



MULTNOMAH COUNTY OREGON

LAND USE AND TRANSPORTATION PROGRAM

1600 SE 190TH Avenue Portland, OR 97233

PH: 503-988-3043 FAX: 503-988-3389

http://www.co.multnomah.or.us/dbcs/LUT/land_use

NOTICE OF DECISION

This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

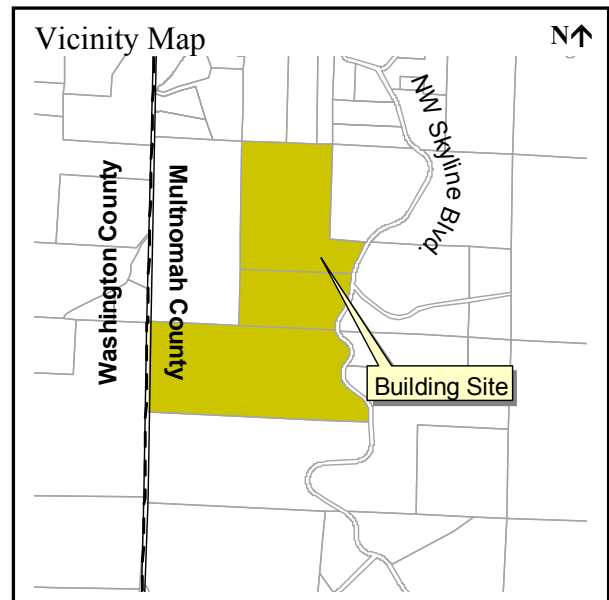
Case File: T2-03-071

Permit: Planning Directors Determination

Location: 22929 NW Skyline Boulevard
TL 200, Sec 3, T2N, R2W, W.M.
Tax Account #R97203-0100

Applicant: Fred Hall
22929 NW Skyline Boulevard
North Plains, OR 97133

Owner: Fred Hall
22929 NW Skyline Boulevard
North Plains, OR 97133



Summary: To construct a 36x36-foot barn accessory to a farm use in the CFU-1 zoning district.

Decision: Approved with conditions.

Unless appealed, this decision is effective February 23, 2004, at 4:30 PM.

Issued by:

By: _____
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Monday, February 9, 2004

Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director's Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Don Kienholz, Staff Planner at 503-988-3043.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. An appeal requires a \$108.00 fee (\$250.00 after February 15, 2004) 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 offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals (LUBA) until all local appeals are exhausted.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Monday, February 23, 2004, at 4:30 PM.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 33.0005(H)(1); MCC 33.2015; MCC 33.2060; MCC 33.2075; MCC 33.2090; MCC 33.2105; MCC 37.0560.

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at http://www.co.multnomah.or.us/dbcs/LUT/land_use.

Scope of Approval

1. 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.
2. **Pursuant to MCC 37.0690, this land use permit expires two years from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0690 and 37.0700. Such a request must be made prior to the expiration date of the permit.**

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.

1. **Within 30 days of this decision becoming final and prior to building permit sign-off, the property owner shall record the Notice of Decision (pages 1-3 of this 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 filed with the Land Use Planning Division, and a copy of the recorded document shall be submitted to the Land Use Planning Division.**

Recording shall be at the applicant's expense. Failure to sign and record the Notice of Decision within the above 30 day time period shall void the decision. [MCC 37.0670]

- 2. The owner of the property shall maintain the following primary and secondary fire safety zones for the barn:**

A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District.

[MCC 33.2105(A)(5)(c)(1) & (2)]

- 3. Prior to building plan sign-off, the applicant/owner shall submit a scaled final site plan (regular engineers or architects scale) showing the primary and secondary fire safety setbacks around the approved barn.**
- 4. The structure shall be constructed with a fire retardant roof [MCC 33.2105(B)]**
- 5. The approved barn is to be used for the horse stabling and husbandry, and uses associated with such activities, as described by the applicant as the farm use. The term Farm Use is defined in ORS 215.203(2)(a). If the farm use on the property ceases to exist at any time, the barn shall be removed within 3 months of the use discontinuation or an application shall be submitted to convert the barn into another allowable use, if a permit is required.**

FINDINGS: Written findings are contained herein. The Multnomah County Code criteria are in **bold** font. Staff comments and analysis are identified as **Staff:** and follow Applicant comments identified as **Applicant:** to the applicable criteria. Staff comments include a conclusionary statement in *italic*.

