

# NOTICE OF DECISION



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

## Application for Replat, Geologic Hazards (GH), and Significant Environmental Concern for Wildlife Habitat (SEC-h)

**Case File:** T2-2024-0085

**Applicant:** Sam Huck, 3J Consulting, Inc.

**Proposal:** Request for a Replat to consolidate the number of lots on Property #1 and #2 below. The applicant also requests Geologic Hazards (GH) and Significant Environmental Concern for Wildlife Habitat (SEC-h) permits to construct a new single-family dwelling, accessory structures, and private driveway on each property. Lastly, the applicant requests authorization to conduct development within the right-of-way of NW 8<sup>th</sup> Ave, NW Folkenberg St., NW 6<sup>th</sup> Ave, and NW Valley St.

**Location:** Within the right-of-way on NW Folkenberg St, NW 7<sup>th</sup> Ave., NW Valley St., and the following properties:

**Property #1:** No Situs Address along

**Property ID #** R164695

**Map, Tax lot:** 2N1W30B -00800

**Alt. Acct. #** R289605470

**Property #2:** No Situs Address along

**Property ID #** R164693

**Map, Tax lot:** 2N1W30B -00900

**Alt. Acct. #** R289605270

**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 Wednesday, December 10, 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=Department of  
Community Services,  
email=rithy.khut@multco.us, c=US

Rithy Khut, Senior Planner

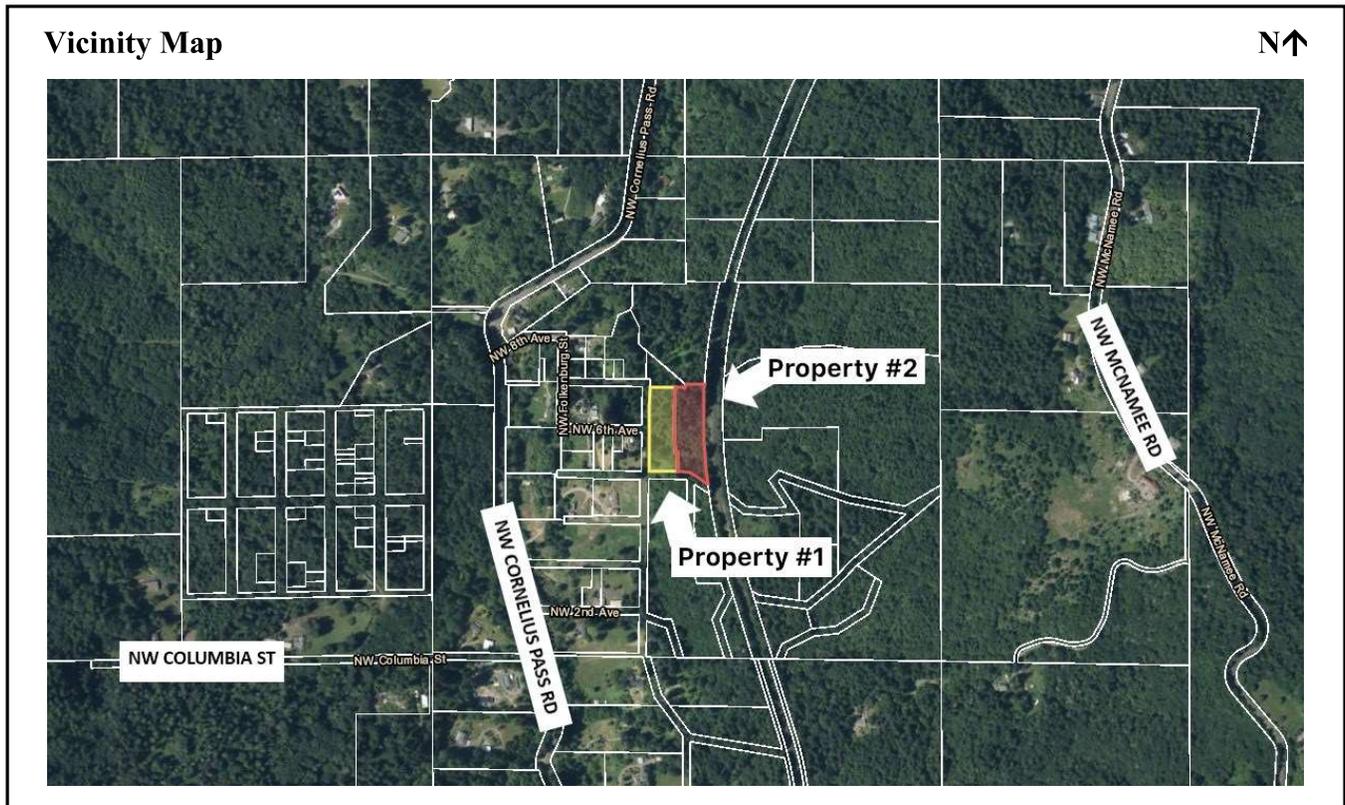
**For:** Megan Gibb,  
Planning Director

**Date:** Wednesday, November 26, 2025

Instrument Number for Recording  
Purposes: #2017-011893 and  
#2017-016634

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

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



**Applicable Approval Criteria:**

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

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

Rural Residential (RR): MCC 39.4360(A) Allowed Uses – Residential use consisting of a single family dwelling on a Lot of Record, MCC 39.4360(F) Allowed Uses – Accessory Structures, MCC 39.4360(J) – Allowed Uses – Transportation facilities and improvements that serve local needs..., MCC 39.4365(H) Review Uses –...Replatting of...Subdivision Plats..., MCC 39.4375(C), (D), (F)-(H) Dimensional Requirements and Development Standards, MCC 39.4395 Access

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

Significant Environmental Concern Overlays (SEC): MCC 39.5510 Uses; SEC Permit Required, MCC 39.5515 Exceptions, MCC 39.5580 Nuisance Plant List, MCC 39.5750 Criteria for Approval of SEC-s Permit - Streams, MCC 39.5860 Criteria for Approval of SEC-h Permit - Wildlife Habitat

Consolidation of Parcels and Lots: MCC 39.9200 Consolidation of Parcels and Lots

Land Divisions: MCC 39.9435 Contents of Category 3 Tentative Plan, MCC 39.9555 Easements, MCC 39.9570 Water System, MCC 39.9575 Sewage Disposal, MCC 39.9580 Surface Drainage and Storm Water Systems

Replats: MCC 39.9650 Replatting of Partition and Subdivision Plats

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 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](mailto:LUP-submittals@multco.us) with the case no. T2-2024-0085 referenced in the subject line.
  - b. Within **four (4) years** of the date of commencement of construction when the structure has not been completed. [MCC 39.1185(B)]
    - i. For the purposes of 1.b, completion of the structure shall mean completion of the exterior surface(s) of the single-family dwelling and compliance with all conditions of approval in the land use approval.
    - ii. For purposes of 1.b, the property owner shall provide building permit status in support of completion of exterior surfaces of the structure and demonstrate compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to [LUP-submittals@multco.us](mailto:LUP-submittals@multco.us) with the case no. T2-2024-0085 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. No lot shall be sold, transferred, or assigned until the replat has been approved by the Planning Director and County Surveyor and recorded with the public office responsible for public records. [MCC 39.9620(C)]
4. **Prior to submitting the replat for Land Division Final Review, submitting Building Plans for Zoning Review, and/or Conditions of Approval Verification**, the property owners 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. [MCC 39.1170(A) & (B)]
  - b. Record pages 1 through 10 and Exhibit A.45 of this Notice of Decision with the County Recorder for each property. 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 on each property 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. Prepare new floor plans and building plans demonstrating:
    - i. Each proposed dwelling is a single-family dwelling. Each dwelling shall show one dwelling unit as defined in MCC 39.2000. Only single-family dwelling shall be shown on each lot. [MCC 39.4360(A)]
    - ii. Each proposed dwelling has a height of less than 35 feet [MCC 39.4375(C)]
  - e. Prepare a new Erosion Control Plan addressing redlines as shown in Exhibit B.7. A timeline of phases of work shall be provided. The required Erosion Control Plan shall comply with MCC 39.5090. [MCC 39.5085(A) & (C) and MCC 39.5090(E), (G)-(J), and (R)]
  - f. Provide Retain a surveyor to complete the instructions as described in "Finishing a Land Division" handout (Exhibit B.8) and submit to the County Surveyor a plat in accordance with the requirements of Oregon Revised Statutes (ORS), Chapters 92. [MCC 39.9605]
  - g. Have the surveyor ensure that all parcels created are surveyed, monumented and platted, regardless of parcel area. [MCC 39.9605(B)]

**Note:** The County Surveyor has a separate process and fee for their review. The County Recorder also has rules and a fee for recording documents. State law requires that property taxes be paid before a plat can be recorded.

**5. When submitting the plat for Land Division Final Review**, the property owner or their representatives shall:

- a. Submit a blue-line copy of the plat and pay the required fee conforming to all applicable requirements as established by the Oregon Revised Statutes (ORS) Chapters 92 and 209. The Planning Director will determine whether the plat conforms to this decision and the conditions of approval contained herein. When the Planning Director determines the plat complies with this decision and applicable conditions, notification of zoning compliance will be provided to the Multnomah County Surveyor. If the Planning Director determines that there is not such conformity, the applicant shall be so advised and afforded an opportunity to make corrections. When the plat is found to be in conformity and the County Surveyor finishes their plat check, it shall be signed and dated by the Planning Director. [MCC 39.9605 and MCC 39.9620]
  - i. The partition plat shall show:
    1. A total of two (2) lots as shown in Exhibit A.45. Each lot shall be consistent with the proposed preliminary plan diagram in size and shape. [MCC 39.9605]
    2. A five (5) foot wide utility easement along the front property line abutting a street for the lots. [MCC 39.9555(A)]
    3. A stormwater easement for drainageway, channel, or stream. The stormwater easement shall be adequate to conform substantially with the lines of the water course unless evidence is provided that no drainageway, channel, or stream exists on the property or the County Engineer does not require the easement. [MCC 39.9555(B)]
  - ii. The partition plat shows the following, if applicable:
    1. Corners of adjoining subdivisions or partitions.
    2. The location, width, and centerline of streets and easements abutting the boundaries of the land division.
    3. Any plat that includes land in areas of Special Flood Hazard or includes a water body or watercourse, as those features are described in MCC 39.2000, shall contain a plat note indicating that portions of the plat are subject to flooding and/or high water.
    4. The ownership of each private street shall be shown.
    5. Other certifications required by law. [MCC 39.9610]
- b. Provide, if needed, a copy of any deed restrictions applicable to the partition; a copy of any dedication requiring separate documents; a copy of the future street plan, when required, as recorded according to MCC 39.9465(A); and a map, prepared by an Oregon licensed surveyor, of the partition plat that depicts the normal flood plain or high water line for any water body or watercourse and the extent of areas of Special Flood Hazard as defined in MCC 39.5005. [MCC 39.9615]

**6. When submitting Building Plans for Zoning Review and Conditions of Approval Verification**, the property owner(s) or their representatives shall:

- a. Provide a Letter of Acknowledgement, recorded Notice of Decision, and covenant as required in Condition 3.a through 3.e. [MCC 39.1170(A) & (B)]

- b. Provide documentation that Multnomah County Transportation Division have signed-off that all right-of-way and access standards have been, or can be, met. Any proposed changes to the right-of-way or connecting to the local access road shall be shown prior to submitting building plans for Zoning Plan Review. [MCC 39.4360(J)]
- c. Provide a Water Service Certification demonstrating that a water system can be provided on each lot. [MCC 39.4375(F)]
- d. Submit a final Lighting Plan including cut sheets and specifications showing the location and details for all exterior lighting on each single-family dwelling and supporting the subject property. [MCC 39.4375(H) and MCC 39.6850]
  - i. All exterior lighting shall be a fixture type that is fully shielded with opaque materials and directed downwards.
  - ii. “Fully shielded” means no light is emitted above the horizontal plane located at the lowest point of the fixture’s shielding.
  - iii. Shielding must be permanently attached.

