



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.

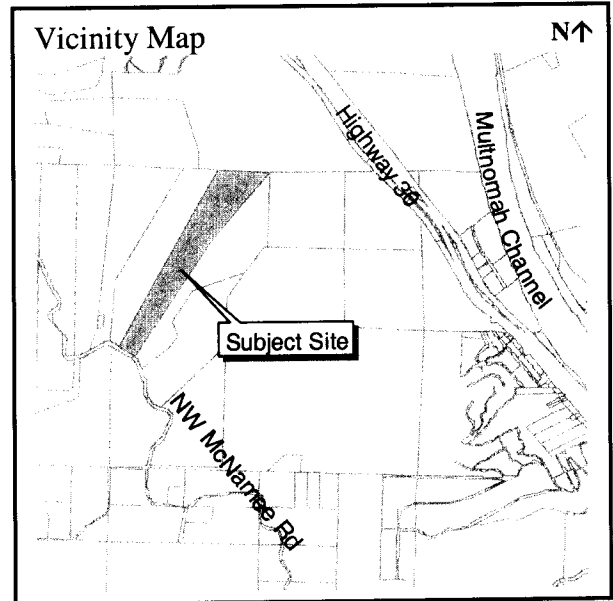
Case File: T2-04-026

Permit: Significant Environmental Concern
Permit

Location: 14250 NW McNamee Road
TL 1200, Sec 29, T2N, R1W, W.M.
Tax Account #R64970-1860

Applicant: Terry Heim
Classic Pool & Spa
17875 SE 82nd Drive
Gladstone, OR 97027

Owner: Hank McCurdy
14250 NW McNamee Road
Portland, OR 97231



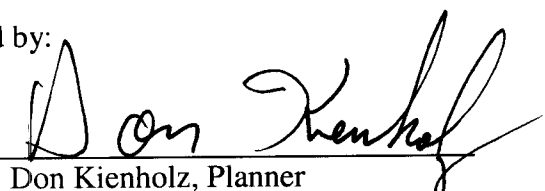
Summary: A request to place an in-ground swimming pool in the Significant Environmental Concern overlay for Wildlife Habitat and Scenic Views

Decision: Approved With Conditions.

Unless appealed, this decision is effective Wednesday, July 21, 2004 at 4:30 PM.

Issued by:

By:


Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Wednesday, July 7, 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 Wednesday, July 21, 2004 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 33.0005(L)(13) Lot of Record; MCC 33.2220(U) Allowed Uses; MCC 33.2275 Lot of Record; MCC 33.4565 Criteria for Approval of SEC-v Permit -Significant Scenic Views and 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.

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 pool equipment shall be located NO CLOSER than seven feet from the adjacent property line [MCC 33.2305(A)(1)].**
- 3. The applicant/owner shall remove and clear and maintain the development area free of the nuisance plants listed under MCC 33.4570(B)(7).**

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 applicant is proposing to add a 14' x 31.5' in-ground swimming pool adjacent to the existing dwelling on the eastern portion of the property and to the north of a concrete parking pad.

2. **Site Characteristics and Vicinity**

Staff: The property is located off of NW McNamee Road in a Commercial Forest Use-2 zoning district with Significant Environmental Concern Overlays for Wildlife Habitat and Scenic Views. The property is oriented Northeast to Southwest with the existing dwelling about 700-feet from the southern property line. The home and proposed development area is located in a long and narrow cleared area with mild to moderate slopes. The development site has a slope of under 10%. The property is located high up near the ridge of the West Hills overlooking Sauvie Island. The area is heavily forested with a mix of deciduous and coniferous trees. The property is roughly 43-acres in size and part of a three lot partition finalized in 1990.

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 Christine M. McCurdy as the owner of the subject property. Both Christine and Hank McCurdy have signed the General Application form (Exhibit 1) authorizing a land use action to be initiated on the subject property.

Criterion met.

4. **A Pool Is An Allowed Use In The CFU-2 Zoning District**

MCC 33.2215 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(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.

Staff: Pools are considered to be accessory to a residential use by the Planning Director and therefore the proposed pool is an allowed use.

Criterion met.

5. **The Pool Meets The Dimensional Requirements**

MCC 33.2260 Dimensional Requirements

(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 pool is an in-ground swimming pool and does not have any above ground buildings associated with it. A water pump and a filter will be set on a concrete pad roughly 3-feet from the property line. Both structures are under 30-inches tall are exempt from the building code and setback requirements.

Criterion met.

6. **The Property Is In Full Compliance With All Applicable Codes**

MCC 37.0560 Code Compliance And Applications.

The County shall not approve any application for a permit or other approval, including building permit applications, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County. A permit or other approval, including building permit applications, may be authorized if it results in the parcel coming into full compliance with all applicable provisions of the Multnomah County Code

Staff: The dwelling on site was approved in 1991 by Multnomah County and a building permit was issued. The dwelling was built according to the submitted site plan. No issues with compliance have been identified. The property is a Lot of Record as determined in Finding #7.

Criterion met.

