



WASHINGTON COUNTY
Department of Land Use & Transportation
Current Planning
155 North First Avenue, Suite #350-13
Hillsboro, OR 97124-3072
(503) 846-8761 fax: (503) 846-2908

NOTICE OF DECISION & STAFF REPORT

CASE FILE: L2300289-DEFC

APPLICANT:
Sharon Newell
Suzette Kamm
9837 SE 51st Avenue
Milwaukie, OR 97222

APPLICANT'S REPRESENTATIVE:
NW Engineers
Matt Newman
3409 NE John Olsen Avenue
Hillsboro, OR 97124

OWNER:
Suzette Kamm Trust
Sharon B. Newell
c/o Hilda E Christensen Life Estate
9837 SE 51st Avenue
Milwaukie, OR 97222

PROPERTY LOCATION:
On the south side of NW Mubson Road and
approximately 250 east of NW Jarrell Road.

PROCEDURE TYPE: II

CPO: 08
RURAL/NATURAL RESOURCE PLAN

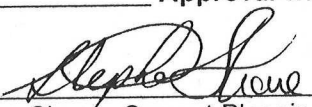
PROPERTY DESCRIPTION:
ASSESSOR MAP NO.: 2N2 21
TAX LOT NO.: 1200
SITE ADDRESS: Site address not assigned
SITE SIZE: 49.87 acres

LAND USE DISTRICT(S):
EFC (Exclusive Forest & Conservation)

PROPOSED DEVELOPMENT ACTION: Review for a dwelling in the EFC District (Template Standards)

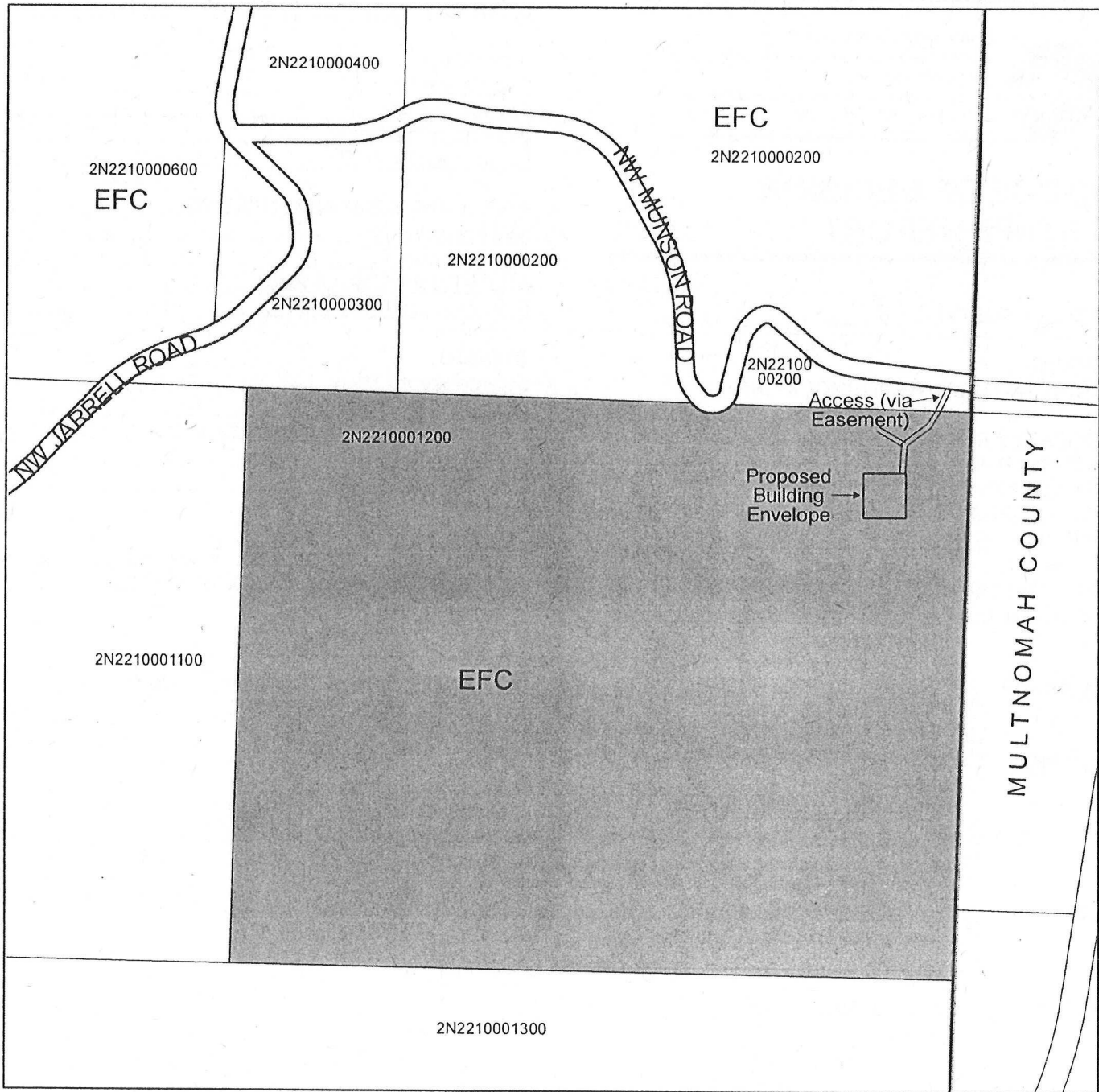
DECISION:

Approval _____ Approval with Conditions X Denial _____

Signature  Date 2-13-24
Stephen Share, Current Planning, Principal Planner

Staff Planner: Erik Stout, 503-846-8135

- Attachments:**
- A. Vicinity Map
 - B. **CONDITIONS OF APPROVAL**
 - C. Staff Report
 - D. Appeal Information



↑ NORTH

NOT TO SCALE

SITE & SURROUNDING LAND USE DISTRICTS:

EFC District (Exclusive Forest and Conservation)

Multnomah County



AREA OF CONSIDERATION

REVIEW STANDARDS FROM CURRENT OR APPLICABLE ORDINANCE OR PLAN

- A. Washington County Comprehensive Plan
- B. Applicable Community Plan (See Front of Notice)
- C. Transportation System Plan
- D. Washington County Community Development Code:
 - ARTICLE I, Introduction & General Provisions
 - ARTICLE II, Procedures
 - ARTICLE III, Land Use Districts
 - ARTICLE IV, Development Standards
 - ARTICLE V, Public Facilities and Services
 - ARTICLE VI, Land Divisions & Lot Line Adjustments
 - ARTICLE VII, Public Transportation Facilities
- E. R & O 86-95 Traffic Safety Improvements
- F. ORD. NO. 738, Road Design and Construction Standards
- G. ORD.691-A, 729, 741, 746, 751, 793-A Transp. Development Tax

Attachment B CONDITIONS OF APPROVAL

- I. In accordance with Section 201-4, an Issued Building Permit for the Dwelling Shall be Obtained Within Four (4) years of the date of this Approval unless: the permit is revoked as provided by Section 201-7; an application for a permit extension is filed pursuant to Section 201-5; or development has commenced as provided in Section 201-6.
- II. Prior to Any Ground Disturbing Activities, Applicant Shall Submit a Grading Permit Application to the Building Services Division. (Sections 410 and 426) Application shall include the following:
 - A. Site-specific geotechnical engineering report with recommendations for developing the site is required. The report should be stamped and signed by an Oregon registered engineer.
 - B. Driveway structural details on the plans per site-specific geotechnical engineering recommendations.
 - C. Drainage analysis report stamped by a civil engineer that shows that additional impervious areas as a result of this proposed work will not negatively impact surrounding properties per **WCC 14.12.310**.
 - D. All other requirements stated on the Building Services Grading Permit application form.
 - E. Evidence of an issued right-of-way permit for the access on to NW Munson Road. Permit shall confirm that sight distance is maximized at the access approach. (Contact Washington County Operations Division, 503-846-7623, Section 501-9)
- III. Prior to Submittal of a Placement/Building Permit application, the Applicant Shall Submit to Current Planning Services (503-846-8761):
 - A. Written confirmation that the primary and secondary firebreaks have been cleared/completed in accordance with the site plan stamped "Preliminary Approval" in the casefile. Evidence shall be in the form of written approval from Banks Rural Fire District, or a written request for inspection by the project planner (Erik Stout, 503-846-8135). (Sections 207-5, 428-4.4 D)
 - B. Evidence of a signed and recorded waiver of the right of remonstrance against accepted farm/forest practices on surrounding properties. A form is available at the Current Planning Services counter. The document shall be signed by the property owner and recorded with the Recording Section of the Assessor's Office. The recorded waiver shall run with the tax lot as a covenant to the deed. (Section 342-1)
 - C. Evidence of domestic water supply: Submit a copy of the well constructor's report or well log, or other evidence of a domestic water supply. If surface water or ground water other than via a well is proposed as the domestic water source, provide evidence that the source is authorized by the Oregon Water Resources Department. (Section 428-4.2)
- IV. Prior to Issuance of a Placement/Building Permit, the Applicant Shall Submit to Building Services (503-846-3470):
 - A. Payment of the Transportation Development Tax and all applicable System Development Charges.

