



## MULTNOMAH COUNTY OREGON

### LAND USE AND TRANSPORTATION PROGRAM

1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233

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

[http://www.co.multnomah.or.us/dbcs/LUT/land\\_use](http://www.co.multnomah.or.us/dbcs/LUT/land_use)

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# NOTICE OF DECISION

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

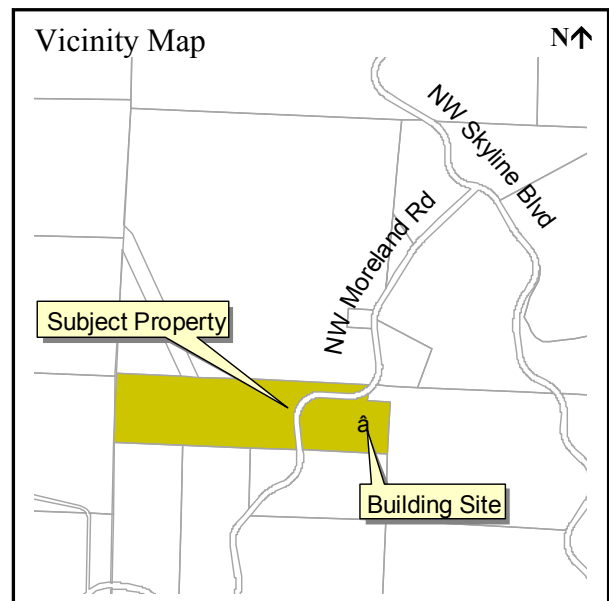
**Case File:** T2-04-011

**Permit:** Significant Environmental Concern  
Permit

**Location:** 23740 NW Moreland Road  
TL 100, Sec 10, T2N, R2W, W.M.  
Tax Account #R97210-0250

**Applicant:** Nancy Brock & Rhonda Ramirez  
23740 NW Moreland Road  
North Plains, OR 97133

**Owner:** Nancy Brock  
23740 NW Moreland Road  
North Plains, OR 97133



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**Summary:** Request to construct a two car garage addition to the existing dwelling with a bed/bonus room in the rear of the addition.

**Decision:** Approved with Conditions

Unless appealed, this decision is effective Monday, August 30, 2004, at 4:30 PM.

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Issued by:

By: \_\_\_\_\_  
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Monday, August 16, 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 \$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 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, August 30, 2004 at 4:30 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): MCC 33.0005(L)(13) Lot of Record; MCC 33.2260 Dimensional Requirements; MCC 33.2275 Lot of Record; MCC 33.2305 Development Standards for Dwellings and Structures [(A)(5) only]; MCC 33.4570 Criteria for Approval of SEC-h Permit - Wildlife Habitat.

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](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 applicant 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.**

**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/applicant shall submit a final site plan with fire access and water supply shown on plans and approved by TVF&R as required by Jerry Renfro, Deputy Fire Marshall II, on the Fire District Review Form (Exhibit 9). The final site plan shall also show the correct distances from the dwelling and addition to the property lines.**
- 3. The owner/applicant shall maintain a primary fire safety zone of 30-feet around the dwelling as required under MCC 33.2305(A)(5)(c)(1).**
- 4. The owner/applicant shall maintain a secondary fire safety zone around the primary fire safety zone of 100-feet except where the secondary fire safety zone would cross a property line. In such areas, the owner/applicant shall maintain the secondary fire safety zone up to the property line in accordance to the standards of MCC 33.2305(A)(5)(c)(3).**
- 5. The new addition shall have a fire retardant roof and shall be noted on the building plans, including the materials used [MCC 33.2305(B)(3)].**
- 6. No fencing shall be constructed on the property except for existing cleared areas used for agricultural purposes. The owner/applicant shall submit a separate site plan indicating areas that are currently cleared and used for agricultural purposes prior to building permit sign-off [MCC 33.4570(C)(3)(c)].**
- 7. The applicant/owner shall remove and clear and maintain the development area free of the nuisance plants listed under MCC 33.4570(B)(7).**

**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.**

**FINDINGS:** Written findings are contained herein. The Multnomah County Code criteria and Comprehensive Plan Policies 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**

**Applicant:** Garage Addition.

**Staff:** The applicant is proposing to construct a 24 x 36.5-foot two car garage addition onto an existing dwelling in the Commercial Forest Use-2 (CFU-2) zoning district. The addition would have two bays for vehicles and a bed/bonus room to the rear of the addition. No plumbing or cooking facilities are included with the application. The addition would be placed to the north of the existing dwelling and would not require any clearing of vegetation.

