



M 522

**Multnomah
County**

DEPARTMENT OF COMMUNITY SERVICES
LAND USE PLANNING DIVISION
1600 SE 190TH AVENUE
PORTLAND OREGON 97233

RETURN SERVICE REQUESTED

NOTICE OF DECISION

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.

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 until May 28, 2021. After May 28, 2021, please contact Marisol Cervantes at 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.

Issued by: _____

By: Lisa Estrin, Senior Planner

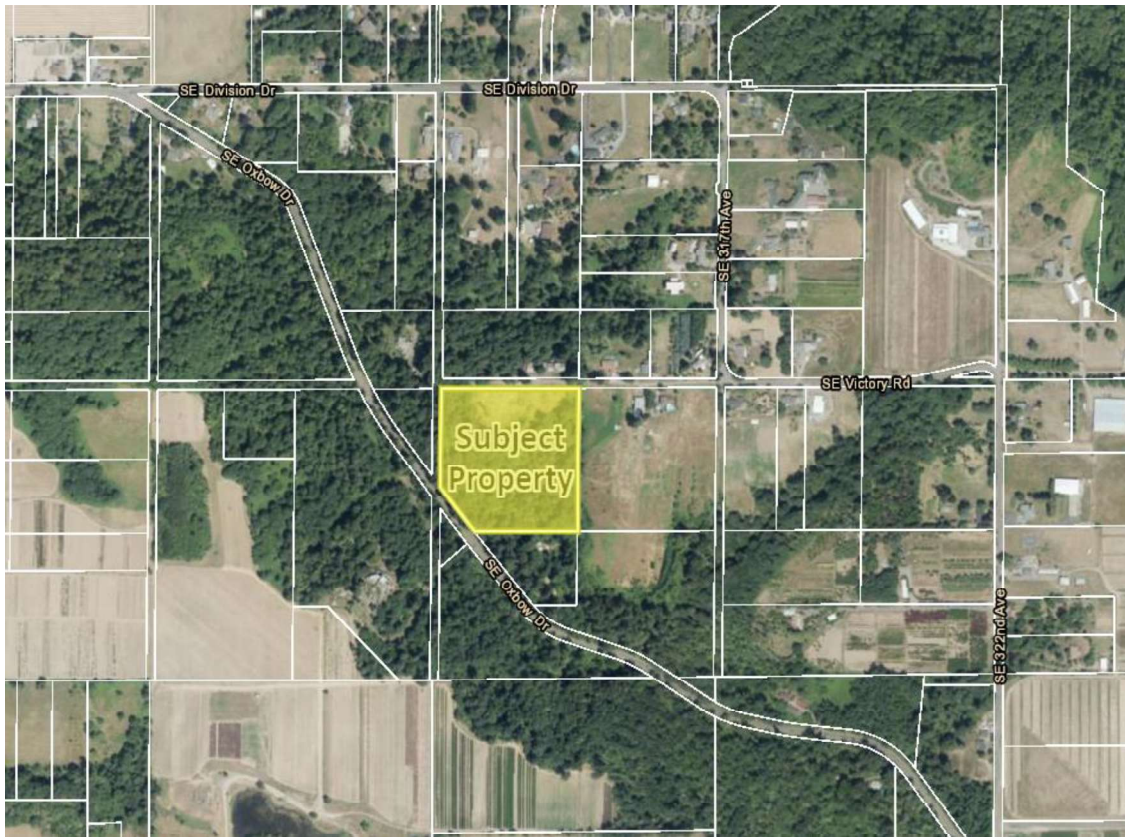
For: Carol Johnson, AICP
Planning Director

Date: Friday, May 21, 2021

Instrument Number for Recording
Purposes: # 2017-118997

Vicinity Map

N↑



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 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 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 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 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 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, 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.

**BUILDERS
DESIGN INC.**
COMMERCIAL • RESIDENTIAL • REMODELING
1125 NE WEIDLER ST. • PORTLAND, OR 97220
PHONE: (503) 252-3453 • FAX: (503) 252-3454
EMAIL: BUILDERSDESIGN@GMAIL.COM

