

# NOTICE OF DECISION



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## Application for Significant Wildlife Habitat (SEC-h), Significant Scenic Views (SEC-v), and Erosion and Sediment Control (ESC) Permits

**Case File:** T2-2025-0019

**Applicant:** Jerry Heckman and Lauren Leese

**Proposal:** Request for retroactive review of the expansion of the existing driveway, construction of a drainage control system, extension of a culvert, inground propane tank, driveway gate, and light pole.

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**Location:** 16523 NW Sheltered Nook Road, Portland

**Property ID #** R269548

**Map, Tax lot:** 2N2W24D -00300

**Alt. Acct. #** R764200210

**Base Zone:** Rural Residential (RR)

**Overlays:** Significant Wildlife Habitat (SEC-h), Significant Scenic Views (SEC-v)

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**Decision:** Approved with Conditions

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is December 15, 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](mailto: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](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

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**Issued by:** \_\_\_\_\_

Anna Shank-Root, Planner

**For:** Megan Gibb,  
Planning Director

**Date:** December 1, 2025



## Applicable Approval Criteria:

**Multnomah County Code (MCC):** General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.3005 Lot of Record – Generally, MCC 39.3090 Lot of Record – Rural Residential  
MCC 39.6235 Stormwater Drainage Control, MCC 39.6850 Dark Sky Lighting Standards

Rural Residential (RR): MCC 39.4360(A) and (F) Allowed Uses – Single-family dwellings and accessory structures, MCC 39.4375(C), (F), (H) - Dimensional Requirements and Standards

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

Significant Scenic Views (SEC-v) Criteria: MCC 39.5510 Permits Required, MCC 39.5570 SEC-v Permit Criteria (Significant Scenic Views)

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. Both a summary of the approvals, and the Conditions of Approval are provided below.

### 1. Summary of Approval:

- A. This permit retroactively authorizes the following development that occurred without the required County review:

1. Expansion of existing driveway to add a turnaround.
2. Installation of a driveway gate.
3. Installation of a 21-foot light pole.
4. Extension of an existing culvert.
5. Installation of an in-ground propane tank.

This approval also establishes specific SEC mitigation requirements, as described below in the Conditions of Approval.

- B. This retroactive Erosion and Sediment Control Permit recognizes the following scope of ground disturbance as described by and shown in Exhibits A.2 and A.3:
1. 6000 square feet of ground surface area is to be disturbed as described in and shown in Exhibits A.2 and A.3. [MCC 39.6225(A)(2) and MCC 39.6225(B)]
  2. 1,114 cubic yards of earth materials is allowed to be cut as described in and shown in Exhibits A.2 and A.3.[MCC 39.6225(A)(2) and MCC 39.6225(B)]
  3. 1,114 cubic yards of fill is allowed to be deposited as described in and shown in Exhibits A.2 and A.3 on the subject site. [MCC 39.6225(A)(3) and MCC 39.6225(B)]
- C. 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)]

## 2. Conditions of Approval

### A. Prior to the expiration of the permit approval, the property owner(s) or their representatives shall:

1. 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 sent to Anna Shank-Root at [anna.shank-root5@multco.us](mailto:anna.shank-root5@multco.us). [MCC 39.1170(A) & (B)]
2. Demonstrate that all exterior lights on the subject property comply with Dark Sky Lighting Standards. The three lights on the light pole must be directed downwards with no light emitting above the horizontal plane of the shielding. The lighting fixtures on the gate must be removed or replaced with fixtures that comply with MCC 39.6850. To demonstrate compliance with this standard, the applicant may either submit photographs of the compliant fixtures to Anna Shank-Root at [anna.shank-root5@multco.us](mailto:anna.shank-root5@multco.us), or by requesting an inspection by county staff to verify the changes. [MCC 39.4375(H) & MCC 39.6850]
3. Establish the mitigation area and all required plantings as described and shown in Exhibits A.13 and A.14.
  - a) Any modifications to the proposed mitigation plans may be presented to staff for evaluation of compliance with this decision if they meet the following standards:
    - (1) All trees, shrubs and ground cover shall be native plants selected from the Metro Native Plant List. [MCC 39.5540(D)(3)(d)(i)]

