

October 21, 2020

Razib Shishir
14285 NW Old Germantown Road
Portland, OR 97231

RE: Application for Community Service Conditional Use permit, Significant Environmental Concern for Wildlife Habitat, Scenic Views, and Streams permits, Geological Hazards permit, and Design Review (Case #T3-2020-13788)

Dear Razib Shishir:

Thank you for submitting the land use application for the property located at **17865 NW St. Helens Road, Portland**. Your application has been reviewed by Land Use Planning to determine if all required materials have been provided to demonstrate compliance with Multnomah County Code (MCC). As is common with applications subject to multiple approval criteria, I have identified additional information needed in order to process your application. At this time, your application has been deemed as **Incomplete** as of **October 21, 2020**.

Information and Materials Requested:

1. **Lot of Record:** *Please provide a chain of title for the property from 2002 – present.* Staff will need to review the deeds to determine if a Lot of Record Verification will be necessary. If a Lot of Record verification is necessary, Staff will provide further instructions on the documents and fees necessary to add a Lot of Record Verification to your overall application request.
2. **Description of Use(s) and Phases:**
 - a. **Scope:** The CFU zone provides for review of a Cemetery under the Conditional Use Review process. The CFU zone **does not** provide an avenue to approve places of gathering/worship or funeral homes/mortuaries. Therefore, the proposed gathering building and wash building would not be permissible. **Staff may evaluate a modified proposal that includes a single building with a bathroom and area for the storage of maintenance equipment as an accessory use to a Cemetery.** [MCC 39.4080(A)]
 - i. *Please provide detailed information regarding traditional Muslim burial practices and the role(s) served by a Mosque / Mortuary vs. Cemetery.* You must clearly describe the specific activities that occur at the Mosque and/or Mortuary and the specific activities that occur at a Cemetery. If you have information for a similar cemetery(s) in the region, please provide Staff with such information.
 - ii. Based on the above, a number of supplemental documents including review forms, plans, etc. would need to be revised to reflect a single

storage/maintenance/bathroom building. Please keep this in mind as you review the items noted in the remainder of this incomplete letter.

b. General:

i. **Site Plan**:

1. Your site plan refers to multiple “Phases”. Staff assumes these Phases are simply the order in which you will utilize the site for burials. *Please provide an explanation of what improvements are proposed to be completed in each phase and how and when you plan to implement each Phase.*
2. Your site plan shows the primary drainfield location within a power-line easement. Please ensure that this location is permissible per the power-line easement restrictions and relevant septic regulations (overseen by the County Sanitarian). *If this location is not permissible and you need to relocate the primary drainfield location, you will need to submit a revised site plan reflecting the change.* [MCC 39.7015(A)]

- ii. **Topographical Survey**: The survey from S&F Land Services is not legible in the current electronic version included with your application. *Please provide a legible PDF of the topographical survey for staff to review.* The contour information will aid in addressing some of the requirements below, as some requirements are affected by slope percentages.

iii. **Layout / Landscaping Plan**:

1. Layout: *Please provide details on the proposed design for the headstones.* Include information on dimensions, materials, manner of installation (vertical or horizontal), etc. If headstones will not be uniform in appearance/material, you will need to describe the expected range of designs for Staff to consider. We need this information so that we can determine if the headstones fall within the definition of *Structure* as set forth in MCC 39.2000 Definitions.
 2. Landscaping Plan: Your application materials refer to “terracing”. *Please revise your landscaping plan to depict the terracing and general look of the areas (i.e. will grass be manicured; a more “natural” look to vegetation, etc.).* The “terracing” information along with the topographic information is needed so that the County can determine Fire Safety Zones for any buildings/structures and for the Geologic Hazard permit review.
3. **State of Oregon Requirements for Cemeteries**: Your application did not include any information regarding requirements from the Oregon Mortuary and Cemetery Board (“OMCB”). The application you submitted (if approved) will be restricted to the proposal you request and any conditions of approval that the hearings officer imposes. To revise the project after the hearings officer decision, a new application and hearing would be required. The County does not approve development in a preliminary manner. *Staff suggests you obtain*

feedback from the OMCB regarding any additional requirements / restrictions that may affect your proposal.

4. **Significant Environmental Concern for streams (SEC-s) permit:** MCC 39.5750 defines the stream conservation area as shown on the image below (blue crosshatch). As depicted in County Maps, the SEC-s overlay extends approximately 177' into the property. The SEC-s overlay floats with the actual location of the stream and is measured out 300 feet on each side from the centerline of the stream (600 feet total width). The overlay can be refined by having a survey completed to locate the center of the stream and hence the SEC-s boundary.



- a. Per your site plan, only 102' of the stream conservation area is clear of any proposed plots. *Staff recommends you avoid the SEC-s area; however, if you wish to propose development in this area, an SEC-s permit will be required and your Biologist must address all approval criteria in MCC 39.5750. You will also need to pay the \$1,269.00 SEC-s review fee and amend your general application form to request a SEC-s permit.*
- b. If your Biologist has determined the centerline of the stream is in a different location than shown on County Maps, they must provide a scaled site-plan with the information noted in MCC 39.5750(C). *Your revised site plan must delineate the stream conservation area and show that there are no plots or other development proposed in the area. Otherwise, an SEC-s permit would be required.*
5. **Significant Environmental Concern for wildlife habitat (SEC-h) permit:** It appears your property takes access from NW St. Helens Road via a private easement. *Please provide a copy of the easement, so that Staff may review the easement language and verify if the easement is private.*

Assuming the access is from a private easement and based on available information from aerial maps and your site plan, it appears your driveway length exceeds 500'. It also appears the development is greater than 200' from a public road. Therefore, your proposal requires a Wildlife Conservation Plan. *Please update your application materials to address MCC 39.5860(B) and (C).*

6. **Forest Practices Setbacks and Primary Fire Safety Zones:**

- a. Forest Practices Setbacks (“FPS”): The required FPS for the proposed buildings are 30’ from the front property line and 130’ from all other property lines. Your front property line is the line adjacent to NW St. Helens Road where your driveway access is located. The image below identifies the various property lines for the subject property.
- NOTE:** Front property line identified by green dot; side property lines identified by yellow diamond; and rear property line identified by blue square.



