

NOTICE OF DECISION



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

Application for a Geologic Hazard Permit and Significant Environmental Concern Reviews

Case File: T2-2024-0067

Applicant: Matt Newman

Proposal: Request for a new single-family dwelling and the retroactive approval of a detached accessory building.

Location: No Situs Address

Property ID # R565063

Map, Tax lot: 2N2W24D -01602

Alt. Acct. # R764202190

Base Zone: Rural Residential (RR)

Overlays: Significant Environmental Concern – Scenic View (SEC-v), Significant Environmental Concern – Wildlife Habitat (SEC-h), Significant Environmental Concern – Stream (SEC-s), Geologic Hazard (GH)

Decision: Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Monday, October 13, 2025 at 4:00 pm.

Opportunity to Review the Record: The complete case file and all evidence associated with this application is available for review by contacting LUP-comments@multco.us. Paper copies of all documents are available at the rate of \$0.71/page.

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

Issued by:

Izze Liu, Planner

For: Megan Gibb,
Planning Director

Date: September 29, 2025



Applicable Approval Criteria:

Multnomah County Code (MCC): General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.6235 Stormwater Drainage Control, MCC 39.6850 Dark Sky Lighting Standards

Lot of Record: MCC 39.3005 Lot of Record – Generally, MCC 39.3090 Lot of Record – RR

Rural Residential (RR) Zone: MCC 39.4360 Allowed Uses, MCC 39.4375 Dimensional Requirements and Standards

Significant Environmental Concern – Scenic Views (SEC-v): MCC 39.5510 Uses; SEC Permit Required, MCC 39.5520 Application for SEC Permit, MCC 39.5650 Criteria for Approval of SEC-v Permit – Significant Scenic Views

Significant Environmental Concern – Streams (SEC-s): MCC 39.5510 Uses; SEC Permit Required, MCC 39.5520 Application for SEC Permit, MCC 39.5750 Criteria for Approval of SEC-s Permit – Significant Streams

Significant Environmental Concern – Wildlife Habitat (SEC-h): MCC 39.5510 Uses; SEC Permit Required, MCC 39.5520 Application for SEC Permit, MCC 5860 Criteria for Approval of SEC-h Permit – Wildlife Habitat

Geologic Hazard (GH): MCC 39.5075 Permit Required, MCC 39.5085 Geologic Hazards Permit Application Information Required, MCC 39.5090 Geologic Hazards Permit Standards

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.
 - ii. For purposes of 1.a.i, notification of commencement of construction shall be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to the date of commencement. Notification shall be sent via email to LUP-submittals@multco.us with the case no. T2-2024-0067 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 structure and compliance with all conditions of approval in the land use approval.
 - ii. For purposes of 1.b.i, the property owner shall provide building permit status in support of completion of exterior surfaces of the structure and demonstrate compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to LUP-submittals@multco.us with the case no. T2-2024-0067 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. Record pages 1 through 5 and Exhibit A.9 & A.19 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]
 - b. 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)]
 - c. Provide a copy of a signed and recorded covenant indicating that the accessory structure approved by this permit will not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use. [MCC 39.8860]
4. **When submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:
 - a. Provide the signed Letter of Acknowledgement, recorded Notice of Decision, and recorded covenant as required in Condition 3. [MCC 39.1170(A) & (B)]

- b. Per the fire agency, a final inspection is required (TVF&R Permit #2024-0070). Provide an updated Fire Service Agency Review form or confirmation from the fire agency that the proposed development is in compliance with their standards.
 - c. Provide a modified erosion control plan to show the location of any spoil material or stockpiled topsoil. [MCC 39.5090(S)]
 - d. Provide a specific timeline of the phases of work for permanent plantings and the required erosion control and drainage measures. [MCC 39.5090(L)]
5. When you are ready to start the ground disturbing activity for the development authorized by this permit:
- a. Install erosion control measures consistent with the approved erosion control plan. Flag, fence, or otherwise mark the project area as described in the Erosion Control Plan. These measures shall remain in place and in good working order. Such flagging, fencing, and/or markings shall be maintained until construction is complete. The work area shall remain marked through all phases of development until construction is complete.
 - 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.
 - 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 to obtain a replacement immediately.
6. **As an on-going condition**, the property owner(s) shall:
- a. Exterior lighting must meet the Dark Sky Lighting Standards of MCC 39.6850. Shielding and hooding materials should be composed of nonreflective, opaque materials. [MCC 39.5650(C)(3)]
 - b. 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. [MCC 39.5860(B)(7)]
 - c. Fill shall be composed of earth materials only. [MCC 39.5090(B)]
 - d. Temporary vegetation, mulching, straw, compost, or other covering shall 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. [MCC 39.5090(J) & MCC 39.5090(R)]
 - e. 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. [MCC 39.5090(T)]