NOTE: Transportation Development Tax shall be required as determined by Ordinance #793-A.

- B. A site plan showing the dwelling location consistent with that shown on the site plan stamped 'Preliminary Approval' located in the casefile. The site plan shall show the firebreaks as approved by the applicable fire district or the casefile planner. The site plan shall also indicate the location of the domestic well/water source. (Sections 207-5, 342, 428)
- C. Any required grading, drainage, and sedimentation/erosion control plans for development of the dwelling or any access road modifications. (Sections 410 and 426).
- D. Building and Architectural Plans which illustrate compliance with the Oregon Fire Code, such as fire-retardant roofing material, and spark arresters on any chimneys, and/or alternative construction measures as approved by the Building Official pursuant to ORS 455.610. Fire safety improvements will include installation of a fire-sprinkler system as recommended by the Banks Rural Fire District. (Sections 207-5 and 428-4.4).
- E. Evidence of a permit to construct a new septic system or to use the existing system from the Department of Health & Human Services (503-846-8881). (Section 207-5)
- F. Evidence of an issued right-of-way permit for access on to NW Munson Road. Permit shall confirm the access point maximizes sight distance and is constructed to current standards. Contact Washington County Operations at 503-846-7623 for permit forms and fees. (Section 501-9)

V. Prior to Final Inspection/Occupancy of the Dwelling, the Applicant Shall Submit to Building Services (503-846-3470):

- A. Evidence that the dwelling contains the required fire safety improvements, including installation of a fire sprinkler system as shown in the approved building plans, or alternate construction standards approved by the Building Official as authorized by ORS 455.610. (Section 207-5)
- B. Evidence that the access driveway has been constructed to the standards of the Oregon Fire Code (OFC). The occupant remains responsible for maintaining access to the site for firefighting equipment. (Section 428)
- C. Evidence of final approval of the right-of-way permit for access on to NW Munson Road. (Section 501-9)

VI. Miscellaneous Conditions:

- A. The dwelling shall be located on the parcel as approved on the plan stamped "Preliminary Approval" in the casefile. A change in the location of the dwelling may require review and approval of a Type II Modification of Conditions application. (Section 207-5.1)
- B. This development shall be constructed in accordance with the conditions of this decision, the approved final plans, and the standards of the Community Development Code (Section 207-5).
- C. All conditions of approval shall be binding upon all heirs, successors, and assigns (Section 207-5). Transferability of this Development Permit shall be in accordance with Section 201-8 and ORS 215.705(7).
- D. The site address shall be posted via an address sign on the new home and at the driveway entrance off of NW Munson Road, or as required by the applicable fire district (Banks Rural Fire District) (Section 207-5)
- E. The property owner is responsible for communication with the Washington County Department of Assessment & Taxation, with regard to minimum stocking requirements/forestry deferral. (Section 428-4.3)

- F. Should the property owner acquire contiguous properties which constitute a tract, no new dwelling(s) will be allowed unless no dwellings exist on the other lots or parcels that make up the tract, and the owner submits proof of non-revocable deed restriction recorded in the deed records on the other lots or parcels that make up the tract. Said deed restrictions shall be consistent with Exhibit A of OAR 660-006-0027 and shall stipulate that it is not lawful to use the property as described in that instrument, for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for construction or siting of a dwelling. (Section 430-37.2 E)
- G. The property owner, or their heirs, successors, and assigns, shall be responsible for maintaining the required firebreaks around all structures, and for maintaining the access in adequate fashion to allow the passage of firefighting equipment and vehicles. (Section 428-4.)
- H. The property owner, or their heirs, successors, and assigns, shall be responsible for maintaining adequate sight distance at the access point onto the public road. Maintenance may require trimming or removal of vegetation. (Section 501-8)
- I. Transferability of this development permit shall be in accordance with Section 201-8 and ORS 215.705(7).

