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## NOTICE OF DECISION

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**Case File:** T2-2021-14327  
**Permit:** Significant Environmental Concern  
**Applicants:** Abigail Freeland **Owners:** Daniel and Abigail Freeland  
**Location:** 31330 SE Victory Rd, Troutdale **Map, Tax Lot:** 1S4E08DC-00600  
**Tax Account** #R751705100 **Property ID** #R266609  
**Base Zone:** Rural Residential (RR)  
**Overlays:** Significant Environmental Concern for wildlife habitat (SEC-h) and water resources (SEC-wr) / Geologic Hazard (GH)  
**Proposal Summary:** Applicant is seeking amendment to land use case T2-2020-13164 to alter the Conditions of Approval #2.a and #3 for the construction of a new single family dwelling on the subject property.

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**Decision:** **Approved with Conditions**

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Friday, June 4, 2021 at 4:00 pm.**

**Opportunity to Review the Record:** The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review at the Land Use Planning office. Copies of all documents are available at the rate of \$0.35/per page. For further information, contact Lisa Estrin, Staff Planner at 503-988-0167 or at [lisa.m.estrin@multco.us](mailto:lisa.m.estrin@multco.us) until May 28, 2021. After May 28, 2021, please contact Marisol Cervantes at [marisol.cervantes@multco.us](mailto:marisol.cervantes@multco.us).

**Opportunity to Appeal:** 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 office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

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

**By:** Lisa Estrin, Senior Planner

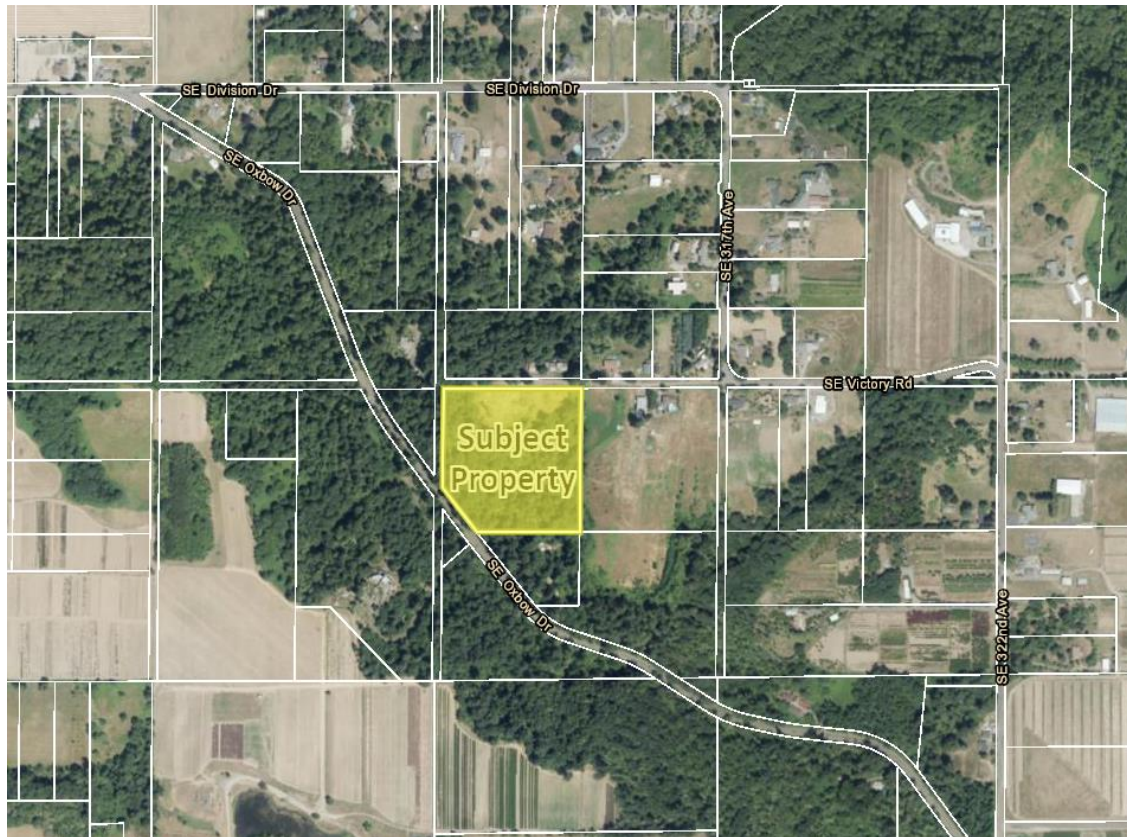
**For:** Carol Johnson, AICP  
Planning Director

**Date:** Friday, May 21, 2021

Instrument Number for Recording  
Purposes: # 2017-118997

## Vicinity Map

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### **Applicable Approval Criteria:**

**For this application to be approved, the proposal will need to meet applicable approval criteria below:**

**Multnomah County Code (MCC):** General Provisions: MCC 39.1515 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.6850 Dark Sky Lighting Standards;

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

Rural Residential (RR) Zone: MCC 39.4360 Allowed Uses, (A)(1) Single Family Dwelling, MCC 39.4275(C), (D), (F), (G) & (H) Dimensional Requirements and Development Standards;

Significant Environmental Concern: MCC 39.5510 Uses; SEC Permit Required, MCC 39.5515 Exceptions, MCC 5560 General Requirements for SEC-h, MCC 39.5860 - Wildlife Habitat (SEC-h);

Geologic Hazard: MCC 39.5075 Permits Required.

