

NOTICE OF DECISION



www.multco.us/landuse ▪ Email: land.use.planning@multco.us ▪ Phone: (503) 988-3043

Application for Lot of Record Verification and Significant Environmental Concern for Wildlife Habitat (SEC-h)

Case File: T2-2024-0034

Applicant: Sam Huck, 3J Consulting, Inc.

Proposal: Request for a Lot of Record Verification and Significant Environmental Concern for Wildlife Habitat (SEC-h) permits for a new single-family dwelling to replace the existing dwelling, construct an accessory structure (stormwater drainage system), and implement a SEC-h Wildlife Conservation Plan. No development is proposed in the Geologic Hazards (GH) and Significant Environmental Concern for Streams (SEC-s) overlays.

Location: 20300 NW Watson Rd, Scappoose

Property ID # R326136

Map, Tax lot: 3N2W25B -01500

Alt. Acct. # R982250020

Base Zone: Commercial Forest Use (CFU-2)

Overlays: Geologic Hazards (GH)
Significant Environmental Concern for Streams (SEC-s)
Significant Environmental Concern for Wildlife Habitat (SEC-h)

Determination: The subject property known as 3N2W25B -01500 is a Lot of Record in its current configuration.

Decision: The requested Significant Environmental Concern for Wildlife Habitat (SEC-h) permit is Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Wednesday, March 19, 2025 at 4:00 pm.

Issued by:

A handwritten signature in black ink, appearing to read "Rithy Khut", written over a horizontal line.

Digitally signed by Rithy Khut
DN: cn=Rithy Khut, o=Multnomah
County, ou=Land Use Planning
Division,
email=rithy.khut@multco.us, c=US

Rithy Khut, Senior Planner

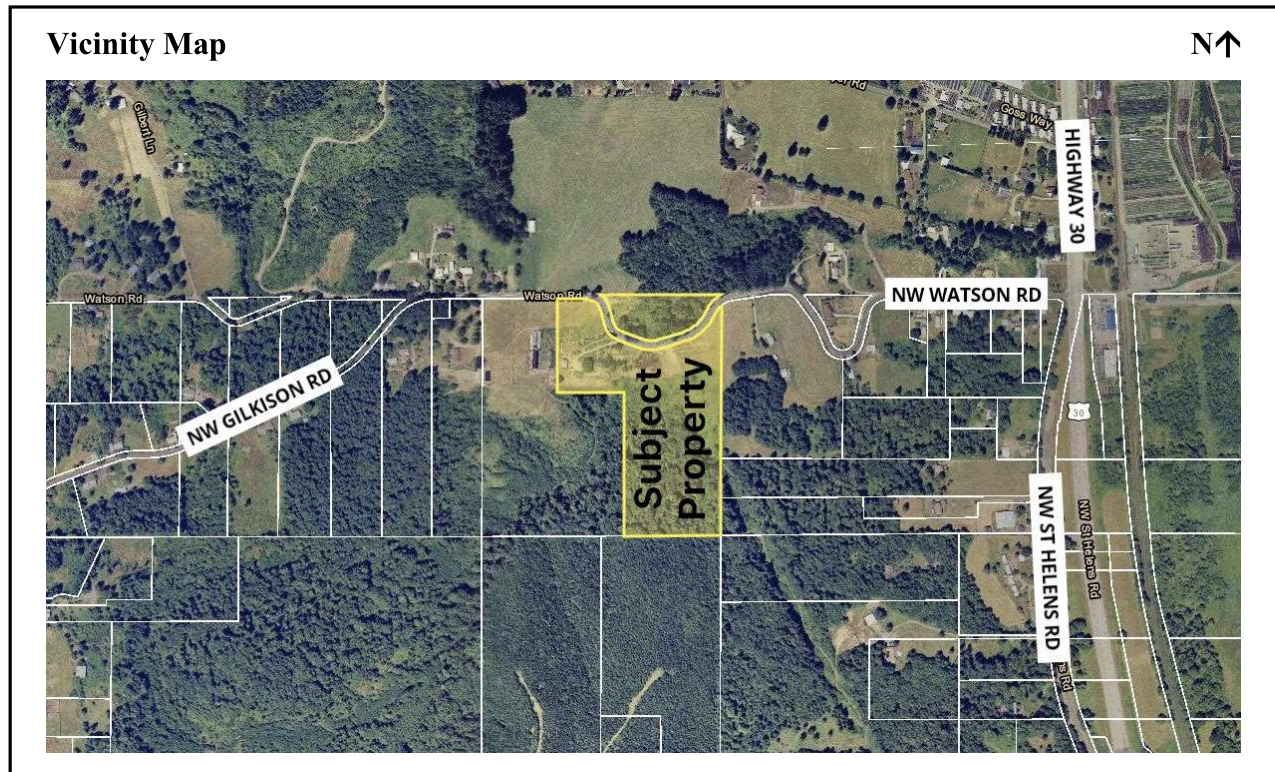
For: Megan Gibb,
Planning Director

Date: Wednesday, March 5, 2025

Instrument Number for Recording
Purposes: # 2024-079365

Opportunity to Review the Record: The complete case file and all evidence associated with this application is available for review by contacting LUP-comments@multco.us. Paper copies of all documents are available at the rate of \$0.46/page.

Opportunity to Appeal: The appeal form is available at www.multco.us/landuse/application-materials-and-forms. Email the completed appeal form to LUP-submittals@multco.us. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.



Applicable Approval Criteria:

Multnomah County Code (MCC): General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions

Lot of Record: MCC 39.3005 Lot of Record – Generally, MCC 39.3090 Lot of Record – Rural Residential (RR)

Commercial Forest Use Districts (CFU): MCC 39.4070(D) Alteration, maintenance, replacement or restoration of an existing lawfully established habitable dwelling..., MCC 39.4070(T) Allowed Uses – Accessory Structures..., MCC 39.4105 Building Height Requirements, 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 Overlays (SEC): MCC 39.5510 Uses; Sec Permit Required, MCC 39.5580 Nuisance Plant List, MCC 39.5860 Criteria for Approval of SEC-h Permit - Wildlife Habitat

Copies of the referenced Multnomah County Code sections are available by visiting <https://www.multco.us/landuse/zoning-codes> under the link **Chapter 39: Multnomah County Zoning Code** or by contacting our office at (503) 988-3043.

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.

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 1.a, notification of commencement of construction shall be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to the date of commencement. Notification shall be sent via email to LUP-submittals@multco.us with the case no. T2-2024-0034 referenced in the subject line. [MCC 39.1185]
 - b. Within **four (4) years** of the date of commencement of construction when the structure has not been completed.
 - i. For the purposes of 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.
 - ii. For purposes of 1.b, the property owner shall provide building permit status in support of completion of exterior surfaces of the structure and demonstrate compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to LUP-submittals@multco.us with case no. T2-2024-0034 referenced in the subject line. [MCC 39.1185]

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. 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. [MCC 39.1170(B)]
3. **Prior to submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:
 - a. Acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement has been provided to assist you. The signed document shall be submitted and uploaded when submitting Building Plans for Zoning Review and Review of Conditions of Approval. [MCC 39.1170(A) & (B)]

