



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.

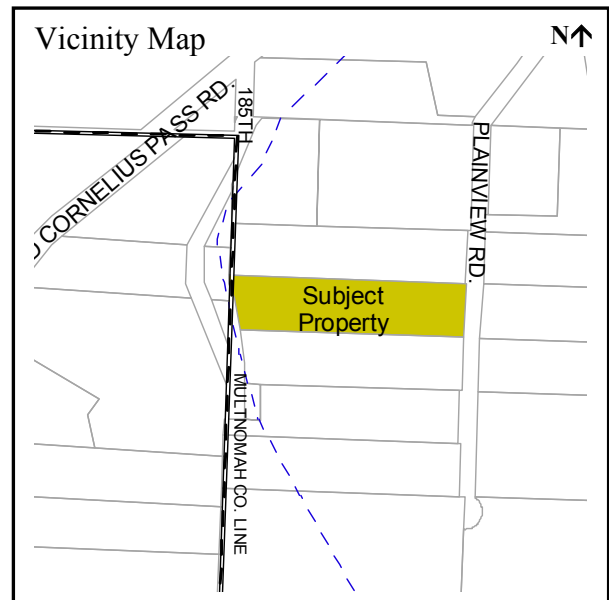
Case File: T2-05-009

Permit: Significant Environmental Concern for Habitat Permit

Location: 11311 NW Plainview Road
TL 00800, Sec 06BB, T1N, R1W, W.M.
Tax Account #R661100410

Applicant/ Raymond Scott McBeth
: 11311 MW Plainview
Portland, OR 97231

Owner: Raymond S. & Candace L. McBeth
11311 MW Plainview
Portland, OR 97231



Summary: Request to build a 1008 square foot building accessory to the residential use on the property, bedroom and porch area addition to the existing dwelling. The property is located within the Rural Residential Zone district and the Significant Environmental Concern for Habitat Overlay District.

Decision: Approved with Conditions

Unless appealed, this decision is effective July 13, 2005, 4:30 PM.

Issued by:

By: _____
George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: Wednesday, June 29, 2005

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 George A. Plummer, 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 13, 2005 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): Chapter 37, MCC 33.4100 et al: Rural Residential (RR), and MCC 33.4500 et al: Significant Environmental Concern

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. Nuisance plants listed under MCC 33.4570(B)(7) shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property.

2. Property owner shall record a Covenant – Notice of Zoning Compliance – Accessory Structure with County Records prior to Building Permit zoning signoff. This covenant shall be as shown in Exhibit 2.4.

Note: Once this decision is final, application for building permits may be made with the City of Portland, Building Bureau. When ready for building permit signed off, the applicant shall call the Staff Planner, George Plummer, at (503) 988-3043, for an appointment for zoning review plan check and to sign the building permit form. Please note, Multnomah County must review and sign off the building permit form and plans before the applicant submits building plans to the City of Portland. Six (6) sets the plans and site plan of the building area are needed for building permits signed off.

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 AND CONCLUSIONS

This decision is based on the findings and conclusions in the following section.

Staff Report Formatting Note: To address Multnomah County Code requirements staff provides findings as necessary, referenced in the following section. Headings for each category of finding are underlined. Multnomah County Code language is referenced using a **bold** font. The Applicant's narrative, when provided, follows in *italic font*. Planning staff analysis and findings follow the **Staff** label. At the end of the report, Exhibits are described. The applicant's submittals are included and made part of this decision under the category Exhibit 1...

1. DESCRIPTION OF THE PROPOSAL:

Applicant: *We are submitting a Type II application under Sec-h permit to build a 1,008 sq. ft. outbuilding that is accessory to our residence @11311 NW Plainview Rd it is zoned Rural Residential (RR) and is located in Multnomah County's West Hills Rural Plan Area. This building is intended for recreational and storage use. This application is to include a third bedroom to the NE corner of the current residence and modifications to our front porch area by increasing size and covering the structure.*

Staff: Request to build a 1008 square foot building accessory to the residential use on the property, an addition bedroom and porch area to the existing dwelling (Exhibit 1.1 and 1.2). The property is located within the Rural Residential Zone district and the Significant Environmental Concern for Habitat Overlay District (Exhibit 2.2).

