

NOTICE OF DECISION



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Application for an Accessory Use Determination, Significant Wildlife Habitat (SEC-h) Permit, and an Erosion and Sediment Control (ESC) Permit

Case File: T2-2025-0012

Applicant: Bradlee Hersey, Faster Permits

Proposal: Request for an Accessory Use Determination, Significant Wildlife Habitat (SEC-h) Permit, and an Erosion and Sediment Control (ESC) Permit for a residential addition, addition to the attached deck including a sauna and changing room, and remodel of an existing accessory structure to add a second story for a home office use.

Location: 13118 NW Old Germantown Road, Portland

Property ID # R324351

Map, Tax lot: 1N1W16A -00200

Alt. Acct. # R961160740

Base Zone: Commercial Forest Use – 2 (CFU-2)

Overlays: Significant Wildlife Habitat (SEC-h), Geologic Hazards (GH)

Decision: Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Thursday, October 9, 2025 at 4:00 pm.

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

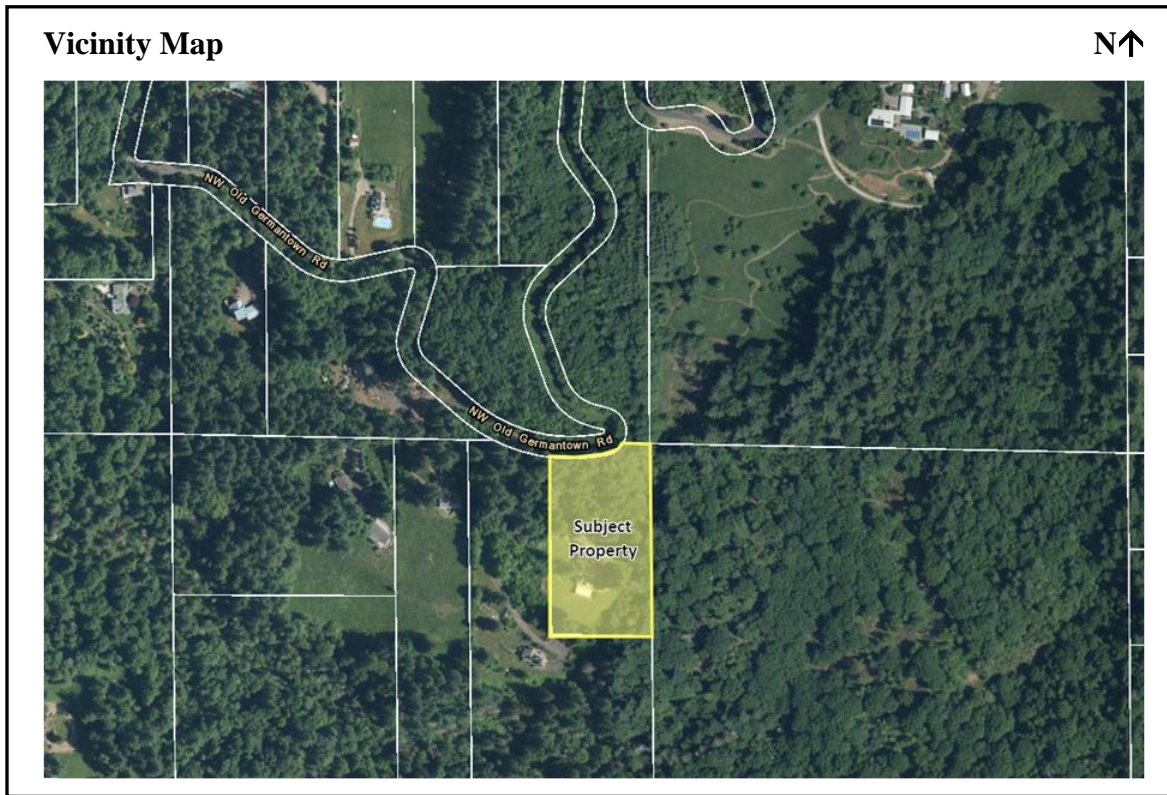
Opportunity to Appeal: The appeal form is available at www.multco.us/landuse/application-materials-and-forms. Email the completed appeal form to LUP-submittals@multco.us. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. This decision is not appealable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

Issued by:

Anna Shank-Root, Planner

For: Megan Gibb,
Planning Director

Date: September 25, 2025



Applicable Approval Criteria:

Multnomah County Code (MCC):

General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.6235 Stormwater Drainage Control, MCC 39.6850 Dark Sky Lighting Standards, MCC 39.3005 Lot of Record – Generally, MCC 39.3030 Lot of Record – Commercial Forest Use-2 (CFU-2)

Commercial Forest Use – 2 (CFU-2): MCC 39.4070(D) Allowed Use – Alteration of a Single-Family Dwelling, and MCC 39.4075(L) Review Use – Accessory Structure Exceeding the Allowed Use Criteria of MCC 39.4070(T), MCC 39.4105 Building Height Requirements, MCC 39.4110 Forest Practices Setbacks and Fire Safety Zones, MCC 39.4115 Development Standards for Dwellings and Structures, (A)(1), (A)(3), (C) and (E)

Significant Wildlife Habitat (SEC-h) Criteria: MCC 39.5510 Permits Required, MCC 39.5540 SEC-h Permit Criteria (Significant Wildlife Habitat)

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

Conditions of Approval

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

1. **Permit Expiration** – This land use permit shall expire as follows:

- a. Within two (2) years of the date of the final decision when construction has not commenced. [MCC 39.1185(B)]
 - i. For the purposes of 1.a, commencement of construction shall mean actual construction of the foundation or frame of the approved structure.
 - ii. For purposes of 1.a, notification of commencement of construction shall be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to the date of commencement. Notification shall be sent via email to LUP-submittals@multco.us with the case no. T2-2025-0012 referenced in the subject line.
- b. Within four (4) years of the date of commencement of construction when the structure has not been completed. [MCC 39.1185(B)]
 - i. For the purposes of 1.b, completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval.
 - ii. For purposes of 1.b, the property owner shall provide building permit status in support of completion of exterior surfaces of the structure and demonstrate compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to LUP-submittals@multco.us with the case no. T2-2025-0012 referenced in the subject line. [MCC 39.1185]

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

2. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein. [MCC 39.1170(B)]
3. **Prior to submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:
 - a. Acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement has been provided to assist you. The signed document shall be submitted and uploaded when submitting Building Plans for Zoning Review and Review of Conditions of Approval [MCC 39.1170(A) & (B)]
 - b. Provide a copy of a signed and recorded covenant indicating that the accessory structure approved by this permit will not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use [MCC 39.4075(L)(1), MCC 39.8860].

4. **When submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:
- a. Provide a Letter of Acknowledgement and a copy of the recorded covenant as required in Condition 3.a through 3.b. [MCC 39.1170(A) & (B)]
 - b. Indicate on their building plans that the structures will have a fire-retardant roof and have a spark arrester on each chimney. [MCC 39.4115(C)]
 - c. Submit an updated mitigation plan and planting plan that demonstrates either how the location of the proposed planting within the primary fire safety zone will meet spacing and pruning requirements based on their projected size at maturity, or that an updated mitigation area within the approved areas specified in the map on page 16 of this decision. Regardless of the location of the proposed mitigation area, the applicant is required to plant 28 six-foot-tall native trees and 25 three- to four-foot-tall native trees as proposed by Exhibit A.5. [MCC 39.5540(D)(2)]
5. **Prior to and during construction**, the property owner(s) or their representatives shall:
- a. Maintain best erosion control practices 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 post construction re-establishment of ground cover. 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 using Best Management Practices (BMP). Ground disturbing activities within a water body shall use erosion control measures and BMPs as prescribed in the current edition of the City of Portland's Erosion Control Manual, copies of which are available through the City of Portland. [MCC 39.6225(B)(10) through (15), and MCC 39.6225(B)(17) through (19), and MCC 39.6225(B)(21)]
 - b. Use temporary vegetation and/or mulching to protect exposed critical areas during all phases of development. [MCC 39.6225(B)(10)]
 - c. Trap any sediment in runoff water using debris basins, silt traps, or other measures until the disturbed area is stabilized. [MCC 39.6225(B)(18)]
 - d. 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 39.6225(B)(19)]
 - e. Temporarily stabilize any significant portion of a construction site with straw, compost, or other covering that will prevent soil or wind erosion should construction activities cease for fifteen (15) days or more. The stabilization shall remain in good working order until work resumes on that portion of the site. [MCC 39.6225(B)(7), (8), (10), (12), and (15)]
 - f. Temporarily stabilize the entire site using vegetation or a heavy mulch layer, temporary seeding, or other appropriate BMPs should all construction activities cease for thirty (30) days or more. The stabilization shall remain in good working order until work resumes on that portion of the site. [MCC 39.6225(B)(7), (8), (10), (12), and (15)]
 - g. Temporarily or permanently stabilize the soil for all denuded sites between October 1 and April 30 as soon as practicable, but in no case more than 2 days after ground-disturbing activity occurs. During wet weather periods temporary stabilization of the site must occur at the end of each work day, if rainfall is forecast in the next 24 hours. [MCC 39.6225(B)(7), (8), (10), (12), and (15)]

- h. Temporarily or permanently stabilize the soil for all denuded sites between May 1 and September 30 as soon as practicable, but in no case more than 7 days after ground-disturbing activity occurs. [MCC 39.6225(B)(7), (8), (10), (12), and (15)]
 - i. Prevent and not allow 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 39.6225(B)(20)]
 - j. Remove any sedimentation caused by development activities from all neighboring surfaces and/or drainage systems. If any features within adjacent public right-of-way are disturbed, the property owner shall be responsible for returning such features to their original condition or a condition of equal quality. [MCC 39.6210(E)(1) and (2)]
 - k. Use fill trucks that are constructed, loaded, covered, and 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. The total daily number of fill haul truck trips shall be less than 10 trips per day (i.e. one trip to the site and one trip leaving the site is two trips) [MCC 39.6225(B)(22) and (23)]
 - l. Seed and mulch all disturbed soils to prevent erosion and sedimentation entering nearby streams, exiting the site, entering the public right-of-way, or depositing into any storm drainage system. 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 disturbed soils. [MCC 39.6225(B)(10), (12), (15), (18), and (19)]
6. **As an on-going condition**, the property owner(s) shall:
- a. The primary fire zones required for the residence and accessory structure shall be maintained by the property owner in compliance MCC 39.4110(D)(1) and (2) in perpetuity [MCC 39.4110(D)].
 - b. The Accessory Structure approved by this report shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage. [MCC 39.4075(L)]
 - c. Not plant nuisance and invasive nonnative plants, as defined in MCC 39.5540, on the subject property. Nuisance and invasive nonnative plants shall be removed and kept removed from cleared areas of the subject property. [MCC 39.5540(C)(1)(e)]
 - d. Revegetate and stabilize all disturbed soil by no later than October 15th. [MCC 39.5540(C)(1)(f)]
 - e. Utilize outdoor lighting that is a hooded fixture type. The outdoor lighting shall be placed in a location so that it does not shine directly into undeveloped habitat areas. Where illumination of habitat area is unavoidable, it shall be minimized through use of limited lumens with a hooded fixture type and proper placement. The location and illumination area of lighting needed for security of public utility facilities shall not be limited by this provision but should be done in a minimalistic manner. [MCC 39.5540(C)(1)(e)]