- b. Record pages 1 through 7 and Exhibit A.27 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]
 - c. Sign and record a covenant with Division of Assessment, Recording, and Taxation ("County Records") 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. [MCC 39.4150]
4. **When submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:
- a. Provide a Letter of Acknowledgement, recorded Notice of Decision, and recorded covenant as required in Condition 3.a through 3.c. [MCC 39.1170(A) & (B)]
 - b. Demonstrate compliance with the County's Ground Disturbance regulations by obtaining either a Minimal Impact Project (MIP) permit or an Erosion and Sediment Control (ESC) permit. [MCC 39.1250 and MCC 39.5860(C)(5)(i)]
 - i. The Erosion Control Plan shall show:
 - 1. The location of flagging, fencing, or marking of work areas to reduce potential damage to habitat outside of the work area. [MCC 39.5860(C)(5)(f)]
 - 2. The location of all excavated native soils that are disturbed during development on the property and whether the soil will be contoured or stockpiled on the property. [MCC 39.5860(C)(5)(h)]
5. **During construction**, the property owner(s) or their representatives shall:
- a. Flag, fence, or otherwise mark all work areas to reduce potential damage to habitat outside of the work area. The flagging, fencing, and marking shall be placed prior to development occurring and the work area shall remain marked through all phases of development. [MCC 39.5860(C)(5)(f)]
 - b. Retain all native soils disturbed during development on the property. The location of the retain soils shall be marked on the Erosion Control Plan as required in Condition 4.b. [MCC 39.5860(C)(5)(h)]
 - c. Construct the storm water drainage control system as described and shown in Exhibits A.10 and A.27. [MCC 39.4115(E)]
 - d. Install the exterior lighting in compliance with Dark Sky Lighting requirements of MCC 39.6850. [MCC 39.4115 and MCC 39.6850]
6. **Within one (1) year of the final decision**, the property owner(s) or their representative(s) shall:
- a. Commence planting as discussed in Exhibit A.25 and shown Exhibit A.27. The plantings shall be a minimum of eighteen (18) trees and eighty-nine (89) shrubs. The plant size, plant spacing, and diversity shall meet the requirements of MCC 39.5860(C)(5)(k)-(l). [MCC 39.5860(C)(5)]
 - i. Notification shall be sent via email to LUP-submittals@multco.us with the case no. T2-2024-0034 referenced in the subject line. The notification shall contain photographs demonstrating that the planting has occurred and the plants are planted in the ground. [MCC 39.1170(A) and (B)]

- ii. The Planning Director may extend the timeline for the implementation of the planting plan. Any request for extension shall be made a minimum of 15 days before the deadline. The property owner must provide documentation as to why they are requesting an extension and what portion of the plantings they are requesting an extension on. [MCC 39.1170(A)]
- 7. **Within ninety (90) days of commencement of the mitigation referenced above**, the property owner(s) or their representatives shall:
 - a. Provide a post-mitigation report to LUP-submittals@multco.us with the case no. T2-2024-0034 referenced in the subject line that mitigation is complete. The post-mitigation report shall confirm the mitigation has been completed in compliance with approved designs. Any variation from approved designs or conditions of approval shall be clearly indicated. Justification must be provided detailing why the deviation is needed and that the quantity of trees/shrubs will result in enhancement of the resource values of the wildlife habitat area. The post-mitigation report shall include:
 - i. Dated pre- and post-mitigation photos taken of the Mitigation Planting Area. The photos should clearly show the site conditions before and after construction.
 - ii. A narrative that describes any deviation from the approved plans. [MCC 39.1170(A) and MCC 39.5860(C)(5)]
- 8. **At the completion of mitigation work** discussed above, in Section 7.2.2 of this Decision, and Exhibit A.27, the property owner(s) or their representative(s) shall:
 - a. Monitor the Mitigation Areas to determine whether each type of tree and shrub planted continues to live, thrive, and grow. Monitoring is the ongoing responsibility of the property owner. Annual monitoring reports are required.
 - i. 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. For any replanted area that falls below the 80% threshold, the property owner(s) shall be replant the area during the next planting season. [MCC 39.5860(C)(5)]
 - ii. Monitoring reports for a period of five (5) year period beginning on the anniversary date of this decision becoming final.
 - 1. **Annual Monitoring Report Due Date:** Annual monitoring reports are due by November 30th of each year to LUP-submittals@multco.us with the case no. T2-2024-0034 referenced in the subject line. [MCC 39.1170 and MCC 39.5860(C)(5)]
 - 2. **Extension of the Monitoring Period:** The monitoring period may be extended, at the discretion of Land Use Planning for failure to provide monitoring reports, failure of the site to meet performance standards for two consecutive years (without irrigation or replanting), or when needed to evaluate replanting, or other corrective or remedial actions. [MCC 39.1170 and MCC 39.5860(C)(5)]
 - 3. **Release of Monitoring Obligation:** Monitoring is required until Land Use Planning has officially released the site from further monitoring. [MCC 39.1170 and MCC 39.5860(C)(3)]

4. **Failure to Submit Monitoring Reports:** Failure to submit the required monitoring report by the due date may result in an extension of the monitoring period, and/or enforcement action. [MCC 39.1170 and MCC 39.5860(C)(3)]

iii. The annual monitoring report shall include the following information:

1. The case number, monitoring date, report year, and a determination that the site is / is not meeting the performance standard of Condition #8.a.i.
2. Current photographs of the Mitigation Area taken within the last 30 days prior to the report date.
3. A brief narrative that describes maintenance activities and recommendations to meet the performance standard. This includes when irrigation occurred and when the above ground portion of the irrigation system was or will be removed from the site.
4. The number and location of any Mitigation Plantings that have been replaced or need to be replaced each year due to death or disease and planting date for their replacements.
5. Any other information necessary or required to document compliance with the performance standard listed in Condition #8.a.i. [MCC 39.1170 and MCC 39.5860(C)(5)]

9. **As an on-going condition**, the property owner(s) shall:

- a. Maintain the stormwater drainage control system for the life of the replacement dwelling in compliance with Exhibits A.10 and A.27. [MCC 39.4115(E)]
- b. Be encouraged to maintain the trees, shrubs, and other vegetation on subject property to meet the Primary Fire Safety Zone (“PFSZ”) requirements: Trees within the PFSZ 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. [MCC 39.4110 Table 1, MCC 39.4110(D)(1), and MCC 39.4110(D)(5)]
- c. Maintain the cleared areas of the property so those areas free of nuisance plants listed in Table 1. Additionally, the nuisance plants shall not be used as landscape plantings on the subject property. [MCC 39.5850(C) and MCC 39.5860(C)(5)(m)]
- d. Have any exterior lighting be contained within the boundaries of the Lot of Record on which it is located. [MCC 39.4115 and MCC 39.6850]

Note: Land Use Planning must sign off on the building plans before you can go to the Building Department. When ready to submit Building Plans for Zoning Review, 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 submitting Building Plans for Zoning Review...” Be ready to demonstrate compliance with the conditions.
2. You will need to provide a copy of your Transportation Planning Review (TPR) sign-off with your building plans. If you have not yet received sign-off, visit the following webpage for instructions on how to request a review of your plans: <https://www.multco.us/planreview>. Failure to obtain TPR sign-off of your plans will result in delaying your zoning review.

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 completing the Septic Permit or Evaluation 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. Visit <https://www.multco.us/landuse/submitting-building-plan> for instructions regarding the submission of your building plans for zoning review and review of conditions of approval. Please ensure that any items required under, “When submitting Building Plans for Zoning Review...” are ready for review. Land Use Planning collects additional fees at the time of zoning review.

Once you have obtained an approved zoning review, application for building permits may be made with the City of Portland.

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 requests a Lot of Record Verification for the property identified as 3N2W25B-01500 also known as 20300 NW Watson Rd, Scappoose (subject property). Additionally, the applicant requests a Forest Development Standards and Significant Environmental Concern for Wildlife Habitat (SEC-h) permits for a new single-family dwelling to replace the existing dwelling, construct an accessory structure (stormwater drainage system), and implement a SEC-h Wildlife Conservation Plan. No development is proposed in the Geologic Hazards (GH) and Significant Environmental Concern for Streams (SEC-s) overlays.

2.0 Property Description & History:

Staff: This application is for 20300 NW Watson Rd, Scappoose. The subject property is located on the north and south side of NW Watson Road in unincorporated west Multnomah County outside of Metro’s Urban Growth Boundary (UGB). The subject property is zoned Commercial Forest Use (CFU-2) and has three (3) overlays, Geologic Hazards (GH), Significant Environmental Concern for Streams (SEC-s), and Significant Environmental Concern for Wildlife Habitat (SEC-h).