Note: Land Use Planning must sign off on the building plans before you can go to the Building Department. When ready to submit Building Plans for Zoning Review, complete the following steps:

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, “Prior to submitting Building Plans for Zoning Review...” Be ready to demonstrate compliance with the conditions.
2. You will need to provide a copy of your Transportation Planning Review (TPR) sign-off with your building plans. If you have not yet received sign-off, visit the following webpage for instructions on how to request a review of your plans: <https://www.multco.us/planreview>. Failure to obtain TPR sign-off of your plans will result in delaying your zoning review.
3. Contact the City of Portland, Bureau of Development Services, On-site Sanitation at 503-823-6892 or e-mail septic@portlandoregon.gov for information on completing the Septic Permit or Evaluation process for the proposed development. All existing and/or proposed septic system components (including septic tank and drainfield) must be accurately shown on the site plan.
4. Visit <https://www.multco.us/landuse/submitting-building-plan> for instructions regarding the submission of your building plans for zoning review and review of conditions of approval. Please ensure that any items required under, “When submitting Building Plans for Zoning Review...” are ready for review. Land Use Planning collects additional fees at the time of zoning review.

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

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.0 Project Description:

Staff: The applicant requests approval of a new 1,802-square-foot single-family dwelling and the retroactive approval of a 200-square-foot accessory building to be used as a shed.

2.0 Property Description & History:

Staff: The subject property is in unincorporated east Multnomah County in the area known as the West Hills Rural Plan Area. The subject property is zoned Rural Residential and is located outside of Metro’s Urban Growth Boundary (UGB). The subject property contains one accessory building as identified on the submitted site plan.

3.0 Public Comment:

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

4.0 Code Compliance and Applications Criteria:

4.1 MCC 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.

Two accessory structures were identified on the submitted site plan but there were no permit records for these structures. The applicant has removed one of the structures and is requesting the retroactive approval of a 200-square-foot shed through this application (Exhibit A.18). *This criterion is met.*

5.0 Lot of Record Criteria:

5.1 MCC 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.

* * *

5.2 MCC 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 platted as Lot 22 of the Sheltered Nook subdivision. As the configuration of the subject property has not changed, the property remains a Lot of Record. *These criteria are met.*

6.0 Rural Residential (RR) Criteria:

6.1 MCC 39.4360 Allowed Uses

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

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

Staff: The applicant is proposing to construct a new 1,802-square-foot single-family dwelling. *This criterion is 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:

* * *

Staff: The applicant is requesting retroactive approval of an existing 200-square-foot accessory building on the subject property (Exhibit A.9). The applicant is proposing to use the building as a shed. *This criterion is met.*

- (2) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (3) The Accessory Structure may contain one sink.
- (4) The Accessory Structure shall not contain:
 - (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 was not constructed with a second story and does not contain cooking facilities, a bathroom, closets or bedrooms (Exhibit A.17). *These criteria are met.*

- (5) Compliance with MCC 39.8860 is required.

Staff: A Condition of Approval is included to ensure the property owner records a covenant for the accessory building. *As conditioned, this criterion is 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.
- (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 requests the retroactive approval of a 200-square-foot shed and there are no other accessory buildings proposed at this time. *This criterion is met.*

- (8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. Such buildings shall be used for their allowed farm purposes only and, unless so authorized, shall not be 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 applicant is proposing to use the existing accessory building as a shed for personal use. *This criterion is not applicable.*

6.2 MCC 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.

* * *

- (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 adjacent to the subject property is Sheltered Nook Road, a rural local road. A local rural road requires a ROW width of 50 feet. Sheltered Nook Road is 60 feet in width, so no additional right-of-way width is needed and the yard does not need to be increased.

