

NOTICE OF DECISION



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

Application for Significant Environmental Concern for Wildlife Habitat (SEC-h) Permit

Case File: T2-2024-0072

Applicant: Chuck Lobdell

Proposal: Request for Significant Environmental Concern for Wildlife Habitat (SEC-h) permit for a new single-family dwelling.

Location: N/A

Property ID # R341031

Map, Tax lot: 1S3E24D -00500

Alt. Acct. # R993240300

Base Zone: Multiple Use Agriculture – 20 (MUA-20)

Overlays: Significant Environmental Concern for Wildlife Habitat (SEC-h), Significant Environmental Concern for Water Resources (SEC-wr), Flood Hazard

Decision: Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is July 17, 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 \$0.46/page.

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

Issued by: _____

Anna Shank-Root, Planner

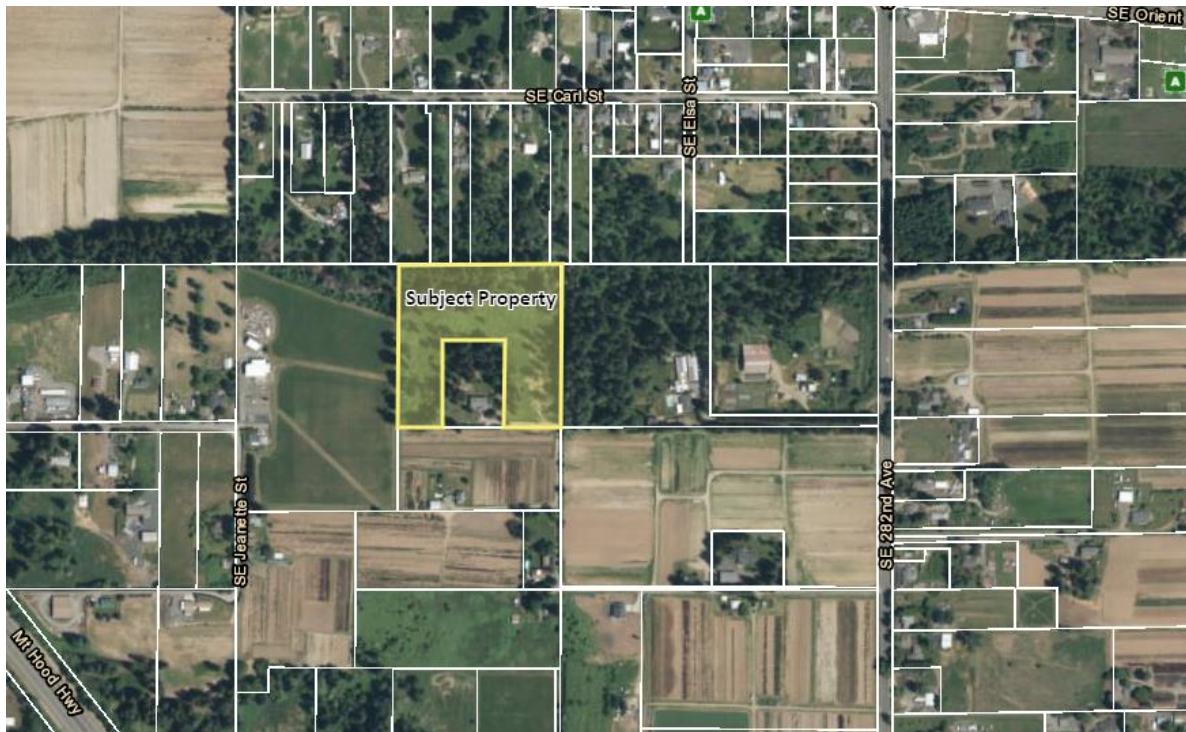
For: Megan Gibb,
Planning Director

Date: July 3, 2025

Instrument Number for Recording
Purposes: 2024-014854

Vicinity Map

N↑



Applicable Approval Criteria:

Multnomah County Code (MCC):

General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.3005 Lot of Record – Generally, MCC 39.3080 Lot of Record – Multiple Use Agriculture – 20 (MUA-20), MCC 39.6235 Stormwater Drainage Control, MCC 39.6850 Dark Sky Lighting Standards

Multiple Use Agriculture – 20 (MUA-20): MCC 39.4310(A) Allowed Use – Single Family Dwelling, MCC 39.4325(C), (G), (J) - Dimensional Requirements and Standards

Significant Environmental Concern for Wildlife Habitat (SEC-h): MCC 39.5510 Uses; SEC Permit Required, MCC 39.5520 Application for SEC Permit, MCC 39.5860(A) through (C) Criteria for Approval of SEC-h Permit