- i. There are no permit records for the existing building. You will need to provide documentation that the existing building is lawfully established or obtain the necessary permits for it. If the building is not lawfully established, it is subject to the current approval criteria.
- ii. Per MCC 39.4110(A), reductions to the required FPS can only be considered through an application for an Adjustment (up to 40% maximum reduction) or Variance. *Based on your application materials, a Variance application addressing the criteria of MCC 39.8205 and 39.8215 would be required. You will also need to amend your general application form to request a Variance and pay the \$3,204 deposit fee.*
- b. Fire Safety Zones (“FSZ”): Per MCC 39.4110, your proposed buildings require a Primary FSZ (“PFSZ”) and Secondary FSZ (“SFSZ”). Your site plan does not delineate the PFSZ nor the SFSZ; however, it does not appear that your current proposal can meet the required PFSZ. If the slopes exceed 10%, the PFSZ shall be extended in downslope areas by the distances noted in MCC 39.4110(D)(1)(b). Staff was unable to determine the specific slopes for the areas where the buildings are proposed; however, the slopes do appear to be in excess of 10%. For slopes over 10% and not more than 20% on the downslope side, a PFSZ of 80 ft. is required. For slopes over 20% and not more than 25%, the PFSZ is 105 ft.
- i. Per MCC 39.4100(B), no exceptions/alterations to the PFSZ are allowed. Further, the PFSZ must be located within the boundaries of the Lot. *Please amend your proposal and site plan to demonstrate the required PFSZ is provided.*

- ii. The SFSZ is a 100-ft wide area surrounding the PFSZ. An Exception to the Secondary Fire Safety Zone may be requested. The Exception requires the building to meet a higher construction standard depending on the amount requested to be reduced. *To request an exception to the SFSZ, you must apply for an exception and address the criteria of MCC 39.4155. The review fee for an exception is currently \$300.*
- 7. **Entry Sign:** Please provide details / plans for the sign that you propose to place at the entrance to your property. Details shall include dimensions, materials, etc. This information is required for the Design Review application as listed in MCC 39.8040(A).
- 8. **Service Provider Review Forms:**
 - a. Fire Service Agency Review Form: Your application included a Fire Service Agency Review form completed by Portland Fire. The review form did not have a signed and/or stamped site plan and floor plan(s) from Portland Fire attached. Please provide the signed and/or stamped site plan and floor plan(s) from Portland Fire.
 - b. Stormwater Certificate: Your application included a Stormwater Report from TCC associates; however, the report did not include a signed and stamped Stormwater Certificate nor a signed and stamped site plan.
 - c. Transportation Review: Please provide confirmation from ODOT that they have reviewed your proposal, given access is proposed from NW. St. Helens Road.

NOTE: New service provider forms would be necessary to reflect changes to your proposed buildings. For example, if you alter your proposal to a single building with a bathroom(s) and area for storage of maintenance equipment, the submitted service provider review forms and supplemental documents must match that proposal.

Once you have gathered all of the requested information and materials, you will need to submit all items in **one single submittal packet**. You do not need to resubmit documents that have not been revised. Only new or revised exhibits need to be provided in your resubmittal. Once you have submitted a complete packet addressing the requested items, I will conduct a new completeness review of your application. **During this second completeness review, it is highly likely we will determine additional information is required given the amount of additional information identified during this initial completeness review.**

The County's code gives you two options at this point. You can either elect to provide this missing information by **March 22, 2021** or deem your application complete as it exists. We recommend you elect to provide the additional information within the 180-day time period, because without it, we may not be able to approve the application. We have enclosed an option statement to assist you.

If you are unable to make your application complete within the 180 days, your application will be closed and a copy of your materials will be returned. Please indicate on the attached form which option you would like to proceed under. You must sign the form and return it to my attention no later than **November 20, 2020**. Please do not hesitate to contact me at (503) 988-2964 or chris.liu@multco.us if you have any questions.

Sincerely,

Chris Liu

Chris Liu
Planner

Enclosure:
Applicant's Response

cc: File

Application #: T3-2020-13788
Case Planner: Chris Liu

APPLICANT'S RESPONSE
(Return by **November 20, 2020**)

- ☐ **I intend** to provide the additional information identified in the attached letter from Multnomah County Planning within 180 days. I understand that if I do not make my application complete by **March 22, 2021** my application will be closed and I will forfeit my application fees.
- ☐ **I decline** to provide the additional information identified in the attached letter from Multnomah County Planning and I am deeming my application complete. I understand that my application will be processed with the supplied information. I am aware that failure to meet the applicable code requirements is grounds for denial of my application.

Signed and Acknowledged (Applicant)

Printed Name (Applicant)

Date