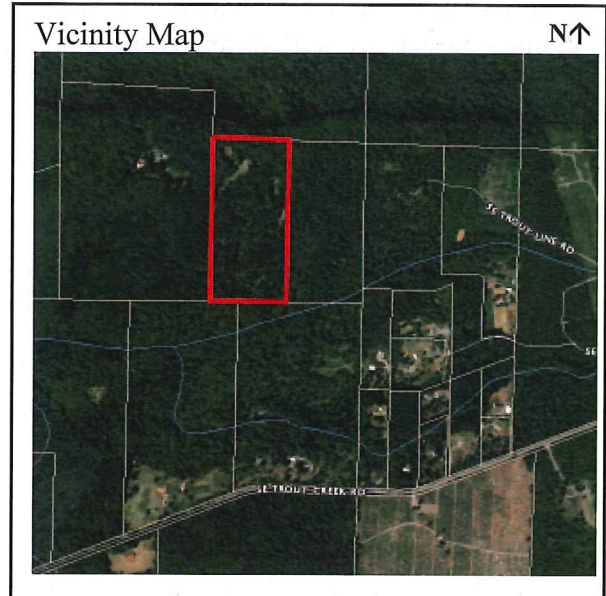


1600 SE 190<sup>th</sup> Ave, Portland OR 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

## NOTICE OF DECISION

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

**Case File:** T2-2016-6313  
**Permit:** Measure 49 New Forest Dwelling  
**Location:** 38775 SE Troutline Road  
Tax Lot 500, Section 13,  
Township 1 South, Range 4 East, W.M.  
**Alt. Tax #** R994130120  
**Prop ID #** R341770  
**Applicants  
& Owners:** Wayne & Eliza Miller  
**Base Zone:** Commercial Forest Use - 4




**Summary:** Request to build a New Forest Dwelling approved through Measure 49 Approval and a shed/carport on a property within the Commercial Forest Use – 4 zone.

**Decision:** Approved with Conditions

Unless appealed, this decision is effective August 9, 2017, at 4:00 PM.

Issued by:

  
George A. Plummer, Planner

For: Michael Cerbone, AICP  
Planning Director

Date: July 26, 2017

Instrument Number for Recording Purposes: #BP20910391

**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's 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 George Plummer, Planner at [george.a.plummer@multco.us](mailto:george.a.plummer@multco.us) or (503) 988-0202 (8 am to 5 pm Tuesday through Friday).

**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 August 9, 2017, at 4:00 PM.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): 35.2200 -35.2307: CFU-4, Measure 49 and Multnomah County Road Rules (MCRR): MCRR 4.000 – 7.000 Access and Impact.

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office or by visiting our website at [multco.us/landuse/zoning-codes](http://multco.us/landuse/zoning-codes) under the link Chapter 35: East of Sandy River Rural Plan Area.

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. The applicant shall record the Notice of Decision pages 1 through 3 with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any zoning sign-off for permits and shall be filed with the Land Use Planning office. Recording shall be at the applicant's expense. [MCC 37.0670]
2. Approval of this land use permit is based on the submitted written narratives, plans, findings and condition of approval of this case. No work shall occur under this permit other than that which is specified within these documents and approved through this decision. It shall be the responsibility of the property owners to comply with these documents and the limitations of approval described herein.
3. **This land use permit expires four years from the date the decision is final** pursuant to MCC 37.0690(C) as applicable. The property owners 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.

4. The property owners shall build the dwelling in the location shown on site plan labeled Exhibit A.25 and establish and maintain Primary and Secondary Fire Safety Zones as described below surrounding the dwelling and the accessory building. The Primary Fire Safety Zone shall be a fire break (described below) extending a minimum of 30 feet wide in all directions around a dwelling except to the northwest the Primary Fire Safety Zone shall extend 80 feet wide from the dwelling. On lands with 10 percent to 20 percent slope the primary fire safety zone shall be extended down the slope from a dwelling 80 feet as shown site plan labeled Exhibit A.25. The Primary Fire Safety Zone for the accessory building is 30 feet wide from the building.