1. **Project Description**

Staff: The proposal is for a 36x36 barn accessory to a farm use (horse stabling and husbandry) on the property. The barn is to be located off of an existing logging road/driveway in the interior of the subject property.

2. **Site Characteristics and Vicinity**

Staff: The property is zoned Commercial Forest Use-1 (CFU-1) and contains overlays for a Significant Environmental Concern (Wildlife Habitat) and some Slope Hazard. The tract involved consists of three large parcels: One at 90.85 acres, one at 60 acres and one at 33.11 acres. The parcels contain a dwelling approved under T3-02-002 (Large Acreage Tract Dwelling) and are timbered. Forest harvests performed under the Forest Practices Act have occurred on site. The tract contains substantial changes in elevation but the building site is relatively flat. The property is accessed by an existing driveway from Skyline Boulevard and the building site, which is roughly 200-feet west of the existing dwelling, is near existing logging roads. The building site is located roughly 500-feet from Skyline Boulevard and over 200-feet from the rear and side property lines.

Properties in the immediate area are heavily forested and zoned for forest use. They tend to be moderate in size (over 20-acres in size) and also contain overlays for wildlife habitat with some also having an overlay for Significant Views. Topography on the properties in the area vary significantly as Skyline Boulevard is the crest of the West Hills and most properties border the street.

3. **Proof of Ownership**

MCC 37.0550 Initiation Of Action.

Except as provided in MCC 37.0760, Type I - IV applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.

Staff: Multnomah County Assessment and Taxation records show Fred and Judy Hall as owners of the subject property. Fred Hall has signed the General Application form (Exhibit A) authorizing a land use action to be initiated on the subject property.

Criterion met.

4. **An Accessory Farm Building is allowed in the CFU-1 Zone**

MCC 33.2015 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 33.2020 through 33.2035 when found to comply with MCC 33.2045 through 33.2110

* * *

MCC 33.2020 Allowed Uses

(U) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

Applicant: Multnomah County Division of Assessment and Taxation has agreed to place 10 acres in farm deferral effective January 1, 2004 on which the proposed Barn is being built.

Staff: A letter from Bob Alcantara, Appraisal Supervisor for Multnomah County Assessment and Taxation, notes that a portion of the subject property will be placed into farm deferral after January 1, 2004. The applicant has stated that the property will be used to board and pasture horses and some cattle. With part of the property in farm deferral and being used as a farm use as outlined in ORS 215.203, there is a primary use on the property that the 36x36 foot barn would be accessory and incidental to.

Criterion met.

5. **The Proposed Structure Meets the CFU-1 Dimensional Standards**

33.2060 Dimensional Requirements

Applicant: Dimensional Requirements, see site map, this barn meets all requirements.

- A. **(A) Except as provided in MCC 33.2065, 33.2070, 33.2075, and 33.2080, the minimum lot size for new parcels or lots shall be 80 acres.**

Staff: The proposal is not creating a new parcel or lot.

Criterion met.

- B. **(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the size of such lot.**

Staff: No new parcels or lots are being created that would necessitate calculating the size of the lot. Regardless, with the road included in the calculation, the lot is over 60-acres in size.

Criterion met.

- C. **(C) Minimum Forest Practices Setback Dimensions From Tract Boundary – Feet:**

Road Frontage	Other Front	Side	Rear
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60 from centerline of road from which access is gained	130	130	130
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Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

Forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Exceptions to forest practices setback dimensions shall be pursuant to MCC 33.2110, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 33.2105 (A) (5) (c) 2.

