

NOTICE OF DECISION

This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

Case File: T2-2015-4561

Permit: Significant Environmental Concern for Wildlife Habitat, Hillside Development Permit and Administrative Decision by the Planning Director

Location: 12610 NW Skyline Blvd
Tax Lot 1700 , Section 31
Township 2 North, Range 1 West, W.M.
Tax Account #R971310370

Applicants: Luke & Megan McDonald

Owners: Luke & Megan McDonald

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

Overlays: Significant Environmental Concern for wildlife habitat (SEC-h)




Summary: Applicant is proposing to construct a replacement dwelling in the Commercial Forest Use - 2zone. A Significant Environmental Concern permit for wildlife habitat, Hillside Development permit and Forest Development standards review must be approved to replace the dwelling.

Decision: Approved with Conditions

Unless appealed, this decision is effective Tuesday, June 7, 2016, at 4:00 PM.

Issued by:

By:


Michael Cerbone, Planning Director

Date: Tuesday May 24, 2016

Instrument Number for Recording Purposes: #

Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Lisa Estrin, Staff Planner at 503-988-0167 or lisa.m.estrin@multco.us.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals until all local appeals are exhausted.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Tuesday, June 7, 2016 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR): *Commercial Forest Use – 2* - MCC 33.0005 Lot of Record, MCC 33.2220(D) Allowed Uses – Replacement Dwelling, MCC 33.2256 Forest Practices Setbacks and Fire Safety Zones, MCC 2261 Development Standards for Dwellings and Structures, MCC 33.2273 Access, MCC 33.2275 Lot of Record

Significant Environmental Concern - MCC 33.4520 Application for an SEC permit, MCC 33.4570 SEC-h Approval Criteria.

Hillside Development – MCC 33.5515 Application Information Required, MCC 33.5520

Multnomah County Road Rules (MCRR): MCRR 4.00 *et al*

Copies of the referenced Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR) sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.multco.us/landuse>

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. **This land use permit expires four years from the date the decision is final pursuant to MCC 37.0690(C) as applicable. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0695, 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.
3. **Prior to land use sign-off for building plan check:**

- a. The applicant shall demonstrate that the proposed single family dwelling height does not exceed the height requirements of MCC 33.2250(A).
 - b. The fire sprinkler plans required by Tualatin Valley Fire and Rescue (Exhibit A.14) shall be included in the building plans to be signed off by Land Use Planning.
 - c. The specifications for the primary and secondary fire safety zones as described in MCC 33.2256(D)(1)(a) and (D)(2) shall be added to the plans to provide instruction on how the vegetation in the primary shall be altered.
 - d. The applicant shall provide building elevations and floor plans demonstrating that the proposed dwelling will have a fire retardant roof and any and all chimneys will have a spark arrester installed. [MCC 33.2261(C)]
 - e. The site plan shall be revised to show the location of the existing gate across the driveway and if the gate is to be moved its new location. [MCC 33.4570(C)(3)]
 - f. The erosion control plan shall be revised to include the requirement that all exposed soils be protected with mulch, netting or erosion control blankets unless actively being worked on that day. [MCC 33.5520(A)(2)(b), (d), and (h)].
 - g. The outfall, riprap and piping on the western flow-through planter shall be moved to be at least 100 feet from the small watercourse tributary unless a mitigation planting plan is provided by the applicant that reduces the potential erosion impacts leading from the outfall to the tributary. If no mitigation planting plan is provided, all plans shall be revised to show that the outfall is at least 100 feet from the watercourse. [MCC 33.5520(A)(2)(e)]
 - h. A planting plan for all disturbed areas not covered by impervious surfaces shall be submitted. The planting plan shall show the permanent vegetation to be planted, timing of installation and certify that the plantings proposed do not contain any nuisance species listed in MCC 33.4570(B)(7). [MCC 33.5520(A)(2)(f)]
 - i. The property owners (McDonalds) shall obtain a stormwater easement from the property owners at 12520 NW Skyline Boulevard for the dispersal of stormwater onto their property known as 2N1W31 - 01901 from the new impervious driveway leading to the McDonald property (2N1W31 – 01700). [MCC 33.5520(A)(2)(g) & (j)]
 - j. The property owners (McDonalds) shall record the new easement granted by the property owners of 12520 NW Skyline Boulevard (2N1W31 – 01901) covering the area where the new driveway and its related improvements will occupy. [MCC 33.2273 and MCC 33.0550]
 - k. The applicant shall obtain a Right-of-Way permit for the reconfigured access point onto Skyline Boulevard. No stormwater may be placed, directed or deposited into the public right-of-way without first obtaining permission from the County Transportation Division. To obtain a right-of-way permit, please call 503-988-3582 to speak with a Transportation Planner.
4. Prior to placement of combustible materials on the site or commencement of combustible construction, the approved fire apparatus access roadway shall be installed and operational in compliance with Tualatin Valley Fire and Rescue's requirement (Exhibit A.14).
 5. The Primary and Secondary Fire Safety Zones shall be installed prior to occupancy of the single family dwelling. [MCC 33.2256(D)(5)]

6. The Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under MCC 33.2256(D)(1) and (2). [MCC 33.2256(D)(5)]
7. The proposed SEC-h mitigation plantings shall be completed within two years of this decision becoming final.
8. The vegetation planted by the property owners on the property shall not utilize any of the nuisance plants listed in MCC 33.4570(B)(7). In addition, all nuisance plants shall be removed from the cleared areas of the property within two years of this decision becoming final. The property owner is responsible for keeping the nuisance plants from re-establishing on the property.
9. All required plantings shall be maintained in a living condition. If the plantings become diseased or die, the individual plants shall be replaced in the next planting season. The size of the replacement plants shall be at least equal to or larger than the remaining plantings.
10. No fencing shall be installed on the subject property without first amending the wildlife conservation plan. If fencing is proposed in the future, the biologist shall inspect the property for game trails and design a fencing plan to allow for the continued use of those trails. [MCC 33.4570(C)(3)]
11. All ground disturbing activities and construction of the dwelling, related physical improvements, driveway, gabion walls and landscape walls shall be observed by GeoPacific Engineering to ensure that all work is completed in compliance with the geotechnical report (Exhibit A.30) and the Gabion Wall Retaining Wall Design (Exhibit A.31). Site observation by GeoPacific Engineering shall be at the property owners' expense. [MCC 33.5515(F)(3) and MCC 33.5520(A)(1)(c)]
12. The property owner or their representative shall mulch, cover with netting or erosion control blanket all exposed soils during all phases of development unless actively being worked on that day. The use of the temporary ground cover shall continue until such time as the permanent vegetation is planted and the soil is stabilized by the landscaping. [MCC 33.5520(A)(2)(b), (d), and (h)]
13. No earthen materials other than gravel may be stockpiled on the project parcel. All excavated earthen material shall be removed from the site on the day it is excavated and disposed of at one of the following locations: the Farmington landfill, IR Baker Rock or Scappoose Sand & Gravel. Should the property owner desire to dispose of fill at an alternate site, said site must first be approved by Multnomah County [MCC 33.5520(A)(2)(c)]
14. If no mitigation planting plan is provided for the outfall from the western flow-through planter, the outfall shall be installed at least 100 feet from all watercourses on the property. [MCC 33.5520(A)(2)(e)]
15. The permanent vegetation proposed in the planting plan submitted for condition 3.g. shall be planted by the timelines established in the planting plan or the next planting season (spring or fall) after occupancy of the new single family dwelling whichever comes first. [MCC 33.5520(A)(2)(f)]
16. No non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be disposed of improperly. The property owners or their representative shall continuously monitor the site to ensure proper handling, clean-up and disposal of petrochemicals, solid waste and toxic materials. [MCC 33.5520(A)(2)(n)].
17. The property owners are responsible for the removal and repair of any deposition of earthen materials due to stripping of vegetation, re-grading or improper best management practices onto

adjoining properties, public roadways or drainage systems. The repairs shall return the area to its original or equal condition. [MCC 33.5520(B)(1)]

18. It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream watercourse or swale, or upon the floodplain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or right-of-way during such activity, and to return it to its original or equal condition. [MCC 33.5520(B)(2)]
19. The applicant shall provide a grading and erosion control plan that quantifies the total area of disturbance in order to determine if the project needs to comply with Oregon Department of Environmental Quality requirements (DEQ). If required the applicant must obtain the appropriate permit from Multnomah County prior to earth engaging activity.

Note: Once this decision is final, application for building permits may be made with the City of Portland. When ready to have land use sign off to enter into building plan check, the applicant shall call the Staff Planner, Lisa Estrin, at (503) 988-0167 for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building plans before the applicant submits them to the City of Portland. Five (5) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee will be collected. In addition, an erosion control inspection fee may be required.

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*.

1.00 Project Description:

Staff: The applicant is requesting to replace an existing dwelling on a 10 acre parcel in the Commercial Forest Use – 2 zone. The new house will be located approximately 23 feet to the north of the existing dwelling. To authorize the proposed dwelling, the subject tax lot must be a Lot of Record. An application for a Significant Environmental Concern for wildlife habitat and Hillside Development permit must be reviewed and approved. In addition, the existing dwelling must be found to have been lawfully established and is a habitable dwelling.

2.00 Property Description & History:

Staff: The subject tax lot is a 10 acre forested parcel with an existing single family dwelling. Based on the tax records, the dwelling existed in 1953. The property is landlocked and accesses the public road known as Skyline Blvd via an easement across the tax lot to the south. The subject property has areas of significant slopes with a large portion of the property with over forty percent slopes. These areas are generally to the north, west and east of the home site.

3.00 Commercial Forest Use – 2 Criteria:

3.01 § 33.2220 Allowed Uses

(D) Alteration, maintenance, replacement or restoration of an existing lawfully established habitable dwelling as defined in MCC 33.0005 and located within 100-feet from an existing dwelling.

(1) In the case of a replacement dwelling, the existing dwelling shall be removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

Staff: In the West Hills Rural Plan Area, Multnomah County commenced zoning in 1955. The assessment and taxation records indicate that the dwelling was established in 1953 before zoning. *The dwelling was lawfully established.*

MCC 33.0005 Definitions defines a “*Habitable Dwelling*” as “*An existing dwelling that: (a) Has intact exterior walls and roof structure; (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; (c) Has interior wiring for interior lights; (d) Has a heating system; and (e) Was lawfully established.*” The applicant has provided photographs of the existing dwelling showing that it currently meets the above definition (Exhibit A.10). *The existing dwelling is currently habitable.*

The applicant is proposing to replace the existing dwelling with a new dwelling that will be approximately 23 feet to the north. The existing dwelling will be demolished during the development project to allow the construction of the driveway and vehicle turn-around as shown on the plans. *Criteria met.*

3.02 § 33.2250 BUILDING HEIGHT REQUIREMENTS

(A) Maximum structure height – 35 feet.

Staff: The applicant has provided a building footprint, but no building elevations as part of the application. At time of land use review for building plan check, planning staff will verify compliance with this criterion. *As conditioned, criterion met.*

3.03 § 33.2256 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)
At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling	May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.	30	30	Primary required; Maintenance of vegetation in the Secondary is required to the extent possible

Staff: The proposed dwelling will be placed within 23+/- feet from the existing home site. The proposed dwelling will be 75.53 feet from the south property line, 259.61 feet to the west property line, 347.35 feet to the east and 517.79 feet to the north. *The Forest Practice Setbacks will be met.*

3.04 (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 with-in 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 down the slope from a dwelling or structure as follows:

Percent Slope	Distance in Feet
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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.

(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 re-moved 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 33.2310.

(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

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

(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: The applicant's site plan (Exhibit A.19) shows the primary and secondary fire safety zones on it. The primary fire safety zone west of the proposed dwelling has areas with 25%+ slopes (Exhibit A.19 and A.27). The primary fire safety zone will need to be increased on the western side of the new dwelling from 30 feet to 130 feet. The secondary fire safety zone would extend around the primary for another 100 feet. The total primary and secondary fire safety zone between the dwelling and the west property line would be a minimum of 230 feet. The proposed setback from the western side of the dwelling to the west property line is 259.61 feet. As the dwelling is proposed, there is adequate distance to meet the primary and secondary fire safety zone without needing to move the dwelling. The applicant has modified the primary and secondary fire safety zone on the revised site plan (Exhibit A.19). A condition of approval has been included requiring that the vegetation management needed to create and maintain the primary fire safety zone and secondary fire safety zone be added to the plans so that the contractor will know what is necessary to establish these zones. No forestry management plan has been submitted by the applicant so the establishment of the primary and secondary can be accomplished as conditioned. *As conditioned, criteria can be met.*

3.05 § 33.2261 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):

(A) For the uses listed in this subsection, the applicable development standards are

limited as follows:

(2) Replacement or restoration of a dwelling.

(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 33.2261(C) and the applicable driveway/road requirements of 33.2261(E);

Staff: The proposed dwelling will be located within 23+/- feet from the existing dwelling's location (Exhibit A.19). The proposed development will need to meet (C). The applicable driveway/road requirements of MCC 33.2261(E) have been removed from the code.

3.06 (C) The dwelling or structure shall:

(1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 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: At present, planning staff does not have architectural plans to review. A condition of approval has been included requiring that the applicant demonstrate compliance with the items of (C) prior to land use sign off for building plan check. *As conditioned, criteria can be met.*

3.07 § 33.2273 ACCESS

All lots and parcels in this district shall abut a public street or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 33.2275(C).

Staff: The subject property is landlocked and accesses Skyline Blvd via easement. The proposed driveway is wider than the 15-foot recorded easement. A condition of approval has been included that the McDonalds obtain the necessary easement for the expanded driveway before construction.

3.08 § 33.2275 LOT OF RECORD

(A) In addition to the Lot of Record definition standards in MCC 33.0005, for the purposes of this district a Lot of Record is either:

(1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or

(2) A group of contiguous parcels or lots:

(a) Which were held under the same ownership on February 20, 1990; and

(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

1. Each Lot of Record proposed to be segregated from the contiguous

group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.

2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.

3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g. MUA-20, RR, BRC, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

(4) Exceptions to the standards of (A)(2) above:

(a) Where two contiguous parcels or lots are each developed with a lawfully established habitable dwelling, the parcels or lots shall be Lots of Record that remain separately transferable, even if they were held in the same ownership on February 20, 1990.

(b) Where approval for a "Lot of Exception" or a parcel smaller than 19 acres under the "Lot Size for Conditional Uses" provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the same ownership on February 20, 1990.

(B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:

(1) July 10, 1958, F-2 zone applied;

(2) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;

(3) October 6, 1977, MUF-20 and CFU-38 zones applied, Ord. 148 & 149;

(4) August 14, 1980, MUF-19 & 38 and CFU-80 zones applied, Ord. 236 & 238;

(5) February 20, 1990, lot of record definition amended, Ord. 643;

(6) January 7, 1993, MUF-19 & 38 zones changed to CFU-80, Ord. 743 & 745;

(7) August 8, 1998, CFU-2 zone applied, Ord. 916 (reenacted by Ord. 997);

(8) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997;

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access

requirements of MCC 33.2273, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(D) The following shall not be deemed a Lot of Record:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;**
- (2) An area of land created by the foreclosure of a security interest;**
- (3) A Mortgage Lot.**
- (4) An area of land created by court decree.**

§ 33.0005 DEFINITIONS.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 33.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

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

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

- 1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or**
- 2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or**
- 3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or**
- 4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and**
- 5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)**

(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an “acknowledged unincorporated community” boundary which intersects a Lot of Record.

- 1. Partitioning of the Lot of Record along the boundary shall require review**

and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.

2. An “acknowledged unincorporated community boundary” is one that has been established pursuant to OAR Chapter 660, Division 22.

Staff: The applicant has provided a copy of a deed from May 1969 describing the subject property (Exhibit A.9). This appears to be the deed to first describe the property. The zoning at the time was F-2 (Agricultural Districts) which had a minimum lot size of two acres for new parcels or lots. The F-2 zone did not have a requirement for road frontage or minimum front lot line length. The subject property met the zoning requirements at the time of its creation.

On February 20, 1990, the subject property was owned by James and Alice Boyd. Planning staff reviewed the County’s historic tax records to see if the subject property was contiguous to another parcel under the same ownership on February 20, 1990. County records indicate that all contiguous parcels were in separate ownership on that date. *Based upon the above information, tax lot 2N1W31 – 01700 is a Lot of Record.*

4.00 Significant Environmental Concern Criteria:

4.01 § 33.4570 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT

(B) Development standards:

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

Staff: The proposed dwelling will be located is a 19,500 sq. ft. area that is non-forested. The new home site used to be the front yard for the old dwelling. The applicant did a commercial thinning/selective cutting forest practice act in April 2015 (Exhibit A.16) to expand the non-forested area for the home site. The fire district required turn-around will be placed to the east and south of the proposed dwelling (Exhibit A.14). The turn-around will be in the area of the forest practice. As this forest practice was not a forest practice to convert an area to a non-forest practice, it is required to be re-forested by the Forest Practice Act. The development has used the cleared area for the dwelling and landscape areas. The cleared area is not large enough to encompass the entire development. *Criterion met.*

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

Staff: The subject property is landlocked and is approximately 250 feet north of the public right-of-way. The project site is not capable of meeting this standard. *Criterion not met.*

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

Staff: The total service corridor (access road and turn-around) is 500 feet in length as measured on the applicant’s Exhibit A.19 and A.22). *Criterion met.*

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

(a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side

of the road has an existing access road or driveway approach within 200 feet of that side property line; or

(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.

