

NOTICE OF DECISION



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

Application for Accessory Use Determination and Significant Environmental Concern for Wildlife Habitat (SEC-h)

Case File: T2-2024-0084

Applicant: Kim Freeman, In Clover Consulting

Proposal: Request for Accessory Use Determination and Significant Environmental Concern for Wildlife Habitat (SEC-h) permits for a new single-family dwelling with attached accessory building, accessory structures [septic system (septic tank, piping, drainfield), stormwater drainage control system, a gate, and retaining walls], private driveway, implementation of a SEC-h Wildlife Conservation Plan, creation of landscaped areas, and associated ground disturbance. No development is proposed in the Significant Environmental Concern for Streams (SEC-s) or Geologic Hazards (GH) overlays.

Location: 13097 NW Old Germantown Rd, Portland

Property ID # R168763

Map, Tax lot: 1N1W09D -02500

Alt. Acct. # R313901460

Base Zone: Rural Residential (RR)

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

Decision: Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Friday, April 25, 2025 at 4:00 pm.

Issued by:

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

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

Rithy Khut, Planner

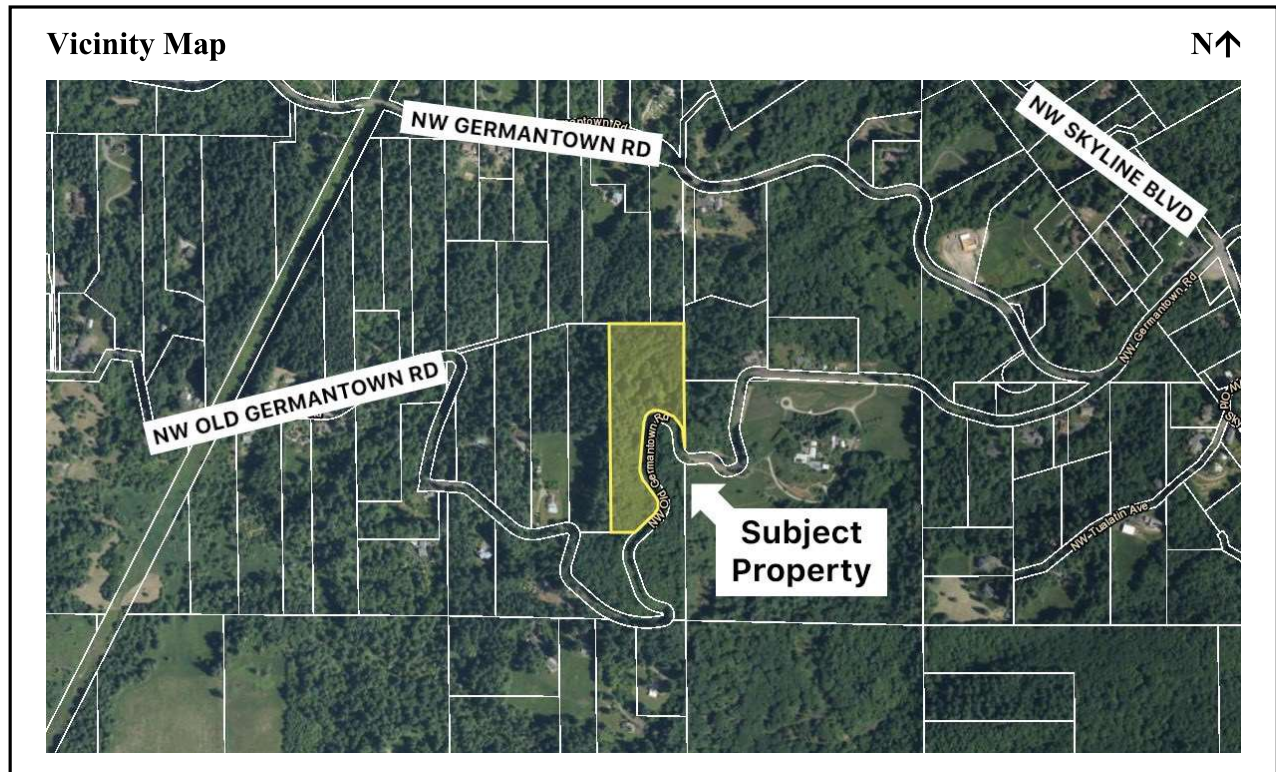
For: Megan Gibb,
Planning Director

Date: Friday, April 11, 2025

Instrument Number for Recording
Purposes: # 2023-075787

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

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



Applicable Approval Criteria:

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

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

Rural Residential (RR): MCC 39.4360(A) Allowed Uses – Residential use consisting of a single family dwelling on a Lot of Record, MCC 39.4360(F) Allowed Uses – Accessory Structures subject to the following..., MCC 39.4365(I) Review Uses – Structures or uses customarily accessory or incidental to any use permitted or approved in this base zone..., MCC 39.4375(C), (D), (F)-(H) Dimensional Requirements and Development Standards

Significant Environmental Concern Overlays (SEC): MCC 39.5510 Uses; SEC Permit Required, MCC 39.5580 Nuisance Plant List, MCC 39.5850 SEC-h Clear and Objective Standards, MCC 39.5860 Criteria for Approval of SEC-h Permit - Wildlife Habitat

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

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. **Permit Expiration** – This land use permit shall expire as follows:
 - a. Within **two (2) years** of the date of the final decision when construction has not commenced. [MCC 39.1185(B) & (E)]
 - i. For the purposes of 1.a, commencement of construction shall mean actual construction of the foundation or frame of the approved single-family dwelling.
 - 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. T2-2024-0084 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) & (E)]
 - i. For the purposes of 1.b, completion of the structure shall mean completion of the exterior surface(s) of the single-family dwelling and compliance with all conditions of approval in the land use approval.
 - ii. For purposes of 1.b, the property owner shall provide building permit status in support of completion of exterior surfaces of the structure and demonstrate compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to LUP-submittals@multco.us with the case no. T2-2024-0084 referenced in the subject line. [MCC 39.1185]

Note: The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 39.1195, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.

2. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein. [MCC 39.1170(B)]
3. **Prior to submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:
 - a. Acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement has been provided to assist you. The signed document shall be submitted and uploaded when submitting Building Plans for Zoning Review and Review of Conditions of Approval. [MCC 39.1170(A) & (B)]

- b. Record pages 1 through 7 and Exhibit A.21, A.8 (Sheet A1.2 through A3.3), A.10, and A.15 of this Notice of Decision with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and shall be filed with the Land Use Planning Division. Recording shall be at the applicant's expense. [MCC 39.1175]
 - c. Record a covenant with the County Recorder that states they recognize and accept that farm activities including tilling, spraying, harvesting, and farm management activities during irregular times can occur on adjacent property and in the general area. [MCC 39.4375(G)]
 - d. Record a covenant with the County Recorder that states that the owner understands and agrees that the accessory building labeled as a "workshop" in Exhibit A.21 cannot be occupied as a dwelling or for any other form of permanent or temporary residential use. [MCC 39.4360(F)(5), MCC 39.4365(I)(7), and MCC 39.8860]
 - e. Prepare a new site plan demonstrating compliance with the 30-foot front yard setback for the gate. Alternatively, provide building plans showing that the gate is less than six feet in height. If the gate is taller than six feet, the gate shall be a setback a distance at least equal to the height. [MCC 39.4375(C)]
4. **When submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:
- a. Provide a Letter of Acknowledgement, recorded Notice of Decision, and covenants, and other documents as required in Condition 3.a through 3.e. [MCC 39.1170(A) & (B)]
 - b. Demonstrate compliance with the County's Ground Disturbance regulations by obtaining an Erosion and Sediment Control (ESC) permit. [MCC 39.5850(B) and MCC 39.5860(C)(5)]
 - c. Submit a final or resubmit the existing Lighting Plan including cut sheets and specifications showing the location and details for all exterior lighting on the single-family dwelling and supporting the subject property. All exterior lighting shall be a fixture type that is fully shielded with opaque materials and directed downwards. [MCC 39.4375(H) and MCC 39.6850]
 - i. "Fully shielded" means no light is emitted above the horizontal plane located at the lowest point of the fixture's shielding.
 - ii. Shielding must be permanently attached.
5. **Prior to and during construction**, the property owner(s) or their representatives shall:
- a. Not use trees as anchors for stabilizing construction equipment. [MCC 39.5860(C)(5)(g)]
 - b. Flag, fence, or otherwise mark all work areas to reduce potential damage to habitat outside of the work area. The flagging, fencing, and marking shall be placed prior to development occurring and the work area shall remain marked through all phases of development. [MCC 39.5860(C)(5)(f)]
 - c. Retain all native soils disturbed during development on the property. The location of the retain soils shall be marked on the Erosion Control Plan as required in Condition 4.b. [MCC 39.5860(C)(5)(h)]
 - d. Construct the storm water drainage control system described in Exhibit A.7, A.11, and A.21. [MCC 39.4375(F)]