Attachment C STAFF REPORT

I. APPLICABLE STANDARDS

- A. **Washington County Comprehensive Framework Plan (Rural/Natural Resource Plan Element)**
- B. **Washington County Community Development Code**
 - 1. **Article II: Procedures**
 - Section 202-2 Type II Procedure
 - Section 207-5 Conditions of Approval
 - 2. **Article III: Land Use Districts**
 - Section 342 Exclusive Forest Conservation District Standards
 - 3. **Article IV: Development Standards**
 - Section 403 Applicability
 - Section 409 Private Streets
 - Section 410 Grading and Drainage
 - Section 422 Significant Natural Resources
 - Section 426 Erosion Control
 - Section 428 Forest Structure Siting and Fire Safety Standards
 - Section 430 Special Use Standards, Detached Dwelling Unit – Rural
 - 4. **Article V: Public Facilities and Services**
 - Section 501-9 Limited Application of Public Facilities & Service Standards Outside the UGB
- C. **Washington County Transportation Plan**
- D. **Ordinance No. 793-A Transportation Development Tax**

II. AFFECTED JURISDICTIONS

Washington County Department of Health & Human Services
Banks Fire District
Washington County Sheriff
Hillsboro School District
Oregon Water Resource District

III. FINDINGS

A. **Background Findings**

1. The applicant requests approval for a single-family detached home based on the "template dwelling" standards of Section 430-37.2 G. This application is being processed through the Type II process in accordance with the Forest Structure Siting and Fire Safety Standards of Section 428.
2. The subject parcel is 49.87 acres and within the EFC District. The parcel has frontage on NW Munson Road to its north and is currently accessed via an existing logging road. Based on aerials, the parcel is forested in the northwest and southeast portions of the site and is currently undeveloped. The 100-foot x 100-foot homesite is proposed in the northeastern portion of the property approximately 145-feet from the east property line, and more than 150-feet from the north.
3. The surrounding properties to the north, south, and west are similarly zoned as EFC. The subject lot abuts the Multnomah County line to the east. Aerial photos indicate the majority of the surrounding parcels are densely forested with properties to the west and east (Multnomah County) supporting single family residences.
4. No comment letters were received regarding this application in response to the public notice period or prior to completion of this report.

B. Comprehensive Framework Plan (Rural/Natural Resource Plan Element)

STAFF: The goals and policies, which relate to the development of land, are implemented by the Washington County Community Development Code (the code). Section 422 provides standards and criteria specific to development of property which includes significant natural resources, as identified on the Rural/Natural Resource Plan map. The applicant is not required to address, consider, or implement any goal, policy or strategy of the plan except where required by the code.

Development requests on land with designated significant natural resources are subject to code Section 422, which requires the application of Plan Policy 10, Implementing Strategy E. The Rural Natural Resource Plan does not identify any resources on the subject site, therefore the standards of Section 422 (Significant Natural Resources) do not apply to this review.

C. Washington County Community Development Code

1. Article II, Procedure

Section 202-2 Type II

202-2.1 *Type II land use actions are presumed to be appropriate in the District. Type II uses generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with these uses which may necessitate imposition of specific conditions of approval to minimize those impacts or ensure compliance with this Code.*

STAFF: This application is being processed through the Type II procedure of the Community Development Code. Public notice was sent to surrounding property owners and a public notice sign was posted on the site. No comment letters were received prior to completion of this report. Where appropriate, conditions of approval will be imposed to ensure compliance with the standards of the code and other county regulations, and to minimize identified impacts upon surrounding properties.

Section 207-5 Conditions of Approval

207-5.1 *The Review Authority may impose conditions on any Type II or III development approval. Such conditions shall be designed to protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the proposed development. Conditions shall not restrict densities to less than that authorized by the development standards of this Code.*

STAFF: The applicant shall comply with all of the applicable code regulations and departmental conditions. The conditions of approval in Attachment B do not restrict the authorized density of this property.

