

# NOTICE OF DECISION



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

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## Application for Planning Director's Decision, Geologic Hazards (GH), Significant Environmental Concern for Streams (SEC-s), Significant Environmental Concern for Wildlife Habitat (SEC-h)

**Case File:** T2-2024-0040

**Applicant:** Karina Adams

**Proposal:** Request for a Planning Director's Decision, Geologic Hazards (GH), Significant Environmental Concern for Streams (SEC-s), Significant Environmental Concern for Wildlife Habitat (SEC-h) permits for a new single-family dwelling, an accessory building, accessory structures [septic system (septic tank, piping, drainfield), stormwater drainage control system, a gate, and retaining walls], and associated ground disturbance. The applicant is also proposing the conversion of a portion of a Forest Practice Act road into a private driveway and implementation of a SEC-s Mitigation Plan and SEC-h Wildlife Conservation Plan.

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**Location:** 13719 NW Germantown Road, Portland

**Property ID #** R725736

**Map, Tax lot:** 1N1W09B -00303

**Alt. Acct. #** R649960830

**Base Zone:** Rural Residential (RR)

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

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**Decision:** Approved with Conditions

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Tuesday, December 24, 2024 at 4:00 pm.**

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**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, Planner

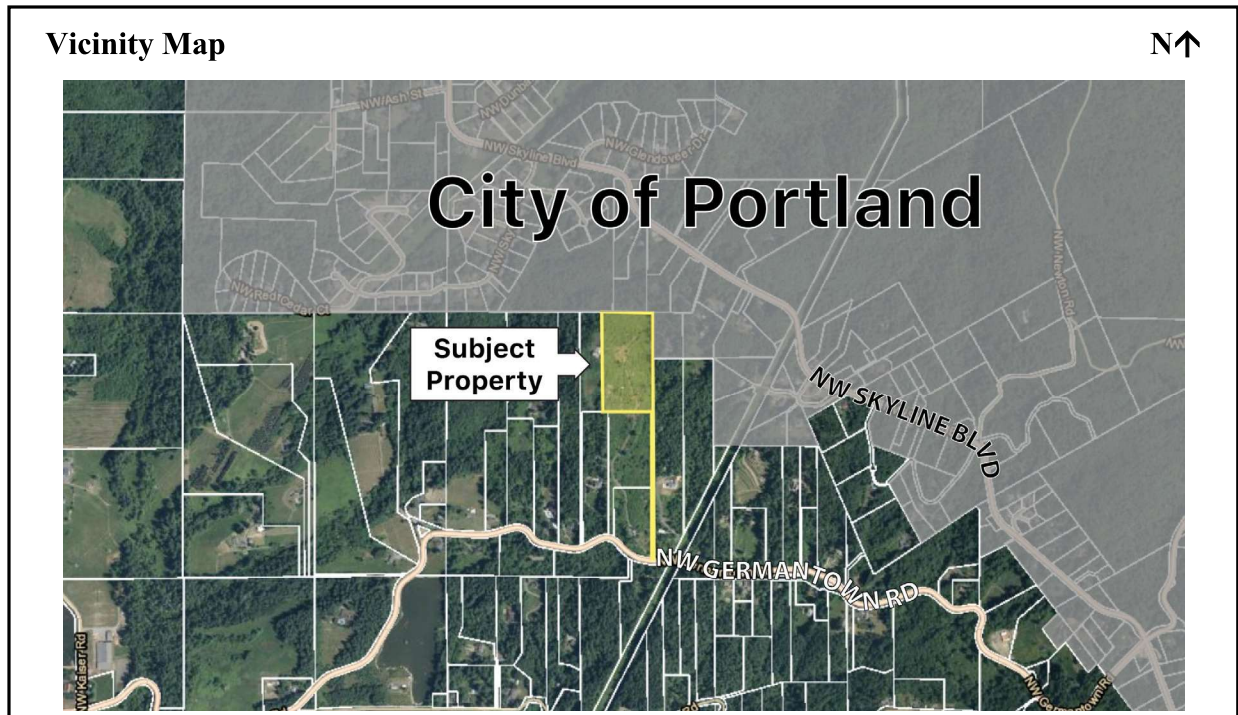
**For:** Megan Gibb,  
Planning Director

Instrument Number for Recording  
Purposes: #Parcel 3, Partition Plat  
2024-021

**Date:** Tuesday, December 10, 2024

**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](mailto: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](http://www.multco.us/landuse/application-materials-and-forms). Email the completed appeal form to [LUP-submittals@multco.us](mailto: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)

Rural Residential (RR): MCC 39.4360(A) Allowed Uses - Residential use consisting of a single family dwelling on a Lot of Record..., MCC 39.4360(F) Allowed Uses – Accessory Structures..., MCC 39.4375(C), (D), and (F)-(H) Dimensional Standards and Development Standards

Geologic Hazards (GH): MCC 39.5085 Geologic Hazards Permit Application Information Required, MCC 39.5090 Geologic Hazards Permit Standards

Significant Environmental Concern Overlays (SEC): MCC 39.5510 Uses; Sec Permit Required, MCC 39.5580 Nuisance Plant List, MCC 39.5750 Criteria for Approval of SEC-s Permit - Streams, 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 **two (2) years** of the date of the final decision when construction has not commenced. [MCC 39.1185(B)]
    - i. For the purposes of 1.a, commencement of construction shall mean actual construction of the foundation or frame of the approved structure or actual grading of the roadway, whichever occurs first.
    - 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](mailto:LUP-submittals@multco.us) with the case no. T2-2024-0040 referenced in the subject line.
  - b. Within **four (4) years** of the date of commencement of construction when the structure has not been completed. [MCC 39.1185(B)]
    - i. For the purposes of 1.b, completion of the structure shall mean completion of the exterior surface(s) of the single-family dwelling 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](mailto:LUP-submittals@multco.us) with the case no. T2-2024-0040 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 10 and Exhibits A.6 (Sheet CVR, 2, 8, and 10), A.10, and A.18 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. Record a covenant with the County Recorder that states they recognize and accept that as part of proposed development, the property owners have included facilities in the dwelling, which could potentially accommodate the use of the building as a two-family residence. The use of the property as a duplex or residence for two families is not permitted by the Multnomah County Land Use (Zoning) Code. [MCC 39.4360(A)]
  - d. Record a covenant with the County Recorder that states that the owner understands and agrees that the structure labeled as a "pump house" in Exhibit A.18 cannot be occupied as a dwelling or for any other form of permanent or temporary residential use. [MCC 39.4360(F)(2), MCC 39.4360(F)(5), and MCC 39.8860]
  - e. Record a covenant with the County Recorder that states they recognize and accept that farm activities including tilling, spraying, harvesting, and farm management activities during irregular times can occur on adjacent property and in the general area. [MCC 39.4375(G)]
  - f. Prepare a new Erosion Control Plan addressing redlines as shown in Exhibit B.7. A timeline of phases of work shall be provided. The required Erosion Control Plan shall comply with MCC 39.5090. [MCC 39.5085(A), MCC 39.5085(C), MCC 39.5090(E), MCC 39.5090(G)-(J), MCC 39.5090(R), and MCC 39.5750(E)(1)]
  - g. Prepare a new site plan and building plan demonstrating compliance with the 30-foot front yard setback for the gate or redesign the gate to not exceed five feet in height and not exceed a footprint of ten square feet. If redesigned, the front yard setback can be reduced to 18 feet. [MCC 39.4375(C)]
  - h. Place a note on the Civil Plans shown in Exhibit A.6 and Site Plan shown in Exhibit A.18 that all new utility wires, including but not limited to electrical power, communication, cable television wires, fiber optics, serving the subject property shall be placed underground. [T2-2023-17164 Condition #7.a and MCC 39.4360(F)]
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 covenants, and other documents as required in Condition 3.a through 3.h. [MCC 39.1170(A) & (B)]
  - b. Submit a Lighting Plan and building plan(s) including cut sheets and specifications showing the location and details for all exterior lighting on the single-family dwelling and supporting the subject property. All exterior lighting shall be a fixture type that is fully shielded with opaque materials and directed downwards. [MCC 39.4375(H) and MCC 39.6850]
    - i. "Fully shielded" means no light is emitted above the horizontal plane located at the lowest point of the fixture's shielding.
    - ii. Shielding must be permanently attached.

5. **Prior to beginning ground disturbing activities**, the property owner(s) or their representatives shall:
- a. Install erosion control measures consistent with the approved erosion control plan required by Condition 3.f. Flag, fence, or otherwise mark the project area as described in the Exhibit A.8 and as shown in Exhibits A.6 as modified by Condition 3.f. These measures shall remain in place and in good working order to reduce potential erosion and damage to wildlife habitat outside of the work area. The work area shall remain marked through all phases of development until construction is complete. [MCC 39.5085(A); MCC 39.5090(G), (H), (K), (L) through (O), and (R); and MCC 39.5860(C)(3)]
  - b. Schedule an Erosion and Sediment Control (ESC) inspection. A link to self-schedule an ESC inspection will be sent to you via email following the completion of your Zoning Plan Review. The County's inspector will visit the project site to verify that Best Management Practices are occurring. [MCC 39.1170(A) & (B), and MCC 39.6210(F)(2)]
  - c. Post the Erosion Control Permit Notice Card. The permit notice card shall be posted at the driveway entrance in a clearly visible location and remain posted until the ground disturbing activity is complete. If the notice card is lost, destroyed, or otherwise removed prior to completion of the grading work, the applicant shall immediately contact [LUP-submittals@multco.us](mailto:LUP-submittals@multco.us) to obtain a replacement immediately. [MCC 39.1170(A) & (B) and MCC 39.6210(F)(2)]
6. The property owner(s) or their representatives shall comply with the following limitations on the development and ground disturbing activities:
- a. A maximum of 102,408 square feet (2.35 acres) of total ground disturbance area is to be disturbed as described in Exhibit A.8 and shown in Exhibit A.6 as modified by Condition 3.f. [MCC 39.5085(B) and MCC 39.5085(C)]
    - i. No ground disturbance is permitted within 100 feet of any waterbody. All ground disturbing activity within a Stream Conservation Area (SCA) shall be limited to a period between June 15 and September 15 of any year. All other ground disturbance that occurs between October 1 through April 30 shall utilize additional erosion and sediment control measures as outlined in the most recent edition of the City of Portland Erosion and Sediment Control Manual and the City of Portland Stormwater Management Manual. [MCC 39.5090(G), MCC 39.5090(H), MCC 39.5090(K), MCC 39.5750(E)(6)]
  - b. A maximum 5,830 cubic yards of earth material will be disturbed, excavated, stored, or used as fill as described in Exhibit A.8 and shown in Exhibit A.6 as modified by Condition 3.f. [MCC 39.5085(B), MCC 39.5085(C), and MCC 39.5090(A)]
    - i. All structural fill and any other fill used in this project will be composed of earth materials as defined in MCC 39.2000. [MCC 39.5090(B)]
    - ii. Placement of spoil materials is not permitted within 100 feet from the tributary of Rock Creek and within the SCA must be located adjacent and on the western side of the private driveway. [MCC 39.5090(E) and MCC 39.5090(S)]
    - iii. The total daily number of fill haul truck trips will be limited to 10 total trips (5 to the site and 5 from the site). [MCC 39.5090(W)]

- iv. Fill trucks shall be constructed, loaded, covered, or otherwise managed to prevent any of their load from dropping, sifting, leaking, or otherwise escaping from the vehicle. No fill shall be tracked or discharged in any manner onto any public right-of-way. [MCC 39.5090(X)]
  - v. No compensation, monetary or otherwise, shall be received by the property owner(s) or their representative(s) for the receipt or placement of fill. [MCC 39.5090(X)]
  - vi. Any excess excavated soil not used as fill within the ground disturbance area and any trapped sedimentation shall be removed from the subject property and taken to a location approved for the disposal of such material by applicable Federal, State, and local authorities. [MCC 39.1170(A), MCC 39.5085(C), MCC 39.5090(B), MCC 39.5090(R), MCC 39.5090(S)]
- c. The County may require the described erosion control techniques be supplemented if turbidity or other down slope erosion impacts results from on-site grading work. The local Soil and Water Conservation District or the U.S. Soil Conservation Service can also advise or recommend measures to respond to unanticipated erosion effects. [MCC 39.5090 and MCC 39.6210(F)(2)]

**7. During construction**, the property owner(s) or their representatives shall:

- a. Follow all recommendations contained within the Geotechnical Report as discussed in Exhibit A.8, unless altered or modified by Troy Hull, PE, GE and Adam Reese, RG, GEC, or someone of similar educational, vocational training, and professional certification. [MCC 39.5085(B), MCC 39.5085(C), and MCC 39.5090]
- b. Maintain the erosion control measures consistent with the approved Erosion Control Plan as shown in Exhibits A.6 as modified by Condition 3.f through all phases of development. Erosion control measures are to include the installation of sediment fences/barriers at the toe of all disturbed areas and re-establishment of ground cover after construction. Straw mulch, erosion blankets, or 6-mil plastic sheeting shall be used as a wet weather measure to provide erosion protection for exposed soils. All erosion control measures are to be implemented as prescribed in the current edition of the City of Portland's Erosion Control Manual. [MCC 39.5085(A) and MCC 39.5090(G), (H), (K), (L)-(O), and (R)]
- c. Remove any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems. If any feature on, in, under, or around a water body, floodplain, or right-of-way is disturbed, the property owners or their representatives shall be responsible for returning such feature to their original condition or a condition of equal or better quality. [MCC 39.6210(E)(1), MCC 39.6210(E)(2), and MCC 39.5090]
- d. Trap any sediment in runoff water using debris basins, silt traps, or other measures until the disturbed area is stabilized. [MCC 39.5090(R)]
- e. Maintain stockpiled topsoil covered with plastic, mulch, or other sediment reduction measures. Disposal of excess materials shall be within the boundaries of the disturbed areas or the materials shall be taken off site to a location approved for the disposal of such material by applicable Federal, State, and local authorities. [MCC 39.5090(S)]
- f. Use temporary vegetation and/or mulching to protect exposed critical areas during all phases of development. [MCC 39.5090(J)]

