



## 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:** T2-05-021

**Permit:** Significant Environmental  
Concern Scenic Waterways &  
Exception to Forest Siting  
Standards

**Location:** 35719 SE Lusted Rd.  
Boring, Oregon 97009

**Applicant:** Christian Grebisz  
35719 SE Lusted Rd.  
Boring, Oregon 97009

**Owner:** Christian & Michele Grebisz  
(same address as above)

Vicinity Map (Current Config.)



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**Summary:** Proposal to construct 1,380 square foot two level addition to existing home.

**Decision:** Approved with Conditions.

Unless appealed, this decision is effective June 29, 2005 at 4:30 PM.

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Issued by:

By: \_\_\_\_\_  
Adam Barber, Planner

For: Karen Schilling- Planning Director

Date: June 15, 2005

Instrument Numbers for Recording Purposes: 2002168988

**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 Adam Barber, 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 June 29, 2005 at 4:30 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): **MCC 37.0560** - Code Compliance And Applications; **MCC 36.0005(L)(13) & 36.2075** – Lot of Record; **MCC 36.2000 – 36.2110** Commercial Forest Use; **MCC 36.4500 – 36.4560**, Significant Environmental Concern, **MCC 36.5510** Exempt Land Uses in Hillside Development Overlay Zone.

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 four 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. **The property owner shall record a copy of the Notice of Decision cover sheet and conditions of approval (pages 1-3) with the Multnomah County Recorder after the decision becomes final and prior to County plan signoff. This decision will become final June 29, 2005 at 4:30 pm if no appeal is filed. A copy of the recorded document shall be submitted to the Land Use Planning Office prior to zoning approval of the building permit (MCC 37.0670).**

- 2. The owner shall not store (i.e. stockpile) more than 10 cubic yards of excavated or disturbed earthen material on the property at any one time without an approved Hillside Development Permit (MCC 36.5510(B)(3)).**
- 3. A primary fire safety zone up to 30-feet wide (where room exists between the structure and all property lines) shall be installed around the new home. A 100-foot secondary fire safety zone shall surround the primary zone where room exists between the furthest extent of the primary fire safety zone and all property lines. Installation of the fire safety zones shall occur prior to construction and in accordance with MCC 36.2105(A)(5)(c). All fire safety zones shall be continuously maintained in accordance with MCC 36.2105(A)(5)(c). A rough map showing fire break locations is presented as Exhibit A3 for orientation.**

**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 are in **bold** font. Staff comments and analysis are identified as **Staff:** and follow Applicant comments identified as *Applicant:* to the applicable criteria.

## **1.0 Project Description**

*Applicant:* “The Grebisz’s are planning to remodel their current residence which was lawfully built in 1964. The current residence is 2,528 square feet on two levels. The update will be adding 690 additional square feet to the main level and 374 additional square feet of ground coverage. The new second level will consist of 2 additional bedrooms and a bathroom equaling 690 square feet. The variance in square footage and ground coverage on the main level results from much of the expansion will occur on existing developed land within the covered carport and surrounding covered concrete walkways. As part of this project the entire house will be updated. The current structure has not received any significant upgrades since the original construction. The Grebisz’s intend on expanding the structure to meet the needs of their family of 4 and to update all elements to meet current building standards. The primary objectives of this project are as follows:

- Expand the house to meet the needs of the family.
- Improve the operating efficiency of the current structure with a goal of reducing energy consumption by 25%.
- Update all infrastructure elements to current code standards including electrical, plumbing, insulation and HVAC.
- Utilize ecologically smart materials and building methods.