- e. Install the exterior lighting in compliance with the Dark Sky Lighting requirements of MCC 39.6850. [MCC 39.4375(H) and MCC 39.6850]
6. **Within one (1) year of the final decision**, the property owner(s) or their representatives shall:
- a. Commence mitigation as discussed and shown in Section 7.2.2 of this Decision and Exhibits A.10 and A.15. The plantings shall be a minimum of 410 trees and 2,050 shrubs in the SEC-h planting areas. The Planning Director may extend the timeline for the implementation of the mitigation plan. [MCC 39.5860(C)(5)]
 - 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)]
7. **Within ninety (90) days of commencement of the mitigation referenced above**, the property owner(s) or their representatives shall:
- a. Provide a post-mitigation report to LUP-submittals@multco.us with the case no. T2-2024-0084 referenced in the subject line that mitigation is complete. The report shall be prepared and signed by a Stephanie James of Turnstone Environmental Consultants, Inc., 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 wildlife habitat area. The post-mitigation report shall include:
 - i. Dated pre- and post-mitigation photos taken of the Mitigation Planting Area. The photos should clearly show the site conditions before and after construction.
 - ii. A narrative that describes any deviation from the approved plans. [MCC 39.1170(A) and MCC 39.5860(C)(5)]
8. **At the completion of mitigation work** discussed above, in Section 7.2.2 of this Decision and Exhibits A.10 and A.15, the property owner(s) or their representative(s) shall:
- a. Monitor the Mitigation Areas to determine whether each type of tree and shrub planted continues to live, thrive, and grow. Monitoring is the ongoing responsibility of the property owner. Annual monitoring reports are required.
 - i. Plants that die shall be replaced in kind so that a minimum of 80% of the trees and shrubs planted shall remain alive on the fifth anniversary of the date that the mitigation planting is completed. For any replanted area that falls below the 80% threshold, the property owner(s) shall be replant the area during the next planting season. [MCC 39.5860(C)(5)]
 - ii. Monitoring reports for a period of five (5) years beginning on the anniversary date of this decision becoming final.
 - 1. **Annual Monitoring Report Due Date:** Annual monitoring reports are due by November 30th of each year to LUP-submittals@multco.us with the case no. T2-2024-0084 referenced in the subject line. [MCC 39.1170 and MCC 39.5860(C)(5)]
 - 2. **Extension of the Monitoring Period:** The monitoring period may be extended, at the discretion of Land Use Planning for failure to provide monitoring reports, failure of the site to meet performance standards for two

consecutive years (without irrigation or replanting), or when needed to evaluate replanting, or other corrective or remedial actions. [MCC 39.1170 and MCC 39.5860(C)(5)]

3. **Release of Monitoring Obligation:** Monitoring is required until Land Use Planning has officially released the site from further monitoring. [MCC 39.1170 and MCC 39.5860(C)(5)]
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)(5)]

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

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

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

- a. Not alter or install the following features in the accessory building labeled as “workshop” as shown in Exhibit A.8: Cooking facilities, closet(s) built into a wall, natural gas connections, 220-volt hookups, a dishwasher, or a refrigerator larger than 5 cubic feet in size without first obtaining a Land Use Planning approval. A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose may be stored if it is disassembled for storage. [MCC 39.4360(F) and MCC 39.4365(I)]
- b. Maintain the stormwater drainage control system for the life of the dwelling in compliance with Exhibit A.7, A.11, and A.21. [MCC 39.4375(F)]
- c. Maintain the cleared areas of the property so those areas free of nuisance plants listed in Table 1. The planting of any invasive non-native or noxious vegetation as listed in MCC 39.5580 Table 1, in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, or in the latest edition of the State of Oregon Noxious Weed List is prohibited. [MCC 39.5860(C)(5)]

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 Accessory Use Determination and Significant Environmental Concern for Wildlife Habitat (SEC-h) permits for a new single-family dwelling with attached accessory building, accessory structures [septic system (septic tank, piping, drainfield), stormwater drainage control system, a gate, and retaining walls], private driveway, creation of landscaped areas, implementation of a SEC-h Wildlife Conservation Plan, and associated ground disturbance.

No development is proposed in the Significant Environmental Concern for Streams (SEC-s) or Geologic Hazards (GH) overlays.

2.0 Property Description & History:

Staff: This application is for 13097 NW Old Germantown Rd, Portland. The subject property is located on the north side of NW Germantown Road in unincorporated west Multnomah County outside of Metro’s Urban Growth Boundary (UGB). The subject property is zoned Rural Residential (RR) and has three (3) overlays, Geologic Hazards (GH), Significant Environmental Concern for Streams (SEC-s), Significant Environmental Concern for Wildlife Habitat (SEC-h).

The property is vacant and approximately 8.22 acres according to the County Assessor. The most recent aerial photo from shows the property is heavily forested (Exhibit B.3). There are no previous land use/building permit associated with the subject property.

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 receive public comments during the 14-day comment period.

3.1 Steve Young and Mary Lourdes Young, property owner located at 13333 Old Germantown Road, provided email comments (Exhibit D.1)

Staff: Steve and Mary submitted an email a Tuesday, February 18, 2025. The email contained comments intended to provide background on the subject property and SEC-h approval criteria requirements.

3.2 Carol Chesarek, Co-chair, Forest Park Neighborhood Association – Land Use Committee, provided email comments (Exhibit D.2)

Staff: Carol Chesarek submitted an email letter on February 21, 2025 on behalf of Forest Park Neighborhood Association Land Use Committee. The email contained comments intended to note potential property boundary issues and the use of plants that might not be suitable for planting due to fire. The email also provides recommendations for alternative mitigation planting.

4.0 Code Compliance and Applications Criteria:

4.1 § 39.1250 CODE COMPLIANCE AND APPLICATIONS.

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

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

* * *

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

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

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

5.0 Lot of Record Criteria:

5.1 § 39.3005- LOT OF RECORD – GENERALLY.

(A) An area of land is a “Lot of Record” if it meets the standards in Subsection (B) of this Section and meets the standards set forth in this Part for the Zoning District in which the area of land is located.

(B) A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, either satisfied all applicable zoning laws and satisfied all applicable land division laws, or complies with the criteria for the creation of new lots or parcels described in MCC 39.9700. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(1) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

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

(a) By a subdivision plat under the applicable subdivision requirements in effect at the time; or

* * *

§ 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 originally created as part of Germantown subdivision on recorded on July 8, 1891 (Exhibit A.17). The current deed matches the subdivision description (Exhibit A.16). The subject property has not been subject to a subsequent boundary reconfiguration and/or land division since the recording of the Germantown subdivision; therefore, the subject property remains a Lot of Record in its current configuration. *Criteria met.*

6.0 Rural Residential (RR) Criteria:

6.1 § 39.4360 ALLOWED USES.

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

Staff: The applicant is requesting a new single-family dwelling on a vacant property. As discussed in Section 5.0, the subject property is a Lot of Record. The proposed floor plan shows a one-story building with an attached garage (Exhibit A.2, A.8, and A.21). As required above only one single-family family dwelling is permitted in this zone. The design shows one dwelling unit within the building. However, the design of the building also includes a “woodworking workshop” (“workshop”) that is attached to the far side of the garage by way of a covered walkway. The workshop considered an accessory structure and is discussed in Section 6.2

Lastly, the development is also located within the Significant Environmental Concern for Wildlife Habitat (SEC-h) overlay. The applicant is requesting an exemption from the GH permit. The SEC-h permits will be required to authorize the proposed dwelling. The GH exemption is discussed in Section 7.0 and the SEC-h requirements are discussed in Section 8.0.

(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:

* * *

(d) Workshops;

* * *

(n) Similar structures.

(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 applicant is requesting new accessory structures associated with the single-family dwelling. The structures include a septic system (tank, piping, and drainfield), stormwater drainage control system, and retaining walls in addition to one structure that is a building, labeled as a “woodworking workshop” (Exhibit A.2, A.8, and A.21). As designed the workshop is considered as an accessory building as it is separated from the single-family dwelling and connected by a covered walkway.

As defined in MCC 39.2000:

Accessory building is, “A subordinate building, the use of which is clearly incidental to that of the main building on the same lot.”

Accessory use is, “ A lawful use that is customarily subordinate and incidental to a primary use on a lot.”

Building is, “Any structure used or intended for supporting or sheltering any use or occupancy.”

Although the walkway shares the roofline and connects the workshop with the single-family dwelling, the use is listed in the above live as incidental to the of the single-family dwelling use on the same lot.

The other structures are not listed in the above list, but could be considered as similar structures. All the proposed structures can be customarily found and incidental to the primary use of the property, which is a single-family dwelling.

As designed the accessory structures are not designed or will 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. However, the workshop accessory building while not designed could potentially 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 as it contains a sink, toilet, and a shower bathing facility. The workshop is one story and does not contain either cooking facilities or a closet built into a wall.