- g. Temporarily stabilize any significant portion of a construction site with straw, compost, or other covering that will prevent soil or wind erosion should construction activities cease for fifteen (15) days or more. The stabilization shall remain in good working order until work resumes on that portion of the site. [MCC 39.5090(G), (H), (J), (L), (O), and (S)]
- h. Temporarily stabilize the entire site using vegetation or a heavy mulch layer, temporary seeding, or other appropriate BMPs should all construction activities cease for thirty (30) days or more. The stabilization shall remain in good working order until work resumes on that portion of the site. [MCC 39.5090(G), (H), (J), (L), (O), and (S)]
- i. Temporarily or permanently stabilize the soil for all denuded sites between October 1 and April 30 as soon as practicable, but in no case more than 2 days after ground-disturbing activity occurs. During wet weather periods temporary stabilization of the site must occur at the end of each work day, if rainfall is forecast in the next 24 hours. [MCC 39.5090(G), (H), (J), (L), (O), and (S)]
- j. Temporarily or permanently stabilize the soil for all denuded sites between May 1 and September 30 as soon as practicable, but in no case more than 7 days after ground-disturbing activity occurs. [MCC 39.5090(G), (H), (J), (L), (O), and (S)]
- k. Seed with native grasses and/or mulch all disturbed soils to prevent erosion and sedimentation from entering a tributary of Rock Creek, exiting the site, entering the public right-of-way, or depositing into any storm drainage system. Seeding and mulching are required within five (5) days of finishing ground disturbance associated with each phase as described as described and shown in Exhibits A.6 as modified by Condition 3.f. (example: excavation of foundation, excavation of septic tank and drainfield, excavation of soakage trench, etc.). Monitor daily to ensure vegetation is sprouting and that no erosion or sedimentation is occurring. Monitoring may cease when vegetation on the disturbed soils have stabilized the areas. [MCC 39.5090(J) and MCC 39.5090(L)]
- l. Prevent non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters from leaving the construction site through proper handling, disposal, continuous site monitoring, and clean-up activities. On-site disposal of non-erosion pollution including construction debris, hazardous or toxic materials, synthetics (i.e. tires), petroleum-based materials, or other solid wastes that may cause adverse leachates or other off-site water quality effects is prohibited. Any non-erosion pollution or spoil materials shall be removed from the site and disposed at an off-site location approved for the disposal of such material by applicable Federal, State, and local authorities. [MCC 39.5090(T)]
- m. Not use trees as anchors for stabilizing construction equipment. [MCC 39.5860(C)(3)]
- n. Within five (5) days of the date of the conclusion of ground disturbing activities: gravel, seed with native grasses, or install permanent vegetation for all disturbed areas with exposed ground. The private driveway shall be graveled within five (5) days of its construction. [MCC 39.5085(C) and MCC 39.5090(H), (J), (L)-(O), and (R)]
  - i. Upon completion of the installation of permanent vegetation, seeding with native grasses, and/or gravel, photographs sent to [LUP-submittals@multco.us](mailto:LUP-submittals@multco.us) to demonstrate that ground disturbing activities have been completed and the site is being revegetated. In your email, reference the case no. #T2-2024-0016 in the subject line. [MCC 39.5090 and MCC 39.6210(F)(2)]

- o. Construct and place all new utility wires, including but not limited to electrical power, communication, cable television wires, and fiber optics underground. [T2-2023-17164 Condition #7.a and MCC 39.4360(F)]
  - p. Construct the storm water drainage control system described in Exhibit A.15 and A.19 and shown in Exhibit A.6 and A.18. [MCC 39.6235]
  - q. Install the exterior lighting in compliance with Condition 4.b and the Dark Sky Lighting requirements of MCC 39.6850. [MCC 39.4375(G) and MCC 39.6850]
8. **Within one (1) year of the final decision**, the property owner(s) or their representatives shall:
- a. Commence mitigation as discussed in Section 8.2.2 and 8.3.2 of this Decision and Exhibit A.10. The plantings shall be a minimum of 17 trees and 85 shrubs in the SEC-s SCA and 283 trees and 2,066 shrubs in the SEC-h planting areas. [MCC 39.5750(D) and MCC 39.5860(C)(3)]
    - i. The Planning Director may extend the timeline for the implementation of the mitigation 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)]
9. **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](mailto:LUP-submittals@multco.us) with the case no. T2-2024-0040 referenced in the subject line that mitigation is complete. The report shall be prepared and signed by a Jack Dalton, Racine Robinson, or someone of similar educational and vocational training. 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 stream and 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), MCC 39.5750(D), and MCC 39.5860(C)(3)]
10. **At the completion of mitigation work** discussed above, in Section 8.2.2 and 8.3.2 of this Decision, and Exhibit A.10, 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 39.5750(D), and MCC 39.5860(C)(3)]
    - 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](mailto:LUP-submittals@multco.us) with the case no. T2-2024-0016 referenced in the subject line. [MCC 39.1170, MCC 39.5750(D), and MCC 39.5860(C)(3)]
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, MCC 39.5750(D), and MCC 39.5860(C)(3)]
3. Release of Monitoring Obligation: Monitoring is required until Land Use Planning has officially released the site from further monitoring. [MCC 39.1170, MCC 39.5750(D), 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, MCC 39.5750(D), 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 #10.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 #10.a.i. [MCC 39.1170, MCC 39.5750(D), and MCC 39.5860(C)(3)]

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

- a. Not alter the interior of the dwelling to have “bar sinks” greater than two square feet. Within 25 feet of the sink gas connections, 220-volt hookups, a dishwasher, or a refrigerator larger than 5 cubic feet in size is not permitted. [MCC 39.4360(A)]
- b. Not install the following features in the accessory building: Cooking Facilities; toilet(s); Bathing facilities such as a shower or bathing tub, or closet(s) built into a wall without first obtaining a Land Use Planning approval. A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose may be stored if it is disassembled for storage [MCC 39.4360(F)(4)]
- c. Maintain the storm water drainage control system for the life of the single-family dwelling. [MCC 39.4375(F), MCC 39.5090(P), MCC 39.5090(Q), and MCC 39.5750(E)(2)]

- d. Place, shade, and screen all exterior lighting associated with a proposed development to avoid shining directly into a Stream Conservation Area. The exterior lighting must also be contained within the boundaries of the Lot of Record on which it is located. [MCC 39.4375(H), MCC 39.5750(E)(3), and MCC 39.6850]
- e. Not store hazardous materials as determined by DEQ in outside storage areas unless such storage is contained and approved as part of a new application request. [MCC 39.5750(F)(3)]
- f. Maintain the cleared areas of the property so those areas free of nuisance plants listed in Table 1. The planting of any invasive non-native or noxious vegetation as listed in MCC 39.5580 Table 1, in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List or in the latest edition of the State of Oregon Noxious Weed List is prohibited. [MCC 39.5750(F) and MCC 39.5860(C)(3)]

**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](mailto: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/submitted-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 is requesting a Planning Director’s Decision, Geologic Hazards (GH), Significant Environmental Concern for Streams (SEC-s), Significant Environmental Concern for Wildlife Habitat (SEC-h) permits for a new single-family dwelling, an accessory building, accessory structures [septic system (septic tank, piping, drainfield), stormwater drainage control system, a gate, and retaining walls], and associated ground disturbance. The applicant is also proposing the conversion of a portion of a Forest Practice Act road into a private driveway and implementation of a SEC-s Mitigation Plan and SEC-h Wildlife Conservation Plan.

### 2.0 Property Description & History:

**Staff:** This application is for 13719 NW Germantown Road, Portland. The subject property is located on the north side of NW Germantown Road in unincorporated west Multnomah County outside of Metro’s Urban Growth Boundary (UGB). The subject property is zoned Rural Residential (RR) and has three (3) overlays, Geologic Hazards (GH), Significant Environmental Concern for Streams (SEC-s), and Significant Environmental Concern for Wildlife Habitat (SEC-h).

The property is vacant and approximately 11.85 acres according to the County Assessor. Aerial photo from 2023 shows the property was recently logged and there is a logging road (Exhibit B.3).

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

Permit No.	Date	Description
T2-02-013	08/19/2002	Property Line Adjustment
T2-06-088	10/23/2006	Lot of Record Determination
T2-2023-17164	12/21/2023	Planning Director’s Decision for a Measure 49 Final Order and Category 3 Land Division

### 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.5). 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:**

\* \* \*

**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.

For purposes of the current application, there are no known open compliance cases associated with the subject property, and there is no evidence in the record of any specific instances of noncompliance on the subject property. *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:**

\* \* \*

### **§ 39.3090 LOT OF RECORD – RURAL RESIDENTIAL (RR).**

**(A) In addition to the standards in MCC 39.3005, for the purposes of the RR district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:**

\* \* \*

**(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of**

MCC 39.4395, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(C) Except as otherwise provided by MCC 39.4380, 39.4385, and 39.5300 through 39.5350, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(D) The following shall not be deemed to be a lot of record:

\* \* \*

**Staff:** The subject property was created as part of a Planning Director’s Decision and Category 3 Land Division in land use case no. T2-2023-17164. A Partition Plat was recorded as PN2024-021 on April 18, 2024 (Exhibit B.4). The subject property has not been subject to a subsequent boundary reconfiguration and/or land division since those findings were written; therefore, the subject property remains a Lot of Record in its current configuration. *Criteria met.*

**6.0 Rural Residential (RR) Criteria:**

**6.1 § 39.4360 ALLOWED USES.**

**(A) Residential use consisting of a single family dwelling on a Lot of Record.**

**Staff:** The applicant is requesting a new single-family dwelling on a vacant property. As discussed in Section 5.0, the subject property is a Lot of Record. The proposed floor plan shows a two-story building with a small basement and first floor with an attached garage (Exhibit A.18). As designed, the building contains two areas that contain a “bar sink” with a “UC Refg”. As defined in MCC 39.2000, a single-family dwelling can only contain one dwelling unit. To ensure that only one dwelling unit exists within the dwelling, conditions will be required that the maximum size of the bar sinks is two square feet and the under counter refrigerator is less than 5 cubic feet in size. Additionally, no gas connections, 220-volt hookups, and dishwasher be located within 25 feet of the sink. Secondly, a covenant will be required to be recorded that the building be maintained as a single-family dwelling.

The development is also located within the Geologic Hazards (GH), Significant Environmental Concern for Streams (SEC-s), and Significant Environmental Concern for Wildlife Habitat (SEC-h) overlays. The applicant will need to acquire GH, SEC-s, and SEC-h permits to authorize the proposed dwelling. The GH requirements are discussed in Section 7.0 and the SEC-s and SEC-h requirements are discussed in Section 8.0. *As conditioned, criterion met.*

**(F) 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 and is a structure identified in the following list:**

\* \* \*

**(b) Pump houses;**

\* \* \*

**(i) Swimming pools, pool houses, hot tubs, saunas, and associated changing rooms;**

\* \* \*

**(l) Fences, gates, or gate support structures; and**

\* \* \*

**(n) Similar structures.**

**Staff:** The applicant is requesting new accessory structures associated with the single-family dwelling. The structures include a swimming pool, septic system (septic tank, piping, drainfield), stormwater drainage control system, gate, and retaining walls. Additionally, one structure is a building labeled as a “pump house” that will act as a pool house to store pool equipment (Exhibit A.18). The pump house, swimming pool gate are listed in the above list, whereas the other structures are not listed. All the proposed structures can be customarily found and incidental to the primary use of the property, which is a single-family dwelling.

Additionally, the civil plan shows various utilities needed for the single-family dwelling (Exhibit A.6). As was previously required in land use case no. T2-2023-17164, a condition required that all new utility wires including but not limited to electrical power, communication, cable television wires, fiber optics must be placed underground. As those utilities are also considered as accessory structures, they will be required to be undergrounded.

As one of the accessory structures is a building, additional criteria need to be met as discussed below. *As conditioned, 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.**

**Staff:** The floor plan of the accessory building is composed of one open room that will store pool equipment (Exhibit A.18). As proposed and designed, the accessory building 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. Additionally, the property owner will be required to record a covenant regarding use of the structure as any type of dwelling or sleeping area as required by MCC 39.8860. *As conditioned, criterion met.*

**(3) The Accessory Structure may contain one sink.**

**Staff:** The floor plan does not show a sink in the accessory building and no sink is proposed at this time; therefore, this criterion is not applicable currently (Exhibit A.18). *Criterion not applicable.*

**(4) The Accessory Structure shall not contain:**

- (a) More than one story;**
- (b) Cooking Facilities;**
- (c) A toilet;**
- (d) Bathing facilities such as a shower or bathing tub;**
- (e) 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; or**
- (f) A closet built into a wall.**

**Staff:** The accessory building is one story and does not contain cooking facilities, toilet, bathing facilities, or closets built into a wall (Exhibit A.18). A condition has been included restricting the ability to add those features above to the building without first obtaining the necessary land use approvals. *As conditioned, criterion met.*

**(5) Compliance with MCC 39.8860 is required.**

**Staff:** A condition will be required that the property owner complies with MCC 39.8860, which requires that the property owner record a covenant for the accessory building. *As conditioned, criterion met.*

**(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.**

**Staff:** The accessory building is 9 feet by 13.57 feet (115.46 square feet). There will be no other accessory buildings on the property (Exhibit A.18). *Criterion met.*

**(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 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. *Criterion not applicable.*

\* \* \*

**6.2 § 39.4375 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.**

\* \* \*

**(C) Minimum Yard Dimensions – Feet**

Front	Side	Street Side	Rear
30	10	30	30

**Maximum Structure Height – 35 feet**

**Minimum Front Lot Line Length – 50 feet.**

\* \* \*

**(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:**

- (a) The Yard being modified is not contiguous to a road.**
- (b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and**
- (c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.**

\* \* \*

**(D) The minimum yard requirement shall be increased where the yard 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 yard requirements in consultation with the Road Official.**

**Staff:** The right-of-way (ROW) adjacent to the subject property is NW Germantown Road. The road is classified as a rural collector road. A local rural collector requires a ROW width of 60 feet.

NW Germantown Road is 60 feet in width, so no additional right-of way width is needed and the yard does not need to be increased (Exhibit B.2 and B.6).

The subject property is a flag lot. The pole of the flag is approximately 16.05 feet in width (Exhibit A.6, A.18, B.4 and B.6). Therefore, the front lot line is the line parallel to NW Germantown Road that is not part of the pole. The rear lot line is the north property line and all other lot lines are a side lot line.

As shown on the site plan the single-family dwelling, accessory building and accessory structures are subject to the yard dimensions. Some of the structures including the swimming pool, septic system (septic tank, piping, drainfield) and stormwater drainage control system are low to the ground or underground. The other structures including the dwelling, accessory building, and retaining walls are more than 30 feet from the front and rear lot lines and more than 10 feet from the side lot lines (Exhibit A.12)

The gate near the front lot line is 6.81 feet in height and is located within the front yard setback. A condition will be required that the gate be moved to meet the front yard setback of 30 feet or alternatively be redesigned to not exceed five feet in height and not exceed a footprint of ten square feet. If redesigned, the front yard setback can be reduced to 18 feet.

As shown on the building elevations, the height of the dwelling, the accessory building, and retaining walls are all less than 35 feet. *As conditioned, criteria met.*

\* \* \*

**(F) 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.**

**(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, Stormwater Drainage Control Certificate, and a Water Service Certification.

The on-site sewage disposal was reviewed Lindsey Reschke, Multnomah County Sanitarian. The Sanitarian stated, "Proposed 4 bedroom new single family residence, pool with cartridge filter, + driveway grading w/ stormwater disposal poses no concern to septic." (Exhibit A.12).