**Note:** Land Use Planning must sign off on the building plans before you can go to the Building Department.

- 7. **Prior to beginning ground disturbing activities**, the property owner(s) or their representatives shall:
  - a. Install erosion control measures consistent with the approved erosion control plan required by Condition 4.e. Flag, fence, or otherwise mark the project area as described and shown in Exhibit A.21 as modified by Exhibit B.7 as required by Condition 4.e. above. These measures shall remain in place and in good working order to reduce potential damage to wildlife habitat outside of the work area. The work area shall remain marked through all phases of development until construction is complete. [MCC 39.5085(A); MCC 39.5090(G), (H), (K), (L)-(O), and (R); and MCC 39.5860(C)(3)]
  - b. Schedule an Erosion and Sediment Control (ESC) inspection. A link to self-schedule an ESC inspection will be sent to you via email following the completion of your Zoning Plan Review. The County’s inspector will visit the project site to verify that Best Management Practices are occurring. [MCC 39.6210(F)(2) and MCC 39.6225(B)]
  - c. Post the Erosion Control Permit Notice Card. The permit notice card shall be posted at the driveway entrance in a clearly visible location and remain posted until the ground disturbing activity is complete. If the notice card is lost, destroyed, or otherwise removed prior to completion of the grading work, the applicant shall immediately contact [LUP-submittals@multco.us](mailto:LUP-submittals@multco.us) to obtain a replacement immediately. [MCC 39.6210(F)(2) and MCC 39.6225(B)]
- 8. The property owner(s) or their representatives shall comply with the following limitations on the development and ground disturbing activities:
  - a. A maximum of 48,570 square feet (1.12 acres) of total ground disturbance area is to be disturbed as described and shown in Exhibit A.45 as modified by Exhibit B.7 as required by Condition 4.e. above. [MCC 39.5085(B) and MCC 39.5085(C)]
  - b. A maximum 1,965 cubic yards of earth material may be excavated as described and shown in Exhibit A.21 as modified by Exhibit B.7 as required by Condition 4.e. above. [MCC 39.5085(B), MCC 39.5085(C), and MCC 39.5090(A)]

- i. Any excess excavated soil not used as fill within the ground disturbance area and any trapped sedimentation shall be removed from the subject property and taken to a location approved for the disposal of such material by applicable Federal, State, and local authorities. [MCC 39.1170(A), MCC 39.5085(C), MCC 39.5090(B), MCC 39.5090(R), MCC 39.5090(S)]
  - c. A maximum 2,285 cubic yards of earth material may be used as fill as described and shown in Exhibit A.45 as modified by Exhibit B.7 as required by Condition 4.e. [MCC 39.5085(B), MCC 39.5085(C), and MCC 39.5090(A)]
    - i. For purposes of 8.c., 320 cubic yards of fill may be brought from off-site. [MCC 39.5085(B), MCC 39.5085(C), and MCC 39.5090(A)]
    - ii. All structural fill and any other fill used in this project will be composed of earth materials as defined in MCC 39.2000. [MCC 39.5090(B)]
    - iii. Placement of spoil materials is not permitted within 100 feet from the tributary of McCarthy Creek. [MCC 39.5090(E) and MCC 39.5090(S)]
    - iv. The total daily number of fill haul truck trips will be limited to 10 total trips (5 to the site and 5 from the site). [MCC 39.5090(W)]
    - v. Fill trucks shall be constructed, loaded, covered, or otherwise managed to prevent any of their load from dropping, sifting, leaking, or otherwise escaping from the vehicle. No fill shall be tracked or discharged in any manner onto any public right-of-way. [MCC 39.5090(X)]
    - vi. No compensation, monetary or otherwise, shall be received by the property owner(s) or their representative(s) for the receipt or placement of fill. [MCC 39.5090(X)]
  - d. All ground disturbing activity shall be limited to the period between May 1st and September 15th of any year. Permanent soil stabilization measures must be in place by October 15. [MCC 39.5090(H) and MCC 39.5090(K)]
  - e. The County may require the described erosion control techniques be supplemented if turbidity or other down slope erosion impacts results from on-site grading work. The local Soil and Water Conservation District or the U.S. Soil Conservation Service can also advise or recommend measures to respond to unanticipated erosion effects. [MCC 39.5090 and MCC 39.6210(F)(2)]

**9. Prior to and during construction, the property owner(s) or their representatives shall:**

- a. Follow all recommendations contained within the Geotechnical Report as discussed in Exhibit A.34 through A.36, unless altered or modified by Mia C. Mahedy, P.E., G.E., or someone who is an Oregon certified engineering geologist or geotechnical engineer. [MCC 39.5085(B), MCC 39.5085(C), and MCC 39.5090]
- b. Maintain the erosion control measures consistent with the approved Erosion Control Plan described and shown in Exhibit A.45 as modified by Exhibit B.7 as required by Condition 4.e. through all phases of development. Erosion control measures are to include the installation of sediment fences/barriers at the toe of all disturbed areas and re-establishment of ground cover after construction. Straw mulch, erosion blankets, or 6-mil plastic sheeting shall be used as a wet weather measure to provide erosion protection for exposed soils. All erosion control measures are to be implemented as prescribed in the current edition of the City of Portland's Erosion Control Manual. [MCC 39.5085(A) and MCC 39.5090(G), (H), (K), (L)-(O), and (R)]

- c. Flag, fence, or otherwise mark all work areas to reduce potential damage to habitat outside of the work area. The work area shall remain marked through all phases of development [MCC 39.5860(C)(3)]
- d. Use temporary vegetation and/or mulching to protect exposed critical areas during all phases of development. [MCC 39.5090(J)]
- e. Remove any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems. If any feature on, in, under, or around a water body, floodplain, or right-of-way is disturbed, the property owners or their representatives shall be responsible for returning such feature to their original condition or a condition of equal or better quality. [MCC 39.6210(E)(1) & (2) and MCC 39.5090]
- f. Trap any sediment in runoff water using debris basins, silt traps, or other measures until the disturbed area is stabilized. [MCC 39.5090(R)]
- g. Maintain stockpiled topsoil covered with plastic, mulch, or other sediment reduction measures. Disposal of excess materials shall be within the boundaries of the disturbed areas or the materials shall be taken off site to a location approved for the disposal of such material by applicable Federal, State, and local authorities. [MCC 39.5090(S)]
- h. Prevent non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters from leaving the construction site through proper handling, disposal, continuous site monitoring, and clean-up activities. On-site disposal of non-erosion pollution including construction debris, hazardous or toxic materials, synthetics (i.e. tires), petroleum-based materials, or other solid wastes that may cause adverse leachates or other off-site water quality effects is prohibited. Any non-erosion pollution or spoil materials shall be removed from the site and disposed at an off-site location approved for the disposal of such material by applicable Federal, State, and local authorities. [MCC 39.5090(T)]
- i. Seed with native grasses and/or mulch all disturbed soils to prevent erosion and sedimentation from entering a tributary of McCarthy Creek, exiting the site, entering the public right-of-way, or depositing into any storm drainage system. Seeding and mulching are required within five (5) days of finishing ground disturbance associated with each phase as described and shown in Exhibit A.45 as modified by Exhibit B.7 as required by Condition 4.e. (example: excavation of foundation, excavation of septic tank and drainfield, excavation of soakage trench, etc.). Monitor daily to ensure vegetation is sprouting and that no erosion or sedimentation is occurring. Monitoring may cease when vegetation on the disturbed soils have stabilized the areas. [MCC 39.5090(J) and MCC 39.5090(L)]
- j. Follow the following schedule, if construction activities cease:
  - i. Should construction activities cease for fifteen (15) days or more on any significant portion of a construction site, temporary stabilization is required for that portion of the site with straw, compost, or other covering that will prevent soil or wind erosion until work resumes on that portion of the site.
  - ii. Should all construction activities cease for thirty (30) days or more, the entire site must be temporarily stabilized using vegetation or a heavy mulch layer, temporary seeding, or other method.
- k. Not use trees as anchors for stabilizing construction equipment. [MCC 39.5860(C)(3)]

- l. Install the exterior lighting in compliance with Condition 6.d and the Dark Sky Lighting requirements of MCC 39.6850. [MCC 39.4375(H) and MCC 39.6850]
  - m. Construct the storm water drainage control system described in Exhibit A.38 and shown in Exhibit A.45. [MCC 39.4375(F) and MCC 39.5090(P)]
  - n. Remove, if found, and keep removed from cleared areas nuisance plants listed in Table 1. [MCC 39.5860(C)(3)]
10. **At the conclusion of ground disturbing activities**, the property owner(s) or their representative shall gravel, seed with native grasses, or install permanent vegetation for all disturbed with exposed ground areas within five (5) days of the date the conclusion construction. [MCC 39.5085(C) and MCC 39.5090(H), (J), (L)-(O), and (R)]
- a. Upon completion of the installation of permanent vegetation, seeding with native grasses, and/or gravel, photographs sent to [LUP-submittals@multco.us](mailto:LUP-submittals@multco.us) to demonstrate that ground disturbing activities have been completed and the site is being revegetated. In your email, reference the case no. #T2-2024-0085 in the subject line. [MCC 39.5090 and MCC 39.6210(F)(2)]
11. **As an on-going condition**, the property owner(s) shall:
- a. Maintain the stormwater drainage control system for the life of the dwelling in compliance with Exhibit A.38. [MCC 39.4375(F)]
  - b. Exterior lighting associated with a proposed development shall be contained within the boundaries of the Lot of Record on which it is located. [MCC 39.4375(H) and MCC 39.6850]
  - c. Maintain the cleared areas of each 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)(3)]

**Note:** Land Use Planning must sign off on the replat and building plans before you can go to the Building Department. When ready to submit your Replat and 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 the replat for Land Division Final Review, submitting Building Plans for Zoning Review, and/or Conditions of Approval Verification...” Be ready to demonstrate compliance with the conditions.
- 2. You will need to provide a copy of your Transportation Planning Review (TPR) sign-off with your building plans. If you have not yet received sign-off, visit the following webpage for instructions on how to request a review of your plans: <https://www.multco.us/planreview>. Failure to obtain TPR sign-off of your plans will result in delaying your zoning review.
- 3. Contact the City of Portland, Bureau of Development Services, On-site Sanitation at 503-823-6892 or e-mail [septic@portlandoregon.gov](mailto:septic@portlandoregon.gov) for information on completing the Septic Permit or Evaluation process for the proposed development. All existing and/or proposed septic system components (including septic tank and drainfield) must be accurately shown on the site plan.