2. Article III, Land Use District

Section 342 Exclusive Forest and Conservation District Standards (EFC)

342-3 *Uses Permitted Through a Type II Procedure*

The uses listed in Section 342-3.1 and 342-3.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use

Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code. The Review Authority pursuant to Section 207-5 may further condition approval. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 342-3.3.

The uses listed below are subject to the applicable siting and fire safety criteria of Section 428.

342-3.1 *Permitted Uses:*

D. Detached dwelling unit (one). For required standards see Section 430-37.2.

STAFF: The applicant requests approval for a single-family detached dwelling under the standards of Section 430-37.2 G, as well as applicable Forest Structure Siting and Fire Safety Standards of Section 428, addressed below in this report. Applications for dwellings in the EFC District are subject to the requirement in Section 342-1, requiring the applicant/owner to sign and record a "farm/forest waiver" recognizing the rights of others to conduct accepted farm and forestry practices on surrounding lands. A condition in Attachment B requires evidence of the recorded waiver prior to issuance of a building permit.

342-7 *Dimensional Requirements*

STAFF: The proposed dwelling site meets the minimum required setbacks for the district.

342-8 *Access*

All lots in this district shall either:

342-8.1 *Abut a public street, or*

342-8.2 *Have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.*

STAFF: In accordance with Section 342-8.1, the subject tax lot has frontage on NW Munson Road (a rural local street).

3. Article IV, Development Standards

Section 403 Applicability

403-2 *Master Plan - Minimum Requirements for all Development*

STAFF: A master plan meeting the requirements of this section was submitted. A copy is in the casefile and stamped "Preliminary Approval." The proposed development shall be consistent with the site plan. Any substantial changes to the approved site plan must be indicated on a revised site plan submitted to Current Planning prior to application for a building permit, and may require additional land use review for a Modification of Conditions in accordance with Section 207-5.7.

403-4 *Additional Standards Outside the UGB*

STAFF: This proposal is subject to the applicable standards itemized in this section and discussed below.

Section 409 Private Streets

409-5 *Private Streets Outside an Urban Growth Boundary*

409-5.1 *Private streets (driveways), or portions thereof, shall demonstrate adequate accessibility for emergency vehicles. The private street (driveway) shall comply with the access road requirements of the Oregon Fire Code. If new parcels are created, Section 409-5.2, below, applies.*

Compliance with the Oregon Fire Code shall be assessed upon submittal of a site plan and accompanying narrative illustrating all improvements needed for the existing and proposed private driveways longer than one hundred fifty (150) feet to meet the standards in the current Oregon Fire Code, including:

- (1) Turnaround alternative for dead-end streets/driveways;*
- (2) Turnouts for access roads longer than four hundred (400) feet;*
- (3) Road gradient and road width; and*
- (4) Surface and load capacities of the road.*

The Fire Marshal shall have the first opportunity to review private streets (driveways), per item A., below. If the Fire Marshal fails to review the private street (driveway), or in cases where no Fire Marshal has jurisdiction, approval by the Building Official or his designee is required, as outlined under item B., below. In these cases, the applicant shall provide evidence that the Fire Marshal waives his review.

409-5.1. *A. Fire Marshal Review*

To demonstrate compliance, the applicant shall provide a site plan signed by the Fire Marshal or designee illustrating all required improvements to the entire driveway between the development and the public street providing access. The signature serves to acknowledge that the length of the private street (driveway), once improved as shown on the site plan, can meet District standards for access for emergency vehicles.

STAFF: The proposed home site will be connected to NW Munson Road to the northeast by a private driveway roughly 250-feet long. The applicant has submitted a letter from Banks Rural Fire District indicating service availability, thereby conforming to Section 409-5.1. Compliance of the private driveway/road with the Oregon Fire Code will be verified during the grading/building permit review process, as conditioned for this approval.

Section 410 Slopes and Grading

Section 426 Erosion Control

STAFF: Any grading on the subject parcel must be appropriate for the intended use, in this case, construction of a dwelling and vehicular access on the subject site. Although certain grading activities may be exempt from permit requirements, any grading must be for a use permitted in the EFC District. A grading permit is required for this project; all grading/drainage requirements will be reviewed via the grading permit process and must conform to Chapter 14.12 of the Washington County Code.