- f. 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 39.5540(E)(2)]
- g. Not utilize trees as anchors for stabilizing construction equipment. [MCC 39.5540(E)(3)]

Erosion and Sediment Control Permit Limitations and Requirements:

- 7. The property owner(s), their agent(s), or their representative(s) shall be limited to the following ground disturbing activities:
 - a. A maximum of 23,412 square feet of ground surface area is to be disturbed as described in Exhibit A.3 and shown in Exhibit A.2, Sheet C.120. [MCC 39.6225(A)(2) and MCC 39.6225(B)]
 - b. A maximum of 20 cubic yards of earth materials is allowed to be cut as described in Exhibit A.3 and shown in Exhibit A.2, Sheet C.120 [MCC 39.6225(A)(2) and MCC 39.6225(B)]
 - c. A maximum of 400 cubic yards of fill is allowed to be deposited as described in Exhibit A.3 and shown in Exhibit A.2, Sheet C.120. [MCC 39.6225(A)(3) and MCC 39.6225(B)]
 - i. All structural fill and any other fill used in this project will be composed of earth materials as defined in MCC 39.2000. [MCC 39.6225(B)(2)]
 - 1. For fill imported to the subject property, the earth material shall meet the requirements of the Oregon DEQ clean fill criteria and shall not contain putrescible wastes, construction and demolition wastes, hazardous waste and/or industrial solid wastes. [MCC 39.6225(B)(2)]
 - ii. No compensation, monetary or otherwise, shall be received by the property owner for the receipt or placement of fill. [MCC 39.6225(B)(24)]
 - d. Other requirements as necessary like no fill is to be imported to the property or location limitations.
- 8. 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 39.6210(F)(2)]

Follow up requirements after ground disturbance activity are completed:

- 9. The property owner(s), their agent(s), or their representative(s) shall gravel or seed with native grasses all disturbed with exposed ground areas within five (5) days of the date ground disturbing activities conclude. [MCC 39.6225(B)(12)]
 - e. Upon completion of the installation of permanent vegetation and/or gravel, photographs sent to 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. # T2-2025-0012 in the subject line. [MCC 39.6210(F)(2) and MCC 39.6225(B)]

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

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, “Prior to submitting Building Plans for Zoning Review...” Be ready to demonstrate compliance with the conditions.
2. Contact the City of Portland, Bureau of Development Services, On-site Sanitation at 503-823-6892 or e-mail septic@portlandoregon.gov for information on completing the Septic Permit or Evaluation process for the proposed development. All existing and/or proposed septic system components (including septic tank and drainfield) must be accurately shown on the site plan.
3. 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: Request for an Accessory Use Determination, Significant Wildlife Habitat (SEC-h) Permit, and an Erosion and Sediment Control (ESC) Permit for a residential addition, addition to the attached deck including a sauna and changing room, and remodel of an existing accessory structure to add a second story for a home office use.

2.0 Property Description & History:

Staff: This application is for 13118 NW Old Germantown Road. The subject property is located on the south side of NW Old Germantown Road in unincorporated west Multnomah County outside of Metro’s Urban Growth Boundary (UGB). The subject property is zoned Commercial Forest Use – 2 (CFU-2) and is located entirely within the Significant Wildlife Habitat (SEC-h) overlay, and partially within the Geologic Hazards (GH) Overlay.

The property is occupied by a single-family dwelling and attached garage, and a detached garage according to the County Assessor.

3.0 Public Comment:

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

4.0 Code Compliance and Applications Criteria:

4.1 § 39.1250 CODE COMPLIANCE AND APPLICATIONS.

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

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

* * *

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

A finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future

enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance. As such, an applicant has no initial burden to establish that all elements of the subject property are in full compliance with the Zoning Code and all previously approved permits; instead, in the event of evidence indicating or establishing one or more specific instances of noncompliance on the subject property, the applicant bears the burden to either rebut that evidence or demonstrate satisfaction of one of the exceptions in MCC 39.1250.

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

5.0 Lot of Record Criteria:

5.1 MCC 39.3005 - LOT OF RECORD – GENERALLY.

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

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

* * *

Staff: The County made a Lot of Record Determination for the subject property in land use case T2-06-021. Staff has confirmed that the property remains in its lawful configuration. *Criterion met.*

6.0 Commercial Forest Use – 2 (CFU-2) Criteria:

6.1 39.4070 ALLOWED USES. The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

(D) Alteration, maintenance, replacement or restoration of an existing lawfully established habitable dwelling as defined in MCC 39.2000 and located within 100-feet from an existing dwelling.

Staff: The applicant proposes an addition to an existing, lawfully established and habitable single-family dwelling. The 1986 single-family dwelling permits is Exhibit B.3, and the applicant has submitted photographs (Exhibit A.10) demonstrating that the structure meets the definition of a habitable dwelling in MCC 39.2000. *Criterion met.*

6.2 39.4105 BUILDING HEIGHT REQUIREMENTS.