(c) Diagram showing the standards in (a) and (b) above.

For illustrative purposes only.

(d) The standards in this subsection (4) may be modified upon a determination by the County Road Official that the new access road/driveway approach would result in an unsafe traffic situation using the standards in the Multnomah County "Design and Construction Manual," adopted June 20, 2000, (or all updated versions of the manual). Standards to be used by the Road Official from the County manual include Table 2.3.2, Table 2.4.1, and additional referenced sight distance and minimum access spacing standards in the publication A Policy on Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials (AASHTO) and the Traffic Engineering Handbook by the Institute of Transportation Engineers (ITE).

1. The modification shall be the minimum necessary to allow safe access onto the public road.

2. The County Road Official shall provide written findings supporting the modification.

Staff: The access road for the subject property is approximately 155 feet from the western property line on tax lot 2N1W31 – 01901. An access point exists on the property known as tax lot 2N1W31 – 01902 on the southern side of Skyline Blvd that is approximately 15 ft to the west of the access road. In addition, tax lot 2N1W31 – 01901 has an access point onto Skyline for an agricultural operation that is approximately 75 feet to the east of the proposed access road. *Criterion met.*

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

Staff: The subject property is landlocked so all property lines are considered side property lines. While the common property line between the subject property and tax lot 2N1W31 – 01901 is the rear property line for tax lot – 01901, it is a side property line for the subject property. The proposed dwelling will be 76+/- feet from this common property line (Exhibit A.19). *Criterion met.*

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

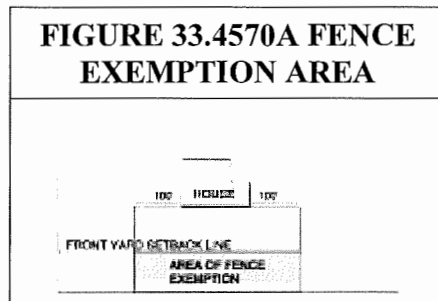
(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(c) Cyclone, woven wire, and chain link fences are prohibited.

(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

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



(f) Fencing standards do not apply where needed for security of utility facilities.

Staff: The applicant has stated “no fencing is proposed within a required setback from a public road” (Exhibit A.2). As the property is landlocked, the subject property has no front yard requirement. *Criterion met.*

- 4.07 (7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:**

Staff: The applicant states that “Nuisance plants on the County’s prohibited list will not be planted as landscaping, and will be removed from cleared areas of the property.”(Exhibit A.2) A condition of approval has been included requiring that the nuisance plants be removed and kept removed from the development area. *As conditioned, criterion met.*

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

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

Staff: The subject property is landlocked and over 200 feet from a public road. The proposed development cannot meet criterion 33.4570(B)(2). All other development standards listed in (B) can be met. The application must demonstrate that the proposed development results in the minimum departure from the standards and provide mitigation.

The existing dwelling on the site is approximately 30 feet from the south property line. The proposed dwelling will be constructed 23+/- feet further from the south property to allow for the construction of a turn-around for the fire district and allow use of the existing structure during some of the construction process. See additional findings below for the mitigation

measures.

- 4.09** (3) Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (C)(5), the wildlife conservation plan must demonstrate the following:
- (a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.
 - (b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.
 - (c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.
 - (d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.
 - (e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.

Staff: The non-forested cleared area that existed prior to the forest practice act on the site was approximately 19,500 sq. ft. in size. The forest practice notification for harvesting timber was given to the state in March 2015. No notice of conversion was given to the Department of Forestry so that these various harvest areas would need to be reforested pursuant to the rules. The forest practice cleared areas for the fire district turn-around, and areas for the primary fire safety zone. The expanded non-forested areas to allow for the home and related improvements is polygon shaped and is approximately 220 feet by 245 feet (53,900 sq. ft. / 0.99 of an acre) when squared up. This clearing has disturbed the minimum area necessary to serve the proposed development and is not greater than one acre.

No fencing has been shown on the plans. The applicant has indicated that a gate exists on the southern property line across the driveway and it will be maintained to control access to the site. An access control gate that is not part of a fence line has been interpreted to not be a fence. A condition of approval showing the location of the gate has been included for documentation purposes. The applicant has also indicated that no fencing is proposed within the narrative for the wildlife conservation plan. A condition of approval has been included restricting the installation of a fence in the future without first amending the conservation plan.

The applicant is proposing to plant 15 Douglas Firs and 15 Bigleaf Maples in the southwest corner of the property. In addition, 60 shrubs will be planted in groups of 2 to 4 plants to help develop an understory. Timing of the planting has been left very open-ended by the plan. A condition of approval has been included requiring that these mitigation plantings be completed within two years of this report being completed.

As conditioned, the wildlife conservation plan is adequate.

5.00 Hillside Development Criteria

5.01 § 33.5505 PERMITS REQUIRED

Hillside Development Permit: All persons proposing development, construction, or site

clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall obtain a Hillside Development Permit as prescribed by this subdistrict, unless specifically exempted by MCC 33.5510.

Staff: The applicant has applied for a Hillside Development Permit to construct a new single family dwelling and related physical improvements (Exhibit A.32).

5.02 § 33.5515 APPLICATION INFORMATION REQUIRED

An application for development subject to the requirements of this subdistrict shall include the following:

(A) A map showing the property line locations, roads and driveways, existing structures, trees with 8-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s) and trees proposed for removal.

(B) An estimate of depths and the extent and location of all proposed cuts and fills.

(C) The location of planned and existing sanitary drainfields and drywells.

(D) Narrative, map or plan information necessary to demonstrate compliance with MCC 33.5520 (A). The application shall provide applicable supplemental reports, certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.

(E) A Hillside Development permit may be approved by the Director only after the applicant provides:

(1) Additional topographic information showing that the proposed development to be on land with average slopes less than 25 percent, and located more than 200 feet from a known landslide, and that no cuts or fills in excess of 6 feet in depth are planned. High groundwater conditions shall be assumed unless documentation is available, demonstrating otherwise; or

(2) A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or,

(3) An HDP Form– 1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with his/her stamp and signature affixed indicating that the site is suitable for the proposed development.

(a) If the HDP Form– 1 indicates a need for further investigation, or if the Director requires further study based upon information contained in the HDP Form– 1, a geotechnical report as specified by the Director shall be prepared and submitted.

(F) Geotechnical Report Requirements

(1) A geotechnical investigation in preparation of a Report required by MCC 33.5515 (E) (3) (a) shall be conducted at the applicant's expense by a Certified Engineering Geologist or Geotechnical Engineer. The Report shall include specific investigations required by the Director and recommendations for any further work or changes in proposed work which may be necessary to ensure reasonable

safety from earth movement hazards.

(2) Any development related manipulation of the site prior to issuance of a permit shall be subject to corrections as recommended by the Geotechnical Report to ensure safety of the proposed development.

(3) Observation of work required by an approved Geotechnical Report shall be conducted by a Certified Engineering Geologist or Geotechnical Engineer at the applicant's expense; the geologist's or engineer's name shall be submitted to the Director prior to issuance of the Permit.

(4) The Director, at the applicant's expense, may require an evaluation of HDP Form- 1 or the Geotechnical Report by another Certified Engineering Geologist or Geotechnical Engineer.

(G) Development plans shall be subject to and consistent with the Design Standards For Grading and Erosion Control in MCC 33.5520 (A) through (D). Conditions of approval may be imposed to assure the design meets those standards.

Staff: GeoPacific Engineering has reviewed the proposed development site and finds that it "is suitable from a geologic standpoint for support of conventional spread foundations provided that the following recommendations are incorporated into the design and construction phases of the project". "A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development. The applicant has provided the above information in Exhibits A.18 through A.34. *Criteria met.*

5.03 § 33.5520 GRADING AND EROSION CONTROL STANDARDS

Approval of development plans on sites subject to a Hillside Development Permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

(A) Design Standards For Grading and Erosion Control

(1) Grading Standards

(a) Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The Director or delegate may require additional studies or information or work regarding fill materials and compaction;

Staff: The geotechnical report (Exhibit A.30) specifies the fill materials, methodology and compaction densities needed for the proposed development. *Criterion met.*

5.04 (b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified;

Staff: The geotechnical report (Exhibit A.30) specifies that the permanent cut slopes should be constructed no steeper than 2H:1V (50% grade).

5.05 (c) Cuts and fills shall not endanger or disturb adjoining property;

Staff: There are two areas of concern regarding the development where cuts or fills can endanger the property to the south. The first being the driveway development with gabion retaining walls. The second area is landscape wall adjacent to the south property line. Both of these development areas are using retaining walls to support the surrounding grades. The

gabion wall report (Exhibit A.31) recommends that GeoPacific monitor the wall construction to verify adequate bearing soils, basket construction and backfill compaction. A condition of approval has been included making this recommendation mandatory. *As conditioned, criterion met.*

- 5.06 **(d) The proposed drainage system shall have adequate capacity to bypass through the development the existing upstream flow from a storm of 10-year design frequency;**

Staff: The proposed development is setback from the three watercourses on the property (Exhibit A.19). No encroachment on their riparian area is proposed. *Criterion met.*

- 5.07 **(e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced streamflow for a storm of 10-year design frequency;**

Staff: The proposed development does not place any fill within the riparian zones of the natural watercourses on the property (Exhibit A.24, A.19). *Criterion met.*

5.08 **(2) Erosion Control Standards**

(a) On sites within the Tualatin River Drainage Basin, erosion and stormwater control plans shall satisfy the requirements of OAR 340. Erosion and stormwater control plans shall be designed to perform as prescribed by the currently adopted edition of the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)" and the "City of Portland Stormwater Quality Facilities, A Design Guidance Manual (1995)". Land-disturbing activities within the Tualatin Basin shall provide a 100-foot undisturbed buffer from the top of the bank of a stream, or the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland; unless a mitigation plan consistent with OAR 340 is approved for alterations within the buffer area.

Staff: The subject property is not located within the Tualatin River Drainage Basin. It is located in the Lower Columbia Watershed. *Criterion met.*

- 5.09 **(b) Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;**

Staff: The applicant has indicated that erosion control measures (rock, straw and plastic) shall be installed in all disturbed areas when active construction is not occurring in the area. In addition, sediment fencing or wattles will be installed around the perimeter of the ground disturbance before it occurs to protect against erosion (Exhibit A.21). The geotechnical report (Exhibit A.30) indicates that due to the fine-grained nature of on-site soils, once the particles become suspended in water they will precipitate out slowly. The geotechnical report recommends "Areas of exposed soil requiring immediate and/or temporary protection against exposure should be covered with either mulch or erosion control netting/blankets". A condition of approval has been included requiring that all exposed soils be protected with mulch, netting or blankets unless actively being worked. *Through conditions, criterion met.*

- 5.10 **(c) Development Plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and**

adequately accommodate the volume and velocity of surface runoff;

Staff: The proposed cut and fill operation is necessary to place the proposed dwelling and related physical improvements. No additional areas of cuts or fills are proposed that do not directly relate to the proposed improvement. The materials cut from the terrain will be exported off site to an approved fill location pursuant to the applicant's email on May 18, 2016 (Exhibit A.34). *Through conditions, criterion met.*

5.11 (d) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;

Staff: As discussed under Finding 5.09 above, the geotechnical report requires the use of mulch, netting or erosion control blankets on all open ground. A condition has been included. *As conditioned, criterion met.*

5.12 (e) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;

- 1. A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland;**
- 2. The buffer required in 1. may only be disturbed upon the approval of a mitigation plan which utilizes erosion and stormwater control features designed to perform as effectively as those prescribed in the currently adopted edition of the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)" and the "City of Portland Stormwater Quality Facilities, A Design Guidance Manual (1995)" and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340;**

Staff: The applicant indicates that there are no watercourses or wetlands within 200 feet of the proposed disturbance areas of the site. The outfall, riprap and piping for the stormwater planter on the west side of the development appears to be 40 feet from the beginning of a small tributary. The installation of these improvements will involve ground disturbance. A condition of approval has been included requiring that the outfall, riprap and piping remain 100 feet from the tributary or mitigation plantings be added to reduce the potential erosion impacts leading from the outfall to the tributary. *As conditioned, criterion met.*

5.13 (f) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;

Staff: The applicant has stated that permanent plantings will be installed as soon as site and home construction and season conditions allow for successful installation of permanent planting. No planting plan has been provided as to the areas to be planted around the dwelling and driveway. A condition of approval has been included requiring a planting plan be provided for all disturbed areas that are to be replanted before land use sign-off for building plan check. *As conditioned, criterion met.*

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

necessary;

Staff: The applicant has provided stormwater facilities to handle the increased run-off from the proposed physical improvements. Two stormwater planters will be installed to handle the stormwater generated from the dwelling and on-site driveway improvements. The proposed driveway will be paved and the stormwater will be collected by curbing to a low-point on the neighbors' property and then directed to the tributary. While the neighbors have signed a letter authorizing this application (Exhibit A.29), nothing in that letter indicates that additional stormwater will be added to their property. The present driveway leading to the subject tax lot is not paved. It is a graveled roadway which is pervious to stormwater. The proposed driveway will be paved and the stormwater concentrated along the new driveway until it is released outside of the easement. Planning staff has no evidence that this stormwater management plan has been explained to the neighbors and that they have chosen to grant an additional easement to accommodate the increased runoff caused by the impervious surface. A condition of approval has been included requiring that the property owners or their representatives demonstrate that neighbors have granted a stormwater easement before these driveway improvements can be made. *Through conditions, criterion met.*

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

Staff: The use of sediment fences, wattles, mulch and blankets will be used to prevent sediment and to capture particles that become suspended in water. *Through conditions, criterion met.*

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

Staff: All disturbed areas that are not actively being work are required to be mulched or covered with an erosion control blanket pursuant to the geotechnical report (Exhibit A.30) and conditions listed above. *Through conditions, criterion met.*

5.17 (j) All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system;

Staff: The proposed development will control stormwater through planters and release it slowly to existing drainages on-site or in a stormwater easement. *Through conditions, criterion met.*

5.18 (k) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion;

Staff: The proposed development will utilize flow-through planter boxes. *Criterion met.*

5.19 (1) Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:

- 1. Energy absorbing devices to reduce runoff water velocity;**
- 2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an**

approved schedule;

3. Dispersal of water runoff from developed areas over large undisturbed areas.

Staff: The outfall from the planter boxes will occur onto riprap. Riprap is an energy absorbing device. *Criterion met.*

- 5.20** (m) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures;

Staff: The applicant has indicated that all spoil materials or topsoil excavated as part of the development project will be stored off-site (Exhibit A.33). *Criterion met.*

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

Staff: A condition of approval has been included to remind the property owner and to inform the contractor that all construction waste materials shall be removed from the site and disposed of in a proper manner. *Through conditions, criterion met.*

- 5.22** (o) On sites within the Balch Creek Drainage Basin, erosion and stormwater control features shall be designed to perform as effectively as those prescribed in the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)". All land disturbing activities within the basin shall be confined to the period between May first and October first of any year. All permanent vegetation or a winter cover crop shall be seeded or planted by October first the same year the development was begun; all soil not covered by buildings or other impervious surfaces must be completely vegetated by December first the same year the development was begun.

Staff: The subject property is not located in the Balch Creek Drainage Basin. *Criterion met.*

5.23 (B) Responsibility

(1) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to issuance of occupancy or final approvals for the project;

(2) It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream watercourse or swale, or upon the floodplain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or right-of-way during such activity, and to return it to its original or equal condition.

Staff: Conditions of approval has been included to remind the property owner and to inform the contractor of their responsibilities.

6.00 Transportation Standards

6.01 MCRR 4.000 Access to County Roads

MCRR 4.100 Required Information: Applicants for a new or reconfigured access onto a road under County Jurisdiction may be required to provide all of the following:

- A. Site Plan;
- B. Traffic Study-completed by a registered traffic engineer;
- C. Access Analysis-completed by a registered traffic engineer;
- D. Sight Distance Certification from a registered traffic engineer; and
- E. Other site-specific information requested by the County Engineer.

Staff: The applicant has proposed to construct a reconfigured access onto Skyline Boulevard, a County road under County Jurisdiction. An access is considered reconfigured when it will be physically altered, or when a change in the development that it serves has a Transportation Impact as defined in section 6.000 of the Multnomah County Road Rules. The reconfigured access is shown on the applicant's site plan (Exhibit A.19 and A.21). A condition of approval has been included requiring that an Access Permit to the Public right-of-way be obtained by the applicant prior to land use sign-off of the building permit.

7.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the approval of a Significant Environmental Concern for wildlife habitat and Hillside Development permits to establish a single family dwelling in the Commercial Forest Use – 2 (CFU-2) zone. This approval is subject to the conditions of approval established in this report.