As shown on the site plan, the proposed single-family dwelling is located 30 feet from the southern front property boundary and a significant distance from all other property boundaries (Exhibit A.9). The existing accessory building is located more than 50 feet from the southern front property boundary and exceeds the minimum setback requirements from all other property boundaries (Exhibit A.9).

As shown on the elevation drawings, the proposed dwelling and existing accessory building are less than the 35 feet in height (Exhibits A.3 & A.17). *These criteria are 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 and Stormwater Drainage Control Certificate (Exhibits A.8 & A.9).

* * *

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

Staff: *As conditioned, this criterion is met.*

7.0 Significant Environmental Concern – Scenic Views Criteria:

7.1 MCC 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: The applicant is requesting a new single-family dwelling and the retroactive approval of a 200-square-foot shed. The proposed development is an Allowed Use in the Rural Residential zone, if the proposal meets certain requirements of Multnomah County Code. Significant Environmental Concern reviews for scenic views (SEC-v), streams (SEC-s), and wildlife habitat (SEC-h) 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. *This criterion is met.*

7.2 MCC 39.5650 Criteria for Approval of SEC-v Permit – Significant Scenic Views

* * *

(C) Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be visually subordinate. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:

(1) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.

Staff: The applicant is proposing to construct a new 1,802-square-foot single-family dwelling and is seeking retroactive approval of an existing 200-square-foot detached accessory building. The existing and proposed development is surrounded by dense vegetation on the subject property as shown on the landscape plan (Exhibit A.19). Aside from the existing vegetation, staff also recognizes that the specific viewing area that is highlighted on the subject property is the view from public roads on Sauvie Island. Based on the County's GIS data, it appears the potential view impacts are along the western boundary of the subject property. The proposed dwelling and existing accessory building are located outside of this specific area and Sauvie Island is located more than a mile to the east from the subject property. Staff finds that the proposed dwelling and existing accessory building will not be visible from the identified viewing area. *This criterion is met.*

(2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors.

Staff: The proposed dwelling and existing accessory building will not be visible from the public roads on Sauvie Island. In addition, the applicant is proposing to use dark earth tone colors (Exhibit A.2). *This criterion is met.*

(3) Exterior lighting that it is not highly visible from identified viewing areas and meets the Dark Sky Lighting Standards of MCC 39.6850. Shielding and hooding materials should be composed of nonreflective, opaque materials.

Staff: *As conditioned, this criterion is met.*

(4) Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening.

Staff: The applicant is not proposing any additional vegetation to screen the development. Based on staff's findings under (C)(1), additional vegetation will not be required to screen the development from the protected viewing area. *This criterion is not applicable.*

(5) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.

(6) Limiting structure height to remain below the surrounding forest canopy level.

(7) Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may

require modifying the building or structure height and design as well as location on the property, except:

(a) New communications facilities (transmission lines, antennae, dishes, etc.), may protrude above a skyline visible from an identified viewing area upon demonstration that:

1. The new facility could not be located in an existing transmission corridor or built upon an existing facility;
2. The facility is necessary for public service; and
3. The break in the skyline is the minimum necessary to provide the service.

Staff: The applicant is proposing to construct the new single-family dwelling on the southern portion of the property and the existing accessory building is located on the east side of the property. As stated in a prior finding, the specific viewing area that is highlighted on the subject property is the view from public roads on Sauvie Island. Based on the County's GIS data, it appears the potential view impacts are along the western boundary of the subject property. The proposed dwelling and existing accessory building are located outside of this specific area and Sauvie Island is located more than a mile to the east from the subject property. Staff finds that the proposed dwelling and existing accessory building will not be visible from the identified viewing area. *This criterion is met.*

8.0 Significant Environmental Concern – Streams Criteria:

8.1 MCC 39.5750 Criteria for Approval of SEC-s Permit – Streams

* * *

(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 a new single-family dwelling and the retroactive approval of a detached accessory building within the 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.

* * *

(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 provided a narrative, site plans, and mitigation plan that was designed to retain and enhance resource values while replacing project-related tree loss, and control nuisance vegetation on site

(Exhibits A.2, A.9 & A.20). The applicant provided a Mitigation Plan prepared by Turnstone Ecologist, Stephanie James (Exhibit A.20). The Mitigation Plan assesses the existing conditions, delineated water resources on the site, and provided mitigation strategies to offset the development impacts.