The storm water/drainage control was reviewed and certified by John Middleton, P.E. The Certificate recommends "Natural Filtration Process" and "Construction of an onsite storm water drainage control system" (Exhibit A.15). The report recommends construction of driveway side ditches that feed to soakage trenches, a standard gutter to downspout system, and lined stormwater planters that will discharge to onsite swale (Exhibit A.19). 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.

Lastly, the Water Service Certification indicates that the an on-site well will produce around 18.2 gallons/minute (Exhibit A.16). *As conditioned, criteria met.*



**(G) New, replacement, or expansion of existing dwellings shall minimize impacts to existing farm uses on adjacent land (contiguous or across the street) by:**

- (1) Recording a covenant that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 where the farm use is on land in the EFU base zone; or**
- (2) Where the farm use does not occur on land in the EFU base zone, the owner shall record a covenant that states they recognize and accept that farm activities including tilling, spraying, harvesting, and farm management activities during irregular times, occur on adjacent property and in the general area.**

**Staff:** The applicant is proposing a new dwelling on the subject property; therefore, a condition will be required to minimize impacts to existing farm uses on adjacent land. *As conditioned, criterion met.*

**(H) All exterior lighting shall comply with MCC 39.6850.**

**Staff:** The applicant has not included a lighting plan or samples/technical specifications for the exterior lighting. A condition will be required that when submitting building plans for zoning review, a finalized exterior lighting plan be provided for all exterior lighting on the subject property with technical specifications of the lighting demonstrating compliance with MCC 39.4375(H) and MCC 39.6850. *As conditioned, criterion met.*

## **7.0 Geologic Hazards (GH) Criteria:**

### **7.1 § 39.5075 PERMIT REQUIRED.**

**Unless exempt under this code or authorized pursuant to a Large Fill permit, no development, or ground disturbing activity shall occur: (1) on land located in hazard areas as identified on the Geologic Hazards Overlay map, or (2) where the disturbed area or the land on which the development will occur has average slopes of 25 percent or more, except pursuant to a Geological Hazards permit (GH).**

**Staff:** The applicant is proposing ground disturbing activity associated with construction of a new single-family dwelling, accessory structures, conversion of a Forest Practice Act road into a private driveway, and implementation of a mitigation plan by planting vegetation. The development will require ground disturbance on land identified on the Geologic Hazards overlay map and that has average slopes greater than 25 percent. The applicant is required to obtain a Geologic Hazards permit, which is discussed below.

### **7.2 § 39.5085 GEOLOGIC HAZARDS PERMIT APPLICATION INFORMATION REQUIRED.**

**An application for a Geologic Hazards Permit shall include two copies of each of the following:**

**(A) A scaled site plan showing the following both existing and proposed:**

\* \* \*

**(B) Calculations of the total area of proposed ground disturbance (square feet), volume of proposed cut (cubic yards) and fill (cubic yards), total volume of fill that has been deposited on the site over the 20-year period preceding the date of application, and existing and proposed slopes in areas to be disturbed (percent slope). Such calculations are not required**

**for fill physically supporting and/or protecting a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code. For purposes of this subsection, the term “site” shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area.**

**(C) Written findings, together with any supplemental plans, maps, reports or other information necessary to demonstrate compliance of the proposal with all applicable provisions of the Geologic Hazards standards in MCC 39.5090. Necessary reports, certifications, or plans may pertain to: engineering, soil characteristics, stormwater drainage control, stream protection, erosion and sediment control, and replanting. The written findings and supplemental information shall include:**

\* \* \*

**Staff:** The applicant provided all the required application information. The applicant’s site plans include a topographic map of the site and surrounding properties including stream/drainage courses and an aerial photo showing the general location of trees and cleared areas on the properties (Exhibit A.4, A.6, A.10, and A.18). The plans show the location of the proposed buildings, structures, private driveway, and mitigation plantings. A Geotechnical Investigation Report written and prepared by Jacqui Boyer; Troy Hull, P.E., G.E.; and Adam Reese, R.G., G.E.G. (Exhibit A.8).

The plans and report document the proposed ground disturbance (square feet), volume of proposed cut (cubic yards) and fill (cubic yards), total volume of fill. For this proposal, the applicant expects 102,408 square feet (2.35 acres) of ground disturbance for the dwelling, accessory structures, and private driveway with approximately 5,830 cubic yards of excavation/fill. *Application requirements met.*

### **7.3 § 39.5090 GEOLOGIC HAZARDS PERMIT STANDARDS.**

**A Geologic Hazards (GH) permit shall not be issued unless the application for such permit establishes compliance with MCC 39.6210 and satisfaction of the following standards:**

**Staff:** As required by MCC 39.6210(C), the ground disturbance associated with the dwelling, accessory structures, and private driveway is reviewed as an Allowed Use under MCC 39.4360(A) and (F). Therefore, the ground disturbing activities are in support of a lawfully established use. As required by MCC 39.6210(D), the applicant provided a Geotechnical Investigation Report written and prepared by Jacqui Boyer; Troy Hull, P.E., G.E.; and Adam Reese, R.G., G.E.G. (Exhibit A.8). A condition of approval requires the property owner to comply with MCC 39.6210(E). *As conditioned, criteria met.*

**(A) The total cumulative deposit of fill on the site for the 20-year period preceding the date of the application for the GH permit, and including the fill proposed in the GH permit application, shall not exceed 5,000 cubic yards. Fill physically supporting and/or protecting a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code is not included in this 5,000 cubic yard calculation. For purposes of this provision, the term “site” shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area.**

**Staff:** Based on the application materials in the case record and aerial photo review of the past 20-year period, a Forest Practice Act road was constructed in 2016. It is estimated that approximately 564 cubic yards of excavation occurred to create the logging road. For this application, the applicant anticipates that 909 cubic yards of fill will be required for the private driveway and 4,500 cubic yards of fill will be generated through excavation will be required for construction of the dwelling and accessory structures. *Criterion met.*

**(B) Fill shall be composed of earth materials only.**

**Staff:** A condition requires that any fill brought to the site be composed of earth materials only and a note be added as shown in Exhibit B.7. *As conditioned, criterion met.*

**(C) Cut and fill slopes shall not exceed 33 percent grade (3 Horizontal: 1 Vertical) unless a Certified Engineering Geologist or Geotechnical Engineer certifies in writing that a grade in excess of 33 percent is safe (including, but not limited to, not endangering or disturbing adjoining property) and suitable for the proposed development.**

**Staff:** The proposed plans and Geotechnical Report indicate that there will be slopes greater than 33 percent are located approximately 185 feet east of the proposed dwelling that have been reviewed and certified as not adversely impacting the stability of the site and are suitable for the proposed development (Exhibit A.6, A.8, and A.18). *Criterion met.*

**(D) Unsupported finished cuts and fills greater than 1 foot in height and less than or equal to 4 feet in height at any point shall meet a setback from any property line of a distance at least twice the height of the cut or fill, unless a Certified Engineering Geologist or Geotechnical Engineer certifies in writing that the cuts or fills will not endanger or disturb adjoining property. All unsupported finished cuts and fills greater than 4 feet in height at any point shall require a Certified Engineering Geologist or Geotechnical Engineer to certify in writing that the cuts or fills will not endanger or disturb adjoining property.**

**Staff:** The proposed plans and Geotechnical Report indicate that there will unsupported slopes greater than 1 foot in height and less than or equal to 4 feet in height. The unsupported slopes have been reviewed and certified that they are meet the required setback from the property lines at a district of twice the height of the cut or fill. (Exhibit A.6, A.8, and A.18). *Criterion met.*

**(E) Fills shall not encroach on any water body unless an Oregon licensed Professional Engineer certifies in writing that the altered portion of the waterbody will continue to provide equal or greater flood carrying capacity for a storm of 10-year design frequency.**

**Staff:** The plans and reports document one waterbody, an intermittent seasonal creek. The creek is in the southwestern portion of the property. A condition will be required that ground disturbance be located more than 100 feet from the water body and appropriate flagging indicating the limits of disturbance be depicted as shown in Exhibit B.7. *As conditioned, criterion met.*

**(F) Fill generated by dredging may be deposited on Sauvie Island only to assist in flood control or to improve a farm's soils or productivity, except that it may not be deposited in any SEC overlay, WRG overlay, or designated wetland.**

**Staff:** The proposed development does not include fill generated by dredging. *Criterion not applicable.*

**(G) On sites within the Tualatin River drainage basin, erosion, sediment and stormwater drainage control measures shall satisfy the requirements of OAR 340-041-0345(4) and shall be designed to perform as prescribed in the most recent edition of the City of Portland Erosion and Sediment Control Manual and the City of Portland Stormwater Management Manual. Ground-disturbing activities within the Tualatin Basin shall provide a 100-foot undisturbed buffer from the top of the bank of a stream, or the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland; unless a mitigation plan consistent with OAR 340-041-0345(4) is approved for alterations within the buffer area.**

**Staff:** The proposed development is located within the Tualatin River drainage basin; therefore, erosion, sediment, and stormwater drainage control measures shall satisfy the requirements of OAR 340-041-0345(4) and be designed to perform as prescribed in the most recent edition of the City of Portland Erosion and Sediment Control Manual and the City of Portland Stormwater Management Manual. The applicant included a Stormwater Report with calculations and plans with BMPs showing compliance with OAR 340 (Exhibit A.15 and A.19). As recommend in the report, the applicant will construct an on-site storm water management control system to manage storm water to align with the City of Portland Stormwater Management Manual (Exhibit A.6). Lastly, the erosion control plans show the use of BMPs that are in alignment with the City of Portland Erosion and Sediment Control Manual.

However, to ensure compliance with OAR 340 additional conditions of approval will be required. A condition of approval will require the installation and maintenance of the on-site storm water management system. A second condition will be required that additional erosion and sediment controls measures and detail notes be added as shown in Exhibit B.7. A third condition requires that between October 1 and April 30 additional measures as required most recent edition of the City of Portland Erosion and Sediment Control Manual and the City of Portland Stormwater Management Manual. Lastly, a detailed timeline of all phases of work be provided for development. *As conditioned, criterion met.*

**(H) Stripping of vegetation, ground disturbing activities, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction.**

**Staff:** The proposed plans and Geotechnical Report lays out the way site preparation should occur. The Plan recommends that the grading should be minimized and done during dry weather (Exhibit A.8). However, no additional timeline of work was provided. Sediment fencing and biobags/silt sacks are to be placed downslope of areas of ground disturbance (Exhibit A.6). Additional conditions will need to be added to include that stripping of vegetation, ground disturbing activities, or other soil disturbance should be minimized and done during extended periods of dry weather. Redline corrections shown in Exhibit B.7, a specific timeline of the phases of work shall also be provided prior to submitting Building Plans for Zoning Review. Lastly the use of either temporary erosion control blankets or straw shall be placed until permanent seeding or gravel can be applied over disturbed areas. *As conditioned, criterion met.*

**(I) Development Plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff.**

**Staff:** The plans and Geotechnical Report indicate that excavation will occur to create pullouts along the private driveway, contour steep sections of the private driveway, and prepare the development area for the dwelling (Exhibit A.6, A.8, and A.18). The pullouts and contouring of the private driveway will conform with the topography to create fewer steep slopes. The contouring will also minimize and limit the erosion potential in addition to helping accommodate volume and velocity of surface runoff. However, the development plans are insufficient to ensure that the least erosion potential and adequately accommodate the volume/velocity of surface runoff. Conditions will be required that the applicant provide a timeline of phases of work, ground disturbance be done during extended periods of dry weather, and revised erosion control plan be submitted to address redlines shown in Exhibit B.7. *As conditioned, criterion met.*

**(J) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.**

**Staff:** The proposed plans and Geotechnical Report do not indicate that temporary seeding and mulch will be used. A condition will be required that temporary vegetation, mulching, straw, compost, or other covering be used to protect exposed critical areas. The temporary vegetation, mulching, straw, compost, or other covering shall be placed within five (5) days of the conclusion of each phase of work. Should construction activities cease for fifteen (15) days or more on any significant portion of a construction site, temporary stabilization is required for that portion of the site that will prevent soil or wind erosion until work resumes on that portion of the site. Should construction activities cease for thirty (30) days or more, the entire site must be temporarily stabilized using vegetation or a heavy mulch layer, temporary seeding, or other BMP method. Additionally, a new erosion control plan must be submitted addressing the redlines comments in Exhibit B.7 with additional detail notes. *As conditioned, criterion met.*

- (K) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;**
- (1) A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland;**
  - (2) The buffer required in subsection (K)(1) may only be disturbed upon the approval of a mitigation plan which utilizes erosion, sediment, and stormwater control measures designed to perform as effectively as those prescribed in the most recent edition of the City of Portland Erosion and Sediment Control Manual and the City of Portland Stormwater Management Manual and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River drainage basin in OAR 340-041-0345(4).**

**Staff:** The plans and reports document one waterbody, an intermittent seasonal creek. The creek is in the southwestern portion of the property. The applicant's plans show that no development will occur within 100 feet of the waterbody. A condition will be required that ground disturbance be located more than 100 feet from the water body and appropriate flagging indicating the limits of disturbance be depicted as shown in Exhibit B.7. *As conditioned, criterion met.*

**(L) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical.**

**Staff:** The plans and Geotechnical Report do not indicate when permanent plantings would be planted or structural erosion control will be installed. Additionally, no timeline of work was provided. A condition will be required that a specific timeline of the phases of work be provided,

which includes a requirement that seeding, mulching, or permanent planting will be required within five (5) days of finishing ground disturbance associated with each phase. Daily monitoring will be required to ensure vegetation is sprouting and that no erosion or sedimentation is occurring. Monitoring may cease when vegetation on the disturbed soils have stabilized the areas. *As conditioned, criterion met.*

**(M) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary.**

**(N) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized.**

**(O) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding.**

**Staff:** The plans and geotechnical report show the location of ground and other soil disturbances. The geotechnical report lays out the way site preparation should occur. The Plan recommends that the grading should be minimized and done during dry weather (Exhibit A.8). The erosion control plan also shows that silt fencing will be placed on the downslope side of the disturbance areas (Exhibit A.6). However, no additional measures were provided, therefore additional conditions will be required which include the submission of a timeline of work, the limiting of ground disturbing activity to be done during extended periods of dry weather, and redline corrections shown in Exhibit B.7 be provided prior to submitting Building Plans for Zoning Review. These conditions will ensure that above criteria are met. *As conditioned, criteria met.*

**(P) All drainage measures shall be designed to prevent erosion and adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural water bodies, drainage swales, or an approved drywell system.**

