (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.*

**Well House:**

**The existing well house meets this approval criteria because no forested areas will be disturbed either as the structure exists currently nor in the future.**

**New Structure:**

**The new structure meets this approval criteria. No existing forested areas will be disturbed for the new development site. The project site for the new structure is in a cleared field with clear separation away from the existing forested area.**

- (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.*

**Well House:**

**The existing well house meets this approval criteria, no new cleared area is proposed nor required for the retroactive permit and use of this structure.**

**New Structure:**

**No existing forested areas will be disturbed for the new development site. The project site for the new structure is in a cleared field with separation away from the existing forested area. The existing grass area, including the required primary fire safety zone, is .32 of an acre and will be retained as a natural buffer of the same character/use as currently observed on site.**

- (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.*

**Well House:**

**The existing well house meets this approval criteria, no new fencing will be built, no new areas will be cleared for this structure as it exists currently.**

**New Structure:**

The new structure meets this approval criteria, no new fencing will be built and no forested areas are being cleared which would require a new fence per the project proposal.

(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.*

**Well House:**

The existing well house meets this approval criteria, no forested area is or will need to be disturbed or cleared for its retroactive permit/use.

**New Structure:**

The new structure meets this approval criteria, no forested areas or trees will be disturbed by either the construction of the new structure or its use. There will be no newly cleared trees or large vegetation, the project site for the new structure is in an open lawn away from the forested areas of the site.

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

**Well House:**

The existing well house meets this approval criteria, no stream or riparian area is or will need to be disturbed for its retroactive permit/use.

**New Structure:**

The new structure meets this approval criteria, no stream or riparian areas will be disturbed by either the construction of the new structure or its use.

**2. Site Plan:** *The site plan needs to be revised to include the following details:*

a. *Include the distance from the primary dwelling to the proposed detached accessory building. Accessory structures located more than 100 feet from the primary dwelling requires compliance with the Secondary Fire Safety Zone.*

**Dimension provided – see A0.0.**

b. *Include the distance from the well house to the property boundary that abuts NW Moreland Road.*

**Dimension provided – see A0.0.**

c. *Include the Primary and/or Secondary Fire Safety Zone buffers.*

**Primary Fire Safety Zone provided – see A0.0.**

**3. Elevation Drawings:**

- a. *Please revise the submitted elevation drawings to include the height of the proposed accessory structure from grade to highest roof ridge.*

**Dimension provided – see A2.0.**

- b. *Please provide elevation drawings for the existing pump/well house.*

**Drawings provided – see A301.**

**4. Floor Plan: a. Please provide a floor plan for the existing pump/well house.**

**Drawings provided – see A101.**

5. *Service Provider Forms: The applicant included service provider forms that were approved in 2018. The 2018 proposal was for a 2,257 square-foot accessory building, and the proposal did not include the existing well/pump house. The applicant will need to submit the current proposal to the applicable agencies for review.*

- a. *Fire Service Agency Review – The Fire Service Agency serving your property will review your project to ensure compliance with the Oregon Fire Code. They must complete and sign the Fire Service Agency Review form. The completed form must be submitted with your application materials along with any signed letters and plans.*

**Approved documents provided – see pdf attachment.**

- b. *Transportation Planning Review – Transportation Planning ensures that Multnomah County Road Rules on access and driveway spacing are satisfied. Please see contact Right-of-Way Permits office. A completed and signed Transportation Planning Review Form must be submitted with your application materials.*

**Approved documents provided – see pdf attachment.**

- c. *On-Site Sanitation Septic Review – The Sanitarian will review your proposal and make sure that it will not harm the on-site sewage disposal system and its back up area. A completed and signed Septic Review Certificate must be submitted with your application materials along with any signed letters and plans.*

**Approved documents provided – see pdf attachment.**



Jon DeLeonardo &lt;jon@quad-pdx.com&gt;

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**23414 NW Moreland Rd**

7 messages

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**Jon DeLeonardo** <jon@quad-pdx.com>  
To: jeremy.foster@tvfr.com

Wed, Apr 27, 2022 at 10:19 AM

Hi Jeremy,

Thanks for the call this am, you'll find a copy of the approved site plan attached for your signature. I've also attached the approved agency review form per Doug for your reference.