8.00 Exhibits

'A' Applicant's Exhibits

'B' Staff Exhibits

'C' Procedural Exhibits

Exhibits with a "*" after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2015-4561 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	9/24/2015
A.2	31	Narrative	9/24/2015
A.3	1	Existing Conditions Sheet 1 of 6	9/24/2015
A.4	1	Site Plan Sheet 2 of 6	9/24/2015
A.5	1	Enlarged Site Plan Sheet 3 of 6	9/24/2015
A.6	1	Proposed Grading and Erosion Control Plan Sheet 4 of 6	9/24/2015
A.7	1	Proposed Driveway Approach Grading and Profile Sheet 5 of 6	9/24/2015
A.8	1	Details Sheet 6 of 6	9/24/2015
A.9	19	Lot of Record Information	9/24/2015

A.10	5	Habitable Dwelling Photos	9/24/2015
A.11	1	Stormwater Certificate	9/24/2015
A.12	3	Site Evaluation Report 04-15	9/24/2015
A.13	1	Water Supply Well Report	9/24/2015
A.14	12	TVFR Letter	9/24/2015
A.15	5	Wildlife Conservation Plan	9/24/2015
A.16		Oregon Dept of Forestry Notification #2015-531-05039	9/24/2015
A.17	3	Memorandum from Ben Schonberger responding to Incomplete Letter dated January 5, 2016	1/6/2016
A.18	1	Revised Existing Conditions – Sheet 1 of 9	1/6/2016
A.19*	1	Revised Site Plan – Sheet 2 of 9	1/6/2016
A.20	1	Revised Enlarged Site Plan – Sheet 3 of 9	1/6/2016
A.21	1	Revised Proposed Grading and Erosion Control Plan – Sheet 4 of 9	1/6/2016
A.22	1	Revised Proposed Driveway Approach Grading and Profile – Sheet 5 of 9	1/6/2016
A.23	1	Driveway Plan and Cross Sectional Views – Sheet 6 of 9	1/6/2016
A.24	1	Cross Sections – Sheet 7 of 9	1/6/2016
A.25	1	Cross Section Profiles – Sheet 8 of 9	1/6/2016
A.26	1	Revised Details – Sheet 9 of 9	1/6/2016
A.27	1	Topographic Survey	1/6/2016
A.28	2	McDonald Replacement Dwelling: response to comments	1/6/2016
A.29	3	Letter of Authorization from Property Owner Souriya Khamkongsa (R649880730)	1/6/2016
A.30	29	Geotechnical Investigation & Landslide Hazard Study	1/6/2016
A.31	30	Gabion Wall Retaining Wall Density and Recommendations McDonald Homesite	1/6/2016
A.32	1	General Application Form for the Hillside Development Permit	2/02/2016
A.33	6	Hillside Development Permit Work Sheet	2/02/2016
A.34	1	Email from Ben Schonberger regarding the extra fill.	5/19/2016
'B'	#	Staff Exhibits	Date
B.1	2	A&T Property Information for 2N1W31 - 01700	9/24/2015
'C'	#	Administration & Procedures	Date

C.1	4	Incomplete Letter	10/23/2015
C.2	1	Applicant's Acceptance of 180 Day Clock	10/29/2015
C.3	1	Complete Letter (Day 1)	2/24/2016
C.4	4	Opportunity to Comment	2/26/2016
C.5	25	Administrative Decision	

TAX LOT: 1600
PROPERTY ID: 325376

LEGEND:
..... = EDGE OF FORESTED AREA
- - - - - = EDGE OF GRAVEL DRIVEWAY
- - - - - = EXISTING HOUSE FOOTPRINT
- - - - - = EXISTING MAJOR CONTOURS
/// = SLOPES EXCEEDING 25%

TAX LOT: 600 PROPERTY ID: R325343

BOUNDARY OF
TAX LOT: 1700
PROPERTY ID: R325371

TAX LOT: 400
PROPERTY ID: R326006

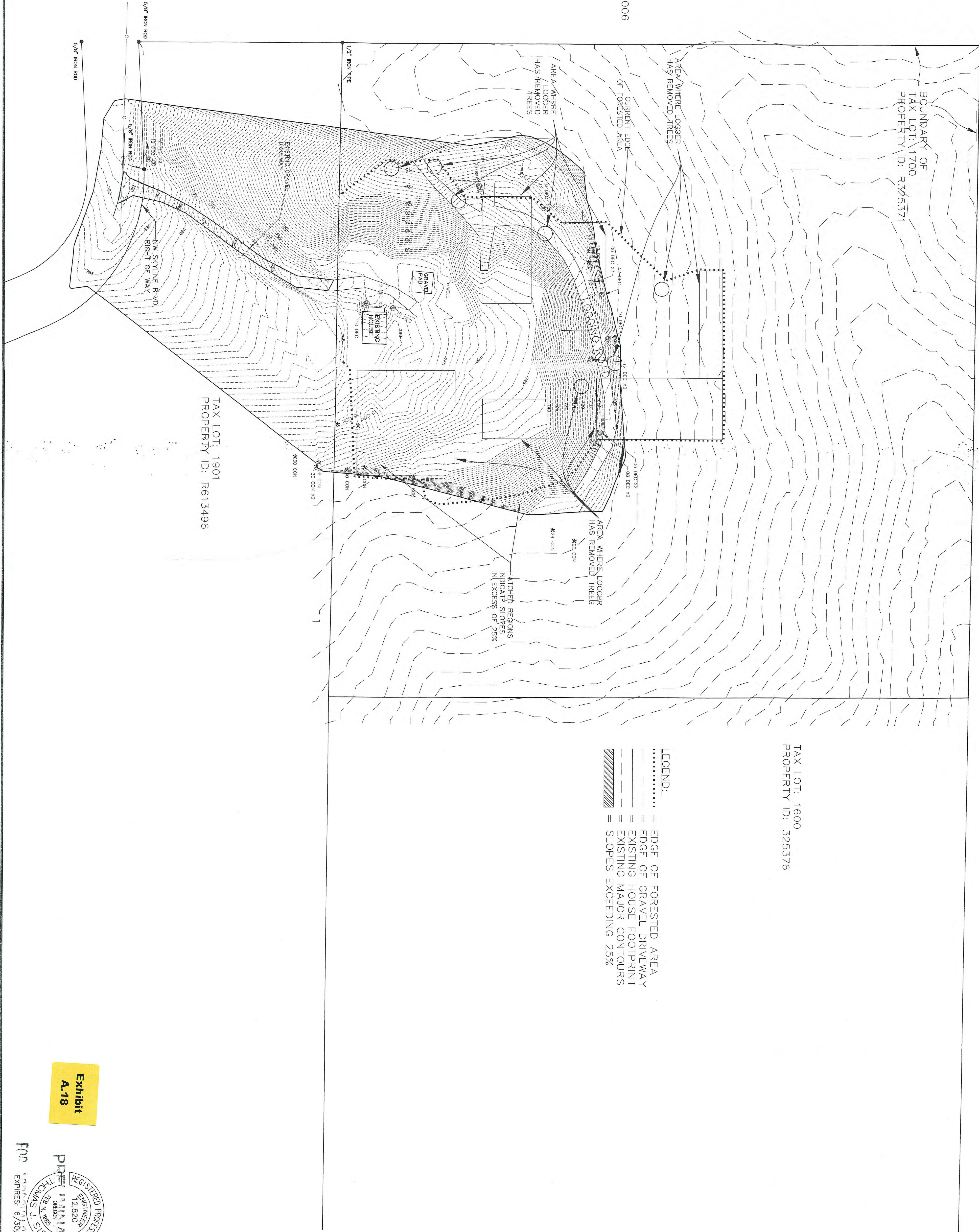
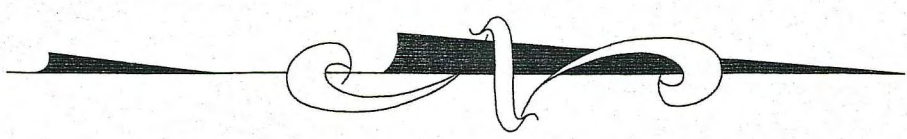
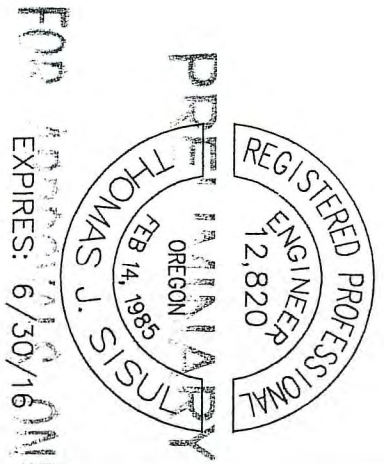
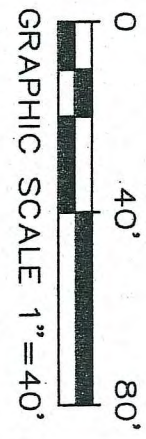


Exhibit
A.18



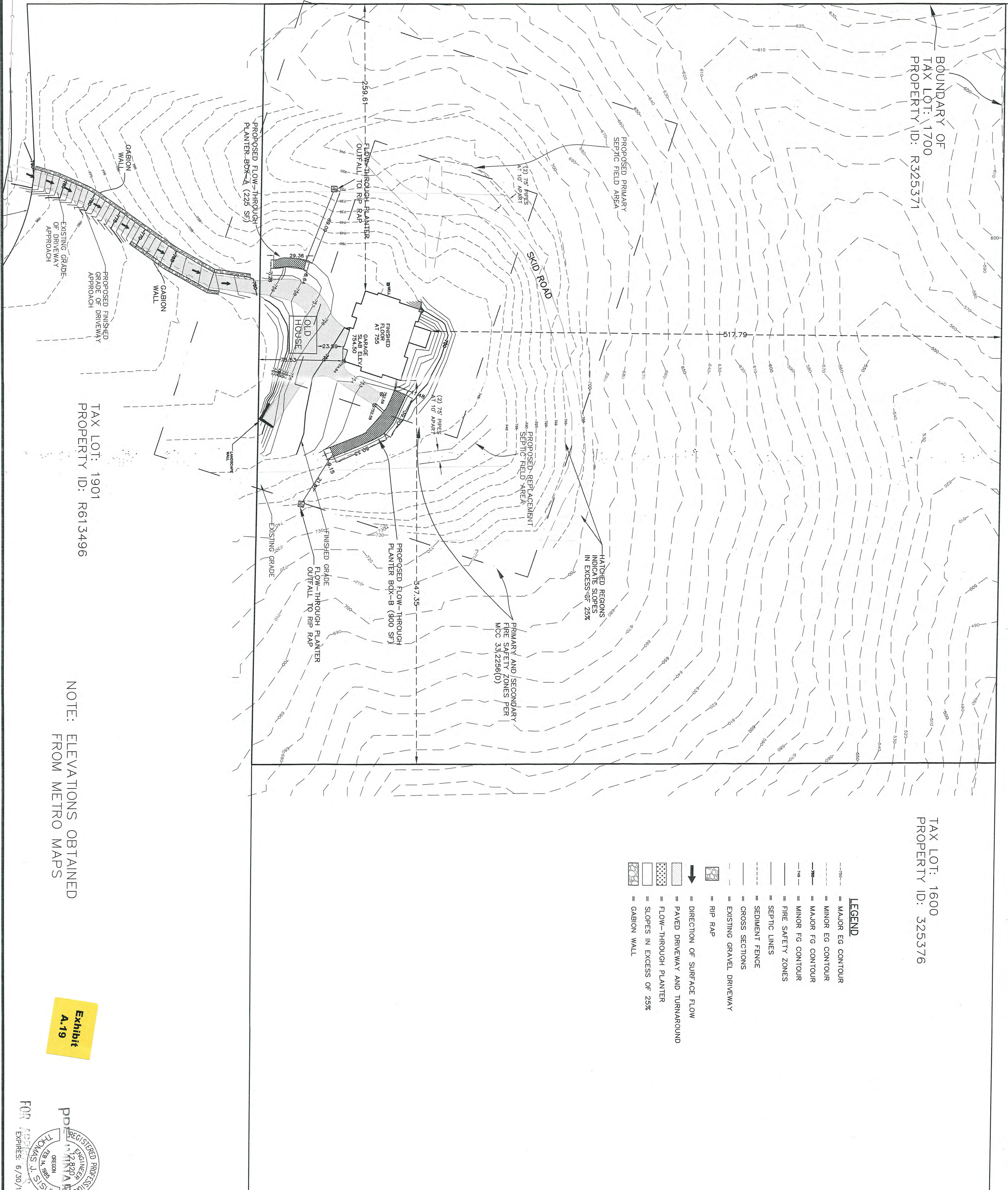
BOUNDARY OF
TAX LOT: 1700
PROPERTY ID: R325371

TAX LOT: 1600
PROPERTY ID: 325376



TAX LOT: 400
PROPERTY ID: R326006

- LEGEND**
- MAJOR EG CONTOUR
 - MINOR EG CONTOUR
 - MAJOR FG CONTOUR
 - MINOR FG CONTOUR
 - FIRE SAFETY ZONES
 - SEPTIC LINES
 - SEDIMENT FENCE
 - CROSS SECTIONS
 - EXISTING GRAVEL DRIVEWAY
 - RIP RAP
 - DIRECTION OF SURFACE FLOW
 - PAVED DRIVEWAY AND TURNAROUND
 - FLOW-THROUGH PLANTER
 - SLOPES IN EXCESS OF 25%
 - GABION WALL



TAX LOT: 1901
PROPERTY ID: R613496

NOTE: ELEVATIONS OBTAINED
FROM METRO MAPS

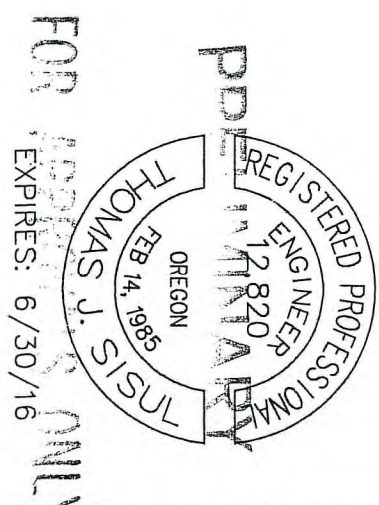
Exhibit
A.19

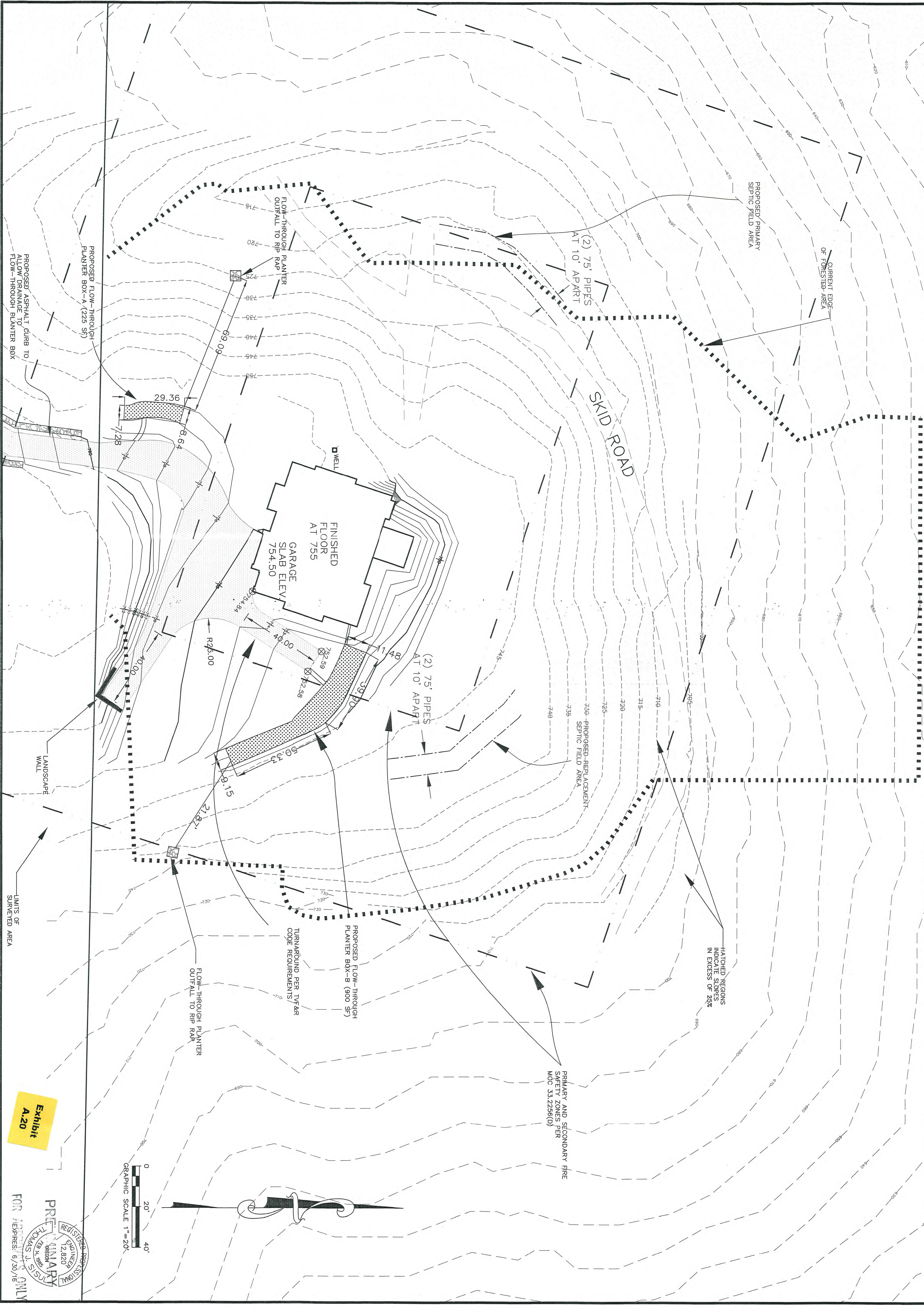
SITE PLAN

12610 NW SKYLINE
MEGAN & LUKE McDONALD

SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 857-0188
DRAWING:

