

December 31, 2019

Matt Newman  
NW Engineers  
3409 NE John Olsen Ave.  
Hillsboro, OR 97214

**RE: Application for Conditional Use Permit, Variance to Forest Practices Setbacks, Administrative Decision for Measure 49 Dwelling, Significant Environmental Concern Permit, Geologic Hazards Permit, Exception to Secondary Fire Safety Zone (Case #T3-2019-12724)**

Dear Matt Newman:

Thank you for submitting the land use application for the property located at **13195 NW McNamee Road**, Portland. Your application has been reviewed by Land Use Planning to determine if all required materials have been provided to demonstrate compliance with Multnomah County Code (MCC). As is common with applications subject to multiple approval criteria, I have identified additional information needed in order to process your application. At this time, your application has been deemed as **Incomplete** as of **December 31, 2019**.

**Information and Materials Requested:**

**1. General**

- a. Narrative: The narrative contains numerous references to “information submitted and approved as part of land use case no. T3-2012-2907”. Please note that the aforementioned case expired in 2018 following an extension to the original expiration date. Staff may only review the information submitted as part of your current application. With that in mind, please provide amendments or revise your narrative / submit supplemental information as necessary to ensure Staff has all required information to evaluate your application. Staff has provided additional guidance below.
- b. Measure 49: please provide a copy of the Oregon Dept. of Land Conservation and Development Measure 49 Supplemental Review Final Order.
- c. Stormwater Certificate: Steven M. White, P.E. provided a Water Quality Report for the subject property. Please have them complete the Stormwater Drainage Control Certificate (enclosed) to certify their findings described in the Water Quality Report and supplemental documents.
- d. Conditional Use Approval Criteria: Staff is in the process of determining if your application will need to address the approval criteria listed in MCC 39.7015. Once you have submitted the requested copy of the Measure 49 Supplemental Review Final Order referenced in item no. 1.b. above, Staff will review the information and provide you with an update.

## 2. Variance Approval Criteria

- a. As described in MCC 39.8205, reduction of yards and setback requirements within the Geologic Hazards (GH) Overlay shall only be reviewed as a Variance. Please provide an amendment to your narrative that addresses, in detail, all Variance Approval Criteria listed in MCC 39.8215 for the requested reduction to the required forest practices setbacks.

## 3. Exceptions To Secondary Fire Safety Zone

- a. Please provide an amendment to your narrative or revise your narrative to address how your proposal qualifies for one of the situations listed in MCC 39.4155(A).

## 4. Significant Environmental Concern Permit

- a. Wildlife Habitat (SEC-h): Please provide an amendment to your narrative or revise your narrative to address the Wildlife Conservation Plan criteria listed in MCC 39.5860(C). Provide any additional supplemental documentation related to your proposed Wildlife Conservation plan. Please note that for (C)(3) and (C)(5), rather than meeting both these criteria, the zoning code requires you to choose one or the other to address.

- b. Streams (SEC-s):

- i. The subject property contains a Stream overlay due to McCarthy Creek running through a portion of the subject property. Please revise your Site Plan and preliminary Grading and Erosion Control Plan to show the location of McCarthy Creek and its 200 ft. buffer zone running to the East.

Staff will need this information to verify that none of your proposed development activity falls within the SEC-s overlay and is exempt from the criteria listed in MCC 39.5750.

- ii. Aerial photos show extensive grading activities along the west side property line between 2012 – 2016. A portion of the grading activities appears to have occurred within the SEC-s overlay. Please provide additional information as to the previous grading activity so that staff may determine if the activity required a SEC-s permit.

## 5. Geologic Hazards Permit

- a. Narrative: Please provide an amendment or revise your narrative to address the criteria listed in MCC 39.5080 and MCC 39.5090. Your application materials must address each criteria. If one of the listed criteria is not applicable to your project, please provide a brief explanation regarding how/why the criteria is not applicable to your proposal.

- b. Additional Information:

- i. MCC 39.6210: Your materials must address the criteria listed in MCC 39.6210. Please revise your application materials as necessary.
- ii. Previous Grading Activity: As referenced in item 4.b.ii above, it appears extensive grading activities occurred along the west side property line between 2012-2016. This area is within the Geologic Hazards overlay. Staff did not find

any information in the application materials that address the grading activity in this area. Please provide additional information / documentation regarding the aforementioned grading activity. If necessary, the Geotechnical Report and associated documents may require revisions.

- iii. Landslide Repair: Your application materials reference a landslide repair following GeoPacific's site visit in August 2009. Staff did not find any prior land use reviews/permits for this repair. Please revise your application materials to provide additional information / documentation regarding the landslide repair. If necessary, the Geotechnical Report and associated documents may require revisions.

#### 6. Road Rules Variance

- a. The County Transportation Planning Division requires a Road Rules Variance for your proposed driveway; application materials are enclosed. Ensure that you reference your land use case no. (T3-2019-12724) on your application. Upon receipt of your materials, they will conduct a completeness review and inform you if any additional information is required. Please note that an additional notice fee is not necessary, so you will only be responsible for the listed application fee. For any questions related to the Road Rules Variance Application, please contact *Natalie Warner* at [row.permits@multco.us](mailto:row.permits@multco.us)

Once you have gathered all of the requested information and materials, you will need to submit all items in **one single submittal packet**. Once you have submitted a complete packet addressing the requested items, we will conduct a new completeness review of your application.

The County's code gives you two options at this point. You can elect to provide this missing information **June 02, 2020** or deem your application complete as it exists. We recommend you elect to provide the additional information within the 180-day time period, because without it, we may not be able to approve the application. We have enclosed an option statement to assist you.

If you are unable to make your application complete within the 180 days, your application will be closed and a copy of your materials will be returned. Please indicate on the attached form which option you would like to proceed under. Return the form no later than **January 30, 2020**. Please contact your case planner, Lisa Estrin at (503) 988-0167 or [lisa.m.estrin@multco.us](mailto:lisa.m.estrin@multco.us) if you have any questions.

Sincerely,

Chris Liu  
Planner

Enclosures

cc: File

Application #: T3-2019-12724  
Case Planner: Lisa Estrin

**APPLICANT'S RESPONSE**  
(Return by **January 30, 2020**)

- I intend** to provide the additional information identified in the attached letter from Multnomah County Planning within 180 days. I understand that if I do not make my application complete by **June 02, 2020** my application will be closed and I will forfeit my application fees.
  
- I decline** to provide the additional information identified in the attached letter from Multnomah County Planning and I am deeming my application complete. I understand that my application will be processed with the supplied information. I am aware that failure to meet the applicable code requirements is grounds for denial of my application.

\_\_\_\_\_  
Signed and Acknowledged (Applicant)

\_\_\_\_\_  
Printed Name (Applicant)

\_\_\_\_\_  
Date