

Exhibit I – Initial Incomplete Letter

September 08, 2021

Scott Reed
13305 NW Cornell Road, Suite C
Portland, OR 97229

RE: Application for Administrative Decision by the Planning Director, Significant Environmental Concern for wildlife habitat permit, Geologic Hazard permit exemption, and Erosion and Sediment Control permit (Case #T2-2021-14981)

Dear Applicant:

Thank you for submitting the land use application for the property located at **12424 NW Springville Road, Portland**. 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 **Incomplete** as of **September 08, 2021**.

Information and Materials Requested:

1. **REVIEW FORMS:** Please note that most reviews listed below require a current (2021) site plan showing existing and proposed structures. Consult each review form for additional required documents to submit to the respective agency / professional. We need the respective agency/ professional to complete the current forms to ensure you meet the present day requirements.
 - a. **Certification of Water Service:** Please submit a current Certification of Water Service form. If the proposed development involves water from a private well, complete the section of the form relative to wells and include a copy of the well drillers report.
 - b. **Fire Service Agency Review:** The Fire Service Agency Review form included in your application materials is from 2018. Please submit a current Fire Service Agency Review form completed by your Fire Service Agency in 2021. We need documentation that the proposed development is in compliance with the most current version of the Oregon Fire Code. Please include any supplemental documents returned to you by the Fire Service Agency. [MCC 29.004]
 - c. **Septic Review Certification:** The Septic Review Certification form included in your application materials is from 2017. Please submit a current Septic Review Certification form completed by the County Sanitarian in 2021. Please include any supplemental documents returned to you by the County Sanitarian. [MCC 39.1125 & MCC 39.4245]
 - d. **Stormwater Drainage Control Certificate:** Please submit a current Stormwater Certificate completed by an Oregon Licensed Engineer in 2021. The certificate notes additional documents that the Engineer needs to sign/stamp and include with the certificate. [MCC 39.1125 & MCC 39.6235]

- e. **Transportation Planning Review:** Please submit a current Transportation Planning Review form completed by the County Right-of-way office in 2021. Please include any supplemental documents returned to you by the Right-of-way office. [MCC 39.1125 & MCC 39.4245(D)]
2. **SITE PLANS:** The site plans [C-201 and C-401] included in your application materials are from 2017. The survey [G-103] included in your application materials is from 2016. Please submit current plans / survey(s) from 2021 that accurately reflect the existing and proposed conditions of the site, including any changes resulting from grading and fill activity associated with T1-2017-8544, T1-2017-9729, and T1-2020-13263. [MCC 39.1130(D), MCC 39.6225(A)(2) & (B)(1), MCC 39.5085(B), MCC 39.5520(A)]
- a. **Floor Plans Note:** Your proposed plans are adequate to represent a desired dwelling floor plan. The County reviews and approves floor plans for dwellings once an applicant reaches the plan check phase. That being said, please note that a number of features you propose (i.e. large “wet bars”) would not be permissible. Staff can provide further information at the plan check phase. [MCC 39.2000]
3. **GEOLOGIC HAZARDS / EROSION AND SEDIMENT CONTROL**
- a. **Grading Activity:** Your grading plan [C-601] and erosion control plan / details [C-301 and C-302] are from August 2017. Aerial photos show grading activity on the site after that point. You will need to provide the following information [on separate plans] to clearly show the extent of the previous / proposed grading activity:
 - i. **Original Contours** – This information should reflect the original contours for the site [as of August 2017], prior to grading activities.
 - ii. **Existing Contours** – Existing contour information as of September 2021, reflecting the alterations to the site contours due to grading activity completed from August 2017 - present.
 - iii. **Grading Plan** - Proposed contours following the completion of the proposed grading activities.
 - iv. **Erosion Control Plan** – Proposed erosion control measures and details for the proposed grading activities.
 - b. **Geologic Hazards Permit Exemption:** Your narrative does not address which Geologic Hazards (GH) permit exemption(s) you believe applies to your project. Your narrative also does not describe or reference any supporting documents used to reach your conclusions. Please note that your property is within the Tualatin River drainage basin and does not qualify for the exemption listed in MCC 39.5080(N).
 - i. MCC 39.5075 states “Unless exempt under this code...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 Geologic Hazards permit (GH).”
 - ii. The proposed water quality facility shown on the ‘Water Quality Plan’ [C-602] appears to be located in an area with slopes at or above 25% based upon the contour information you provided. The ground disturbance in this area does not appear to meet a GH Permit Exemption.