Trees within Primary Fire Safety Zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

A secondary fire safety zone is a fire break extending a minimum of 100 feet wide in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. [MCC 35.2256(D)(1) and 2)]

5. The property owners shall obtain building permits and comply with the standards of the applicable building, the buildings shall have a fire retardant roofs; and have a spark arrester on each chimney installed. [MCC 35.2261(C)]
6. Obtain an access permit SE Trout Creek Road. Information on permitting a driveway is located at <https://multco.us/drivewaypermit>. Please contact Right of way permits at [row.permits@multco.us](mailto:row.permits@multco.us) or (503) 988-3582 regarding this requirement. [ MCRR 6.100 and MCRR 18.250]
7. Provide a 20-foot paved approach to SE Trout Creek Road. The paved approach will be measured from the edge of pavement of SE Trout Creek Road. It must not create any drainage problems along the County Road. This paved approach will help to protect the County Road from debris from the new driveway, and will improve the safety of this access. Please contact Right of way permits at (503) 988-3582 regarding this requirement. [MCRR 6.100 and MCRR 18.250]

**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.

**Note:** Once this decision is final, application for building permits may be made with the City of Gresham. When ready to have building permits signed off, the applicant shall call George Plummer, planner at (503) 988-0202 or [george.a.plummer@multco.us](mailto:george.a.plummer@multco.us) 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 permits before the applicant submits building plans to the City of Gresham. Three sets each of the site plan (the front page of each set) 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.

### **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. Project Description:**

**Staff:** Request to build a New Forest Dwelling approved through Measure 49 Approval and a shed/carport on a property within the Commercial Forest Use – 4 Zone.

#### **2. Property Description & History (if needed):**

**Staff:** The 20.95 acre property is accessed via Troutline private easement driveway which crosses four properties before entering the subject property and crossing it for access to the dwelling on the adjacent property to the west (Exhibit A.4 Applicants EX.1). Troutline easement drive which is a few hundred feet longer than a mile in length was established as a logging road and is now used to residential access. It is about a mile long drive to the proposed dwelling from Trout Creek road. The easement was established in 1978. The proposed dwelling is accessed via an approximately 500 foot spur to north off the Troutline easement drive crossing to property (Exhibit A.4 Applicants EX.7 and A.17). The easement drive and the spur driveway have been approved for emergency access to the proposed dwelling by the Assistant Chief of the Fire District (Exhibit A.15).

The subject property was created through an approved Land Division Case LD 25-79 with Multnomah County Land Use Planning approving the creation of three new parcels (Exhibit B.4). The property was owned by the applicant when the property was created. The zoning was Multiple Use Forest-20 (MUF-20). Under the MUF-20 zoning a forest management dwelling was allowed. The property was rezoned the MUF-38 August 14, 1980 as required by the Oregon State Department of Land Conservation and Development (DLCD). Under the MUF-38 zoning a forest management dwelling was allowed. The zoning was changed again to Commercial Forest Use (CFU) on January 7, 1993 which continued to allow forest management dwellings. On July 31, 1993 House bill 3661 was adopted limiting new dwelling on Commercial Forest zoned property in the State to "new forest dwellings" to those approved as "heritage tract dwelling," "template dwelling," or "large acreage dwelling." On August 8, 1998 the zone on the property was changed to CFU-4 (the 4 is a rural plan area designation not acreage minimum). In 1998 the CFU-4 zone limited "new forest dwellings" to those approved as "heritage tract dwelling," "template dwelling," or "large acreage dwelling." It appears that

the property would not have met the criteria for any of those three types of new forest dwelling reviews.

The property owner of the subject property, who obtained the parcel prior to the zoning being changed to CFU, filed a timely Measure 37 claim with the state and county after the passage of the measure in 2004. Subsequently, Measure 49 was drafted by the legislature and passed by the citizens of the state in 2006. The property owner then filed a timely Measure 49 claim with the state and was granted a Final Order approving a single family dwelling on the property (Exhibit B.5). This application serves as the applicant's request to utilize the Measure 49 Final Order.

### 3. Oregon State Measure 49 Approval Conditions:

#### 3. Oregon State Measure 49 Final Order Election Number E129458.

**Staff:** The proposal is for one single family dwelling located on the subject property. The property is an existing Lot-of-Record created through the approval of Land Division Case LD 25-79.