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

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.)**

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.**

Staff: The property was created via a County approved partition in 1989 and recorded on June 28, 1990. Under LD 30-89 (Exhibit 2), a roughly 122-acre lot was partitioned into three parcels of roughly 40-acres each. The subject lot is Parcel 3 in that land division. The County reviewed the

resulting properties for compliance with the zoning code as well as the County's Land Division Code and determined they met all the requirements of both codes in place at the time. The property has not changed configuration since then and remains the same as was first approved. As such, the property met all rules in place at the time of creation. The subject lot is also not adjacent to any property under 19-acres in size and therefore is not aggregated to any property for Lot of Record and development purposes. The subject lot is a Lot of Record.

Criteria met.

8. **The Proposed Development Meets The Development Standards**

33.2305 Development Standards for Dwellings and Structures

Except as provided for the alteration, replacement or restoration of dwellings under MCC 33.2220 (D) and (E) and 33.2225 (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:**

Staff: A pool is a structure as defined under MCC 33.0005(S)(13).

1. **(1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of 33.2260 (C) through (G);**

Staff: The property to the east is in forest deferral and is 16-feet from the proposed site for the pool. Impacts on forest land could include new residential uses, potential fire hazards, habitable structures, and anything that prohibits the normal management practices of forest land.

Activities on properties involved in forest management will typically include planting, spraying, fertilizing, brush clearing, and cutting and harvesting. According to John Krause of the Columbia City Oregon Department of Forestry office, the vast majority of time the activities of harvesting and forest management do not cross the property line. Laws in place restrict the forest management acts to the subject property and the skills and abilities of professional foresters rarely see impacts on adjacent properties. In the opinion of the Oregon Department of Forestry, locating the pool as proposed would not deter the property owner from harvesting the timber on the property line when it matures to logging age. Staff also concurs with the Oregon Department of Forestry that the proposed location of the pool would have no impact on the adjacent forest property. Having no impact would constitute having the least impact and meet the criterion.

The location of the pool equipment on the site plan has the potential to increase the impact on the adjacent forest use over the residential use's existing impact. A condition of approval will require the equipment to be no closer than the parking pad at seven feet from the property line and thus not be located any closer than the existing residential use.

The proposed pool site does not need to meet the minimum yard and setback requirements of MCC 33.2260(C) through (G). The definition of Yard as found in MCC 33.0005(Y)(1) centers on setbacks from buildings. Buildings are structures over 30-inches in height that are used or intended for supporting or sheltering any use or occupancy. Since the pool is in-ground, it cannot be a building and therefore the yards and setbacks do not apply.

Criterion met.

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

Staff: The pool will have no impact on forest operations. The pool is not a combustible structure and not prone to fire. The pool is located in an existing residential area and thus will not alter the current forest operations, if any, on the subject property. The pool can also serve as a water source for fire prevention.

Criterion met.

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

Staff: The pool is proposed to be located in an existing cleared area of the property adjacent to the existing dwelling.

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**

Staff: No new access roads are a part of the proposal. An existing access road is in place for the original residential use.

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;**

Staff: The proposal does not include 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 33.2305 (D) with permanent signs posted along the access route to indicate the location of the emergency water source;

Staff: An existing access exists. Fire vehicles will have access to the pool.

Criterion met.

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

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.

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

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.

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

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).

Staff: There is an existing dwelling on the property that was approved to a lesser standard than currently required. The proposed pool is located within the existing yard. Therefore, no additional fire break is required.

Criterion met.

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

Staff: The building site has slope less than 10% as witnessed by staff during a site visit.

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;**

Staff: The is required to get a building permit for the in-ground structure.

Criterion met.

2. **(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 structure is an in-ground swimming pool, not a mobile home.

Criterion met.

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

Staff: No roof is proposed for the pool.

Criterion met.

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

Staff: There are no chimney's proposed for the pool.

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.

Staff: The applicant has an approved well as demonstrated by the well log (Exhibit 4).

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:**

Staff: There is an existing driveway to the dwelling on the property. No improvements are necessary as part of this application.

Criterion met.

9 The Proposed Pool Meets The SEC-v Approval Criteria

MCC 33.4565 Criteria for Approval of SEC-v Permit -Significant Scenic Views

(C) Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be *visually subordinate*. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:

- A. (1) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.**

Applicant: The swimming pool will be screened by the contour of the land and the trees on the surrounding property. The swimming pool will be aligned, designed and sited to fit the natural topography and to take advantage of the vegetation and land form screening and natural characteristics. The swimming pool is designed to sit below the bluffs, ridges, trees and vegetation.

Staff: The proposed pool is to be in-ground and near the home. Because it is in ground, exposure of the structure is minimal if not completely non-existent. The proposed location

is in an area adjacent to the existing home and is adjacent to a heavily wooded area on the neighbors' property. While the vegetation is not in the applicants' control, it does provide for screening. Additionally, the owner has indicated that plantings and other vegetation will be planted around the pool area to be consistent with other portions of his property as well as to add additional screening.