The subject property contains an intermittent stream which is a tributary to a perennial ‘Sheltered Nook’ tributary to McCarthy Creek (Exhibit A.20). The Sheltered Nook tributary is a Protected Stream. During the site assessment, the ecologist found relatively unmanaged and undisturbed habitat throughout the stream overlay on the subject property with Douglas fir-dominated coniferous forest along the ridgetops and upper and mid slopes with big leaf maple and western hemlock and a mixed deciduous and coniferous forest with red alder, big-leaf maple, and in the lower-slope areas surrounding the intermittent stream and Sheltered Nook tributaries. The Douglas fir trees range in diameter at breast height (DBH) from approximately 8 to 36 inches with a moderate number of standing snags and down wood. The report states that the tributary may provide aquatic habitat for a variety of native migratory and resident fish, amphibians, and macroinvertebrates. Downstream the confluence of Sheltered Nook tributary and McCarthy Creek, McCarthy Creek provides rearing habitat for winter steelhead and spawning habitat for coho salmon.

To offset the development impacts, the Mitigation Plan recommends 5,000 square feet of mitigation in the SEC-s overlay. The Mitigation Plan recommends planting the following:

Type	Species	Acceptable Substitutes	Quantity	Spacing (feet)
Tree	Western red cedar (<i>Thuja plicata</i>)	Osoberry (<i>Oemleria cerasiformis</i>)	20	10
Tree/Shrub	Cascara (<i>Rhamnus purshiana</i>)	Saskatoon serviceberry (<i>Amelanchier alnifolia</i>)	15	9
Shrub	Salmonberry (<i>Rubus spectabilis</i>)	Black twinberry (<i>Lonicera involucrata</i>)	20	4 to 6
Shrub	Red-flowering currant (<i>Ribes sanguineum</i>)	Osoberry (<i>Oemleria cerasiformis</i>)	20	4 to 6
Shrub	Nootka rose (<i>Rosa nutkana</i>)	Red-flowering currant (<i>Ribes sanguineum</i>)	20	4 to 6
Shrub	Snowberry (<i>Symphoricarpos albus</i>)	Red-flowering currant (<i>Ribes sanguineum</i>)	20	4 to 6
Total			35 trees and 80 shrubs	

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.*

(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: Stormwater generated from increased impervious surfaces will be controlled by best management practices emphasizing groundwater recharge and reducing peak stream flow. The applicant is proposing to maintain the natural drainage patterns and sheet flow of the site location, develop using compound rock to help infiltration to the natural soils, install a landscape buffer with organic mulch to help absorption into the natural grounds and add gutters, downspouts and splash blocks to the structure (Exhibit A.11). *This criterion is 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 proposing to remove three mature trees within the SCA. The removal of these trees will be mitigated by enhancing 2,700 square feet of riparian habitat immediately adjacent to the intermittent stream. The location of the mitigation area was selected due to the high coverage of nuisance plants, proximity to the protected stream, and access to the area for irrigation and maintenance (Exhibit A.2). *This criterion is met.*

- (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 are addressed further below. *This criterion is met.*

- (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, this criterion is met.*

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

Staff: County Staff is not aware of any additional state or federal permit requirements. *Criterion met.*

(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: The Mitigation Plan does not recommend the plants listed in the Metro Nuisance Plant List and the Prohibited Plant List (Exhibits A.2 & A.20). *This 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.2 & A.10). *This 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: The applicant is not proposing outdoor storage of hazardous materials. *Criterion met.*

9.0 Significant Environmental Concern – Wildlife Habitat Criteria:

9.1 MCC 39.5860 Criteria for Approval of SEC-h Permit – Wildlife Habitat

* * *

(B) Development standards:

(1) Where a parcel contains any non-forested “cleared” areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

Staff: The proposed development will be located on the southern portion of the property and extends into the forested area to meet fire safety standards (Exhibit A.20). The proposed building envelope is a partially cleared area but the applicant is proposing to remove a total of five trees to accommodate the development. A mitigation plan was provided to address the removal of the five trees (Exhibit A.20). *Criterion met.*

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

Staff: The proposed development is located more than 200 feet from NW Sheltered Nook Road (Exhibit A.9). *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 driveway is less than 500 feet in length (Exhibit A.9). *Criterion met.*

(4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:

- (a) **The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or**

* * *

Staff: The driveway approach is connected to a private road. *This criterion is not applicable.*