(A) Maximum structure height – 35 feet.

(B) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

Staff: Per the elevations provided by the applicant as Exhibit A.2, the dwelling will have a maximum height from the existing grade to the midpoint of the roof of approximately 25 feet at its

highest point, and the proposed accessory structure will have a maximum height of approximately 26 feet from the existing grade to the midpoint of the roof. *Criterion met.*

- 6.3 39.4110 FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES.** The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Use	Forest Practice Setbacks			Fire Safety Zones
Description of use and location	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)	Fire Safety Zone Requirements (FSZ)
Replaced or restored dwelling in same location & greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling	Nonconforming setback(s) of less than 30 ft. to property lines that existed as of August 26, 2006 may be maintained	30	30	Primary is required, except that if there was a nonconforming Forest Practice setback of less than 30 feet to property lines as of August 26, 2006, Primary is required to the full extent of the nonconforming Forest Practice setback as it existed on August 26, 2006
Accessory structures within 100 ft. of the dwelling	N/A	30	30	Primary required

- (A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.**

Staff: No reductions to the forest practices setback dimensions are requested. The proposed dwelling, at its closest point to any surrounding property lines will be approximately 44 feet from the western property line (Exhibit A.2). The proposed accessory structure, at its closest point to any property line will be approximately 32 feet (Exhibit A.2). *Criterion met.*

- (B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 39.4155 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.**

Staff: Secondary Fire Safety Zones are not required for the proposed dwelling addition or the accessory structure addition. No reduction is requested for the Primary Fire Safety Zone for either structure. *Criterion met.*

- (C) The minimum forest practices setback requirement shall be increased where the setback 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 setback requirements in consultation with the Road Official.

Staff: The subject property abuts NW Old Germantown Road, which according to County GIS Resources is a Rural Local Road. Minimum right-of-way width for a Rural Local Road is 50 feet, and NW Old Germantown Road has a right-of-way of 60 feet adjacent to the subject property. No increased setbacks are required. *Criterion met.*

(D) Fire Safety Zones on the Subject Tract.

(1) Primary Fire Safety Zone.

- (a) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.**
- (b) On lands with 10 percent or greater slope the primary fire safety zone shall be extended farther down the slope from a dwelling or structure as follows:**

Percent Slope	Distance In Feet
Less than 10	No additional required
Less than 20	50 additional
Less than 25	75 additional
Less than 40	100 additional

- (c) The building site must have a slope less than 40 percent.**

Staff: A primary firebreak meeting the requirements of (D)(1)(a) above is a condition of approval of this decision. The primary fire zone identified on the SEC-h Plan Set (Exhibit A.2) identifies an area of downslope between 10-20% for both the dwelling and accessory structure, and show the required 80-foot clearance area. As a condition of approval, the applicant must provide evidence that the fire breaks have been cleared either using photographs at the time of Zoning Plan Review, or by inspection alongside the Erosion Control inspection prior to beginning development. *Criteria met.*

- (2) Secondary Fire Safety Zone. A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 39.4155.**

Staff: No secondary Fire Safety Zone is required for the proposed development per Table 1 above. *Criterion met.*

- (3) **No requirement in (1) or (2) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and**

Staff: No materials in the application record indicate that a forest management plan has been approved by the Oregon Department of Forestry, however, in the event that a plan is approved by the State, that plan will supersede any requirements in this decision. *Criterion met.*

- (4) **Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.**

Staff: The Primary Fire Safety Zone can be established entirely within the Lot of Record. *Criterion met.*

- (5) **Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).**

Staff: Maintaining the Primary Fire Safety Zones for both structures as described in this report is a condition of approval. *As conditioned, this criterion is met.*

6.4 39.4115 DEVELOPMENT STANDARDS FOR DWELLINGS AND STRUCTURES. All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A). All exterior lighting shall comply with MCC 39.6850:

- (A) **For the uses listed in this subsection, the applicable development standards are limited as follows:**

- (2) **Replacement or restoration of a dwelling shall meet the development standards of MCC 39.4115(E).**
 - (c) **Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 39.4115 (C) and (E)**

Staff: The proposed dwelling addition must meet (C) and (E), which are reviewed below. *Criterion met.*

- (3) **Accessory buildings shall meet the development standards of MCC 39.4115(E).**
 - (a) **Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 39.4115 (C) and (E);**
 - (b) **Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 39.4115(B), (C) and (E);**

Staff: The accessory structure that is proposed to be altered is sited within 100 feet of the dwelling (Exhibit A.2) and is therefore subject to (C) and (E) which are evaluated below. *Criterion met.*

- (C) **The dwelling or structure shall:**

- (1) **Comply with the standards of the applicable building code or as prescribed in ORS 446.003 through 446.200 relating to mobile homes;**

- (2) **If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;**
- (3) **Have a fire-retardant roof; and**
- (4) **Have a spark arrester on each chimney.**

Staff: As conditions of approval, the proposed dwelling and accessory structure additions will both be required to obtain Building Permits through the City of Portland, which will review the structures for compliance with applicable building code. Neither structure is a mobile home and therefore are not subject to (2). Finishing the structure with a fire-retardant roof and spark arrestors on any proposed chimneys are conditions of approval. *As conditioned, these criteria are met.*

(E) 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 of Record.