DATE: NOV. 2015
SCALE: 1" = 40'
DRAWN: JDM
JOB: SGL15-057
SHEET: 2
OF 9 SHEETS





REVISIONS	BY

12610 NW SKYLINE
MEGAN & LUKE McDONALD

ENLARGED SITE PLAN

SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 667-0188

DATE NOV 2015
SCALE 1" = 20'
DRAWN JDM
JOB SCL15-057
SHEET 3
OF 9 SHEETS

Exhibit
A-20

REGISTERED PROFESSIONAL ENGINEER
THOMAS J. JOHNSON
OREGON
EXPIRES: 6/30/16

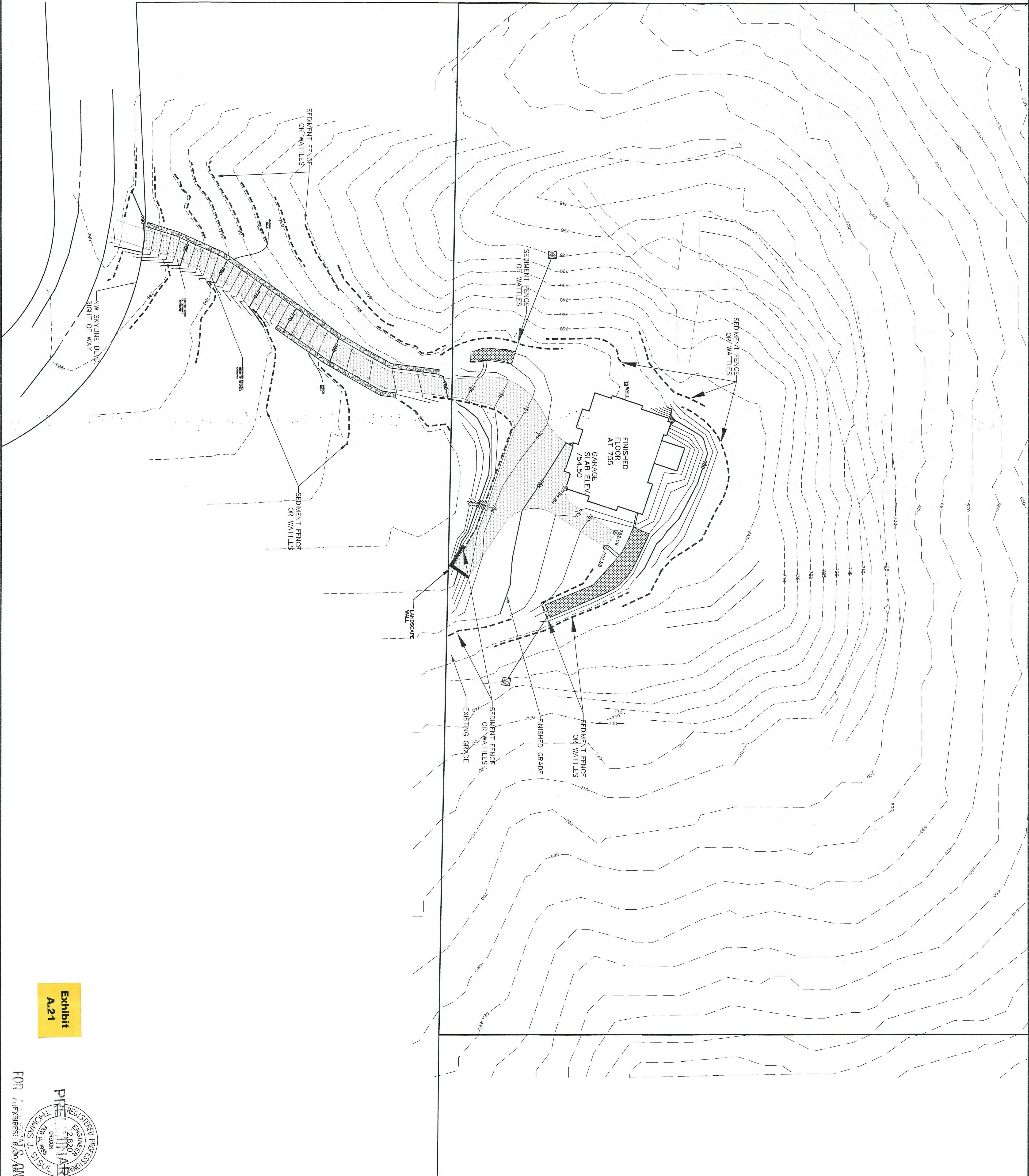
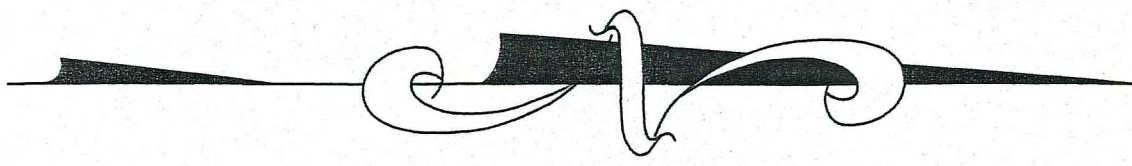
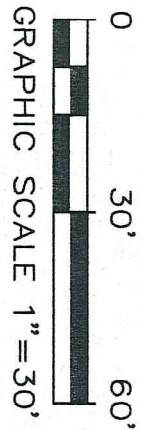
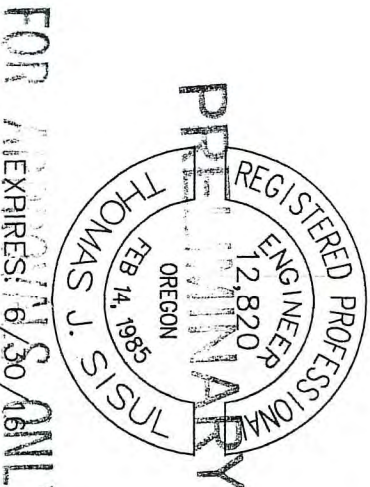


Exhibit
A.21



FOR REVIEW ONLY

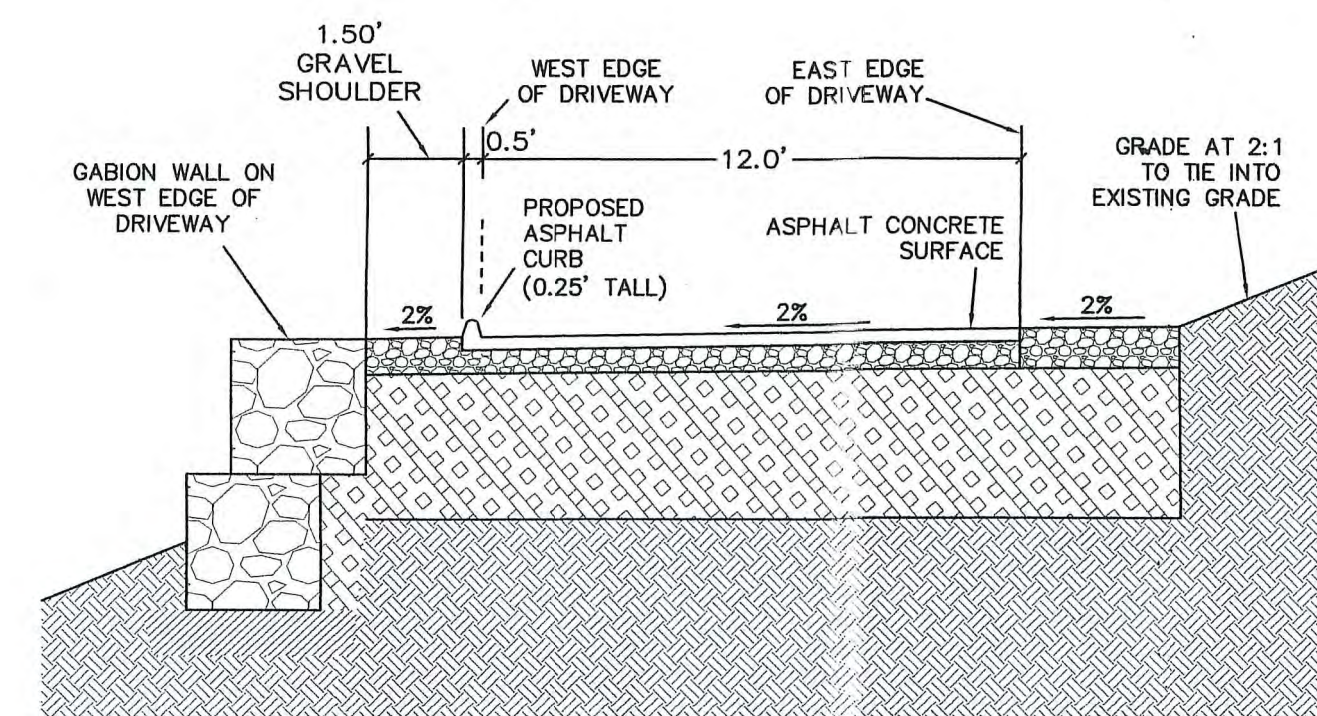
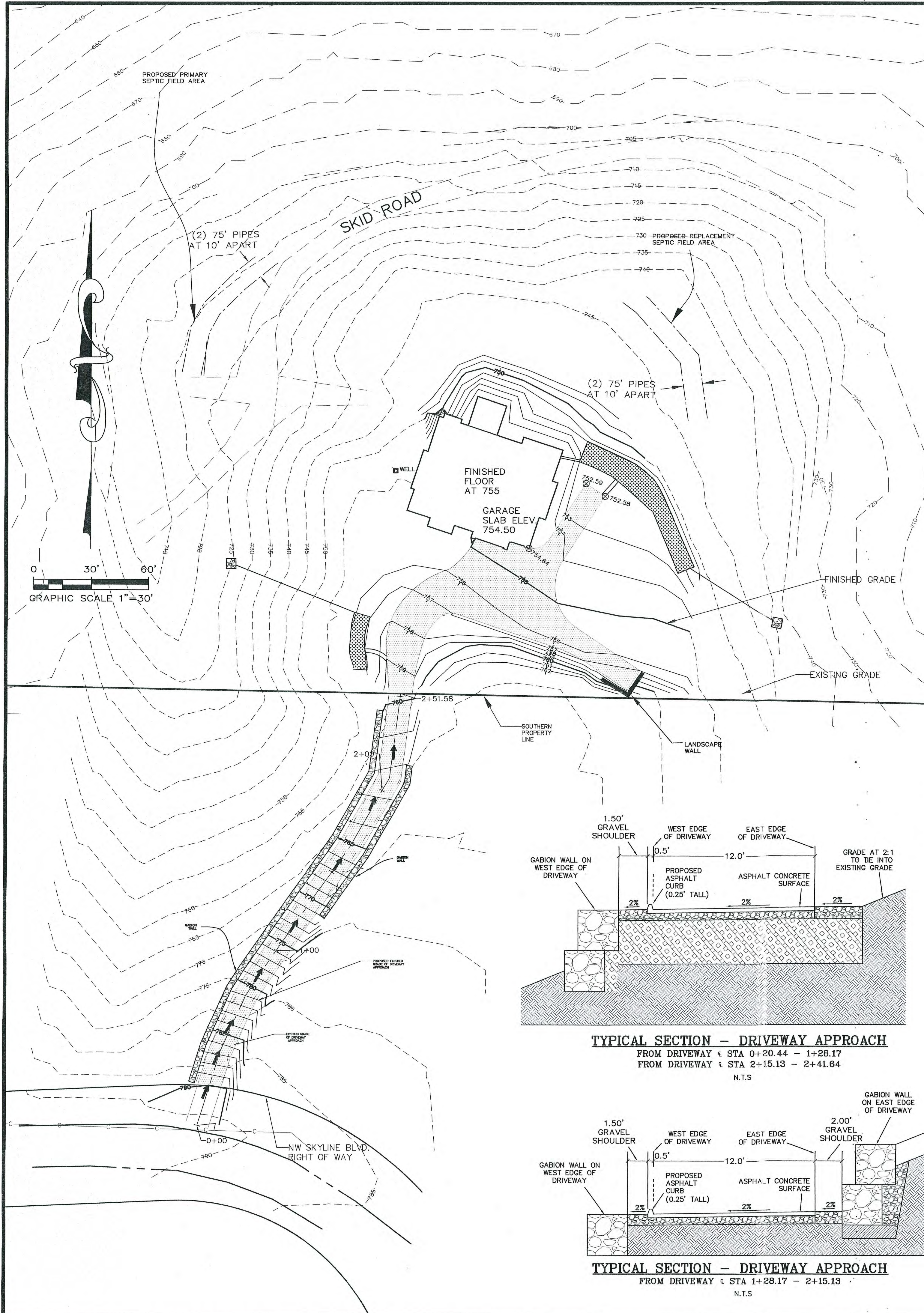
SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 667-0188

PROPOSED GRADING AND EROSION CONTROL PLAN

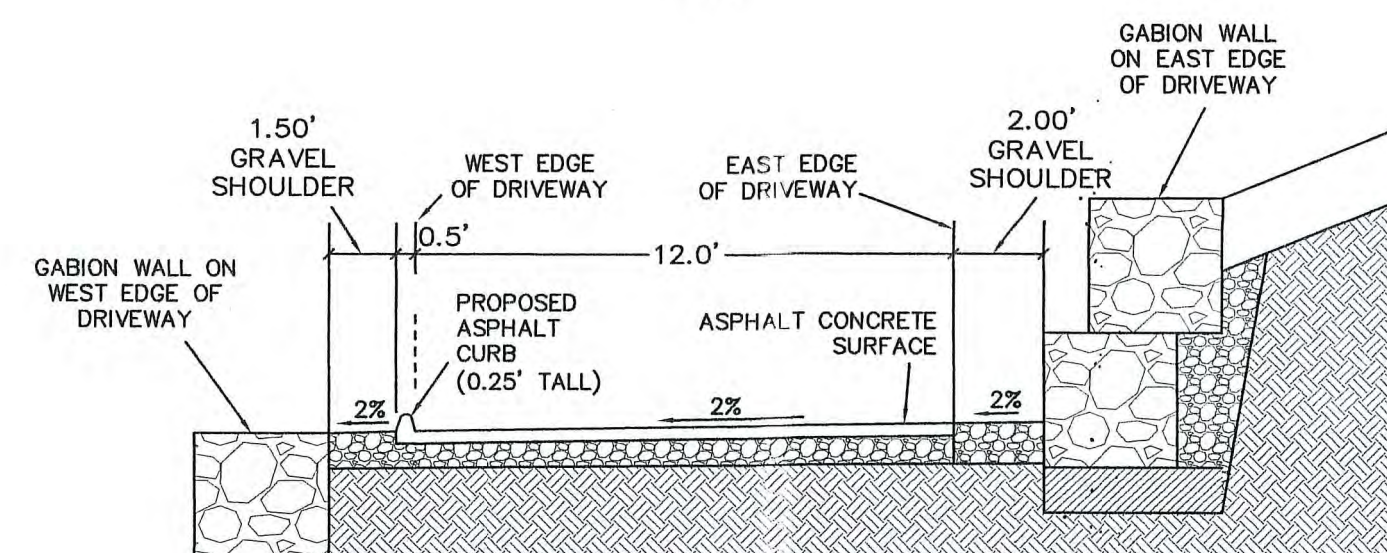
12610 NW SKYLINE
MEGAN & LUKE McDONALD

REVISIONS	BY

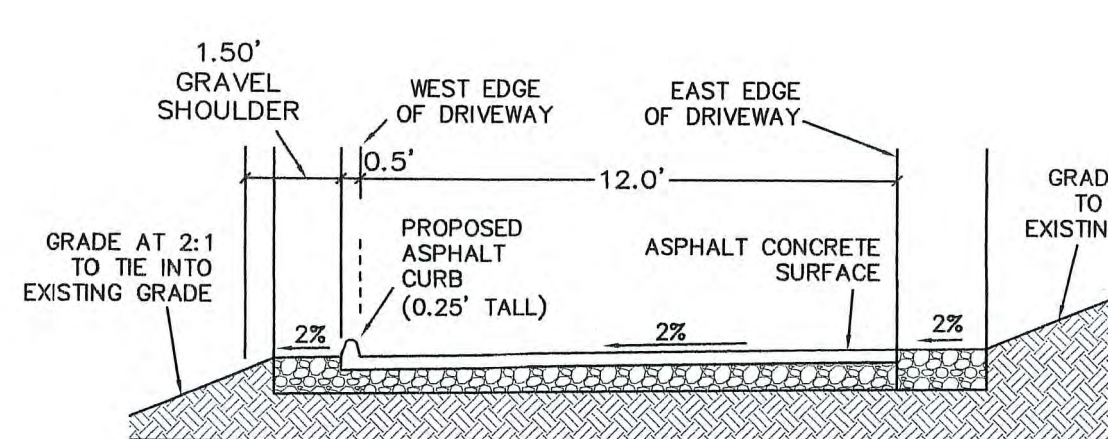
DATE NOV. 2015
SCALE 1" = 30'
DRAWN JDM
JOB SGL15-057
SHEET 4
OF 9 SHEETS