Staff: As shown on the submitted site plan, Exhibit B, the proposed structure is over 400-feet from the east (front) property line, over 400-feet to the north (side) property line, over 200-feet to the south (side) property line, and over 800-feet to the west (rear) property line. The proposed barn is described and shown as 20-feet tall in the submitted elevation plans (Exhibit C) and in the narrative.

Criterion met.

- D. **(D) The minimum forest practices setback requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.**

Staff: As per the County Right of Way maps, Skyline Boulevard has adequate right-of-way along the property line.

Criterion met.

- E. **(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.**

Staff: The proposed structure will not exceed the height requirement.

Criterion met.

- F. **(F) Yards for the alteration, replacement or restoration of dwellings under 33.2020 (D) and (E) and 33.2025 (B) need not satisfy the development standards of MCC 33.2105 if originally legally established to a lesser standard than that required by MCC 33.2105, but in no case shall they be less than those originally established**

Staff: The proposal is not for an alteration, replacement or restoration of a dwelling.

Criterion met.

6. **The Subject Lot is a Lot of Record**

Applicant: See file #T3-02-002.

A. MCC 33.0005(L)(13) Lot of Record

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof which when created and when reconfigured (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws. 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.)

Staff: The definition of “Lot of Record” requires staff to make a finding on two aspects of what constitutes a Lot of Record: Did the lot meet zoning requirements when created and did it meet land division requirements when created? Staff found in T3-02-002 (a Large Acreage Tract Dwelling approval) that the subject lot was a Lot of Record. Below is the analysis of the lot:

There are three lots that make up the “Tract” for development as defined in MCC 33.2010(I). A single-family dwelling was approved for the tract under T3-02-002. The lots that make up the tract are R#972030080 (90.85 acres), R#972030100 (60 acres and subject lot), and R#972030020 (33.11 acres) for a total tract of 183.96 acres.

Zoning Requirements – The subject 60-acre lot and 33.11-acre lot have been in the same configuration since at least 1962 when the zoning was F2 and had a 2-acre minimum lot

size as shown on the 1962 zoning maps (Exhibit D). The 90.85-acre lot was created through the County approved land division LD 27-91. It partitioned a roughly 180-acre lot into two lots of roughly 90-acres in size. In 1991 when the lot was created, 90-acres met the 80-acre minimum lot size of the Commercial Forest Use-80 zone that was in effect at the time. All the lots had direct access to Skyline Boulevard and over 50-feet of road frontage. As such, all lots met the minimum lot size, met the dimensional requirements, and met the access requirements in place at the time they were created.

Land Division Requirements – The 60-acre subject lot and 33.11-acre lot have been in existence since at least the 1962 zoning map and have not changed their configuration as seen on subsequent County maps. The County did not have land division rules in place for land divisions of three or fewer lots until October 19, 1978. Land divisions of four or more lots were regulated by the County's subdivision code beginning in 1955. However if the lots in the subdivision were over 5-acres in size, they were considered agricultural lots by state law and exempt from subdivision regulations. With both lots being over 33-acres in size, they would have met any land division rules in place at the time they were created. The 90.85-acre lot was created in 1991 by a County approved land division, LD 27-91. As such, the County reviewed the land division for compliance with County requirements and found the land division met all requirements in place at the time it was created.

Criteria met.

B. MCC 33.2075 Lot of Record

(A) In addition to the *Lot of Record* definition standards in MCC 33.0005, for the purposes of this district a Lot of Record is either:

(1) A parcel or lot which was not *contiguous* to any other parcel or lot under the *same ownership* on February 20, 1990, or

(2) A group of *contiguous* parcels or lots:

(a) Which were held under the *same ownership* on February 20, 1990; and

(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area.

2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record.