According to the County Assessor the property is occupied by single-family dwelling with covered porch, “farm building,” and three (3) “greenhouses”. The dwelling was first assessed in 1931 and the property approximately 19.46 acres according to the County Assessor. The most current aerial photo shows three (3) structures with a mixture of forested areas and grassy areas (Exhibit B.3). The greenhouses appear to be located on the adjacent property to the west.

These are the previous land use/building permit associated with the subject properties:

Permit No.	Date	Description
N/A	12/02/1991	Property Line Adjustment

3.0 Public Comment:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties pursuant to MCC 39.1105 (Exhibit C.4). Staff did not receive public comments during the 14-day comment period.

4.0 Code Compliance and Applications Criteria:

4.1 § 39.1250 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 or zoning review approval of development or any other approvals authorized by this code 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

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.

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 39.1250.

Staff identified compliance issues during a pre-file meeting, PF-2022-15922 on March 16, 2023. The compliance issues related to two (2) accessory structures that were not reviewed by the County (Exhibit B.4). These compliance issues were also discussed as part of the completeness review process as required by MCC 39.1135. An Incomplete Letter was sent on April 25, 2024 further discussing the issues.

The applicant responded by entering a Voluntary Compliance Agreement (VCA) and submitting this application for review. The VCA outlines corrective action and a sequence of permits that the applicant will need to meet (Exhibit B.5). This application, a Type II application, is the first part of the sequence of permits will allow for the replacement of the existing single-family dwelling that was destroyed by fire. In completing the required Conditions of Approval, the applicant will be required to continue the process of sequencing permits to comply with the VCA in order return the subject property into full compliance with Multnomah County Code. *As conditioned, criterion met.*

5.0 Lot of Record Criteria:

5.1 § 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.

(1) “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.

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

* * *

(e) “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

* * *

Staff: To qualify as a Lot of Record, the property when created or reconfigured must meet MCC 39.3005(B) of this section and meet the Lot of Record standards set forth in the Commercial Forest Use – 2 (CFU-2) zoning district. More specifically, section (B) above requires demonstration that the subject property (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws. The Lot of Record standards set forth in the CFU-2 district establish additional requirements unique to the district, which are evaluated in Sections 5.2 of this decision. The findings below analyze whether the Lot of Record provisions in section (B) have been met.

The applicant provided one (1) deed to support the Lot of Record request. The earliest deed provided was recorded in 1991 and contains a legal description describing the property as, “Northwest quarter of the Northwest quarter of Section 25, Township 3 North, Range 2 West...” (Exhibit A.5). In 1991, the Property was zoned Multiple Use Forest – 19 (MUF-19) per historical County zoning maps (Exhibit B.6). The MUF-19 zone had a minimum lot size of 19 acres, minimum front lot line length 50 feet (Exhibit B.7). Property was approximately 38.69 acres, not including the road and had a front lot line length over 50 feet (Exhibit B.6).

Then on December 2, 1991, the County reviewed a lot line adjustment (LLA) that was reviewed through an Exempt Minor Partition (EMP). The adjustment reduced the property to its current size of 19.46 acres (Exhibit A.22). As the subject property has not been subject to a subsequent boundary reconfiguration since those findings were written, the property continues to satisfy all applicable zoning laws at the time of its reconfiguration.

The subject property complied with all applicable zoning laws at the time of its creation or reconfiguration.

In 1991, the process to create or divide a parcel 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. Subsequently, the property owner at the time sought an LLA that was reviewed County through the EMP process. To complete the approved LLA, new metes and bounds descriptions needed to be recorded. The deeds and new legal descriptions were recorded on February 4, 1991 (Exhibit B.9). As the subject property has not been subject to a subsequent boundary the applicable land division laws were satisfied.

Based upon the above, the property satisfied all applicable zoning and land division laws when it was reconfigured in 1991.

5.2 § 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 ownership on February 20, 1990; and

(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.

2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.

3. Three examples of how parcels and lots shall be aggregated are shown in MCC 39.3070 Figure 1 with the solid thick line outlining individual Lots of Record:

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g. MUA-20, RR, BRC, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

Staff: Based on ownership data, the property was not contiguous to any other parcel or lot under the same ownership on February 20, 1990. Using taxation data from 1989 and 1990 from Multnomah County Division of Assessment, Recording, and Taxation (DART) a comparison of ownership is shown below:

Table 1 – Comparison of ownership of the subject properties and surrounding

State ID	Alternative Acct. #	Size	Pre 1990	Post 1990
3N2W25B -01500	R982250020	19.46	Gossett, Tommie A	Gossett, Tommie A
3N2W25B -01600	R982250840	19		
3N2W25B -00900	R982250070	5.88	Cross, Kenneth & Charlotte R	Cross, Kenneth & Charlotte R
3N2W25B -00700	R982250210	8.87	Wieneke, E R & Bernice L	Wieneke, E R & Bernice L
3N2W25B -01400	R982250250	17.5	Longview Fibre Co	Longview Fibre Co

3N2W25B -00500	R982250300	12.29	Szedlak, Carl E & Joan L	Szedlak, Carl E & Joan L
3N2W25B -01000	R982250780	11	Pease, Raymond L & Margaret	Pease, Raymond L & Margaret

As part of the second requirement under MCC 39.3050(A)(2), if the continuous parcels or lots were under the same ownership on February 20, 1990 and were less than 19 acres, they would be required to be aggregated to comply with the minimum lot size of 19 acres. Based on records above the subject property was 3N2W25B -01500 and -01600 combined before the 1991 LLA. Together they were over 19 acres in size and were not aggregated with any of the surrounding properties. After the LLA, both properties continue to be larger than the 19-acre aggregation minimum.

The subject property is not aggregated to any contiguous parcel or lot and as discussed in Section 5.1 is an individual Lot of Record.

* * *

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

* * *

Staff: Section (B) is for information purposes.

(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: The subject property is approximately 19.46 acres, which is less than the minimum lot size for new parcels or lots in this zone and subject to (C) above. The applicant is seeking to replace an existing dwelling with a new dwelling, which must be reviewed as an Allowed Use. The applicant will need to demonstrate compliance with the requirements of the district as discussed in Section 6.0

(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: As discussed above under section 5.1, the subject properties are not an area of land described as a tax lot solely for assessment and taxation purposes. The subject properties are not an area of land created by the foreclosure of a security interest, a mortgage lot, or created by court decree. *Criterion met.*

6.0 Commercial Forest Use Districts (CFU) Criteria:

6.1 § 39.4070 ALLOWED USES.

6.1.1 (D) Alteration, maintenance, replacement or restoration of an existing lawfully established habitable dwelling as defined in MCC 39.2000 and located within 100-feet from an existing dwelling.

(1) In the case of a replacement dwelling, the existing dwelling shall be removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

Staff: The applicant is requesting a new single-family dwelling to replace an existing dwelling that was destroyed by fire (Exhibit A.25 and A.27). As required above, it must be shown that the former dwelling meets the definition of a lawfully established habitable dwelling as defined in MCC 39.2000.

As defined, a Habitable Dwelling means:

An existing dwelling that:

- (a) Has intact exterior walls and roof structure;**
- (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;**
- (c) Has interior wiring for interior lights;**
- (d) Has a heating system; and**
- (e) Was lawfully established.**

As defined, a Lawfully Established Dwelling means:

A dwelling that was constructed in compliance with the laws in effect at the time of establishment. The laws in effect shall include zoning, land division and building code requirements. Compliance with Building Code requirements shall mean that all permits necessary to qualify the structure as a dwelling unit were obtained and all qualifying permitted work completed.

The applicant provided photos showing the formerly existing dwelling is a habitable dwelling. The pictures show intact exterior walls, roof, bathroom, electrical panel, a furnace, and septic system (Exhibit A.8). The County has record that the dwelling was first assessed as a dwelling in 1931, which precedes County Zoning requirements (Exhibit B.1).