**(Q) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion.**

**Staff:** The applicant included a Stormwater Certificate reviewed and certified by John Middleton, P.E. (Exhibit A.15). The Certificate recommends “Natural Filtration Process” and “Construction of an onsite storm water drainage control system.” The report recommends construction of driveway side ditches that feed to soakage trenches, a standard gutter to downspout system, and lined stormwater planters that discharge to onsite swale (Exhibit A.19). The system includes lined planters, rip-rap, and driveway side ditches specifically designed to channel storm water to shallow disposal trenches (Exhibit A.6). The proposed drainage measures to prevent erosion and adequately carry existing and potential surface runoff to suitable drainageways. A condition of approval requires the applicant to construct, install, and maintain the proposed stormwater drainage control system for the life of the dwelling. *As conditioned, criteria met.*

**(R) Erosion and sediment control measures must be utilized such that no visible or measurable erosion or sediment shall exit the site, enter the public right-of-way or be deposited into any water body or storm drainage system. Control measures which may be required include, but are not limited to:**

**(1) Energy absorbing devices to reduce runoff water velocity;**

**(2) Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;**

**(3) Dispersal of water runoff from developed areas over large undisturbed areas.**

**Staff:** The plans and geotechnical report show the location of ground and other soil disturbances. The geotechnical report lays out the way site preparation should occur. The report recommends that the grading should be minimized and done during dry weather (Exhibit A.8). The erosion control plan also shows that silt fencing will be placed on the downslope side of the disturbance areas (Exhibit A.6). However, no additional measures were provided, therefore additional conditions will be required which include the submission of a timeline of work, the limiting of ground disturbing activity periods of extended dry weather, and redline corrections shown in Exhibit B.7 be provided prior to submitting Building Plans for Zoning Review. Additionally, the applicant will be required to stabilize exposed cut or fill areas with either temporary erosion control blankets or straw until permanent seeding can be applied over disturbed areas. These measures will ensure no visible or measurable erosion or sedimentation will exit the site. *As conditioned, criteria met.*

**(S) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into water bodies by applying mulch or other protective covering; or by location at a sufficient distance from water bodies; or by other sediment reduction measures;**

**Staff:** The plans do not show the location of where spoil materials or topsoil will be located or stockpiled (Exhibit A.6). As shown in Exhibit B.7, the applicant will need to modify their erosion control plans to show the location of any spoil material or stockpiled topsoil. The spoil material and stockpiled topsoil must be located a minimum of 100 feet from any water bodies, located adjacent and on the west side of the private driveway, and appropriate BMPs applied. Additionally, any excess excavated soil not used as fill within the ground disturbance area shall be removed from the subject properties and taken to a location approved for the disposal of such material by applicable Federal, State, and local authorities. *As conditioned, criterion met.*

**(T) Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.**

**Staff:** Conditions will be required that the above be added to the erosion control plan detail notes as shown in Exhibit B.7 and compliance with (T) above. *As conditioned, criterion met.*

**(U) On sites within the Balch Creek drainage basin, erosion, sediment, and stormwater control measures shall be designed to perform as effectively as those prescribed in the most recent edition of the City of Portland Erosion and Sediment Control Manual and the City of Portland Stormwater Management Manual. All ground disturbing activity within the basin shall be confined to the period between May first and October first of any year. All permanent vegetation or a winter cover crop shall be seeded or planted by October first the same year the development was begun; all soil not covered by buildings or other impervious surfaces must be completely vegetated by December first the same year the development was begun.**

**Staff:** The proposed development is not located within the Balch Creek drainage basin; therefore, this criterion is not applicable. *Criterion not applicable.*

**(V) Ground disturbing activities within a water body shall use instream best management practices designed to perform as prescribed in the City of Portland Erosion and Sediment Control Manual and the City of Portland Stormwater Management Manual.**

**Staff:** The proposed development will not occur within a water body; therefore, this criterion is not applicable. *Criterion not applicable.*

**(W) The total daily number of fill haul truck trips shall not cause a transportation impact (as defined in the Multnomah County Road Rules) to the transportation system or fill haul truck travel routes, unless mitigated as approved by the County Transportation Division.**

**(X) Fill trucks shall be constructed, loaded, covered, or otherwise managed to prevent any of their load from dropping, sifting, leaking, or otherwise escaping from the vehicle. No fill shall be tracked or discharged in any manner onto any public right-of-way.**

**(Y) No compensation, monetary or otherwise, shall be received by the property owner for the receipt or placement of fill.**

**Staff:** The proposed total daily number of fill haul truck trips will be limited to 10 trips (5 to the site and 5 from the site). A condition of approval formalizes this truck trip limit in addition to requiring compliance with subsection (X) and (Y) above. *As conditioned, criteria met.*

## **8.0 Significant Environmental Concern Overlays (SEC) Criteria:**

### **8.1 § 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, an accessory building, accessory structures (septic system, drainfield, stormwater drainage control system, etc.), conversion of a Forest Practice Act road into a private driveway, and associated ground disturbance. The proposed development is an Allowed Use associated with the residential use under MCC 39.4360(A) and (F), if the proposal meets certain requirements of Multnomah County Code. Significant Environmental Concern for Streams (SEC-s) and 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.*

### **8.2 § 39.5750- CRITERIA FOR APPROVAL OF SEC-S PERMIT –STREAMS.**

\* \* \*

**8.2.1 (B) Except for the exempt uses listed in MCC 39.5515, no development shall be allowed within a Stream Conservation Area unless approved by the Approval Authority pursuant to the provisions of MCC 39.5750 (C) through (F).**



**Staff:** The applicant is proposing an accessory structure, conversion of a Forest Practice Act road into a private driveway, and associated ground disturbance that will require development, construction, and site clearing in addition to implementing a mitigation plan by planting vegetation within a Stream Conservation Area. The proposal is not an exempt use listed in MCC 39.5515; therefore, it is subject to the SEC-s permit requirements, which are discussed below.

\* \* \*

- 8.2.2 (D) For the protected stream resources, the applicant shall demonstrate that the proposal:**
- (1) Will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its pre-development state, as documented in a Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:**
    - (a) A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by subsection (C) above;**
    - (b) A description of the applicant’s coordination efforts to date with the requirements of other local, State, and Federal agencies;**
    - (c) A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in subsection (D) (1) above;**
    - (d) An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.**

**Staff:** The applicant has provided a narrative, site plans, and reports that discusses how the proposal will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality, and visual amenities characteristic of the stream in its pre-development state (Exhibit A.4, A.6, A.10, A.11, A.15, A.18, and A.19). The Mitigation Plan was written by Jack Dalton and Racine Robinson of Environmental Science & Assessment, LLC (Exhibit A.10).

Based on available information, the applicant and consultant assessed the existing conditions, delineated water resources on the site, and provided mitigation strategies to offset the development impacts. The history of the site includes a Forest Practice Act logging operation and creation of a logging road in 2015. The logging road encroaches into the stream resource, which is a headwaters tributary of Abbey Creek. The tributary is an intermittent seasonal flow. Only a small portion of the SEC-s stream conservation area (SCA) is located on the subject property. As described:

“The riparian forest corridor along both sides of the tributary corresponds to the county-mapped Stream Contributing Area (SCA) extending perpendicularly 200-feet from the stream top of bank (TOB), and is densely concentrated, with thick brush cover of invasive Himalayan blackberry covering the channel and slopes...The canopy cover of the riparian corridor along the tributary is comprised of black cottonwood, red alder with some cover of Scouler’s willow (*Salix scouleriana*) along the banks of the tributary and cover of big-leaf maple and Douglas fir on the slopes. The understory is comprised of thick cover of Himalayan blackberry, with some cover of Douglas’s spiraea (*Spiraea douglassi*) and trace cover of saplings of western redcedar and Douglas fir along the banks of the ravine.

Along the existing gravel logging road and driveway, as well as along the outer edges of the SCA, were identified to be lacking canopy and shrub cover (Photo 2 & 3). These areas have been historically cleared and altered due to past logging and the development of the existing road...and is considered in Degraded condition due to the clearing.” (Exhibit A.10, pg. 3-4).

As the existing conditions have been established, the applicant is proposing a Mitigation Plan to offset the permanent impacts of the development, construction and site clearing to establish a new accessory structure and private driveway. The Mitigation Plan recommends 1,694 square feet of mitigation in the SEC-s overlay. The mitigation is designed to offset the conversion and clearing of the FPA road into a private driveway. The Report recommends planting the following in the road areas as reproduced from Exhibit A.17 on page 12-13:

Type	Species	Common Name	Quantity (Road)	Size	Spacing	Spacing Format
Tree	<i>Alnus rubra</i>	Red Alder	5	1 gal.	10' o.c.	Single
Tree	<i>Thuja plicata</i>	Western Redcedar	6	2 gal.	10' o.c.	Single
Tree	<i>Tsuga heterophylla</i>	Western Hemlock	6	1 gal.	10' o.c.	Single
<b>Total</b>			<b>17</b>			

Type	Species	Common Name	Quantity (Road)	Size	Spacing	Spacing Format
Shrub	<i>Cornus sericea</i>	Red-Osier Dogwood	10	1 gal.	10' o.c.	Cluster
Shrub	<i>Rosa pisocarpa</i>	Swamp Rose	10	1 gal.	10' o.c.	Cluster
Shrub	<i>Salix lasiandra</i>	Pacific Willow	10	1 gal.	10' o.c.	Single
Shrub	<i>Physocarpus capitatus</i>	Pacific Ninebark	5	1 gal.	5' o.c.	Single
Shrub	<i>Amelanchier alnifolia</i>	Serviceberry	10	1 gal.	10' o.c.	Cluster
Shrub	<i>Oemleria cerasiformis</i>	Oso-Berry	10	1 gal.	5' o.c.	Single
Shrub	<i>Rubus parviflorus</i>	Thimbleberry	10	1 gal.	10' o.c.	Single
Shrub	<i>Gaultheria shallon</i>	Salal	10	Plug	4' o.c.	Cluster
Shrub	<i>Athyrium filixfemina</i>	Lady Fern	10	n/a	n/a	Seed Mix
<b>Total</b>			<b>85</b>			

To ensure that the measures contained in the Mitigation Plan are carried out and the plantings thrive, a condition of approval requires an annual monitoring plan for a period of five years, to provide an 80 percent annual survival rate. With the implementation of these measures described above, the proposal meets the requirements of subsection (D)(1). *As conditioned, criteria met.*

**8.2.3 (E) Design Specifications: The following design specifications shall be incorporated, as appropriate, into any developments within a Stream Conservation Area:**

**(1) A bridge or arched culvert which does not disturb the bed or banks of the stream and are of the minimum width necessary to allow passage of peak winter flows shall be utilized for any crossing of a protected streams.**

**Staff:** The applicant is not proposing crossing a protected stream; therefore, this criterion is not applicable. *As conditioned, criterion met.*

**(2) All storm water generated by a development shall be collected and disposed of on-site into dry wells or by other best management practice methods which emphasize groundwater recharge and reduce peak stream flows.**

**Staff:** A Storm Water Drainage Control Certificate was reviewed and certified by John Middleton, P.E. (Exhibit A.15). The Certificate recommends “Natural Filtration Process” and “Construction of an onsite storm water drainage control system.” The report recommends construction of driveway side ditches that feed to soakage trenches, a standard gutter to downspout system, and

lined stormwater planters that discharge to onsite swale (Exhibit A.19). The system includes lined planters, rip-rap, and driveway side ditches specifically designed to channel storm water to shallow disposal trenches (Exhibit A.6). The collection and disposal of storm water generated by the development utilizes best management practices to emphasize groundwater recharge and reduce peak stream flows. A condition of approval requires the applicant construct and maintain the proposed stormwater drainage control system for the life of the dwelling. *As conditioned, criterion met.*

**(3) Any exterior lighting associated with a proposed development shall be placed, shaded or screened to avoid shining directly into a Stream Conservation Area.**

**Staff:** The applicant did not provide architectural plans for the dwelling showing the exterior lighting on the subject property. A condition requires that a lighting plan and technical specifications be provided to show compliance with the above standard. Additionally, a separate condition requires that the lighting be placed, shaded, or screened to avoid shining directly into a Stream Conservation Area. *As conditioned, criterion met.*

**(4) Any trees over 6" in caliper that are removed as a result of any development shall be replaced by any combination of native species whose combined caliper is equivalent to that of the trees removed.**

**Staff:** The applicant is not proposing to remove any trees over 6" in caliper in the SCA; therefore, this criterion is not applicable. *Criterion not applicable.*

**(5) Satisfaction of the erosion control standards of MCC 39.5090.**

**Staff:** The applicant has submitted a Geologic Hazards (GH) permit application. The standards of MCC 39.5090 were previously discussed in Section 7.0 above.

**(6) Soil disturbing activities within a Stream Conservation Area shall be limited to the period between June 15 and September 15. Revegetation/soil stabilization must be accomplished no later than October 15. Best Management Practices related to erosion control shall be required within a Stream Conservation Area.**

**Staff:** A condition requires compliance with (E)(6) above. *As conditioned, criterion met.*

**(7) Demonstration of compliance with all applicable state and federal permit requirements.**

**Staff:** The applicant has provided a Septic Review Certification reviewed by the Multnomah County Sanitarian and Fire Service Agency Review reviewed by Tualatin Valley Fire & Rescue. The Septic Review Certification addresses applicable State of Oregon Department of Environmental Quality (DEQ) requirements (Exhibit A.12). The Fire Service Agency Review address applicable State of Oregon Fire Code (Exhibit A.13). County Staff is not aware of any additional state or federal permit requirements. *Criterion met.*

**8.2.4 (F) For those Stream Conservation Areas located within Metro's jurisdictional boundaries, the following requirements apply in addition to subsections (C) through (E) above:**

**Staff:** The proposal is located within Metro’s jurisdictional boundary; therefore, the following requirements are applicable as discussed below.