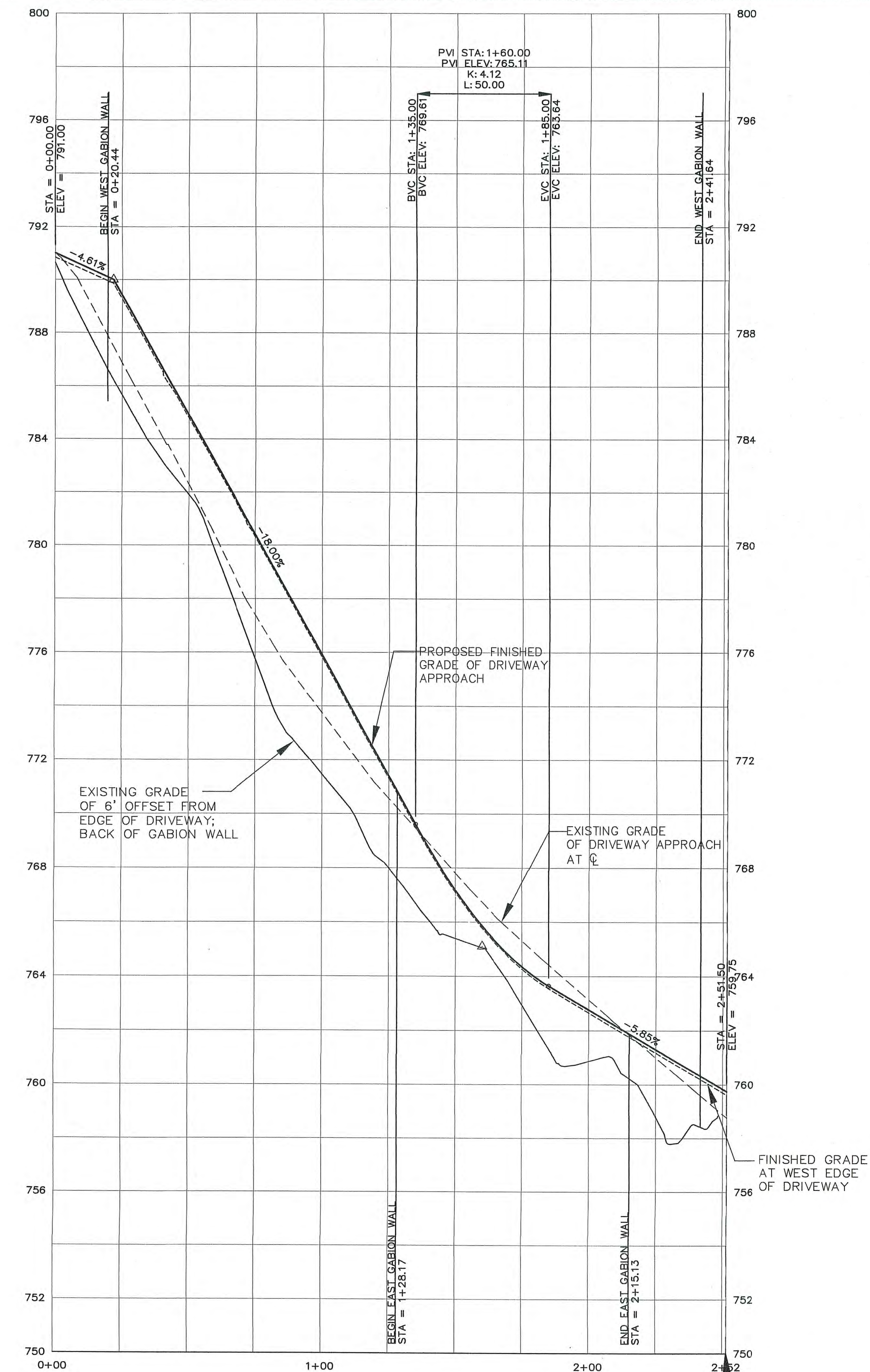
TYPICAL SECTION - DRIVEWAY APPROACH
 FROM DRIVEWAY STA 0+20.44 - 1+28.17
 FROM DRIVEWAY STA 2+15.13 - 2+41.64
 N.T.S.



TYPICAL SECTION - DRIVEWAY APPROACH
 FROM DRIVEWAY STA 1+28.17 - 2+15.13
 N.T.S.



TYPICAL SECTION - DRIVEWAY APPROACH
 FROM DRIVEWAY STA 2+41.64 - 2+51.51
 N.T.S.



DRIVEWAY APPROACH
 HORIZONTAL SCALE: 1"=10'
 VERTICAL SCALE: 1"=1'

EDGE OF PROPERTY LINE

Exhibit
 A.22



FOR EXPIRES 6/30/2016 ONLY

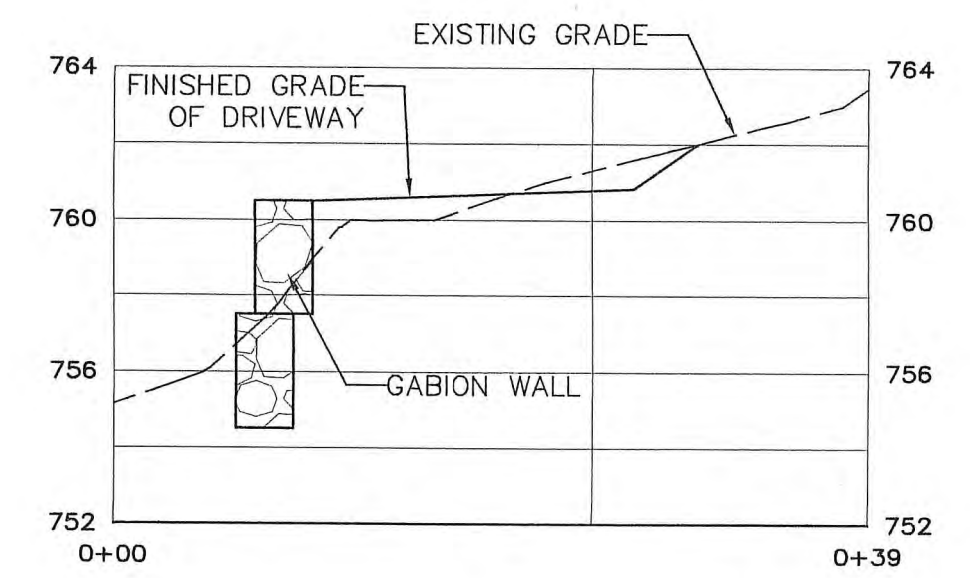
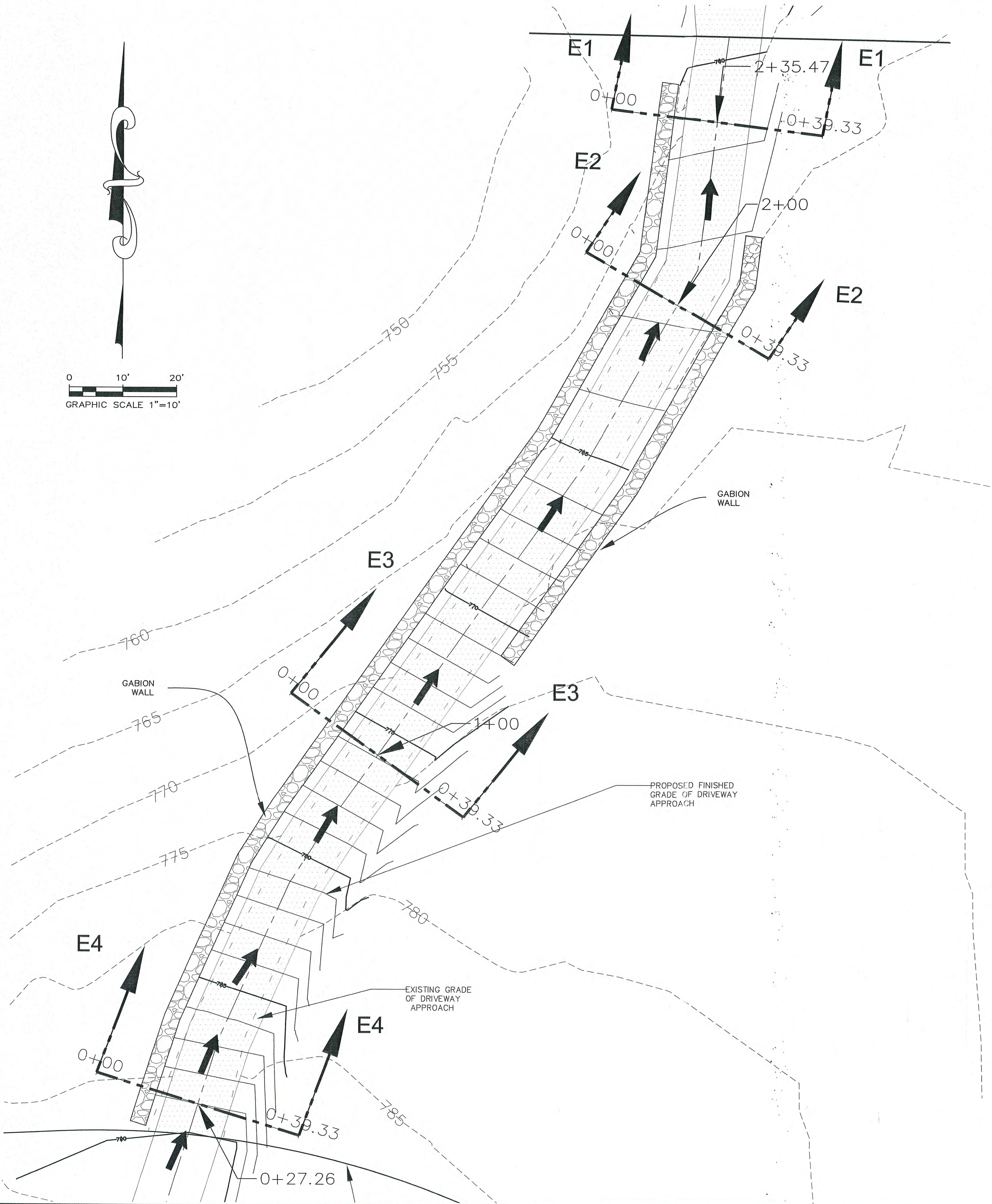
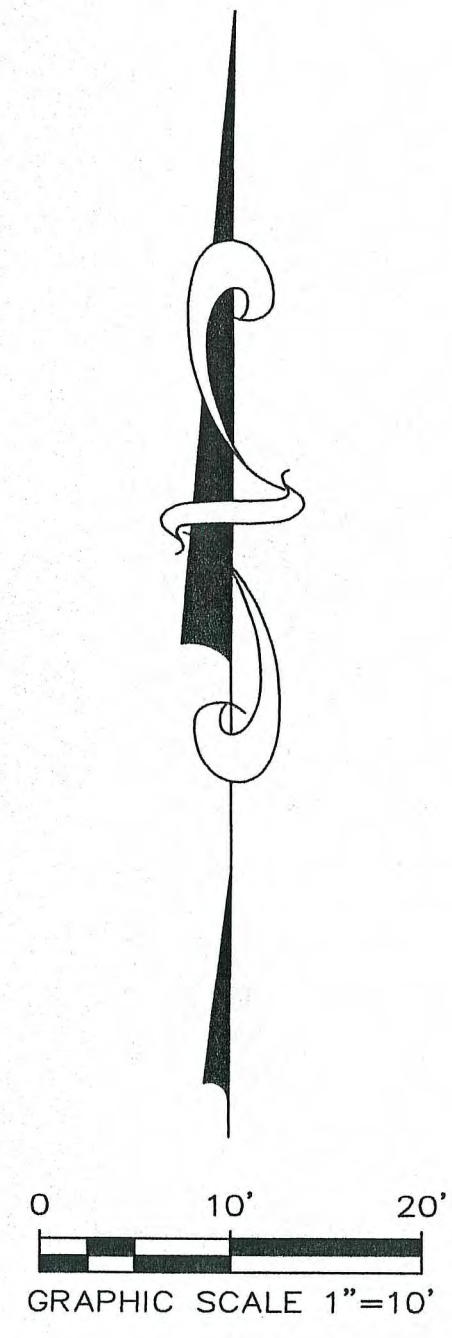
REVISIONS	BY

12610 NW SKYLINE
MEGAN & LUKE McDONALD

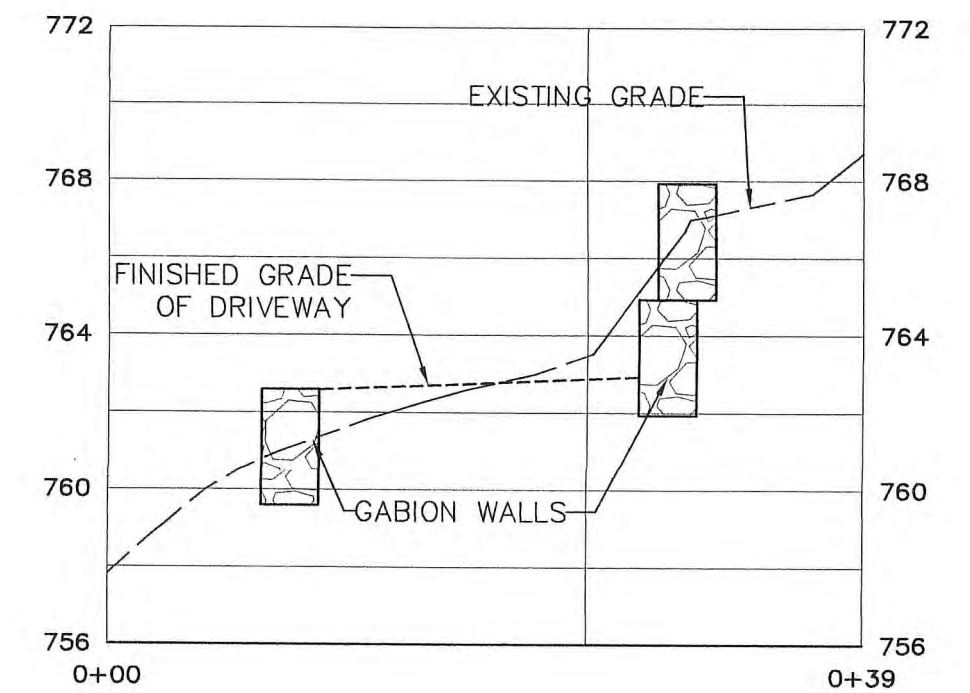
PROPOSED DRIVEWAY
APPROACH GRADING
AND PROFILE

SISUL ENGINEERING
 376 PORTLAND AVENUE
 GLADSTONE, OREGON 97027
 (503) 687-0186

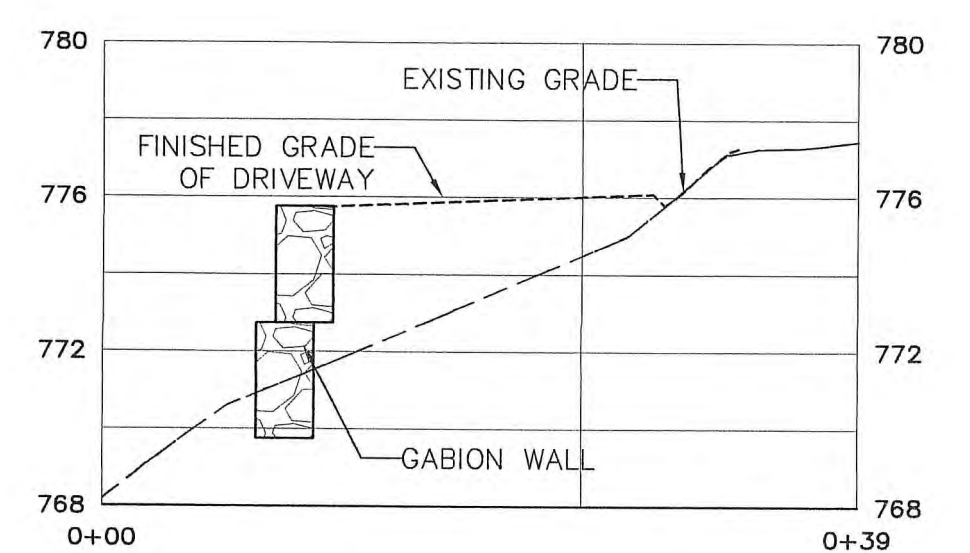
DATE NOV. 2015
 SCALE 1" = 30'
 DRAWN JDM
 JOB SGL15-057
 SHEET **5**
 OF 9 SHEETS