The fire that destroyed the existing dwelling occurred on November 11, 2022. The applicant's initial submission of this application to commence review occurred on November 9, 2023 prior to the one-year window expiring.

The proposed floor plan shows a two-story building with a daylight basement and first floor. As designed the building contains one dwelling unit (Exhibit A.27). The development is located within the Significant Environmental Concern for Wildlife Habitat (SEC-h) overlay. The applicant will need to acquire a SEC-h permits to authorize the proposed dwelling. The SEC-h requirements are discussed in Section 7.0. *Criterion met.*

6.1.2 (T) Accessory Structures subject to the following:

(1) The accessory structure is customarily accessory or incidental to any use permitted or approved in this base zone, is located within 100 feet of the dwelling and is a structure identified in the following list:

* * *

(n) Similar structures

Staff: The applicant is requesting new accessory structure associated with the single-family dwelling. The structure is stormwater drainage control system (Exhibit A.25 and A.27). The structure is not listed in the above list, but can be considered as a similar structure. The proposed structure can be customarily found and incidental to the primary use of the property, which is a single-family dwelling. *Criteria met.*

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

(3) The Accessory Structure may contain one sink.

(4) The Accessory Structure shall not contain:

* * *

(5) Compliance with MCC 39.8860 is required.

(6) The combined footprints of all buildings accessory to an accessory dwelling unit (ADU) shall not exceed combined footprints of 400 square feet and the combined footprints of all Accessory Buildings on a Lot of Record, including buildings accessory to an ADU, shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above, except for the combined footprints allowed for all buildings accessory to an ADU, shall be considered through the Review Use provisions.

Staff: The plan show the accessory structure is not a building. As proposed and designed, the accessory structure is not designed temporarily or permanently; as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use (Exhibit A.27). The structure does not contain a sink or any of the features found in subsection (4). Additionally, compliance with MCC 39.8860 is not required. Lastly, the applicant has demonstrated either by design or by condition of approval that the accessory building does not exceed any of Allowed Use provisions; therefore, the Review Use provisions are not applicable. *Criteria met.*

6.2 § 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: The exterior building plan elevations indicate that the height of the new dwelling is less than 35 feet (Exhibit A.27). *Criterion met.*

6.4 § 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:

Table 1.

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)	Fire Safety Zone Requirements (FSZ)
Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling	May maintain current nonconforming setback(s) if less than 30 ft. to property line	30	30	Property owner is encouraged to establish Primary to the extent possible

* * *

Percent Slope	Distance in Feet
Less than 10	No additional required
Less than 20	50 additional
Less than 25	75 additional
Less than 40	100 additional

(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.

(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.

(2) Secondary Fire Safety Zone.

A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 39.4155.

Staff: The new dwelling is required to meet the Forest Practice Setbacks in Table 1 above. The accessory structure is in the ground and is not required to meet the setbacks above. The new dwelling will have a footprint of 1,727 sq. ft. The previously existing dwelling has a footprint of 1,436 sq. ft. (Exhibit A.27). As the additional ground coverage is less than 400 square feet the forest practice setbacks are 30 feet from all property lines.

The setback is not increased as the right-of-way (ROW) adjacent to the subject property is NW Watson Road. The road is classified as a rural local. A local rural road requires a ROW width of 50 feet. The road is 50 feet in width, so no additional right-of way width is needed and the setback does not need to be increased (Exhibit B.2).

As measured on the Site Plan, the new dwelling is more than 30 feet from all property lines (Exhibit A.27). Additionally, the development area is generally flat therefore no additional distance is required for the Primary Fire Safety Zone (PFSZ). As outlined in the table, the property owner is encouraged to establish PFSZ within 30 feet of the dwelling and no Secondary Fire Safety Zone (SFSZ) is required. *Criteria met.*

(3) No requirement in (1) or (2) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

Staff: The applicant has not indicated that the subject property is subject to a forest management plan; therefore, this criterion is not applicable. *Criteria met.*

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

Staff: As previously discussed there is enough area for the PFSZ. A SFSZ is not required on the subject tract (Exhibit A.27). *Criterion met.*

(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 requires compliance with (5) above for the PSFZ. A SFSZ is not required. *As conditioned, criterion met.*

6.5 § 39.4115 DEVELOPMENT STANDARDS FOR DWELLINGS AND STRUCTURES.

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

Staff: The applicant has included a lighting plan and samples/technical specifications for the exterior lighting (Exhibit A.27). A condition will be required that during construction that the exterior lighting plan be followed. *As conditioned, criterion met.*

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

* * *

(2) Replacement or restoration of a dwelling shall meet the development standards of MCC 39.4115(E).

(a) Replacement or restoration of a dwelling that is within the same foot-print of the original dwelling and includes less than 400 square feet of additional ground coverage: Subject to the development standards of MCC 39.4115(E);

Staff: The replacement of the dwelling will result in an expansion of less than 400 square feet of additional ground coverage (Exhibit A.25 and A.27). Therefore, the replacement dwelling is required to meet the development standards of MCC 39.4115(E), which is discussed below.

* * *

(E) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, shall be provided on the Lot of Record.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

Staff: The applicant has provided a Septic Review Certification and Stormwater Drainage Control Certificate. The on-site sewage disposal was reviewed Nicole Blais, Multnomah County Sanitarian. The Sanitarian stated, “Burned 3br to be replaced by new 3br SFR w/ reconnection to existing septic system poses no concern to septic.” (Exhibit A.11). The storm water/drainage control was reviewed and certified by Kathleen Freeman, P.E. The Certificate recommends “Use of gutter, downspout, and splash block drainage system (Exhibit A.10). The report recommends construction of a standard gutter to downspout system that outfalls to a PVC pipe and is conveyed to a class 50 riprap outfall. This system will ensure that the rate of runoff from the subject property during a 10-year/24-hour storm event is no greater than that before the development. A condition of approval requires the applicant construct and maintain the proposed stormwater drainage control system for the life of the dwelling. *As conditioned, criteria met.*

6.6 § 39.4150 SINGLE FAMILY DWELLINGS CONDITION OF APPROVAL - PROHIBITION ON CLAIMS ALLEGING INJURY FROM FARM OR FOREST PRACTICES.

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 requires compliance with MCC 39.4150 above as the applicant is requesting approval of a replacement single-family dwelling. *As conditioned, criterion met.*

7.0 Significant Environmental Concern for Wildlife Habitat (SEC-h) Criteria:

7.1 § 39.5510 USES; SEC PERMIT REQUIRED.

(A) All uses allowed in the base zone are allowed in the SEC when found to satisfy the applicable approval criteria given in such zone; provided however, that the location and

design of any use, or change or alteration of a use, except as provided in MCC 39.5515, subject to approval of an SEC permit pursuant to this Subpart.

(B) Any excavation or any removal of materials of archaeological, historical, pre-contact or anthropological nature shall be conducted under the conditions of an SEC permit, regardless of the zoning designation of the site.

Staff: As discussed in Section 6.0, the applicant is proposing a new single-family dwelling and an accessory structure. The proposed development is an Allowed Use associated with the residential use under MCC 39.4070(D) and (T), if the proposal meets certain requirements of Multnomah County Code. Significant Environmental Concern for Wildlife Habitat (SEC-h) permits are required as the proposal is not exempt from obtaining permits. Conditions of Approval will require the property owner to demonstrate compliance with all the applicable approval criteria as discussed below. Lastly, according to the plans, no excavation or removal of materials of archaeological, historical, prehistorical, or anthropological has occurred or are proposed. *Criterion met.*

7.2 § 39.5860 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT.