**(1) The planting of any invasive non-native or noxious vegetation as listed in subsection (A)(4) above is prohibited. In addition, the species listed in MCC 39.5580 Table 1 shall not be planted.**

**Staff:** Due to a scrivener's error subsection (A)(4) in MCC 39.5750 does not exist. In a previous iteration prior to the adoption of Chapter 39, Chapter 33 contained MCC 33.4575(A)(4). This previous code section was renumbered to MCC 39.5750(A)(1) and the above criterion was not renumbered to reflect the change. As required, the invasive non-native or noxious vegetation are those plants listed in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, and include those plants listed in the latest edition of the State of Oregon Noxious Weed List. The Mitigation Plan does not recommend the planting of any of those plants listed (Exhibit A.10). A condition requires compliance with the above requirements. *As conditioned, criterion met.*

**(2) The revegetation of disturbed areas shall primarily use native plants. A list of native plants can be found in the latest edition of the Metro Native Plant List.**

**Staff:** The applicant is proposing mitigation areas using native plants found in the latest edition of the Metro Plant List (Exhibit A.10). *Criterion met.*

**(3) Outside storage of hazardous materials as determined by DEQ is prohibited, unless such storage began before the effective date of the applicable SEC ordinance; or, unless such storage is contained and approved during development review.**

**Staff:** A condition of approval requires that no outside storage of hazardous materials as determined by DEQ will be permitted as part of this project. *As conditioned, criterion met.*

\* \* \*

**8.3 § 39.5860 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT.**

\* \* \*

**8.3.1 (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:** Prior to the Forest Practice Act logging operation in 2014, the subject property did not contain areas that are defined as non-forested “cleared” areas. Areas that are cleared pursuant to an approved forest management plan are considered forested areas due to their temporary nature and the requirement that they are supposed to be replanted (Exhibit B.8 through B.10). As shown on the site plan, an area is being cleared for the new single-family dwelling, an accessory building, accessory structures, and private driveway (Exhibit A.4, A.6, and A.18). *Criterion not 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 more than 2,000 feet from NW Germantown Road, a public road (Exhibit A.6 and A.18). *Criterion not met.*

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

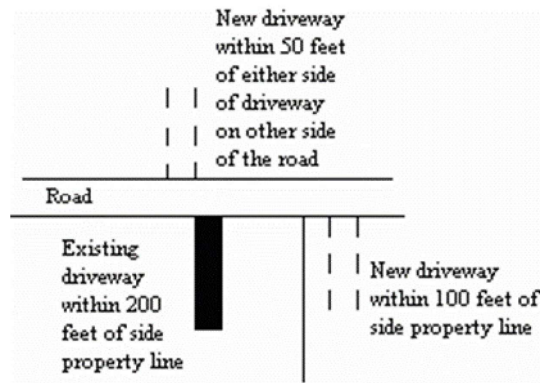
**Staff:** As measured on the applicant's site plan, the access easement private driveway is more than 2,500 feet in length, which exceeds the 500 feet requirement above (Exhibit A.6 and A.18).  
*Criterion not met.*

**(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**

\* \* \*

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



**For illustrative purposes only.**

\* \* \*

**Staff:** The subject property takes easement access from the NW Germantown Road from the same driveway approach as 13715 and 13717 NW Germantown Road. The private driveway to the single-family dwelling on the subject property continues off the easement access from 13715 and 13717 NW Germantown Road. Additionally, the adjacent property to the east on the same side of the road has a driveway approach within 200 feet of the side property line. As measured the access easement private driveway is 12 feet from the shared side property line. *Criterion 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 and west both have structures and developed areas within 200 feet of the common side property lines (Exhibit A.18 and B.3). The applicant is proposing development closest to the eastern property line located approximately 21 feet from the common side property line to the east (Exhibit A.12 and A.13).  
*Criterion 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 located on the subject property and will be removed (Exhibit A.10). A condition requires removal and on-going compliance with (A)(7) above. *As conditioned, criterion met.*

**8.3.2 (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 a previously approved land use case, case no. T2-2023-17164, the property is a flag lot (Exhibit A.6 and A.18). The pole portion of the flag lot is approximately 1,400 feet long, which prevents the development from meeting subsection (B)(2) and (B)(3). If the dwelling was to be located nearest to NW Germantown Road as close to the southern property line, the development would be located within an historic landslide area with high susceptibility of land sliding as discussed in the Geotechnical Investigation Report written and prepared by Jacqui Boyer; Troy Hull, P.E., G.E.; and Adam Reese, R.G., G.E.G. as show in maps provided by Oregon Department of Geologic and Mineral Industries (Exhibit A.8 and B.11). Additionally, that area contains the Significant Environmental Concern for Streams (SEC-s) overlay and the Geologic Hazard (GH) overlays, which includes areas with a slope greater than 25%.

Secondly, the proposed dwelling is accessed via a long access easement private driveway. There are no public roads adjacent to the property that would allow development to meet the standards of (B)(2) and (B)(3) above. The proposed development is in an area that is flatter towards the rear of the property with slopes that are less than 10%. 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:**  
**(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.**

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

**Staff:** As previously discussed, the applicant cannot meet the development standards of subsection (B), therefore the WCP must result in the minimum departure from the standard in subsection (B). The application included a narrative and plan discussing what measures will be put in place to mitigate the development (Exhibit A.4, A.6, A.10, A.11, and A.18). The narrative and WCP discusses how the measures within the proposal will reduce impacts to forest areas and limit the amount of clearance.

The applicant is requesting conversion of an area subject to an FPA logging operation into residential development and FPA logging road into a private driveway. As this conversion is proposed, those areas are not considered as non-forested “cleared” areas. Areas that are cleared pursuant to an approved forest management plan are considered forested areas due to their temporary nature and the requirement that they are supposed to be replanted.

The development is located on a flatter portion of the subject property with the property sloping away from the development area to the west and south (Exhibit A.12, A.13, and B.12). There is no location on the subject property where development will be located outside of the SEC-h overlay. If the applicant were to locate the development in an area that would meet subsection (B) or shorten the driveway to meet subsection (B), the development would be either be located in a tributary of Rock Creek, located in an historic landslide area, located in a GH overlay, require extensive excavation and ground disturbance to develop, or encroach into the SEC-s stream conservation area.

As the existing conditions have been established, the applicant is proposing a new single-family dwelling, and accessory building, and accessory structures. The dwelling, accessory building, and accessory structures are clustered in the northwest corner of the subject property. The development also includes an access easement private driveway that meets fire safety purposes.

To mitigate the impacts the applicant proposes a WCP to offset the permanent impacts of the development. The WCP recommends over 100,000 square feet of mitigation broken into two areas, near the dwelling and in the south east corner of the property. The mitigation is designed to offset the clearing.

The Report recommends the following:

Type	Species	Common Name	Quantity	Size	Spacing	Spacing Format
Tree	<i>Abies grandis</i>	Grand Fir	55	2 gal.	10' o.c.	Single
Tree	<i>Alnus rubra</i>	Red Alder	46	1 gal.	10' o.c.	Single
Tree	<i>Thuja plicata</i>	Western Redcedar	50	2 gal.	10' o.c.	Single
Tree	<i>Acer circinatum</i>	Vine Maple	55	1 gal.	10' o.c.	Single
Tree	<i>Salix scouleriana</i>	Scouler's Willow	18	1 gal.	10' o.c.	Single
Tree	<i>Tsuga heterophylla</i>	Western Hemlock	55	1 gal.	10' o.c.	Single
Tree	<i>Acer macrophyllum</i>	Big Leaf Maple	4	1 gal.	10' o.c.	Single
<b>Total</b>			<b>283</b>			

Type	Species	Common Name	Quantity	Size	Spacing	Spacing Format
Shrub	<i>Rosa pisocarpa</i>	Swamp Rose	273	1 gal.	10' o.c.	Cluster
Shrub	<i>Amelanchier alnifolia</i>	Serviceberry	272	1 gal.	10' o.c.	Cluster
Shrub	<i>Oemleria cerasiformis</i>	Oso-Berry	273	1 gal.	5' o.c.	Single
Shrub	<i>Sambucus racemosa</i>	Red Elderberry	237	1 gal.	5' o.c.	Single
Shrub	<i>Ribes sanguineum</i>	Red-flowering Currant	228	1 gal.	10' o.c.	Cluster
Shrub	<i>Rubus parviflorus</i>	Thimbleberry	237	1 gal.	10' o.c.	Cluster
Shrub	<i>Mahonia nervosa</i>	Oregon grape	273	1 gal.	10' o.c.	Cluster
Shrub	<i>Gaultheria shallon</i>	Salal	273	Plug	4' o.c.	Cluster
<b>Total</b>			<b>2,066</b>			

A condition of approval requires the implementation of the proposed WCP. A separate condition of approval requires that best practices contained in MCC 39.5860(C)(5)(e) through (o) be carried out except as modified by the WCP. The best practices include, fencing/flagging, trees not being used as anchors, planting schedule, an annual monitoring plan for a period of five years, and to provide an 80 percent annual survival rate. *As conditioned, criteria 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 wildlife conservation plan that demonstrates satisfaction with subsection (C)(3), therefore the criteria within (C)(5) do not need to be met.

## 9.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Planning Director's Decision, Geologic Hazards (GH), Significant Environmental Concern for Streams (SEC-s), and Significant Environmental Concern for Wildlife Habitat (SEC-h) permits to establish a new single-family dwelling, an accessory building, accessory structures [septic system (septic tank, piping, drainfield), stormwater drainage control system, a gate, and retaining walls], conversion of a Forest Practice Act logging road into a private driveway and implementation of a SEC-s



Mitigation Plan and SEC-h Wildlife Conservation Plan in the Rural Residential (RR) zone. This approval is subject to the conditions of approval established in this report.

**10.0 Exhibits**

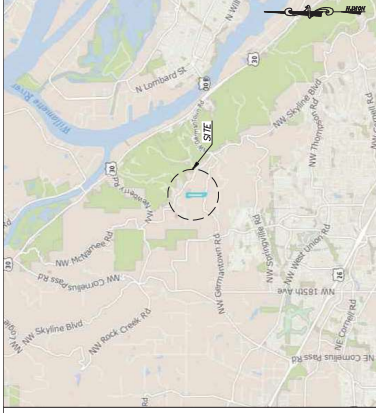
- ‘A’ Applicant’s Exhibits
- ‘B’ Staff Exhibits
- ‘C’ Procedural Exhibits

Exhibits with 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](mailto:LUP-comments@multco.us).

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	Application Form	04/23/2024
A.2	2	Narrative	04/23/2024
A.3	2	Site Plan <ul style="list-style-type: none"> <li>▪ Sheet A1.0 – Site Plan</li> <li>▪ Sheet A1.1 – Enlarged Lot 3 Site Plan</li> </ul>	04/23/2024
A.4	2	Updated Narrative	04/25/2024
A.5	4	Site Plan <ul style="list-style-type: none"> <li>▪ Sheet A1.0 – Site Plan</li> <li>▪ Sheet A1.1 – Enlarged Lot 3 Site Plan</li> <li>▪ Sheet A2.0 – 1<sup>st</sup> Floor &amp; Basement Floor Plan</li> <li>▪ Sheet A3.0 – Exterior Elevations</li> </ul>	04/25/2024
A.6*	14	Engineering Plans <ul style="list-style-type: none"> <li>▪ *Sheet CVR – Cover Sheet</li> <li>▪ Sheet EC – Existing Conditions</li> <li>▪ Sheet 1 – Parcel 1 &amp; 2 Grading &amp; Driveway Plan</li> <li>▪ *Sheet 2 – Parcel 3 Grading &amp; Driveway Plan</li> <li>▪ Sheet 3 – Driveway Entry Detail</li> <li>▪ Sheet 4 – Driveway Profile</li> <li>▪ Sheet 5 – Driveway Profile</li> <li>▪ Sheet 6 – Parcel 1 Storm Management Plan</li> <li>▪ Sheet 7 – Parcel 2 Storm Management Plan</li> <li>▪ *Sheet 8 – Parcel 3 Storm Management Plan</li> <li>▪ Sheet 9 – Parcel 2 Home Site Detail</li> <li>▪ *Sheet 10 – Parcel 3 Home Site Detail</li> <li>▪ Sheet 11 – Detail</li> <li>▪ Sheet 12 – Detail</li> </ul>	04/25/2024
A.7	5	Partition Plat No. 2024-21 recorded on April 18, 2024	04/25/2024
A.8	93	Geotechnical Investigation Report by Jacqui Boyer, Geotechnical Engineer, Troy Hull, P.E., G.E. and Adam Reese, R.G., G.E.C.	04/25/2024
A.9	43	Stormwater Management Report by John Middleton, PE	04/25/2024

A.10	48	Significant Environmental Concern Habitat & Stream Report prepared by Environmental Science & Assessment, LLC	04/25/2024
A.11	3	Reforestation Plan	04/25/2024
A.12	9	Septic Review Certification	04/25/2024
A.13	25	Fire Service Agency Review	04/25/2024
A.14	8	Well Inspection Report	04/25/2024
A.15	12	Stormwater Drainage Control Certificate prepared by John Middleton, Oregon Registered Professional Engineer	05/21/2024
A.16	2	Certification of Water Service	05/21/2024
A.17	1	Revised Certification of Water Service	05/24/2024
A.18*	4	Revised Site Plan <ul style="list-style-type: none"> <li>▪ Sheet A1.0 – Lot 3 – Site Plan</li> <li>▪ Sheet A1.1 – Enlarged Lot 3 Site Plan</li> <li>▪ Sheet A2.0 – 1<sup>st</sup> Floor &amp; Basement Floor Plan</li> <li>▪ Sheet A3.0 – Exterior Elevations</li> </ul>	06/24/2024
A.19	46	Stormwater Management Report prepared by John Middleton, Oregon Registered Professional Engineer	06/24/2024
<b>‘B’</b>	<b>#</b>	<b>Staff Exhibits</b>	<b>Date</b>
B.1	4	Assessment and Taxation Property Information for 1N1W09B -00300 (Alt Acct #R961090210 / Property ID #R324019)	04/25/2024
B.2	1	Current Tax Map for 1N1W09B	04/25/2024
B.3	1	Aerial Photo taken in the Summer of 2023	04/25/2024
B.4	4	Partition Plat No. 2024-21 recorded on April 18, 2024	04/25/2024
B.5	1	Assessment and Taxation Property Information for 1N1W09B -00303 (Alt Acct #R649960830 / Property ID #R725736)	06/18/2024
B.6	1	Current Tax Map for 1N1W09B	06/18/2024
B.7	15	Civil Plans – Revised and Redlined	11/04/2024
B.8	1	Oregon Department of Forestry – Forest Activity Inspection Report: NOAP #2014-531-00805	11/06/2024
B.9	5	Email between the Property Owner and the Oregon Department of Forestry	11/06/2024
B.10	2	Aerial Photos taken in the Summer of 2014 and 2015	11/06/2024
B.11	1	Statewide Landside Information Map for Oregon	11/06/2024
B.12	1	3D rendering of the subject property from Google Earth	11/06/2024

<b>'C'</b>	<b>#</b>	<b>Administration &amp; Procedures</b>	<b>Date</b>
C.1	5	Incomplete letter	05/17/2024
C.2	1	Applicant's acceptance of 180-day clock	05/24/2024
C.3	3	Incomplete letter #2	06/18/2024
C.4	2	Complete letter (day 1)	07/19/2024
C.5	8	Opportunity to Comment	11/04/2024
C.6	19	"Short" Decision	12/10/2024
C.7	44	Decision	12/10/2024