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

### **Chapter 39 - Zoning Code**

### **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. 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.

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

- a. Within two (2) years of the date of the final decision when construction has not commenced. [MCC 39.1185(B)]
  - i. For the purposes of 1.a, commencement of construction shall mean actual construction of the foundation or frame of the approved single family dwelling. For roads, commencement of construction shall mean actual grading of the roadway under a Construction Permit.
  - ii. For purposes of Condition 1.a, notification of commencement of construction will be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to date of commencement. Work may commence once notice is completed. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure.
- b. Within four (4) years of the date of commencement of construction when the structure has not been completed. [MCC 39.1185(B)]
  - i. For the purposes of 1.b. completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval.

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

2. Prior to land use sign-off for building plan check, the property owners or their representative shall:
  - a. Record pages 1 through 5 and Exhibit A.6 of this Notice of Decision 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 permits and shall be filed with the Land Use Planning Division. Recording shall be at the applicant's expense. [MCC 39.1175]
  - b. Submit a lighting plan identifying the location of all exterior lighting to be installed on the property and lighting details for all styles of light fixtures to be used. The Lighting Plan shall comply with Condition 3. The lighting plan and details shall be included in the plan set to be approved to enter Building Plan Check. [MCC 39.4375(H), MCC 5560(B) and MCC 39.6850]
  - c. Apply for and obtain approval of an Erosion and Sediment Control permit for all ground disturbing activities that will occur on and off site for the development (house, roadway improvements, installation of utilities). [MCC 39.5560(A)]
3. All ground disturbing activity with a piece of machinery shall remain outside of the Geologic Hazards overlay and/or will not disturb slopes 25% or more. If the Geologic Hazards overlay is triggered, a Geologic Hazard permit shall be obtained before the project may move forward into Building Plan Check or continue its construction. [MCC 39.5075 & MCC 39.1515]
4. The Disturbance Limitation Boundary and the SEC-wr overlay boundary shall be flagged, fenced, or otherwise marked to prevent intrusion into areas where development has not been

authorized. The work area shall remain marked through all phases of development. [MCC 39.5860(C)(3) and (C)(5)]

5. The Wildlife Conservation Plan's mitigation plantings (Exhibit A.6) shall be installed between October 1, 2021 and no later than May 31, 2022 as set forth in MCC 5860(C)(5)(n) . The Planning Director may modify all or part of this deadline at her sole discretion. The Planning Director may modify a portion or all timelines for the mitigation plantings shown on Exhibit A.6 Planting Plan.
  - a. Any request for extension shall be made a minimum of 15 days before the deadline. The property owner must provide documentation as to why they are requesting an extension and what portion of the plantings, they are requesting an extension on.
  - b. Within 5 days of completion of any portion of the mitigation plantings, the property owner shall send an email to [land.use.planning@multco.us](mailto:land.use.planning@multco.us) informing the division that the area has been planted. The email shall reference the case file # T2-2021-14327.
6. The forest practice plantings for the area harvested under the Oregon Department of Forestry (ODF) Notification 2018-581-05070 in the SEC-wr overlay zone are governed by the timelines granted by them. As long as the property owners remain in compliance with the ODF Forest Practice regulations, they are eligible for the forestry exemption under MCC 39.5515(A)(2). If the property owners file a "Plan for an Alternate Practice – Conversion of Forestland to a Non-Forest Use" request or converts the area to another use, a SEC-wr Permit shall immediately be filed with Land Use Planning as the exemption would no longer be in effect.
  - a. Upon completion of the ODF replanting within the SEC-wr overlay, the Forest Practice exemption under MCC 39.5515(A)(2) shall be determined to be perfected. [MCC 39.5515(A)(2), MCC 39.1515 and MCC 39.5510(A)]
  - b. The mitigation plantings for the SEC-h Wildlife Conservation Plan located in the SEC-wr overlay zone are independent from the ODF timelines for replanting and must be completed in accordance with Condition No. 5 above.
  - c. Within 5 days of completion of the replanting, the property owner shall send an email to [land.use.planning@multco.us](mailto:land.use.planning@multco.us) informing the division that the ODF plantings have been completed. The email shall reference the case file # T2-2021-14327.
7. Pursuant to MCC 39.4375, no part of the house, eaves, lighting attached to the house over 30-inches in height may encroach into the 30-ft. Minimum Front Yard.
8. All exterior lighting installed shall be limited to the area north of the dwelling and immediately adjacent to the dwelling to the west, east and south and shall not illuminate further than the Limits of Disturbance shown on Exhibit A.7. Illumination from the lighting shall be contained within the boundaries of the Lot of Record on which it is located. [MCC 39.6850 and MCC 39.5560(B)]
9. All nuisance plants listed in MCC 39.5580 Table 1 and MCC 39.5545 shall be kept removed and never be planted on the Lot of Record containing the dwelling. [MCC 39.5560(C) & MCC 39.5860(B)(7)]
10. The property owners shall maintain the mitigation plantings shown in Exhibit A.6 in a healthy state and replant, immediately in the next planting season, any that have declined or died. At the end of five years from date of planting and thereafter, a minimum of 80% of the trees and shrubs shall remain in a healthy state, alive on the fifth anniversary of the date of completion of

the mitigation plantings. Mitigation plantings shall not be removed without replanting. [MCC 39.5860(C)(3) and (5)(n) & (o)]