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, 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. T2-2024-0072 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, 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. T2-2024-0072 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 6 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. 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 39.4325(H)]

- c. 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)]
 - d. Obtain the appropriate ground disturbance permits, either an Erosion and Sediment Control or a Minimal Impact Project, based on the scope of the proposed ground disturbance. [MCC 39. 5850(B)]
4. **When submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:
- a. Provide a Letter of Acknowledgement and recorded Notice of Decision as required in Condition 2.a through 2.c. [MCC 39.1170(A) & (B)]
 - b. Provide an updated mitigation plan demonstrating the proposed location of the required 100 native trees and 500 native shrubs, and showing a minimum of 20,000 square feet of proposed area for revegetation. [MCC 39.5860(C)(3)]
 - c. Providing an exterior lighting plan showing the location of all exterior lights and the specifications of proposed light fixtures. Exterior lighting shall meet requirements of MCC 4325(J) and MCC 39.6850 [MCC 39.4325(J) and MCC 39.6850]
5. **Prior to and during construction**, the property owner(s) or their representative shall:
- a. Construct the storm water drainage control system described in Exhibit A.11. [MCC 39.4325(G), MCC 39.6235]
6. **Within one (1) year of the final decision**, the property owner(s) or their representatives shall:
- a. Commence mitigation as discussed in Section 8 of this Decision, including the planting of a minimum of 100 native trees and 500 native shrubs within an area of at least 20,000 square feet. The Planning Director may extend the timeline for the implementation of the mitigation plan upon the request of the applicant. [MCC 39.5860(C)(3)]
 - i. 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)]
2. **Within ninety (90) days of commencement of the mitigation referenced above**, the property owner(s) or their representatives shall:
- a. Provide a post-mitigation report to LUP-submittals@multco.us with the case no. T2-2024-0072 referenced in the subject line that mitigation is complete. The report shall be prepared and signed by Chuck Lobdell 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) and MCC 39.5860(C)(3)]

3. **At the completion of mitigation work discussed above and in Section 8 of this Decision**, the property owner(s) or their representative(s) shall:
- a. Monitor the Mitigation Areas to determine whether each type of tree and shrub planted continues to live, thrive, and grow. Monitoring is the ongoing responsibility of the property owner. Annual monitoring reports are required.
 - i. Plants that die shall be replaced in kind so that a minimum of 80% of the trees and shrubs planted shall remain alive on the fifth anniversary of the date that the mitigation planting is completed. For any replanted area that falls below the 80% threshold, the property owner(s) shall be replant the area during the next planting season. [MCC 39.5860(C)(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 June 30th of each year to LUP-submittals@multco.us with the case no. T2-2024-0072 referenced in the subject line. [MCC 39.1170 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, 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 and MCC 39.5860(C)(3)]
 - 4. Failure to Submit Monitoring Reports: Failure to submit the required monitoring report by the due date may result in an extension of the monitoring period, and/or enforcement action. [MCC 39.1170 and MCC 39.5860(C)(3)]
 - iii. The annual monitoring report shall include the following information:
 - 1. The case number, monitoring date, report year, and a determination that the site is / is not meeting the 80% survival performance standard.
 - 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 80% survival performance standard. [MCC 39.1170 and MCC 39.5860(C)(3)]

4. **As an on-going condition**, the property owner(s) shall comply with the following:
 - a. 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)]
 - b. The storm water drainage control system shall be maintained for the life of the single-family dwelling. [MCC 39.4325(G)]
 - c. The exterior lighting must be contained within the boundaries of the Lot of Record on which it is located. [MCC 39.4325(J)]

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. 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 Gresham.

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: Request for Significant Environmental Concern for Wildlife Habitat (SEC-h) permit for a new single-family dwelling.

2.0 Property Description & History:

Staff: This application is for an unaddressed property at 1S3E24D -00500. The subject property is not adjacent to any right-of-way, located on the south of Carl Street in unincorporated east Multnomah County outside of Metro’s Urban Growth Boundary (UGB). The subject property is zoned Multiple Use Agriculture – 20 (MUA-20) and has three (3) overlays, Significant Environmental Concern for Wildlife Habitat (SEC-h), Significant Environmental Concern for Water Resources (SEC-wr), and Flood Hazard. The property is vacant according to the County Assessor.

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 received one public comment during the 14-day comment period.