- (2) The planting plan proposes a minimum of 60 trees and 60 shrubs. [MCC 39.5540(D)(3)(d)(ii)]
- (3) The trees shall be at least one-half inch in average caliper, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees. Shrubs shall be in at least a 1-quart container or the equivalent in ball and burlap and shall be at least 6 inches in height. [MCC 39.5540(D)(3)(f)]
- (4) The planting area is located adjacent to a forested area on the property. [
- (5) Trees are spaced between 8 and 12 feet on center and shrubs shall be planted between 4 and 5 feet on center. [MCC 39.5540(D)(3)(g)]
- (6) There are at least two (2) types of shrubs planted and no more than 50% of the trees planted are of the same genus. [MCC 39.5540(D)(3)(h)]
- b) A Yearly Report on the status of the mitigation plantings shall be emailed to [lup.submittals@multco.us](mailto:lup.submittals@multco.us) for a period of five years from the approval date of this permit. [MCC 39.5540(E)(6)]
- c) 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. [MCC 39.5540(E)(6)]

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

- 1. 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)]
- 2. Maintain the stormwater drainage control system in compliance with Exhibits A.11. [MCC 39.4375(F)]
- 3. 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. [MCC 39.5540(E)(6)]

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

- 1. The retroactive approval will expire two (2) years after the date of the final decision, when the conditions of approval in the land use approval. [MCC 39.1185(A)]
  - a) For the purposes of 1.a, expiration of an approval means that a new application is required for uses that are not established during the approval period.
  - b) For purposes of 1.a, the property owner 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. T2-2025-0019 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.

**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 retroactive review of the expansion of the existing driveway, construction of a drainage control system, extension of a culvert, inground propane tank, driveway gate, and light pole.

### 2.0 Property Description & History:

**Staff:** This application is for 16523 NW Sheltered Nook Road. The subject property abuts NW Sheltered Nook Road on the property’s northeast corner in unincorporated west Multnomah County outside of Metro’s Urban Growth Boundary (UGB). The subject property is zoned Rural Residential (RR) and is located entirely within the Significant Wildlife Habitat (SEC-h) and Significant Scenic Views (SEC-v) overlays.

The property is occupied by a single-family dwelling and attached garage, and is approximately 4.74 acres according to the County Assessor.

### 3.0 Public Comment:

**Staff:** Staff mailed a notice of application and invitation to comment on the proposed application to the required parties pursuant to MCC 39.1105 (Exhibit C.4). Staff received one (1) public comment during the 14-day comment period.

#### 3.1 If there are comments, they should be formatted as follows: Patricia Nietzold and Tyrell Boggs, Property Owners at 15959 NW Sheltered Nook Road, provided comments via email on August 4, 2025 (Exhibit D.1)

**Staff:** Nietzold and Boggs expressed concerns about the potential wear and tear on a shared access road should it be used to transport fill. Staff clarified that the areas of excavation and deposit are shown on the site plan. Additionally, all excavation and fill placement has already occurred, and therefore no impacts to the access road are anticipated.

### 4.0 Code Compliance and Applications Criteria:

#### 4.1 § 39.1250 CODE COMPLIANCE AND APPLICATIONS.

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

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

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

\* \* \*

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

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

During the pre-filing meeting process, staff identified that clearing of forested area, grading and paving of an expanded driveway area, as well as the installation of a light pole, gate, propane tank and extension of a culver had occurred on the subject property without permits. Staff described these issues to applicant in the pre-filing meeting notes, and identified this permitting process as the appropriate action to bring the property into full compliance with current Multnomah County Code. *Per MCC 39.1250(A)(1), 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 subject property is Lot 3 of the Sheltered Nook Subdivision (Exhibit B.3) and remains in its original configuration. *Criterion met.*

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

### **6.1 MCC 39.4375 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.**

**(C) Minimum Yard Dimensions – Feet**

Front	Side	Street Side	Rear
30	10	30	30

**Maximum Structure Height – 35 feet**

**Minimum Front Lot Line Length – 50 feet.**

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.

**Staff:** All elements on the site plan (Exhibit A.2) meet minimum yard dimensions. *Criterion 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 completed Septic Review Certification (Exhibit A.8) verifying that the driveway expansion, propane tank installation, and culvert extension did not impact the existing septic system serving the single-family dwelling. A Stormwater and Drainage Control Certificate (Exhibit A.11) completed by a registered engineer verified that installation of a French drain which will collect stormwater and convey it to an underground detention facility and then release the water via a flow control system and level flow spreader, will result in no increase of the rate of runoff for a 10-year, 24-hour storm event. Transportation also reviewed and approved the Stormwater Drainage Control Certificate, as required by their planning memo (Exhibits A.10, B.4). Installation and maintenance of the stormwater system as shown in Exhibit A.11 is a condition of approval. *As conditioned, this criterion is met.*