4. Visit <https://www.multco.us/landuse/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 is requesting a Replat to consolidate the number of lots on the properties identified as 2N1W30B -00800 (“Property #1”) and 2N1W30B -00900 (“Property #2”). The applicant also requests Geologic Hazards (GH) and Significant Environmental Concern for Wildlife Habitat (SEC-h) permits to construct a new single-family dwelling, accessory structures, and private driveway on each of the properties. Property #2 will take access from Property #1 through an access easement. Lastly, the applicant proposes development within the right-of-way (ROW) of NW 8th Ave, NW Folkenberg St., NW 6th Ave, and NW Valley St.

### 2.0 Property Description & History:

**Staff:** This application is for the within the right-of-way on NW 8<sup>th</sup> Avenue, NW Folkenberg St, NW 7th Ave., and NW Valley St. in addition to the following properties identified as 2N1W30B -00800 (“Property #1”) and 2N1W30B -00900 (“Property #2”).

Property #1 is located on the eastside of NW Valley St. and on the northside of NE 5<sup>th</sup> Ave. Property #2 is located between NW 5<sup>th</sup> Ave. and NW 8<sup>th</sup> Ave. The subject properties are in unincorporated west Multnomah County, outside of Metro’s Urban Growth Boundary (UGB). The area within the right-of-way and the subject properties are all zoned Rural Residential (RR). There are multiple overlays that cover the project area. The Significant Environmental Concern for Wildlife Habitat (SEC-h) covers the entirety of the right-of-way and subject properties. The Significant Environmental Concern for Streams (SEC-s) overlay exists over NW 8<sup>th</sup>, NW Folkenberg St., and portion of NW 6<sup>th</sup> Ave. The Geologic Hazards (GH) overlay is over both properties and a portion of NW Valley St.

The subject properties are vacant according to the County Assessor. Aerial photos from 2025 show the properties are vacant and forested (Exhibit B.4). These are the previous land use/building permits associated with the property.

Permit No.	Date	Description
T2-2020-12980	08/21/2020	Time Extension to land use case no. T2-20216-6543
T2-2016-6543	04/25/2018	Replat, Hillside Development and Erosion Control (HD), Significant Environmental Concern for Wildlife Habitat (SEC-h), and Road Rules Variance

### 3.0 Public Comment:

**Staff:** Staff mailed a notice of application and invitation to comment on the proposed application to the required parties pursuant to MCC 39.1105 (Exhibit C.5). Staff did receive public comments during the 14-day comment period.

#### 3.1 Letter from Dennis W. Schultz and Marian T. Doll, neighbor at 15004 NW Cornelius Pass Rd. (Exhibit D.1)

**Staff:** Dennis W. Schultz and Marian T. Doll submitted a letter on July 18, 2025. The letter highlighted concerns relating to well water, existing traffic conditions, and environmental concerns.

**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.**

\* \* \*

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

\* \* \*

**Staff:** The subject properties were found to be a Lot of Record in land use case no. T2-2016-6543 based on the condition that the replat will consolidate those portions of lots 7 through 9 into Lot 1 through 3 for Property #1 and the other portions lots 7 through 9 into Lot 4 through 6 for Property #2. Once the replat is completed, the two properties will each be a separate Lot of Record. *As conditioned, criteria met.*

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

**6.1 § 39.4360 ALLOWED USES.**

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

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

**Staff:** The applicant is requesting a new single-family dwelling each of the vacant properties. As discussed in Section 5.0, each of the properties will become a Lot of Record upon recording of the replat. The applicant did not provide a floor plan of the proposed single-family dwelling (Exhibit A.21 and A.45). As required above only one single-family family dwelling is permitted on each Lot of Record in this zone; therefore, conditions will be required that a floor plan be provided showing the one single-family dwelling on each of the consolidated lots. Each single-family dwelling shall also show only one dwelling unit in each of the proposed dwellings.

Lastly, the development is also located within the Geologic Hazards (GH) and Significant Environmental Concern for Wildlife Habitat (SEC-h) overlays. The GH permit requirements are discussed in Section 7.0 and the SEC-h requirements are discussed in Section 8.0. *As conditioned, criterion met.*

**6.1.2 (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:**

\* \* \*

**(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:**

\* \* \*

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

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

\* \* \*

**Staff:** The applicant is requesting new accessory structures associated with each single-family dwelling. Each property includes a septic system (tank, pipes, and drainfield) and a stormwater drainage control system (Exhibit A.45). Property 2 also has well. Although none of the structures are listed in the list in MCC 39.4360(F)(1), the structures can be considered as similar structures to the listed structures as they can be customarily found and incidental to the primary use of the property, which is a single-family dwelling.

As designed, none of the accessory structures are 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. The accessory structures do not contain a sink or any of the features in subsection (4).

As the accessory structures are not buildings compliance with MCC 39.8860 and the combined footprints do not factor into the 2,500 square feet threshold for an Accessory Use Determination. *Criterion met.*

\* \* \*

**6.1.3 (J) Transportation facilities and improvements that serve local needs or are part of the adopted Multnomah County Functional Classification of Trafficways plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.**

**Staff:** The applicant is requesting a separate Road Rule Variance under land use case no. RRV-2024-0005 that is being reviewed concurrently to this application request. The Road Rules Variance relates to development that will occur within the right-of-way of NW 8th Ave, NW Folkenberg St., NW 6th Ave, and NW Valley St. The development seeks to improve the local needs of the transportation facilities within the right-of-way.

As the development is proposed in the County’s right-of-way, conditions will be required to ensure that Multnomah County Transportation Division has reviewed and authorized the work within their right-of-way prior to construction of the improvements to the transportation facilities to each of the dwellings. The conditions require the applicant to provide a Right-of-Way: Construction permit and a Right-of-Way: General (driveway) permit at the time of submitting Building Plans for Zoning Plan Review.

Lastly, the development is also located within the Geologic Hazards (GH), Significant Environmental Concern for Streams (SEC-s), and Significant Environmental Concern for Wildlife Habitat (SEC-h) overlays. The GH permit requirements are discussed in Section 7.0. The SEC-s and SEC-h requirements are discussed in Section 8.0. *As conditioned, criterion met.*

**6.2 § 39.4365 REVIEW USES.**

**The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:**

**(H) Consolidation of Parcels and Lots pursuant to MCC 39.9200 and Replatting of Partition and Subdivision Plats pursuant to MCC 39.9650.**

**Staff:** The applicant is requesting the replatting of a subdivision plat. The subject properties were originally platted on June 16, 1911 as Lot 1 through 9 of Block 19 of Folkenberg Subdivision (Exhibit A.6 and A.30) The applicant will replat the lots in Block 19 to match the configuration shown in the Assessor’s Map, so that a portion of Lots 7 through 9 and Lot 1 through 3 will be one Lot and the other portions Lots 7 through 9 and Lots 4 through 6 will become another Lot. The Replat requirements are discussed in Section 9.0 and 10.0.

**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.**

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

**(a) The Yard being modified is not contiguous to a road.**

**(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and**

**(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.**

**(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.**

**(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 properties are NW 5th Ave and NW Valley St. The roads are each classified as a rural local road. A local rural collector requires a ROW width of 50 feet. NW 5th Ave and NW Valley St. are 40 feet in width, which is insufficient. Five feet of additional right-of way width will be needed; therefore, the yard will need to be increased to 35 feet (Exhibit B.2).

Each of the single-family dwellings are subject to the yard dimensions whereas the accessory structures do not as they are low to the ground or underground. The site plan also shows a 25-foot ROW to account for the insufficient ROW (Exhibit A.45).

For Property #1, the front lot line is along NW 5th Ave, the rear lot line is the opposite north property line, the street side lot line is along Valley St. and the east property line is the side lot line. Based on the 25-foot ROW, the dwelling is located 30 feet from NW 5th Ave. and meets or exceeds all other yard requirements.

For Property #2, the front lot line is along NW 5th Ave, the rear lot line is the opposite north property line, the side lot line are all other lines. Based on the 25-foot ROW, the dwelling is located 30 feet from NW 5th Ave., and meets or exceeds all other yard requirements.

Lastly, the applicant has not provided plans showing the building elevations for each of the dwellings; therefore, a condition will be required that at the time of Zoning Plan Review plans be provided showing the height of each dwelling is 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 and Stormwater Drainage Control Certificate. The on-site sewage disposal was reviewed Lindsey Reschke, Multnomah County Sanitarian. The Sanitarian stated, "Site Evaluation Report application #419232 by DEQ and LFS 29-92 by City of Portland approved property for septic" (Exhibit A.39 and A.40). The storm water/drainage control was reviewed and certified by Kathleen Freeman, PE. The Certificate recommends, "Construction of an onsite storm water drainage control system" (Exhibit A.38). The report recommends use of, "soakage trenches and previous pavement driveways. These systems 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, no Water Service Certification was provided indicating that water systems are available on the lot; therefore, a condition will be required that a Water Service Certification be provided when submitting building plans for Zoning Plan Review. *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 each of the subject properties. The properties are not adjacent to EFU zoned land; therefore, a condition will be required to minimize impacts to existing farm uses on adjacent land as required above. *As conditioned, criterion met.*

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

**Staff:** The applicant has not included a lighting plan and samples/technical specifications for the exterior lighting; therefore, a condition will be required that when submitting building plans for Zoning Plan Review the proposed lighting plan be finalized demonstrating compliance with the above and MCC 39.6850. *As conditioned, criterion met.*

#### **6.4 § 39.4395 ACCESS.**

**All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3090(B).**

**Staff:** As the applicant is requesting a Replat, the reconfigured lot will be not pre-existing. Upon recording of the replat, the newly configured lots will both abut a public street, NW 5th Ave.  
*Criterion met.*

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

**7.1 § 39.5075 PERMIT REQUIRED.**

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

**Staff:** The applicant is proposing ground disturbing activity associated with improvements to the transportation facilities within the right-of-way, in addition to construction of a new single-family dwelling, accessory structures, and private driveway on each of the subject properties. The development that will require ground disturbance on land identified on the Geologic Hazards (GH) overlay map are the construction of a new single-family dwelling, accessory structures, and private driveway on each of the subject properties. The improvements to the right-of-way are not located in the GH overlay map and qualify for exempt under MCC 39.5080(O). For the portions of the proposed development in the GH overlay, the applicant is required to obtain a GH permit, which is discussed below.

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

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

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

\* \* \*

**(B) Calculations of the total area of proposed ground disturbance (square feet), volume of proposed cut (cubic yards) and fill (cubic yards), total volume of fill that has been deposited on the site over the 20-year period preceding the date of application, and existing and proposed slopes in areas to be disturbed (percent slope). Such calculations are not required for fill physically supporting and/or protecting a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code. For purposes of this subsection, the term “site” shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area.**

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

\* \* \*

**Staff:** The applicant has provided all the required application information. The applicant's site plans include a topographic map of the site and surrounding properties including stream/drainage courses and an aerial photo showing the general location of trees and cleared areas on the properties (Exhibit A.42 and A.45). The plans show the location of the proposed buildings, structures, and private driveway. A GHP Form-1 and Report was provided that was prepared and certified by Mia C. Mahedy, P.E., G.E. and a Report (Exhibit A.34 through A.36). A Septic Review Certification and Stormwater Drainage Control Certificate were also provided (Exhibit A.38 through A.40).