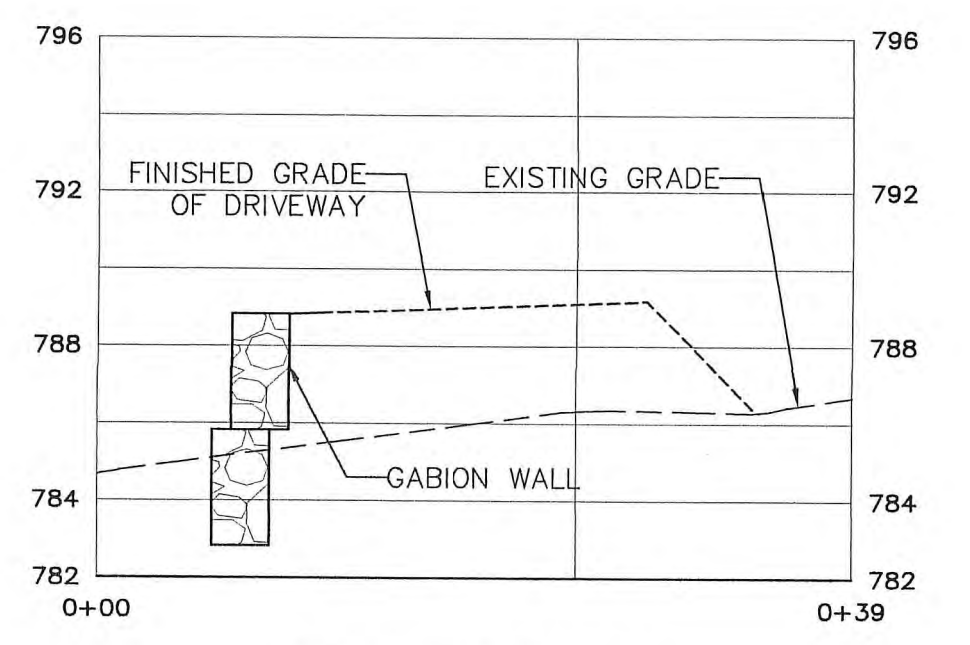
Alignment E1 - E1
HORIZONTAL SCALE: 1"=10'
VERTICAL SCALE: 1"=5'



Alignment E2 - E2
HORIZONTAL SCALE: 1"=10'
VERTICAL SCALE: 1"=5'



Alignment E3 - E3
HORIZONTAL SCALE: 1"=10'
VERTICAL SCALE: 1"=5'



Alignment E4 - E4
HORIZONTAL SCALE: 1"=10'
VERTICAL SCALE: 1"=5'

**Exhibit
A.23**

REGISTERED PROFESSIONAL
ENGINEER
12,820
FEB 14, 1989
THOMAS J. SIGUL
FOR APPROVAL ONLY
EXPIRES: 6/30/16

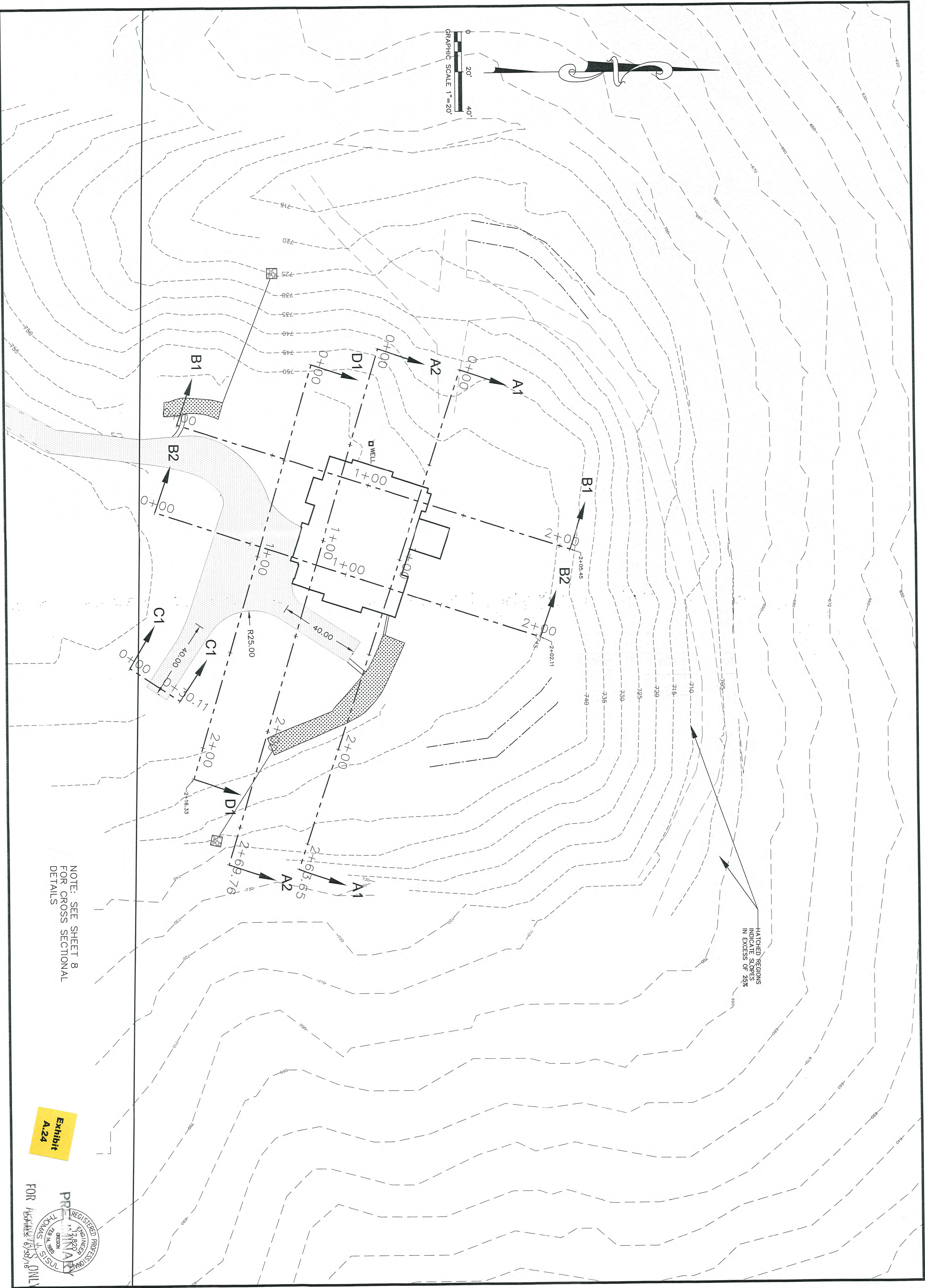
REVISIONS	BY

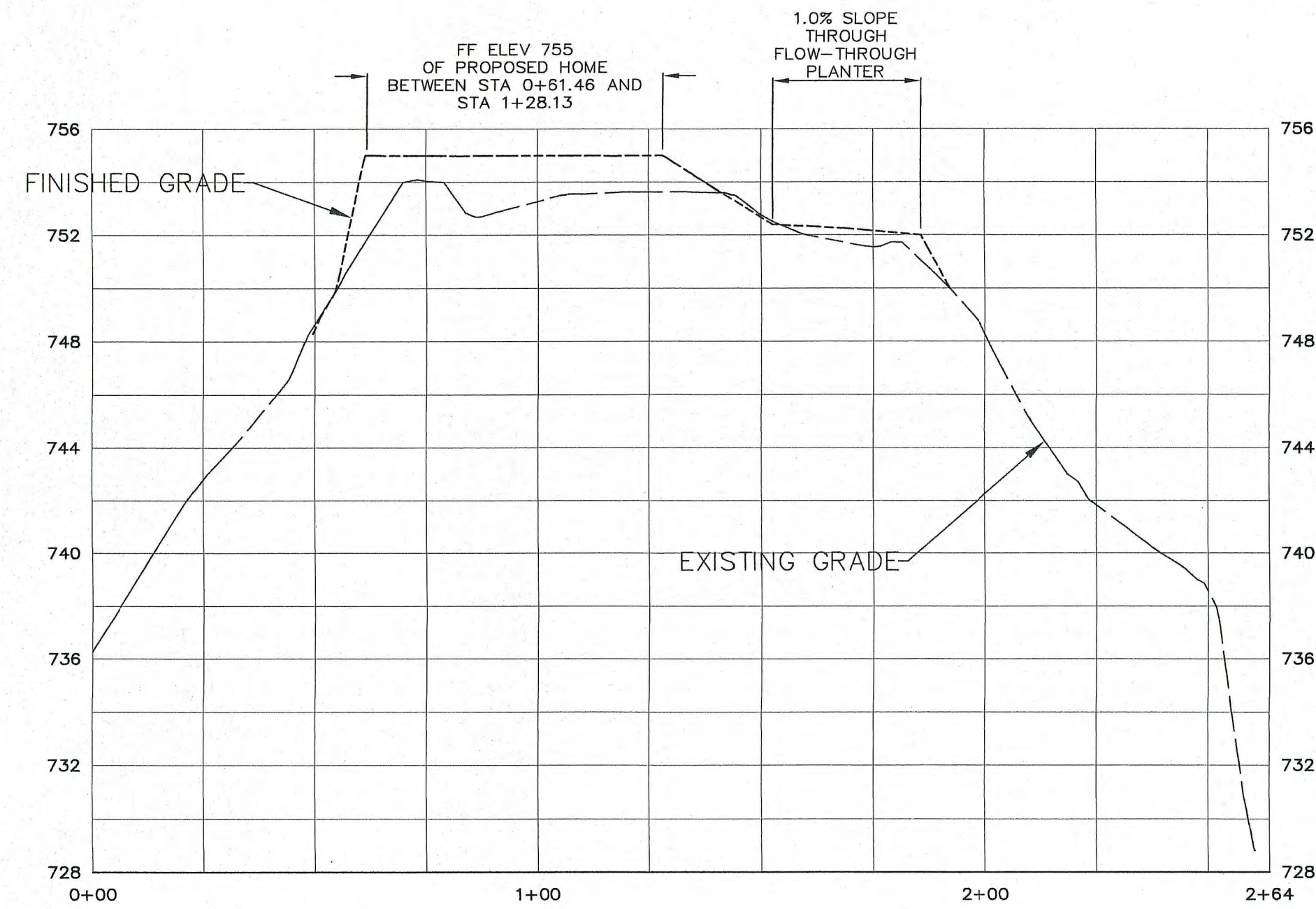
12610 NW SKYLINE
MEGAN & LUKE McDONALD

DRIVEWAY PLAN
AND CROSS
SECTIONAL VIEWS

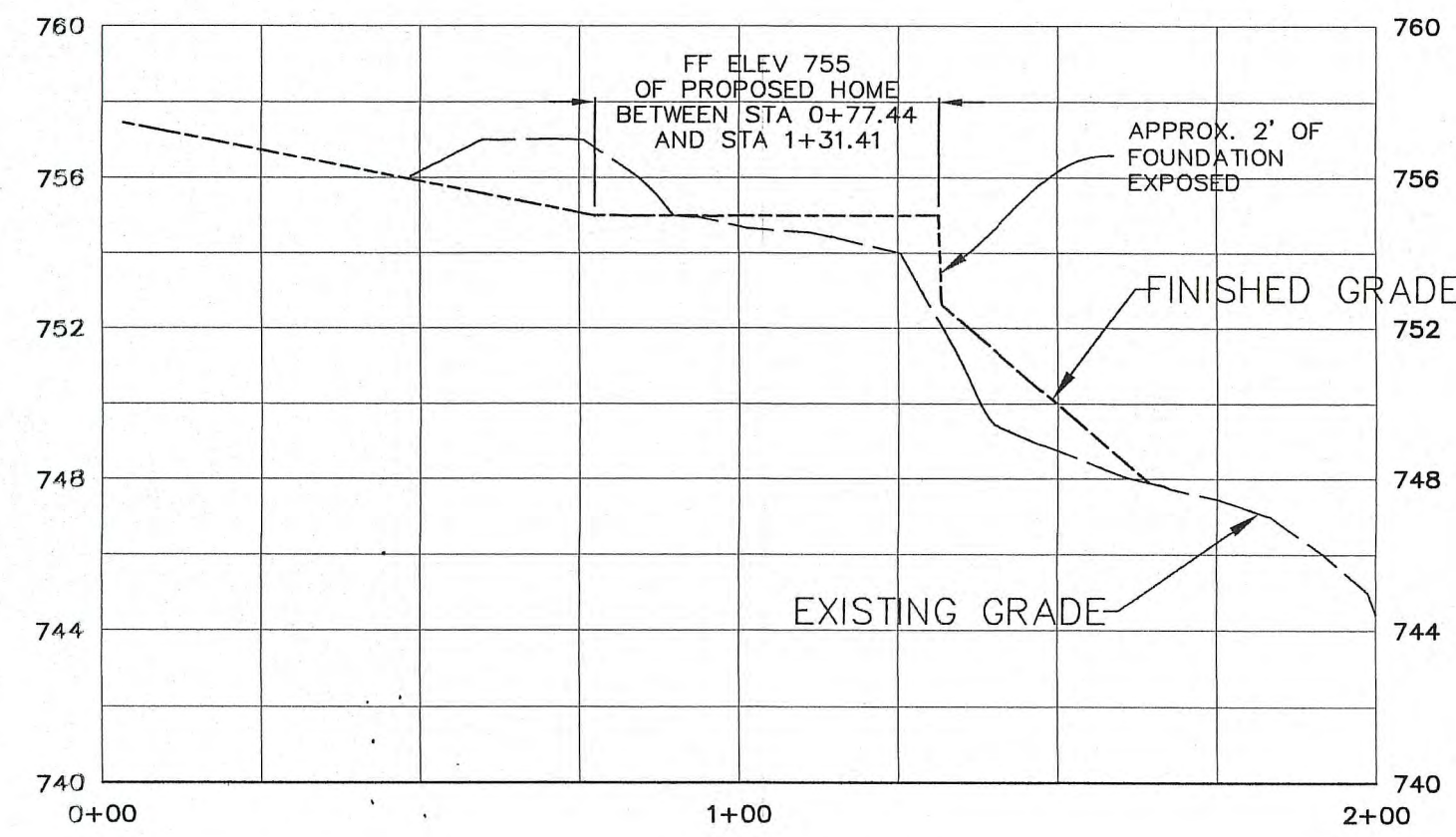
SISUL ENGINEERING
3716 PORTLAND AVENUE
CLATSOP, OREGON 97027
(503) 657-0188
DRAWING

DATE	NOV. 2015
SCALE	1" = 10'
DRAWN	JDM
JOB	SGL15-057
SHEET	6
OF 9 SHEETS	

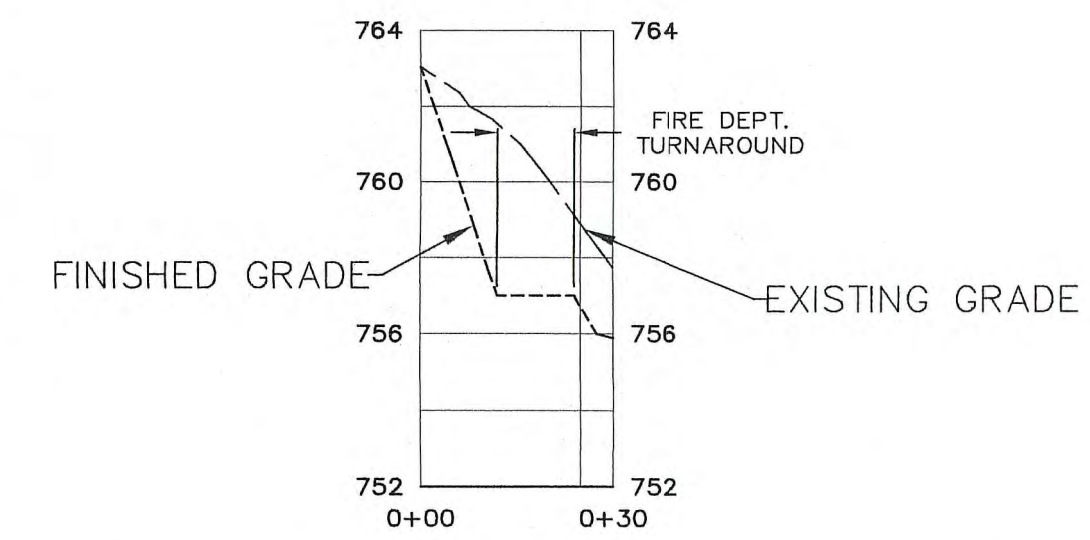




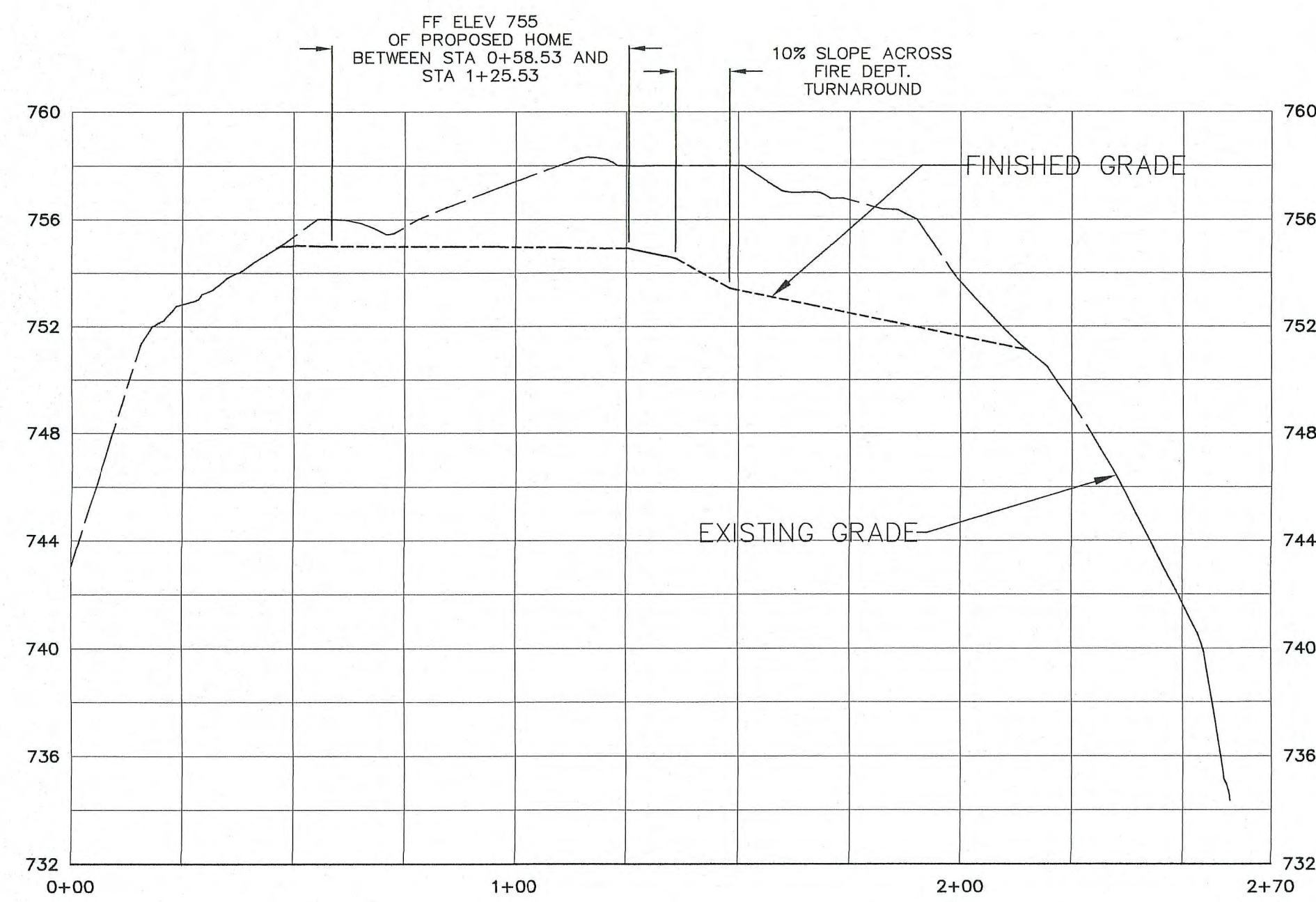
Cross Section A1 - A1
HORIZONTAL SCALE: 1"=10'
VERTICAL SCALE: 1"=2'