Please let me know if you have any questions.

Thanks,

Jon

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**2 attachments** **22-0420 - 23414 NW MORELAND RD SITE PLAN.pdf**  
438K **23414 NW moreland Rd.pdf**  
171K

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**Foster, Jeremy L.** <Jeremy.Foster@tvfr.com>  
To: Jon DeLeonardo <jon@quad-pdx.com>

Wed, Apr 27, 2022 at 10:26 AM

Jon- I took a look at this and because the structures are less than 200' from NW Moreland Rd., no permits or plans are required from TVF&R for this application. All firefighting operations will be accomplished on NW Moreland Rd. and therefore no fire department access internal to the site will be required. Please forward this e-mail to Multnomah County with your application. Let me know if you have any questions.

Thank you,

**Jeremy Foster**|Deputy Fire Marshal

Tualatin Valley Fire &amp; Rescue

Direct: 503-259-1414

[www.tvfr.com](http://www.tvfr.com)

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**From:** Jon DeLeonardo <jon@quad-pdx.com>  
**Sent:** Wednesday, April 27, 2022 10:20 AM

**To:** Foster, Jeremy L. <Jeremy.Foster@tvfr.com>  
**Subject:** 23414 NW Moreland Rd

\*\*\*The sender is from outside TVF&R – Do not click on links or attachments unless you are sure they are safe\*\*\*

[Quoted text hidden]

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**2 attachments**

 **22-0420 - 23414 NW MORELAND RD SITE PLAN.pdf**  
438K

 **23414 NW moreland Rd.pdf**  
171K

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**Jon DeLeonardo** <jon@quad-pdx.com>  
To: "Foster, Jeremy L." <Jeremy.Foster@tvfr.com>

Wed, Apr 27, 2022 at 10:41 AM

Hi Jeremy,

That sounds great.

It wouldn't hurt to type that on the site plan and sign it. The county has been very challenging to deal with for this project.

I'd prefer to give it to them exactly how they've requested it. A simple pdf stamp/signature in Bluebeam is fine.

Thanks,

Jon

[Quoted text hidden]

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**Foster, Jeremy L.** <Jeremy.Foster@tvfr.com>  
To: Jon DeLeonardo <jon@quad-pdx.com>

Thu, Apr 28, 2022 at 6:46 AM

Good morning Jon- We wont sign or stamp plans that we are not issuing a permit for. The e-mail will suffice for Multnomah County.

[Quoted text hidden]

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**Jon DeLeonardo** <jon@quad-pdx.com>  
To: Andrew Johnson <andrew@planetjohnson.net>, Kevin Eike <kevin@eikelawpc.com>

Thu, Apr 28, 2022 at 8:31 AM

Sound ok?

[Quoted text hidden]

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**Kevin Eike** <kevin@eikelawpc.com>  
To: Jon DeLeonardo <jon@quad-pdx.com>, Andrew Johnson <andrew@planetjohnson.net>

Thu, Apr 28, 2022 at 9:08 AM

Doesn't sound like we have a choice.

**Kevin A. Eike** | Attorney, Arbitrator, Mediator, Realtor



February 3rd , 2022

Izze,

Please see below for our responses to the pre-application as requested and reference the attached PDF for required drawing updates/coordination and agency approvals.

## 1.

A narrative has been provided on sheet A0.0. Its copied below for reference:

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### 1a.