- a. The applicant shall send an email to [land.use.planning@multco.us](mailto:land.use.planning@multco.us) seven (7) days prior to the commencement of the installation of the mitigation plantings providing the case # T2-2021-14327 and indicate commencement of planting. The applicant shall also send an email when they are completed. The email shall certify that all required trees and shrubs have been planted in a living state.
  - b. A yearly report shall be provided by the property owners or their representatives that identifies the number of trees and shrubs lost due to death or decline and the number of trees and shrubs remaining from the original planting and the number of trees and shrubs replanted.
  - c. If on the fifth anniversary of the installation of the mitigation plantings less than 80% of the trees and shrubs remain. The property owner(s) shall continue to monitor, replant and report for the next three years until 80% of the plantings remain in a living state without needing human care and maintenance. [MCC 39.5860(C)(3) and (C)(5)]
11. The area used for the development (single family dwelling, driveway, turnaround, landscaping, stormwater drainage system, on-site sewage disposal system) shall be no more than the area designated as the Limit of Disturbance shown on Exhibit A.7 and is 0.51 of an acre.
  12. No fencing, other than for a gate for the fire truck turn around, shall be installed on the property without first modifying the Wildlife Conservation Plan approved for the proposed development. [MCC 39.5860(C)(3) and (C)(5)]

**Note:** Once this decision is final and the applicable Conditions of Approval have been met, application for building permits may be made with the City of Gresham's Building Department. When ready to have building plans signed off by Land Use Planning, the applicant shall complete the following steps:

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, "Prior to land use sign-off for building plan check..." Be ready to demonstrate compliance with the conditions.
2. Check with the City of Gresham to determine if plans must be submitted digitally or can be accepted on paper.
3. Contact Right-of-Way Permits at [row.permits@multco.us](mailto:row.permits@multco.us) to review your plans, obtain your access permit, and satisfy any other requirements. You may schedule an appointment at <https://multco.us/transportation-planning/webform/right-way-appointment-request/> or leave a message at 503-988-3582. Failure to make an appointment with County Right-of-Way will result in delaying your building plan review and obtaining building permits.
4. Contact the City of Portland, Bureau of Development Services, On-site Sanitation at 503-823-6892 or e-mail [septic@portlandoregon.gov](mailto:septic@portlandoregon.gov) for information on how to complete the Septic Evaluation or Permit process for the proposed development. All existing and/or proposed septic system components (including septic tank and drainfield) must be accurately shown on the site plan.
5. Contact Lisa Estrin, Senior Planner, at 503-988-0167 or via email at [lisa.m.estrin@multco.us](mailto:lisa.m.estrin@multco.us), for review of the conditions of approval and to stamp and sign the building permit plans. Please ensure that any items required under, "At the time of land use sign-off for building plan check..." are ready for land use planning review. Land Use Planning must sign off on the plans and authorize the building permit before you can go to the Building Department.



6. At present, the Land Use Planning office is closed to external customers. Options for delivering paper plans must be coordinated with the case planner. Drop off of plans without an appointment cannot be accepted.

The above must be completed before the applicant can obtain building permits from the City of Gresham. At the time of building permit review, Land Use Planning may collect additional fees, including an erosion control inspection fee, if applicable.

**Notice to Mortgagee, Lien Holder, Vendor, or Seller:**

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

## **Findings of Fact**

**FINDINGS:** Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

### **1.0 Application Description:**

**Staff:** The applicant is requesting a modification to two conditions of approval from land use decision T2-2020-13164.

**Condition No. 2.** Prior to land use sign-off for building plan check, the property owners or their representative shall:

- a. Replant the area logged under the ODF Forest Practice notification with the number of trees required by the Forest Practice Act or obtain a SEC-wr permit for a change of use. [MCC 39.55159A)(2), MCC 39.1515 and MCC 39.5510(A)]

**Condition No. 3.** The Wildlife Conservation Plan’s mitigation plantings shall be installed between October 1, 2020 and March 31, 2021. This time period may only be modified in case of appeal of the County’s Final Decision and shall occur within the next October to March time period.

The applicant requests that the timeline for the plantings to fulfill both conditions be extended to potentially October, 2022 through March 2023. The reason given is the lack of available seedlings due to the recent wildfires in the Fall of 2020.

In land use case, T2-2020-13164, a Significant Environmental Concern for wildlife habitat (SEC-h) was approved. The applicant requested an exemption from obtaining a Significant Environmental Concern for water resources (SEC-wr) permit and a Geologic Hazard permit. The land use permit, T2-2020-13164 became final on October 16, 2020.

As part of the County’s decision, Transportation Planning issued a decision on a Road Rules Variance (EP-2020-13167). The applicant appealed the Road Rules Variance decision to the County Hearings Officer on October 14, 2020. The County Hearings Officer held a public hearing and issued a new decision on the Road Rules Variance (Exhibit B.3).