- (1) **Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.**
- (2) **Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.**

Staff: The applicant has provided a Septic Review Certification (Exhibit A.6), which indicates that the proposed additions to the single-family dwelling and accessory structure do not pose concern to existing septic system with a Major Alteration Septic Installation permit. Obtaining the required septic permits is a condition of approval. The applicant has provided a stormwater drainage control certificate (Exhibit A.9) that provides engineer stamped analysis confirming that the proposed system is 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. The proposed stormwater system is located on the same Lot of Record as the proposed development. *Criteria met.*

7.0 Accessory Use Determination Land Use Permit Criteria:

7.1 MCC 39.4075 REVIEW USES. The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(L) Structures or uses customarily accessory or incidental to any use permitted or approved in the CFU, which do not meet the “accessory structures” standard in MCC 39.4070 Allowed Uses, but which meet the following provisions:

- (1) **The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential unit.**

Staff: The proposed accessory structure addition will be used as a gym and home office (Exhibits A.2 and A.4), and is not designed as a residential unit. The existing accessory structure received permits in 1986 (Exhibit B.3). As a condition of approval, the applicant must sign a covenant stating that the accessory structure will not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential unit. *As conditioned, this criterion is met.*

- (2) **The Accessory Structure shall not contain a bathing tub.**

Staff: The proposed structure will not contain a bathing tub (Exhibits A.2 and A.4). *Criterion met.*

- (3) **Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.**

Staff: The proposed accessory structure will contain a toilet and shower, both of which are proposed on the ground floor of the structure (Exhibits A.2 and A.4). *Criterion met.*

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

Staff: The proposed accessory structure will not contain cooking facilities (Exhibits A.2 and A.4). *Criterion met.*

- (5) **The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.**

Staff: The applicants indicate in their application narrative and on their plans that no items designed to aid in sleep will be located and assembled in the proposed accessory structure (Exhibits A.2 and A.4). Additionally, compliance with this standard will be an ongoing condition of approval. *As conditioned, this criterion is met.*

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

Staff: As established in the findings for 7.1(L)1-5, above, proposed addition meets applicable standards and the existing accessory structure is the minimum possible departure from the Allowed Use standards to accommodate the proposed use (Exhibits A.2 and A.4). *Criterion met.*

- (7) **Compliance with MCC 39.8860 is required**

Staff: Complying with MCC 39.8860 is a condition of approval. *As conditioned, this criterion is met.*

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

8.1 39.5540 SEC-h PERMIT CRITERIA (SIGNIFICANT WILDLIFE HABITATS)

(A) Decision Review Process

- (2) **Applications that do not meet all of the criteria in MCC 39.5540(C) below, shall be processed through the Type II review procedure. A mitigation plan pursuant to subsection (D) below is required.**

Staff: The proposed development does not meet all of the criteria in (C), and as such has submitted a Type II application and provided a mitigation plan pursuant to (D) (Exhibits A.2 and A.5). *Standard met.*

(C) SEC-h Permit Approval Criteria

(1) Development Standards

- (a) Where a parcel contains any non-forested “cleared” areas within 200 feet of a public road, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.**

Staff: The proposed dwelling and accessory structure additions are sited within an existing “cleared” area on the subject property, with only minimal clearance to proposed meet fire safety zone requirements (Exhibits A.2 and A.5). *Standard met.*

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

Staff: The development for the proposed dwelling addition is approximately 335 feet from NW Old Germantown Rd (Exhibits A.2 and A.5). *Standard not met, and therefore the proposal is subject to MCC 39.5540(D), which is addressed below.*

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

Staff: The driveway serving the development is approximately 275 feet long (Exhibits A.2 and A.5). *Standard met.*

- (d) 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: All proposed development is located within 330 feet of side property lines (Exhibits A.2 and A.5). *Standard met.*

- (e) Nuisance and invasive nonnative plants, as defined in MCC 39.5540 shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property.**

Staff: Compliance with this standard is a condition of approval. *As conditioned, this standard is met.*

- (f) Ground disturbing activity within 100 feet of a water body as defined by MC 39.2000 shall be limited to the period between May 1st and September 15th. Revegetation and soil stabilization must be accomplished no later than October 15th.**

Staff: No ground disturbance is proposed within 100 feet of a water body (Exhibits A.2 and A.5). *Standard met.*

- (2) **Addition to Lawfully Established Buildings/Structures: The applicant may utilize the following mitigation measures for additions to lawfully established buildings and structures instead of mitigation plan:**
- (a) **Each tree removed to construct the proposed development shall be replaced on a one to one ratio with a six foot tall native tree.**

Staff: The applicant indicates (Exhibits A.2 and A.5) that 28 trees will be removed to accommodate the proposed development, and will be replaced with 28 six-foot-tall native trees in compliance with the standard above. *Criterion met.*

- (b) **For each 100 square feet of new building area, the property owner shall plant, one, 3-4 foot tall native tree or three native tree seedlings. The trees shall be planted to improve wildlife habitat first within non-forested cleared areas contiguous to forested areas, second within any degraded stream riparian areas before being placed in forested areas or adjacent to landscaped yards.**

Staff: The applicant indicates (Exhibits A.2 and A.5) that the proposed development totals 2,425 square feet, and as a result, they propose planting 25 three- to four-foot-tall native trees in compliance with the above standard. The finding for (D)(1) above addresses the location of the proposed mitigation area. *Criterion met.*

- (c) **All exterior lighting on the property is brought into compliance with the (C)(1)(g) above.**

Staff: The applicant has provided information for all proposed lighting fixtures and indicated that the lighting plan will comply with the above standard (Exhibits A.2 and A.5). *Standard met.*

- (d) **For non-forested “cleared” areas that require nuisance and invasive non-native plant removal pursuant to (C)(1)(e) above, the property owner shall set a specific date for the work to be completed and the area replanted with native vegetation. The time frame must be within two years from the date of the permit.**