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

**Staff:** Some elements of the lighting design that was provided do not comply with MCC 39.6850. As a condition of approval, the applicant must demonstrate that the three lights on the light pole are directed downwards with no light emitting above the horizontal plane of the shielding. For the lighting fixtures located on the gate, the applicant will either need to remove or replace the attached fixtures, as they do not currently meet the dark sky lighting standards. To demonstrate compliance with this standard, the applicant may either submit photographs of the compliant fixtures to staff, or request an inspection by county staff to verify the changes. *As conditioned, this criterion is met.*

**7.0 Significant Wildlife Habitat (SEC-h) Permit Criteria:**

**7.1 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 current development does not meet all of the criteria in (C), and as such the applicant submitted a Type II application and provided a mitigation plan pursuant to (D) (Exhibits A.13 and A.14). *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:** Per aerial photographs, significant expansion of the cleared area on the subject property occurred without permits between 2008 and 2018. To retroactively review development that occurred without permits, the applicant has addressed MCC 39.5540(D) in order to bring the existing development into full compliance. *Standard not met, and therefore the proposal is subject to MCC 39.5540(D), which is addressed below.*

- (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:** Parts of the driveway and lawn expansion that occurred without permits are located more than 200 feet from NW Sheltered Nook Rd. *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 300 feet long (Exhibits A.2 and A.3). *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 development is located within 300 feet of side property lines (Exhibit A.2). *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 within 100 feet of a water body (Exhibit A.2). *Standard met.*

- (g) **Outdoor lighting shall be of a hooded fixture type and 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.**

**Staff:** The applicant has provided information for all lighting fixtures. Conditions of approval have been established to ensure that fixtures will meet the above standard. *As conditioned, this standard is met.*

**(D) Mitigation Plan Criteria**

- (1) **Mitigation Plan Requirements. An applicant shall propose a mitigation plan that provides mitigation activities and plantings as outlined in subsection (2) or (3) below. The mitigation area shall first be located within any existing non-forested cleared areas contiguous to forested areas, second within any degraded stream riparian areas and last in forested areas or adjacent to landscaped yards.**

**Staff:** The applicant has provided a mitigation plan as Exhibits A.13 and A.14. The selected mitigation area is located in a sparsely forested site within forested area on the property. *Criterion met.*

- (3) **New Buildings, Structures, and Development: The mitigation plan must demonstrate the following:**
  - (a) **That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.**

**Staff:** The applicant's mitigation plan (Exhibit A.13) indicates that the area that was cleared for previously unpermitted development reduced impacts to forested areas as it was located adjacent to existing cleared areas, and was selected due to already degraded characteristics of the area, thereby reducing the impact on thriving forested area. *Criterion met.*

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

**Staff:** The mitigation plan (Exhibit A.13) indicates that the area that was cleared for the previously unpermitted development area was .137 acres. *Criterion met.*

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

**Staff:** No fencing exists or is proposed within the mapped SEC-h overlay.

- (d) Mitigation areas:**

- (i) All trees, shrubs and ground cover shall be native plants selected from the Metro Native Plant List;**
- (ii) Native trees and shrubs shall be planted at a rate of one (1) tree and one (1) shrub for every 100 square feet of development/disturbance area. Bare ground shall be planted or seeded with perennial native greases or herbs.**
- (iii) All vegetation shall be planted within the mitigation area located on the same Lot of Record as the development and shall be located within the SEC-h Overlay or in an area contiguous to the SEC-h Overlay.**
  - 1. If the vegetation is planted in an area contiguous to the SEC-h Overlay, then the applicant shall preserve the contiguous area by executing a deed restriction, through a restrictive covenant.**

**Staff:** The applicant indicates that all trees and shrubs have been selected from the Metro Native Plants List (Exhibits A.13 and A.14). The applicant has identified the previously disturbed area as .137 acres or approximately 6,000 square feet, and as such has proposed planting sixty (60) trees and sixty (60) shrubs in compliance with the standard above. The proposed mitigation plan is located on the same Lot of Record as the development area, and entirely within the SEC-h overlay. *Criterion met.*

- (e) The native soils disturbed during development will be conserved on the property.**

**Staff:** As the development has already occurred, this criterion does not apply.

- (f) Plant size. Mitigation trees shall be at least one-half inch in caliper, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round).**
  - (i) If using oak or madrone trees, the planting size may be on gallon. Shrubs shall be in at least a 1-quart container or the**

**equivalent in ball and burlap and shall be at least 6 inches in height.**

**Staff:** The planting table (Exhibit A.14) provided by the applicant indicates the intent to use trees that are .5 inches in caliper and one-gallon shrubs to comply with the standard above. Compliance with this standard is also a condition of approval. *As conditioned, this criterion is met.*