The applicant submitted the Measure 49 (M49) claim. Measure 49 Final Order Election Number E129458 authorized one single family dwelling home site on the subject property, as proposed. The Order did not authorize any land divisions. No land division is proposed. There is no existing dwelling on the property. There are no temporary dwellings on the property or proposed. There is no property in contiguous ownership. There are no vested rights for establishing a dwelling (other than the Measure 49 approval). The Measure 49 allows the dwelling approval on a existing lot that exceeds five acres. As required by the M49 approval the applicants are pursuing the required permits for the establishment of a dwelling. The proposed dwelling meets all of the M49 Home Site Authorization conditions of approval included as Exhibit B.5. *These conditions are met.*

### 4. Commercial Forest Use - 4

#### 4.1. Building Height Requirements

**MCC 35.2250(A):** Maximum structure height – 35 feet.

**Staff:** The proposed dwelling is about 33.5 feet at its tallest location. *This standard is met.*

#### 4.2. Forest Practices Setbacks and Fire Safety Zones

**MCC 35.2256:** 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:

Table 1

Use Description of use and location	Forest Practice Setbacks			Fire Safety Zones
	Nonconforming Set-backs	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)	Fire Safety Zone Requirement

Heritage Tract Dwelling	N/A	30	130	Primary & Secondary required
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**Staff:** The proposed dwelling meets the 130 foot forest practices setbacks from all the property lines. *This standard is met.*

#### 4.3. Fire Safety Zones on the Subject Tract

##### 4.3.1 MCC 35.2256(D)(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
Less than 10	No additional required
Less than 20	50 additional
Less than 25	75 additional
Less than 40	100 additional

**Staff:** The primary and secondary fire safety zones (fire breaks) are required to be established and maintained entirely on the subject property. The application includes several site plans. The applicant submitted revised building elevation included as Exhibit A.24 and a final revised site plan included as Exhibit A.25. The final revised site plan shows a primary fire safety zone of 30 foot wide to the southeast and 50 foot to the southwest and northeast. The minimum primary fire safety zones in these directions are 30 feet in which the vegetation shall be managed as described in (a). Due to slopes between 10 and 20 percent to the northwest, the primary fire safety zone of 80 feet wide as shown on Exhibit A.25 is required. The applicant's site plan demonstrates that the minimum primary fire safety zones can be met through a condition of approval.

The accessory building is located in an area where the slopes within 30 feet of the building are all less than 10 percent. A primary fire safety zone of 30 feet is required surrounding the accessory building.

A condition will be required that the property owners meet and maintain the primary fire safety zone standard for both the dwelling and the accessory building. *This standard is met through meeting a condition of approval.*

##### 4.3.2. MCC 35.2256(D)(2): Secondary Fire Safety Zone

A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and

spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of 35.2310.

**Staff:** The primary and secondary fire safety zones are required to be established and maintained entirely on the subject property. This standard requires a 100 foot secondary fire safety zone surrounding the dwelling beyond the primary fire safety zone. The revised site plans included as Exhibits A.17 and A.22, both show incorrect secondary fire safety zones. The applicant submitted a revised building elevation drawing included as Exhibit A.24 and a final revised site plan included as Exhibit A.25 that accurately shows the primary but does not show the secondary fire safety zone.

The secondary fire safety zone is requires a 100 foot wide area surrounding the primary that meets this code section, MCC 35.2256(D)(2). Where the primary fire safety zone is 30 feet wide, the secondary fire safety zone starts at 30 feet from the dwelling and extends 100 from the 30 foot line, with a total fire safety zone width of 130 feet. Where the primary fire safety zone is 80 feet wide, the secondary fire safety zone starts at 80 feet from the dwelling and extends 100 from the 80 foot line, with a total fire safety zone width of 180 feet. The secondary fire safety zone shall be managed as described in this standard.. The minimum fire safety zones can be met entirely on the subject property.

For the accessory building a primary fire safety zone is 30 feet surrounding the building. The secondary fire safety zone surrounds the primary with an addition 100 feet for a total of 130 feet as described. The secondary fire safety zone is required surrounding primary fire safety zone..