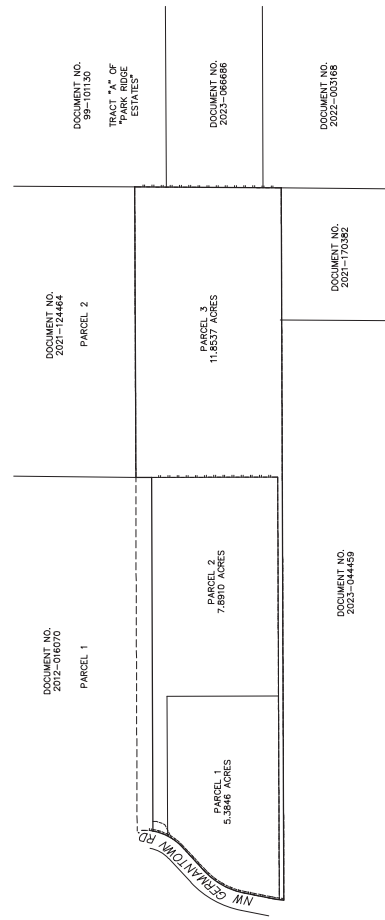
VICINITY MAP  
NO SCALE

**SHEET INDEX:**

- COVER SHEET
- EXISTING CONDITIONS & DRIVEWAY PLAN
- PARCEL 1 GRADING & DRIVEWAY PLAN
- DRIVEWAY ENTRY DETAIL
- DRIVEWAY PROFILE
- MANAGEMENT PLAN
- PARCEL 2 STORM MANAGEMENT PLAN
- PARCEL 3 STORM MANAGEMENT PLAN
- PARCEL 4 HOME SITE DETAIL
- PARCEL 5 HOME SITE DETAIL
- 11
- 12

**NOTES:**

1. EROSION CONTROL MEASURES. SEE SHEET 1 & 2 AND DETAIL SHEET 11.
2. GROUND DISTURBANCE
  - A. HISTORIC DISTURBANCE LAST 20 YEARS ORIGINAL HOME & DRIVEWAY:
    - 1. FOREST SERVICE TOTAL = 12,800 SQ.FT.
    - 2. FOREST SERVICE TOTAL = 42,200 SQ.FT.
  - B. TOTAL VOL. FILL = 1,250 C.Y.
  - C. DISTURBANCE AREA FOR DRIVEWAY:
    - 1. TOTAL AREA OF EXISTING FORESTRY = 23,460 SQ.FT.
    - 2. SERVICE RD DISTURBANCE (EXCISED) = 22,263 SQ.FT.
    - 3. GROUND DISTURBANCE (INCLUDING TURNS) = 22,263 SQ.FT. (INCL. MOWING & SOIL)
    - 4. TOTAL VOL. FILL = 2,820 C.Y.
  - D. DISTURBANCE AREA FOR PARCEL 2 (INCLUDING TURNS, NOT INCLUDING DRIVEWAY):
    - 1. TOTAL AREA OF GROUND DISTURBANCE = 37,685 SQUARE FEET
    - 2. TOTAL FILL = 1,480 CUBIC YARDS
  - E. DISTURBANCE AREA FOR PARCEL 3 (INCLUDING TURNS, NOT INCLUDING DRIVEWAY):
    - 1. TOTAL AREA OF GROUND DISTURBANCE = 79,200 SQUARE FEET
    - 2. TOTAL FILL = 4,500 CUBIC YARDS
3. TOTAL AREA OF GROUND DISTURBANCE (DRIVEWAY AND PARCELS 2 & 3) :
  - 1. TOTAL AREA OF GROUND DISTURBANCE = 168,948 SQ.FT.
  - 2. TOTAL FILL = 8,660 CUBIC YARDS

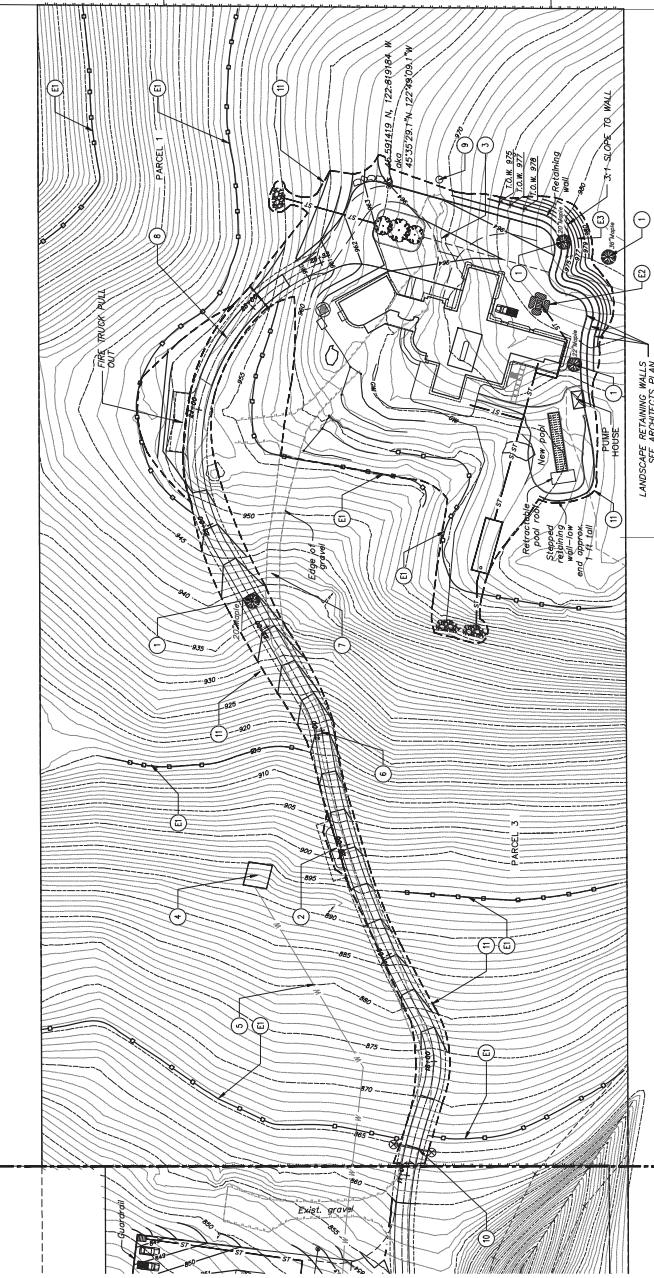


**PARTITION PLAN**  
SCALE: 1"=50'



DATE	3-27-24	BY	SM	DATE	
CHECKED	XXX	DESIGNED	XXX	DATE	
CHECKED	XXX	CHECKED	XXX	DATE	
CHECKED	XXX	CHECKED	XXX	DATE	
<b>Ztec ENGINEERS INC.</b> 3880 S.E. 8TH AVE., SUITE 280, PORTLAND, OR. 97202 PHONE: (503) 235-8795 EMAIL: ztec@ztecengineers.com					
<b>COVER SHEET</b> 13715 NW GERMANTOWN RD PORTLAND OR 97231					
JOB NO.	22-4588-1	DATE		SCALE	AS SHOWN
DRAWN		CHECKED		TITLE	CVR

SHEET 1  
SHEET 2



- 1 REMOVE EXISTING MAPLE TREE
- 2 DRIVEWAY STA. 20+00 C/A. FIRE DEPT. TURNOUT (30'X10')
- 3 FIRE DEPT. TURN AROUND AREA PER DETAIL ON SHEET 2
- 4 EXISTING SHED FOR WATER SUPPLY TO EXISTING HOME ON PARCEL 1
- 5 EXISTING WATER LINE TO PARCEL 1 HOME APPROX. 12" DIA. 10' DEPTH. ACCESS AS SHOWN
- 6 PROPOSED 12" DIA. DRIVEWAY ON EXISTING DRIVEWAY ALIGNMENT
- 7 EXISTING DRIVEWAY TO BE ABANDONED
- 8 PROPOSED NEW DRIVEWAY ALIGNMENT
- 9 EXISTING WELL FOR PARCEL 3
- 10 PROPOSED GATE-UNOBSTRUCTED WITH 12" MIN. WITH KNOX BOX FOR FIRE DEPT. ACCESS
- 11 EDGE OF DISTURBANCE AREA
- 12 INSTALL SEDIMENT FENCE
- 13 INSTALL BIOBAGS/SILT SACK AT FUTURE CATCH SACK
- 14 FUTURE CATCH BASIN
- 15 INSTALL STRAW ON STEEP EXPOSED SOIL SLOPE. RE-SEED IN GROWING SEASON



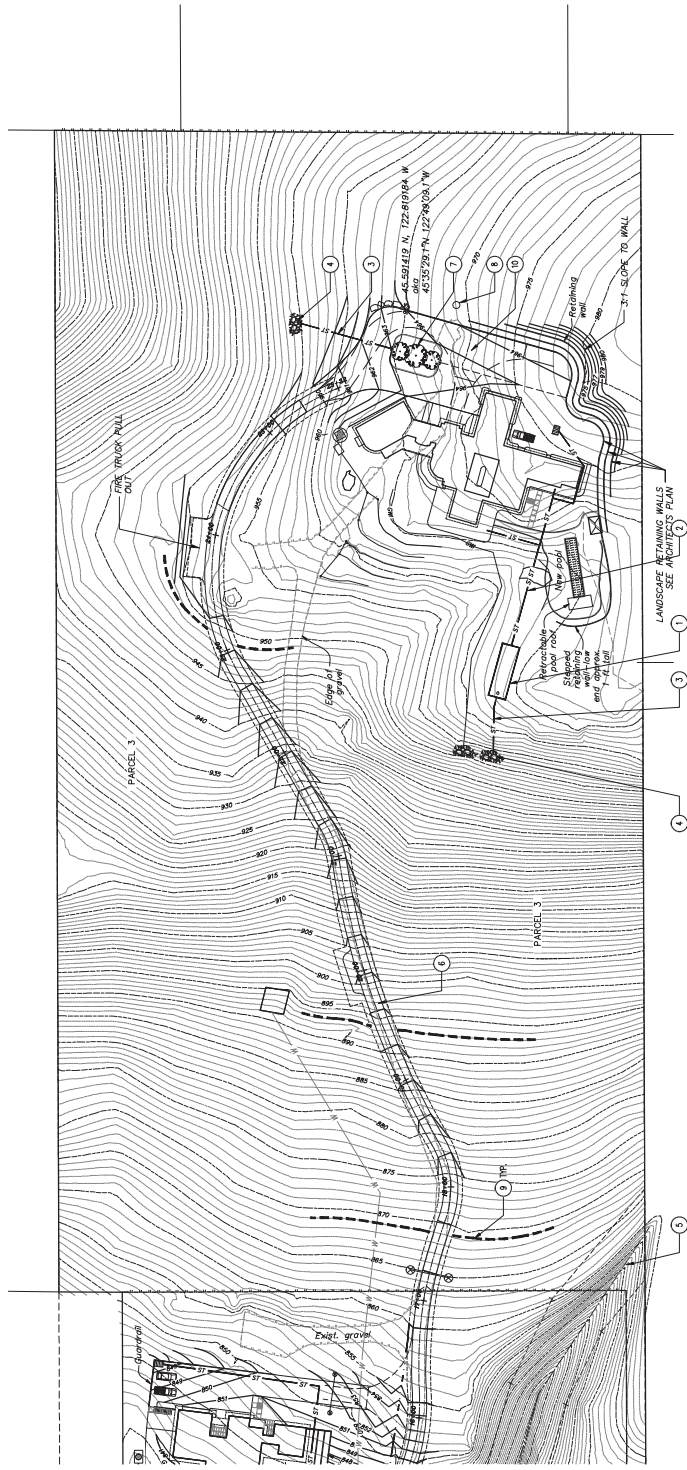
JOB NO.	22-4588-1
DATE	
SCALE	1"=50'
SHEET	2

PARCEL 3 GRADING AND DRIVEWAY PLAN  
13715 NW GERMANTOWN RD  
PORTLAND OR 97231

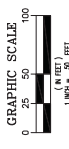
**ZTEC ENGINEERS INC.**  
3880 S.E. 8TH AVE., SUITE 280, PORTLAND, OR. 97202  
PHONE: (503) 235-8795  
EMAIL: ztec@ztecengineers.com

DATE	3-27-24
DRAWN BY	SM
CHECKED	XXX
INCHES	XXX
FEET	XXX
EXPIRES	12/31/2024

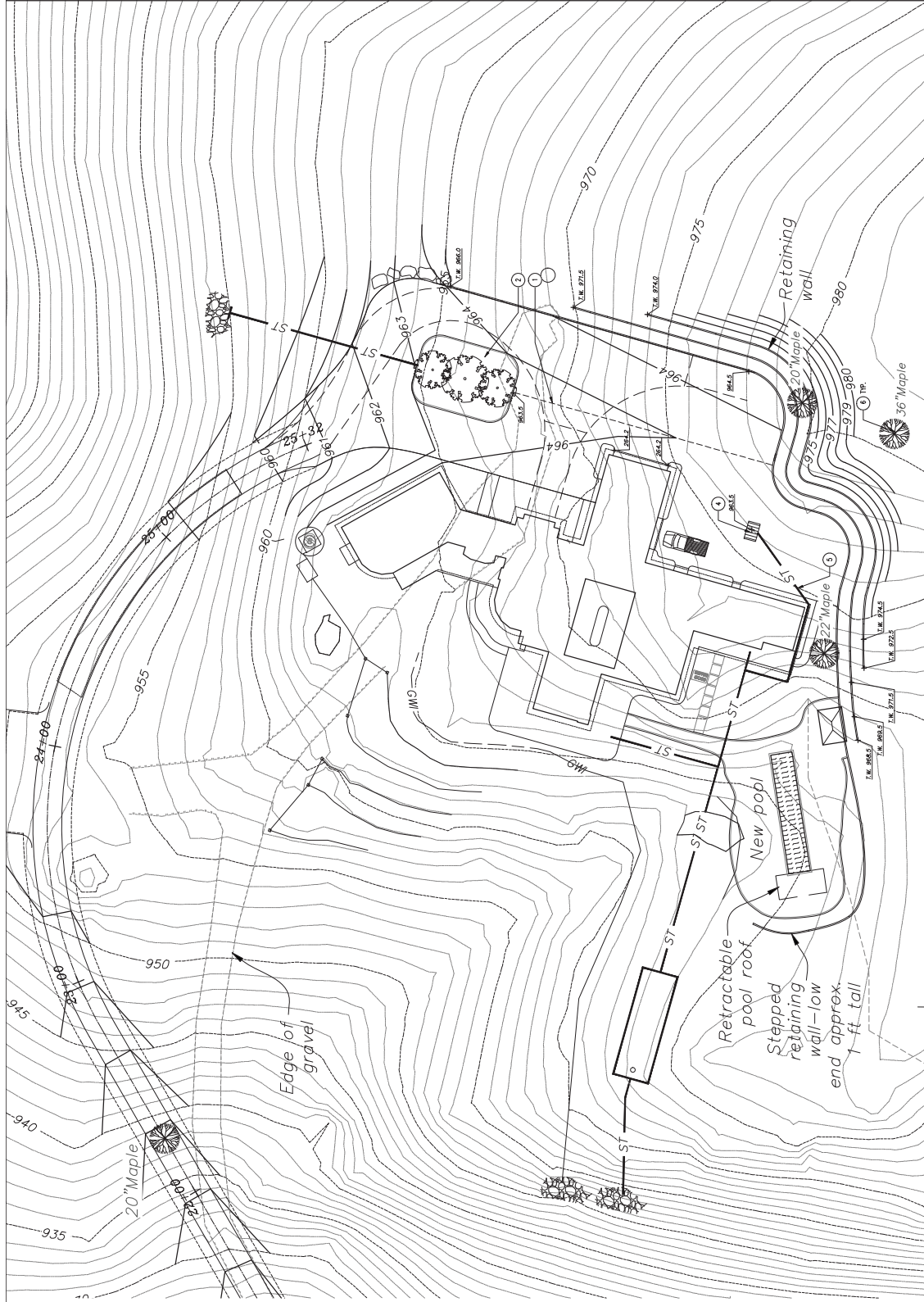
REVISION	DATE	BY	APPROVED



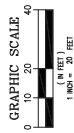
- ① 720 SOFT LINED STORM WATER PLANTER
- ② DOWNSPOUT COLLECTOR PIPE
- ③ OVERFLOW DISCHARGE FROM STORM WATER PLANTER
- ④ NP-RAP DISCHARGE OF OVERFLOW STORM WATER
- ⑤ C/A EXISTING SEASONAL CREEK/TRIBUTARY
- ⑥ GRAVEL ACCESS DRIVEWAY - SURFACE DISCHARGE TO DRIVEWAY SIDE DITCH AND THENCE TO ADJACENT LANDSCAPE AREA VIA SHALLOW DISPOSAL TRENCH
- ⑦ STORM WATER PLANTER FOR PAVING RUNOFF
- ⑧ EXISTING WELL FOR PARCEL 3
- ⑨ SHALLOW LINED DISPOSAL SOAKAGE TRENCH 50' MIN. X 2.5' MIN - CONNECT TO ROADSIDE DITCH
- ⑩ FIRE DEPT. TURNAROUND AREA