Therefore, conditions will be required to limit the workshop to meet the above requirements, which include:

1. Limiting the ability of the property owner to use the workshop, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use;
2. No gas connections, 220-volt hookups, and dishwasher;

3. The maximum size of a refrigerator, if located in that workshop, shall be less than 5 cubic feet in size;
4. If a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose is in the workshop, it shall be disassembled for storage; and
5. If the property owner wishes to add features not outlined in this Decision they will be required to first obtain the necessary land use approvals.

As conditioned, criteria met.

(5) Compliance with MCC 39.8860 is required.

Staff: The applicant is proposing review of a new accessory building; therefore, compliance with MCC 39.8860 is required. A condition of approval has been included requiring recording of the covenant. *As conditioned, criterion met.*

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

Staff: The workshop is approximately 580 square feet (Exhibit A.8 and A.21). There are no other accessory buildings; therefore, the total square footage of the footprints on the property is less than the 2,500 square feet threshold above. *Criterion met.*

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

Staff: As discussed previously, the applicant exceeds the Allowed Use provisions above. The Applicant has requested an Accessory Use Determination to review the Review Use provisions; which are discussed in Section 6.2.

* * *

6.2 § 39.4365 REVIEW USES.

(I) Structures or uses customarily accessory or incidental to any use permitted or approved in this base zone, which do not meet the “accessory structures” standard in MCC 39.4360 Allowed Uses, but which meet the following provisions:

Staff: As previously discussed in Section 6.1, the applicant is proposing a new accessory building (Exhibit A.2, A.8, and A.21). The accessory building is identified in MCC 39.4360(F)(1) as customarily accessory and incidental to the permitted single-family dwelling use on the property; therefore, the applicant must demonstrate that the buildings meet the provisions below.

- (1) 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 unit.**
- (2) The Accessory Structure shall not contain a bathing tub.**
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.**

(4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

(5) The Accessory Structure shall not contain 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.

Staff: As previously discussed in Section 6.1, the workshop is not designed, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential unit as it does not contain a bathing tub or cooking facilities and has a toilet and shower bathing facility on the ground floor.

Further conditions will be required to ensure that the accessory building 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 unit. *As conditioned, criteria met.*

(6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

Staff: As previously discussed in Section 6.1, the applicant describes the workshop as being used for woodworking. The space will contain a table saw, lathe, planer, and other woodworking tools. Due to the nature of the activities, the applicant is requesting additional features to facilitate not bringing dust and debris into the dwelling. The building meets all the above requirements through design or conditions of approval; therefore, it is the minimum possible departure from the Allowed Use standards. *Criterion met.*

(7) Compliance with MCC 39.8860 is required.

Staff: The applicant is proposing review of a new accessory building and other accessory buildings not previously reviewed by the County; therefore, compliance with MCC 39.8860 is required. A condition of approval has been included requiring the covenant's recordation. *As conditioned, criterion met.*

6.3 § 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.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

* * *

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.

Staff: The right-of-way (ROW) adjacent to the subject property is NW Old Germantown Road. The road is classified as a rural local road. A local rural collector requires a ROW width of 50 feet. NW Old Germantown Road is 60 feet in width, so no additional right-of way width is needed and the yard does not need to be increased (Exhibit B.2).

As shown on the site plan the single-family dwelling and accessory structures are subject to the yard dimensions. Some of the structures including the septic system (septic tank, piping, drainfield), stormwater drainage control system and landscaping are low to the ground or underground. The retaining walls are a minimum of 30 feet from the front and rear lot lines and more than 10 feet from the side lot lines (Exhibit A.2, A.8, A.10, and A.21)

The gate near the front lot line is located within the front yard setback. As a gate is similar to a fence, a condition will be required that the gate is less than six feet in height, or it shall be setback from a distance at least equal to the height of gate. Otherwise the gate shall be moved to comply with the yard setback of 30 feet.

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

* * *

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

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

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

Staff: The applicant has provided a Septic Review Certification, Stormwater Drainage Control Certificate, and a Water Service Certification. The on-site sewage disposal was reviewed Lindsey Reschke, Multnomah County Sanitarian. The Sanitarian stated, “Proposed 3 bedroom new single-family residence poses no concern to septic...” (Exhibit A.20). The storm water/drainage control was reviewed and certified by Dave Humber, PE. The Certificate recommends, “Natural Infiltration Process” and “Construction of an onsite storm water drainage control system” (Exhibit A.7). The report recommends construction of a piping system that connects to outfall at a stormwater basin and level spreader (Exhibit A.7 and A.9). This system will ensure that the rate of runoff from the subject property during a 10-year/24-hour storm event is no greater than that before the development. Condition of approval requires the applicant construct and maintain the proposed stormwater drainage control system for the life of the dwelling as described. Lastly, the Water Service Certification indicates that an on-site well will be drilled and can produce between 2 and 50 gallons/minute (Exhibit A.5). *As conditioned, criteria met.*

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

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

Staff: The applicant is proposing a new dwelling on the subject property that is not adjacent to EFU zoned land; therefore, a condition will be required to minimize impacts to existing farm uses on adjacent land. *As conditioned, criterion met.*

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

Staff: The applicant has included a lighting plan and samples/technical specifications for the exterior lighting (Exhibit A.10). The current lighting plan and samples/technical specifications comply with requirement; however, a condition will be required that when submitting building plans for zoning review, the proposed lighting plan be finalized demonstrating compliance with MCC 39.4375(H) and MCC 39.6850. *As conditioned, criterion met.*

7.0 Significant Environmental Concern Overlays (SEC) Criteria:

7.1 § 39.5510 USES; SEC PERMIT REQUIRED.

(A) All uses allowed in the base zone are allowed in the SEC when found to satisfy the applicable approval criteria given in such zone; provided however, that the location and design of any use, or change or alteration of a use, except as provided in MCC 39.5515, subject to approval of an SEC permit pursuant to this Subpart.

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

Staff: As discussed in Section 6.0, the applicant is proposing a new single-family dwelling with attached accessory building, accessory structures [septic system (septic tank, piping, drainfield), stormwater drainage control system, a gate, and retaining walls], private driveway, creation of landscaped areas, and associated ground disturbance. The proposed development is an Allowed Use associated with the residential use under MCC 39.4360(A) and (F), if the proposal meets certain requirements of Multnomah County Code. A Significant Environmental Concern for Wildlife Habitat (SEC-h) permit is required as the proposal is not exempt from obtaining permits. No development is proposed in the Significant Environmental Concern for Streams (SEC-s) overlay. Conditions of approval will require the property owner to demonstrate compliance with all the applicable approval criteria as discussed below. Lastly, according to the plans, no excavation or removal of materials of archaeological, historical, prehistorical, or anthropological has occurred or are proposed. *Criterion met.*

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

* * *

7.2.1 (B) Development standards:

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

Staff: The subject parcel does contain areas that are defined as non-forested "cleared" areas. A Forest Practice Act logging operation occurred in the early 1990s prior to adoption of Ordinance 801 in 1994 that created the SEC-h overlay. As shown on the site plan, most of the development will occur in those cleared areas. (Exhibit A.2, A.8, A.10, A.15, and A.21). *Criterion met.*

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

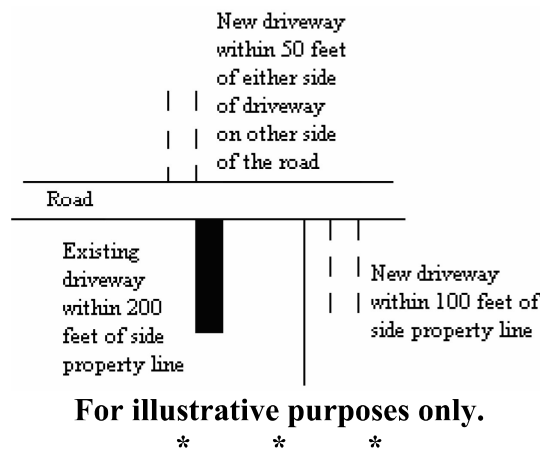
Staff: As measured on the applicant's site plan, the development is less than 200 feet from NW Old Germantown Road, a public road (Exhibit A.21). *Criterion met.*

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

Staff: As measured on the applicant's site plan, the private driveway is less than 500 feet in length (Exhibit A.21). *Criterion met.*

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

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



Staff: There are no properties on the same side or opposite side of the road adjacent to the subject property; therefore, the location of the private driveway cannot meet either of the above standards. *Criteria not met.*

(5) The development shall be within 300 feet of a side property line if adjacent property has structures and developed areas within 200 feet of that common side property line.

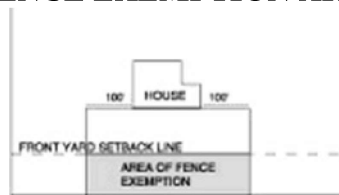
Staff: Aerial photo review show the adjacent property to the west has structures and developed areas within 200 feet of the common side property lines (Exhibit A.15, A.21, and B.3). However, the applicant is proposing development closest to the eastern property line. Due to the size of the property, the proposed development is still located within 300 feet of the common side property line to the west. *Criterion met.*

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

* * *

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development. (See Figure 4 below.)