While the pool has a partial view of portions of Sauvie Island, it is not visible due to the pool being in-ground and the large distance from the identified viewing areas. The subject lot has a sizeable forested area that provides a natural backdrop from the view areas that further reduce the visibility as the structure or development area does not stand out. The skyline is not broken by the proposed development.

Criterion met.

B. **(2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors.**

Applicant: The pool deck will be made of a broomed non reflective grey concrete. The swimming pool will have 11.5" bull nose brown brick on the perimeter edge.

Staff: The potentially visible materials used to construct the pool are brick and concrete. Both materials are rough and do not have a reflective surface. Since the pool is in-ground, the materials will be flush with the ground and will not be exposed to identified viewing areas. The applicant will also be planting shrubs and other vegetation for landscaping purposes that will provide additional screening and buffering beyond the existing heavy forest on the property.

The water in the pool will be reflective because of its natural properties. However, the water will sit in the in-ground pool below ground level. No portion of the water will be exposed to line-of-sight viewing from any of the identified viewing areas. As such, the water will not impact the visual subordination of the structure.

Criterion met.

C. **(3) No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials.**

Applicant: (B)(1)Two (2) 250 watt swimming pool lights will be installed inside the pool perimeter under the water. The lights will not be visible because they are below ground level.

Staff: The only lights proposed are the lights in the pool and underwater. The lights will be below grade and will not be visible.

Criterion met.

D. **(4) Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to**

provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening.

Applicant: The swimming pool will be aligned, designed and sited to fit the natural topography and to take advantage of the vegetation and land form screening and natural characteristics.

Staff: The pool is in-ground and will not be visible to identified viewing areas. The subject property and adjacent property are both heavily forested and will provide more than enough screening to limit any potential visibility. The applicant will also be planting landscaping that will add additional screening materials.

Criterion met.

- E. **(5) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.**

Applicant: The swimming pool will be aligned, designed and sited to fit the natural topography and to take advantage of the vegetation and land form screening and natural characteristics.

Staff: The location of the pool does use the existing vegetation on the subject property to further obstruct the potential visibility from identified viewing areas. Additionally, the owner will plant shrubs and other vegetation to add further screening.

Criterion met.

- G. **(6) Limiting structure height to remain below the surrounding forest canopy level.**

Applicant: The swimming pool structure will be at ground level and will be below the surrounding forest canopy level.

Staff: The structure is in-ground and will remain below the forest canopy.

Criterion met.

- H. **(7) Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property,**

Applicant: The swimming pool is designed to sit below the bluffs, ridges, trees and vegetation.

Staff: The structure is proposed to be in-ground and will not break the skyline or bluff.

Criterion met.

10. **The Proposed Pool Meets The SEC-h Development Standards**

MCC 33.4570

A. (B) Development standards:

1. **(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 construction of the swimming pool will be in a non-forested "cleared" area will meet minimum clearance standards for fire safety.

Staff: The pool is proposed to be adjacent to the dwelling in an area currently being used as a yard. The site is cleared and will not require the removal of any trees.

Criterion met.

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

Staff: The development is not within 200-feet of a public road, therefore the applicant will need to address the criteria of the Wildlife Conservation plan under MCC 33.4570(C).

Criterion not met.

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

Applicant: The access road/driveway and service corridor serving the development does not exceed 500' in length and the adjacent property has an access road or driveway within 200' of the property boundary.

Staff: As measured on the County's GIS system, the driveway is close to 700-feet in length. As such, the applicant will need to address the criteria of the Wildlife Conservation plan under MCC 33.4570(C).

Criterion not met.

4. **(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 access road/driveway is located within 100' of the property boundary and is within 200' of the adjacent property that has an access road or drive way.

Staff: Staff concurs. The driveway is located within 100-feet of the property line as measured on the GIS system.

Criterion met.

5. **(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.**

Staff: The development is taking place within 100-feet of the property line.

Criterion met.

6. **(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 barbles. 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: No fencing is to be constructed on this property.

Staff: The applicant is not proposing to add any fencing to the property.

Criterion met.

7. **(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

Scientific Name	Common Name
<i>Conium maculatum</i>	Poison hemlock
<i>Convolvulus arvensis</i>	Field Morning-glory
<i>Convolvulus nyctagineus</i>	Night-blooming Morning-glory
<i>Convolvulus sepium</i>	Lady's nightcap

Scientific Name	Common Name
<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 Waterweed
<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
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Phalaris arundinacea</i>	Reed Canary grass

Scientific Name	Common Name
<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
various genera	Bamboo sp.

Staff: A condition of approval will require the applicant to remove any of the listed plants from the development site and to keep them from establishing themselves.

Criterion met.

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

(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 proposed development does not meet the standards of MCC 33.4570(B)(2) or (3). The proposal therefore requires a Wildlife Conservation Plan. The applicant could meet the standards but chose instead the proposed location because siting the development where it could meet the standards would require the clearing or a large portion of forest land for the pool and necessary access road.