39.4075(L)(1-6)

*(L) Structures or uses customarily accessory or incidental to any use permitted or approved in the CFU, which do not meet the “accessory structures” standard in MCC 39.4070 Allowed Uses, but which meet the following provisions:*

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

**Confirmed. The proposed structure contains no design amenities for dwelling, sleeping, or any residential use – see plans.**

- (2) The Accessory Structure shall not contain a bathing tub.*

**Confirmed. Proposed Accessory Structure shall not contain a bathing tub - see plans.**

- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.*

**Confirmed. Proposed Accessory Structure contains no plumbing fixtures.**

- (4) *An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.*

**Confirmed. Proposed Accessory Structure contains no plumbing fixtures and shall not contain Cooking Facilities.**

- (5) *The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.*

**Confirmed. Proposed Accessory Structure shall not contain a mattress, bed, murphy bed, or any other item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.**

- (6) *The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.*

**Please reference sheet A5.0 – The building footprint as designed is proposed to house equipment currently in the ownership of our client. The equipment is used primarily in the maintenance and stewardship of the active agricultural vineyard and timber practices on-site.**

## 1b.

### *MCC 39.4110 Forest Practices Setbacks and Fire Safety Zones*

- i. Accessory structures within 100 feet of the dwelling:*

**Proposed structure is 69'-6" from the existing residence. See A0.0**

1. *Front Property Line Adjacent to County Maintained Road – 30 feet*  
**Confirmed. Front setback is 44'-10" as designed. See A0.0**
2. *All Other Setbacks – 30 feet*  
**Confirmed. 30' setback provided around proposed structure. See A0.**
3. *Fire Safety Zone (FSZ) Requirements – Primary required*
4. **Confirmed. FSZ setback provided around proposed structure. See A0.**

- ii. Accessory structures located more than 100 feet of the dwelling:*

1. *Front Property Line Adjacent to County Maintained Road – 30 feet*
2. *All Other Setbacks – 130 feet*
3. *Fire Safety Zone (FSZ) Requirements – Primary and secondary required*

**Not required. Proposed structure is 69'-6" from the existing residence. Secondary**

iii. MCC 39.4110(D)(1) – Primary Fire Safety Zone.

(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.

**Primary Fire Safety Zone provided per sheet A0.0. 30' clear dimension is provided in all directions around the structure as indicated. No trees are existing, proposed or planned in this area. Ground cover in this area is native grasses specifically configured to allow for mowing and keeping this fire safety zone clear.**

(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.

**Slope is less than 10% and setup to allow for mowing with a tractor and brush hog per standard agricultural practices to keep PFSZ clear.**

iv. MCC 39.4110(D)(2) – Secondary Fire Safety Zone.

**Not required. Structure is 69'-6" away from the primary dwelling per A0.0.**

## 1c.

MCC 39.5860(B)(1-7) – CRITERIA FOR APPROVAL OF SEC-H PERMIT - WILDLIFE HABITAT.

B

(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.

Development of the proposed structure is occurring within an existing cleared open field with a Primary Fire Safety Zone provided (See A0.0).

The project proposal exceeds development standards in section (B) (1) because:

1. The existing open space is close to an existing dwelling and far away from any native forested areas on the project site.
2. No existing trees will be cut down for this proposal
3. All storm water will be treated on-site per storm water engineer.

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

See A0.0. Development site is within 200' of a public road capable of providing reasonable access. Project proposal uses existing access to NW Moreland Rd. and the proposed project site is in a cleared field.

The project proposal exceeds development standards in section (B) (2) because:

1. The proposed project uses existing driveways to access Moreland Rd.
2. The proposed project is a storage building for a private residence. No additional trips or increased traffic is anticipated per the storage program of the structure

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

Access/driveways numbers 1 & 2 have been labeled on site plan A0.0. The longest dimension of access/driveway 1 does not exceed 500'

The project proposal exceeds the standards in section (B) (3) because:

1. The project proposal has placed the structure at existing driveways in a way that minimizes the impact on wildlife by using existing established pathways and access driveways.
2. The project proposal is under the maximum length allowed and exceeds the standards of wildlife conservation because the access is existing and will cause no new detrimental disturbance.