Staff: The three lots are contiguous. All lots are over 19-acres in size and do not need to be aggregated, thus they may stand alone as lots of record. However, Condition of Approval #14 in T3-02-002 requires that all three lots remain in common ownership as a “tract” due to all lots being used to qualify the existing dwelling as a Large Acreage Dwelling. The full text of the condition is as follows:

“Prior to building permit sign-off, the applicant shall provide, to the County Land Use Planning Division, a copy of the recorded covenants, conditions and restrictions form that is Exhibit A of OAR Chapter 660, Division 6 (December 1995) and that is required by MC 35.2035(H). The document shall bind all three lots that comprise the tract that is the subject property of this land use application.”

Ownership of the properties has not changed. As found by Staff in Finding #6A, all three lots met the zoning requirements and land division requirements in place when they were created.

Criteria met.

7. **The Lot Has Access**

MCC 33.2090 Access

Any lot in this district shall abut a street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles.

Applicant: This property already has a permit from Multnomah, permits were issued in T3-02-002.

Staff: The subject lot has direct access to Skyline Boulevard.

Criterion met.

8. **The Proposed Structure Meets The CFU-1 Development Standards**

MCC 33.2105 Development Standards for Dwellings and Structures

Except as provided for the alteration, replacement or restoration of dwellings under MCC 33.2020 (D), 33.2020 (E) and 33.2025 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:

A. (A) The dwelling or structure shall be located such that:

- 1. (1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of 33.2060 (C) through (G);**

Applicant: This structure is being located on a flat area 250 feet from the home, septic tank and 350 feet from the well AND WILL HAVE THE LEAST IMPACT OF NEARBY FOREST AND AGRICULTURE.

Staff: As per a County 2002 air photo, the area the accessory farm structure is proposed to be in is a cleared area off of an established driveway/logging road. No forest land would be taken out of production. Furthermore, the structure would be used to help implement the horse boarding and stabling on site. Bob Alcantara of the Multnomah County Assessment and Taxation office has stated in an October 16, 2003 letter that a portion of the property will be placed into farm deferral after January 1, 2004. The location of the structure is over 200-feet from any property line and therefore meets all yard requirements.

Criterion met.

2. **(2) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;**

Applicant: The least amount of impact on forest operations and accepted farming practices on this tract has been minimized.

Staff: The location of the structure is in the middle of the subject tract and over 200-feet from any property line. The area is already cleared and being entered into farm deferral after January 1, 2004. The structure itself is part of accepted farming practices being as it is a farm use in and of itself. As such, adverse impacts will be minimized.

Criterion met.

3. **(3) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;**

Applicant: No forest lands are used to site the structure and the access road is within 40 feet of the structure.

Staff: The area of the structure will be placed into farm deferral and is already cleared. Therefore, no forest land will be used to site the structure. The service corridor is already in place in the form of an existing driveway and logging road network. The property has been restocked. As shown on the air photo (Exhibit E), the area of the structures' location has an existing access point off of the driveway.

Criterion met.

4. **(4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and**

Applicant: The access road or service corridor already exist.

Staff: There is an existing access road to the site of the proposed structure. It is over 500-feet in length but was approved by the County in T3-02-002 and will not be lengthened.

Criterion met.

5. **(5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:**

- a. **(a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;**

Applicant: The Fire Dept. Has approved this structure.

Staff: The proposed structure is not a dwelling.

Criterion met.

- b. **(b) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC 33.2105 (D) with permanent signs posted along the access route to indicate the location of the emergency water source;**

Applicant: NA

Staff: As per the air photo and confirmed during a staff site visit, there is no perennial water source on site.

Criterion met.

- c. **(c) Maintenance of a primary and a secondary fire safety zone on the subject tract.**

1. **1. A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.**

Applicant: A primary safety zone will be maintained a minimum for 50-feet in all directions around the barn.

Staff: As per the County Air Photo (Exhibit E), the area the structure is proposed to be located in is already cleared. The applicant has stated they will also keep a 50-foot buffer around the structure maintained as a primary fire safety zone as described in MCC 33.2105(A)(5)(c)(1). This shall also be a condition of approval.

Criterion met.