A condition will required the property owners meet and maintain the secondary fire safety zone standard for both the dwelling and the accessory building. *This standard is met through meeting a condition of approval.*

**4.3.3. MCC 35.2256(D)(3): No requirement in (1) or (2) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and**

**Staff:** There is no known conflict with forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules.

**4.3.4. MCC 35.2256(D)(4): Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.**

**Staff:** The primary and secondary fire safety zones are required to be established and maintained entirely on the subject property. A condition will be required that the property owners meet and maintain the primary and secondary fire safety zones standards. *This standard is met through meeting a condition of approval.*

**4.3.5. MCC 35.2256(D)(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 primary and secondary fire safety zones are required to be established and maintained by the property owners entirely on the subject property. A condition will required the property owners meet and maintain the primary and secondary fire safety zone standard. *This standard is met through meeting a condition of approval.*

**4.4. Development Standards for Dwellings and Structures**

**All dwellings and structures shall comply with the approval criteria in (B) through (D) below except as provided in (A). All exterior lighting shall comply with MCC 35.0570:**

**4.4.1. MCC 35.2261(B): New dwellings shall meet the following standards in (1) and (3) or (2) and (3); restored or replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from the existing dwelling shall meet the following standards in (1) and (3) or (2) and (3):**

**Staff:** The proposed dwelling is a new dwelling on a vacant parcel and does not meet (1), thus is required to meet (2) and (3). Findings below demonstrates it meets the standards under (2) and (3).

**4.4.1.1. MCC 35.2261(B)(1): The structure shall satisfy the following requirements:**

- (a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;**
- (b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone.**
- (c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;**
- (d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;**
- (e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or**

**Staff:** These standards are not met due the dwelling being located more than 300 feet of a public road and the Troutline easement private drive being more than 500 feet long. Thus the proposal must meet MCC 35.2261(B)(2) below. *This standard is not met thus (B)(2) and B(3) below must be met.*

**4.4.1.2. MCC 35.2261(B)(2): The structure shall satisfy the following requirements:**

- (a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 35.2256;**
- (b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;**
- (c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;**



- (d) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and**

**Staff:** The proposed dwelling and accessory building will be conditioned to meet and maintain the primary and secondary fire safety zones and the forest practices setbacks reducing potential impact on nearby or adjoining forest. To reduce a potential impact on nearby or adjoining forestland such as a conflict between property owners establishing a dwelling, and adjacent properties managed as forest resource properties, a condition will require the property owners sign and file a covenant recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules.

Adverse impacts on forest operations on the tract will be minimized by maintaining fire safety zones. Though the access is from a private easement way not a public road the proposal does not meet the standard of MCC 35.2261(B)(1) (above), the distance from the private road though not a public road locating the proposed dwelling and accessory building is proposed to be within 300 feet (about 220 feet) of the easement drive and having a driveway spur of less the 500 feet (about 420 feet) reducing adverse impacts on forest operations and accepted farming practices on the tract (Exhibit A.17).

Due to the small footprint of the dwelling and accessory building, the proposal results in a minor amount of the property used to site the dwelling and accessory building, access road, and service corridor (Exhibit A.10). The Access easement serving the property is the minimum necessary to serve the proposed development. It is a shared access which also serves the dwelling located to the west of the property (Exhibit A.4, Applicants' Exhibit 1).

*The standards listed under MCC 35.2261(B)(2) are met.*

- 4.4.1.3. MCC 35.2261(B)(3): The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:**
- (a) Access roadways shall be approved, developed and maintained in accordance with the requirements of the structural fire service provider that serves the property. Where no structural fire service provider provides fire protection service, the access roadway shall meet the Oregon Fire Code requirements for fire apparatus access.**
  - (b) Access for a pumping fire truck to within 15 feet of any perennial water source of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the fire apparatus access standards of the Oregon Fire Code with permanent signs posted along the access route to indicate the location of the emergency water source.**

**Staff:** The application included a Fire District Review signed by the Assistant Fire Chief confirming access approval and fire flow for water (Exhibit A.15). There is no stream located on the property, thus (b) is not applicable. *The proposal meets (a) and (b) is not applicable..*

- 4.4.2. MCC 35.2261(C): The dwelling or structure shall:**
- (1) Comply with the standards of the applicable building code...;**

- (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:** A condition will require the dwelling and the accessory building meet (1), (3) and (4). The proposed dwelling is not a mobile home thus (2) is not applicable. *This standard is met through meeting a condition of approval.*

- 4.4.3. MCC 35.2261(D):** The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 1 stream as defined in the Forest Practices Rules.