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

**Staff:** The planting table (Exhibit A.14) indicates that plants will be spaced as required by (g). Compliance with this standard is also a condition of approval. *As conditioned, this criterion is met.*

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

**Staff:** According to the provided planting table (Exhibit A.14), the applicant will plant ten (10) of each of six (6) different species of native shrubs within the proposed mitigation area. The planting table also indicates (Exhibit A.14) that three species of native trees will be planted with each genus accounting for 33% of the total number of trees. Compliance with this standard is also a condition of approval. *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:** The conditions of (E) above that apply to the mitigation planting have been included as conditions of approval for this permit. *As conditioned, these criteria are met.*

## **8.0 Significant Scenic Views (SEC-v) Permit Criteria:**

### **8.1 MCC 39.5570 SEC-v PERMIT CRITERIA (SIGNIFICANT SCENIC VIEWS)**

#### **(A) Decision Review Process**

- (1) Applications that meet all of the following criteria shall be processed through the Type I review procedure:**
  - (a) The proposed building is no taller than 24 feet to top of ridgeline.**
  - (b) Dark earthtone colors are used on the exterior siding, trim and doors facing an Identified Viewing Area.**
  - (c) Building siding, roofing, windows and trim use low or non-reflective materials. Windows are low-e or better and have a reflectivity rating of 13 percent or less.**
  - (d) No more than 25 percent of the building elevation facing an Identified Viewing Area is in glass.**
  - (e) All existing and proposed exterior lighting meets the Dark Sky Lighting Standards of MCC 39.6850. Shielding and hooding materials should be composed of non-reflective, opaque materials.**
  - (f) The proposed building and ground disturbance are screened by existing on-site vegetation or are topographically not visible from an Identified Viewing Area as mapped by the County.**
- (2) Applications that do not meet the criteria subsection (1) above, shall meet all of the criteria in MCC 39.5570(C) and shall be processed through they Type II review procedure.**

**Staff:** The light pole that was previously installed without permits is unable to meet the Type I review criteria listed above, and as such, the applicant has requested a Type II SEC-h review and addressed the criteria of MCC 39.5570(C) below. *Criteria met.*

#### **(C) SEC-v Permit Approval Criteria.**

- (1) Any portion of a proposed development (including access roads, cleared areas and structures) on a property that is topographically visible from an identified viewing area shall be visually subordinate or achieve visual subordination. For development to be found visually subordinate, the subject development shall not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be visible, but it shall not be visually dominant in relation to its surroundings. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:**
  - (a) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.**
  - (b) Use of non-reflective or low reflective building materials and dark natural or earthtone colors.**

- (c) **Exterior lighting that is not highly visible from identified viewing areas and meets the Dark Sky Lighting Standards of MCC 39.6850. Shielding and hooding materials should be composed of non-reflective, opaque materials.**
- (d) **Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening.**
- (e) **Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.**
- (f) **Limiting structure height to remain below the surrounding forest canopy level;**
- (g) **Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property, except:**
  - (1) **New public communications facilities (transmission lines, antennae, dishes, etc.) may protrude above a skyline visible from an identified viewing area upon demonstration that:**
    - 1. **The new facility could not be located in an existing transmission corridor or built upon existing facility;**
    - 2. **The facility is necessary for public service; and 3. The break in the skyline is the minimum necessary to provide the service.**
  - (2) **The approval authority may impose conditions of approval on an SEC-v permit in accordance with MCC 39.5535, in order to make the development visually subordinate. The extent and type of conditions shall be proportionate to the potential adverse visual impact of the development as seen from identified viewing areas, taking into consideration the size of the development area that will be visible, the distance from the development identified viewing areas, the number of identified viewing areas that could see the development, and the linear distance the development could be seen along identified viewing corridors.**

**Staff:** The applicant has provided photographs of all development that occurred without permits (Exhibits A.4-A.7), and all visible structures are screened by existing tree cover within the subject property, and none of the structures exceed the height of the tree canopy. Additionally, all visible structures are finished with matte black paint, making them non-reflective and dark earth tone colors. The location of the structures, height of screening vegetation, and color and reflectivity design choices all contribute to the development meeting the visually subordinate standard.

*Criterion met.*

## 9.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Significant Wildlife Habitat (SEC-h), Significant Scenic Views (SEC-v) and Erosion and Sediment Control permits to authorize previous ground disturbance and an expansion of the existing driveway in the Rural Residential zone. This approval is subject to the conditions of approval established in this report.