Staff: A condition of approval requires the applicant to remove all nuisance and invasive non-native plants within cleared areas on the site within two years of the date of approval of this permit. *As conditioned, this criterion is met.*

(E) Required Conditions of Approval for all SEC-h Permits

- (1) **An erosion and sediment control plan shall be prepared in compliance with the ground disturbing activity standards set forth in MCC 39.6200 through MCC 39.6235.**
- (2) **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.**
- (3) **Trees shall not be used as anchors for stabilizing construction equipment.**

- (4) The planting date for the mitigation area shall occur within one year following the approval of the application.
- (5) Any nuisance and invasive nonnative plants, as defined in MCC 39.5520 shall be removed within the mitigation area prior to planting.
- (6) **Monitoring and reporting.** Monitoring of the mitigation site is the ongoing responsibility of the property owner. A Yearly Report shall be provided to Multnomah County Land Use Planning for a period of five years, unless the Planning Director requires a longer reporting period.
 - (a) Plants that die shall be replaced in kind so that a minimum of 80% of the trees and shrubs planted shall remain alive on the fifth anniversary of the date that the migration planting is completed.
 - (b) Mitigation plantings shall be maintained and shall not be removed from the property without contacting Multnomah County Land Use Planning and receiving written approval to amend the Mitigation Plan.

Staff: All items in (E) above have been included as conditions of approval for this permit. As *conditioned, these criteria are met.*

9.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Accessory Use Determination, Significant Wildlife Habitat (SEC-h) Permit, and an Erosion and Sediment Control (ESC) Permit to establish a residential addition, addition to the attached deck including a sauna and changing room, and remodel of an existing accessory structure to add a second story for a home office use in the CFU-2 zone. This approval is subject to the conditions of approval established in this report.

10.0 Exhibits

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

The site plan has been reduced in size and included with the mailed decision. All exhibits are available for digital review by sending a request to LUP-comments@multco.us.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application Form	02.21.2025
A.2	41	Site Plan and Plan Set	02.21.2025
A.3	9	ESC Code Narrative	04.22.2025
A.4	16	CFU Code Narrative	04.22.2025
A.5	25	Wildlife Habitat Assessment and Mitigation Plan	04.22.2025

A.6	8	Septic Review Certification	02.21.2025
A.7	7	Fire Service District Review Form	02.21.2025
A.8	29	Transportation Planning Review Form	02.21.2025
A.9	12	Stormwater and Drainage Control Certificate	02.21.2025
A.10	7	Habitable Dwelling Photos	02.21.2025
A.11	1	Pool Permit	02.21.2025
A.12	3	2018 Warranty Deed – Instrument No. 2018-046007	02.21.2025
A.13	N/A	Complete Case File	Multiple Dates
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1N1W16A -00200 (Alt. Acct. # R961160740/Property ID # R324351)	02.18.2025
B.2	1	Current Tax Map for 1N1W16A	09.17.2025
B.3	4	1986 Permits for Dwelling and Accessory Structure	09.17.2025
‘C’	#	Administration & Procedures	Date
C.1	3	Incomplete letter	03.21.2025
C.2	1	Applicant’s acceptance of 180-day clock	03.21.2025
C.3	1	Complete letter (day 1)	05.15.2025
C.4	12	Opportunity to Comment	06.02.2025
C.5	17	Decision	09.25.2025

SITE PLAN GENERAL NOTES

1. HARDSCAPE AND LANDSCAPING FOR REFERENCE ONLY. SEE LANDSCAPE DRAWINGS FOR ADDITIONAL DETAIL AND INFORMATION.
2. SEE SITE PLAN A001 FOR (E) MAIN METER LOCATION. SEE ENLARGED SITE PLAN A002 FOR APPROXIMATE (E) UTILITY ROUTING.

SITE PLAN LEGEND

AREA OF WORK. SEE ENLARGED SITE PLAN FOR SCOPE INFORMATION.

ENVIRONMENTAL OVERLAY - GEOLOGIC HAZARD

ENVIRONMENTAL OVERLAY - SIGNIFICANT ENVIRONMENTAL CONCERN - STREAM (SEC-3)

ENVIRONMENTAL OVERLAY - SIGNIFICANT ENVIRONMENTAL CONCERN - WILDLIFE HABITAT (SEC-1)