*The current structure is shaped like a cross as illustrated in the as built drawings and topographic survey included. The topographic survey demonstrates the position of the residence on the plat. The current residence is oriented west to east. The western side is the front entry of the residence. The west side of the current residence is the location of all ground disturbance and expansion.*

*The eastern side of the residence is the “river side”. Exterior updates will be made to this side of the house making it more aesthetically consistent with current State park service and SEC expectations. The north and south sides of the residence will not expand. In the course of designing the new residence we specifically guided designs around land use considerations and limiting the visual impact on the scenic area. The current residence is located on very level ground reducing the need for any significant excavation and eliminating the need for any fill. There is a deck that measures 12’ x 13’ which is constructed above a concrete patio along the section of house where the sliding glass doors are located. This area is being considered developed land and is contemplated in our calculations for current ground coverage. No indigenous plant life will be removed, all expansion will either occur on current impervious surfaces or existing landscaped yard.”*

**Staff:** The applicant has provided a detailed description of the proposal in the statement above. In summary, the applicant proposes a significant residential remodel to both floors of the existing dwelling, resulting in a change to the external form and footprint of the existing home. Although the structural changes include adding 1,380 square feet of habitable space to the dwelling, only 374 square feet of new ground coverage will be required as a portion of the construction will occur on the second floor and a portion in areas occupied today by concrete patios and walkways surrounding the existing home. The applicant also proposes minor improvements to the existing

access road to provide better fire truck access to the site. These improvements will be discussed in more detail later in this decision.

## **2.0 Vicinity Description**

**Staff:** The 3.19 acre rectangular subject property is located off SE Lusted Road roughly one mile south of Oxbow Park – a park adjacent to the Sandy River. The subject property is located upriver of Oxbow Park and also borders the river. The existing home site sits roughly 60 feet above the river set back slightly from a bluff edge.

The eastern and western portions of the site contain steep slopes with the home site forming a near level bench at the edge of the bluff near the eastern quarter of the site (Exhibit A1). The property is accessed by a 10-foot wide private easement driveway approximately  $\frac{3}{4}$  of a mile long that passes through neighboring properties before terminating at the subject property.

The property is zoned Commercial Forest Use (CFU) in the West of the Sandy River Rural Area Plan, and is fully within a Significant Environmental Concern-scenic waterway zoning overlays. This decision will evaluate the proposal against approval standards contained within these code sections. A SEC-water resource zone and a Hillside Development zone partially covers the property. Staff has determined a SEC-water resource review is not required as less than 400 square feet of new ground coverage will be required for the proposed addition (Multnomah County Code, **MCC 36.4525(A)(2)**), and that a Hillside Development Permit is not required as the general exemptions listed in **MCC 36.5510(B)** will be met.

Properties in the area along the bluff above the left<sup>1</sup> bank of the Sandy River are also zoned Commercial Forest Use and tend to be heavily forested. Further to the west, the predominant land use is open rolling farmlands zoned Exclusive Farm use and Multiple Use Agriculture-20.

## **3.0 Public Comment (MCC 37.0530(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 subject property on April 18<sup>th</sup>, 2005. Only one comment was received on April 22<sup>nd</sup>, 2005 from Alison

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<sup>1</sup> Left bank refers to the left side of the river as viewed when traveling downstream. Since the river meanders, one cardinal direction for the left bank could not be provided.

Winter, Multnomah County Transportation Planning Specialist. Mrs. Winter states that County Transportation does not have any issues with this proposal. A copy of Mrs. Winter's comment is presented as Exhibit A2. Considering the response from Mrs. Winter, no issues were raised that required further evaluation.

#### **4.0 Initiation of Action (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. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.**

**Staff:** Records submitted by the applicant indicate both Christian and Michele Grebisz are owners of the subject property. Mr. Grebisz has signed the general application form contained in the case file which is adequate authorization for Multnomah County to process this request.

#### **5.0 Code Compliance (MCC 37.0560)**

**The County shall not make a land use decision, or issue a building permit approving development, including land divisions and property line adjustments, 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.**

**Staff:** The subject property is not associated with any known violations of Multnomah County Code. According to deed records, the subject property was created on June 10<sup>th</sup> of 1964 (Book 60, Page 116). At this time, the zoning regulations required that all properties be at least 2.0 acres in size. The 3.19 acre subject property met this requirement and therefore is considered a legally created parcel, otherwise referred to as a Lot of Record by Multnomah County Code.