Staff notes that the county Building Engineer has determined a grading permit and structural details for the driveway will be required. A site-specific geotechnical engineering report and a

drainage analysis report stamped by an engineer are also required. These have been included as conditions of approval in Attachment B of this report.

Section 426-5.2 allows the erosion control plan submission and review to be deferred until the time of construction. An erosion control plan, meeting the requirements of Section 426, is required prior to any construction on the site. All construction plans shall be reviewed for compliance with Sections 410 and 426 prior to issuance of a grading permit.

Section 428 Forest Structure Siting and Fire Safety Standards

428-4 Standards for Dwellings and Structures Reviewed Through a Type II Procedure

Dwellings and structures, including replacement dwellings and accessory structures, that do not comply with the standards in Section 428-3 shall be reviewed through a Type II procedure and shall comply with the following standards.

428-4.1 Forest Structure Siting Standards

A. *Dwellings and structures shall be sited on the parcel so that:*

- (1) *They have the least impact on nearby or adjoining forest or agricultural lands;*
- (2) *The siting ensures that forest operations and accepted farming practices will not be curtailed or impeded;*
- (3) *The siting ensures that adverse impact on forest operations and accepted farming practices on the tract will be minimized;*
- (4) *The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and*
- (5) *The risks associated with wildfire are minimized.*

B. *Siting considerations satisfying Section 428-4.1 may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.*

STAFF: In accordance with Section 202-2.2, Type II uses are presumed to be appropriate and detached dwellings on qualified lots or parcels are included among the Type II uses permitted in the EFC District. Sections 428-4.1 A. (1), (2), and (3) require findings that the dwelling will be sited in a fashion to minimize impacts on neighboring farm or forest lands and to assure forestry or farming practices will not be curtailed or impeded.

According to the applicant, approximately half of the site is in farm use – non-irrigated grain crops and hay. This area includes the gently sloping portion of the site in the northeast, center and west. The remainder of the site to the south and northwest is in forest use. Approximately two-acres of the site will be taken out of farm use for the dwelling in the northeast portion of the site; however the proposed location will reduce the amount of onsite disturbance by being located close to the public road. The majority of the site will remain undisturbed by the proposed development which will not preclude future forestry or farm uses on the property.

Surrounding properties support a mix of forestry and residential uses, with the nearest forestry use located 150-feet away from the homesite. Dwellings are present on neighboring parcels to the west and to the east (Multnomah County).

Any potential impacts from the proposed development would be limited to those from residential uses. Outdoor residential uses typically include landscape maintenance, occasional entertainment of guests, recreation activities, and the raising of domestic pets. Potential conflicts which might arise between residents of the proposed dwelling and land uses on adjacent properties may be due to noise, dust, air pollution (smoke from burning), and pesticide drift. Based on the applicant's analysis staff finds that the proposed structure will not impact surrounding lands due to intervening distances and vegetated buffer from onsite and offsite forested areas. Staff notes that several adjoining properties support dwellings and are similarly forested as the subject site. There is no record of conflict between residential and forestry uses in the area, and any adjustments for the two uses to coexist would already have occurred. The proposed dwelling will be situated in the northeastern portion of the subject site, clustered with the dwelling to the east to the extent possible. To ensure that the proposed dwelling minimizes impacts on surrounding forestry or farm uses, the applicant/owner will be required to record a waiver of the right of remonstrance against commonly accepted farm and forest practices (a condition of approval in Attachment B).

Section 428-4.1.A.(4) requires a finding that the amount of land devoted to roads and structures (thereby no longer available for forestry or farm uses) will be minimized. The final criterion (5) requires that risks of wildfire be minimized through the use of firebreaks. As noted above, the applicant proposes the dwelling in an area with a relatively mild slope and will not require an expanded firebreak. Further, an existing road is present and will be utilized, thereby minimizing the amount of land devoted to construction of roads. The submitted site plan shows the dwelling site will be provided with appropriate firebreaks in accordance with Section 428-4.4.D.(1) and (2), as approved by the applicable fire marshal. Staff concurs that as long as the firebreaks are maintained, the risks associated with wildfire can be minimized.