- (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 proposed development is located within 300 feet of the side property line. *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 as part of this application. *This criterion is 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: *As conditioned, this criterion is met.*

- (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: Based on the submitted proposal, a Wildlife Conservation Plan is required. The proposed development is located more than 200 feet from the public road due to the configuration of the property. The subject property takes access from NW Sheltered Nook Road which is located more than 300 feet to the east. Therefore, the applicant is proposing a wildlife conservation plan to demonstrate that the proposed development is 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.**

Staff: The building envelope on the southern portion of the property is partially cleared but the applicant is proposing to remove five trees in total and provided a mitigation plan (Exhibit A.20). The applicant is proposing to remove two trees 19" to 24" in diameter and three trees 25" to 30" in diameter. The forested areas outside of the building envelope will not be disturbed. *This criterion is met.*

- (b) **That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.**

Staff: The newly cleared area is approximately 3,500 square feet in area. *This criterion is met.*

- (c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.

Staff: The applicant is not proposing any fencing as part of this proposal. *This criterion is met.*

- (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: The applicant is proposing to remove two trees 19” to 24” in diameter and three trees 25” to 30” in diameter within the building envelope on the southern portion of the property. The removal of trees will be mitigated by performing enhancements to 5,000 square feet of riparian habitat immediately adjacent to the intermittent stream. The applicant is proposing to plant 31 trees and 78 shrubs (Exhibit A.20). *This criterion is met.*

10.0 Geologic Hazard Criteria:

10.1 MCC 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 required application materials were provided which includes a Geotechnical Report was prepared by Mia C. Mahedy with Rapid Soil Solutions (Exhibits A.5, A.6, A.9, & A.20). 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 6,000 square feet of ground disturbance for the proposed development. *Criterion is met.*

10.3 MCC 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:

- (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: There is no history of the deposit of fill prior to the proposed development. The applicant is proposing 100 cubic yards of fill as part of this application. *This criterion is 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. As *conditioned, criterion is 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 not be slopes that exceed 2:1 and the existing slope is stable and suitable for the proposed development (Exhibits A.2 & A.6). *This criterion is 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 applicant is not proposing unsupported cuts or fill. *This criterion is not applicable.*

- (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 applicant is not proposing fill near any water body. *This criterion is not applicable.*

- (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. *This criterion is 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 subject property is not located within the Tualatin River drainage basin. *This criterion is not applicable.*

(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.

(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 proposed disturbance is for the driveway, dwelling, and trenching for the septic system and stormwater outfall. The site preparation for the proposed development consists of topsoil stripping and the removal of trees where necessary. The applicant states that the proposed excavation involves a maximum of 100 cubic yards of fill (Exhibit A.5). The Geotechnical Report provides guidance on the removal of trees and the type of equipment used for excavations (Exhibit A.6). In addition, the report states that the removal of ivy and planting native plants and ground cover will assist with erosion protection as well as slope stability (Exhibit A.6). The applicant is also proposing sediment fencing for the duration of the project, and temporary seeding and mulch over disturbed areas (Exhibit A.2). All other areas will be maintained in grass or existing forest cover (Exhibit A.2). *These criteria are met.*

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

Staff: The applicant is proposing temporary vegetation and mulching to protect exposed areas (Exhibit A.2). 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. *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: An intermittent stream is located approximately 50 feet north of the dwelling site. The applicant provided a mitigation plan that provides erosion, sediment and stormwater control measures as described in prior findings (Exhibit A.20). *This criterion is met.*

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

Staff: No timeline of work was provided for the permanent plantings and drainage control measures. 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, this criterion is 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.

(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.

Staff: The applicant's engineer, NW Engineers, has provided a storm report and certificate along with a plan for treatment in a flow-thru planter, and discharge of stormwater in a dispersion trench spreader downslope. The project will generate a net increase of 0.03 cfs into the spreader (total 0.04 cfs), which has capacity for a maximum flow rate of 0.5 cfs (Exhibit A.20). *These criteria are met.*

(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 is not proposing a drainage swale. A sealed flow-thru planter will be used so no stormwater will be discharged at the top of the bank or into the septic drainfield (Exhibit A.20). *This criterion is not applicable.*