In reviewing the development, Mia C. Mahedy, "certifies that the site is suitable for the proposed development" (Exhibit A.34). The plans and report document the proposed ground disturbance (square feet), volume of proposed cut (cubic yards) and fill (cubic yards), total volume of fill; however, the calculations do not match. The larger calculations from the plans outline that 48,570 square feet (1.12 acres) of ground disturbance will be required for the dwelling, accessory structures, and private driveway on both properties. The development will require 1,965 cubic yards of excavation and 2,285 cubic yards of fill. The fill will be comprised of 320 cubic yards that will potentially be imported from off-site (Exhibit A.45). *Application requirements met.*

### 7.3 § 39.5090 GEOLOGIC HAZARDS PERMIT STANDARDS.

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

**Staff:** As required by MCC 39.6210(C), the ground disturbance associated with the dwelling, accessory structures, and private driveway is reviewed as an Allowed Use under MCC 39.4360(A) and (F). The ground disturbing activities are in support of a lawfully established use. As required by MCC 39.6210(D), the applicant provided a GHP Form-1 and Report was provided that was prepared and certified by Mia C. Mahedy, P.E., G.E. and a Report (Exhibit A.34 through A.36). A condition of approval requires the property owner to comply with MCC 39.6210(E). *As conditioned, criteria met.*

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

**Staff:** Based on the application materials in the case record and aerial photo review of the past 20-year period, it does not appear that fill has been deposited on the subject properties. For this application, the applicant anticipates that 320 cubic yards will potentially be imported from off-site (Exhibit A.45). *Criterion met.*

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

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

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

**Staff:** The proposed plans and Geotechnical Report indicate that there will be slopes greater than 33 percent to construct a full basement for each of the single-family dwellings. The Report has reviewed the proposal and certified that, “the proposed development will not significantly increase slope instability on or adjacent to the project site” (Exhibit A.34 and A.36). *Criterion met.*

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

**Staff:** The proposed plans and Geotechnical Report indicate that there will not be unsupported slopes greater than 1 foot in height and less than or equal to 4 feet in height; therefore, this criterion is not applicable. *Criterion not applicable.*

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

**Staff:** The plans and reports document one waterbody, an intermittent seasonal creek. Oregon Department of State Lands identifies the creek as a perennial/ephemeral stream that has a riverine wetland type. The creek traverses the middle of the properties. A condition will be required that ground disturbance be located more than 100 feet from the water body and appropriate flagging indicating the limits of disturbance be depicted as shown in Exhibit B.7. *As conditioned, criterion met.*

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

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

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

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

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

**Staff:** The proposed plans and Geotechnical Report only partially lay out the way site preparation will occur to minimize soil erosion, stabilize the soil, and expose the smallest practical area at any one-time during construction. The Plan assumes that grading will be done during dry weather to minimize soil erosion (Exhibit A.45). The timeline of work is not specific. Sediment fencing and biobags/silt sacks are to be placed downslope of areas of ground disturbance. Additional conditions will need to be added as shown in the redline corrections in Exhibit B.7. A specific timeline of the phases of work shall also be provided prior to submitting Building Plans for Zoning Review. *As conditioned, criterion met.*

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

**Staff:** The plans and Geotechnical Report indicate that excavation will occur to establish the private driveway and prepare the development area for each dwelling (Exhibit A.45). However, the development plans are insufficient to ensure that the least erosion potential and adequately accommodate the volume/velocity of surface runoff. Conditions will be required that the applicant provide a timeline of phases of work, ground disturbance be done during extended periods of dry weather, and revised erosion control plan be submitted to address redlines shown in Exhibit B.7. *As conditioned, criterion met.*

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

**Staff:** The proposed plans indicate that temporary seeding and mulch will be used (Exhibit A.45). A condition will be required that temporary vegetation, mulching, straw, compost, or other covering shall be placed within five (5) days of the conclusion of each phase of work. Should construction activities cease for fifteen (15) days or more on any significant portion of a construction site, temporary stabilization is required for that portion of the site that will prevent soil or wind erosion until work resumes on that portion of the site. Should construction activities cease for thirty (30) days or more, the entire site must be temporarily stabilized using vegetation or a heavy mulch layer, temporary seeding, or other BMP method. Additionally, a new erosion control plan must be submitted addressing the redlines comments in Exhibit B.7 with additional detail notes. *As conditioned, criterion met.*

**(K) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;**  
**(1) A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland;**  
**(2) The buffer required in subsection (K)(1) may only be disturbed upon the approval of a mitigation plan which utilizes erosion, sediment, and stormwater control measures designed to perform as effectively as those prescribed in the most recent edition of the City of Portland Erosion and Sediment Control Manual and the City of**

**Portland Stormwater Management Manual and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River drainage basin in OAR 340-041-0345(4).**

**Staff:** The plans and reports document one waterbody, an intermittent seasonal creek. Oregon Department of State Lands identifies the creek as a perennial/ephemeral stream that has a riverine wetland type. The creek traverses the middle portion of the property. The applicant's plans show that development will occur within 100 feet of the waterbody for construction of portions of the septic system (Exhibit A.45). The Storm Water Report contained calculations showing that stormwater drainage system will have a phosphorus removal efficiency that meets the requirements in OAR 340-041-0345(4) (Exhibit A.38). Condition of approval requires the applicant construct and maintain the proposed stormwater drainage control system for the life of the dwelling as described. Further additional conditions will be required that ground disturbance be located more than 100 feet from the water body, within 100 feet of the water body, the sanitary pipe be constructed by boring the pipe, and appropriate flagging indicating the limits of disturbance be depicted as shown in Exhibit B.7. *As conditioned, criterion met.*

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

**Staff:** The plans and Geotechnical Report do not indicate when permanent plantings would be planted or structural erosion control will be installed. Additionally, only a vague timeline of work was provided. A condition will be required that a specific timeline of the phases of work be provided, which includes a requirement that seeding, mulching, or permanent planting will be required within five (5) days of finishing ground disturbance associated with each phase. Daily monitoring will be required to ensure vegetation is sprouting and that no erosion or sedimentation is occurring. Monitoring may cease when vegetation on the disturbed soils have stabilized the areas. *As conditioned, criterion met.*

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

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

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

**Staff:** The proposed plans and Geotechnical Report only partially lay out the way site preparation should occur to accommodate increased runoff, control sediment in the runoff water, and prevent surface water from damaging the cut face of excavations. The Plan recommends that the grading should be minimized and assumes dry weather (Exhibit A.45). A vague timeline of work was provided. The erosion control plan also shows that silt fencing will be placed on the downslope side of the disturbance areas. However, no additional measures were provided, therefore additional conditions will be required which include the submission of a more detailed timeline of work, the limiting of ground disturbing activity to be done during extended periods of dry weather, and redline corrections shown in Exhibit B.7 be provided prior to submitting Building Plans for Zoning Review. *As conditioned, criteria met.*

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

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

**Staff:** The applicant included a Stormwater Certificate reviewed and certified by Kathleen Freeman, PE. The Certificate recommends, “Construction of an onsite storm water drainage control system” (Exhibit A.38). The report recommends use of, “soakage trenches and pervious pavement driveways.” The proposed drainage measures will prevent erosion and adequately carry existing and potential surface runoff to suitable drainageways. A condition of approval requires the applicant to construct, install, and maintain the proposed stormwater drainage control system for the life of the dwelling. *As conditioned, criteria met.*

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

- (1) Energy absorbing devices to reduce runoff water velocity;**
- (2) Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;**
- (3) Dispersal of water runoff from developed areas over large undisturbed areas.**

**Staff:** The plans and Geotechnical Report show the location of ground and other soil disturbances. The proposed plans and Geotechnical Report only partially lay out the way site preparation should occur. The Plan recommends that the grading should be minimized and done during dry weather (Exhibit A.45). Only a vague timeline of work was provided. The erosion control plan also shows that silt fencing will be placed on the downslope side of the disturbance areas. However, no additional measures were provided, therefore additional conditions will be required which include the submission of a detailed timeline of work, the limiting of ground disturbing activity to be done during extended periods of dry weather, and redline corrections shown in Exhibit B.7 be provided prior to submitting Building Plans for Zoning Review. Additionally, the applicant will be required to stabilize exposed cut or fill areas with either temporary erosion control blankets or straw until permanent seeding can be applied over disturbed areas. These measures will ensure no visible or measurable erosion or sedimentation will exit the site. *As conditioned, criteria met.*

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

**Staff:** The plans do not show the location of where spoil materials or topsoil will be located or stockpiled (Exhibit A.45). As shown in Exhibit B.7, the applicant will need to modify their erosion control plans to show the location of any spoil material or stockpiled topsoil. The spoil material and stockpiled topsoil must be located a minimum of 100 feet from any water bodies and appropriate BMPs applied. Additionally, any excess excavated soil not used as fill within the ground disturbance area shall be removed from the subject properties and taken to a location approved for the disposal of such material by applicable Federal, State, and local authorities. *As conditioned, criterion met.*

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

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

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

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

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

**Staff:** A portion of proposed development, the construction of a septic lateral will occur within a water body. The applicant will be placing a sleeved sanitary pipe that will cross the unnamed tributary of McCarthy Creek (Exhibit A.45). As shown in Exhibit B.7, the applicant will need to modify their erosion control plans to indicate that the pipe will be installed via boring. This will ensure that there is will be no impacts to the water body. *As conditioned, criterion met.*

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

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

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

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

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

### **8.1 § 39.5510 USES; SEC PERMIT REQUIRED.**

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

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

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

**Staff:** As discussed in Section 6.0, the applicant is proposing development of a new single-family dwelling, accessory structures, and a private driveway on each of the properties. Additionally, the applicant is proposing development within the right-of-way of NW 8<sup>th</sup> Ave, NW Folkenberg St., NW 6<sup>th</sup> Ave, and NW Valley St. The proposed development is an Allowed Use associated with a residential use under MCC 39.4360(A) and (F). Additionally, transportation improvements are also an Allowed Use under MCC 39.4360(J).

Significant Environmental Concern for Streams (SEC-s) and Significant Environmental Concern for Wildlife Habitat (SEC-h) permits are required unless the proposal is exempt under MCC 39.5515, which are discussed below. Conditions of Approval will require the property owner to demonstrate compliance with all the applicable approval criteria as discussed below. Lastly, according to the plans, no excavation or removal of materials of archaeological, historical, prehistorical, or anthropological has occurred or are proposed. *Criterion met.*

## **8.2 § 39.5515 EXCEPTIONS.**

**(A) Except as provided in subsection (B) of this Section, an SEC permit shall not be required for the following:**

**(13) Right-of-way widening, new surfacing, and vegetation removal for existing rights-of-way when the additional right-of-way or surfacing or vegetation removal is deemed necessary by the County Engineer to meet the needs of the traveling public.**

**Staff:** As discussed in Section 6.0, the applicant is proposing transportation improvements that require development within the right-of-way of NW 8<sup>th</sup> Ave, NW Folkenberg St., NW 6<sup>th</sup> Ave, and NW Valley St. (Exhibit A.45). The applicant is applying new surfacing in the form of gravel to improve the surface condition of the right-of-way (Exhibit A.26 and A.43). The applicant has concurrently applied for a Road Rules Variance under land use case no. RRV-2024-0005 to allow for a variance to the County Engineer’s requirement. If the Road Rules Variance is approved, the proposal meets the exemption requirements as the improvements will be necessary by the County Engineer to meet the needs of the traveling public. *The development within the right-of-way is exempt from SEC-s and SEC-h permit requirements.*

## **8.3 § 39.5750- CRITERIA FOR APPROVAL OF SEC-S PERMIT –STREAMS.**

\* \* \*

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

**Staff:** As discussed in Section 8.2, the applicant is proposing development within the SEC-s that is exempt under MCC 39.5515; therefore, the proposed development is allowed within the Stream Conservation Area without review of the provisions of MCC 39.5750(C) through (F).