After the land use decision became final, the applicant found that compliance with the planting timelines would be difficult due to recent wildfires in the area. She asked for Condition No. 2 and No. 3 to be modified. Pursuant to MCC 39.1165(E), the applicant submitted a new land use application for a Significant Environmental Concern for wildlife habitat in order for the above conditions to be modified. As some of the conditions have been met since T2-2020-13164 became final, planning staff has removed those conditions that are no longer needing to be accomplished. Condition No. 2.a., 2.c, 2.g and 2.h of T2-2020-13164 (Exhibit B.2) have been met as shown on the various exhibits. Condition No. 2.f.i was modified and renumbered as Condition No. 3 of this report. Condition No. 2.f. was modified and renumbered as Condition No. 7.

### **2.0 Property Description & History**

**Staff:** The subject property is 8.76 acres of land and fronts onto SE Victory Road, SE Oxbow Drive and an unnamed public right-of-way. The property is located in the West of Sandy River area and is zoned Rural Residential. In addition, the property has overlays of Significant Environmental Concern for wildlife habitat (SEC-h), water resources (SEC-wr) and Geologic Hazards (GH). The property is outside of the Urban Growth Boundary and inside the County’s Rural Reserves. In 2018,

the applicant provided notification to the Oregon Department of Forestry and harvested approximately 1-3/4 acres of land.

### **3.0 Public Comments:**

**Staff:** Staff mailed a notice of application and invitation to comment on the proposed application to the required parties per MCC 39.1105 found as Exhibited in C.2. No written comments were received during the 14-day comment period.

### **4.0 Code Compliance:**

#### **4.1 MCC 39.1515 CODE COMPLIANCE AND APPLICATIONS.**

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

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

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Zoning Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

**Staff:** At present, the County does not have an open compliance case on the subject property.

### **5.0 Lot of Record Criteria:**

#### **5.1 MCC 39.3005 LOT OF RECORD – GENERALLY.**

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

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

**(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.

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

(A) In addition to the standards in MCC 39.3005, for the purposes of the RR district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR zone applied;
- (2) July 10, 1958, F-2 zone applied;
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
- (4) October 6, 1977, RR zone applied, Ord. 148 & 149;
- (5) October 13, 1983, zone change from MUF-19 to RR for some properties, Ord. 395;
- (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004, 20 acre minimum lot size for properties within one mile of Urban Growth Boundary;
- (7) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.

(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 39.4395, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(C) Except as otherwise provided by MCC 39.4380, 39.4385, and 39.5300 through 39.5350, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than

**minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.**

**(D) The following shall not be deemed to be 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) An area of land created by court decree.**

**Staff:** The subject property consists of Lots 27 & 38, Section Line Road Fruit Tract. In land use decision, T2-2020-13167, the County found the two lots remained in their original configuration and are both separate Lots of Record (Exhibit B.2). *Criteria met.*

## **6.0 Rural Residential Criteria:**

### **6.1 MCC 39.4360 ALLOWED USES.**

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

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

**Staff:** The applicant is requesting to construct a single family dwelling on the subject property. See Section 5 for the Lot of Record findings. *Criterion met.*

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

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

<b>Front</b>	<b>Side</b>	<b>Street Side</b>	<b>Rear</b>
<b>30</b>	<b>10</b>	<b>30</b>	<b>30</b>

**Maximum Structure Height – 35 feet**

**(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.**

**Staff:** In EP-2020-13167, Transportation Planning required a 5-ft roadway dedication from the subject property. As of May 17, 2021, Transportation Planning has indicated the dedication has been completed. The applicant has revised the site plan to show the proposed house will be located 35 feet from the prior lot line and will meet the 30-ft. front yard requirement when the roadway dedication is completed (Exhibit A.7). The Minimum Front Yard standard does not allow any encroachment of eaves or other structural elements into it if they are over 30-inches in height. A condition of approval has been included to ensure that no portion of the house over 30-inches in height encroaches in to the required front yard.

The applicant’s site plan (Exhibit A.7) shows the proposed dwelling will be approximately 248 ft. from the western side property line, approximately 309 ft. from the eastern side property line, and approximately 209 feet from the rear property line of Lot 37. The proposed dwelling complies with the side and rear Minimum Yard requirements.

The front elevation measures 25 feet from lowest finished grade to top of the highest gable (Exhibit A.8). The rear elevation measure approximately 30 feet from lowest grade to top of the highest gable (Exhibit A.8). The proposed dwelling will comply with the maximum height requirement of 35 feet.

*Criteria met.*

**6.3 (F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, shall be provided on the lot.**

**(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.**

**(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.**

**Staff:** The applicant's site plan shows the area for the approved on-site sewage disposal system (Exhibit A.7). The County Sanitarian has reviewed the proposed placement of the septic drainfield, tank and stormwater system and finds that they are acceptable (Exhibit A.20). The applicant has provided a Stormwater Drainage Control Certificate (Exhibit A.24) signed by a licensed professional engineer. The stormwater will be handled via a 2000 gallon storage tank and metered out to a splash pad west of the proposed dwelling and away from the drainfield (Exhibit A.25). *Criteria met.*

**6.4 (G) New, replacement, or expansion of existing dwellings shall minimize impacts to existing farm uses on adjacent land (contiguous or across the street) by:**

**(1) Recording a covenant that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 where the farm use is on land in the EFU base zone; or**

**(2) Where the farm use does not occur on land in the EFU base zone, the owner shall record a covenant that states they recognize and accept that farm activities including tilling, spraying, harvesting, and farm management activities during irregular times, occur on adjacent property and in the general area.**