**Figure 4.
FENCE EXEMPTION AREA**



Staff: The applicant is proposing a gate which is a type of fence within the required setback from the public road. The fence is located within the fence exemption area therefore it is not required to meet the fencing requirements. *Criterion 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: The applicant's Wildlife Conservation Plan indicates that nuisance plants in MCC 39.5580 Table 1, including thistle, tansy ragwort, Himalayan blackberry, and St. John's wort, are located on the subject property and will be removed (Exhibit A.15). A condition requires removal and on-going compliance with (A)(7) above. *As conditioned, criterion met.*

7.2.2 (C) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.

- (1) The applicant cannot meet the development standards of subsection (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or**
- (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: As discussed above, the applicant has not met the development standards of subsection (B); therefore, a Wildlife Conservation Plan (WCP) is required. The development cannot meet the driveway spacing standards as there are no other driveways adjacent or across the street (Exhibit A.15, A.21, and B.3). Therefore, as discussed below, the applicant is proposing a WCP that results in the minimum departure from the standard. *Criterion met.*

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

* * *

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

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

(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

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

(c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes. Existing fencing located in the front yard adjacent to a public road shall be consistent with subsection (B)(6).

(d) For mitigation areas, all trees, shrubs and ground cover shall be native plants selected from the Metro Native Plant List. An applicant shall meet Mitigation Option 1 or 2, whichever results in more tree plantings; except that where the total developed area (including buildings, pavement, roads, and land designated as a Development Impact Area) on a Lot of Record will be one acre or more, the applicant shall comply with Mitigation Option 2:

1. Mitigation Option 1. In this option, the mitigation requirement is calculated based on the number and size of trees that are removed from the development site. Trees that are removed from the development site shall be replaced as shown in the table below. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

Tree Replacement Table:

| Size of tree to be removed (inches in diameter) | Number of trees and shrubs to be planted |
|--|---|
| 6 to 12 | 2 trees and 3 shrubs |
| 13 to 18 | 3 trees and 6 shrubs |
| 19 to 24 | 5 trees and 12 shrubs |
| 25 to 30 | 7 trees and 18 shrubs |

| | |
|---------|------------------------|
| over 30 | 10 trees and 30 shrubs |
|---------|------------------------|

2. Mitigation Option 2. In this option, the mitigation requirement is calculated based on the size of the disturbance area associated with the development. Native trees and shrubs are required to be planted at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals .66, and .66 times five equals 3.3, so three trees must be planted, and .66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground shall be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

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

Staff: As previously discussed, the applicant cannot meet the development standards of subsection (B), therefore the results of the WCP shall be the minimum departure from the standard. To the meet the standard, the applicant included a plan and WCP written by Stephanie James of Turnstone Environmental Consultants, Inc. that discusses what measures will be put in place to mitigate the development (Exhibit A.2, A.10, and A.15).

The applicant is requesting development that is adjacent to NW Old Germantown Road located outside of the GH and SEC-s overlay that is in a cleared and flatter area on the subject property. As the WCP states, “The forest habitat in and adjacent to the subject property in the Wildlife Habitat overlay is primarily coniferous forest open areas, and mixed coniferous/deciduous forest.” The applicant is proposing a new single-family dwelling with attached accessory building, accessory structures [septic system (septic tank, piping, drainfield), stormwater drainage control system, a gate, and retaining walls], private driveway, creation of landscaped areas, and associated ground disturbance. From the existing condition, the proposal will development an area less than one acre and is clustered in the as close to the road as possible while still meeting required yard setbacks. The proposed development will leave over 20 acres of the property as forested wildlife habitat.

To mitigate the development, the applicant is electing to use mitigation option #2. As proposed, over 40,000 square feet of development is proposed, which will result in over 400 native trees and 2,050 shrubs that will need to be planted.

| Vegetation Layer | Species | Quantity | Acceptable Substitutes | Spacing (ft) |
|------------------|--|-----------------------------------|--|--------------|
| Tree | Western red cedar (<i>Thuja plicata</i>) | 100 | Osoberry (<i>Oemleria cerasiformis</i>) | 10 |
| Tree | Grand fir (<i>Abies grandis</i>) | 100 | Douglas fir (<i>Pseudotsuga menziesii</i>) | 10 |
| Tree | Pacific dogwood (<i>Cornus nuttallii</i>) | 100 | Quaking aspen (<i>Populus tremuloides</i>) | 10 |
| Tree | Oregon white oak (<i>Quercus garryana</i>) | 50 | Quaking aspen (<i>Populus tremuloides</i>) | 10 |
| Tree | Quaking aspen (<i>Populus tremuloides</i>) | 60 | Western red cedar (<i>Thuja plicata</i>) | 10 |
| Tree/shrub | Cascara (<i>Frangula purshiana</i>) | 300 | Saskatoon serviceberry (<i>Amelanchier alnifolia</i>) | 6 |
| Tree/shrub | Vine maple (<i>Acer circinatum</i>) | 200 | Saskatoon serviceberry (<i>Amelanchier alnifolia</i>) | 6 |
| Tree/shrub | Saskatoon serviceberry (<i>Amelanchier alnifolia</i>) | 250 | Vine maple (<i>Acer circinatum</i>) | 6 |
| Shrub | Salmonberry (<i>Rubus spectabilis</i>) | 200 | Black twinberry (<i>Lonicera involucrata</i>) | 4 to 6 |
| Shrub | Red-flowering currant (<i>Ribes sanguineum</i>) | 300 | Osoberry (<i>Oemleria cerasiformis</i>) | 4 to 6 |
| Shrub | Nootka rose (<i>Rosa nutkana</i>) | 200 | Red-flowering currant (<i>Ribes sanguineum</i>) | 4 to 6 |
| Shrub | Evergreen huckleberry (<i>Vaccinium ovatum</i>) | 100 | Beaked hazelnut (<i>Corylus cornuta</i>) | 4 to 6 |
| Shrub | Oregon grape (<i>Mahonia nervosa</i>) | 100 | Evergreen huckleberry (<i>Vaccinium ovatum</i>) | 4 to 6 |
| Shrub | Oceanspray (<i>Holodiscus discolor</i>) | 100 | Red-flowering currant (<i>Ribes sanguineum</i>) | 4 to 6 |
| Shrub | Beaked hazelnut (<i>Corylus cornuta</i>) | 100 | Snowberry (<i>Symphoricarpos albus</i>) | 4 to 6 |
| Shrub | Snowberry (<i>Symphoricarpos albus</i>) | 200 | Red-flowering currant (<i>Ribes sanguineum</i>) | 4 to 6 |
| Total | | 410 trees and 2,050 shrubs | | |

These mitigation measures will result in the minimum departure from the standard in subsection (B). A condition of approval requires the implementation of the proposed WCP. *As conditioned, criteria met.*

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

Staff: A condition of approval will be required to meet the requirement above. *As conditioned, criterion met.*

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

Staff: A condition of approval will be required to meet the requirement above. *As conditioned, criterion met.*

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

Staff: A condition of approval will be required to meet the requirement above. *As conditioned, criterion met.*

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

Staff: The applicant has sought a Type 1 Erosion and Sediment Control permit under land use case no. T1-2024-0069. A condition of approval will be required to meet the requirement above through the issuance of the Type 1 permit. *As conditioned, criterion met.*

(j) Plant size. Replacement trees shall be at least one-half inch in caliper, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are oak or madrone which may be one gallon size. Shrubs shall be in at least a 1-gallon container or the equivalent in ball and burlap and shall be at least 12 inches in height.

(k) Plant spacing. Trees shall be planted between 8 and 12 feet on-center and shrubs shall be planted between 4 and 5 feet on-center, or clustered in single species groups of no more than four (4) plants, with each cluster planted between 8 and 10 feet on-center. When planting near existing trees, the drip line of the existing tree shall be the starting point for plant spacing measurements.

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

Staff: As discussed above, the applicant's WCP meets the plant size, plant spacing, and plant diversity standards above (Exhibit A.2, A.10, and A.15). *Criterion met.*

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

Staff: A condition of approval will be required to meet the requirement above. *As conditioned, criterion met.*

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

Staff: A condition of approval will be required to meet the requirement above. *As conditioned, criterion met.*

(o) Monitoring and reporting. Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die shall be replaced in kind so that a minimum of 80% of the trees and shrubs planted shall remain alive on the fifth anniversary of the date that the mitigation planting is completed.

Staff: A condition of approval will be required to meet the requirement above. *As conditioned, criterion met.*

* * *

9.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Significant Environmental Concern for Wildlife Habitat (SEC-h) permits to establish residential use consisting of a single-family dwelling with attached accessory building, accessory structures [septic system (septic tank, piping, drainfield), stormwater drainage control system, a gate, and retaining walls], private driveway, implementation of a SEC-h Wildlife Conservation Plan, creation of landscaped areas, and associated ground disturbance in the Rural Residential (RR) zone. This approval is subject to the conditions of approval established in this report.