\* \* \*

8.4 § 39.5860 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT.

\* \* \*

8.4.1 (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:** As shown on the most current aerial photos, the subject properties are both forested (Exhibit B.4). The applicant's analysis indicated that the crown closure of the development area is approximately 35.90% on Property 1 and 66.30% of Property 2 (Exhibit A.26 and A.45). As shown on the site plan, the applicant is proposing to locate the development in those cleared areas. *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.

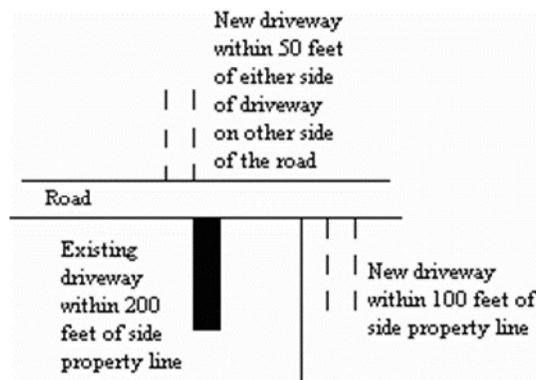
**Staff:** As measured on the applicant's site plan, the development is less than 200 feet from both NW Valley St and NW 5th Ave. (Exhibit A.45). *Criterion met.*

(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 to Property #1 is less than 500 feet. The access easement private driveway to Property #2 is also less than 500 feet. (Exhibit A.45). *Criterion met.*

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

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



For illustrative purposes only.

\* \* \*

**Staff:** The applicant is proposing one access road/driveway approach onto a public road. The driveway will be located on Property #1 and provide access to both properties (Exhibit A.45). There are no existing driveways on the same side of the road or the opposite side of the road; therefore, there is no location on Property #1 that a driveway approach could be located that would be clustered with another existing access point across the public road or on the same side of the public road. *Criterion not met.*

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

**Staff:** The site plan and aerial photo review show no adjacent development on adjacent properties that share a common side property line; therefore, the development does not need to be within 200 feet of the common side property lines (Exhibit A.45 and B.4). *Criterion met.*

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

\* \* \*

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

**(7) The nuisance plants in MCC 39.5580 Table 1 shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property.**

**Staff:** The applicant's SEC-h Worksheet indicates that none of nuisance plants in MCC 39.5580 Table 1 are located on the subject property (Exhibit A.32). A condition requires on-going compliance with (A)(7) above. *As conditioned, criterion met.*

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

**(1) The applicant cannot meet the development standards of subsection (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or**

**Staff:** As discussed above, the applicant has not met the development standards of subsection (B); therefore, a Wildlife Conservation Plan (WCP) is required. As the proposed development is located on two properties that are vacant, the applicant is proposing that the development occur in the non-forested "cleared" areas (Exhibit A.26, A.45, and B.4). However, based on the physical characteristics of the property, the development cannot be in an area that would meet the standards of (B)(4) above.

As these properties were subdivided in 1911, the lots are generally poor candidates for development due to the physical constraints of the area, which include steep slopes and undeveloped gravel local access roads. There is also a lack of other driveways in the area to allow for clustering. Those proposed development for the access is as close to adjacent access points in the area. Lastly, the proposed development is located as far outside of the Significant

Environmental Concern for Streams (SEC-s) overlay and Geologic Hazard (GH) overlays, as possible. Therefore, the applicant will need demonstrate that the development is the minimum departure from the standards to allow the use. *Criterion met.*

\* \* \*

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

- (a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.**
- (b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.**
- (c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.**
- (d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.**
- (e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.**

**Staff:** As previously discussed, the applicant cannot meet the development standards of subsection (B), therefore the WCP must result in the minimum departure from the standard in subsection (B). The applicant did not include a wildlife conservation plan; however, the applicant's narrative, SEC-h worksheet, and plans can show satisfaction with the criteria above (Exhibit A.26 A.32, and A.45). The narrative discusses and the plans show how the measures within the proposal will reduce impacts to forest areas and limit the amount of clearance.

The development is in non-forested cleared areas on each of the subject properties. There is no location on each of the subject properties where development will be located outside of the SEC-h overlay. Additionally, the location of existing driveways is dependent on the historic development pattern of the area, which the applicant has no control over.

As the existing conditions have been established, the applicant is proposing a new single-family dwelling, accessory structures, and private driveways on each of the properties. The dwelling, accessory structures, and private driveways are clustered in the southern corner of each of the subject properties. The clearing associated with the development will be less than one acre on each property and are clustered as close to the road as possible while still meeting required yard setbacks. The applicant is proposing an access point that is located as close to other private driveways. The proposed development will leave most of the property as forested wildlife habitat, resulting in disturbing the least amount of forest canopy cover and having a less detrimental impact on forested wildlife habitat. The access point location is also the minimum departure from the standards required to allow the use.

As the applicant did not provide a WCP additional mitigation measures will also be conditions including:

1. 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;
2. Trees shall not be used as anchors for stabilizing construction equipment; and
3. If any nuisance plants listed in MCC 39.5580 Table 1 are found during construction, the nuisance plants shall be removed from the property. Additionally, 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

*As conditioned, criteria met.*

\* \* \*

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

\* \* \*

**Staff:** The applicant’s proposal demonstrates satisfaction with subsection (C)(3); therefore, the criteria within (C)(5) do not need to be met.

**9.0 Consolidation of Lots Criteria and Replatting of Subdivision Plats Criteria:**

**9.1 § 39.9200 CONSOLIDATION OF PARCELS AND LOTS.**

\* \* \*

**(D) Consolidation of parcels within a Partition Plat or lots within a Subdivision Plat (Parcel and Lot Line Vacation) may be approved with a replat.**

**Staff:** The applicant is requesting the consolidation of lots within a Subdivision Plat. The subject properties were originally platted on June 16, 1911 as Lot 1 through 9 of Block 19 of Folkenberg Subdivision (Exhibit A.30 and B.5). The applicant will consolidate the lots in Block 19 to match the configuration shown in the Assessor’s Map so that a portion of Lots 7 through 9 and Lot 1 through 3 will be one Lot and the other portions Lots 7 through 9 and Lots 4 through 6 will become another Lot. As required, the consolidation requires a replat that satisfies the standards of MCC 39.9650 below.

**9.2 § 39.9650 REPLATTING OF PARTITION AND SUBDIVISION PLATS.**

\* \* \*

**(B) As used in this Section, “replat” and “replatting” shall mean the act of platting the parcels, lots and easements in a recorded Partition Plat or Subdivision Plat to achieve a reconfiguration of the existing Partition Plat or Subdivision Plat or to increase or decrease the number of parcels or lots in the Plat.**

**Staff:** As was previously discussed, the applicant is requesting the consolidation of lots within a subdivision plat. The subject properties were originally platted on June 16, 1911 as Lot 1 through 9 of Block 19 of Folkenberg Subdivision (Exhibit A.30 and B.5). The applicant will replat the lots in Block 19 to achieve a reconfiguration to match the configuration shown in the Assessor’s Map so that a portion of Lots 7 through 9 and Lot 1 through 3 will be one Lot and the other portions

Lots 7 through 9 and Lots 4 through 6 will become another Lot (Exhibit A.45). This request will decrease the number of lots in the subdivision plat from nine lots to two lots. *Criterion met.*

**(C) Limitations on replatting include, but are not limited to, the following: A replat shall only apply to a recorded plat; a replat shall not vacate any public street or road; and a replat of a portion of a recorded plat shall not act to vacate any recorded covenants or restrictions.**

**Staff:** As requested, the applicant is replatting lots within a recorded plat. The applicant is not proposing to vacate any public street or road nor are they proposing to act to vacate any recorded covenants or restrictions. *Criterion met.*

**(D) The Planning Director may approve a replatting application under a Type II Permit Review upon finding that the following are met:**

\* \* \*

**(2) Reconfiguration of the parcels or lots shall not result in an increase in the number of “buildable parcels or lots” over that which exist prior to reconfiguration. “Buildable parcels or lots,” as used in this approval criteria, shall mean that there is confidence that a building and sanitation permit could be approved on the parcel or lot. A replat resulting in an increase in the number of “buildable parcels or lots” shall be reviewed as a land division as defined in MCC 39.2000 and this Ordinance;**

**Staff:** The reconfiguration will not result in an increase in the number of buildable parcels or lots as the applicant will replat nine lots into two lots (Exhibit A.45). *Criterion met.*

**(3) Parcels or lots that do not meet the minimum lot size of the base zone shall not be further reduced in lot area in the proposed replat;**

**Staff:** The existing lots do not meet the minimum lot size of the base zone. The reconfiguration will take nine existing lots and consolidate them into two individual lots that together are larger in size than the original nine existing lots (Exhibit A.45). *Criterion met.*

**(4) The proposed reconfiguration shall meet the approval criteria in MCC 39.9555, MCC 39.9570, MCC 39.9575, and MCC 39.9580;**

**Staff:** As discussed in Section 10.0, the proposed reconfiguration has met the approval criteria in MCC 39.9555, MCC 39.9570, MCC 39.9575, and MCC 39.9580. *Criterion met.*

**(5) All reconfigured parcels and lots shall have frontage on a public street except as provided for alternative access in the access requirement sections of each base zone; and**

**Staff:** The reconfigured lots will both abut a public street, NW 5th Ave (Exhibit A.45). *Criterion met.*

**(6) The applicant shall submit a Partition Plat or Subdivision Plat to the Planning Director and County Surveyor in accordance with the requirements of ORS 92 and which accurately reflects the approved tentative plan map and other materials.**

**Staff:** As required above, a condition will be required that the applicant submit a Subdivision Plat to the Planning Director and County Surveyor in accordance with the requirements of ORS 92 that accurately reflects the approved tentative plan map and other materials. *As conditioned, criterion met.*

## **10.0 Land Divisions Criteria:**

### **10.1 § 39.9555 EASEMENTS.**

**Easements shall be provided and designed according to the following:**

**(A) Along the front property line abutting a street, a five foot utility easement shall be required. The placement of the utility easement may be modified as requested by a public or private utility provider. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.**

**Staff:** The tentative plan map does not show a utility easement; therefore, a condition will be required that a utility easement be provided (Exhibit A.45). Additionally, a second condition will be required that utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. *As conditioned, criterion met.*

**(B) Where a tract is traversed by a water course such as a drainage way, channel or stream, a storm water easement or drainage right-of-way adequate to conform substantially with the lines of the water course shall be provided. In a Drainage District or Water Control District, such easement or right-of-way shall be approved by the District Board, in accordance with ORS 92.110. If not within such District, approval shall be by the County Engineer.**

**Staff:** The subject properties contain a watercourse, a tributary of McCarthy Creek, that traverse the two properties; therefore, a storm water easement will also be required, if required by the County Engineer. *As conditioned, criterion met.*