**Staff:** The applicant is proposing to construct a new single family dwelling on the subject property. The property to the east is zoned EFU and is currently in farm deferral. The property owner has recorded the Oregon Right to Farm Law covenant (Exhibit A.28). *Criterion met.*

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

**Staff:** The applicant has indicated that they will comply with the County's Dark Sky Lighting Standards of MCC 39.6850. A condition of approval has been included requiring the submittal of a lighting plan identifying the location of all exterior lighting to be installed on the property and lighting details for all styles of light fixtures to be used. *Through a condition, this criterion will be met.*

## **7.0 Significant Environmental Concern Exemption**

### **7.1 MCC 39.5510 USES; SEC PERMIT REQUIRED.**

**(A) All uses allowed in the base zone are allowed in the SEC when found to satisfy the applicable approval criteria given in such zone and, except as provided in MCC 39.5515, subject to approval of an SEC permit pursuant to this Subpart.**

**Staff:** The applicant is requesting to construct a single family dwelling in the RR zone. The use is allowed provided it satisfies all of the SEC-h approval criteria and obtains an SEC-h permit approval.

### **7.2 MCC 39.5515 EXCEPTIONS.**

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

**(2) The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act.**

**Staff:** In 2018, the applicant provided notification (#2018-581-05070) to the Oregon Department of Forestry and harvested approximately 1-3/4 acres of land. Part of the area logged was within the Significant Environmental Concern for water resources (SEC-wr) overlay. The act of cutting timber and the propagation (planting, fertilizing, spraying, etc.) is exempt from obtaining a SEC-wr permit. The State's Forest Practice Act requires all areas that are harvested to be replanted (Exhibit B.4 and B.5).

The applicant indicated in a previous email that they wanted to do a change of use in the SEC-wr overlay zone so that the area would be available for other uses (Exhibit B.7). The conversion of forested land to a non-forest practice is considered Development and a change in use, and would require the applicant submit a SEC-wr permit application (Exhibit B.6).

MCC 39.1515 Code Compliance and Applications prohibits Land Use Planning from issuing a development permit for a site that is not in complete compliance with the County rules. A condition of approval has been included that if the property owner decides to change the use of the land within the SEC-wr overlay to a non-forest use, a SEC-wr permit is required. The exemption provision MCC 39.5515(A)(2) is only valid as long as the area within the SEC-wr is used for the propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act, including Notification #2018-581-05070 which currently has a deferred requirement to replant areas previously forested. *Through a condition, this criterion will be met.*

### **7.3 MCC 39.5560 GENERAL REQUIREMENTS FOR APPROVAL IN THE WEST OF SANDY RIVER PLANNING AREA DESIGNATED AS SEC-WR OR SEC-H.**

**The requirements in this section shall be satisfied for development in the SEC-wr and SEC-h areas located in the West of Sandy River Planning Area in addition to the provisions of MCC 39.5800 or 39.5860 as applicable.**

**(A) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.**

**Staff:** The proposed development occurs in areas with over 10% slopes. An Erosion and Sediment Control permit has been submitted. The permit, T1-2021-14461 will be issued prior to commencement of construction. A condition of approval has been included requiring the permit be issued prior to land use sign off for building plan check. *Through a condition, criterion will be met.*

- 7.4 (B) Outdoor lighting shall be of a fixture type and shall be placed in a location so that it does not shine directly into undeveloped water resource or habitat areas. Where illumination of a water resource or habitat area is unavoidable, it shall be minimized through use of a hooded fixture type and location. The location and illumination area of lighting needed for security of utility facilities shall not be limited by this provision.**

**Staff:** Lighting fixtures have been shown on the building elevations (Exhibit A.8). Not enough information has been provided as to whether the fixtures will meet the above standard and the Dark Sky Lighting Standards of MCC 39.6850. A condition of approval has been included requiring a lighting plan and that all lighting be limited to the developed area and be Dark Sky compliant. *Through a condition, this criterion will be met.*

- 7.5 (C) The nuisance plants in MCC 39.5580 Table 1, in addition to the nuisance plants defined in MCC 39.2000, shall not be used as landscape plantings within the SEC-wr and SEC-h Overlay Zone.**

**Staff:** The applicant has provided a Landscaping Plan for the lawn areas immediately around the dwelling (Exhibit A.4) and a Planting Plan for the Wildlife Conservation Plan (Exhibit A.6). Planning staff reviewed the plant materials listed and finds that they are acceptable as non-nuisance plants. *Criterion met.*

**7.6 MCC 39.5860 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 subject property did not have any cleared areas until a 2018 forest practice logged 1.75+/- acre area to develop the home site (Exhibit B.8). At present, the RR zone does not have fire safety zones required. The logged area in the SEC-wr zone will be replanted by the applicant as required by the Forest Practice Act. The home site is located in the converted forest area (Exhibit A 7). *Criterion met.*

- 7.7 (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:** Exhibit A.7 shows the boundaries of the limit of disturbance for the proposed development. From the edge of the existing SE Victory Road right-of-way to the southern boundary of development is approximately 135 feet. All home site developed areas will be within 200 feet of SE Victory Road. Access to the site is via SE Victory Road. *Criterion met.*