(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 (Exhibits A.2 & A.6). The dispersion trench spread will slow stormwater down and infiltrate at the bottom of the slope across its entire 50-foot length. The proposed stripping will be for the areas around the dwelling site and planted with native vegetation in accordance with required fire break standards. The applicant is also proposing to utilize temporary seeding and mulch. The applicant will be required to stabilize exposed cut or fill areas 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, these criteria are 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. 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. Additionally, any excess excavated soil not used as fill within the ground disturbance area 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. *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: *As conditioned, this criterion is 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. *This criterion is 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. *This criterion is 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 applicant is not proposing to bring fill to the subject property as part of this development. *These criteria are not applicable.*

11.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Geologic Hazard Permit and Significant Environmental Concern Reviews to establish a

single-family dwelling in the Rural Residential zone. This approval is subject to the conditions of approval established in this report.

12.0 Exhibits

‘A’ Applicant’s Exhibits

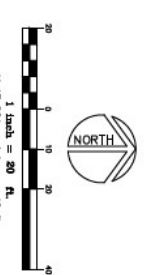
‘B’ Staff Exhibits

‘C’ Procedural Exhibits

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

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	4	Application Form	06.28.2024
A.2	37	Narrative	06.28.2024
A.3	2	Elevation Drawings	06.28.2024
A.4	3	Floor Plan	06.28.2024
A.5	4	Geologic Hazard Form	06.28.2024
A.6	23	Geotechnical Report	06.28.2024
A.7	1	Water Service Certification	06.28.2024
A.8	4	Fire Service Agency Review	06.28.2024
A.9*	5	Site Plan	06.28.2024
A.10	13	Pre-Application Meeting Notes	06.28.2024
A.11	34	Mitigation Plan	06.28.2024
A.12	2	Well Report	06.28.2024
A.13	4	Site Photos	06.28.2024
A.14	1	View Corridor	06.28.2024
A.15	2	Survey	06.28.2024
A.16	2	Transportation Memo	07.08.2024
A.17	33	Accessory Building Specifications	08.26.2024
A.18	1	Additional Narrative	10.30.2024
A.19*	1	Landscape Plan	10.30.2024
A.20	33	Revised Mitigation Plan	10.30.2024
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 2N2W24D -01602 (Alt Acct# R764202190 / Property ID# R565063)	06.28.2024

B.2	1	Current Tax Map for 2N2W24D -01602	06.28.2024
‘C’	#	Administration & Procedures	Date
C.1	3	Incomplete Letter	08.09.2024
C.2	1	Applicant Incomplete Response	08.30.2024
C.3	1	Complete Letter	01.17.2025
C.4	4	Opportunity to Comment	05.27.2025
C.5	22	Decision	09.29.2025





Land Use Planning Division

1600 SE 190th Ave.
Portland OR 97233
Phone: 503-988-3043
land.use.planning@multco.us
<https://multco.us/landuse/>

Dear Property Owner:

The attached Covenant must be recorded and filed with the County's Record and Assessment Department (DART). As a condition of approval of the Accessory Structure, Multnomah County requires the execution and recording of this Covenant to ensure that the Accessory Structure shall not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters, or any other residential use.

Instructions for Completion of Covenant

1. Applicant(s) must complete each detail of the form.
2. If creating your own covenant, provide a draft copy to the Multnomah County Land Use Planning Division (LUP) for review and approval before signing and recording.
3. On the next page, under the section "Grantor(s) is/are the sole owner(s) of the real property located at _____ and legally described as" should be described as either:
 - a. "see Exhibit A", or;
 - i. Exhibit A should be a metes and bounds description, subdivision description, or Partition Plat Number which should be attached to the Covenant for the County Recorder
 - b. The legal description for your property, which can be found on your deed. The description usually begins, "The following described tract of land in..." or is the subdivision description or Partition Plat Number
4. The form must be signed before a notary public by the deed owners and contract purchasers.
5. The signed and notarized covenant must be recorded by the applicant in the County Deed Records, 501 SE Hawthorne Blvd., Portland. The County Recorder's phone number is 503-988-3034.
6. Once you have recorded with DART, please return to County Planning Department prior to issuance of any Building Permit for the structure. Thank you for your attention to this matter. If you have any questions, please call the Planning Department at (503)-988-3043.