10.0 Exhibits

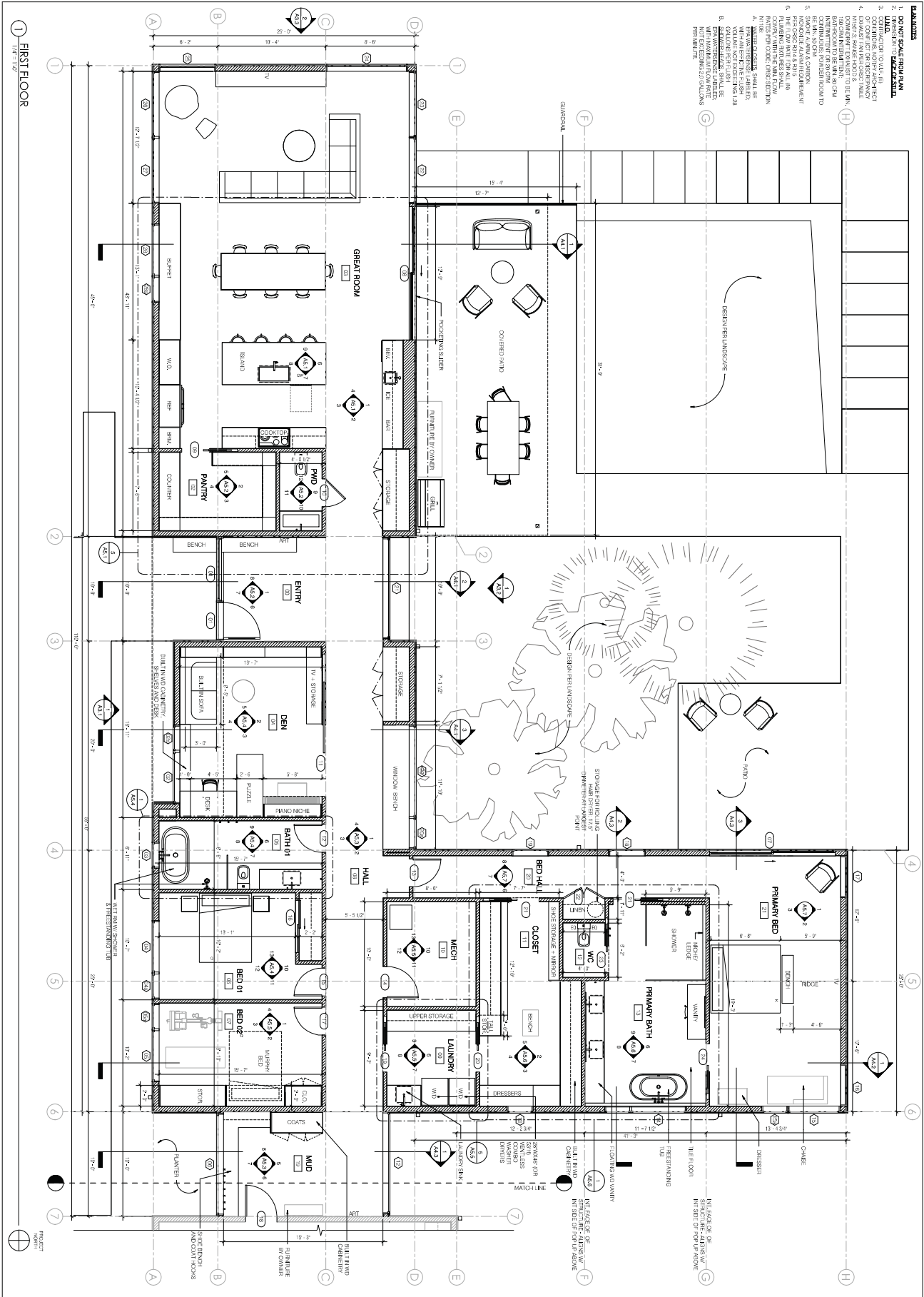
- ‘A’ Applicant’s Exhibits
- ‘B’ Staff Exhibits
- ‘C’ Procedural Exhibits
- ‘D’ Comments Received

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 | 3 | Application Form | 09/17/2024 |
| A.2 | 16 | Narrative | 09/17/2024 |
| A.3 | 2 | Fire Service Provider Review | 09/17/2024 |
| A.4 | 48 | Transportation Planning Review | 09/17/2024 |
| A.5 | 1 | Drinking Water Availability Memo provided from Skyles Drilling Inc. | 09/17/2024 |
| A.6 | 6 | City of Portland Bureau of Development Services (BDS): On-Site Sanitation – Site Evaluation # 24-052160-SE / Report # SER 14-24 | 09/17/2024 |
| A.7 | 31 | Stormwater Drainage Control Certificate prepared by Dave Humber, P.E. | 09/17/2024 |

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|------------|----------|--|-------------|
| A.8* | 7 | Plans <ul style="list-style-type: none"> ▪ A1.1 – Site Plan ▪ A1.2 – Vicinity Map ▪ *A2.1 – First Floor ▪ *A2.2 – First Floor Garage ▪ *A3.1 – Exterior Elevations ▪ *A3.2 – Exterior Elevations ▪ *A3.3 – Exterior Elevations | 09/17/2024 |
| A.9 | 1 | C2.01 Utility Plan | 09/17/2024 |
| A.10* | 5 | Wildlife Conservation Plans <ul style="list-style-type: none"> ▪ L1.01 – Tree Removal & Protection Plan ▪ L1.02 – Tree Retention & Removal Grid ▪ *L1.03 – Landscape Plan ▪ L1.04 – Lighting Plan ▪ L1.05 – Lighting Product Information | 09/17/2024 |
| A.11 | 6 | Erosion Control Plans <ul style="list-style-type: none"> ▪ C0.01 – Civil Notes ▪ C0.51 – Demolition and Erosion Control Plan ▪ C1.01 – Grading and Erosion Control Plan ▪ C2.01 – Utility Plan ▪ C3.01 – Civil Details ▪ C3.02 – Civil Details | 09/17/2024 |
| A.12 | 55 | Geotechnical Investigation Report prepared by Jacqui Boyer, Nicholas Kam, P.E., and Adam Rese, R.G., G.E.G. | 09/17/2024 |
| A.13 | 28 | Arborist Report and Narrative prepared by Lilikoi Consulting | 09/17/2024 |
| A.14 | 15 | Site Distance Certification prepared by Jennifer Danziger, P.E. | 09/17/2024 |
| A.15 | 26 | Wildlife Conservation Plan prepared by Turnstone Environmental | 09/17/2024 |
| A.16 | 2 | Statutory Warranty Deed recorded as Instrument #2023-075787 on December 8, 2023 | 09/17/2024 |
| A.17 | 1 | Map of Germantown Subdivision recorded in Book 163, Page 51 | 09/17/2024 |
| A.18 | 2 | Survey #68333 recorded on October 27, 2022 | 09/17/2024 |
| A.19 | 1 | Completeness Letter Response Memo | 10/28/2024 |
| A.20 | 9 | Septic Review Certification | 10/28/2024 |
| A.21* | 1 | Revised Site Plan (Sheet A1.1) | 10/28/2024 |
| A.22 | 1 | Revised Site Plan (Sheet 08) – Limits of Disturbance Update | 10/28/2024 |
| ‘B’ | # | Staff Exhibits | Date |
| B.1 | 2 | Assessment and Taxation Property Information for 1N1W09D - 02500 (Alt Acct #R313901460 / Property ID #R168763) | 09/17/2024 |
| B.2 | 1 | Current Tax Map for 1N1W09D | 09/17/2024 |
| B.3 | 1 | Aerial Photo | 03/17/2025 |

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|------------|----------|---|-------------|
| B.4 | 8 | Pre-file Meeting Notes, PF-2024-0020 | 03/17/2025 |
| 'C' | # | Administration & Procedures | Date |
| C.1 | 5 | Incomplete letter | 10/14/2024 |
| C.2 | 1 | Applicant's acceptance of 180-day clock | 10/14/2024 |
| C.3 | 2 | Complete letter (day 1) | 11/25/2024 |
| C.4 | 10 | Opportunity to Comment | 02/07/2025 |
| C.5 | 15 | "Short" Decision | 04/11/2025 |
| C.6 | 32 | Decision | 04/11/2025 |
| 'D' | # | Comments | Date |
| D.1 | 1 | Email from Steve Young and Mary Lourdes Young, property owners located at 13333 Old Germantown Road | 02/18/2025 |
| D.2 | 3 | Email from Carol Chesarek, Co-chair, Forest Park Neighborhood Association – Land Use Committee | 02/21/2025 |



- REVISIONS**
1. DO NOT SCALE FROM PLAN
 2. LAYOUT
 3. CORRECTION TO LAYOUT
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| SHEET NO | SHEET TITLE | PROJECT | REVISIONS |
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| A2.1 | FIRST FLOOR | MOCKINGBIRD HIDEAWAY WEST SIDE/NW OLD GERMANTOWN ROAD, PORTLAND, OR | |
| PHASE | LAND USE REVIEW | JOB NO 24183 | DATE 09.04.2024 |