The proposed development site would have a less detrimental impact on forested land and wildlife habitat than any site that could meet MCC 33.4570(B)(2) and (3) because it requires no forest clearing whatsoever. The proposed site is directly adjacent to the existing dwelling and in an area currently used for residential purposes. No habitat or vegetation would need to be removed where as locating in an area that meets the standards would require the removal of a considerable amount of forest land and habitat to site the pool and necessary road to gain access to the site.

Criterion met.

(3) The wildlife conservation plan must demonstrate the following:

1. **(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.**

Applicant: There is no wildlife impacted by the construction of the swimming pool. The pool is to be constructed in an area that is currently cleared of all trees, plants, and vegetation. The area of the swimming pool has no trees, plants that would provide cover or food for animals.

Staff: No clearing is required to locate the pool in its proposed location. The area is already clear and directly adjacent to the dwelling.

Criterion met.

2. **(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.**

Staff: No clearing is proposed or required for the development.

Criterion met.

3. **(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.**

Applicant: There is not currently any fencing on the subject property or on adjacent property within 200' of the subject property.

Staff: No fencing currently exists or is proposed as part of this application.

Criterion met.

4. **(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.**

Staff: No areas are proposed to be cleared as a result of this development.

Criterion met.

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

Staff: There are no streams or riparian areas located on the subject property.

Criterion met.

Conclusion


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

Exhibits

1. General Application Form
2. LD 30-89 Final Plat
3. Site Plan
4. Well Log

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.
--

	Multnomah County Land Use & Transportation Program 1600 SE 190 th Avenue Portland Oregon 97233 Ph. 503.988.3043 Fax 503.988.3389 www.co.multnomah.or.us/lbes/LUT/land use	General Application Form
---	--	---

11#
ZONING 648.00
TOTAL 648.00
0000-001 4/ 5/ 4
0739 DON 3:14PM

PROPERTY IDENTIFICATION
 Property Address 14250 N.W. MCNAME RD
 Tax Roll Description 2N129-01200
 A&T Alternate Account Number R# 236778 RG49701860
 Map Tax Lot 2N1W29 01200 Site Size 52.20 AC

OTHER PARCEL (if applicable)
 Property Address _____
 Tax Roll Description _____
 A&T Alternate Account Number R# _____
 Map Tax Lot _____ Site Size _____

PROPERTY OWNER(S) OR CONTRACT PURCHASER(S) ☒
 Name HANK MCCURDY
 Street Address 14250 N.W. MCNAME RD
 City PORTLAND State OR Zip Code 97231
 I authorize the applicant below to make this application.
 If multiple property owners are party to the application, an additional application form shall be signed by each property owner.

 Property Owner's Signature
 If no owner signature above, a letter of authorization from the owner is required. ☐
 NOTE: By signing this form, the property owner or property owner's agent is granting permission for Planning Staff to conduct site inspections on the property.

APPLICANT'S NAME AND SIGNATURE
 Applicant's Name CLASSIC POOL SPA
 Mailing Address 17875 SE 82nd dr
 City Gladstone State OR Zip Code 97027 Phone # 503-656-2021
 Fax 503-656-0120 e-mail terry@classicpoolspa.com

 Applicant's Signature

GENERAL DESCRIPTION OF APPLICATION (REQUIRED)
 Please provide a brief description of your project.

For Staff Use
CASE NUMBER
12-04-026
 File Number
LAND USE PERMIT(S)
SEC
 Date Submitted: 4-5-04
 PF/PA No. 04-042
 Related Case No. _____
 Related Case No. _____
 Related Case No. _____
 Case Planner AK
ZONING INFORMATION
CFU-2
 Zoning District
SEC-hv
 Zoning Overlay.
 8/25/03