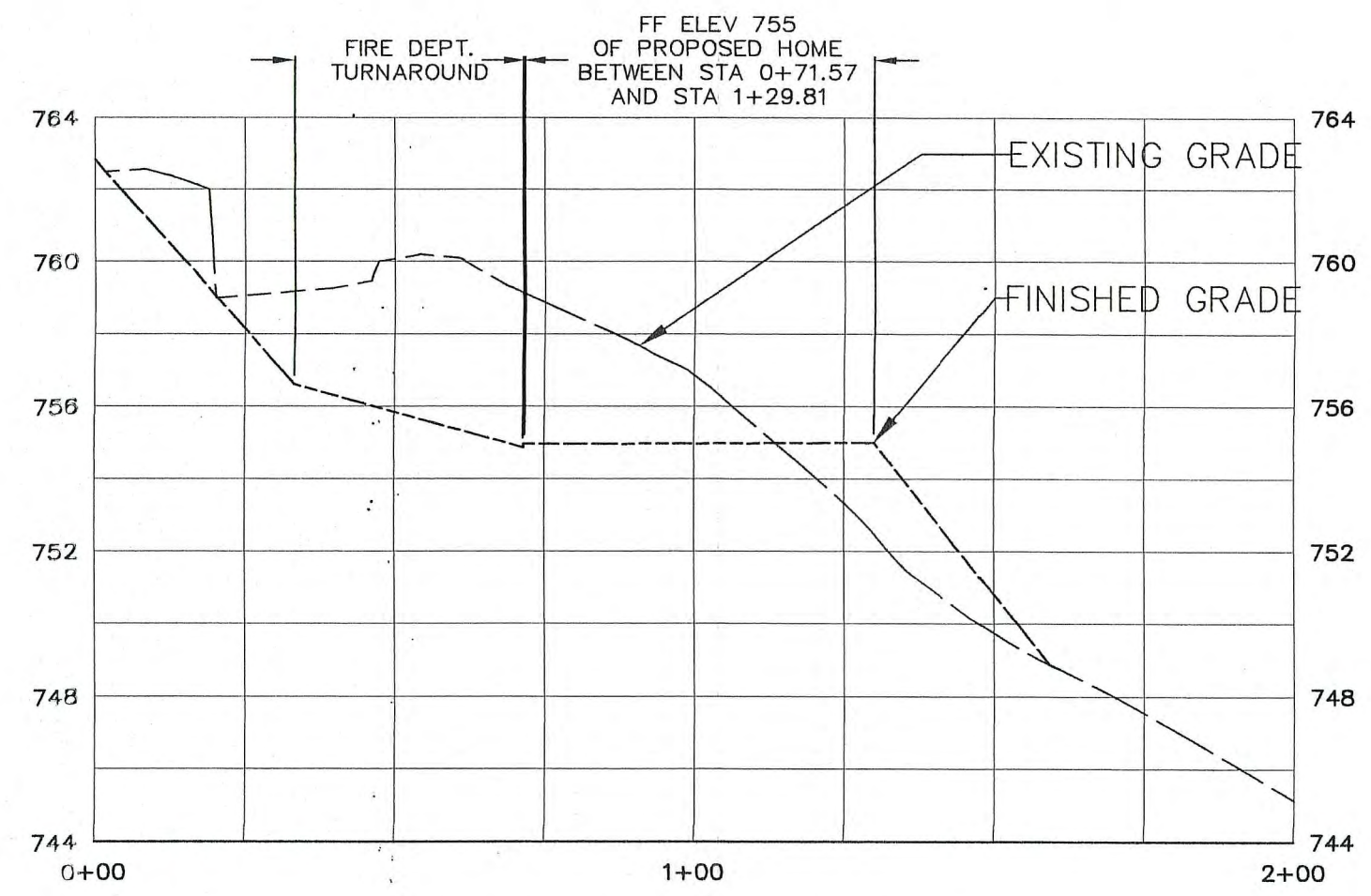
Cross Section B1 - B1
HORIZONTAL SCALE: 1"=10'
VERTICAL SCALE: 1"=2'



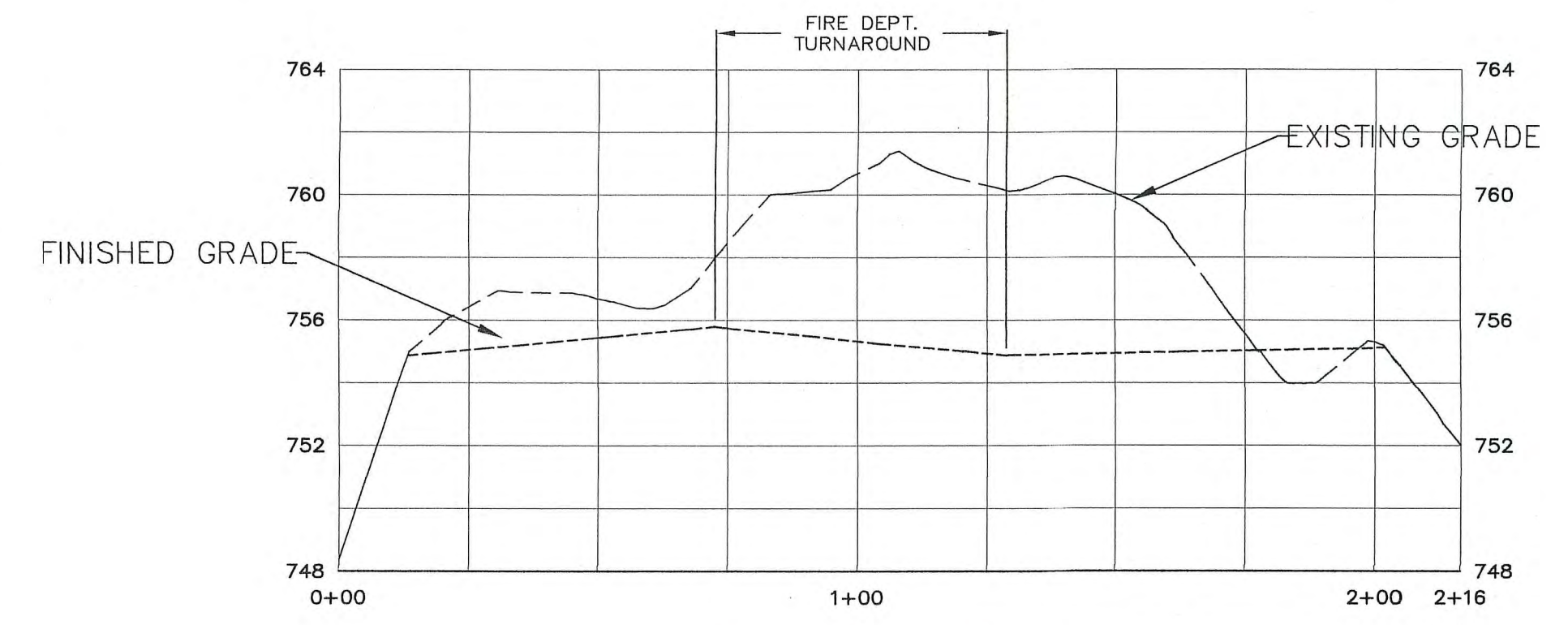
Cross Section C1 - C1
HORIZONTAL SCALE: 1"=10'
VERTICAL SCALE: 1"=2'



Cross Section A2 - A2
HORIZONTAL SCALE: 1"=10'
VERTICAL SCALE: 1"=2'



Cross Section B2 - B2
HORIZONTAL SCALE: 1"=10'
VERTICAL SCALE: 1"=2'



Cross Section D1 - D1
HORIZONTAL SCALE: 1"=10'
VERTICAL SCALE: 1"=2'

**Exhibit
A.25**



FOR APPROVAL ONLY
EXPIRES: 6/30/16

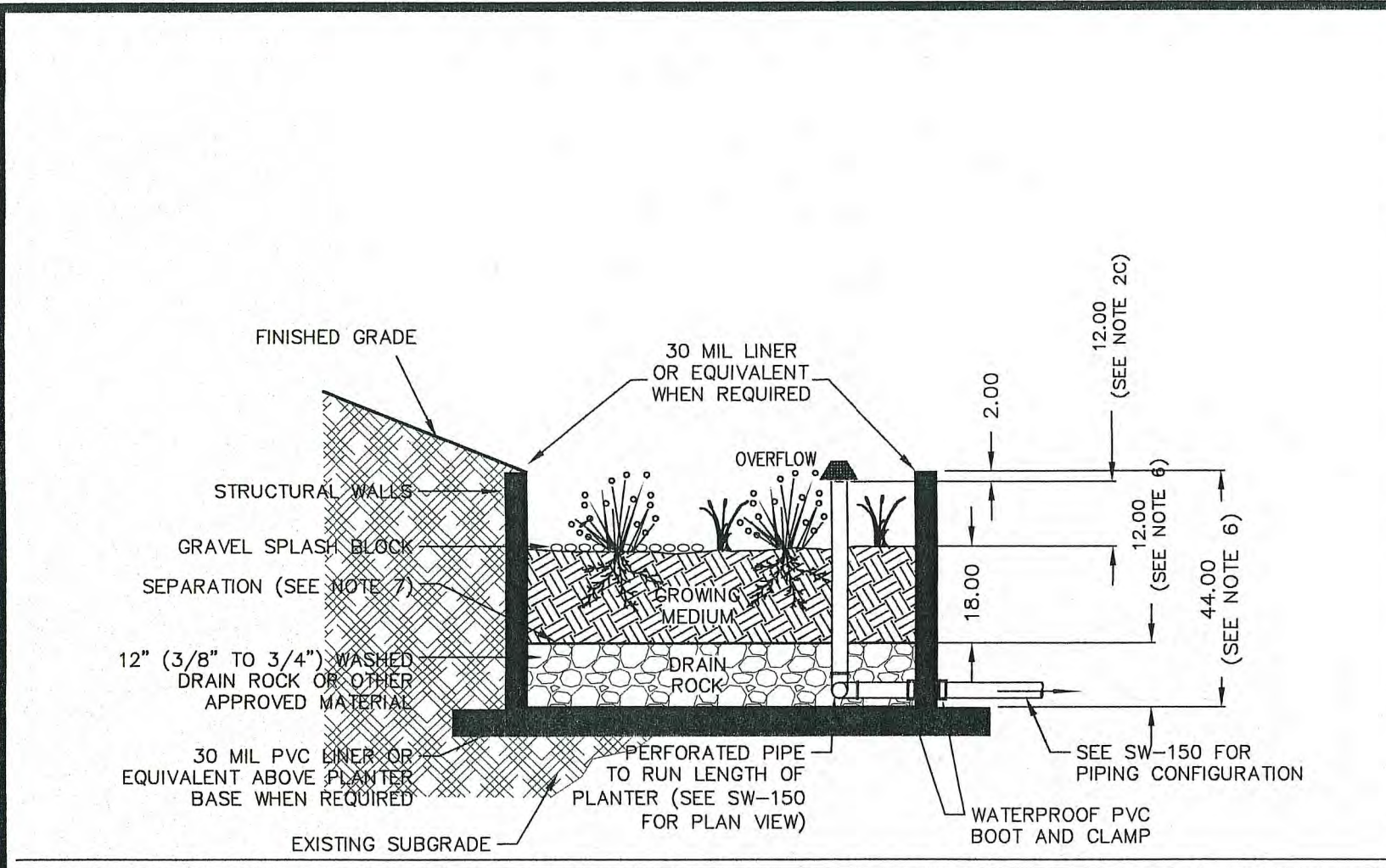
REVISIONS	BY

12610 NW SKYLINE
MEGAN & LUKE McDONALD

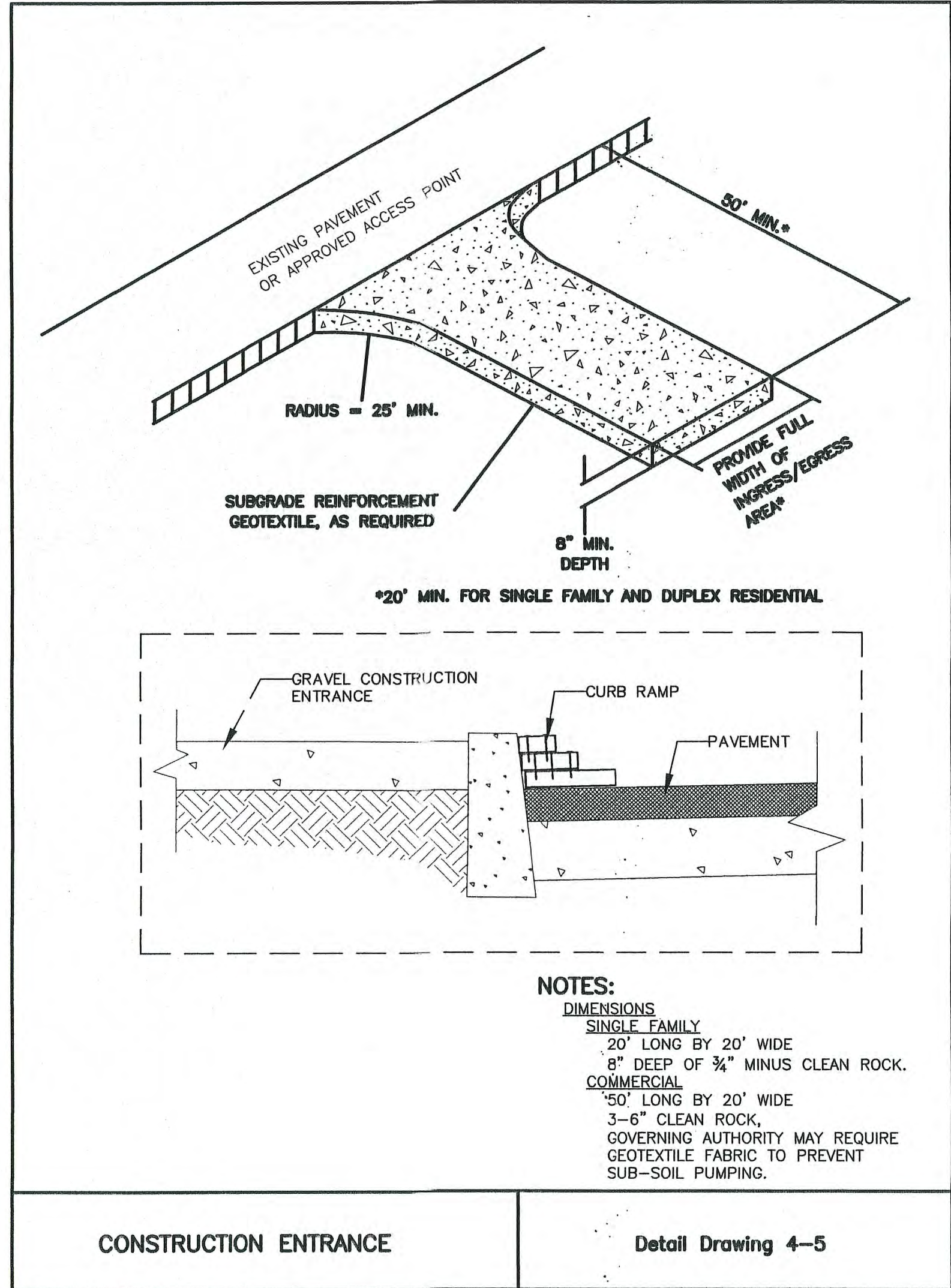
CROSS SECTION
PROFILES

SISUL ENGINEERING
376 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 857-0188
DRAWING