- c. If your project does not qualify for a GH Permit Exemption(s), you will need to apply for a GH Permit. An application for a Geologic Hazard Permit must provide the information listed in MCC 39.5085(A) through (C). In addition to applying for a Geologic Hazard permit, you would need to revise your General Application Form to request the Geologic Hazard permit and pay the appropriate fee. A GH Permit must demonstrate compliance with the permit standards under MCC 39.5090.
- d. **Erosion and Sediment Control Permit:** If your project qualifies for a GH Permit Exemption(s), then the Erosion and Sediment Control (ESC) Permit you have applied for would be applicable. Your application form notes that you request an ESC Permit, but your narrative does not address how you satisfy the requirements of MCC 39.6225.
 - i. Please provide the required information listed under MCC 39.6225(A). Your ESC Permit must demonstrate compliance with the applicable approval criteria listed under MCC 39.6225(B).

4. FARM ACTIVITY / USES

- a. **Existing / Proposed Farm Activity:** In your ‘Existing & Future Farm Use’ plan from 2017, you show a variety of existing and planned activities. Your narrative does not appear to describe any of the activities shown and does not clearly outline the nature and extent of the existing and proposed farm activities. Please update the ‘Existing & Future Farm Use’ plan for 2021, provide an updated farm management plan for 2021, and revise your narrative. [MCC 39.4225(C) & 39.4265]
 - i. Annual Gross Sales: Your application materials did not include any supporting documents for the annual gross sales figures noted in your narrative. Please provide sales reports (i.e. monthly printouts from a payment system such as ‘Square’) and certified Schedule F form(s) from your federal tax return for the year(s) associated with the sales figures noted in your narrative. [MCC 39.4265(B)(3)(c)]
- b. **Commercial Farm Study:** Your narrative references a study of commercial farms within one mile from the perimeter of the subject tract. You did not provide any details on how you completed the required study, how the identified properties qualify as a commercial farm, how you determined the median size pursuant to OAR 660-33-135(3), etc. You also did not provide any details on how you calculated the annual gross sales of county indicator crops for commercial farms in the study area, or identify the county indicator crops utilized. [MCC 39.4265(B)(3)(a) – (b)]

5. SIGNIFICANT ENVIRONMENTAL CONCERN – WILDLIFE HABITAT (SEC-H)

- a. Based on the submitted site plans, the access road/driveway and service corridor exceeds 500 feet, which does not comply with MCC 39.5860(B)(3). You will need to **modify your proposal** to comply with this requirement **or develop a Wildlife Conservation Plan** that satisfies the requirements of MCC 39.5860(C).

6. CODE COMPLIANCE

- a. An aerial photo from 2020 (see image below) shows a structure placed within the Significant Environmental Concern for streams (SEC-s) overlay, along with additional

grading to create an access road. Staff did not find any recent SEC-s permit(s) authorizing these actions. Please provide the land use permit that authorized the development in the SEC-s overlay or apply for a SEC-s permit for the unauthorized development within the overlay. Construction of an agricultural structure in the SEC-s overlay within Metro's jurisdictional boundaries requires an SEC-s permit [MCC 39.5515(B)].



If there are other code compliance issues you are aware of, you will need to address them as part of your land use application so that we can make the appropriate findings for MCC 39.1515.

You can elect to provide this missing information by **February 14, 2022**. Please complete and sign the attached 'Applicant Response' form and return it to my attention no later than **October 07, 2021**.

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. Once you gather all of the requested information and materials, you will need to submit all new or revised materials in **one (1) packet**. Upon receipt of your packet, I will conduct a new completeness review of your application. Since there are a number of outstanding items, we may identify additional missing information/permits when you resubmit. If you are unable to make your application complete within the 180 days, we will close your application and return a copy of your materials.

Please contact me via email at chris.liu@multco.us if you have any questions.

Sincerely,

Chris Liu

Chris Liu
Planner

Enclosure:
Applicant's Response

cc: File
Applicant via email

Application #: T2-2021-14981
Case Planner: Chris Liu

APPLICANT'S RESPONSE
(Return by **October 07, 2021**)

- 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 **February 14, 2022** 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