CONFIRMATION REPORT

PHONE NUMBER

DATE & TIME DURATION TX/RX PAGE RESULTS

JAN 31 10:55 00/50 RX 01 OK

EXHIBIT

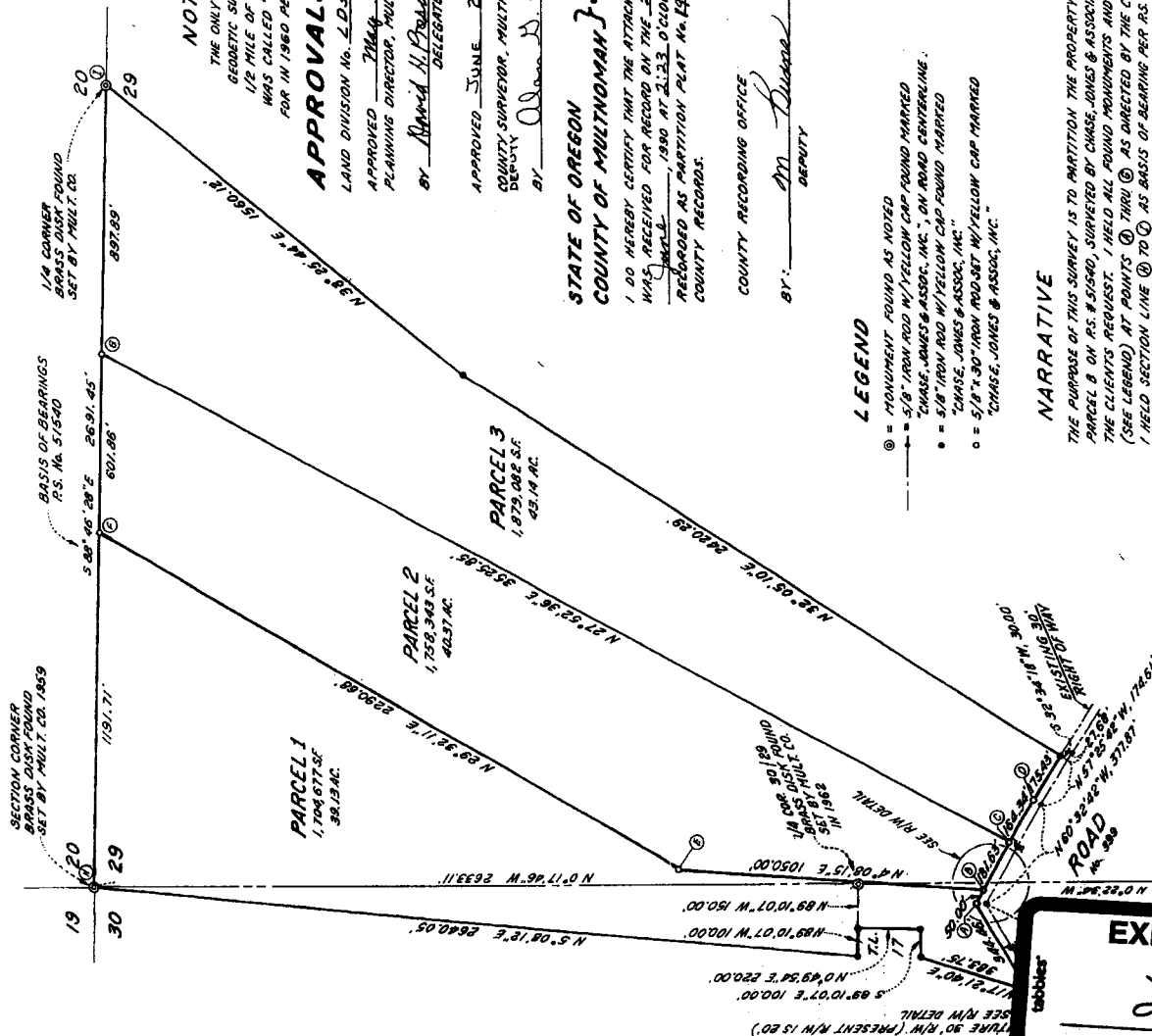
1

PARTITION PLAT No. 1990-31

IN THE W. 1/2 OF SEC. 29 & THE E. 1/2 OF SEC. 30
TWP. 2 N., RNG. 1 W., W.M., MULTNOMAH CO., OREGON
SCALE: 1"=300'

CHASE, JONES & ASSOCIATES, INC.

1500 S.W. 12TH AVENUE
PORTLAND OREGON 97204
(503) 288-9844 PORTLAND (503) 669-1234 ORESHAM
JOB No. 7755



NOTE:

THE ONLY OCCUPABLE NATIONAL
GEODETIC SURVEY POINT WITHIN
1/2 MILE OF THIS SITE (SPAR 1946)
WAS CALLED "LOST" WHEN SEARCHED
FOR IN 1960 PER MULT. CO. RECORDS.

APPROVALS

LAND DIVISION No. 2030-89

APPROVED May 31, 1990

PLANNING DIRECTOR, MULTNOMAH COUNTY

BY David H. Patten
DELEGATE

APPROVED JUNE 25, 1990

COUNTY SURVEYOR, MULTNOMAH COUNTY

BY Leslie Lee Mayo

STATE OF OREGON

COUNTY OF MULTNOMAH } S.S.

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT
WAS RECEIVED FOR RECORD ON THE 28 DAY OF
MAY, 1990 AT 2:33 O'CLOCK P. M., AND
RECORDED AS PARTITION PLAT No. 1990-31 MULTNOMAH
COUNTY RECORDS.

COUNTY RECORDING OFFICE

BY: M. D. Duggan
DEPUTY

LEGEND

- ⊙ = MONUMENT FOUND AS NOTED
- 5/8" IRON ROD W/ YELLOW CAP FOUND MARKED
CHASE, JONES & ASSOC., INC., ON ROAD CENTERLINE.
- = 5/8" IRON ROD W/ YELLOW CAP FOUND MARKED
CHASE, JONES & ASSOC., INC.
- = 5/8" 30" IRON ROD SET W/ YELLOW CAP MARKED
CHASE, JONES & ASSOC., INC.

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PARTITION THE PROPERTY IDENTIFIED AS
PARCEL 1 ON P.S. #51540, SURVEYED BY CHASE, JONES & ASSOCIATES, INC., PER
THE CLIENTS REQUEST. I HELD ALL FOUND MONUMENTS AND SET CORNERS
(SEE LEGEND) AT POINTS ① THRU ⑥ AS DIRECTED BY THE CLIENT.
I WELD SECTION LINE ④ TO ⑤ AS BASIS OF BEARING PER P.S. #51540.