In accordance with subsection B, the proposed home site will be placed in a gently sloped area (less than 15%).

Staff finds that the proposed new homesite balances the competing goals of setbacks from farm and forestry practices, accessibility, and minimal areas extracted from farm/forestry uses. Therefore, the requirements of this section are met.

428-4.2 Domestic Water Supply Standards for Dwellings

All dwellings, including replacement dwellings, shall comply with the following standards for domestic water supply:

- A. *The applicant shall provide evidence to the Review Authority that the domestic water supply is from a source authorized in accordance with the Oregon Department of Water Resources' Administrative Rules for the appropriation of groundwater or surface water (OAR 690, Division 11) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)).*
- B. *For the purposes of Section 428-4.2, evidence of a domestic water supply means:*
 - (1) *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;*
 - (2) *A water use permit issued by the Oregon Department of Water Resources for the use described in the application; or*

- (3) *Verification from the Oregon Department of Water Resources 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 applicant indicates the dwelling will utilize a new well to be located onsite. Evidence of the well or a well constructor's report for a new well, or an alternate domestic water source is required prior to issuance of Building permits, as conditioned in Attachment B.

428-4.3 *Stocking Requirements for Dwellings*

STAFF: It will be the applicant's responsibility to contact the Assessor's Office regarding the site's compliance with stocking requirements for forestry deferrals, in accordance with the standards of the Oregon Department of Forestry.

428-4.4 *Fire Siting Standards for Dwellings and Structures*

STAFF: Conditions of approval require the applicant to prepare/clear the firebreaks prior to submittal for a building permit for the new home. Conditions also note that it is the applicant/property owner's responsibility to maintain the firebreaks after the initial clearing, and to maintain the site's access in adequate fashion to allow passage of firefighting equipment vehicles. The parcel is not located in a fire district, therefore, the applicant has submitted a letter from the Banks Rural Fire District recommending that installation of a sprinkler system be required as an alternate means of fire protection. This has been included as a condition of approval in Attachment B of this report.

The dwelling site is not within 30 feet of 40 percent slopes.

Building permit review will confirm that the dwelling has the necessary fire-retardant roofing and spark arresters on any chimneys (Attachment B).

428-4.5 *Fire Safety Design Standards for Roads and Driveways*

- A. *All public and private roads and driveways, except for private roads and bridges accessing only commercial forest uses, shall be constructed so as to provide adequate access for fire fighting equipment. Private roads and driveways shall be approved, developed and in accordance with the requirements of the appropriate fire protection agency (does not include the Oregon Department of Forestry) for the geographical location. Where no fire protection agency has jurisdiction, access roadways shall meet the requirements of the nearest or most likely fire protection jurisdiction to annex the property under consideration. Public roads shall be constructed in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.*
- B. *Prior to the issuance of a building permit or a Development Compliance Permit for a dwelling or structure, including replacement dwellings and accessory structures, an applicant shall provide written confirmation from the appropriate fire protection agency that preliminary construction of the road or driveway is adequate to provide access for firefighting equipment; and*
- C. *Prior to final building inspection approval or occupancy/use of a dwelling or structure, whichever occurs first, an applicant shall provide*

written confirmation from the appropriate fire protection agency that final construction of the road or driveway complies with its standards.

STAFF: The applicant proposes access onto NW Munson Road for residential access. Compliance of the driveway and private road with Oregon Fire Code standards will be confirmed during the grading and building permit review process, as conditioned in Attachment B of this report.

430-37 Detached Dwelling Unit

430-37.2 Rural

G. Template Forest Dwelling. In the EFC District, a primary dwelling unit may be approved when the lot or parcel meets the Template Test and the Additional Standards in (1) and (2) below.

STAFF: The applicant has provided information to document the subject parcel meets the template test (rectangle) set forth in subsection (G)(1)(a) and the parcel option in (G)(1)(b).

The template provided by the applicant (and confirmed by County staff) documents that all or part of at least 44 parcels in Washington County that existed on January 1, 1993, are within the 160-acre rectangle test area centered on the lot. The applicant also demonstrated that 17 qualifying homes are located within the test area. The template documents are provided in the application materials.