<p>*Note: This cover page does not need to be recorded</p>



Land Use Planning Division
1600 SE 190th Ave, Portland OR 97233

AFTER RECORDING RETURN TO:

**COVENANT TO PROHIBIT RESIDENTIAL USE
OF ACCESSORY STRUCTURE**

This COVENANT TO PROHIBIT RESIDENTIAL USE OF ACCESSORY STRUCTURE ("Covenant") is granted on _____, 20____, by _____, owner(s) of the Property ("Grantor(s)").

RECITALS

A. Grantor(s)is/are the sole owner(s) of the real property located at _____ and legally described as:

_____("Property").

B. The Property is located within the planning and zoning jurisdiction of Multnomah County, Oregon ("County"), and County has authorized the establishment of an accessory structure on the Property ("Accessory Structure").

C. Within County's planning and zoning jurisdiction, the use of an accessory structure, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use is prohibited.

D. As a condition of approval of the Accessory Structure, County required the execution and recording of this Covenant to ensure that the Accessory Structure shall not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters, or any other residential use.

AGREEMENT

1. Establishment of Accessory Structure. If established on the Property, the Accessory Structure shall be established in accordance with all standards, conditions, and all other requirements set forth in a permit duly authorized by County and in accordance with all applicable laws, rules, and all other applicable regulations.
2. Use of Accessory Structure. The Accessory Structure shall be used only for the purpose approved in a permit duly authorized by County and only in accordance with all applicable laws, rules, and all other applicable regulations. The Accessory Structure shall not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters, or any other residential use; such use is strictly prohibited.
3. Beneficiary. This Covenant is intended to benefit County by ensuring the lawful establishment and use of the Accessory Structure as a means of complying with all of County's requirements, including all other applicable laws, rules, and all other applicable regulations, and, thereby, obtaining County's approval of the Accessory Structure.
4. Enforcement. Upon failure to perform under this Covenant, County may terminate use, occupancy, and/or authorization of the Accessory Structure and may seek all necessary injunctive relief, including seeking to prevent future use and/or occupancy of the Accessory Structure and/or removal of the Accessory Structure from the Property.
5. Runs with the Land. This Covenant shall run with the Property and shall be binding on all future owners, successor and assigns of the Property and all other persons and parties claiming through Grantor(s).
6. Authority. Grantor(s) warrant(s) that it/they is/are the legal owner(s) of the Property ("Owner" and "Co-Owner(s)," respectively), and that there is/are no other legal owner(s), and that Grantor(s) has/have the right to execute this Covenant.
7. Recordation; Proof Prior to Building Permits. Grantor(s) shall cause this Covenant to be recorded in the Deed Records of Multnomah County, Oregon, and, more specifically, shall cause this Covenant to be recorded with the deed records of the Property. Grantor(s) acknowledge(s) that proof of the recording described in this paragraph must be made to County's Planning Director prior to the issuance of any building permits for the Accessory Structure.
8. Recitals. The "Recitals" set forth at the beginning of this Covenant are, by this reference, incorporated herein as part of the terms of agreement of this Covenant.

Signature: _____
Printed: _____

Notary Public for Oregon

My commission expires: _____

Signature: _____
Printed: _____

Notary Public for Oregon

My commission expires: _____

LETTER OF ACKNOWLEDGEMENT



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

For Case T2-2024-0067

I have read and understand the conditions of approval for my land use case, T2-2024-0067. I intend to comply with the conditions of approval and the land use decision. I understand that if I fail to comply with the conditions of approval within the time allotted by the permit, the County can institute code enforcement proceedings or take other actions as allowed under Multnomah County Code. [MCC 39.1170(A), (B), and (C) / MCC 38.0660 (A), (B), and (C)]

PROPERTY OWNER #1

_____ Signature	_____ Date
_____ (Print Name)	
_____ (Print Mailing/Contact Address)	
_____ (Phone Number)	
_____ (Email Address)	

PROPERTY OWNER #3

_____ Signature	_____ Date
_____ (Print Name)	
_____ (Print Mailing/Contact Address)	
_____ (Phone Number)	
_____ (Email Address)	

PROPERTY OWNER #2

_____ Signature	_____ Date
_____ (Print Name)	
_____ (Print Mailing/Contact Address)	
_____ (Phone Number)	
_____ (Email Address)	

PROPERTY OWNER #4

_____ Signature	_____ Date
_____ (Print Name)	
_____ (Print Mailing/Contact Address)	
_____ (Phone Number)	
_____ (Email Address)	