#### **6.0 Commercial Forest Use Standards**

##### **6.1 Alteration, maintenance, or expansion of an existing lawfully established habitable dwelling is allowed subject to the following standards (MCC 36.2020(D)):**

**(1) The dimensional requirements of MCC 36.2060 are satisfied; and**

**(2) The development standards of MCC 36.2105(A)(5)(c) and (B) are satisfied to the extent possible within the area of an approved yard if the expansion exceeds 400 square feet of ground coverage.**

*Applicant: "The project and associated expansion of ground coverage is less than 400 square feet and therefore is considered an allowable use. This project is considered an allowed use based on 36.2020 (D). The proposed project is an alteration of an existing lawfully established dwelling and meets the requirements set forward in 36.2020 (D)(1) and 36.2020 (D)(2)."*

**Staff:** Multnomah County Code defines a habitable dwelling as an existing dwelling that has intact walls and roof structure, indoor plumbing, interior wiring and a heating system (**MCC 36.0005(H)(1)(a)-(d)**). The applicant has submitted photos of the interior and exterior of the home demonstrating that it is in fact a habitable structure. The dwelling was also legally constructed as demonstrated by a copy of a 1964 building permit contained in the permanent

record. Considering this evidence, staff finds the proposal to alter the lawfully established habitable dwelling is eligible for review against the dimensional requirements of **MCC 36.2060** and the development standards of **MCC 36.2105(A)(5)(c)** and **(B)**, as allowed by **Multnomah County Code 36.2020(D)**. These standards are addressed individually in the following sections.

**6.2 Minimum Forest Practices Setback Dimensions from Tract Boundary – Feet (see table below). Maximum Structure Height - 35 feet (MCC 36.2060(C)).**

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

**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 36.2110, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 36.2105 (A) (5) (c) 2.**

*Applicant: “The lot does not meet the specified setbacks. The lot and current dwelling meets the exceptions specified in MCC 36.2110 (B) (5) as the expansion will occur on an existing dwelling and will involve less than 400 sf of ground expansion. Additionally, as specified no combustible fences exist or will be erected (36.2110(B)(3). A second level will be added, however this addition is consistent with the Start Park Service regulations for height and is less than 30’ from the natural grade. The highest point of the structure is 29’ 10 ½” from the natural grade. In order to ensure no further encroachment of the current setbacks on either the north or south end of the structure, we have reduced the overhangs of the proposed structure. The furthest point of the current structure is consistent with the furthest points of the proposed structure as evidenced in the proposed and as built site plans as submitted.”*

**Staff:** The existing dwelling does not meet the rear or side forest practice setbacks as seen on the site plan presented as Exhibit A3. The proposed addition can not meet these setbacks due to the existing home’s proximity to the rear and side property lines. More specifically, the existing home is only 15.7-feet from the south (side) property line and 38.1-feet from the east (rear) line. The proposed addition will not extend closer to either of these two property lines. The existing structure is 77.6-feet from the north (side) property line and the addition will ultimately extend to within roughly 65-feet of the north (side) property line. The applicant has applied for an exception to these setbacks which will be evaluated later in this decision. Review of the elevations submitted demonstrates the dwelling will be less than 35-feet tall, as required by this standard (Exhibit A4).

**6.3 Maintenance of a primary and a secondary fire safety zone on the subject tract (MCC 36.2105(A)(5)(c));**

**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 required around all dwellings and other structures except for other structures located within a public park. The secondary fire break extends 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 36.2060 (F) and 36.2110.**

*Applicant: "In order to ensure no further encroachment of the current setbacks on either the north or south end of the structure, we have reduced the overhangs of the proposed structure. The furthest point of the current structure is consistent with the furthest points of the proposed structure as evidenced in the proposed and as built site plans as submitted."*

**Staff:** Since the area of proposed ground disturbance slopes less than 10%, a 30-foot primary fire safety zone applies in this case around the new home. Where a setback to a property line less than 30-feet currently exists, the applicant has not proposed further encroachment with the new addition. The proposed addition will only project to the north and west of the existing home where a 30-foot primary fire safety zone can be maintained. There is only room for a portion of the secondary fire safety zone to the east, north and west. As stated by **MCC 36.2060(C)**, *"forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright."* In essence, the proposal has not further impeded the ability for the applicant to maintain a 30-foot primary fire safety zone around the structure than exists today. Staff finds the applicant has met this standard to the best of his ability. A condition of this approval is that the necessary fire breaks be installed and maintained as directed by **MCC 36.2105(A)(5)(c)**.