*(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.*

**No new access/driveways are proposed for the project. All access/driveways to the structure are using existing infrastructure and current site plan was approved by Transportation Planning EP # 2021-14681.**

*(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.*

**Proposed development is within 300' of the side property line shared with 23502 NW Moreland Rd and 23425 NW Moreland Rd across the street.**

*(7) 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.*

**Confirmed. Existing wood fence has a 17" gap between the bottom rail and the ground. Its max height is under 42" and it's made of natural wood material.**

*(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.*

**Confirmed. An existing 3 rail wood fence is installed. It is neither electrified nor made of wire elements.**

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

**Fence type not proposed, nor existing.**

*(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.*

**Existing fence type is an open 3 rail natural wood design.**

*(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development. (See Figure 4 below.) Figure 4. FENCE EXEMPTION AREA*

**N/A existing fence meets design standards**

*(f) Fencing standards do not apply where needed for security of utility facilities.*

N/A no security fence for utility facility is proposed.

## 1d.

*(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*

**Not applicable - See below (C)(2)**

- (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).*

**Please see narrative/responses above under subsection 39.5860(B)(1-7) outlining how the project proposal exceeds the development standards of that subsection by item.**

**Please note that this proposed development will have a less detrimental impact than the standards of subsection (B) because:**

- 1. No forested land is being displaced for a development site. The building site is currently an empty field.**
- 2. Landscape improvements will be provided to add native vegetation for forested wildlife habitat.**
- 3. Storm water will be managed on-site per the Storm Water Engineer report.**
- 4. All access will use existing driveways as approved by Transportation Planning EP # 2021-14681**
- 5. The building use and program is for a storage building as documented by the equipment shown on the plans. The applicant does not consider this to be an active use which protects the forest wildlife habitat from additional trips and/or noise and disturbances.**

**2. Site Plan:** *The site plan needs to be revised to include the following details:*

*a. Include the distance from the primary dwelling to the proposed detached accessory building. Accessory structures located more than 100 feet from the primary dwelling requires compliance with the Secondary Fire Safety Zone.*

**Dimension provided – see A0.0.**

*b. Include the distance from the well house to the property boundary that abuts NW Moreland Road.*

**Dimension provided – see A0.0.**

*c. Include the Primary and/or Secondary Fire Safety Zone buffers.*

**Primary Fire Safety Zone provided – see A0.0.**

**3. Elevation Drawings:**

*a. Please revise the submitted elevation drawings to include the height of the proposed accessory structure from grade to highest roof ridge.*

**Dimension provided – see A2.0.**

*b. Please provide elevation drawings for the existing pump/well house.*

**Drawings provided – see A301.**

**4. Floor Plan:** *a. Please provide a floor plan for the existing pump/well house.*

**Drawings provided – see A101.**

*5. Service Provider Forms: The applicant included service provider forms that were approved in 2018. The 2018 proposal was for a 2,257 square-foot accessory building, and the proposal did not include the existing well/pump house. The applicant will need to submit the current proposal to the applicable agencies for review.*

*a. Fire Service Agency Review – The Fire Service Agency serving your property will review your project to ensure compliance with the Oregon Fire Code. They must complete and sign the Fire Service Agency Review form. The completed form must be submitted with your application materials along with any signed letters and plans.*

**Approved documents provided – see pdf attachment.**

- b. *Transportation Planning Review – Transportation Planning ensures that Multnomah County Road Rules on access and driveway spacing are satisfied. Please see contact Right-of-Way Permits office. A completed and signed Transportation Planning Review Form must be submitted with your application materials.*

**Approved documents provided – see pdf attachment.**

- c. *On-Site Sanitation Septic Review – The Sanitarian will review your proposal and make sure that it will not harm the on-site sewage disposal system and its back up area. A completed and signed Septic Review Certificate must be submitted with your application materials along with any signed letters and plans.*

**Approved documents provided – see pdf attachment.**