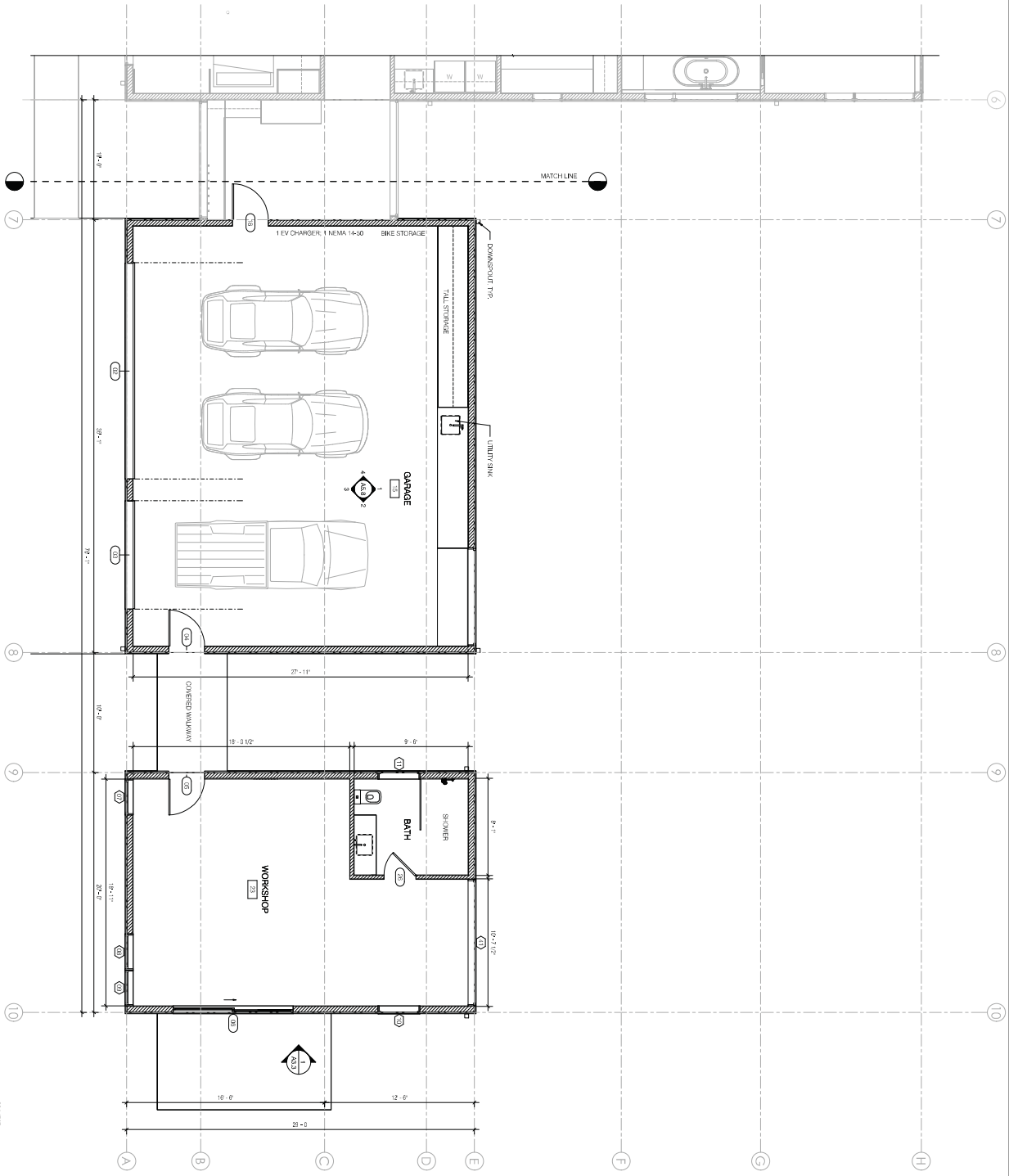


RISA BOYER ARCH

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W: risaboyer.com

- REVISIONS**
1. DO NOT SCALE FROM PLAN
 2. LAND USE REVIEW
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1 FIRST FLOOR - GARAGE
1/4" = 1'-0"

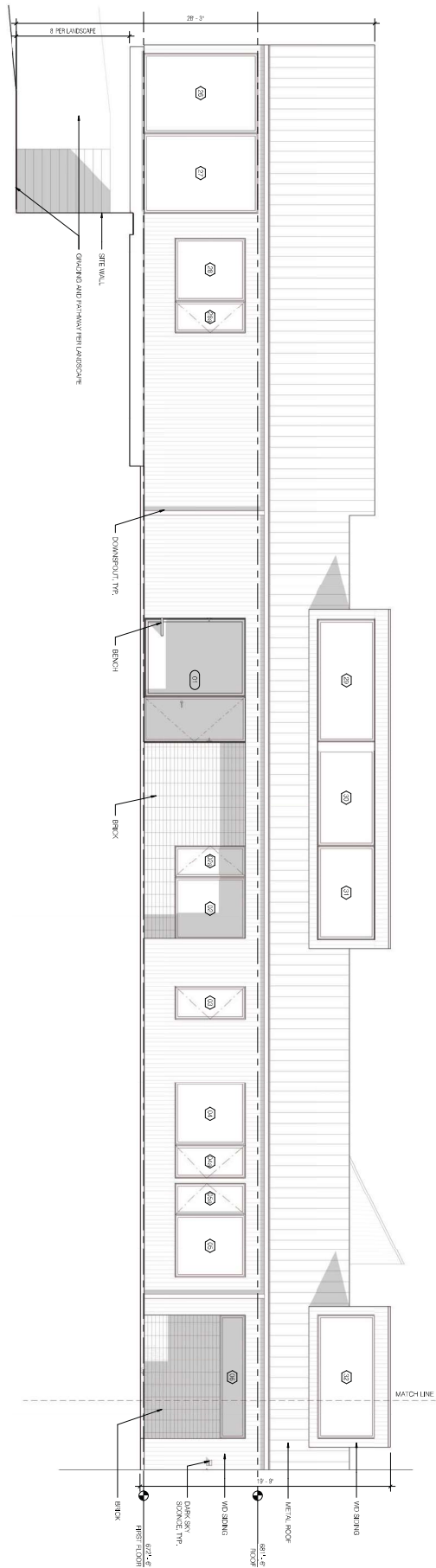


| SHEET NO | SHEET TITLE | PROJECT | REVISIONS |
|----------|-----------------------|--|-----------------|
| A2.2 | FIRST FLOOR - GARAGE | MOCKINGBIRD HIDEAWAY WEST SIDE/NW OLD GERMANTOWN ROAD, PORTLAND, OR | |
| | PHASE LAND USE REVIEW | JOB NO 24183 | DATE 09.04.2024 |

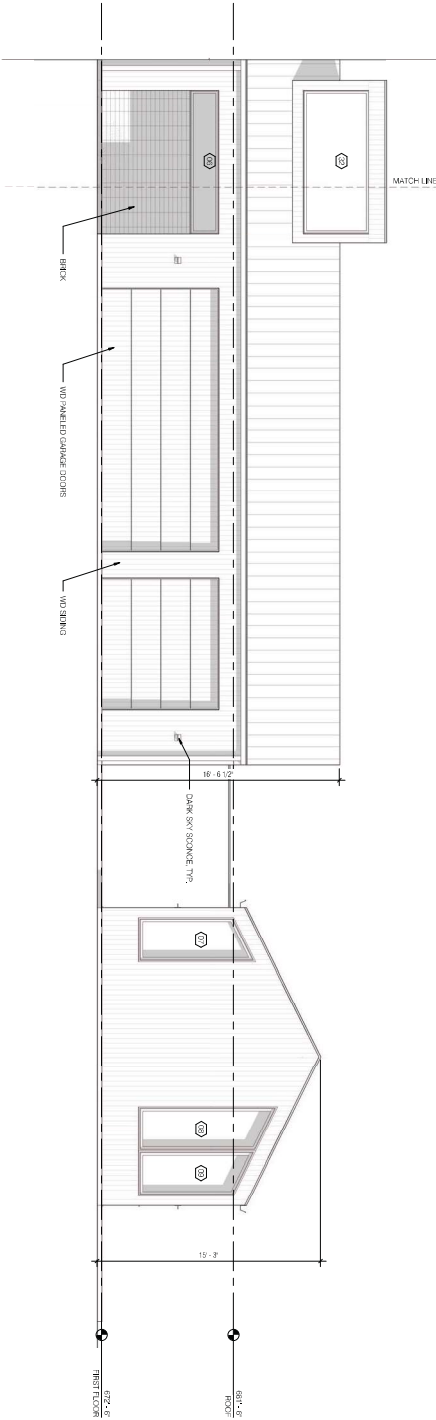


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1 SOUTH ELEVATION - MAIN HOUSE
1/4" = 1'-0"