* * *

7.2.1 (B) Development standards:

(1) Where a parcel contains any non-forested "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 subject parcel contains areas that are defined as non-forested "cleared" areas and forested areas. The non-forested "cleared" area is an area that has been cleared since as early as 1990. The dwelling and accessory structure are in the cleared area (Exhibit A.27). *Criterion met.*

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

Staff: As measured on the applicant's site plan, the development is less than 200 feet from NW Watson Road, a public road (Exhibit A.27). *Criterion met.*

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

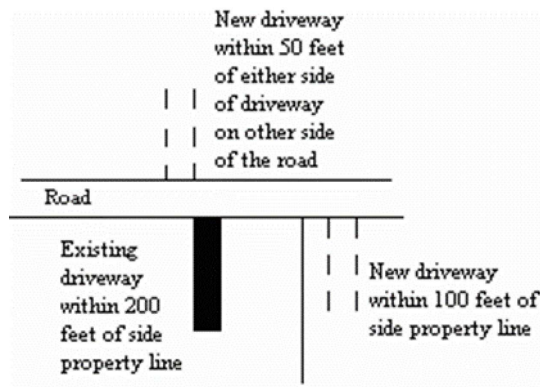
Staff: As measured on the applicant's site plan, the private driveway is less than 500 feet in length (Exhibit A.27). *Criterion met.*

(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.

(c) Diagram showing the standards in (a) and (b) above.



For illustrative purposes only.

* * *

Staff: Based on aerial photo review and measurement, there are no driveways on the opposite side of the road within 50 feet of the subject property’s driveway and there is one driveway on the same side of the road within 200 feet of that side property line (Exhibit B.3). As there is one driveway within 200 feet of a side property line, the subject property’s driveway must be with 100 feet of the common boundary between the two properties. The applicant is proposing a driveway that is more than 100 feet from the common property line (Exhibit A.25 and A.27). *Criterion not met.*

(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: The site plan and aerial photo review show the adjacent properties on the east has structures and developed areas within 200 feet of the common side property lines (Exhibit B.3). The applicant is not proposing development within 300 feet of the common property line (Exhibit A.25 and A.27). *Criterion not met.*

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

* * *

Staff: The applicant is not proposing any fencing within the required setback from the public road. *Criterion not applicable.*

(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: The applicant’s Wildlife Conservation Plan indicates that nuisance plants in MCC 39.5580 Table 1 are not located in cleared areas of the subject property (Exhibit A.25). A condition requires on-going compliance with (A)(7) above. *As conditioned, criterion met.*

7.2.2 (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

Staff: As discussed above, the applicant has not met the development standards of subsection (B); therefore, a Wildlife Conservation Plan (WCP) is required. Due to the existing development pattern of the property, locating the new dwelling and accessory structure to meet the requirements of subsection (B) would result in the development being located within a B.P.A. Transmission Line and easement. Secondly, the dwelling is accessed using an existing private driveway that was original to the 1931 dwelling. The development is also located as far outside of the Significant Environmental Concern for Streams (SEC-s) overlay and Geologic Hazard (GH) overlays as possible. Therefore, the applicant is proposing a WCP that results in the minimum departure from the standard. *Criterion met.*

* * *

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

* * *

Staff: The applicant has provided a WCP that demonstrates satisfaction with subsection (C)(5), therefore the criteria within (C)(3) do not need to be met.

(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 has provided a WCP to demonstrate satisfaction with the requirements as discussed below.

(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: The WCP discusses the measures that will reduce impacts to the forested areas. As proposed, the new dwelling and accessory structure are in a cleared area that has already been disturbed (Exhibit A.25 and A.27). No development is proposed in the forest canopy cover. *Criterion met.*

(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: As previously discussed the new dwelling and accessory structure is in a cleared area that has already been disturbed (Exhibit A.25 and A.27). No development is proposed in forested areas. *Criterion met.*

(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: The applicant is not proposing any new fencing as part of this application; therefore, this criterion is not applicable. *Criterion not applicable.*

(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:

* * *

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: The applicant is electing to utilize the development standards of subsection (C)(5)(d)2 as no trees will be removed as part of the development proposal. The WCP calculates that 1,727 square feet (footprint of new home) + 54 square feet (covered porch) will result in 1,781 square feet of disturbance area. Using the calculation above, that results in 18 trees and 89 shrubs that must be planted (Exhibit A.25 and A.27).

To mitigate the impacts the applicant proposes a WCP to offset the permanent impacts of the development. The mitigation is designed to offset the development. The WCP recommends the following types and species

Type	Species	Common Name	Quantity
Tree	<i>Acer circinatum</i>	Vine Maple	7
Tree	<i>Prunus emarginata</i>	Bitter cherry	3
Tree	<i>Rhamnus purshiana</i>	Cascara buckthorn	5
Tree	<i>Thuja plicata</i>	Western Redcedar	3
Total			18

Type	Species	Common Name	Quantity
Shrub	<i>Cornus sericea</i>	Red osier dogwood	15
Shrub	<i>Holodiscus discolor</i>	Ocean spray	10
Shrub	<i>Lonicera involucrata</i>	Twinberry honeysuckle	3
Shrub	<i>Philadelphus lewisii</i>	Lewis' mock-orange	15
Shrub	<i>Ribes sanguineum</i>	Red-flowering Currant	10

Shrub	<i>Sambucus racemosa</i>	Red elderberry	10
Shrub	<i>Spiraea betulifolia var. lucida</i>	White Spiraea	16
Shrub	<i>Spiraea douglasii</i>	Rose spiraea	5
Shrub	<i>Vaccinium ovatum</i>	Evergreen huckleberry	5
Total			89

A condition of approval requires the implementation of the proposed WCP. *As conditioned, criteria met.*

(e) Location of mitigation area. All vegetation shall be planted within the mitigation area located on the same Lot of Record as the development and shall be located within the SEC-h overlay or in an area contiguous to the SEC-h overlay; provided, however, that if the vegetation is planted outside of the SEC-h overlay then the applicant shall preserve the contiguous area by executing a deed restriction, such as a restrictive covenant. (Note: an off-site mitigation option is provided in a streamlined discretionary review process). The mitigation area shall first be located within any existing non-forested cleared areas contiguous to forested areas, second within any degraded stream riparian areas and last in forested areas or adjacent to landscaped yards.

Staff: The WCP shows that the mitigation area is located south of the new dwelling and accessory structure. It is adjacent to a forested area that runs along Joy Creek (Exhibit A.25 and A.27). The area is contiguous to the SEC-s overlay placed on Joy Creek. *Criterion met.*

(f) Prior to development, all work areas shall be flagged, fenced, or otherwise marked to reduce potential damage to habitat outside of the work area. The work area shall remain marked through all phases of development.

Staff: A condition requires compliance with the above. *As conditioned, criterion met.*

(g) Trees shall not be used as anchors for stabilizing construction equipment.

Staff: A condition requires compliance with the above. *As conditioned, criterion met.*

(h) Native soils disturbed during development shall be conserved on the property.

Staff: A condition requires compliance with the above. *As conditioned, criterion met.*

(i) An erosion and sediment control plan shall be prepared in compliance with the ground disturbing activity standards set forth in MCC 39.6200 through MCC 39.6235.

Staff: As conditioned, the applicant will be required to submit for an Erosion and Sediment Control (ESC) permit or a Minimal Impact Project (MIP) permit to demonstrate compliance with the above. *As conditioned, criterion met.*

(j) Plant size. Replacement 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-gallon container or the equivalent in ball and burlap and shall be at least 12 inches in height.

(k) Plant 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.

Staff: A condition requires compliance with the above. *As conditioned, criteria met.*

(l) Plant diversity. Shrubs shall consist of at least two (2) different species. If 10 trees or more are planted, then no more than 50% of the trees may be of the same genus.

Staff: The applicants WCP shows that there are at least two (2) different species of shrubs and four (4) different species of trees (Exhibit A.25 and A.27). *Criterion met.*

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

Staff: A condition requires compliance with the above, if nuisance plants are present in the mitigation area. *As conditioned, criteria met.*

(n) Planting schedule. The planting date shall occur within one year following the approval of the application.

Staff: A condition requires compliance with the above. *As conditioned, criteria met.*

(o) 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.

