

*revised
10/20/23***Response to Reasonable Use Questions – NW Green Construction Single-Family Residence****1. No other reasonable use of the property as a whole is permitted by this title.**

The entire eastern half of the subject property is encumbered with mima mounds habitat. The required 50-foot buffer covers nearly the entire eastern portion of the parcel. The primary use of the property is RRR 1/5 zoning for single-family residential use. Any land use in the eastern portion of the subject property would impact mima mounds directly because the only access is from Marksman Street SW. There is not sufficient area outside of prairie buffers for a residence and necessary appurtenances. Therefore, no other reasonable use of the property is permitted without approval of a RUE.

2. No reasonable use with less impact on the critical area or buffer is possible. At a minimum, the alternatives reviewed shall include a change in use, reduction in the size of the use, a change in the timing of the activity, a revision in the project design. This may include a variance for yard and setback standards required pursuant to Titles 20, 21, 22, and 23 TCC.

The home and septic are proposed in the southeastern portion of the parcel to minimum disturbance to mima mound habitat as much as possible. While there is a portion of the property outside of critical area buffers in the western portion of the property, there is no access to this area. Driveway access to the western side of the parcel would disturb at least 6,500 sq ft of prairie habitat including twelve mima mound features, cross a stream, and pass through an area under the canopy of protected Oregon white oak. Instead, the applicant proposes disturbing a minimal amount of critical area habitat by concentrating development near Marksman Street SW. This will provide adequate area for a family home and preserve the functions of the remainder of habitat on the property.

3. The requested use or activity will not result in any damage to other property and will not threaten the public health, safety or welfare on or off the development proposal site, or increase public safety risks on or off the subject property.

Other parcels along Marksman Street SW contain single family homes similar to that proposed in this project. Development is consistent with regulations and proposed in a manner to protect public health and safety. No increase in public safety will result from the proposed use.

4. The proposed reasonable use is limited to the minimum encroachment into the critical area and/or buffer necessary to prevent the denial of all reasonable use of the property.

The applicant considered multiple locations for the home and it was determined that the SE corner of the parcel nearest the road provided the minimum impact to critical area habitat. The minimum amount necessary for a reasonable home is proposed and denial of this would prevent all reasonable use of the property. The proposal seeks to protect as many of the mima mound features as possible and enhance prairie habitat. No action would result in further degradation of potential prairie habitat by continued growth of invasive weeds.

5. The proposed reasonable use shall result in minimal alteration of the critical area including but not limited to impacts on vegetation, fish and wildlife resources, hydrological conditions, and geologic conditions.

The development has been positioned in the most disturbed portion of the parcel near Marksman Street SW. This location will still impact two mima mounds which is the minimum necessary to allow reasonable use of the property. The applicant proposes to enhance prairie habitat over 3,500 sq ft immediately behind the home site and to protect the remaining prairie area by fencing the home site, resulting in improvement in >98% of the total on-site prairie habitat.

6. A proposal for a reasonable use exception shall ensure no net loss of critical area functions and values. The proposal shall include a mitigation plan consistent with this title and best available science. Mitigation measures shall address unavoidable impacts and shall occur on-site first, or if necessary, off-site.

Unavoidable impacts to mima mound prairie habitat will occur at the home site. The parcel is directly across the street from Mima Mounds Natural Area. A mitigation strategy detailed in Section 7.0 (Critical Area Report) considered the best available science, consulted agency staff and other experts, and provides measures to control invasive species, enhance native prairie vegetation and monitor and maintain the plan. Nonnative Scots broom was mowed in 2022 and will continue to be controlled as described. In addition, native prairie seed will be sown for to encourage establishment of herbaceous prairie species.

7. The reasonable use shall not result in the unmitigated adverse impacts to species of concern.

The subject property is directly across Marksman Street SW from the Mima Mound Natural Area where endangered Taylor's Checkerspot and other prairie species are mapped. To our knowledge, no endangered plant or animal species occur within the development area. The DNR Natural Heritage Program mapped two rare lichen species as possibly occurring on the property. We sampled within and near the proposed development area and found these lichen species. They appear to be scattered throughout the eastern portion of the property. The mitigation plan addresses minimization and efforts to mitigate unavoidable impacts to these lichen.

8. The location and scale of existing development on surrounding properties shall not be the sole basis for granting or determining a reasonable use exception.

The intended use of the parcel is single-family home. The proposed plan was developed independent of surrounding properties and is not listed as reason for this permitting request.