2. **Site Characteristics**

**Staff:** The subject site is roughly 38-acres in size and contains forested and cleared areas. In general terms, the area of the property on the western side of Moreland Road is forested and the portion on the eastern side of Moreland road is cleared. Portions of the large property contain slopes over 25% and are identified as slope hazard areas. The entire property contains a Significant Environmental Concern (SEC) overlay for wildlife habitat (noted as SEC-h).

The area of the dwelling and barn structure are relatively flat at roughly 10% or less. The slopes increase to the east of the dwelling site and on the western portion of Moreland Road. Access to NW Moreland Road is achieved via a roughly 375-foot driveway that also connects the barn to the dwelling site and the road. The property also has a horse arena to the northwest of the barn. It appears property on the western side of Moreland is involved in forest production by the air photo because of logging roads snaking over the property.

3. **Public Comment**

**MCC 37.0530(B) Type II Decisions**

**(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses and natural features and resources, and how it will look. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject Tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision. The Planning Director's decision is appealable to the Hearings Officer. If no appeal is filed the Planning Directors decision shall become final at the close of business on the 14<sup>th</sup> day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to LUBA within 21 days of when the decision is signed.**

**Staff:** An opportunity to comment was mailed to property owners within 750-feet of the property lines on July 9, 2004. No written comments were received during the comment period.

*Procedures met.*

4. **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 Nancy Brock and Rhonda Ramirez as owners of the subject property (Exhibit 1). Both Nancy Brock and Rhonda Ramirez signed the General Application Form authorizing an action to be taken on the property (Exhibit 2).

*Criterion met.*

5. **Additions To Existing Lawfully Established Dwellings Are An Allowed Use**

**MCC 3.2215 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 33.2220 through 33.2240 when found to comply with MCC 33.2245 through 33.2310.**

\* \* \*

**MCC 33.2220 Allowed Uses**

**(D) Alteration, maintenance, or expansion of an existing lawfully established *habitable dwelling* subject to the following:**

- (1) The dimensional standards of MCC 33.2260 are satisfied; and**
- (2) The development standards of MCC 33.2305(A)(5) and (B) are satisfied if the expansion exceeds 400 square feet of ground coverage.**

**Staff:** Multnomah County Code defines *Habitable Dwelling* in MCC 33.0005(H)(1) which states:

- (1) Habitable dwelling – An existing dwelling that:**
  - (a) Has intact exterior walls and roof structure;**
  - (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;**
  - (c) Has interior wiring for interior lights; and**
  - (d) Has a heating system.**

The applicant has supplied photographs of the required elements to demonstrate the dwelling is habitable (Exhibit 3). Therefore, the dwelling is *Habitable* as defined by the code.

Secondly, the dwelling must be legally established. Multnomah County Assessment and Taxation note the dwelling as being built in 1962. A building permit (Exhibit 4) issued to a Gordon Larson was found that permitted a new dwelling at a property on NW Moreland Road with an address of Route 3, Box 404. This corresponds to the archived address map showing the subject property as having an old address of Route 3, Box 404 with an ownership of Larson (Exhibit 5). Because the dwelling received a building permit, it was legally established in 1962.

*Criteria met.*

6. **The Proposed Addition Meets The CFU-2 Dimensional Requirements**

**MCC 33.2260          Dimensional Requirements**

- A.    **(A) Except as provided in MCC 33.2265, 33.2270, 33.2275, and 33.2280, the minimum lot size for new parcels or lots shall be 80 acres.**

**Staff:** No new lots are proposed as part of this application.

*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.**
- C.    **(C) Minimum Forest Practices Setback Dimensions from tract boundary – Feet:**

Road Frontage	Other Front	Side	Rear
60 from centerline of road from which access is gained	130	130	130

**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 33.2310, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 33.2305 (A) (5) (c) 2.**

**Staff:** The addition does not need to meet the forest practice setbacks as determined in Finding #6E. As shown on the submitted elevation plans (Exhibit 6), the addition is under 35-feet in height.

*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:** The proposed structure is over 300-feet from the property line bordering the road as shown on the site plan (Exhibit 7), thus the forest practice setback does not need to be increased.

*Criterion met.*

- E. **(F) Yards for the alteration, replacement or restoration of dwellings under MCC 33.2220 (D) and (E) and 33.2225 (B) need not satisfy the development standards of MCC 33.2305 if originally legally established to a lesser standard than that required by MCC 33.2305, but in no case shall they be less than those originally established.**

**Staff:** The site plan shows the existing dwelling measuring 100-feet from the east property line. However, information available to the County suggests the structure may actually be an additional 35-feet from the property line. If established 100-feet from the property line as shown on the submitted site plan, the setback would be legal since the rules in place at the time allowed for shorter setbacks than today's rules. If that is the case, then no development shall encroach further into the setback without obtaining an exception. But if established more than 130-feet from the property line, the dwelling and addition, would meet the standards of the current code. Whether the structure is 100-feet from the property line or 135-feet from the property line, the structure meets the code requirement as does the addition.