Staff: A condition requires compliance with the above. *As conditioned, criteria met.*

8.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for a Lot of Record Verification that 3N2W25B -01500 is a single Lot of Record in its current configuration and the Significant Environmental Concern for Wildlife Habitat (SEC-h) permit to construct a new single-family dwelling and accessory structure in the Commercial Forest Use (CFU-2) zone. This approval is subject to the conditions of approval established in this report.

9.0 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

Exhibits with an ‘*’ have been reduced in size and included with the mailed decision. All exhibits are available for digital review by sending a request to LUP-comments@multco.us.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	Application Form	03/26/2024
A.2	16	Narrative	03/26/2024
A.3	2	Appendix A – Land Use Application	03/26/2024
A.4	7	Ticor Title Company Parcel Information for 3N2W25B - 01500 (Property ID #R326136)	03/26/2024
A.5	1	Statutory Warranty Deed recorded in Book 2384, Page 396 on February 5, 1991	03/26/2024
A.6	7	Ticor Title Company Parcel Information for 3N2W25B - 01500P1 (Property ID #R326137)	03/26/2024
A.7	7	Ticor Title Company Parcel Information for 3N2W25B - 01600 (Property ID #R326213)	03/26/2024
A.8	2	Appendix B – Photos of Previous Dwelling	03/26/2024
A.9	1	Appendix C – Technical Reports and Service Providers	03/26/2024
A.10	15	Stormwater Drainage Control Certificate	03/26/2024
A.11	7	Septic Review Certification	03/26/2024
A.12	9	Transportation Planning Review	03/26/2024
A.13	2	Certification of Water Service	03/26/2024
A.14	12	Fire Service Agency Review	03/26/2024
A.15	2	Appendix D – Area Map	03/26/2024
A.16	10	Appendix D – Land Use Plans <ul style="list-style-type: none"> ▪ Sheet A0.0: Title Sheet ▪ Sheet A0.1: Site Plan ▪ Sheet A2.01: Floor Plan ▪ Sheet A2.02: Roof Plan ▪ Sheet A3.1: Building Elevations ▪ Sheet A3.2: Building Elevations (2) ▪ Sheet C1: Storm Plan ▪ Sheet C2: Storm Details ▪ Light Fixture Sample 	03/26/2024

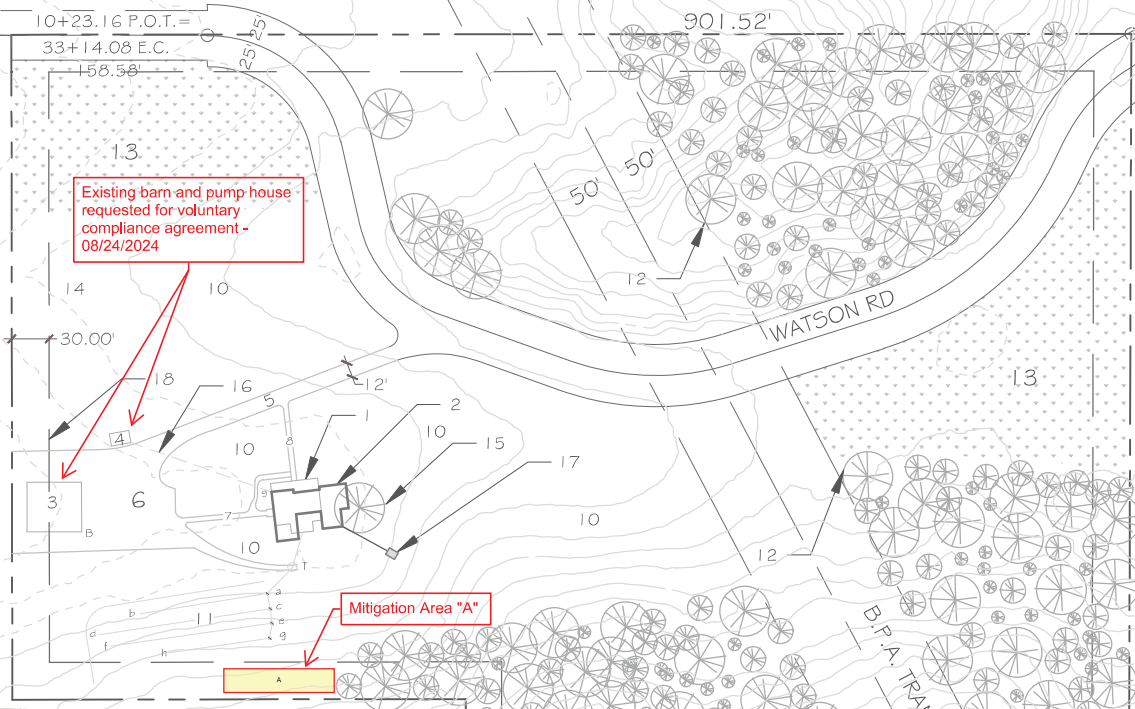
A.17	1	Agricultural Building Application Coversheet	03/26/2024
A.18	5	Agricultural “Farm” Building Application Worksheet	03/26/2024
A.19	2	Photos of Agricultural Building	03/26/2024
A.20	21	Revised Narrative	03/26/2024
A.21	10	Revised Appendix D – Land Use Plans <ul style="list-style-type: none"> ▪ Sheet A0.0: Title Sheet ▪ Sheet A0.1: Site Plan ▪ Sheet A2.01: Floor Plan ▪ Sheet A2.02: Roof Plan ▪ Sheet A3.1: Building Elevations ▪ Sheet A3.2: Building Elevations (2) ▪ Sheet C1: Storm Plan ▪ Sheet C2: Storm Details ▪ Light Fixture Sample 	03/26/2024
A.22	10	Exempt Minor Partition for a Lot Line Adjustment on December 2, 1991	03/26/2024
A.23	1	Transmittal Coversheet	08/27/2024
A.24	5	Incompleteness Response Memorandum	08/27/2024
A.25	20	Revised Narrative	08/27/2024
A.26	1	Revised Application Form	08/27/2024
A.27*	11	Revised Appendix E – Land Use Plans <ul style="list-style-type: none"> ▪ Sheet A0.0: Title Sheet ▪ Sheet A0.1: Site Plan ▪ Sheet A2.01: Floor Plan ▪ Sheet A2.02: Roof Plan ▪ Sheet A3.1: Building Elevations ▪ Sheet A3.2: Building Elevations (2) ▪ Sheet C1: Storm Plan ▪ Sheet C2: Storm Details ▪ Light Fixture Sample ▪ SEC-h Mitigation Plan 	08/27/2024
A.28	6	Voluntary Compliance Agreement #CCPR1 signed on 08/24/2024	08/29/2024
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 3N2W25B -01500 (Alt Acct #R982250020 / Property ID #R326136)	03/26/2024
B.2	1	Current Tax Map for 3N2W25B	03/26/2024
B.3	2	Aerial Photo taken on May 15, 2023	03/26/2024
B.4	10	Pre-File Meeting Notes, PF-2023-16586	03/26/2024

B.5	6	Voluntary Compliance Agreement #CCPR1 signed on 08/29/2024	08/29/2024
B.6	1	Multnomah County Zoning Map showing zoning on and after August 14, 1980	02/21/2025
B.7	8	Multnomah County Zoning Code effective on February 2, 1990 – Multiple Use Forest (MUF)	02/21/2025
B.8	1	Statutory Warranty Deed recorded in Book 2314, Page 450 on June 19, 1990	02/21/2025
B.9	7	Approved Lot Line Adjustment recorded in Book 2483, Page 981-987 on December 4, 1991	02/21/2025
B.10	3	Statutory Warranty Deed recorded as Instrument #2024-079365 on December 30, 2024	02/21/2025
B.11	3	Parcel Record – Cartographic Unit Card for 3N2W25B - 01500	02/21/2025
B.12	1	Warranty Deed recorded in Book 2052, Page 361 recorded on October 21, 1987	02/21/2025
B.13	1	Survey #52831	02/21/2025
‘C’	#	Administration & Procedures	Date
C.1	11	Incomplete letter	04/26/2024
C.2	1	Applicant’s acceptance of 180-day clock	04/26/2024
C.3	1	Complete letter (day 1)	09/17/2024
C.4	6	Opportunity to Comment	10/07/2024
C.5	1	Extension Request for the 150 Day Clock	02/21/2025
C.6	19	“Short” Decision	03/05/2025
C.7	38	Decision	03/05/2025