## 10.0 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

‘D’ Comments Received

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

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application Form	04.18.2025
A.2*	8	Site Plan Packet (*pages 3 and 4 of the site plan packet are included in mailing)	05.22.2025
A.3	40	Code Narrative	05.22.2025
A.4	4	Gate Details	04.18.2025
A.5	14	Light Pole Details	04.18.2025
A.6	4	Propane Tank Details	04.18.2025
A.7	1	Culvert Details	04.18.2025
A.8	8	Septic Review Certification	04.18.2025
A.9	2	Fire District Review Form	04.18.2025
A.10	2	Transportation Planning Memo	04.18.2025
A.11	66	Stormwater Drainage Control Certificate	04.18.2025
A.12	2	Lighting Plan	04.18.2025
A.13	37	Wildlife Habitat Report	04.18.2025
A.14	2	Planting Information Table	05.22.2025
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 2N2W24D -00300 (Property ID # R269548/Alt. Acct. # R764200210)	04.17.2025

B.2	1	Current Tax Map for 2N2W24D	11.19.2025
B.3	2	Sheltered Nook Subdivision Plat	11.19.2025
B.4	66	Stormwater Certificate Approved by Transportation Planning	11.19.2025
<b>‘C’</b>	<b>#</b>	<b>Administration &amp; Procedures</b>	<b>Date</b>
C.1	3	Incomplete letter	05.15.2025
C.2	1	Applicant’s acceptance of 180-day clock	05.22.2025
C.3	1	Complete letter (day 1)	06.13.2025
C.4	5	Opportunity to Comment	07.23.2035
C.5	15	Decision	12.01.2025



Exhibit A.2 Site Plan

TOPOGRAPHIC SURVEY

FOR GERALD HECKMAN AND LAUREN LEESE  
LOT 3, "SHELTERED NOOK"  
IN THE SOUTHEAST 1/4 OF SECTION 24, T. 2 N., R. 2 W., W.M.  
MULTNOMAH COUNTY OREGON  
SCALE 1" = 20'  
OCTOBER 7, 2024



BASIS OF BEARINGS  
OREGON COORDINATE REFERENCE SYSTEM, PORTLAND ZONE,  
WITH REFERENCE TO GEOID 12A (NAD 83(2011) EPOCH 2010);  
SEE OAR 734-005-0015 (3)(dd).

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Benjamin S. Stacy*  
OREGON  
JANUARY 14, 2003  
BENJAMIN S. STACY  
57191  
RENEWS: 6/30/2026

CASWELL/HERTEL  
SURVEYORS INC.  
6150 S.W. 124TH AVE.  
BEAVERTON, OR 97008  
(503) 644-3179  
info@chsveyinc.com  
www.caswellhertelsurveyors.com

- NOTES
1. VERTICAL DATUM = NAVD88 FROM GNSS MEASUREMENTS.
  2. ONE FOOT CONTOUR INTERVAL.
  3. PROPERTY LINES SHOWN WERE PROTRACTED BASED ON RECORD OF SURVEY NUMBER 44252 MULTNOMAH COUNTY SURVEY RECORDS AND ARE SHOWN FOR REFERENCE ONLY.
  4. CONTOURS ARE FINISHED GRADE AS OF OCTOBER 7, 2024.

LEGEND

DECID	DECIDUOUS TREE
EO	ELECTRICAL OUTLET
ELEV	ELEVATION
FF	FINISH FLOOR
IE	INVERT ELEVATION
LP	LIGHT POLE
PVC	PLASTIC PIPE
TR	TELECOM RISER
TRANS	ELECTRICAL TRANSFORMER

---	PROPERTY LINE
[Pattern]	CONCRETE SURFACE
[Pattern]	ASPHALT SURFACE
[Pattern]	ROCKED SURFACE