FULL SITE

(N) NEW

(E) EXISTING

LOT INFORMATION

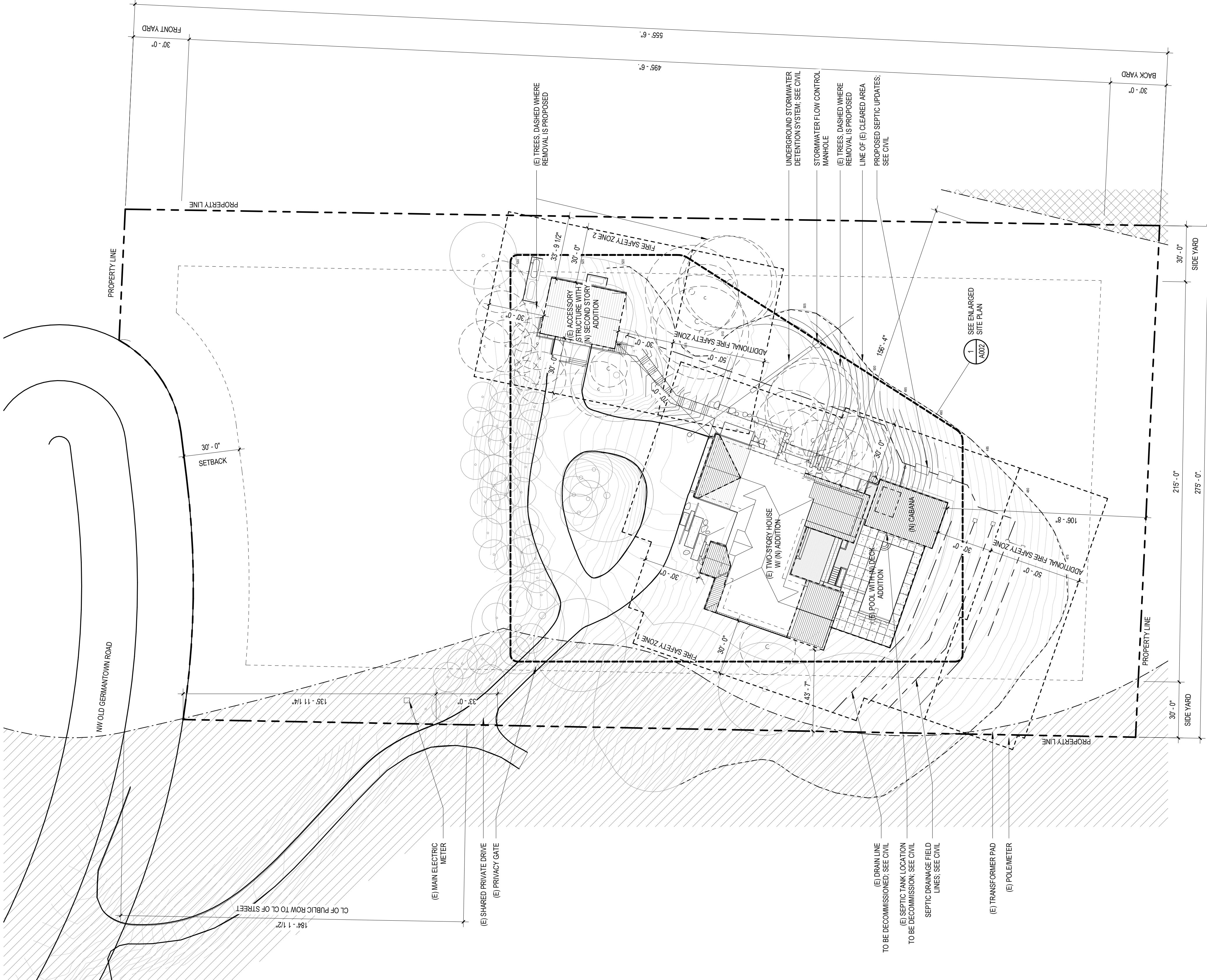
13118 NW OLD GERMANTOWN RD. PORTLAND, OR 97231	
TAX LOT ID: LOT AREA: BASE ZONE: ENVIRONMENTAL OVERLAY:	NW1/4SL-00200 14,450.0 SF CF1/2 SEC-h
REQUIRED SETBACKS	
FRONT:	30-FT
SIDE:	30-FT PRIMARY 30-FT
REAR:	