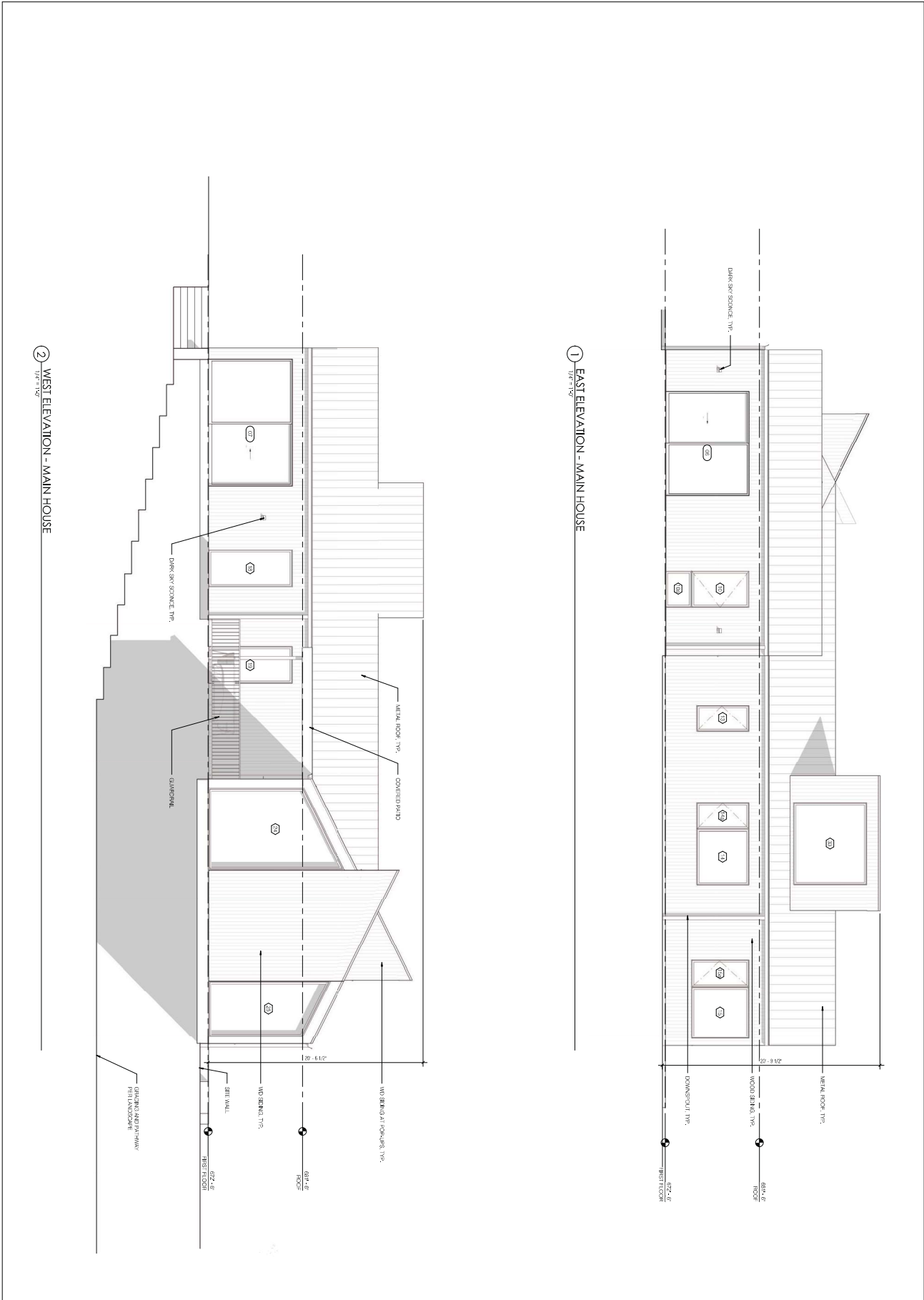
2 SOUTH ELEVATION - GARAGE
1/4" = 1'-0"

| SHEET NO | SHEET TITLE | PROJECT | REVISIONS |
|-----------------------|---------------------|--|-----------------|
| A3.1 | EXTERIOR ELEVATIONS | MOCKINGBIRD HIDEAWAY WEST SIDE/NW OLD GERMANTOWN ROAD, PORTLAND, OR | |
| PHASE LAND USE REVIEW | | JOB NO 24183 | DATE 09.04.2024 |



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② WEST ELEVATION - MAIN HOUSE
1/4" = 1'-0"

① EAST ELEVATION - MAIN HOUSE
1/4" = 1'-0"

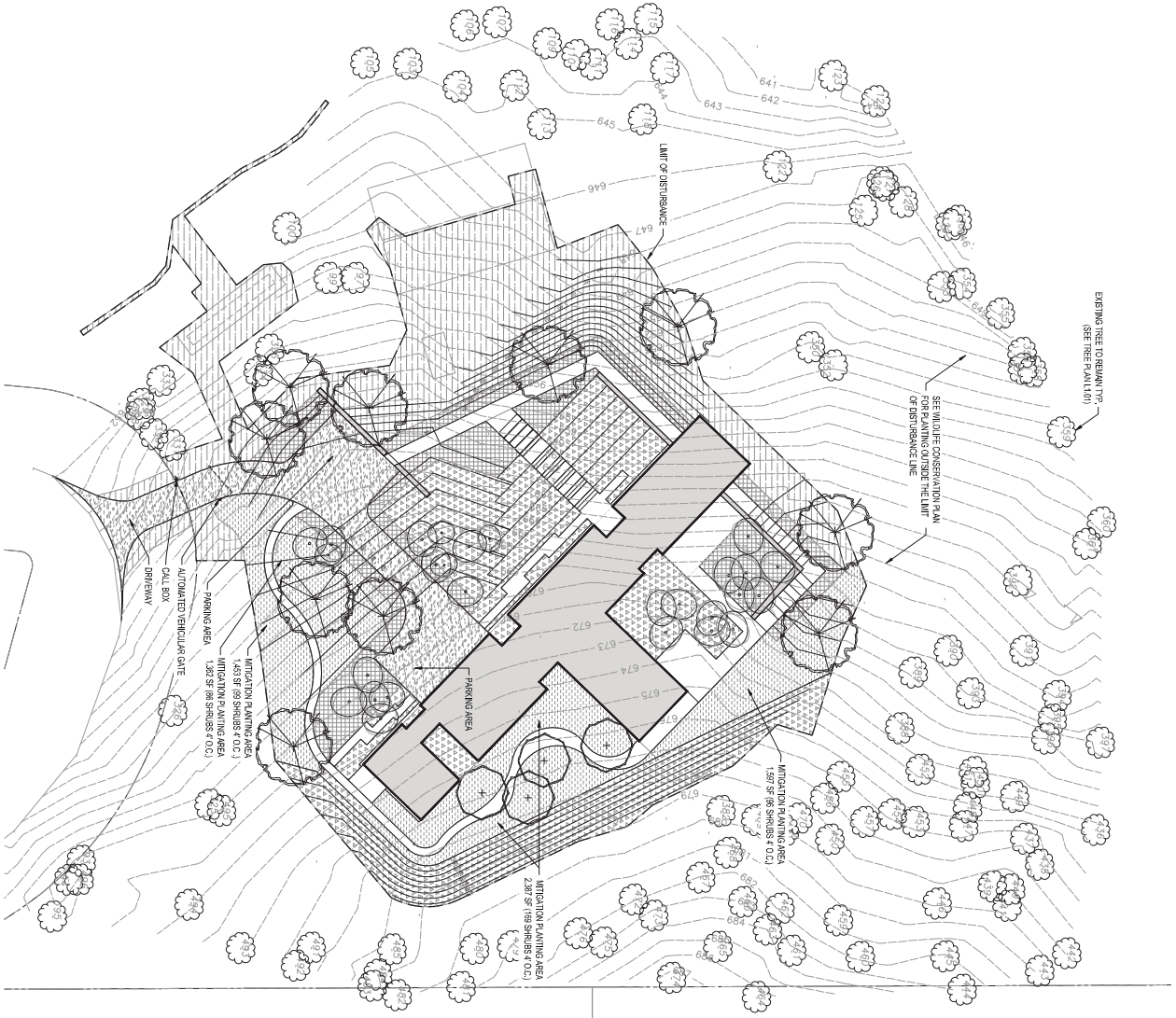
| SHEET NO | SHEET TITLE | PROJECT | REVISIONS |
|----------|-----------------------|--|-----------------|
| A3.3 | EXTERIOR ELEVATIONS | MOCKINGBIRD HIDEAWAY WEST SIDE/NW OLD GERMANTOWN ROAD, PORTLAND, OR | |
| | PHASE LAND USE REVIEW | JOB NO 24183 | DATE 09.04.2024 |



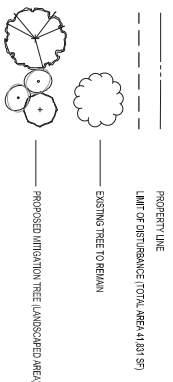
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NOT FOR CONSTRUCTION



LANDSCAPE LEGEND



MITIGATION PLANTING NOTES

- SEE WILDFE CONSERVATION PLAN FOR MITIGATION REQUIREMENTS AND PLANTING SPECIFICATIONS OUTSIDE THE LIMIT OF DISTURBANCE (LANDSCAPED AREA).
- TEMPORARY PROTECTION FENCE TO BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION PERIOD FOR A MINIMUM OF TWO YEARS.