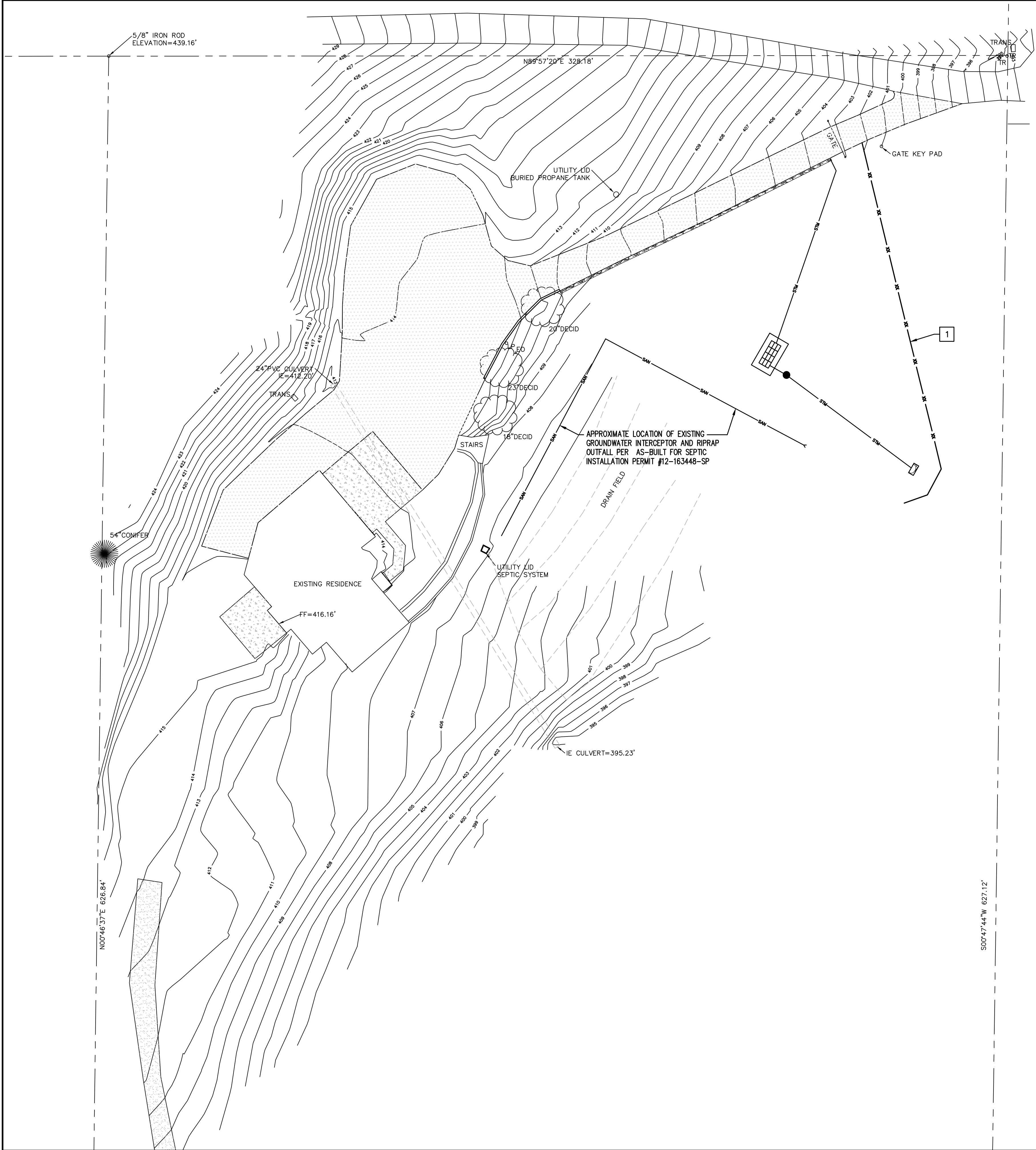
SHEET

C3

JOB NUMBER 2024-164 VOLUME CONTOURS-2

REVISIONS:





PASCHELLKE ROAD

# KEYED EROSION & SEDIMENT CONTROL NOTES:

1. INSTALL STRAW WATTLES PER DETAIL 6/C7.

GENERAL NOTE:

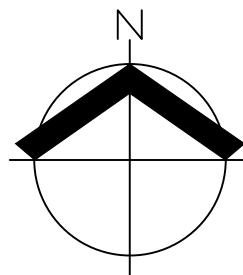
1. EARTHWORK FOR DRIVEWAY CONNECTION UTILIZED CLEAN, NATIVE SOIL BACKFILL THAT WAS MACHINE-COMPACTED PER INDUSTRY STANDARDS. INFORMATION PER OWNERS OBSERVATIONS.

EROSION AND SEDIMENT CONTROL NOTES (LESS THAN 1 ACRE DISTURBED)