3.1 If there are comments, they should be formatted as follows: Janie and Shawn Farrens, Property Owners at 27324 SE Carl Street provide written comments via email on April 2, 2025 (Exhibit D.1)

Staff: Janie and Shawn expressed concern about past logging that has occurred on the site without replanting. Tree removal within is exempt from SEC review, but the applicant is proposing mitigation to revegetate the site as part of this application.

4.0 Code Compliance and Applications Criteria:

4.1 § 39.1250 CODE COMPLIANCE AND APPLICATIONS.

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit or zoning review approval of development or any other approvals authorized by this code for any property that is not in full compliance with all applicable provisions of the Multnomah County Zoning Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Zoning Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**

* * *

Staff: This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

A finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance.

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. *This criterion is 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.

* * *

MCC 39.3080 Lot of Record – Multiple Use Agriculture 20 (MUA-20)

(A) In addition to the standards in MCC 39.3005, for the purposes of the MUA-20 district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

* * *

Staff: The subject property was verified as a Lot of Record by T2-01-100. The applicant has provided the current deed for the subject property (Exhibit A.14) verifying that the property remains in its lawful configuration. *Criteria met.*

6.0 Multiple Use Agriculture – 20 (MUA-20) Criteria:

6.1 MCC 39.4310 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 proposes a single-family dwelling consistent with (A) above. *Criterion met.*

6.2 MCC 39.4325 Dimensional Requirements and Development Standards

All development proposed in this base zone shall comply with the applicable provisions of this section.

(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.

* * *

Staff: According to the applicant's site plan (Exhibit A.2), the proposed dwelling will be located approximately 60 feet from the west (side) property line, approximately 20 feet from the east (side) property line, more than 354 feet from the north (rear) property line, and approximately 211 feet from the south (front) property line. The applicant has not yet provided design drawings for the structure and the height of the structure will be reviewed at the time of zoning plan review.

Criteria met.

(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 subject property does not abut a road, and therefore this criterion is not applicable.

Criterion met.

(G) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas 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 (Exhibit A.8) showing the location of the septic system proposed to serve the dwelling on the same lot of record.

The applicant has also provided a Stormwater Drainage Control Certificate (Exhibit A.11) prepared and stamped by a Registered Oregon Engineer indicating that there will be an on-site stormwater system constructed that will result in no greater rate of runoff in the event of a 10-year 24-hour storm event than prior to the development. *Criterion met.*

(J) All exterior lighting shall comply with MCC 39.6850.

Staff: Providing an exterior lighting plan showing the location of all exterior lights and the specifications of proposed light fixtures to demonstrate compliance with MCC 39.6850 is a condition of approval. *As conditioned, this criterion is met.*

7.0 Significant Environmental Concern for Water Resources (SEC-wr) Permit 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.**

MCC 39.5515 Exceptions

- (A) Except as provided in subsection (B) of this Section, an SEC permit shall not be required for the following:**
 - (2) The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act.**

Staff: Staff had previously directed the applicant to request a Significant Environmental Concern for Water Resources permit for the removal of trees that is visible on aerial photographs. Based on that staff direction, the applicant had initially requested that review as part of this application, and the SEC-wr permit criteria were included in the Opportunity to Comment notice (Exhibit C.4) that was mailed to surrounding property owners and affected agencies on March 31, 2025. However, during the course of the review, staff determined that the cutting of timber that had previously occurred, as well as the revegetation proposed by this application falls under MCC 39.5515(A)(2), which excepts the propagation and cutting of timber for personal or Forest Practices uses from SEC-wr review. As a result, the full permit criteria are not evaluated here as a permit is not required for the development proposed by this application, or for tree removal that occurred prior to the application request. *Criterion met.*

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

8.1 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 and, 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, prehistorical 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 proposing a dwelling within the mapped SEC-h overlay (Exhibit A.4) which does not meet the exemptions of MCC 39.5515. The applicable code sections are evaluated in sections 8.2-8.4 below. *Criterion met.*

8.2 MCC 39.5520 APPLICATION REQUIREMENTS

An application for an SEC permit for a use or for the change or alteration of an existing

use on land designated SEC, shall address the applicable criteria for approval, under MCC 39.5540 through 39.5860.

(A) An application for an SEC permit shall include the following:

* * *

Staff: The applicant is proposing a single-family dwelling is permitted in the underlying zoning district per MCC 39.4310(A). As the proposed dwelling does not meet the SEC permit exemptions listed in MCC 39.5515, an SEC permit is required. The applicant is not proposing any activities described by MCC 39.5510(B) above. The applicant provided Exhibits A.1-A.17 to address the application requirements of MCC 39.5520. *Criteria met.*

8.3 39.5850- SEC-H CLEAR AND OBJECTIVE STANDARDS.