SURVEYORS CERTIFICATE

I, ERIC D. JONES BEING FIRST DULY SWORN DEPOSE AND SAY THAT I
HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE
LAND REPRESENTED ON THE ATTACHED PARTITION PLAT, THE
BOUNDARIES BEING DESCRIBED AS FOLLOWS:

A TRACT OF LAND IN SECTIONS 29 & 30, TOWNSHIP 2 NORTH, RANGE 1 WEST
OF THE WILLAMETTE MERIDIAN, MULTNOMAH COUNTY, OREGON, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A BRASS DISK FOUND MARKING THE NORTHWEST CORNER OF SAID SECT.
ION 29, THENCE S. 89° 46' 20" E. ALONG THE NORTH LINE OF SAID SECTION 29,
269.145 FEET TO A BRASS DISK FOUND MARKING THE NORTH 1/4 CORNER OF
SAID SECTION 29, THENCE S. 38° 25' 40" W, 1560.12 FEET; THENCE S. 32° 05' 10" W,
2420.29 TO AN INTERSECTION WITH THE NORTHEASTLY RIGHT-OF-WAY OF MCMAHREE
ROAD (COUNTY ROAD No. 388); THENCE AT RIGHT ANGLES TO SAID RIGHT-OF-WAY
S. 32° 34' 18" W. 30.00 FEET TO THE CENTERLINE OF SAID ROAD (SAID CENTERLINE
WAS ESTABLISHED FROM DEED CENTERLINE COURSES ADJUSTED TO FIT ORIGINAL
IRON PIPE ROAD ANGLE REFERENCE POINTS FOUND); THENCE ALONG SAID
CENTERLINE ON THE FOLLOWING 3 COURSES, N. 57° 25' 48" W. 174.61 FEET, N. 60° 32'
42" W. 377.87 FEET AND S. 59° 37' 18" W. 300.26 FEET; THENCE DEPARTING SAID
CENTERLINE, N. 117° 27' 40" E. 44.67 FEET; THENCE N. 17° 21' 40" E. 383.15 FEET;
THENCE S. 89° 10' 10" E. 100.00 FEET; THENCE N. 0° 49' 54" E. 2800.00 FEET TO THE
POINT OF BEGINNING.

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 28 DAY OF May, 1990

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT CROWN PACIFIC LTD., AN OREGON
CORPORATION, IS THE OWNER OF THE LAND REPRESENTED ON THE ANNEDED MAP AND
MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYORS CERTIFICATE AND
HAS CAUSED THE SAME TO BE PARTITIONED AND SURVEYED INTO PARCELS AS SHOWN
ON THE ANNEDED MAP. THERE ARE NO WATER RIGHTS APPURTENANT TO THIS
PROPERTY, AN INGRESS-EGRESS EASEMENT (S) OVER PARCEL 1 IS HEREBY
GRANTED TO THE OWNERS, HEIRS AND ASSIGNS OF TAX LOT 17,
FOR CROWN PACIFIC LTD. : ROGER KRAMER (SECRETARY)

(A EASEMENT TO BE USED FOR CEMETERY VISITATIONS & MAINTENANCE, ONLY)

ACKNOWLEDGEMENT

STATE OF OREGON } S.S.
COUNTY OF MULTNOMAH }

KNOW ALL PEOPLE BY THESE PRESENTS, ON THIS 28 DAY OF April, 1990
BEFORE ME A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSON, I
APPEARED ROGER KRAMER, SECRETARY OF CROWN PACIFIC LTD., WHO BEING DULY
SWORN, DID SAY THAT HE IS THE IDENTICAL PERSON NAMED IN THE FOREGOING
INSTRUMENT, AND THAT SAID INSTRUMENT WAS EXECUTED ON BEHALF OF CROWN
PACIFIC LTD., AND THAT HE EXECUTED SAID INSTRUMENT FREELY AND
VOLUNTARILY

Leslie Lee Mayo
NOTARY PUBLIC FOR THE STATE OF OREGON
MY COMMISSION EXPIRES 9-27-93

Leslie Lee Mayo
LESLIE LEE MAYO
NOTARY PUBLIC-OREGON
My Commission Expires 9-27-93

EXHIBIT

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

WATER RESOURCES DEPARTMENT
SALEM, OREGON

(START CARD) #

31388

(1) OWNER: Well Number: _____
Name Hank McCurdy
Address 2704 N.E. Hamblet
City Portland State OR Zip _____

(2) TYPE OF WORK:

☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable
☐ Other _____

(4) PROPOSED USE:

☒ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes ☐ No ☒ Depth of Completed Well 655 ft.
Explosives used ☐ Yes ☒ No ☐ Type _____ Amount _____

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
10	0	105	Concrete	0	105	24
			Bentonite			

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other _____

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	10 1/2	28	105	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:	4	5	655		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of sheets: _____

(7) PERFORATIONS/SCREENS:

☒ Perforations Method DRILL
☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
635	655		40	578		<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

☐ Pump ☐ Bailer ☒ Air ☐ Flowing ☐ Artesian

Yield gal/min	Drawdown	Drill stem at	Time
18		635	1 hr.