**(C) Easements for pedestrian paths and bikeways shall be not less than 10 feet in width.**

**Staff:** No facilities for pedestrian paths and/or bikeways are planned or are being planned; therefore, no easement is required. *Criterion not applicable.*

### **10.2 § 39.9570 WATER SYSTEM.**

**The provision of domestic water to every lot or parcel in a land division shall comply with the requirements of Subsections (4)(a), (b), or (c) of ORS 92.090 and the following:**

**(A) Water mains, service and fire hydrants shall meet the requirements of the Water District and shall be located as follows:**

- (1) In a public street, in accordance with the Multnomah County Road Rules and Design and Construction Manual; and**
- (2) In a private street, as approved by the approval authority.**

**Staff:** The applicant is proposing a replat; therefore, they are not required to comply with the requirements of subsections (4)(a), (b), or (c) of ORS 92.090. The revised statute only applies to the subdivision of land and not the replating of land. *Criterion not applicable.*

### **10.3 § 39.9575 SEWAGE DISPOSAL.**

**The provision for the disposal of sewage from every lot or parcel in a land division shall comply with the requirements of Subsections (5)(a), (b) or (c) of ORS 92.090 and the following:**

**(A) Except as provided in Subsection (B) of this Section, a sanitary sewer line shall be installed to serve every lot or parcel in a land division by extension of an existing sewer line:**

\* \* \*

**(B) Where sanitary sewer is not available to the site or where the State Department of Environmental Quality determines that it is impractical to serve any lot or parcel by an existing sewer system, a private sewage disposal system approved by the Department shall be provided. All lots or parcels in a proposed land division which will utilize private subsurface sewage disposal system shall apply for and obtain approval of a Land Feasibility Study confirming the ability to utilize the system prior to tentative plan approval. In such cases, the approval authority may require that a sanitary sewer line, with branches to the right-of-way line for connection to a future sewer system, be constructed and sealed.**

**(C) Where a private subsurface sewage disposal system is used, the parcel or lot shall contain adequate land area to accommodate both a primary and reserve septic system drainfield area, and for surface and storm drainage systems.**

**Staff:** There is no sanitary sewer available; therefore, the applicant is proposing a private sewage disposal system on each of the properties. The applicant has provided Septic Review Certifications for each of the properties. The on-site sewage disposal was reviewed Lindsey Reschke, Multnomah County Sanitarian who is an agent of the State Department of Environmental Quality. The Sanitarian stated, "Site Evaluation Report application #419232 by DEQ and LFS 29-92 by City of Portland approved property for septic" and the "proposed replat poses no concern to septic..." (Exhibit A.39 and A.40). The Evaluations and Plans show the location of the reserve septic system drainfield area (Exhibit A.45). *Criteria met.*

#### **10.4 § 39.9580 SURFACE DRAINAGE AND STORM WATER SYSTEMS.**

**Surface drainage and storm water control systems shall be provided as required by this section.**

**(A) On-site water disposal or retention facilities shall be adequate to insure that surface runoff rate or volume from the new parcels after development is no greater than that before development.**

**(B) Drainage facilities shall be constructed as follows:**

**(1) In a public street, in accordance with the Multnomah County Road Rules and Design and Construction Manual; and**

**(2) In a private street and on lots or parcels, in accordance with the plans prepared by an Oregon licensed and registered professional engineer and approved by the approval authority.**

**Staff:** The Storm Water Drainage Control Certificate was reviewed and certified by Kathleen Freeman, PE. The Certificate recommends, "Construction of an onsite storm water drainage control system" (Exhibit A.38). The report recommends use of, "soakage trenches and previous pavement driveways. These systems 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. *As conditioned, criteria met.*

## 11.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary:

1. For a Replat to consolidate the lots contained in the properties identified as 2N1W30B -00800 (“Property #1”) and 2N1W30B -00900 (“Property #2”) into two (2) Lots.
2. For Geologic Hazards (GH) and Significant Environmental Concern for Wildlife Habitat (SEC-h) permits to establish a single-family dwelling, accessory structures, and private driveway on each of the subject properties in the Rural Residential (RR) zone.
3. For development within the right-of-way (ROW) of NW 8<sup>th</sup> Ave, NW Folkenberg St., NW 6<sup>th</sup> Ave, and NW Valley St.

This approval is subject to the conditions of approval established in this report.

## 12.0 Exhibits

- ‘A’ Applicant’s Exhibits
- ‘B’ Staff Exhibits
- ‘C’ Procedural Exhibits
- ‘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](mailto:LUP-comments@multco.us).

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application Form	10/25/2024
A.2	1	Application Form ( <i>outdated form</i> )	10/25/2024
A.3	30	Narrative	10/25/2024
A.4	2	City of Portland Bureau of Development Services (BDS) Authorizing Representative Form	10/25/2024
A.5	25	Fidelity National Title – Preliminary Report	10/25/2024
A.6	2	Maps <ul style="list-style-type: none"> <li>▪ Folkenberg Subdivision Plat recorded in Book 561, Page 57 on June 17, 1911</li> <li>▪ Current Tax Map for 2N1W30B</li> </ul>	10/25/2024
A.7	2	Pre-Filing / Pre-Application Meeting Wavier	10/25/2024
A.8	10	Significant Environmental Concern for Wildlife Habitat (SEC-h) Worksheet ( <i>outdated form</i> )	10/25/2024
A.9	13	Pre-Filing Meeting Summary Notes, PF-2022-15845	10/25/2024
A.10	4	Geologic Hazards (GH) Permit – Form 1 certified by Mia C. Mahedy, PE	10/25/2024

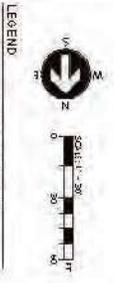
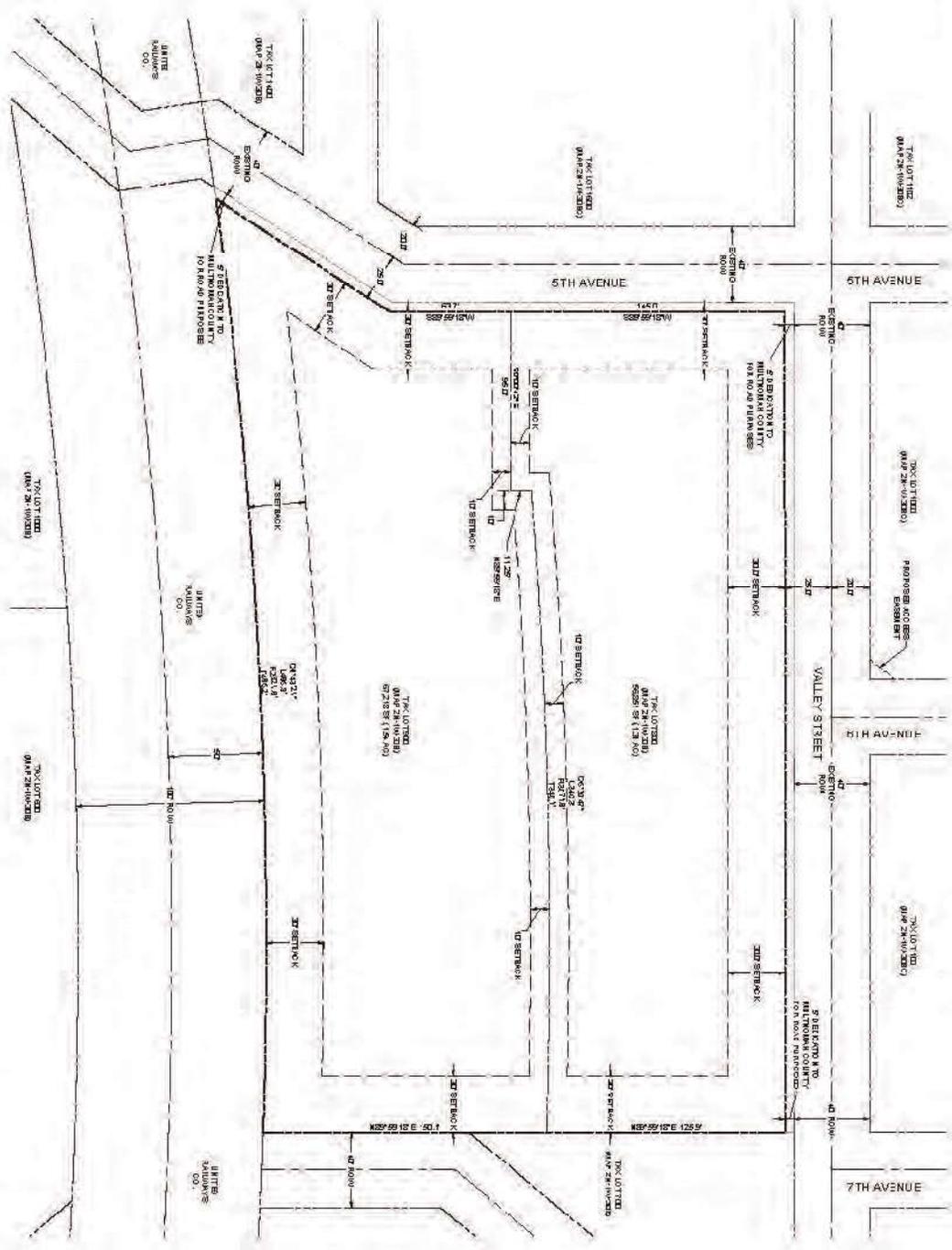
A.11	11	Geotechnical Report for 2N1W30B -00800 prepared and certified by Mia Mahedy, PE, GE	10/25/2024
A.12	10	Geotechnical Report for 2N1W30B -00900 prepared and certified by Mia Mahedy, PE, GE	10/25/2024
A.13	4	Infiltration Test Report prepared and certified by Mia Mahedy, PE, GE	10/25/2024
A.14	5	Bridge Inspection conducted by Jared Trowbridge, PE	10/25/2024
A.15	21	Stormwater Drainage Control Certificate and Report	10/25/2024
A.16	6	Septic Review Certification for 2N1W30B -00800	10/25/2024
A.17	5	Septic Review Certification for 2N1W30B -00900	10/25/2024
A.18	2	Fire Agency Service Review	10/25/2024
A.19	3	Map of Overlays	10/25/2024
A.20	26	Road Rules Variance Narrative	10/25/2024
A.21	4	<ul style="list-style-type: none"> <li>▪ Sheet C200 – Tentative Plat</li> <li>▪ Sheet C250 – Road Improvement Plans</li> <li>▪ Sheet C300 – Site Grading and Erosion Control Plan</li> <li>▪ Sheet C400 – Standard Details</li> </ul>	10/25/2024
A.22	4	Email to add additional applicants, Garrett Stephenson and Ben Taylor	03/07/2025
A.23	2	Applicant’s Response and Request to deem the Application Complete	03/07/2025
A.24	2	Existing Conditions Plan <ul style="list-style-type: none"> <li>▪ Cover Sheet</li> <li>▪ Sheet C100 Existing Conditions Plan</li> </ul>	03/07/2025
A.25	7	Response to Case Status Letter	11/05/2025
A.26	30	Revised Narrative	11/05/2025
A.27	1	Application Form ( <i>outdated form</i> )	11/05/2025
A.28	2	City of Portland Bureau of Development Services (BDS) Authorizing Representative Form	11/05/2025
A.29	25	Fidelity National Title – Preliminary Report	11/05/2025
A.30	2	Maps <ul style="list-style-type: none"> <li>▪ Folkenberg Subdivision Plat recorded in Book 561, Page 57 on June 17, 1911</li> <li>▪ Current Tax Map for 2N1W30B</li> </ul>	11/05/2025
A.31	2	Pre-Filing / Pre-Application Meeting Wavier	11/05/2025
A.32	10	Significant Environmental Concern for Wildlife Habitat (SEC-h) Worksheet ( <i>outdated form</i> )	11/05/2025