PLANTING SCHEDULE

| MITIGATION TREES | SYML | BOTANICAL NAME / COMMON NAME | SIZE | SPACING | QTY. |
|--------------------------|------|------------------------------|------|---------|------|
| PROPOSED MITIGATION TREE | | | 120 | SHOW | 41 |
| DN | | WESTERN WHITE PINE | | NS | |
| PP | | CORNUS WUTTLII | | SHOW | |
| PP | | POPULUS TREMULOIDES | | NS | |
| PP | | QUERCUS ALBNA | | SHOW | |
| OG | | QUERCUS GARBRICKII | | NS | |
| OG | | QUERCUS WHITE OAK | | SHOW | |
| PP | | RHAMNUS FRAGRANS | | NS | |
| PP | | OSYRIS | | SHOW | |

| MITIGATION PLANTING AREAS | SYML | BOTANICAL NAME / COMMON NAME | SIZE | SPACING | QTY. |
|--------------------------------|------|------------------------------|-------|----------|--------|
| MITIGATION SEEDS PLANTING AREA | | | SEEDS | | 10,324 |
| GRASSLANDS AND PERENNIALS | | | | | |
| MITIGATION SHRUB PLANTING AREA | | | 1 GAL | 48" O.C. | 440 |
| AMERICAN ALMOND | | | | | |
| WESTERN SERVICE BERRY | | | | | |
| ASPERICORNUTUM | | | | | |
| VINE MAHLE | | | | | |
| HICOGONOS BINSOLAR | | | | | |
| OXYSPHRY | | | | | |
| WILLOW HERONS | | | | | |
| LEITCH'S LUTE OLEON GROUPE | | | | | |
| SEED PLANTING | | | | | |
| SYMPLOCAROS ALBIS | | | | | |
| SMOKEBERRY | | | | | |
| VACUINIUM OVATUM | | | | | |
| EVERGREEN HUCKLEBERRY | | | | | |

| NON-MITIGATION PLANTING AREAS | SYML | BOTANICAL NAME / COMMON NAME | SIZE | SPACING | QTY. |
|-----------------------------------|------|------------------------------|-------|---------|-------|
| NON-MITIGATION LANDSCAPED AREA | | | 120 | | 8,102 |
| NON-MITIGATION SEED PLANTING AREA | | | SEEDS | | 4,091 |
| NON-MITIGATION VEHICULAR GATE | | | | | 5 |



Exhibit A.10



MOCKINGBIRD HIDEAWAY

WEST SIDE / NW OLD GERMANTOWN ROAD,
 PORTLAND, OR
 DATE: 09/06/24

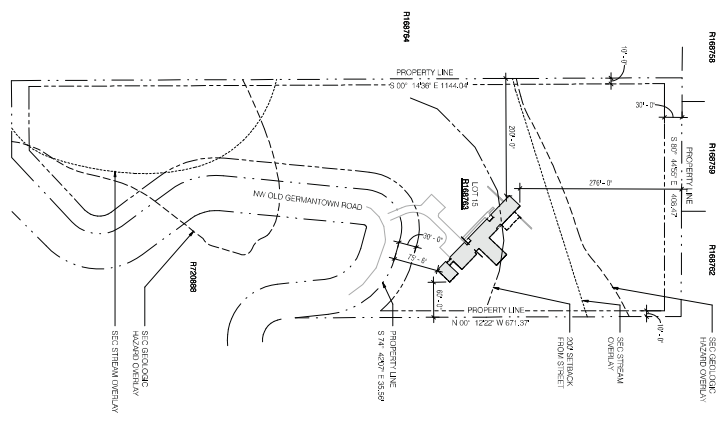
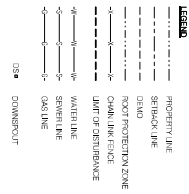
REVISIONS
 NUMBER / DESCRIPTION
 DATE

LANDSCAPE PLAN

L1.03

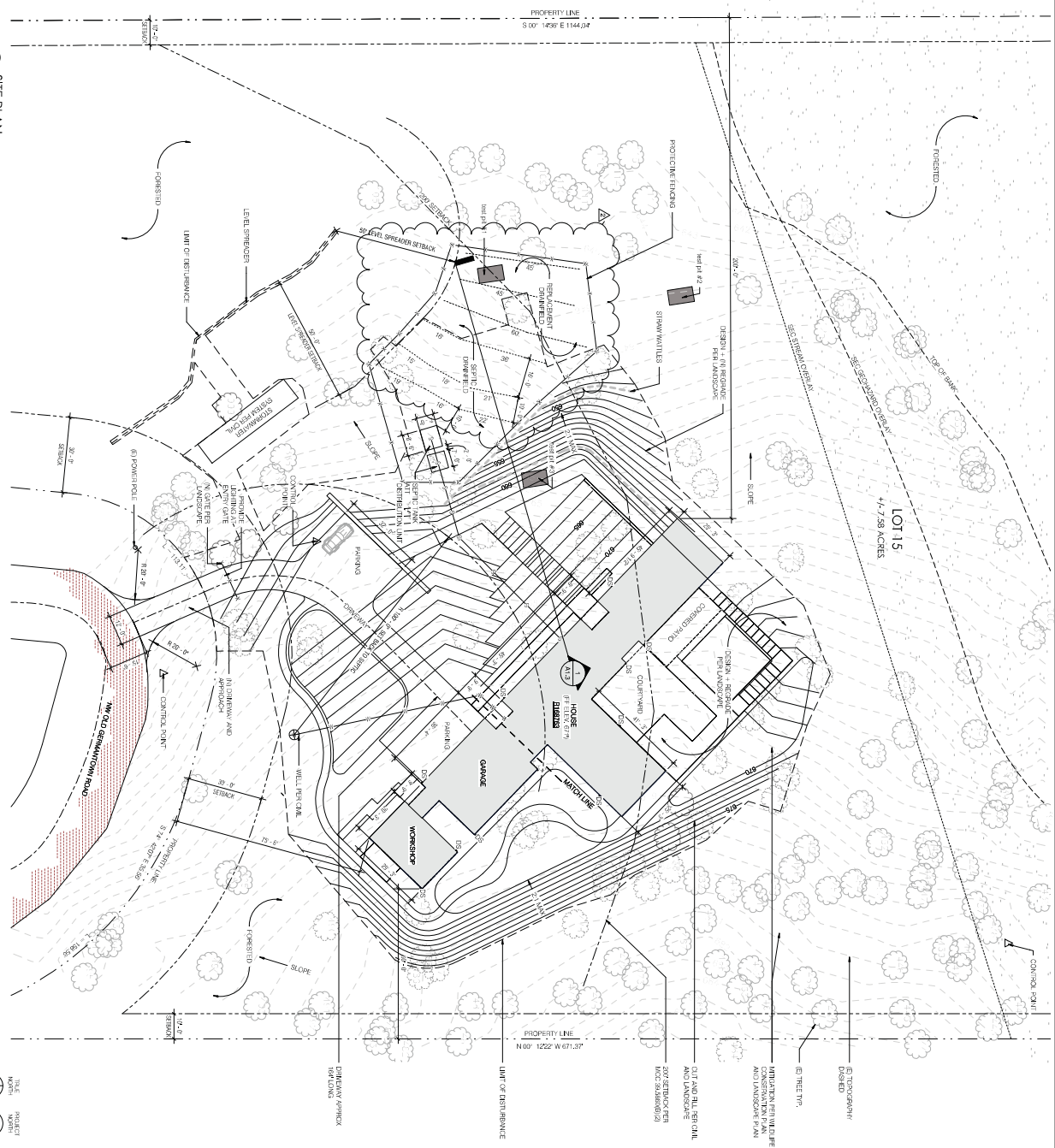
STATUS
 LAND USE REVIEW

- LEGEND**
- 1. GRADE
 - A. SITE PLAN



2 SITE PLAN KEY

1 SITE PLAN



| SHEET NO | SHEET TITLE | PROJECT | REVISIONS |
|----------|-------------|---|--|
| A1.1 | SITE PLAN | MOCKINGBIRD HIDEAWAY WEST SIDE/NW OLD GERMAN TOWN ROAD, PORTLAND, OR | 1 SEPRIC REVIEW 10.04.2024 2 SEPRIC REV 02 10.17.2024 |
| | PHASE DD | JOB NO 24183 | DATE 10.24.2024 |

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