(A) At the time of submittal, the applicant shall provide the application materials listed in MCC 39.5520(A) and 39.5860(A). The application shall be reviewed through the Type I procedure and may not be authorized unless the standards in MCC 39.5860(B)(1) through (4)(a)(c) and (B)(5) through (7) are met. For development that fails to meet all of the criteria listed above, a separate land use application pursuant to MCC 39.5860 may be submitted.

(B) The proposed development shall meet the applicable stormwater and ground disturbing activity requirements of MCC 39.6200 through 39.6235. Ground disturbing activity within 100 feet of a water body as defined by MCC 39.2000 shall be limited to the period between May 1st and September 15th. Revegetation and soil stabilization must be accomplished no later than October 15th.

(C) The nuisance plants listed in MCC 39.5580 Table 1 shall not be used as landscape plantings within the SEC-h Overlay Zone.

(D) For development that fails to meet all of the standards listed in this section, a separate land use application pursuant to MCC 39.5860 may be submitted.

Staff: The applicant has provided the required application materials as Exhibits A.1-A.17. The proposed development does not meet the Development Standards of MCC 39.5860(B)(2) and (B)(3) and therefore a Land Use Application pursuant to MCC 39.5860 has been submitted and is evaluated in Section 8.0 of this report. The applicant has provided a Stormwater Drainage Control Certificate as Exhibit A.11 that is stamped by an Oregon Registered engineer pursuant to the requirements of MCC 39.6235. Per the provided Mitigation Plan (Exhibit A.15), no nuisance plants will be used as landscape plantings. *These criteria are met.*

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

(A) In addition to the information required by MCC 39.5520 (A), an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:

* * *

Staff: The applicant provided this information in various locations throughout the case record (A.3, A.5, A.6, A.12, A.13, A.15 and A.16). *Criterion met.*

(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 dwelling is sited within an existing "cleared" area on the subject property, with only minimal new clearance to support access. (Exhibits A.13). *Standard 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 dwelling will be located more than 1,000 feet from the edge of the nearest public road. *Standard not met, and therefore the proposal is subject to MCC 39.5860(C), which is addressed below.*

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

Staff: The driveway exceeds 500 feet in length due to the distance of the subject property to a public road (Exhibit A.2). *Standard not met, and therefore the proposal is subject to MCC 39.5860(C), which is addressed below.*

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

- (a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or**
- (b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.**

Staff: The subject property takes access from a shared driveway connecting to SE 282nd Ave, and there is an approach within 50 feet on the opposite side of the road. *Standard 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 proposed development is located approximately 60 feet from the west side property line and approximately 20 feet from the east side property line (Exhibit A.2). *Standard met.*

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

- (a) Fences shall have a maximum height of 42 inches and a minimum 17-inch gap between the ground and the bottom of the fence.**

* * *

Staff: There is no fencing proposed by this application. *Standard met.*

- (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: Compliance with this standard is a condition of approval. *As conditioned, this standard 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**
- (2) The applicant can meet the development standards of subsection (B), but demonstrates that the alternative conservation measures exceed the standards of subsection (B) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in subsection (B).**

Staff: The subject property is unable to meet the development standards of (B) due to physical characteristics of the property, as there is not a public road within 200 feet of the subject property. Elements of the required Wildlife Conservation Plan are located in Exhibits A.3, A.5, A.6, A.12, A.13, A.15 and A.16, all prepared by the applicant, Chuck Lobdell, who is a Wildlife Biologist. The applicant proposes replacement of all cleared areas at a (2):(1) ratio as designated by MCC 39.5860(C)(3), which will ensure that the mitigation measures result in the minimum departure from the development standards of (B). A condition of approval requires the implementation of the proposed mitigation and associated monitoring and reporting. *As conditioned, this criterion is 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 proposed dwelling is sited in an existing cleared area on the subject property, and minimal new tree removal/clearing is proposed to accommodate the development in the existing cleared area. *Criterion met.*

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

Staff: The proposed dwelling is sited in an existing cleared area on the subject property, and minimal additional tree clearing is needed to accommodate the development; new clearance is less than one acre. *Criterion met.*

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

Staff: There is no fencing existing or proposed on the subject property (Exhibit A.2). *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.**

Staff: The applicant has provided very detailed and thorough Mitigation and Planting Plans (Exhibit A.15 and A.16), that that propose to mitigate the existing cleared area and the 10,000 square feet of impact area from the dwelling and driveway the applicant will plant 100 native trees and 500 native shrubs. While the mitigation plan does not specify the exact square footage that will be revegetated, conditions of approval require the revegetation of a minimum of 20,000 square feet on the subject property. *Criterion met.*