Temperature of water 54° Depth Artesian Flow Found _____

Was a water analysis done? ☐ Yes By whom _____

Did any strata contain water not suitable for intended use? ☐ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____

Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County Mult Latitude _____ Longitude _____
Township 2N Nor S. Range 1W E or W. WM.
Section 29 SW 1/4 SW 1/4 Parcel 3
Tax Lot _____ Lot _____ Block _____
Street Address of Well (or nearest address) 14250 N.W. McNamee Road, Portland

(10) STATIC WATER LEVEL:

450 ft. below land surface. Date 6-20-91
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER-BEARING ZONES:

From	To	Estimated Flow Rate	SWL
492	504	3	450
625	640	5	450
640	655	10	450

(12) WELL LOG:

Material	From	To	SWL
TOP SOIL	0	1	
BRYN CLAY	1	63	
Weathered Rock	63	82	
BRYN Seamy Rock	82	295	
Grey Rock	295	320	
Red/BRYN POROUS Rock	320	326	
Seamy Grey Rock	326	492	
Black/BRYN. POROUS Rock	492	504	450
Grey Rock	504	559	
BRYN POROUS Rock	559	566	
Grey Rock	566	604	
BRYN POROUS Rock	604	625	
Grey Rock	625	640	450
BRYN Seamy Rock	640	655	450

Date started 6-17-91 Completed 6-20-91

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported are true to the best of my knowledge and belief.

Signed _____

(bonded) Water Well Constructor Certification:

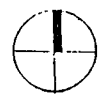
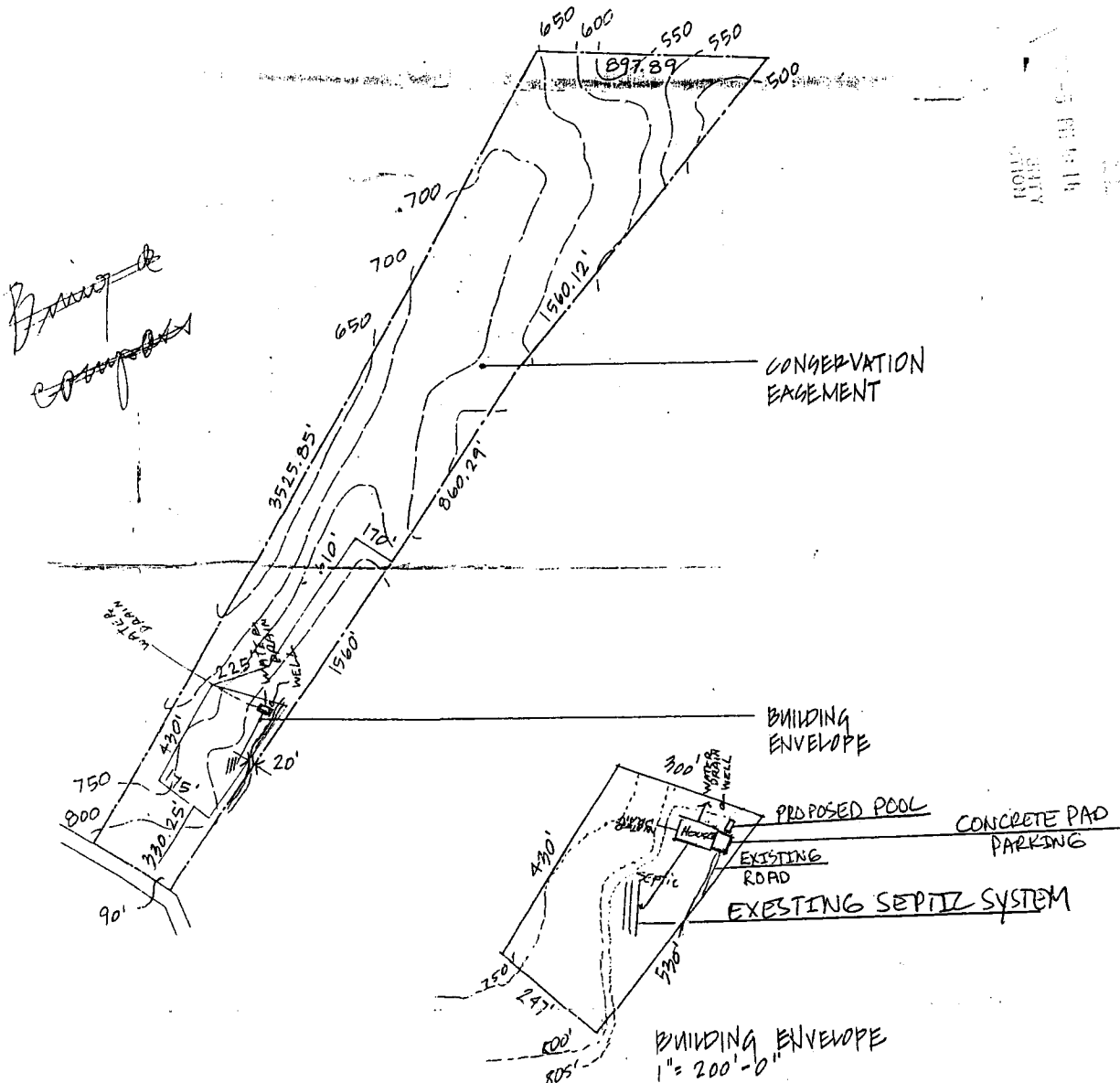
I accept responsibility for the construction, alteration, or abandonment of this well during the construction period. The work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Signed Don. Feehan