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

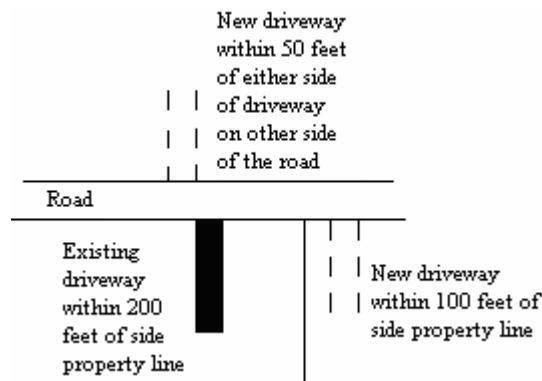
**Staff:** The driveway length from the edge of the public road right of way to the garage is approximately 30 feet (Exhibit A.7). *Criterion met.*

- 7.9 (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 driveway on the property to the north on the opposite side of the road has a lawfully established driveway approximately 150 feet from its eastern property line. The Freeland’s eastern property line and the neighbor’s property line lie on the same plane. The



neighbor's driveway is the driveway that the proposed Freeland driveway should be offset by no more than 50 feet. The applicant is proposing to place their proposed driveway 215+/- feet to the east of the neighbor's driveway on the north side of the road. The applicant's driveway placement does not comply with the above driveway standards in (B)(4)(b) (Exhibit A.7). *A Wildlife Conservation Plan will need to implemented. Criterion not met.*

**7.10 (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 property to the east (tax lot 1S4E08DC -00100) does have a building within 200 feet of the shared side property line with the subject property. The proposed development ranges from 239+/- feet to 422+/- feet from the eastern shared property line (Exhibit A.7). The dwelling's eastern wall is 309+/- feet from the eastern side property line. The dwelling, driveway, septic system and stormwater system are all over 300 feet from the side property line. *Criterion not met. A Wildlife Conservation Plan will be required.*

**7.11 (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. (See Figure 4 below.)**

**Figure 4.**

**FENCE EXEMPTION AREA**



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

**Staff:** The applicant has indicated in their narrative that no new fencing is proposed with this application (Exhibit A.2). *Criterion met.*

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

**Staff:** The applicant has indicated in their narrative that no nuisance plants listed in Table 1 will be planted. The second half of the criterion is that they will be kept removed from the cleared areas of the subject property. A condition of approval has been included requiring the removal of any future nuisance plants that appear within the disturbance area shown on Exhibit A.7. *Through a condition, this criterion can be met.*

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

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

**(2) The applicant can meet the development standards of subsection (B), but demonstrates that the alternative conservation measures exceed the standards of subsection (B) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in subsection (B).**

**Staff:** The subject site is capable of meeting the development standards of (B), but has failed to demonstrate compliance with (B)(4) and (B)(5). The proposed application must demonstrate that the alternative conservation measures exceed the standards of subsection (B) and will result in the development having a less detrimental impact on forested wildlife habitat than the standards in (B). Based upon the applicant's submitted Wildlife Conservation Plan (WCP), the proposed development will have a less detrimental impact on the wildlife habitat. To ensure compliance with the WCP, conditions of approval have been included. *Through conditions, these criteria can be met.*

- 7.14 (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.**

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

**(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.**

**Staff:** The applicant completed a Forest Practice Act to clear trees in the area of the development. Prior to the tree cutting, the property did not have any cleared areas. After the replanting for the Wildlife Conservation Plan, the remaining area not replanted under the Forest Practice Act or the proposed development will be 0.51 of an acre (22,215.6 sq.

ft.) (Exhibit A.2, A.6 and A.7). A condition of approval has been included to ensure that the development area is limited to 0.51 of an acre. *Through a condition, these criteria can be met.*

**7.15** (C)(3)(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)(5)(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.

**Staff:** The applicant has identified that 1.08 acres will be replanted as part of the project. The proposed development area is limited to 0.51 acres (Exhibit A.2, A.6 and A.7). A condition of approval has been included to ensure that the development area is limited to 0.51 of an acre. *Through a condition, these criteria can be met.*

**7.16** (C)(3)(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.

(C)(5)(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. Existing fencing located in the front yard adjacent to a public road shall be consistent with subsection (B)(6).

**Staff:** The applicant's plans do not identify any fencing on the subject site. The applicant's narrative (Exhibit A.2) has indicated no new fencing will be constructed as part of the development. A condition of approval has been included requiring a modification of the Wildlife Conservation Plan should the applicant decide to install fencing on the property. *Through a condition, these criteria can be met.*

**7.17** (C)(3)(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.

(C)(5)(d) For mitigation areas, all trees, shrubs and ground cover shall be native plants selected from the Metro Native Plant List. An applicant shall meet Mitigation Option 1 or 2, whichever results in more tree plantings; except that where the total developed area (including buildings, pavement, roads, and land designated as a Development Impact Area) on a Lot of Record will be one acre or more, the applicant shall comply with Mitigation Option 2:

**2. Mitigation Option 2.** In this option, the mitigation requirement is calculated based on the size of the disturbance area associated with the development. Native trees and shrubs are required to be planted at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals .66, and .66 times five equals 3.3, so three trees must be planted, and .66 times 25 equals 16.5, so