*Criterion met.*

7. **The Subject Property Is A Lot Of Record**

A. **MCC 33.0005(L)(13)**

**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 a two-pronged test to determine if the subject property is in fact a Lot of Record. First, the property must have satisfied all applicable zoning laws in place at the time it was created. Secondly, the property must have meet all land division laws in place at the time it was created.

The subject property was created prior to zoning being placed on the property as is evidenced by the 1962 zoning map (Exhibit 8) showing the property in the same configuration at 37.92-acres as described on a June 21, 2004 deed. Because the property is on the 1962 zoning map, it was created prior to zoning and land partition regulations and was lawfully created.

*Criteria met.*

**B. MCC 33.2275 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 property was not in contiguous ownership with a property under 19-acres on February 20, 1990.

The property is a Lot of Record because it was lawfully created and not contiguous to properties in the same ownership on February 20, 1990.

*Criteria met.*

8. **The Development Standards of MCC 33.2305(A)(5) and (B) Are Met.**

**MCC 2305(A)(5)**

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

1. **(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;**

**Staff:** Tualatin Valley Fire and Rescue has signed the Fire District Review Form and indicated their jurisdiction.

*Criterion met.*

2. **(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 33.2305 (D) with permanent signs posted along the access route to indicate the location of the emergency water source;**

**Staff:** There are no perennial water sources on the subject property.

*Criterion met.*

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

- a. **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.**

**Staff:** The owner shall be required to maintain a 30-foot primary fire safety break around the dwelling as a condition of approval.

*Criterion met.*

- b. **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:**

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

**Staff:** As seen on the GIS system and verified during a staff site visit, slope surrounding the dwelling is less than 10%. Therefore, no extension of the primary fire safety zone is required.

*Criterion met.*

- c. **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 33.2260 (F) and 33.2310.**

**Staff:** Because the dwelling may have been lawfully established to a lesser standard, the owner would only have to maintain a secondary fire safety break up to the property line on the west side and 100-feet elsewhere around the dwelling. But if the dwelling was established further from the property line, the owner shall maintain a secondary firebreak to the property line or 130-feet, whichever is greater.

*Criterion met.*

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

**Staff:** As seen on the County's GIS system and verified during a staff site visit, slope on the building site is flat and less than 10%.

*Criterion met.*

**B. (B) The dwelling or structure shall:**

1. **(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;**

**Staff:** The addition is not part of a mobile home.

*Criteria met.*

2. **(3) Have a fire retardant roof; and**

**Staff:** A condition of approval shall require the addition to have a fire retardant roof.

*Criterion met.*

3. **(4) Have a spark arrester on each chimney.**

**Staff:** A chimney is not a part of this application.

*Criterion not applicable.*

9. **The Proposal Meets The SEC-h Development Standards**

**MCC 33/4570(B) - Development standards:**

A. **(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.**

**Applicant:** The proposed addition will be built on a portion of the property that is already cleared land.

**Staff:** The area directly north of the dwelling where the addition would be located is part of the yard and completely clear and non-forested.

*Criterion met.*

B. **(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.**

**Applicant:** Our project does not meet this requirement please see letter c for our Wildlife conservation plan explanation.

**Staff:** The development occurs more than 400-feet from the public road.

*Criterion met through a Wildlife Conservation Plan pursuant to MCC 33.4570(C)*

C. **(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.**

**Applicant:** The existing driveway is 210' long and 11' wide meeting this requirement.

**Staff:** The driveway is existing and approved under rules in place in the early 1960's. Since the driveway is existing and did not need to meet this standard when established, this criterion is met.

*Criterion met.*

- D. **(4) The access road/driveway shall be located within 100 feet of the property boundary if adjacent property has an access road or driveway within 200 feet of the property boundary.**

**Applicant:** The driveway starts at the road therefore meeting this requirement.

**Staff:** The existing driveway was established 35-feet from the side property line.

*Criterion met.*

- E. **(5) The development shall be within 300 feet of the property boundary if adjacent property has structures and developed areas within 200 feet of the property boundary.**

**Applicant:** The addition will be built on the back portion of the property less than 300' from the boundary.

**Staff:** The proposed development is within 300-feet of the property boundary as shown on the site plan, even with the potential 35-foot difference from the site plan to the County's GIS map.