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

Staff: No stream areas are proposed to be disturbed by the development. *Criterion met.*

- (4) **For a property meeting subsection (C)(1) above, the applicant may utilize the following mitigation measures for additions instead of providing a separate wildlife conservation plan:**

* * *

Staff: The subject property does not meet the subsection of (C)(1) and therefore may not utilize (4) above. *This criterion is not applicable to the proposal.*

- (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 demonstrating satisfaction of (C)(3), and therefore this section is not applicable. *Criterion met.*

- (6) **For Protected Aggregate and Mineral (PAM) resources within a PAM Overlay, the applicant shall submit a Wildlife Conservation Plan which must comply only with measures identified in the Goal 5 protection program that has been adopted by Multnomah County for the site as part of the program to achieve the goal.**

Staff: The subject property is not within a PAM Overlay. *Criterion met.*

- (D) **Optional Development Impact Area (DIA). For the purpose of clustering home sites together with related development within the SEC-h overlay, an applicant may choose to designate an area around the home site for future related development and site clearing. For the purposes of establishing the appropriate mitigation for development within the DIA, existing vegetation within the DIA is presumed to be ultimately removed or cleared in the course of any future development within the DIA. Establishment of a DIA is subject to all of the applicable provisions in this section and the following:**

* * *

Staff: The applicant does not propose an optional DIA under this permit. *Criterion met.*

9.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for an SEC-h permit to establish a single-family dwelling in the MUA-20 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

‘D’ Comments Received

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

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	Application Form	08.12.2024
A.2	1	Site Plan	08.12.2024
A.3	4	Mitigation Site Plan Packet	08.12.2024
A.4	7	SEC-wr Code Narrative	08.12.2024
A.5	8	SEC-h Code Narrative	08.12.2024
A.6	12	SEC-h Worksheet	08.12.2024
A.7	3	Parcel Record Card R993240300	08.12.2024
A.8	5	Septic Review Certification	01.08.2025
A.9	2	Fire Service Review Form	01.08.2025
A.10	1	Transportation Planning Review Form	01.08.2025
A.11	2	Stormwater Drainage Control Certificate	01.08.2025
A.12	4	Incomplete Letter Response	01.08.2025
A.13	6	Amended SEC Plan Set	01.08.2025
A.14	5	2024 Statutory Warranty Deed - Instrument No. 2024-014854	01.08.2025
A.15	2	Mitigation Plan	03.04.2025
A.16	2	Planting Plan	03.04.2025
A.17*	1	Final Site Plan	02.18.2025
A.18	N/A	Complete Case Record	Multiple Dates
‘B’	#	Staff Exhibits	Date
B.1	3	Assessment and Taxation Property Information for 1S3E24D-00500 (Property ID # R341031/Alt. Acct. # R993240300)	08.13.2024
B.2	1	Current Tax Map for 1S3E24D	07.01.2025
‘C’	#	Administration & Procedures	Date
C.1	3	Incomplete letter	09.13.2024

C.2	1	Applicant's acceptance of 180-day clock	09.18.2024
C.3	1	Complete letter (day 1)	02.14.2025
C.4	4	Opportunity to Comment	03.31.2025
C.5	16	Decision	07.03.2025
'D'	#	Comments	Date
D.1	1	Shawn and Janie Ferrans Emailed Comments	04.02.2025

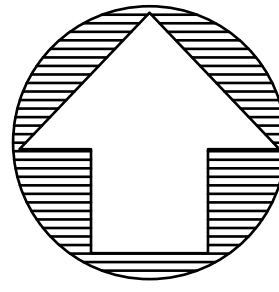
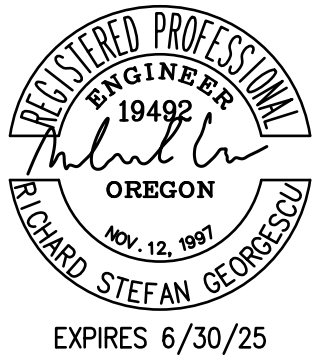
PROP. SITE PLAN FOR CRISTUREAN RESIDENCE 8081 SE 282ND AVE, GRESHAM, OR

RSG ENGINEERING, co.

16802 NE 152ND AVE, BRUSH PRAIRIE, WA 98606

PH (503) 380-6179, FAX (360) 891-7945

E-MAIL: RSGENG@COMCAST.NET



GRAPHIC SCALE