2. SITE AND VICINITY CHARACTERISTICS

Staff: The property is accessed from Plainview Road and its back yard property line is located along the County line and NW 185th Street. The property slopes downward from the road towards the back of the property. According to the site plan the area where the proposed accessory structure and the addition will be built are about a 10 percent slope (Exhibit 1.3). The subject property is 2.3 acres, made up of Lots 11 and 12 of Plain View Acres Subdivision. The surround area is a pocket of Rural Residential zoned properties which are similar in size with most developed for residential use. The subject property is cleared except for a forested area towards the back of the property and trees along the northern property line (Exhibit 2.3).

3. OWNERSHIP

MCC 37.0550: 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.

Staff: County Assessment records show the property owners as Raymond S. & Candace L. McBeth. Raymond S. & Candace L. McBeth signed the application as the owner.

4. TYPE II CASE PROCEDURES

Staff: The application was submitted February 3, 2005 and was deemed incomplete in a letter dated March 4, 2005. Addition items were submitted March 15, 2005, April 12, 2005 and May 10, 2005. The application was deemed complete as of May 10, 2005 in a letter dated May 27, 2005.

Opportunity to Comment notice was mailed May 31, 2005. The notice was mailed to all owners of properties within 750 feet of the subject property. The property owners were given 14-days to provide comments on the application (MCC 37.0530). No comments were received.

5. RURAL RESIDENTIAL ZONE DISTRICT

5.1. Allowed Uses:

MCC 33.3120(C) Residential use consisting of a single family dwelling constructed on a Lot of Record;

MCC 33.3120 (F) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district;

Applicant: We are submitting a Type II application under Sec-h permit to build a 1,008 sq. ft. outbuilding that is accessory to our residence @11311 NW Plainview Rd it is zoned Rural Residential (RR) and is located in Multnomah County's West Hills Rural Plan Area. This building is intended for recreational and storage use. This application is to include a third bedroom to the NE corner of the current residence and modifications to our front porch area by increasing size and covering the structure.

Staff: The proposal is for a bedroom and porch area addition to an existing dwelling established with a building permit with zoning review approval on May 5, 1998. The property is made up of Lots 11 & 12 of Plain View Acres a subdivision recorded in 1911 meeting the lot of record requirements (Exhibit 2.1). The proposal includes an accessory building. The floor plan for the accessory structures shows a garage area, studio, swimming pool, bathroom, storage area and an additional room with a gas fireplace. The Property owner, Candace McBeth stated in a phone conversation on June 23, 2005 that the proposed building will be used for garage space, home shop and swimming pool room. Since the proposed accessory structure has features that could be utilized in a conversion to a dwelling unit, therefore a condition of approval will require a covenant that the structure not be used as a dwelling unit. The proposed 1008 square foot building and proposed uses are uses that are customary and accessory to the 2592 square foot dwelling.

6. SIGNIFICANT ENVIRONMENTAL CONCERN REVIEW

6.1 Significant Environmental Concern for Wildlife Habitat Permit Required

MCC 33.4510 (A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in MCC 33.4515, shall be subject to an SEC permit. Applicable Approval Criteria (MCC 33.4525 (A)): The approval criteria in MCC 33.4555 shall apply to those areas designated SEC on the Multnomah County zoning maps.

Staff: The subject property is within the Significant Environmental Concern for Wildlife Habitat (SEC-h) Overlay Zone Districts (Exhibit 2.2). The applicant is proposing a 1008 square foot accessory building and an addition to the existing dwelling (Exhibit 1.2). The proposed use requires a review for an SEC-Habitat Permit.

6.2. Application Materials

MCC 33.4520(A) An application for an SEC permit shall include the following:

- (1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC 33.4555 through 33.4575.
- (2) A map of the property showing:
 - (a) Boundaries, dimensions, and size of the subject parcel;
 - (b) Location and size of existing and proposed structures;
 - (c) Contour lines and topographic features such as ravines or ridges;
 - (d) Proposed fill, grading, site contouring or other landform changes;
 - (e) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;
 - (f) Location and width of existing and proposed roads, driveways, and service corridors.