1. THE IMPLEMENTATION OF THE EROSION AND SEDIMENT CONTROL PLAN INCLUDING CONSTRUCTION, MAINTENANCE, REPLACEMENT, AND UPGRADING OF THE EROSION AND SEDIMENT CONTROL MEASURES IS THE RESPONSIBILITY OF THE CONTRACTOR UNTIL ALL CONSTRUCTION IS COMPLETED AND APPROVED BY THE LOCAL JURISDICTION AND VEGETATION/LANDSCAPING IS ESTABLISHED.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROPER INSTALLATION AND MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL MEASURES, IN ACCORDANCE WITH LOCAL, STATE, OR FEDERAL REGULATIONS.
3. EROSION AND SEDIMENT CONTROL MEASURES MUST BE IN PLACE BEFORE VEGETATION IS DISTURBED AND MUST REMAIN IN PLACE AND BE MAINTAINED, REPAIRED, AND PROMPTLY IMPLEMENTED FOLLOWING PROCEDURES ESTABLISHED FOR THE DURATION OF CONSTRUCTION, INCLUDING PROTECTION FOR ACTIVE STORM DRAIN INLETS, CATCH BASINS, AND APPROPRIATE NON-STORMWATER POLLUTION CONTROLS.
4. BEGIN LAND CLEARING, EXCAVATION, TRENCHING, CUTTING OR GRADING AFTER INSTALLING APPLICABLE SEDIMENT, EROSION PREVENTION AND RUNOFF CONTROL MEASURES NOT IN THE DIRECT PATH OF WORK.
5. APPLY TEMPORARY AND/OR PERMANENT SOIL STABILIZATION MEASURES IMMEDIATELY ON ALL DISTURBED AREAS AS GRADING PROGRESSES.
6. CONSTRUCTION ACTIVITIES MUST AVOID OR MINIMIZE EXCAVATION AND CREATION OF BARE GROUND ON SLOPES GREATER THAN FIVE (5) PERCENT.
7. CONTRACTOR SHALL USE BIONET SC150BN EROSION CONTROL BLANKETS, OR APPROVED EQUAL, ON SLOPES GREATER THAN 3H:1V. EROSION CONTROL BLANKET AND INSTALLATION METHOD SHALL BE IN ACCORDANCE WITH APPLICABLE JURISDICTIONS AND MANUFACTURER'S RECOMMENDATIONS.
8. WET WEATHER EROSION CONTROL: TEMPORARY STABILIZATION OF THE SITE MUST BE INSTALLED AT THE END OF THE SHIFT BEFORE A HOLIDAY OR WEEKEND OR AT THE END OF EACH WORKDAY.
9. PROVIDE PERMANENT EROSION PREVENTION MEASURES ON ALL EXPOSED AREAS TO PREVENT FROM BECOMING A SOURCE OF EROSION AND REMOVE ALL TEMPORARY CONTROL MEASURES, UNLESS LOCAL ORDINANCES REQUIRE OTHERWISE, AS AREAS ARE STABILIZED.
10. ALL TEMPORARY SEDIMENT CONTROLS MUST REMAIN IN PLACE UNTIL PERMANENT VEGETATION OR OTHER PERMANENT COVERING OF EXPOSED SOIL IS ESTABLISHED.
11. SEDIMENT CONTROLS MUST BE INSTALLED AND MAINTAINED ALONG THE SITE PERIMETER ON ALL DOWN GRADIENT SIDES OF THE CONSTRUCTION SITE, AND AT ALL ACTIVE AND OPERATIONAL INTERNAL STORM DRAIN INLETS AT ALL TIMES DURING CONSTRUCTION.
12. PRIOR TO ANY LAND DISTURBING ACTIVITIES EACH SITE MUST HAVE GRAVELED, PAVED, OR CONSTRUCTED ENTRANCES, EXITS AND PARKING AREAS TO REDUCE THE TRACKING OF SEDIMENT ONTO PUBLIC OR PRIVATE ROADS.
13. CONTRACTOR SHALL LOCATE STOCK PILES SUCH THAT POSITIVE SITE DRAINAGE IS MAINTAINED AT ALL TIMES. PONDING AROUND STOCK PILE BASE IS NOT ACCEPTABLE.
14. TEMPORARY STABILIZATION OR COVERING OF SOIL STOCK PILES AND PROTECTION OF STOCK PILES LOCATED AWAY FROM CONSTRUCTION ACTIVITY MUST OCCUR AT THE END OF EACH WORKDAY.
15. THE CONTRACTOR SHALL PREVENT OR MINIMIZE STORMWATER FROM BEING EXPOSED TO POLLUTANTS FROM SPILLS, INCLUDING DISCHARGE OF CONCRETE TRUCK WASH WATER, VEHICLE AND EQUIPMENT CLEANING, VEHICLE AND EQUIPMENT FUELING, MAINTENANCE AND STORAGE, OTHER CLEANING AND MAINTENANCE ACTIVITIES, AND WASTE HANDLING ACTIVITIES. POLLUTANTS INCLUDE FUEL, HYDRAULIC FLUID, OTHER OILS FROM VEHICLES AND MACHINERY, AS WELL AS DEBRIS, LEFTOVER PAINTS, SOLVENTS, AND GLUES FROM CONSTRUCTION OPERATIONS.