In accordance with Section 430-37.2.G, the subject parcel does not currently include a dwelling and is not part of a larger tract which includes a dwelling. Staff notes that tax lot 1300 (vacant) to the south was under the same ownership as of January 1, 2019, therefore they are considered a tract for the purposes of establishing a dwelling.

Based on the above, this proposal meets the criteria of Section 430-37.2.G applicable to approval of a template dwelling. The proposed dwelling can therefore be approved, subject to compliance with other code requirements as reflected within the conditions of approval in Attachment B.

4. Article V, Public Facilities and Services

Section 501 Public Facility and Service Requirements

501-9 Limited Application of the Public Facility and Service Standards Outside the UGB

STAFF: Outside the UGB, the county applies the Public Facilities standards in a limited way with regard to applications for one single-family dwelling on an existing, lawfully created lot or parcel, as in this case. Such applications are excluded from many of the public facility requirements of this section, such as dedication of right-of-way and LID waiver requirements.

Under Section 501-9.6 C, such applications are also exempt from full compliance with sight distance standards but must maximize sight distance. The parcel has frontage and access on to NW Munson Road. In order to confirm sight distance is maximized at the access approach, a right-of-way permit is required, as conditioned in Attachment B of this report.

Based upon the findings above, staff finds that the proposed dwelling complies with the applicable provisions of Article V.

C. Washington County Transportation Plan

STAFF: With regard to this request, the policies of the Transportation Plan element of the Washington County Comprehensive Plan are limited to the classification of NW Munson Road as a rural local street.

D. Ordinance No. 793-A Transportation Development Tax

STAFF: The Transportation Development Tax is required of all new development and constitutes an assurance to satisfy extra capacity improvements to major collectors, county and city arterial streets, certain state facilities, and transit facilities, as listed in the Capital Improvement Project List. This tax is based on the average number of daily trips generated by the type of use proposed, and is due upon issuance of a building permit.

IV. SUMMARY

Findings have been made which demonstrate that the proposed dwelling conform to the approval standards of the Washington County Community Development Code and other county regulations, as outlined in Section III of this report. The departmental conditions and code requirements in Attachment B will assure compliance with the standards of the code. Based on the above, the request for a dwelling in the EFC District is **approved**, subject to the conditions of approval listed in Attachment B.



WASHINGTON COUNTY
Dept. of Land Use & Transportation
155 N. 1st Avenue, #350-13
Hillsboro, OR 97124
Ph. (503) 846-8761 Fax (503) 846-2908
www.co.washington.or.us

ATTACHMENT "D"
TYPE II

CASEFILE # L2300289-DEFC

APPEAL INFORMATION

Attached is a copy of the Land Use and Transportation Department's Review Authority decision on this request for a Development Action.

Any person who is adversely affected or aggrieved, or who is entitled to written notice pursuant to ORS 215.416(11) may appeal the decision by filing a written appeal.

Failure to file a petition for review with the Department of Land Use and Transportation by 4:00 p.m. on the due date, with the fee specified in the Notice of Decision, shall be a jurisdictional defect.

The decision, including conditions of approval, may be appealed and a public hearing held by filing a signed petition for review (appeal) within twelve (12) calendar days of date written notice is provided (date mailed).

APPEAL PERIOD: 02/13/2024 (Date Mailed) to 4:00 p.m. on 02/26/2024 (Appeal Due Date)

This decision will be final if an appeal is not filed by the due date.

The complete file is available at the County Department of Land Use and Transportation for review.

A petition for review (appeal) must contain the following: L2300289-DEFC

1. The name and signature of each petitioner filing the petition for review (appeal). If a group consisting of more than one person is filing a single petition for review, one individual shall be designated as the group's representative for all contact with the Department. All Department communications regarding the petition, including correspondence, shall be with this representative;
2. A statement of the interest of each petitioner;
3. The date the Notice of Decision was sent as specified in the notice (date mailed);
4. The nature of the decision and the specific ground for appeal. For applications with multiple requests, specify the particular request(s) and/or specific conditions of approval being appealed;
5. A statement listing the number of pages of the petition and that all pages are present;
6. A statement setting forth the appeal fee as specified in the Notice of Decision; and
7. The appropriate appeal fee of \$250.00

For further appeal information, contact the Appeal Secretary at the Washington County Department of Land Use and Transportation. Phone 503-846-3849 or louisa_bruce@co.washington.or.us.