JOB NO. 22-4658-1	DATE	1-27-24	SCALE 1"=50'	SHEET 8
	ISSUE NO.	XXX		
PROJECT	TITLE	PARCEL 3 STORM WATER MANAGEMENT PLAN		
		13715 NW GERMANTOWN RD PORTLAND OR 97231		
ENGINEER	DESIGNER	Ztec ENGINEERS INC. 3880 S.E. 8TH AVE., SUITE 280, PORTLAND, OR. 97202 PHONE: (503) 235-8795 EMAIL: ztec@ztecengineers.com		
APPROVED	DATE			
BY	DATE			
		DESIGNED	XXX	DATE
		CHECKED	XXX	DATE
		CHECKED	XXX	DATE
		CHECKED	XXX	DATE
		CHECKED	XXX	DATE



- ① SHALLOW SURFACE DRAINAGE WAY
- ② LANDSCAPE STORM WATER PLANTER
- ③ LANDSCAPE PLANTER OVERFLOW DISCHARGE
- ④ CATCH BASIN
- ⑤ CATCH BASIN DISCHARGE
- ⑥ TREE TO BE REMOVED



SHEET	REVISION			DATE	BY	APPROVED	DATE	BY	SM	DATE
	CHECKED	XXX	XXX				3-27-24			
										
<b>Ztec ENGINEERS INC.</b> 3880 S.E. 8TH AVE., SUITE 280, PORTLAND, OR. 97202 PHONE: (503) 235-8795 EMAIL: ztec@ztecengineers.com										
<b>PARCEL 3 HOME SITE DETAIL</b> 13715 NW GERMANTOWN RD PORTLAND OR 97231										
JOB NO. 22-4588-1 DATE 3-27-24 SCALE 1"=50' SHEET 10										

THESE SITE DRAWINGS ARE FOR PERMITTING USE ONLY. FOR THESE DRAWINGS TO BE USED FOR CONSTRUCTION, THE OWNER MUST OBTAIN ALL NECESSARY PERMITS FROM THE APPLICABLE AGENCIES AND ALL APPLICABLE ZONING ORDINANCES IN FEBRUARY 2024. SEE DATA AND SITE OBSERVATIONS.

**GENERAL NOTES:**

- CONTRACTOR TO VERIFY THAT THIS PROPERTY FALLS WITHIN A DESIGNATED PLANNED DEVELOPMENT ZONE (PDR) AND THAT THE DESIGNATED ZONING CODES ARE TO BE FOLLOWED.
- ALL APPLICABLE ZONING CODES ARE TO BE FOLLOWED.
- NO SIGNAGE OR LIGHTING TO BE INSTALLED WITHOUT A SIGNAGE LIGHTING PERMIT FROM THE CITY OF PORTLAND. ANY LIGHTING SHALL BE LIMITED TO MULTIDIRECTIONAL SIGNAGE AND LIGHTING PERMITTED BY THE CITY OF PORTLAND.
- ALL EXTERIOR LIGHTING SHALL BEET 2500°C DARK SKY LIGHTING FIXTURES. LIGHTING SHALL BE LIMITED TO 3000 LUMENS PER FIXTURE. LIGHTING SHALL BE LIMITED TO 3000 LUMENS PER FIXTURE.
- CONTRACTOR TO CONTINUALLY MONITOR AND REPORT TO THE OWNER THROUGHOUT THE PROJECT THE PROGRESS OF THE PROJECT AND THE DESIGN OF THE PROJECT.
- CONTRACTOR TO PROVIDE IRRIGATION IN PROJECT SO THAT TREES THAT ARE REQUIRED CAN BE PLANTED OUTSIDE THE PROJECT SO THAT THEY CAN BE MAINTAINED.
- SOIL DISTURBANCE ACTIVITIES WITHIN THE STREAM BEDROCK AND BENTHOZONAL ZONES SHALL BE LIMITED TO NEARBY AND LIMITED TO NEARBY AND LIMITED TO NEARBY AND LIMITED TO NEARBY.
- ALL EXTERIOR LIGHTING SHALL BEET 2500°C DARK SKY LIGHTING FIXTURES. LIGHTING SHALL BE LIMITED TO 3000 LUMENS PER FIXTURE. LIGHTING SHALL BE LIMITED TO 3000 LUMENS PER FIXTURE.
- CONTRACTOR TO CONTINUALLY MONITOR AND REPORT TO THE OWNER THROUGHOUT THE PROJECT THE PROGRESS OF THE PROJECT AND THE DESIGN OF THE PROJECT.
- CONTRACTOR TO PROVIDE IRRIGATION IN PROJECT SO THAT TREES THAT ARE REQUIRED CAN BE PLANTED OUTSIDE THE PROJECT SO THAT THEY CAN BE MAINTAINED.

**KEYNOTES:**

- SLIGHT CLEARING AREAS TO BE MAINTAINED WITH VEGETATION.
- CONTRACTOR TO VERIFY THAT THIS PROPERTY FALLS WITHIN A DESIGNATED PLANNED DEVELOPMENT ZONE (PDR) AND THAT THE DESIGNATED ZONING CODES ARE TO BE FOLLOWED.

**LEGEND**

- PROPERTY LINE
- CENTERLINE
- FOUNDATION/SEWER
- BENCHMARK
- TURBUKITE TREE PROTECTION CONSTRUCTION FENCE
- EXISTING FIRESCOPE
- PROPOSED BRIDGES FOR EXISTING TIE
- UTILITIES
- POWER LINE (OVERHEAD - EXIST)
- COMMUNICATIONS LINE (OVERHEAD - EXIST)
- SEWER LINE (UNDERGROUND - PROPOSED)
- GAS LINE (EXIST TO PROPERTY, PROPOSED SHOWN INSIDE OF PROPERTY)
- SEWER LINE TO SEPTIC TANK (PROPOSED)
- SEWER MANHOLE INTERCEPT (PROPOSED)
- STORMWATER DRAINAGE (PROPOSED)
- WATER LINE (PROPOSED)
- SEPTIC TANK (PROPOSED NEW SEPTIC TANK)
- EXISTING UTILITY POLE W/ DOWNSPIDER
- CURTAIN ROSEBY VEGETATION W/ CLIENT IN FIELD. SEE LUMP SUMS FOR ROSEBY ATTACHED TO HOME
- EXISTING WELL HEAD
- TREES TO BE MAINTAINED
- TREES TO BE REMOVED

**GENERAL NOTES:**

- CONTRACTOR TO VERIFY THAT THIS PROPERTY FALLS WITHIN A DESIGNATED PLANNED DEVELOPMENT ZONE (PDR) AND THAT THE DESIGNATED ZONING CODES ARE TO BE FOLLOWED.

**KEYNOTES:**

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- FOUNDATION/SEWER
- BENCHMARK
- TURBUKITE TREE PROTECTION CONSTRUCTION FENCE
- EXISTING FIRESCOPE
- PROPOSED BRIDGES FOR EXISTING TIE
- UTILITIES
- POWER LINE (OVERHEAD - EXIST)
- COMMUNICATIONS LINE (OVERHEAD - EXIST)
- SEWER LINE (UNDERGROUND - PROPOSED)
- GAS LINE (EXIST TO PROPERTY, PROPOSED SHOWN INSIDE OF PROPERTY)
- SEWER LINE TO SEPTIC TANK (PROPOSED)
- SEWER MANHOLE INTERCEPT (PROPOSED)
- STORMWATER DRAINAGE (PROPOSED)
- WATER LINE (PROPOSED)
- SEPTIC TANK (PROPOSED NEW SEPTIC TANK)
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- POWER LINE (OVERHEAD - EXIST)
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- SEWER LINE TO SEPTIC TANK (PROPOSED)
- SEWER MANHOLE INTERCEPT (PROPOSED)
- STORMWATER DRAINAGE (PROPOSED)
- WATER LINE (PROPOSED)
- SEPTIC TANK (PROPOSED NEW SEPTIC TANK)
- EXISTING UTILITY POLE W/ DOWNSPIDER
- CURTAIN ROSEBY VEGETATION W/ CLIENT IN FIELD. SEE LUMP SUMS FOR ROSEBY ATTACHED TO HOME
- EXISTING WELL HEAD
- TREES TO BE MAINTAINED
- TREES TO BE REMOVED

**Karina E. Adams, Architect**  
 1735 NW GERMANTOWN RD  
 PORTLAND, OR 97210  
 503.753.2916  
 karina@karinae.com  
 WWW.KARINAARCHITECT.COM



THOMA LOT 3 RESIDENCE  
 TYPE II PLANNING REVIEW DRAWINGS FOR  
 1735 NW GERMANTOWN RD  
 PORTLAND, OREGON 97211

NO.	REVISION	DATE

DRAWING NAME: LOT 3 SITE PLAN  
 SHEET A10

SHEET A10  
 LOT 3  
 03/03/2024

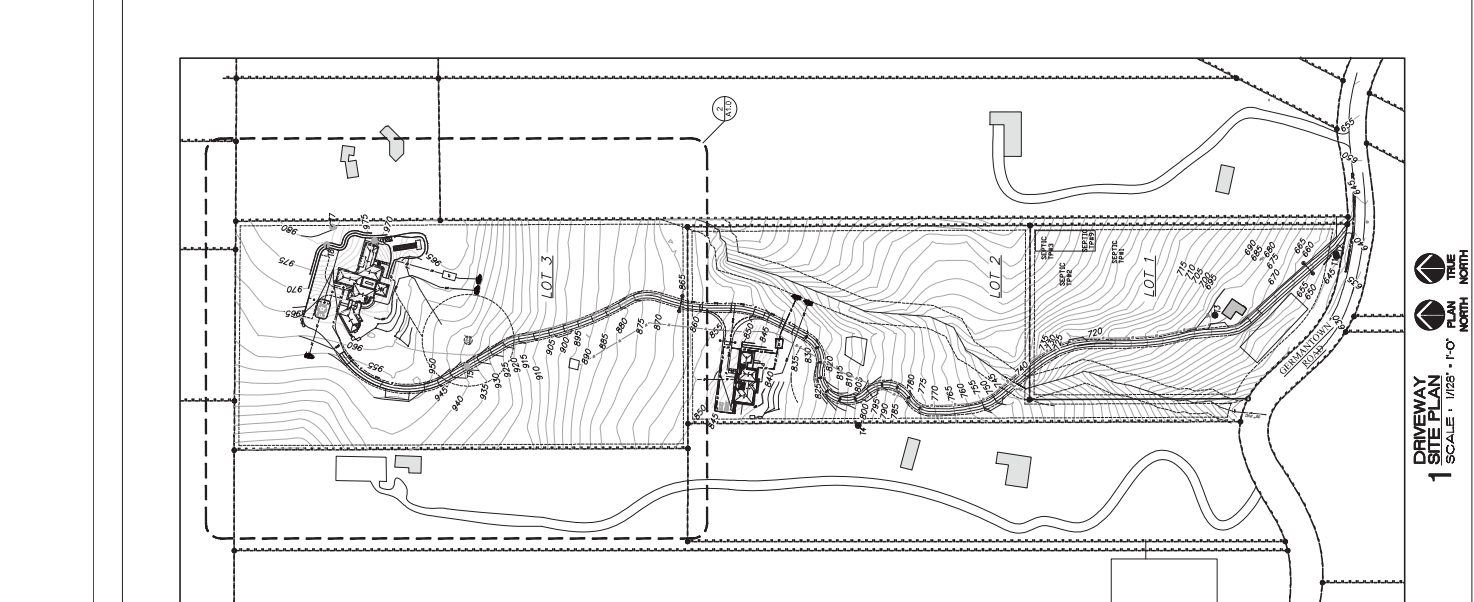
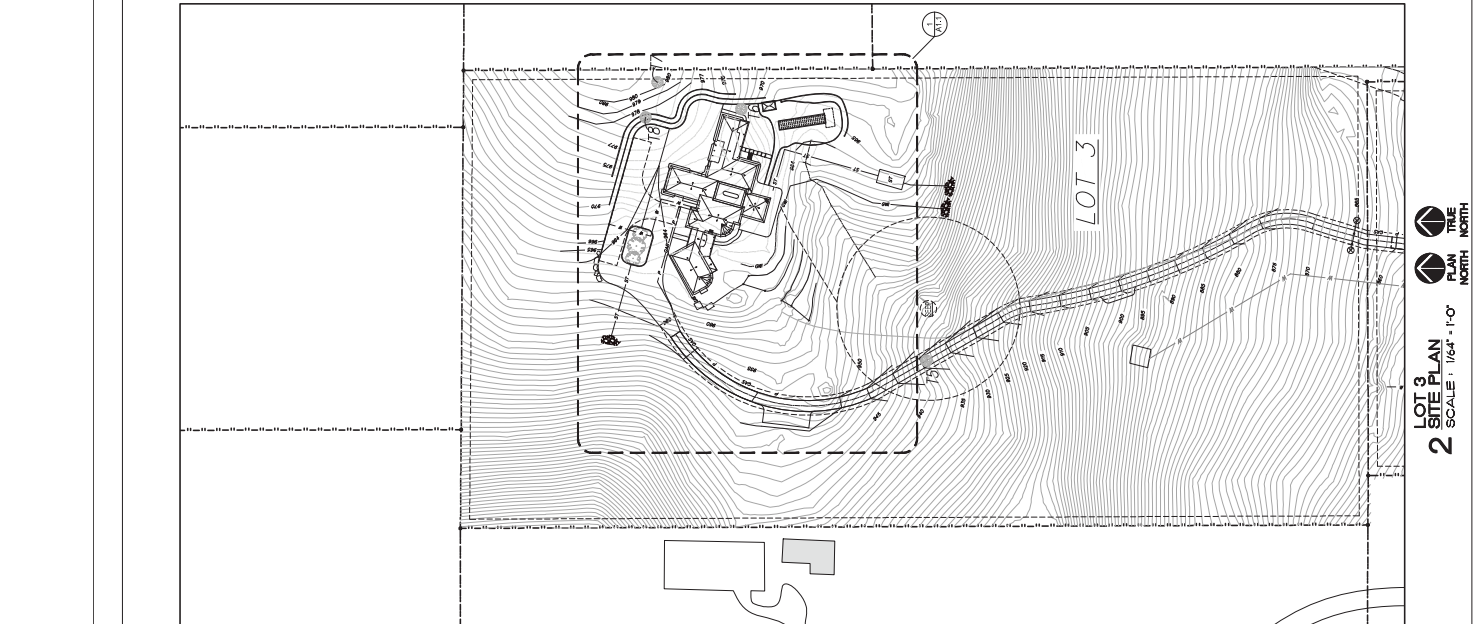
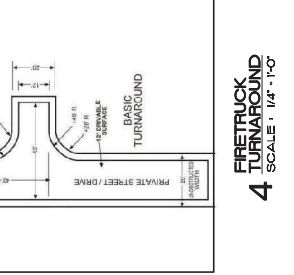
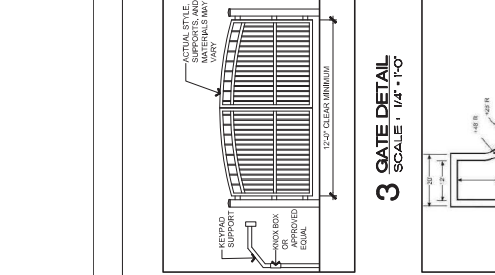