16. ANY USE OF TOXIC OR OTHER HAZARDOUS MATERIALS MUST INCLUDE PROPER STORAGE, APPLICATION, AND DISPOSAL.
17. THE CONTRACTOR SHALL PROPERLY MANAGE HAZARDOUS WASTES, USED OILS, CONTAMINATED SOILS, CONCRETE WASTE, SANITARY WASTE, LIQUID WASTE, OR OTHER TOXIC SUBSTANCES DISCOVERED OR GENERATED DURING CONSTRUCTION AND MEET ALL STATE AND FEDERAL REGULATIONS AND APPROVALS.
18. THE EROSION AND SEDIMENT CONTROL MEASURES SHOWN ON THIS PLAN ARE MINIMUM REQUIREMENTS FOR ANTICIPATED DRY WEATHER SITE CONDITIONS. DURING THE CONSTRUCTION PERIOD, THESE MEASURES MUST BE UPGRADED AS NEEDED TO COMPLY WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL EROSION AND SEDIMENT CONTROL REGULATIONS.
19. SIGNIFICANT AMOUNTS OF SEDIMENT, WHICH LEAVES THE SITE, MUST BE CLEANED UP WITHIN 24 HOURS, PLACED BACK ON THE SITE, AND STABILIZED OR PROPERLY DISPOSED. THE CAUSE OF THE SEDIMENT RELEASE MUST BE FOUND AND PREVENTED FROM CAUSING A RECURRENCE OF THE DISCHARGE WITHIN THE SAME 24 HOURS.
20. VACUUMING OR DRY SWEEPING MUST BE USED TO CLEAN-UP RELEASED SEDIMENT AND MUST NOT BE INTENTIONALLY WASHED INTO STORM SEWERS, DRAINAGE WAYS, OR WATER BODIES.
21. THE APPLICATION RATE OF FERTILIZERS USED TO REESTABLISH VEGETATION MUST FOLLOW MANUFACTURER'S RECOMMENDATIONS TO MINIMIZE NUTRIENT RELEASES TO SURFACE WATERS.
22. SEDIMENT MUST BE REMOVED FROM BEHIND BIO BAGS WHEN IT HAS REACHED A HEIGHT OF TWO (2) INCHES AND BEFORE BMP REMOVAL.
23. SHOULD ALL CONSTRUCTION ACTIVITIES CEASE FOR THIRTY DAYS OR MORE, THE ENTIRE SITE MUST BE TEMPORARILY STABILIZED USING VEGETATION OR A HEAVY MULCH LAYER, TEMPORARY SEEDING, OR OTHER METHOD.
24. 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 TACKIFIED COVERING THAT PREVENTS SOIL OR WIND EROSION UNTIL WORK RESUMES ON THAT PORTION OF THE SITE.
25. THE CONTRACTOR SHALL PERFORM DAILY INSPECTIONS OF THE EROSION AND SEDIMENT CONTROL MEASURES AND DISCHARGE OUTFALLS.
26. EROSION AND SEDIMENT CONTROL MEASURES AND DISCHARGE OUTFALLS MUST BE INSPECTED BEFORE, DURING, AND AFTER SIGNIFICANT STORM EVENTS.
27. EROSION AND SEDIMENT CONTROL MEASURES MUST BE INSPECTED VISUALLY TO ENSURE THAT EROSION AND SEDIMENT CONTROL MEASURES ARE IN PROPER WORKING ORDER PRIOR TO THE SITE BECOMING INACTIVE OR IN ANTICIPATION OF SITE INACCESSIBILITY. EROSION AND SEDIMENT CONTROL MEASURES MUST BE INSPECTED VISUALLY ONCE EVERY TWO (2) WEEKS DURING INACTIVE PERIODS GREATER THAN FOURTEEN (14) CONSECUTIVE CALENDAR DAYS.

GRADING & ESC LEGEND

STRAW WATTLE: — x —



SCALE: 1" = 20 FEET



AKS

AKS ENGINEERING & FORESTRY, LLC  
12065 SW HERMAN RD., STE 100  
TUALATIN, OR 97062  
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ENGINEERING · SURVEYING · NATURAL RESOURCES  
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16523 NW SHELTERED  
NOOK ROAD  
MULTNOMAH COUNTY OREGON  
TAX LOT 300

GRADING & EROSION &  
SEDIMENT CONTROL PLAN

DESIGNED BY: AMC  
DRAWN BY: BVK  
MANAGED BY: AMC  
CHECKED BY: CEG  
DATE: 05/21/2025  
REGISTERED PROFESSIONAL ENGINEER  
PRELIMINARY  
NOT FOR CONSTRUCTION  
RENEWED: DECEMBER 31, 2025  
REVISIONS  
JOB NUMBER  
11797  
SHEET  
C4