**17 shrubs must be planted). Bare ground shall be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.**

**Staff:** The applicant is using a combination of (C)(5) and (C)(3) for the proposed Wildlife Conservation Plan. The applicant does not want to plant as many shrubs as required by the Mitigation Option 2 of (C)(5). The applicant is proposing to plant additional trees and fewer shrubs on the property. Instead of planting the required number of shrubs (1,111 shrubs), the applicant is proposing 132 shrubs and substituting 1 tree for every five shrubs that would have otherwise been required. Mitigation Option 2 of (C)(5) requires 222 trees be planted. The applicant will plant an additional 196 trees as shown on the planting plan (Exhibit A.6). Total trees to be added to the site will be 418 trees. After installation of all required trees and shrubs, an area around the dwelling and other in-ground improvements will be planted with lawn or ground cover (Exhibit A.4). A condition of approval has been included requiring that the mitigation plantings be maintained in a healthy state and replanted if necessary due to decline or death. *Criteria met.*

**7.18**

**(C)(3)(e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.**

**(C)(5)(e) Location of mitigation area. All vegetation shall be planted within the mitigation area located on the same Lot of Record as the development and shall be located within the SEC-h overlay or in an area contiguous to the SEC-h overlay; provided, however, that if the vegetation is planted outside of the SEC-h overlay then the applicant shall preserve the contiguous area by executing a deed restriction, such as a restrictive covenant. (Note: an off-site mitigation option is provided in a streamlined discretionary review process). The mitigation area shall first be located within any existing non-forested cleared areas contiguous to forested areas, second within any degraded stream riparian areas and last in forested areas or adjacent to landscaped yards.**

**Staff:** The proposed Wildlife Conservation Plan proposes to plant most of the mitigation plantings within the SEC-h overlay zone. The applicant is required under the Forest Practice Act and MCC 39.5515 Exceptions to replant the SEC-wr area, or its conversion to non-forested area would require a SEC-wr permit for a change of use or development. In addition, the applicant is proposing to plant 68 Douglas Fir trees within the SEC-wr area as part of the Wildlife Conservation Plan. For the plantings within the SEC-wr zone, the property owner has recorded a restrictive covenant to protect these plantings as part of the SEC-h mitigation plan (Exhibit A.27). *Criteria met.*

**7.19**

**(C)(5)(f) Prior to development, all work areas shall be flagged, fenced, or otherwise marked to reduce potential damage to habitat outside of the work area. The work area shall remain marked through all phases of development.**

**Staff:** The applicant notes this requirement and has shown a tree protection fence in Exhibit A.19. on the west side of the development. It does not appear that boundary fencing has been included for the SEC-wr overlay zone within which no development shall occur. A condition of approval has been included requiring a boundary fence be installed just outside of the SEC-wr zone and the installation of a tree protection fence prior to commencement of work. *Through a condition, criterion met.*

**7.20 (C)(5)(g) Trees shall not be used as anchors for stabilizing construction equipment.**

**Staff:** The applicant has acknowledge this requirement and has included it on Exhibits A.4, A.6, A.7, & A.19. *Criterion met.*

**7.21 (C)(5)(h) Native soils disturbed during development shall be conserved on the property.**

**Staff:** The applicant has stated that all ground disturbance will be limited to the areas delineated on Exhibit A.7 & A.19. All disturbed areas will be reseeded with native groundcover (Exhibit A.2). *Criterion met.*

**7.22 (C)(5)(i) An erosion and sediment control plan shall be prepared in compliance with the ground disturbing activity standards set forth in MCC 39.6200 through MCC 39.6235.**

**Staff:** An Erosion and Sediment Control permit will be required before any ground disturbance as slopes are over 10% in some areas. The project will comply with MCC 39.6225 and MCC 39.6235. *Criterion will be met through the Erosion and Sediment Control permit and compliance with the County's Stormwater Drainage Control regulations.*

**7.23 (C)(5)(j) Plant size. Replacement trees shall be at least one-half inch in caliper, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are oak or madrone which may be one gallon size. Shrubs shall be in at least a 1-gallon container or the equivalent in ball and burlap and shall be at least 12 inches in height.**

**Staff:** The applicant has acknowledged the size requirements for the trees and the shrubs. This information has been included on the planting plan (Exhibit A.6). *Criterion met.*

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

**Staff:** The applicant has indicated that the trees will be planted 10-ft on center and outside of existing trees dripline. Shrubs will be planted in clusters of four at 10-ft on center also (Exhibit A.2 & A.6). *Criterion met.*

**7.24 (C)(5)(l) Plant diversity. Shrubs shall consist of at least two (2) different species. If 10 trees or more are planted, then no more than 50% of the trees may be of the same genus.**

**Staff:** The applicant will be planting three different tree types: Douglas Fir, Incense Cedar and Western Red Cedar (Exhibit A.6). Shrubs will be a mixture of Kinnikinnick, Salal and Oregon Grape (Exhibit A.6). *Criterion met.*

**7.25 (C)(5)(m) Nuisance plants. Any nuisance plants listed in MCC 39.5580 Table 1 shall be removed within the mitigation area prior to planting.**

**Staff:** The applicant has acknowledged this requirement (Exhibit A.2). *Criterion met.*

**7.26 (C)(5)(n) Planting Schedule. The planting date shall occur within one year following the approval of the application.**

**Staff:** Under T2-2020-13164, the applicant has indicated that the plantings would be likely to occur between October 1, 2020 and March 31, 2021. Since the original permit approval, the State of Oregon suffered a serious fire season in 2020. The property owners have had a difficult time finding trees and have asked that the time period for planting be extended from 2021 to potentially March 31, 2023. The property owner has indicated that they are on a number of growers lists for plants. Staff discussed the tree situation with ODF. Based upon the ODF discussions, Land Use Planning will extend the planting time period to May 31, 2022. This will be within the one year time period required by (C)(5)(n).