2. **2. On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:**

Percent Slope	Distance In Feet
Less than 10	Not required
Less than 20	50
Less than 25	75
Less than 40	100

Applicant: A 100-foot secondary fire safety zone will be maintained for this barn.

Staff: As shown on the air photo with contains contour lines (Exhibit E), the proposed location of the barn has a minimal slope (under 10%) and is located at the crest of the hill area on a plateau. This was confirmed by a staff site visit. Maintaining the fire break will be a condition of approval.

Criterion met.

3. **3. A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 33.2060 (F) and 33.2110.**

Applicant: A 100-foot secondary fire safety setback will be maintained.

Staff: Maintaining a secondary fire safety zone shall be a condition of approval.

Criterion met with condition of approval.

4. **4. No requirement in 1., 2., or 3. above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and**

Applicant: N/A

Staff: The approval of the proposed barn and its associated fire safety setbacks will not impede or restrict any forest harvests on the property. The tract has roughly 180-acres of harvestable lands with established logging roads.

Criterion met.

5. **5. Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line).**

Applicant: N/A

Staff: The proposed site is deep within the tract and both the primary and secondary fire safety setbacks will be well within the allowed yards.

Criterion met.

- d. **(d) The building site must have a slope less than 40 percent.**

Applicant: This site complies, the area this barn is being built on is almost level.

Staff: Staff concurs. The air photo submitted by staff (Exhibit E) shows the sites' contours and that the slopes are less than 40%. This was also confirmed by a staff site visit.

Criterion met.

B. (B) The dwelling or structure shall:

(1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;

(2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;

(3) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

Applicant: N/A

Staff: The structure shall comply with the building code by going through the City of Portland's Building Permit process. There are no proposed chimneys and a fire retardant roof shall be a condition of approval.

Criterion met.

- C. **(C) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 11 stream as defined in the Forest Practices Rules.**

(1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(2) Evidence of a domestic water supply means:

(a) 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; or

(b) A water use permit issued by the Water Resources Department for the use described in the application; or

(c) Verification from the Water Resources Department 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.

Applicant: See State of Oregon water resources Department approval.

Staff: The applicant has submitted a well drillers application to the Oregon Water Resources Department that was received by the department on April 2, 2002 (Exhibit F). Proof of a domestic water supply was also supplied for the Large Acreage Tract Dwelling application T2-03-002.

Criterion met.

- D. **(D) A private road (including approved easements) accessing two or more dwellings, or a driveway accessing a single dwelling, shall be designed, built, and maintained to:**

Applicant: N/A

Staff: The proposal is for a barn, not a dwelling.

Criterion met.

9. **The Proposed Barn is Exempt from the SEC Permit**

MCC 33.4515 Exceptions

An SEC permit shall not be required for the following:

(A) Farm use, as defined in ORS 215.203 (2) (a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695 (9) or on upland areas;

Applicant: SIGNIFICANT ENVIRONMENTAL CONCERN MCC33.4520 AND 33.4570:
Although we don't have to file for a permit under this section, due to this being a Farm building we are very concerned with Wildlife Habitat, we feed a lot of deer and elk and other animals on our property.

Staff: The proposed structure is accessory to a farm use on the property. The farm use has been established and recognized by Multnomah County Assessment and Taxation staff and has been granted a tax deferment for farm use (Exhibit G). As such, a barn that is accessory to that farm use is exempted from the SEC as per MCC 33.4515(A).

Criterion met.

Conclusion

Based on the findings and other information provided above, this application for a Planning Directors Determination for an accessory farm structure satisfies, with appropriate conditions, the Multnomah County Zoning Code requirements.

Exhibits

- A. General Application Form
- B. Submitted Site Plan
- C. Elevation Plans
- D. 1962 Multnomah County Zoning Map
- E. County Air Photo with Contour Lines
- F. Applicant's Well Drillers Application to Water Resources Department
- G. Applicant's Letter from Bob Alcantara Stating the Property will be Enrolled in the County Farm Land Deferral Program

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.