**Staff:** The application included a Certification of Water Service stating the property has a well with flow of 10 gallons per minute (Exhibit A.14) and is a registered well with Water Resources Id. #23084. *This standard is met.*

- 4.4.3.1. MCC 35.2261(D)(1)** If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

**Staff:** Public water service is not available. *Not applicable.*

- 4.4.3.2. MCC 35.2261(D)(2)** Evidence of a domestic water supply means:
- (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
  - (b) A water use permit issued by the Water Resources Department for the use described in the application; or
  - (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

**Staff:** The application included a Certification of Water Service stating the property has a well with flow of 10 gallons per minute (Exhibit A.14) register was well Water Resources Id. #23084. *This standard is met.*

#### **4.5. Lot of Record**

**MCC 35.2275 (A)** In addition to the Lot of Record definition standards in MCC 35.0005, 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,

**MCC 35.0005: Definitions – 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 35.7785. 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:

\* \* \*

**4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978.**

**Staff:** The subject property was created through an approved Land Division Case LD 25-79 with Multnomah County Land Use Planning approving the creation of three new parcels. The property was owned by the applicant when the property was created the zoning was Multiple Use Forest-20 (MUF-20). The approved Land Division Case LD 25-79 confirms that the land division satisfied all applicable zoning laws and satisfied all applicable land division laws. No adjacent properties were under the same ownership on February 20, 1990, thus no aggregation is required. *The subject property is a Lot of Record.*

**5. Transportation Standards**

**5.1. Access to County Roads**

**5.1.1.. 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 new single family dwelling and accessory. The driveway access is onto the easement known as Trout Line Road which in turn accesses SE Trout Creek Road, a Rural Local facility under County jurisdiction. The access to SE Trout Creek Road for the new single family dwelling is considered a new access due to it being a new use. The access is shown on the applicant's site plan (Exhibit A.14, Applicant's Exhibit 1). All required information has been submitted. *The criterion is met.*

**5.1.2 MCRR 4.200 Number: Reducing the number of existing and proposed access points on Arterials and Collectors and improving traffic flow and safety on all County roads will be the primary consideration when reviewing access proposals for approval. One driveway access per property will be the standard for approval. Double frontage lots will be limited to access from the lower classification street. Shared access may be required in situations where spacing standards cannot be met or where there is a benefit to the transportation system.**

**Staff:** The subject property will be served by one driveway. *The criterion is met.*

**5.1.3. MCRR 4.300 Location: All new access points shall be located so as to meet the access spacing standards laid out in the Design and Construction Manual.**

**Staff:** For a SE Trout Creek Road is classified as a Rural Local facility, the spacing standard is 50 feet (DCM Table 1.2.5). The minimum distance is applied to both driveways on the same side of the street as well as driveways opposite to the site. *The criterion is met.*

**5.1.4. MCRR 4.400 Width: Driveway and Accessway widths shall conform to the dimensions laid out in the Design and Construction Manual.**

**Staff:** For a new single-family residential use, a new or reconfigured driveway must be 12 to 25 feet wide. The driveway width will fall within the standard range. *The criterion is met.*

**5.1.5. MCRR 4.500 Sight Distance: All new access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the Design and Construction Manual and AASHTO's A Policy on Geometric Design of Highways and Streets.**

**Staff:** Multnomah County Road Rules Section 4.500 states that access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the County Design and Construction Manual or AASHTO's A Policy on Geometric Design of Highway and Streets. The proposed access has adequate sight distance. *The criterion is met as conditioned.*

**5.2. Transportation Impact**

**MCRR 5.100 To determine if a Transportation Impact is caused by a proposed development, the County Engineer will determine the number of new trips generated by a site by one of the following methods:**

- A. Calculations from the most recent edition of the Institute of Transportation Engineers' Trip Generation (ITE); or**
- B. A site development transportation impact study conducted by a professional engineer registered in the State of Oregon and accepted by the County.**

**MCRR 5.200 The County Engineer will use the information obtained pursuant to subsection 5.100 and/or the frontage length of the subject property to determine the pro-rata share of the requirements set forth in Section 6.000.**

**MCRR 5.300 Except where special circumstances require the County Engineer to make an alternate determination, any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour shall be found to have a Transportation Impact. A minimum increase of 10 new trips per day is required to find a transportation impact.**

**Staff:** The Multnomah County Road Rules defines a Transportation Impact as the affect of any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour [MCRR 3.000]. A minimum increase of 10 new trips per day is required to find a transportation impact.