A.33	13	Pre-Filing Meeting Summary Notes, PF-2022-15845	11/05/2025
A.34	4	Geologic Hazards (GH) Permit – Form 1 certified by Mia C. Mahedy, PE	11/05/2025
A.35	48	Geotechnical Report for 2N1W30B -00800 and 2N1W30B -00900 prepared and certified by Mia Mahedy, PE, GE	11/05/2025
A.36	4	Infiltration Test Report prepared and certified by Mia Mahedy, PE, GE	11/05/2025
A.37	15	Bridge Inspection conducted by Jared Trowbridge, PE	11/05/2025
A.38	40	Stormwater Drainage Control Certificate and Report	11/05/2025
A.39	6	Septic Review Certification for 2N1W30B -00800	11/05/2025
A.40	5	Septic Review Certification for 2N1W30B -00900	11/05/2025
A.41	5	Fire Agency Service Review	11/05/2025
A.42	3	Map of Overlays	11/05/2025
A.43	26	Road Rules Variance Narrative	11/05/2025
A.44	9	Non-Exclusive Access Easement	11/05/2025
A.45*	9	Plans <ul style="list-style-type: none"> <li>▪ Sheet C100 – Existing Conditions Plan</li> <li>▪ Sheet C110 – Existing Conditions Erosion Control Plan</li> <li>▪ Sheet C200 – Tentative Plat</li> <li>▪ Sheet C201 – Right of Way Improvement Grading, Site, and Erosion Control Plan</li> <li>▪ Sheet C205 – Right of Way Profiles</li> <li>▪ Sheet C210 – Lot 800 &amp; 900 Grading, Site, and Erosion Control Plan</li> <li>▪ Sheet C220 – Fire Access Plan</li> <li>▪ Sheet C900 – Erosion &amp; Sediment Control Details</li> <li>▪ Sheet C901 – Site Details</li> </ul>	11/05/2025
<b>‘B’</b>	<b>#</b>	<b>Staff Exhibits</b>	<b>Date</b>
B.1	2	Assessment and Taxation Property Information for 2N1W30B - 00800 (Alt Acct #R164695 / Property ID #R289605470)	10/25/2024
B.2	1	Assessment and Taxation Property Information for 2N1W30B - 00900 (Alt Acct #R164693 / Property ID #R289605270)	10/25/2024
B.3	1	Current Tax Map for 2N1W30B	10/25/2024
B.4	1	Aerial Photo	
B.5	1	Plat of Folkenberg Subdivision	10/25/2024
B.6	1	Survey #65716	10/25/2024
B.7	5	Erosion Control Plan reviewed by Land Use Planning	11/20/2025
B.8	2	Finishing a Land Division Handout	11/20/2025

<b>'C'</b>	<b>#</b>	<b>Administration &amp; Procedures</b>	<b>Date</b>
C.1	2	Request for Waiver of Pre-Filing / Pre-Application Meeting Requirement	11/19/2024
C.2	8	Incomplete letter	11/19/2024
C.3	1	Applicant's acceptance of 180-day clock	12/18/2024
C.4	3	Complete letter (day 1) sent on April 2, 2025	03/07/2025
C.5	2	Extension Request (60 Days)	06/26/2025
C.6	10	Opportunity to Comment	07/01/2025
C.7	1	Extension Request (41 Days)	09/16/2025
C.8	1	Extension Request (30 Days)	10/27/2025
C.9	20	"Short" Decision	11/26/2025
C.10	45	Decision	11/26/2025
<b>'D'</b>	<b>#</b>	<b>Comments</b>	<b>Date</b>
D.1	1	Letter from Dennis W. Schultz and Marian T. Doll	07/18/2025







- LEGEND**
- PROPOSED BOUNDARY
  - PROPOSED POWER LINE
  - PROPOSED WATER CONDUIT
  - PROPOSED UTILITY
  - EXISTING LOT LINE
  - EXISTING ADJACENT PROPERTY LINE
  - PROPOSED SETBACK LINE

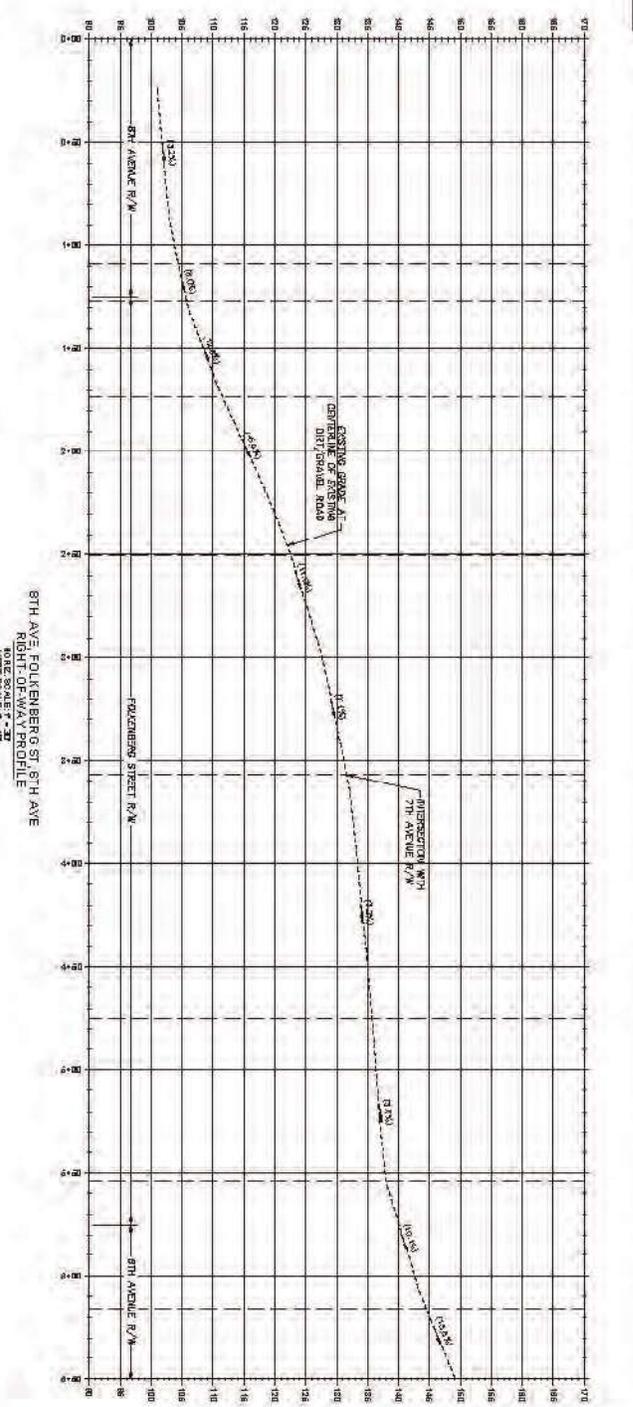
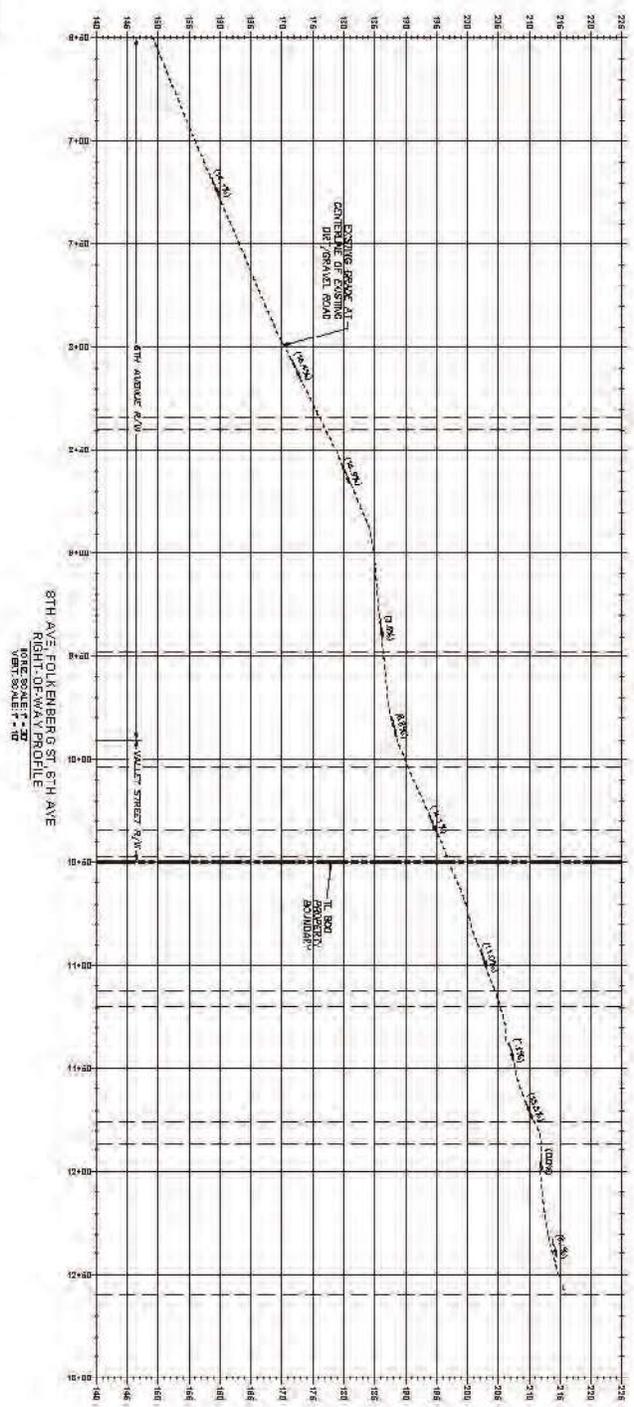
**PROJECT INFORMATION**  
 PROJECT: 70X LOT 112-150  
 LOCATION: 70X LOT 112-150  
 DRAWING NO: 70X LOT 112-150  
 SHEET NUMBER: **C200**

**3 CONSULTING**  
 CIVIL ENGINEERING  
 WATER UTILITIES  
 COMMUNITY PLANNING  
 9600 SW HAMBUS AVE., SUITE 100, BEAVERTON, OR 97008

**LOT 800 & 900 TENTATIVE PLAT**  
**KAPLAN PROPERTY REPLAT**  
 REED KAPLAN  
 PORTLAND, OR

70X LOT 112-150  
 10/09/2005  
 SAVED OR  
 LAND USE REVIEW  
 RECORDS





**VI CONSULTING**  
  
 CIVIL ENGINEERS  
 WATER RESOURCES  
 COMMUNITY PLANNING  
 5000 SW 14th Ave, Suite 100, Beaverton, OR 97005