It is possible for the property owners to commence planting of the shrubs and potentially trees next Fall. The specified shrubs are available now. Staff found the various tree types available within the Willamette Valley but in larger 1 gallon pot size. By modifying the deadline to May 31, 2022, the property owners should have sufficient time to obtain the necessary planting materials. A condition of approval has been included requiring the plantings by May 31, 2022, but does allow the Planning Director, at her sole discretion, the ability to grant an extension. *Through a condition, this criterion will be met.*

**7.27 (o) Monitoring and reporting. Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die shall be replaced in kind so that a minimum of 80% of the trees and shrubs planted shall remain alive on the fifth anniversary of the date that the mitigation planting is completed.**

**Staff:** The property owner has indicated that they are aware of this requirement. A condition of approval has been included to ensure compliance with this requirement. In addition, a yearly report is needed to ensure that the plantings are being cared for and replaced if needed. *Through a condition, this criterion will be met.*

**8.0 Geologic Hazard Criteria:**

**8.1 39.5075 Permits Required.**

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

**Staff:** The subject property does have mapped hazard areas. The proposed development area avoids slopes over 25% and the mapped hazard area. *The project as it is presently designed is exempt from obtaining a Geologic Hazard Permit.*

**9.0 Conclusion**

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Significant Environmental Concern for wildlife habitat permit to establish a single family dwelling in the Rural Residential zone. This approval is subject to the conditions of approval established in this report.



## 10.0 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

Exhibits with a “\*” after the exhibit # have been included as part of the mailed decision. Those exhibits have been reduced to a size of 8.5” x 11” for mailing purposes. All other exhibits are available for review in Case File T2-2021-14327 by contacting the case planner.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	02/10/2021
A.2	25	SEC Narrative dated March 30, 2020	02/10/2021
A.3	2	#1 Amendment of Condition 2. and potentially No 1.a No.3 of T2-2020-13164	02/10/2021
A.4	1	Landscaping Plan	02/10/2021
A.5	1	ODF Forest Activity Inspection Report	02/10/2021
A.6*	1	Exhibit D – Planting Plan	02/10/2021
A.7	1	Exhibit D – Site Plan	02/10/2021
A.8	1	Exhibit D - Elevations	02/10/2021
A.9	1	Exhibit D – 1 <sup>st</sup> Floor Plan	02/10/2021
A.10	1	Exhibit D – Roof Plan	02/10/2021
A.11	1	Exhibit D – Lower Foundation Plan	02/10/2021
A.12	1	Exhibit D – Framing Plan	02/10/2021
A.13	1	Exhibit D – General Notes and Details	02/10/2021
A.14	1	Exhibit D – Sections	02/10/2021
A.15	1	Exhibit D – Shear wall Bracing	02/10/2021
A.16	1	Exhibit B – Property Deed	02/10/2021
A.17	1	Exhibit E – Conditions Survey	02/10/2021
A.18	1	Exhibit E – Update 5 ft. Setback and Tree Note	02/10/2021
A.19	6	Exhibit F - Erosion Control Plan	02/10/2021
A.20	4	Exhibit H - Septic Review Certificate	02/10/2021
A.21	1	Exhibit I Water Service Review Form	02/10/2021
A.22	4	Exhibit J – Fire Service Review dated 3-18-2020	02/10/2021
A.23	1	Exhibit K – Transportation Planning Review Form	02/10/2021

A.24	2	Exhibit L – Storm Water Certificate	02/10/2021
A.25	19	Exhibit M – Stormwater SWMP	02/10/2021
A.26	8	Exhibit N – Completed SEC-h Worksheet	02/10/2021
A.27	4	SEC Covenant – Recorded 02/02/2021	02/10/2021
A.28	2	Farm & Forest Covenant – Recorded 02/02/2021	02/10/2021
<b>‘B’</b>	<b>#</b>	<b>Staff Exhibits</b>	<b>Date</b>
B.1	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 1S4E08DC – 00600 (R751705100)	02/09/2021
B.2	41	T2-2020-13164 Decision dated 10/16/2021	04/15/2021
B.3	46	EP-2020-13167 Hearings Officer Decision	05/17/2021
B.4	1	Reforestation is the Law Handout	05/17/2021
B.5	8	Forest Practice Notes	05/17/2021
B.6	1	ODF Freeland – Land Use Change Notification dated 11.6.2019	05/17/2021
B.7	3	Email from Freeland regarding Land Use Conversion and Reforestation dated 11/06/2019	05/17/2021
B.8	2	2016 & 2018 Aerial Photographs of Subject Property	05/17/2021
<b>‘C’</b>	<b>#</b>	<b>Administration &amp; Procedures</b>	<b>Date</b>
C.1	1	Complete letter (day 1)	03/8/2021
C.2	6	Opportunity to Comment and mailing list	03/12/2021
C.3	22	Administrative Decision and mailing list	05/21/2021