According to the ITE Manual, 8th Edition, a single-family dwelling generates 10 trips per day. The property is currently vacant. *Therefore, the subject proposal results in a transportation impact.*

### **5.3. Improvement Requirements**

#### **5.3.1. MCRR 6.100 Site Development: The owner of the site or the applicant for a proposed development, which is found to cause a Transportation Impact will be responsible for improvements to the right-of-way as follows:**

##### **A. Dedication Requirement...**

**Staff:** The subject property does not have frontage on SE Trout Creek Road, therefore no dedication can be required. *The criterion is met.*

#### **5.3.2. MCRR 6.100 B. Frontage Improvement Requirements...**

**Staff:** The driveway serving the site must have a 20-ft wide paved approach to SE Trout Creek Road, a County road. This paved approach will be measured from the edge of pavement of SE Trout Creek Road. It must not create any drainage problems along the County Road. This paved approach will help to protect the County Road from debris from the new driveway, and will improve the safety of this access. A deposit will be required for the paved approach along with the access permit application. Please contact Right of Way at row.permits@multco.us or (503) 988-3582 regarding this requirement. *The criterion is met as conditioned.*

### **5.4. Right of Way Use Permits**

#### **MCRR 18.250 Access/Encroachment Permit:**

##### **A. An Access/ Encroachment Permit (A/E Permit) may be required for the following activities within the right of way:**

- 1. New or altered access to roads under County jurisdiction. An access is considered altered when a change in the development that it serves has a Transportation Impact as defined in section 6.000 of these rules;**

**Staff:** As noted in MCRR 4.000, the applicant proposes a single family dwelling, which is a new use, thus a new access onto SE Trout Creek Road, a Multnomah County road. The applicant must to obtain access permit for that new use. *The criterion is met as conditioned.*

### **6. Conclusion**

**Staff:** Based on the findings and other information provided above, the applicant has carried the burden necessary for the Measure 49 New Forest Dwelling permit approval with conditions on a property located within the Commercial Forest Use – 4 (CFU-4) zone. This approval is subject to the conditions of approval established in this report.

### **7. Exhibits**

- 'A' Applicant's Exhibits
- 'B' Staff Exhibits
- 'C' Comments Received

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application form	11/18/16
A.2	1	Project Explanation	11/18/16
A.3	1	Narrative	11/18/16
A.4	8	Exhibits including site plan	11/18/16
A.5	9	Forest Management Plan	11/18/16
A.6	2	Setback Narrative and site plan showing setbacks	11/18/16
A.7	2	Fire Safety Zones site plan	11/18/16
A.8	1	Zone change list	11/18/16
A.9	2	Proposed dwelling details	11/18/16
A.10	7	Proposed dwelling floor plans and elevation drawings	11/18/16
A.11	9	Approved Land Division Case LD 25-79 and deed	11/18/16
A.12	2	Site Evaluation for septic system	11/18/16
A.13	2	Storm Water Certificate	11/18/16
A.14	1	Certification of Water Service	11/18/16
A.15	4	Fire District Review	11/18/16
A.16	2	Accessory Building floor plan and elevation drawing	11/18/16
A.17	1	Site Plan with 10 foot contour lines	11/18/16
A.18	2	Addendum to narrative	2/16/17
A.19	2	Revised site plan with two foot contour	2/16/17
A.20	6	Septic Review Certification	4/26/25
A.21	1	Addendum to narrative addressing fire safety zones	4/27/17
A.22	1	Revised site plan showing two foot contours and dwelling moved 30 feet back from sloped area	4/27/17
A.23	1	Addendum to narrative	7/19/17
A.24	2	Revised building elevation	7/19/17
A.25	1	Revised site plan	7/19/17
'B'	#	Staff Exhibits	Date
B.1	2	A&T Property Information	
B.2	1	A&T Tax Map with Property Highlighted	
B.3	1	2016 Aerial Photo	
B.4	13	LD 25-79 approval with plans	

B.5	9	Measure 49 Election Number L129458	