Appendix E - Land Use Plans

- Site Plan**
- Floor Plans**
- Roof Plan**
- Building Elevations**
- Mitigation Option 2 Planting Plan**

534.77' DEED S 15.00' SUR
00°04'25" E



Existing barn and pump house -
requested for voluntary
compliance agreement -
08/24/2024

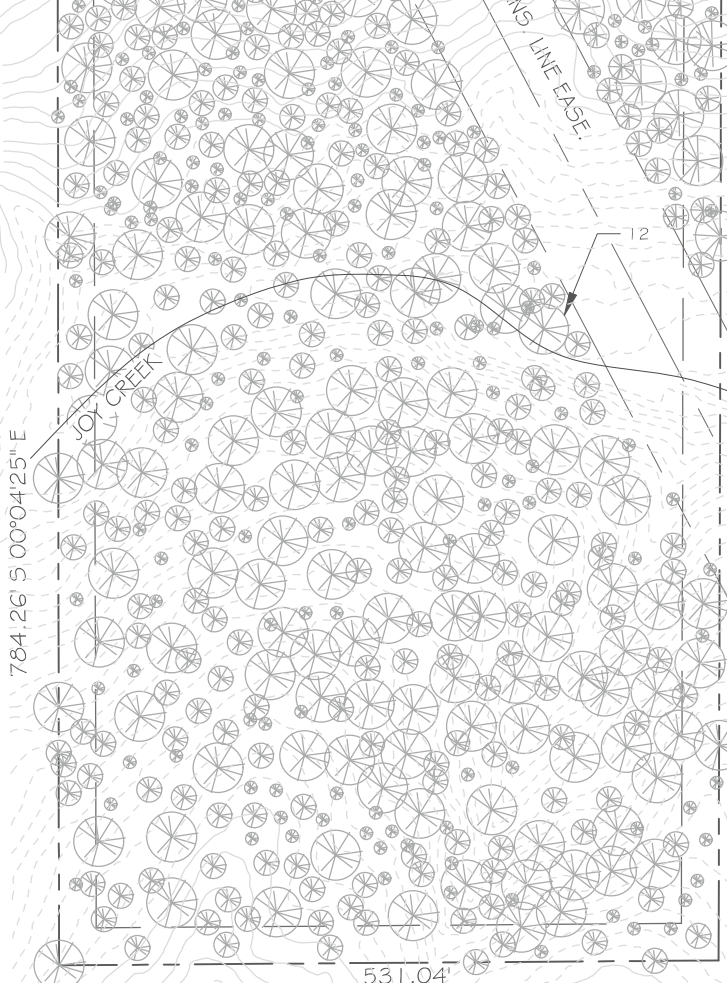
Mitigation Area "A"

DRAIN FIELD END POINT LOCATIONS		
END POINT	DISTANCE FROM TANK TO END POINT (feet)	DISTANCE FROM BARN TO END POINT (feet)
a	29	158
b	128	81
c	38	164
d	165	84
e	48	170
f	159	95
g	60	174
h	121	120

Note: Original outlet baffle is at bottom of tank. New baffle installed in 1998 under permit #015877

- 1 Existing dwelling to be demolished
- 2 Proposed replacement dwelling
- 3 E Barn
- 4 E Pump house
- 5 E gravel driveway
- 6 E gravel parking
- 7 E gravel walkways
- 8 E concrete walkway
- 9 E Garden trail, ~6'x6' patio slab at entry
- 10 E garden with trails
- 11 E Septic system
- 12 Treed areas
- 13 Hayfields
- 14 E Nursery area
- 15 Walnut tree to be evaluated
- 16 Water Line
- 17 ~Loc Storm Water Management Sys
- 18 30' Set Backs

Prop. ID #R326136
MAP TAX LOT #3N2W25B-01500-P1
Reference Survey #52831



SITE PLAN
SCALE 1" = 100'

A0.1

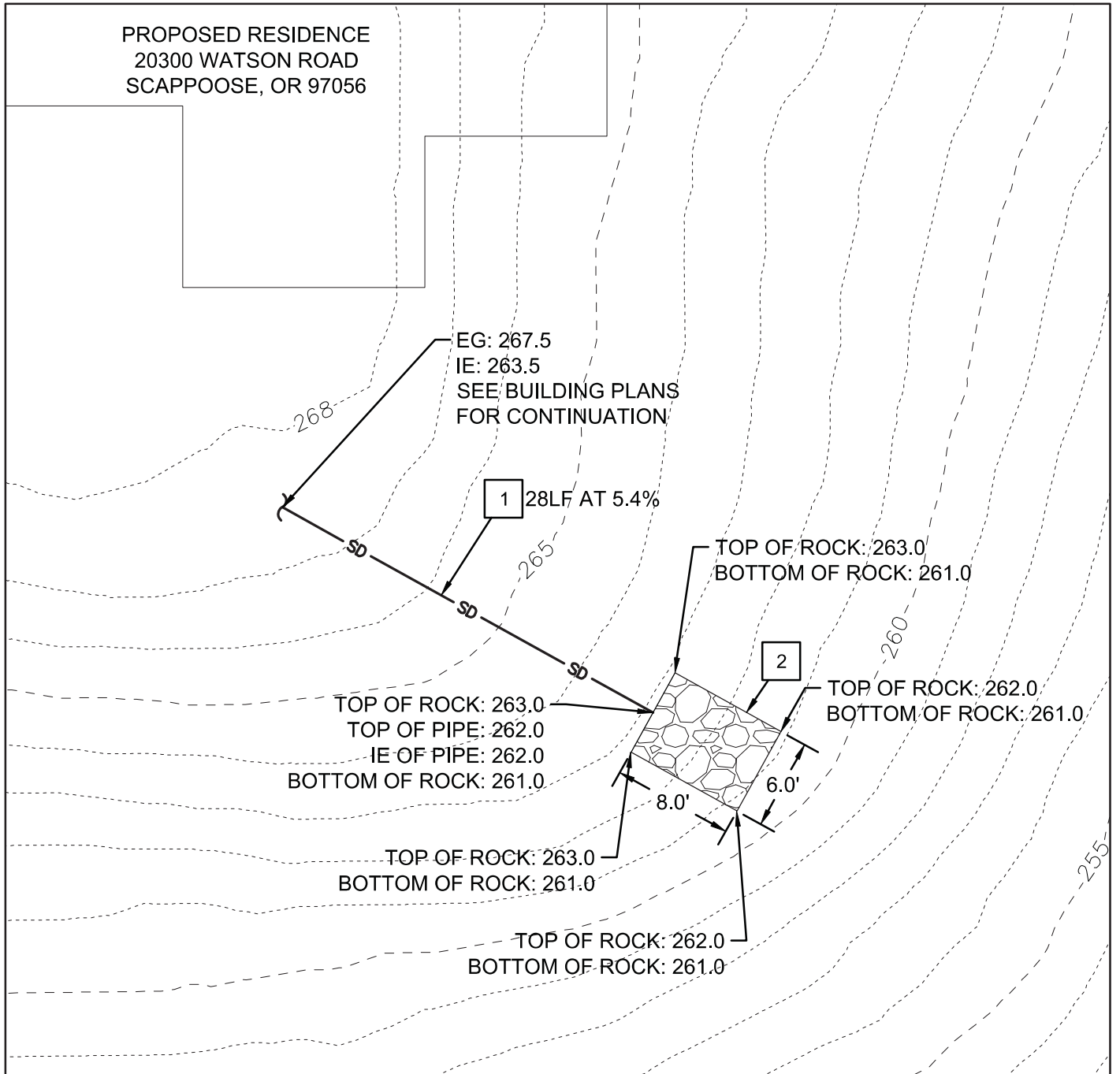
DATE: 09/25/23

PROJECT: Replacement Dwelling	ENGINEER: TBD
OWNER: MIKE SMITH 20300 WATSON ROAD SCAPPOOSE, OR 97056	CONTRACTOR: PORTRAIT HOMES NORTHWEST 51891 SW OLD PORTLAND ROAD STE B SCAPPOOSE, OR 97056



SHEET 1 OF 1

PROPOSED RESIDENCE
20300 WATSON ROAD
SCAPPOOSE, OR 97056



NOTE: CONTOUR SURFACE DATA EXTRACTED FROM PUBLICLY AVAILABLE GIS DATA.