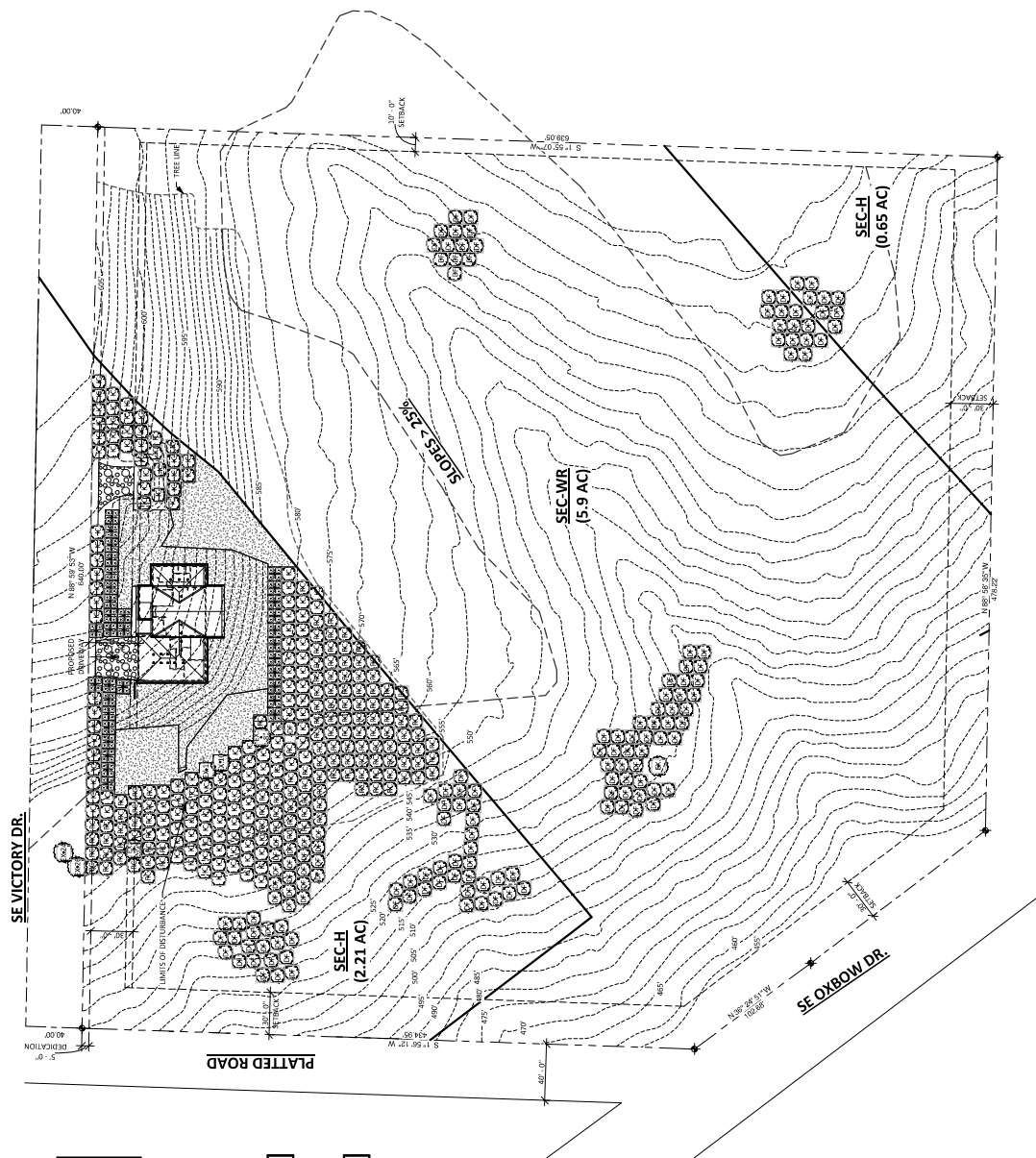
set forth on this sheet are the original work product of, owned by and are the confidential property of, and use of said work product is limited to a specified design or engineering project. The design or engineering work product of the design or engineering firm is the property of the design or engineering firm and shall remain the property of the design or engineering firm. The design or engineering firm shall retain all rights in the design or engineering work product, including the right to use the design or engineering work product in the design or engineering firm's business and to disclose the design or engineering work product to its employees, agents, consultants, subcontractors, and other personnel. The design or engineering firm shall not be responsible for any damages or losses resulting from the use of the design or engineering work product by the client. The design or engineering firm shall not be responsible for any damages or losses resulting from the use of the design or engineering work product by the client. The design or engineering firm shall not be responsible for any damages or losses resulting from the use of the design or engineering work product by the client.

All ideas, arrangements, drawings and plans for the project for the persons named herein, and the property of Builders Design Inc., an "On" project for the persons named herein, are hereby provided without the written permission, precedence over scaled dimensions, contract and the office may be notified of a Shop drawing must be submitted to this office included unless specified in work contract.

SE OXBOW DR.
FREELAND RESIDENCE
PLANTING PLAN

[illegible]

O.P.P.



PROJECT DATA:		MICHIGAN STATE PLANTING SUMMARY				
PROJECT SIZE: 5.76 acres		ZONE	SC# AREA (ACRES)	NET PROPERTY AREA (ACRES)	PROPOSED MITIGATION PLANTING (SQ. FT.)	PLANT COUNT
NET AREA: 5.76 acres	40% off					
LAWN AREA: 8.76 SQ. FT.		SECH	124,582 SQ. FT.	2.86	9,972.35 SQ. FT.	32,923
NET PROPERTY AREA: 8.76 SQ. FT.		SCCH	9,042 ACRES	2.35	9,042 ACRES	137,548ERS
NET PROPERTY AREA: 8.76 acres		SCCHW	217,880 SQ. FT.	5.9	7,184 SQ. FT.	68 TREES
					to 105.5m-2.27m	

LANDSCAPING KEY					PLANT SPECIES		PLANT QUANTITY	
SYMBOL	COMMON NAME	SIZE	PLANT SPECIES	QUANTITY				
	Pseudotsuga Menziesii	1/2" CAL.	10" D.C.	150				
	Thuja plicata	1/2" CAL.	10" D.C.	130				
	Calceolus decurrens	1/2" CAL.	10" D.C.	138				
	1 GAL. 200 EQUIVALENT	1/2" CAL.	10" D.C.	138				
	1 GAL. 100 EQUIVALENT	1/2" CAL.	10" D.C.	138				
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Plant Spacing: There are to be spaced 10 feet on-center and four shrubs of the same species will be planted in clusters, with each cluster spaced 10 feet on center.

Native Plant Removal: All areas proposed for planting will first be inspected for the presence of nuisance plants. All identified nuisance plants including but not limited to common holly, English holly, hawthorn, Himalayan blackberry, evergreen blackberry, and string nettle will be manually cut and roots grubbed out.

Planting Schedule: All plantings will be completed within one year following application approval. It is anticipated that plantings will occur between October 1, 2020 and March 31, 2021, weather permitting.

Disturbed Areas: All soils disturbed during nuisance plant removal and otherwise bare soils will be reseeded using a native wildflower/native grass seed mix at a rate of 20 lbs./acre.

NOTE: Trees shall not be used as anchors for stabilizing construction equipment

[illegible]

Exhibit A.6