**RIGHT OF WAY PROFILES**  
**KAPLAN PROPERTY REPLAT**  
 REED KAPLAN  
 PORTLAND, OR

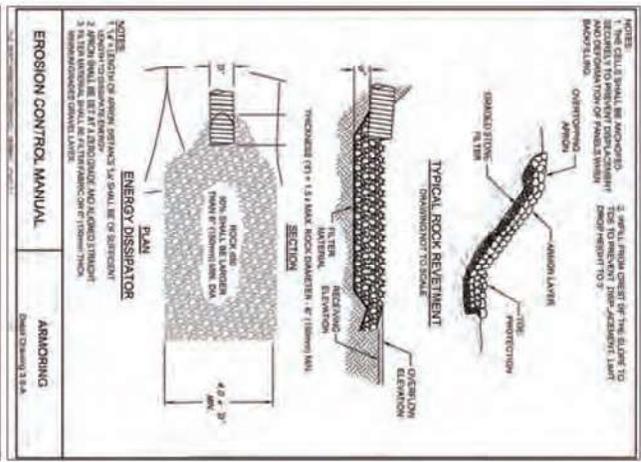
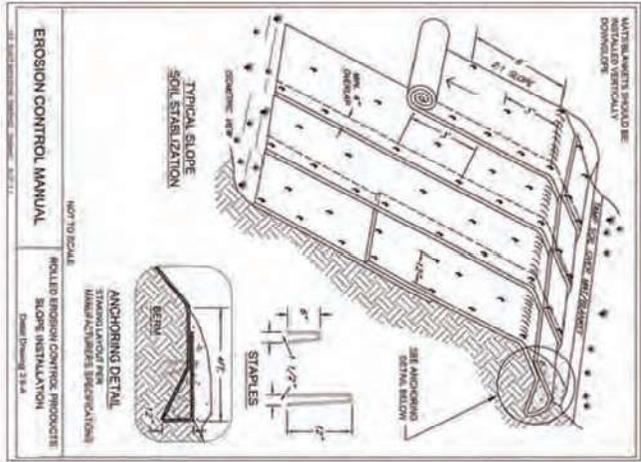
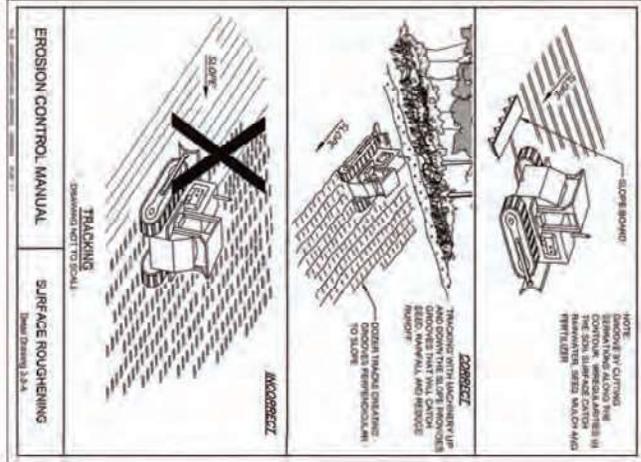
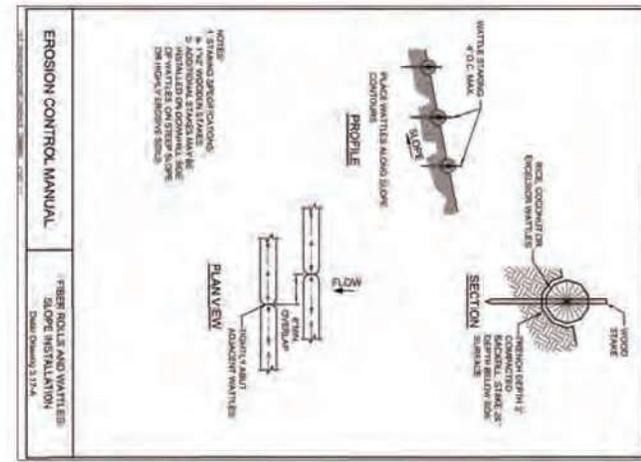
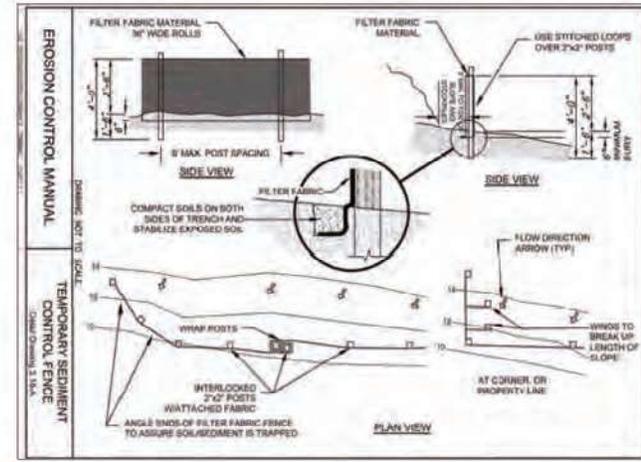
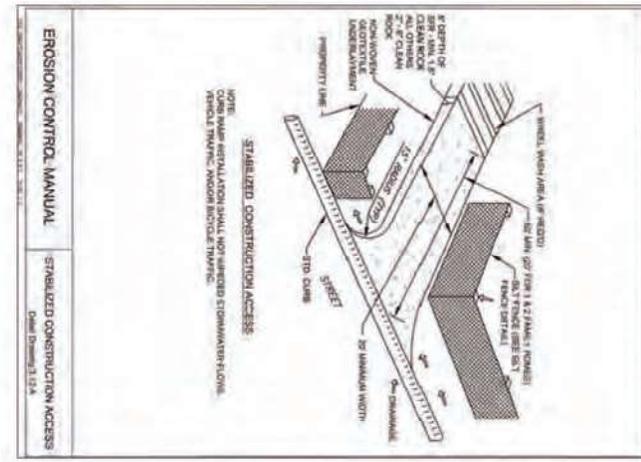
FILED  
 10/22/2008  
 10:22 AM  
 PORTLAND, OREGON  
 CLERK OF CLERKS  
 LAND USE REVIEW  
 DIVISION

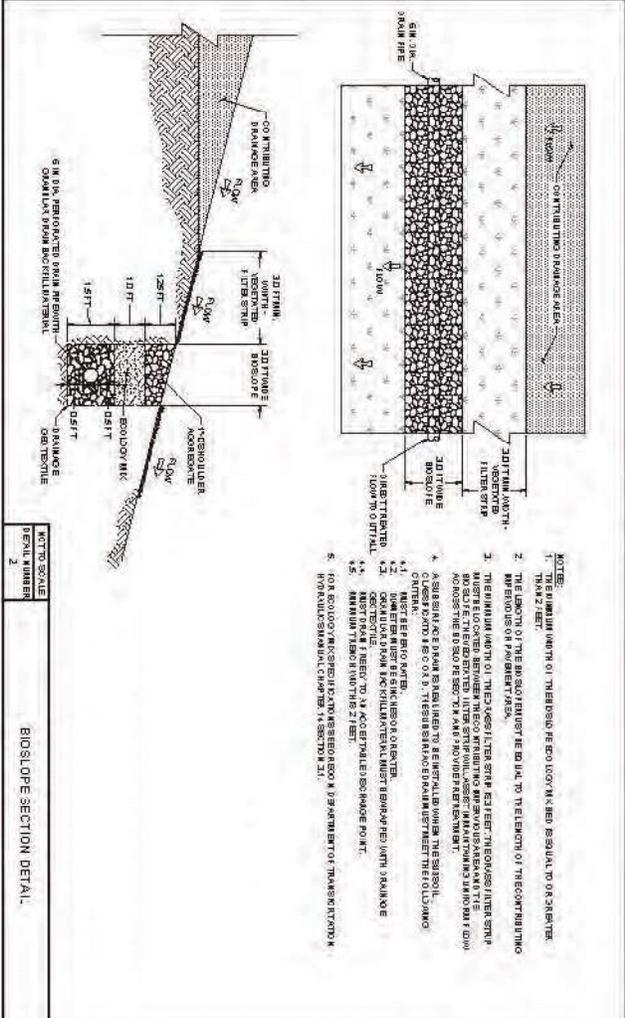
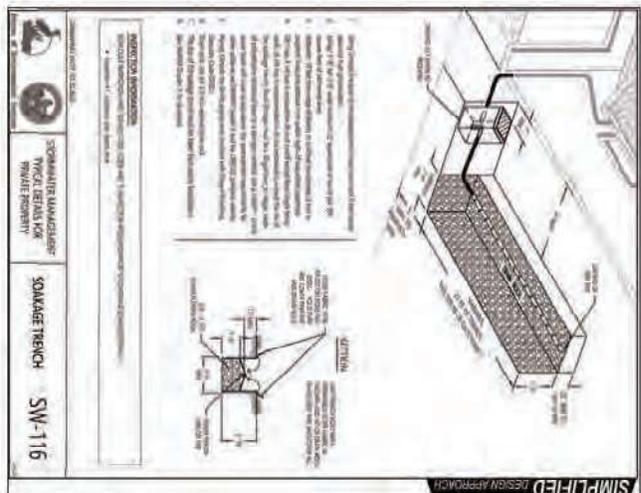
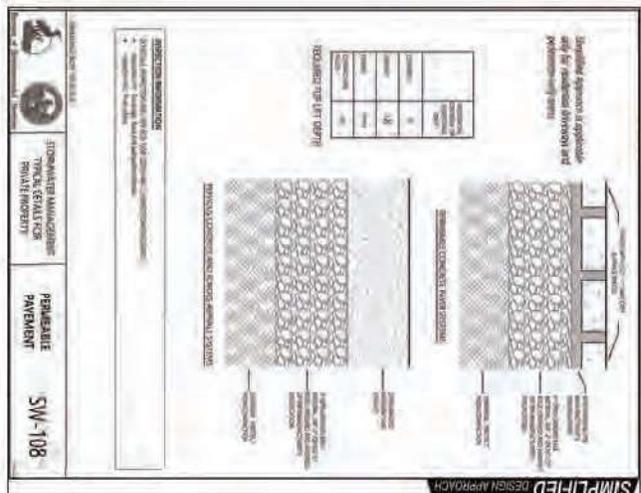


**C205**









**3 CONSULTING**

CIVIL ENGINEERS  
CONSULTANTS

1500 SW 14TH AVENUE, SUITE 100, BEAVERTON, OR 97008

PROJECT INFORMATION:  
PROJECT: KAPLAN PROPERTY REPLAT  
1500 SW 5TH AVENUE, PORTLAND, OREGON  
DRAWN BY: TGA  
CHECKED BY: JAS  
DATE: 08/14/2023

**C901**

SHEET NUMBER

**SITE DETAILS**

**KAPLAN PROPERTY REPLAT**

REED KAPLAN  
PORTLAND, OR

**PRELIMINARY**

LAND USE REVIEW

DATE: 08/14/2023

PROJECT: KAPLAN PROPERTY REPLAT

1500 SW 5TH AVENUE, PORTLAND, OREGON

DATE: 08/14/2023

PROJECT: KAPLAN PROPERTY REPLAT

1500 SW 5TH AVENUE, PORTLAND, OREGON

DATE: 08/14/2023