CONSTRUCTION KEY NOTES

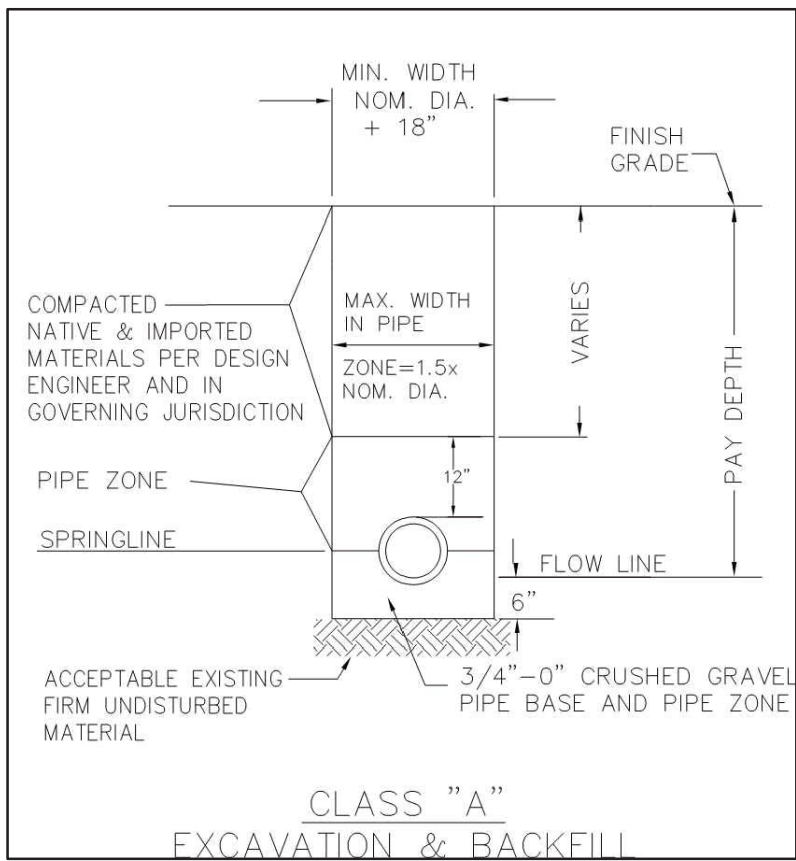
- 1 CONSTRUCT 6" ASTM D-3034 PVC PIPE TO LENGTH AND INVERTS SHOWN ABOVE. BACKFILL WITH CLASS A BACKFILL PER DETAIL ON SHEET C2.
- 2 CONSTRUCT CLASS 50 RIPRAP OUTFALL PER DETAIL ON SHEET C2.

P:\23861-SMITH RESIDENCE\CAD\XREF\23861-XR-UTILITY.DWG

3J CONSULTING
CIVIL ENGINEERING . WATER RESOURCES . COMMUNITY PLANNING

SMITH RESIDENCE
STORM PLAN

C1



- ROCK FOR RIPRAP SHALL BE ANGULAR IN SHAPE.
 - THICKNESS OF A SINGLE ROCK SHALL NOT BE LESS THAN ONE-THIRD ITS LENGTH.
- RIPRAP INSTALLATION:
- EXCAVATE BELOW FINISH GRADE TO DEPTH & DIMENSIONS SHOWN ON APPROVED PLANS.
 - INSTALL WOVEN GEOTEXTILE FABRIC.
 - PLACE RIP RAP TO FINISH GRADE.
 - GRADE RIPRAP SHALL BE THE CLASS AND SIZE OF ROCK ACCORDING TO THE FOLLOWING:

CLASS 50	CLASS 100	CLASS 200	CLASS 700	CLASS 2000	PERCENT (BY WEIGHT)
	WEIGHT OF ROCK (LBS)				
50-30	100-60	200-140	700-500	2000-1400	20
30-15	60-25	140-80	500-200	1400-700	30
15-2	25-2	80-8	200-20	700-40	40
2-0	2-0	8-0	20-0	40-0	10

RIPRAP SLOPE PROTECTION DETAIL

NTS

P:\23861-SMITH RESIDENCE\CAD\XREF\23861-XR-UTILITY.DWG

Item # 8101-A138	UPC Code: 747396079714
Product Family Name: Kirkham™	Finish: Aspen Bronze
Category: WALL MOUNT	Category Type:
Certification 3057374	
Patents:	
Notes:	



Image File Name: 8101-A138.jpg



MEASUREMENTS

Width: 8.5	Length:	Height: 6	Extension: 10.5
Height Adjustable: No	Min Overall Height:	Max Overall Height:	Slope: No
Wire Length: 7	Chain Length:	Safety Cable Included: No	Net Weight: 0.9
Canopy Width: 5.13	Canopy Height:	Canopy Length:	Center to Bottom: 2.75
Backplate Width:	Backplate Height:	Center to Top: 3.25	

No. of Bulbs: 1	Light Type: A-15,MED			
Max Bulb Wattage: 60	Socket: E26,MED			
Dimmable: Yes	Ballast:	Rated Life Hours:	Photocell Included: No	Bulb/LED Included:
Bulb/LED Included:	Color Temp.:	CRI:	Initial Lumens:	Delivered Lumens:

Description:	Material:
Part No.:	Quantity:
Width:	Height:
	Length:



SHIPPING

Carton Width: 11.0	Carton Height: 8.0	Carton Length: 13.0
Carton Weight: 2.2	Carton Cubic Feet: 0.662	Small Package Shippable: Yes
Master Pack Width: 13.5	Master Pack Height: 22.75	Master Pack Length: 25.25
Master Pack Weight: 13.926	Master Cubic Feet: 4.488	Multi-Pack: 1
		Master Pack: 6



Dark Sky

Wet Location

ETL Intertek



WARNING: Handling this product can expose you to chemicals including lead, which is known to the State of California to cause cancer and birth defects or other reproductive harm. Wash hands with soap and water after installing, handling, cleaning or otherwise touching this product. For more information go to: www.P65Warnings.ca.gov.

For additional information, please contact Customer Care: 1-800-221-7977 | Product depicted on this spec sheet is protected by United States Federal and/or State laws including US Patent, Trademark and/or Copyright and unfair competition laws. Unauthorized reproduction or use carries severe legal penalties.

SEC-H MITIGATION PROPOSAL

AREA 'A' FROM "REPLACEMENT DWELLING SHEET" (1760 SQ.FT.)

PLANT LIST

QTY	TREES
7	ACER CIRCINATUM
3	PRUNUS EMARGINATA
5	RHAMNUS PURSHIANA
3	THUJA PLICATA

SHRUBS	QTY	KEY
CORNUS SERICEA	15	(C)
HOLIDUCUS DISCOLOR	10	(H)
LOHICERA INVOLUCRATA	3	(L)
PHILADELPHUS LEWISII	15	(PH)
RIBES SANGUINEUM	10	(RH)
SAMBUCUS RACEMOSUM	10	(S)
SPIRAEA BETUL. VAR. LUCIDA	16	(SBL)
SPIRAEA DOUGLASII	5	(SP)
VACCINEUM OVATUM	5	(V)

SCALE
1" = 10'