DATE	NOV. 2015
SCALE	AS NOTED
DRAWN	JDM
JOB	SQL15-057
SHEET	8
OF 9 SHEETS	

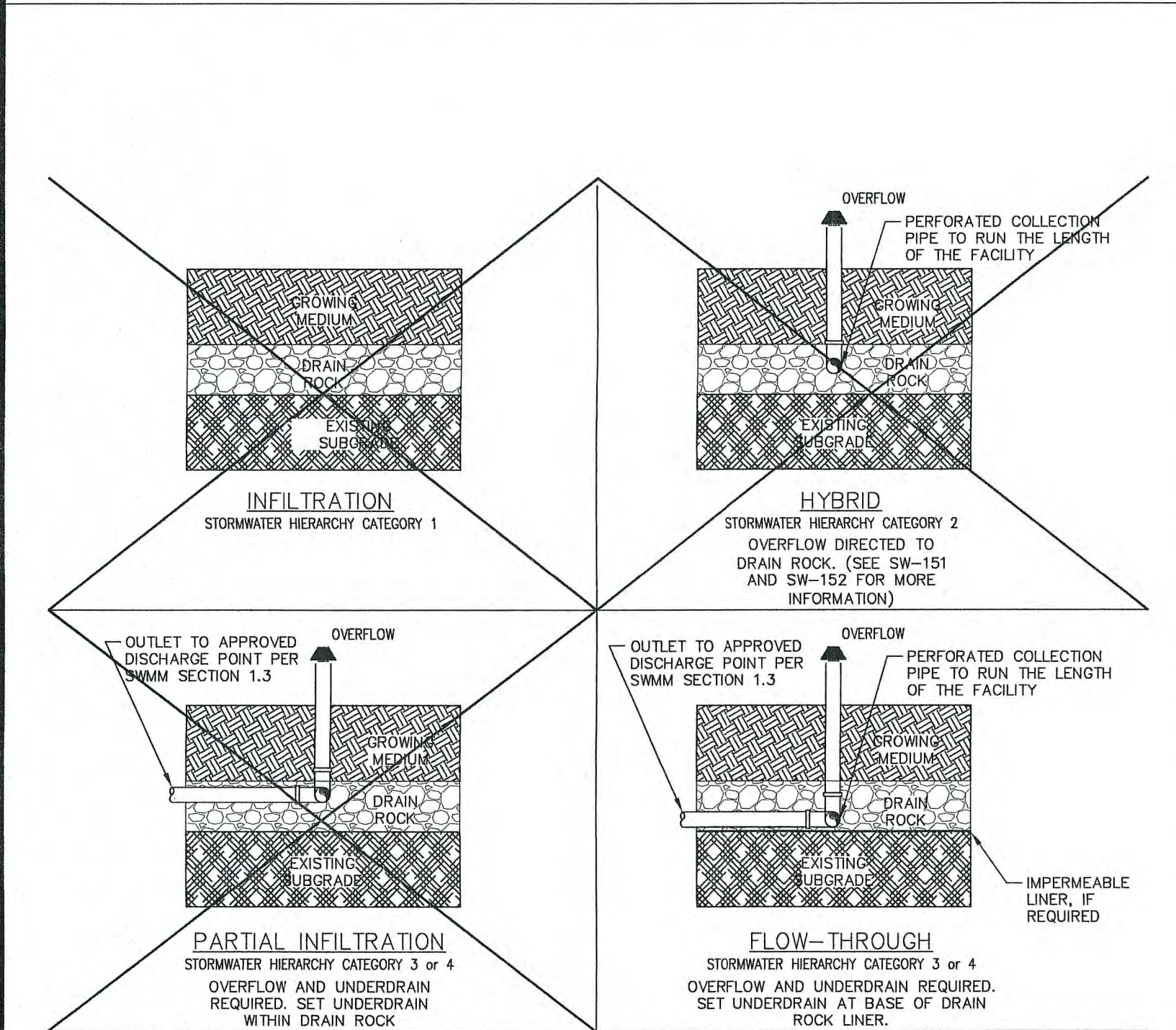


- Provide protection from all vehicle traffic, equipment staging, and foot traffic in proposed infiltration areas prior to, during, and after construction.
- Dimensions:
 - Width of flow-through planter: 18" minimum.
 - Width of infiltration planter: 30" minimum.
 - Depth of planter (from top of growing medium to overflow elevation): Simplified: 12". Presumptive: 6"-18".
 - Longitudinal slope of planter: 0.5% or less.
- Setbacks (from centerline of facility):
 - Infiltration planters must be 10' from foundations and 5' from property lines.
 - Flow-through planters must be less than 30' in height above surrounding area if within 5-feet of property line.
- Overflow:
 - Overflow required for Simplified Approach.
 - Inlet elevation must allow for 2" of freeboard, minimum.
 - Protect from debris and sediment with strainer or grate.
- Piping: shall be ABS Sch.40, cast iron, or PVC Sch.40. 3" pipe required for up to 1,500 sq ft of impervious area, otherwise 4" min. Piping must have 1% grade and follow the Uniform Plumbing Code.
- Drain rock:
 - Size for infiltration planter: 1-1/2" - 3/4" washed.
 - Size for lined, flow-through planter: 3/4" washed.
 - Depth for Simplified: 12".
 - Depth for Presumptive: 0-48", see calcs.
- Separation between drain rock and growing medium:
 - Use filter fabric (see SWMM Exhibit 2-4 Geotextile table) or a gravel lens (3/4 - 1/4 inch washed, crushed rock 2 to 3 inches deep).
- Growing medium:
 - 18" minimum.
 - See Appendix F.3 for topsoil specification or use sand/loam/compost 3-way mix.
- Vegetation: Follow landscape plans otherwise refer to plant list in SWMM Appendix F. Minimum container size is 1 gallon. # of plantings per 100sf of facility area:
 - Zone A (wet):
 - 115 herbaceous plants OR;
 - 100 herbaceous plants and 4 small shrubs.
- Planter walls:
 - Material shall be stone, brick, concrete, wood or other durable material (no chemically treated wood).
 - Concrete, brick, or stone walls shall be included on foundation plans.
- Waterproof liner: Shall be 30 mil PVC or equivalent for flow-through facilities.
- Install washed pea gravel or river rock to transition from inlets and splash pad to growing medium.
- Inspections: Call BDS IVR Inspection Line, (503) 823-7000, for appropriate inspections.

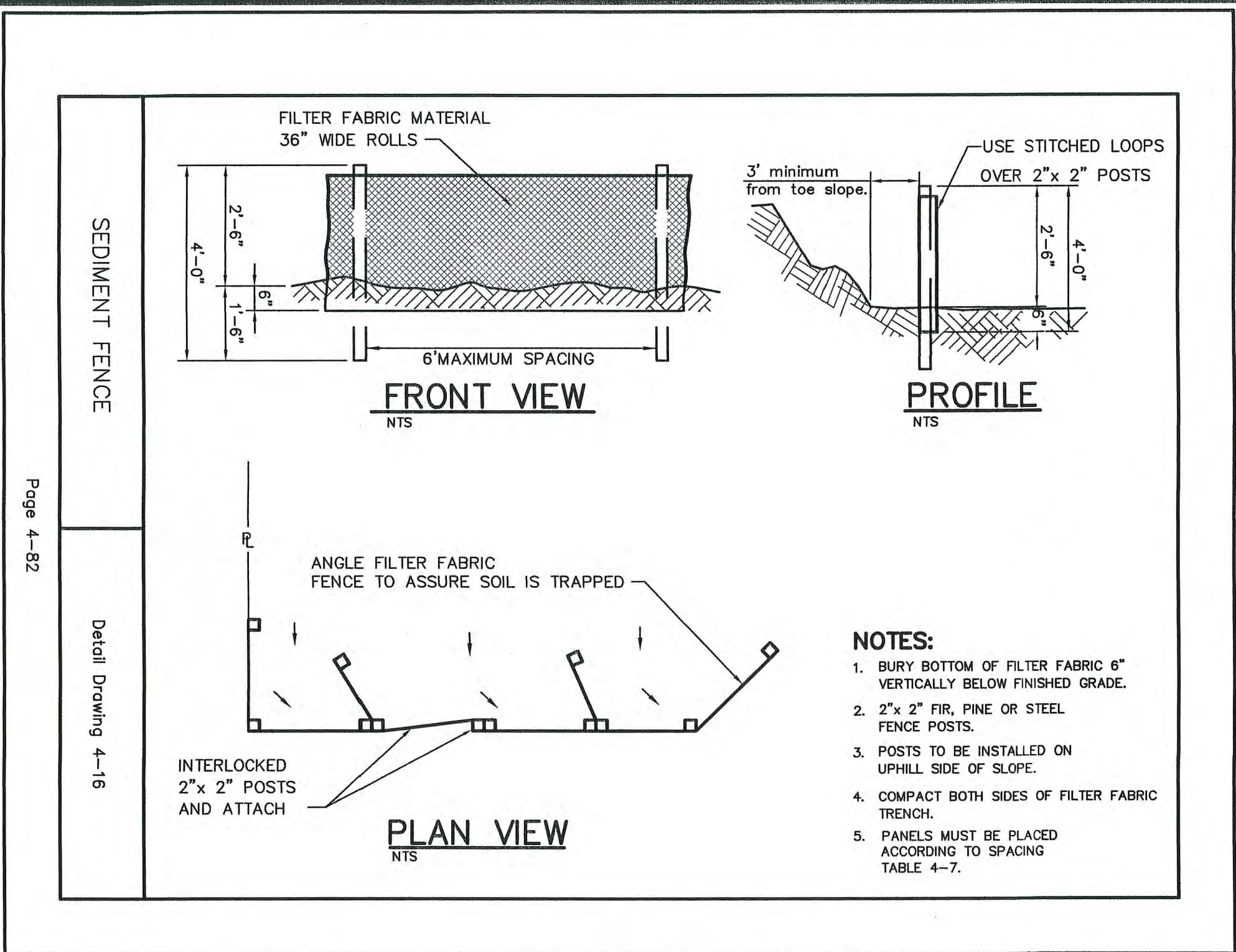
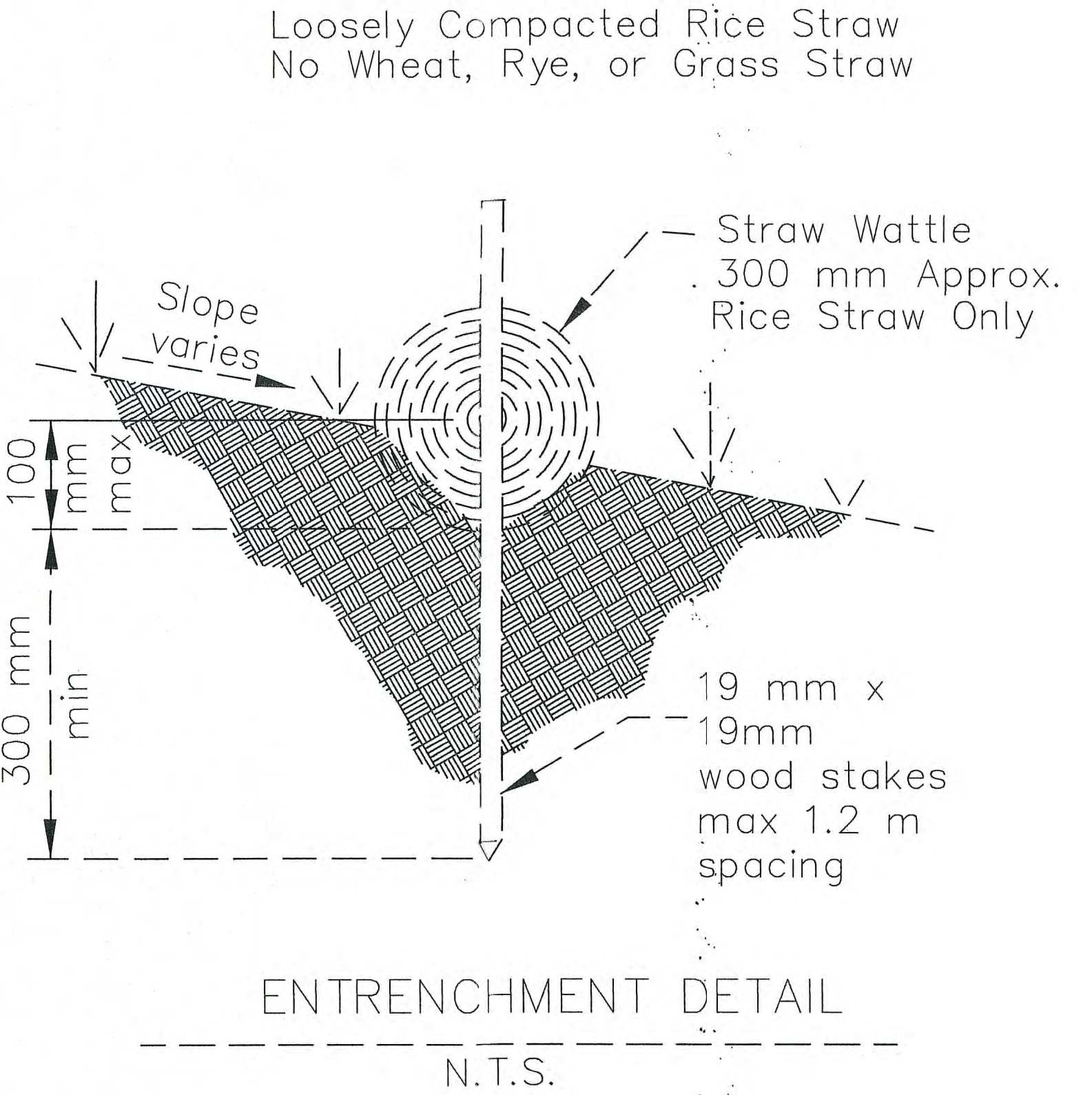
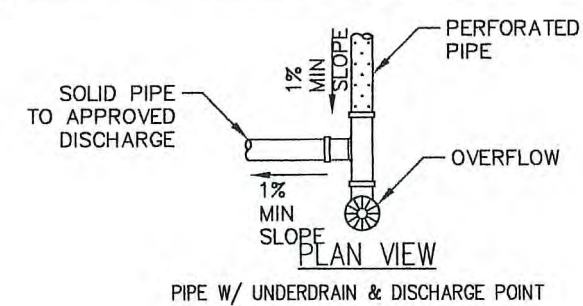


CONSTRUCTION ENTRANCE

Detail Drawing 4-5



NOTE:
HYBRID FACILITIES MUST
BE REGISTERED AS A UIC
DESIGNED UNDER THE
PRESUMPTIVE APPROACH.



SEDIMENT FENCE:

- THE FILTER FABRIC SHALL BE PURCHASED IN A CONTINUOUS ROLL CUT TO THE LENGTH OF THE BARRIER TO AVOID USE OF JOINTS. WHEN JOINTS ARE NECESSARY, FILTER CLOTH SHALL BE SPLICED TOGETHER ONLY AT A SUPPORT POST, WITH A MINIMUM 6 INCH OVERLAP, AND BOTH ENDS SECURELY FASTENED TO THE POST.
- THE FILTER FABRIC FENCE SHALL BE INSTALLED TO FOLLOW THE CONTOURS, WHERE FEASIBLE. THEN FENCE POSTS SHALL BE SPACED A MAXIMUM OF SIX FEET APART AND DRIVEN SECURELY INTO THE GROUND A MINIMUM OF 18 INCHES.
- A TRENCH SHALL BE EXCAVATED, ROUGHLY 6 INCHES WIDE BY 6 INCHES DEEP, DOWNSLOPE AND ADJACENT TO THE WOOD POST TO ALLOW THE FILTER FABRIC TO BE BURIED. BURY THE BOTTOM OF THE FABRIC 6" VERTICALLY BELOW FINISHED GRADE. ALL AREAS OF FILTER FABRIC TRENCH SHALL BE COMPACTED.
- THE FILTER FABRIC SHALL BE INSTALLED WITH STITCHED LOOPS OVER FENCE POSTS. THE FENCE POST SHALL BE CONSTRUCTED OF 2" X 2" FIR, PINE, OR STEEL. THE FENCE POST MUST BE A MINIMUM OF 48" LONG. THE FILTER FABRIC SHALL NOT BE STAPLED OR ATTACHED TO EXISTING TREES.
- SEDIMENT FENCES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFUL PURPOSE, BUT NOT BEFORE THE UPSLOPE AREA HAS BEEN PERMANENTLY STABILIZED.
- SEDIMENT FENCES SHALL BE INSPECTED BY ESCP INSPECTOR BEFORE, DURING & AFTER EACH SIGNIFICANT RAINFALL, AND DAILY DURING PROLONGED RAINFALL. ANY REQUIRED REPAIRS SHALL BE MADE IMMEDIATELY.

Exhibit
A.26



FOR EXPIRES: 2/15/2005 ONLY

REVISIONS	BY

12610 NW SKYLINE
MEGAN & LUKE McDONALD

DETAILS

SISUL ENGINEERING
376 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 857-0188
DRAWING

DATE	NOV. 2015
SCALE	NO SCALE
DRAWN	JDM
JOB	SGL15-057
SHEET	9
OF 9	SHEETS