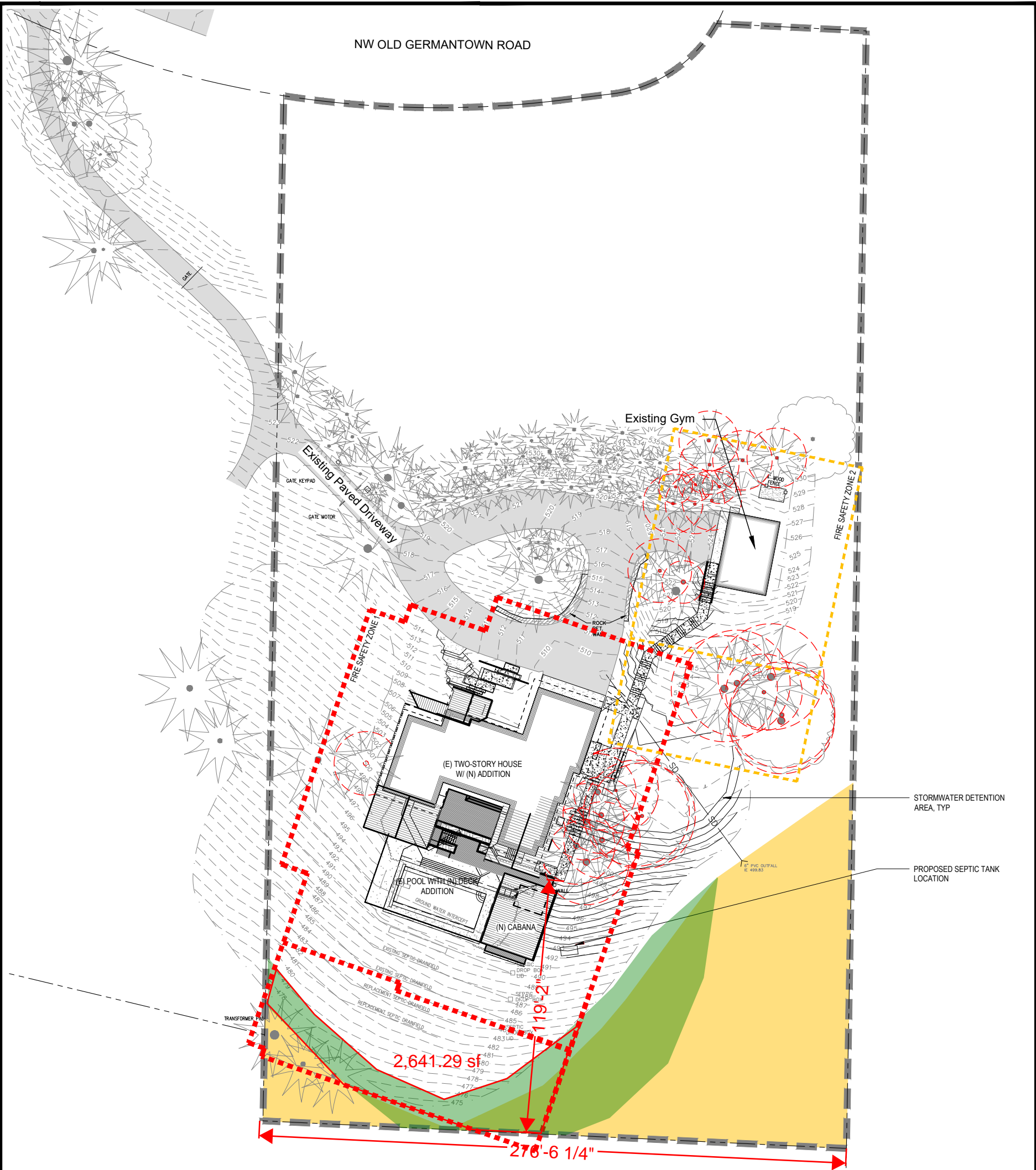
FIRE SAFETY ZONE

FIRE SAFETY ZONE 1 (MAIN HOUSE)
28' ELEVATION GAIN / 100' DISTANCE = 14% SLOPE
PER TABLE 1, CHAPTER 39, MULTNOMAH COUNTY ZONING CODE: 50' ADDITIONAL FIRE SAFETY ZONE REQUIRED
FIRE SAFETY ZONE 2 (ACC. STRUCTURE)
17' ELEVATION GAIN / 100' - 10" DISTANCE = 17% SLOPE
PER TABLE 1, CHAPTER 39, MULTNOMAH COUNTY ZONING CODE: 50' ADDITIONAL FIRE SAFETY ZONE REQUIRED

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REVISIONS





Mitigation Plant List			
Latin Name	Common Name	Size	Quantity
TREES			
<i>Acer macrophyllum</i>	big leaf maple	6'	9
		3-4'	9
<i>Alnus rubra</i>	red alder	6'	9
		3-4'	8
<i>Pseudotsuga menziesii</i>	Douglas fir	6'	10
		3-4'	8
TOTAL			53

Observed Nuisance Plants	
Latin Name	Common Name
<i>Holcus lanatus</i>	velvetgrass
<i>Rubus armeniacus</i>	Himalayan blackberry

- LEGEND
- Project Area Boundary (3.13 ac)
 - Tax Lot Line
 - Existing Contour
 - Proposed Contour
 - Existing Tree
 - Tree To Be Removed
 - Nuisance Vegetation Area (0.49 ac)
 - Mitigation Revegetation Area (0.14 ac)
 - Primary Fire Safety Zone Area 1
 - Primary Fire Safety Zone Area 2

Survey provided by 3JSurvey
accuracy is sub-centimeter.



Nuisance Vegetation
13118 NW Old Germantown Road - Portland, Oregon

FIGURE
4
4-15-2025



Land Use Planning Division

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

Dear Property Owner:

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

Instructions for Completion of Covenant

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

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



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

AFTER RECORDING RETURN TO:

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

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

RECITALS

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

_____("Property").

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

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

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

AGREEMENT

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

Signature: _____
Printed: _____

On _____, 20____, personally appeared _____, who, being duly sworn, did say that (s)he is the Owner of the Property, and that the foregoing instrument was signed on her/his behalf; and she/he acknowledged the instrument to be her/his voluntary act and deed.

IN WITNESS WHEREOF, the undersigned Co-Owner has executed this Covenant as of the date first written above.

Signature: _____
Printed: _____

On _____, 20____, personally appeared _____, who, being duly sworn, did say that (s)he is the Co-Owner of the Property, and that the foregoing instrument was signed on her/his behalf; and she/he acknowledged the instrument to be her/his voluntary act and deed.

Notary Public for Oregon
My commission expires: _____

LETTER OF ACKNOWLEDGEMENT



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

For Case T2-2025-0012

I have read and understand the conditions of approval for my land use case, T2-2025-0012. I intend to comply with the conditions of approval and the land use decision. I understand that if I fail to comply with the conditions of approval within the time allotted by the permit, the County can institute code enforcement proceedings or take other actions as allowed under Multnomah County Code. [MCC 39.1170(A), (B), and (C) / MCC 38.0660 (A), (B), and (C)]

PROPERTY OWNER #1

Signature	Date
-----------	------

(Print Name)

(Print Mailing/Contact Address)

(Phone Number)

(Email Address)

PROPERTY OWNER #3

Signature	Date
-----------	------

(Print Name)

(Print Mailing/Contact Address)

(Phone Number)

(Email Address)

PROPERTY OWNER #2

Signature	Date
-----------	------

(Print Name)

(Print Mailing/Contact Address)

(Phone Number)

(Email Address)

PROPERTY OWNER #4

Signature	Date
-----------	------

(Print Name)

(Print Mailing/Contact Address)

(Phone Number)

(Email Address)