Exhibit A.18





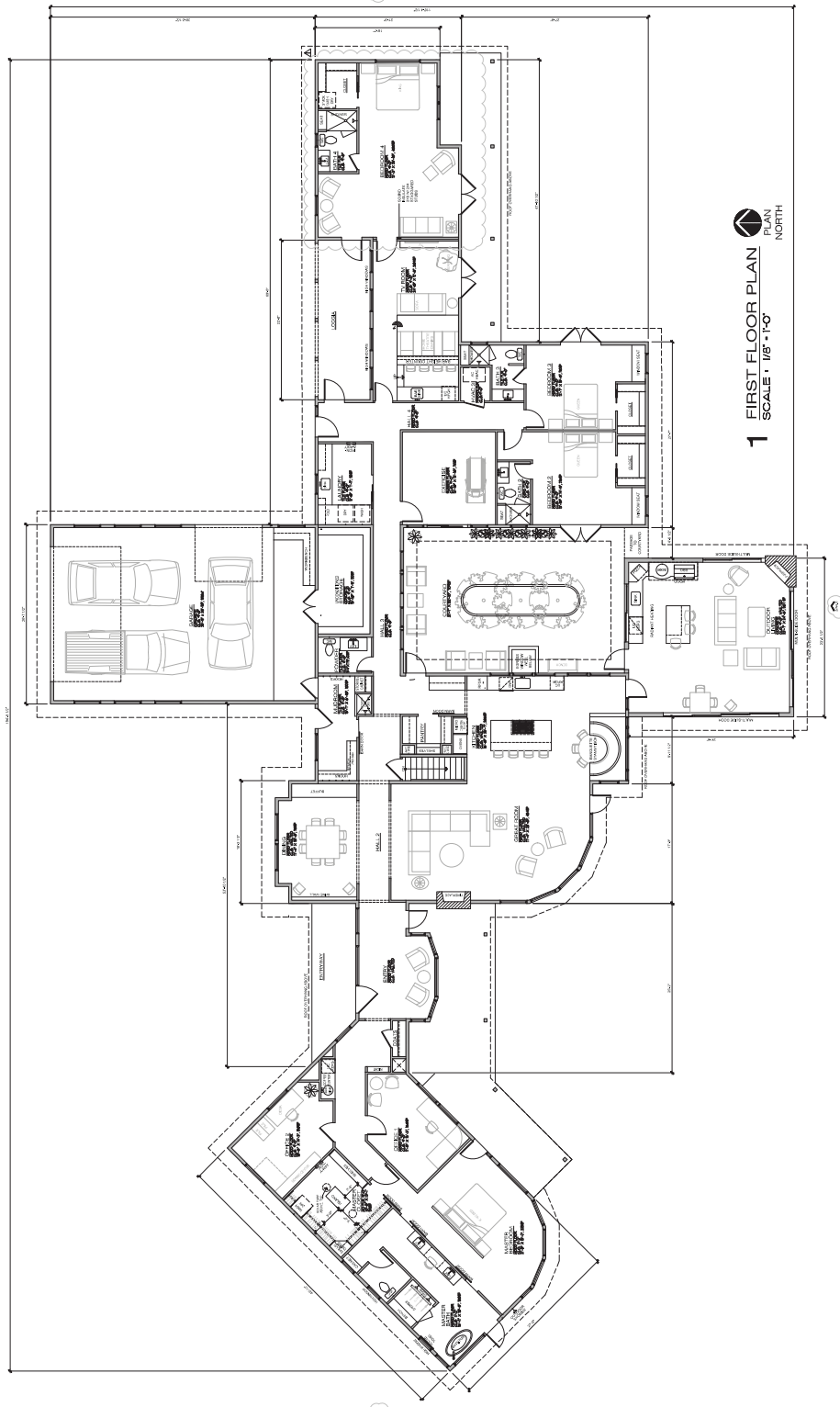
**Karina E. Adams, Architect**  
 Karina Adams  
 Architect  
 1725 NW 25TH AVE. ST  
 PORTLAND, OR 97210  
 503.753.2916  
 karina@karinadams.com



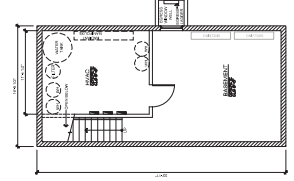
TYPE II PLANNING REVIEW DRAWINGS FOR  
**THOMA LOT 3 RESIDENCE**  
 13715 NW Germantown Rd  
 Portland, Oregon 97231

DATE: \_\_\_\_\_  
 SHEET: \_\_\_\_\_  
 DRAWING NAME: \_\_\_\_\_  
 1ST FLOOR PLANS & BASEMENT

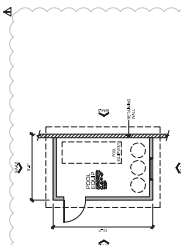
SHEET  
**A2.0**  
 LOT 3



**1 FIRST FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"  
 NORTH



**2 BASEMENT FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"  
 NORTH

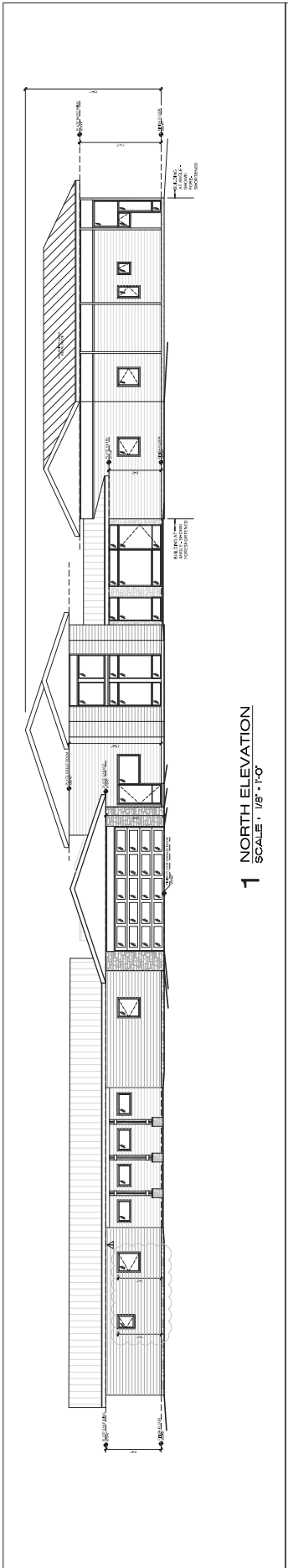


**3 POOL EQUIPMENT FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"  
 NORTH

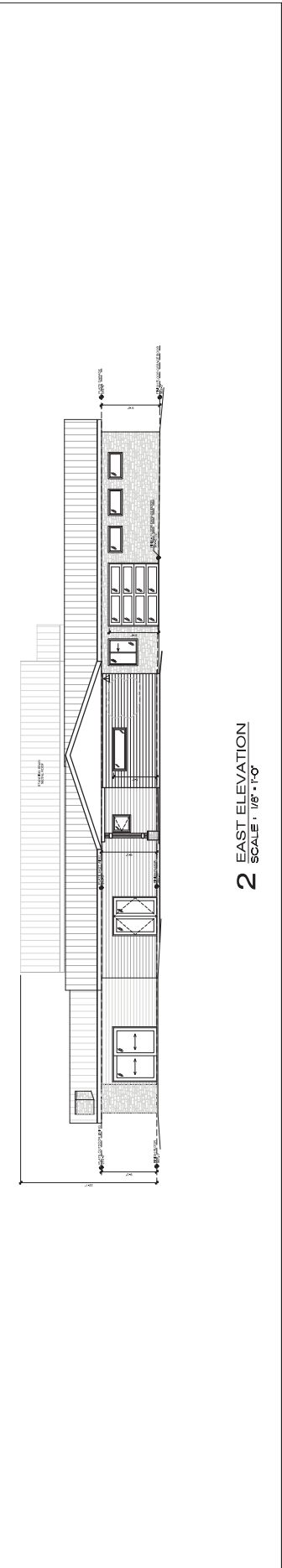
CURRENT DESIGN

CONTINGENT	5226 SF
MAIN HOUSE	4708 SF
BASEMENT	1408 SF
OUTDOOR LIVING HEATED	8371 SF
TOTAL	12433 SF

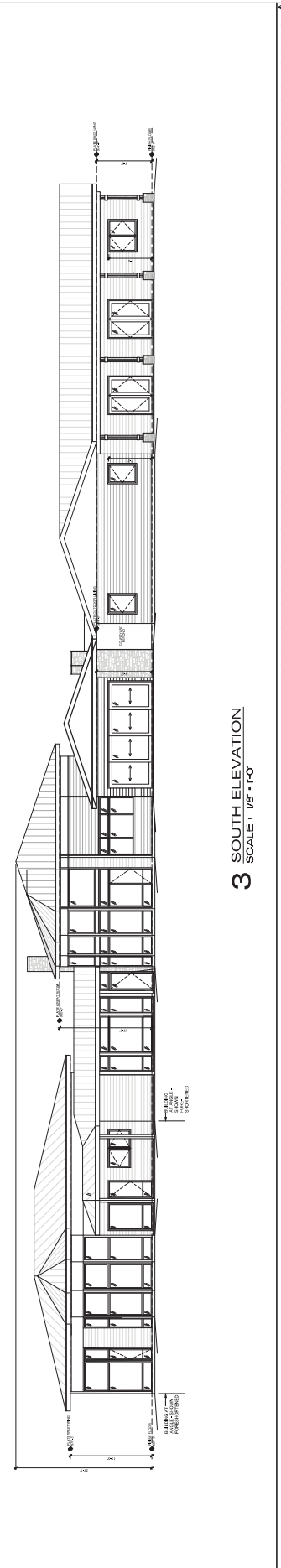
GARAGE + STORAGE + POOL EQUIP. 1238 SF  
 COURTYARD 789 SF  
 COULDED PORCHES 131 + 423 + 346 + 193 + 16 = 1117 SF



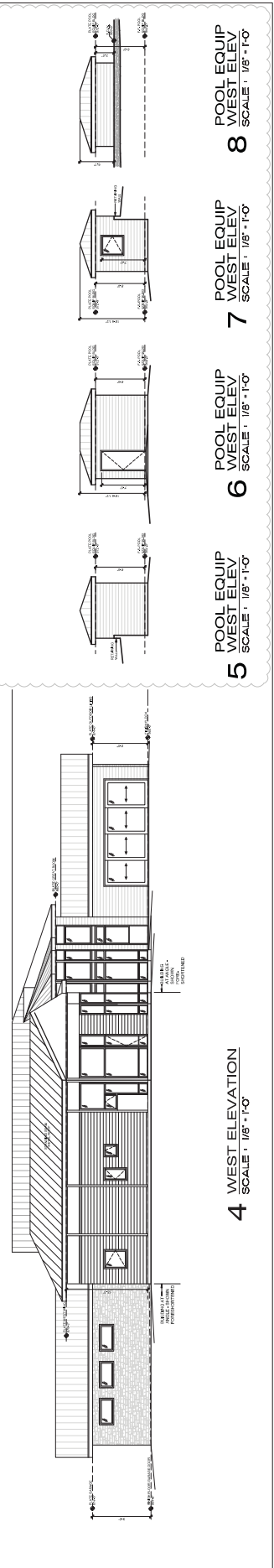
**1** NORTH ELEVATION  
 SCALE: 1/8" = 1'-0"



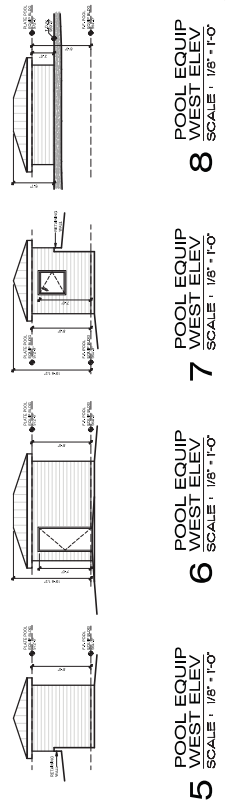
**2** EAST ELEVATION  
 SCALE: 1/8" = 1'-0"



**3** SOUTH ELEVATION  
 SCALE: 1/8" = 1'-0"



**4** WEST ELEVATION  
 SCALE: 1/8" = 1'-0"



**5** POOL EQUIP WEST ELEV SCALE: 1/8" = 1'-0"  
**6** POOL EQUIP WEST ELEV SCALE: 1/8" = 1'-0"  
**7** POOL EQUIP WEST ELEV SCALE: 1/8" = 1'-0"  
**8** POOL EQUIP WEST ELEV SCALE: 1/8" = 1'-0"