*Criterion met.*

- F. **(6) Fencing within a required setback from a public road shall meet the following criteria:**

**(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.**

**(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.**

**(c) Cyclone, woven wire, and chain link fences are prohibited.**

**(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.**

**(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.**

**Applicant:** There are no fences in the building area to remove and no fences will be erected.

**Staff:** The dwelling is not within the required setback of the road. No fences are a part of this application.

*Criteria met.*

**G. (7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:**

Scientific Name	Common Name
<i>Chelidonium majus</i>	Lesser celandine
<i>Cirsium arvense</i>	Canada Thistle
<i>Cirsium vulgare</i>	Common Thistle
<i>Clematis ligusticifolia</i>	Western Clematis
<i>Clematis vitalba</i>	Traveler's Joy
<i>Conium maculatum</i>	Poison hemlock
<i>Convolvulus arvensis</i>	Field Morning-glory
<i>Convolvulus nyctagineus</i>	Night-blooming Morning-glory
<i>Convolvulus seppium</i>	Lady's nightcap
<i>Cortaderia selloana</i>	Pampas grass
<i>Crataegus sp. except C. douglasii</i>	hawthorn, except native species
<i>Cytisus scoparius</i>	Scotch broom
<i>Daucus carota</i>	Queen Ann's Lace
<i>Elodea densa</i>	South American Water-weed
<i>Equisetum arvense</i>	Common Horsetail
<i>Equisetum telemateia</i>	Giant Horsetail
<i>Erodium cicutarium</i>	Crane's Bill
<i>Geranium roberianum</i>	Robert Geranium
<i>Hedera helix</i>	English Ivy
<i>Hypericum perforatum</i>	St. John's Wort
<i>Ilex aquafolium</i>	English Holly
<i>Laburnum watereri</i>	Golden Chain Tree
<i>Lemna minor</i>	Duckweed, Water Lentil
<i>Loentodon autumnalis</i>	Fall Dandelion

Scientific Name	Common Name
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Phalaris arundinacea</i>	Reed Canary grass
<i>Poa annua</i>	Annual Bluegrass
<i>Polygonum coccineum</i>	Swamp Smartweed
<i>Polygonum convolvulus</i>	Climbing Binaweed
<i>Polygonum sachalinense</i>	Giant Knotweed
<i>Prunus laurocerasus</i>	English, Portugese Laurel
<i>Rhus diversiloba</i>	Poison Oak
<i>Rubus discolor</i>	Himalayan Blackberry
<i>Rubus laciniatus</i>	Evergreen Blackberry
<i>Senecio jacobaea</i>	Tansy Ragwort
<i>Solanum dulcamara</i>	Blue Bindweed
<i>Solanum nigrum</i>	Garden Nightshade
<i>Solanum sarrachoides</i>	Hairy Nightshade
<i>Taraxacum officinale</i>	Common Dandelion
<i>Utricularia vulgaris</i>	Common Bladderwort
<i>Urtica dioica</i>	Stinging Nettle
<i>Vinca major</i>	Periwinkle (large leaf)
<i>Vinca minor</i>	Periwinkle (small leaf)
<i>Xanthium spinosum</i>	Spiny Cocklebur
<i>various genera</i>	Bamboo sp.

**Applicant:** No vegetation will be added after construction is complete.

**Staff:** This criterion shall be met with condition of approval.

**MCC 33.4570(C) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.**

- H. **(1) The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or**

**(2) The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section (B) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (B).**

**Staff:** The applicant qualifies for a Wildlife Conservation Plan under #1 above because the dwelling was established prior to the SEC-h development standards being put in place. Any development to the homesite would not meet this approval criterion on its face, and thus an exception to the standard is allowed. This is a unique characteristic that does not apply to new homes permitted under the SEC-h criteria.

Constructing the addition on the north end of the existing dwelling results in the minimum departure from the standards because the north side of the dwelling is the closest to the road that development is required to be near.

*Criterion met.*

- I. **(3) The wildlife conservation plan must demonstrate the following:**

**(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.**

**(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.**

**(c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.**

**(d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.**

**(e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.**

**Applicant:** The only vegetation that will be disturbed for construction is grass at the building site. No additional vegetation will be planted. In addition the proposed development will have gutters which tie into the existing drainage system, please see map for that location. As for grading, less than 10-cubic yards of material will be brought in for leveling the construction site.

**Staff:** There will be no clearing of any forested areas and no reduction in the forest canopy. Therefore, the development will have the minimum impact necessary to the forested areas. There are no existing fences and no proposed fencing as a part of this application. Because no clearing of forested areas will take place, replanting is not required. There are no known stream riparian areas on the subject property.

*Criteria met.*

## **Conclusion**

Based on the findings and other information provided above, this application for a Significant Environmental Concern for Wildlife Habitat satisfies, with appropriate conditions, the applicable Multnomah County Zoning Code requirements.

## **Exhibits**

1. Multnomah County Assessment and Taxation Printout Showing Ownership
2. General Application Form
3. Applicant's Submitted Photographs of Dwelling
4. Building Permit for Dwelling
5. Multnomah County Archived Address Map
6. Elevation Plans
7. Site Plan
8. 1962 Zoning Map
9. Fire District Review Form