Staff: The applicant has submitted a site plan meeting the requirements of the section (Exhibit 1.3).

6.3 Criteria for Approval of SEC-h Permit -Wildlife Habitat

6.3.1 MCC 33.4570(A) In addition to the information required by MCC 33.4520 (A), an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass.

- (1) Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas;
For the purposes of this section, a *forested area* is defined as an area that has at least 75 percent crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A *non-forested "cleared"* area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.
- (2) Location of existing and proposed structures;
- (3) Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;
- (4) Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.

Applicant: *A 4-foot wire fence exists on three sides of the property. It is non-barbed and no*

electrical current system exists.

Staff: The submitted site plan (Exhibit 1.3) along with an aerial photo of the property and vicinity (Exhibit 2.3) meet these requirements.

- 6.3.2. MCC 33.4570(B)(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 area surrounding the existing home and proposed building is cleared.*

Staff: The proposed development is in a cleared area (Exhibit 2.3). This standard is met.

- 6.4.3 MCC 33.4570(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: *The placement of the proposed outbuilding will be at the end of the existing driveway. No additional access roads are required.*

Staff: The proposed development is within 200 feet of the road (Exhibit 1.3).

- 6.4.4 MCC 33.4570(B)(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.**

Applicant: *No alternation of existing roadways is required.*

Staff: The proposed access drive does not exceed 500 feet in length (Exhibit 1.3).

- 6.4.5 MCC 33.4570(B)(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: *No alternation of existing roadways is required.*

Staff: The adjacent properties to the north and south access a road on the opposite end (west side) of the properties (Exhibit 2.3). The properties across the road access the road within 200 feet. The existing driveway serving the property accesses the road within 100 feet of the property boundary meeting this standard.

- 6.4.6 MCC 33.4570(B)(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: Development complies with standards.

Staff: The proposed development is within 300 feet of the property boundary (Exhibit 1.3). This standard is met.

- 6.4.7 MCC 33.4570(B)(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: Pre-existing fencing in place. No changes proposed.

Staff: This standard is met.

- 6.4.8 MCC 33.4570(B)(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:**

Applicant: The listed nuisance plants will not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property. No change in vegetation is proposed.

Staff: The proposed development does not include planting of any nuisance plants. This standard can be met through conditions of approval.

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

- (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 has met the standards of Section (B), therefore a conservation plan is not required.

7. CONCLUSION

Staff: The applicant has demonstrated the criteria for the Significant Environmental Concern for Habitat are met or can be met through conditions of approval for the proposed development.

8. EXHIBITS

8.1. Exhibits Submitted by the Applicant:

- Exhibit 1.1: Application form submitted 2/3/05 (1 page);
- Exhibit 1.2: Applicant's narrative submitted 2/3/05 (6 pages);
- Exhibit 1.3: Site Plan submitted 5/10/05 (1 page) oversized copy labeled Exhibit 1.3o stored in the case file (24"x 36" page);
- Exhibit 1.4: Certificate of On-site Sewage Disposal submitted 2/3/05 (1 page);
- Exhibit 1.5: Storm Water Certificate signed by Robert C. Bowser PE submitted 2/3/05 (1 page);
- Exhibit 1.6: Letter dated January 11, 2005 from Robert C. Bowser PE addressing stormwater drainage with attachment titled Drainage Analysis and Calculations for: Neely Residence submitted 3/15/05 (12 pages);
- Exhibit 1.7: Elevation drawings and floor plans for the proposed bedroom and porch addition and for the accessory building submitted 2/3/05, 4/17/05 & 5/10/05 (6 pages).

8.2. Exhibits Provided by the County

- Exhibit 2.1: County Assessment Record for the subject property (1page);
- Exhibit 2.2: Current County Zoning Map with subject property labeled (1 page);
- Exhibit 2.3: 2002 Aerial Photo showing subject property (1 page);
- Exhibit 2.4: Accessory Structure Covenant to be filed with County Records by the Property Owners.