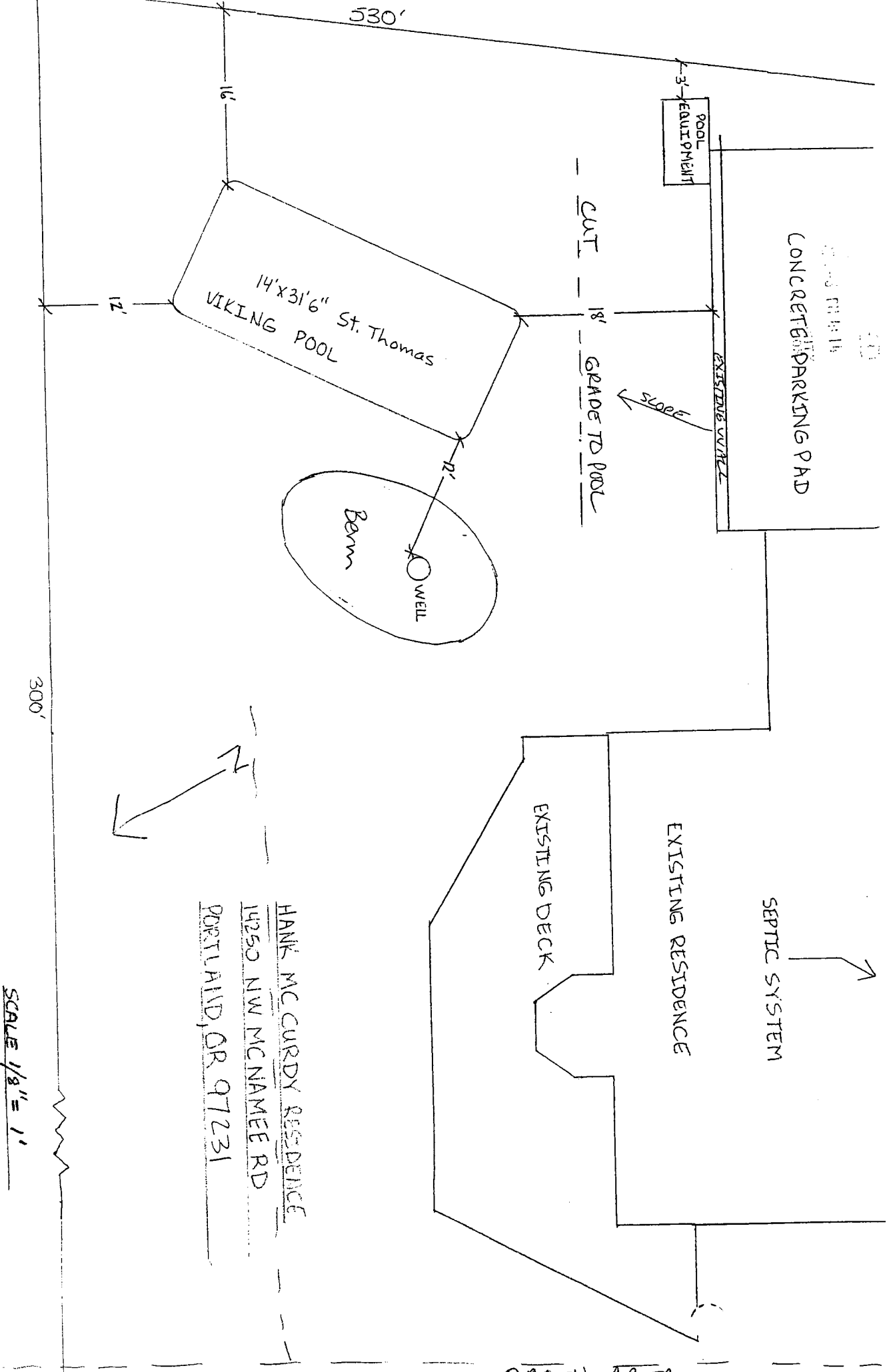
WWC Number 715
Date 6-21-91

EXHIBIT

3



DWELLING SITE PLAN
 FOR LOT 2C OF LD 30-89
 BOOK 1990 PAGE 30
 DEMUTH GLICK CONSULTANTS
 SCALE 1" = 400'-0"



HANK McCURDY RESIDENCE
14250 NW MCNAMEE RD
PORTLAND, OR 97231

SCALE 1/8" = 1'