- 6.4 The dwelling or structure shall: Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes (MCC 36.2105(B)(1));**

**Staff:** The existing dwelling is not a mobile home. This standard does not apply.

- 6.5 Have a fire retardant roof (MCC 36.2105(B)(3)); and**

*Applicant: "Roof = Metal, low matte dark green finish"*

**Staff:** The applicant is proposing a metal roof which is fire retardant.

- 6.6 Have a spark arrester on each chimney (MCC 36.2105(B)(4)).**



*Applicant: "The current chimney has a spark arrester and the new/updated chimney will have a spark arrester."*

**Staff:** The applicant has verified the new chimney will have a spark arrester.

- 6.7** 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 (MCC 36.2105(C)).

*Applicant: "The water comes directly out of a spring. We trap it directly from the outflow and pass it through the 4" pipe to a 50 gallon barrel."*

**Staff:** Mike McCord, Oregon's District 20 Water Master, has verified the property has a legal water source (Exhibit A8). This standard is met.

- 6.8** 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 the standards of MCC 36.2105(D)(1)-(7):

**Staff:** The 10-foot wide existing access road will be widened to 12-feet to satisfy fire district access requirements as verified by Mike Kelly, Gresham Fire and Emergency Services. More gravel will be added to the existing road shoulder in the widening and no excavation will be required prior to gravel placement, according to the applicant. Staff finds any required access issues will be met as Gresham Fire and Emergency Services has signed off this proposal. A copy of the fire signoff form is contained in the permanent case file.

## **7.0 Exceptions to Secondary Fire Safety Zones and Forest Practices Setbacks**

- 7.1** The secondary fire safety zone and forest practices tract setbacks for dwellings and structures may be reduced pursuant to the provisions of 36.2110 (B) when: The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less (MCC 36.2110(A)(1)).

*Applicant: "Setbacks maybe reduced for our structure based on (1), our average lot width is less than 330 feet. This is illustrated in the recorded plat map."*

**Staff:** The applicant is requesting an exception to the secondary fire safety zone setbacks. The subject property's average width is 185.35 feet which meets this standard and allows the exception to be evaluated.

- 7.2** Exceptions to secondary fire safety zones and forest practices setbacks shall only be granted upon satisfaction of the following standards: If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended (MCC 36.2110(B)(2)), and

*Applicant: "The new structure will be constructed in accordance with the International Fire Code Institute Urban Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction. It is expected that 'old' structure will be brought to these standards ensuring consistent fire suppression and prevention."*

**Staff:** The proposed secondary fire safety zone will be less than 50-feet in width and the applicant has verified the proposed structural improvements will comply with International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction regulations. This standard is met.

**7.3 There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure (MCC 36.2110(B)(3)); and**

*Applicant: "There will be no combustible fences erected."*

**Staff:** The applicant has indicated no combustible fences will be erected within 12-feet of the dwelling's exterior. No other structure exists on the property. This standard is met.

**7.4 A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of MCC 36.2110 (B) (1) are utilized (MCC 36.2110(B)(4)), or a dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of MCC 36.2110 (B) (2) are utilized. Exception: Expansions of existing single family dwellings as allowed by MCC 36.2020 (D) shall not be required to meet this standard, but shall satisfy the standard of MCC 36.2110 (B) (3) (MCC 36.2110(B)(5)).**

*Applicant: "A sprinkler system is not required based on the exception that this is an existing single family dwelling as allowed by MCC 36.2020(D) and meets the standard of MCC 36.2110(B)(3)."*

**Staff:** This standard does not apply as the proposal involves expansion of an existing single family dwelling (please note exemption referenced in **MCC 36.2110(B)(5)** above. The standard of **MCC 36.2110(B)(3)** will be met as discussed in the previous finding. This standard is met.

**7.5 All accessory structures within the fire safety zone setbacks required by MCC 36.2105, and all accessory structures within 50 feet of a dwelling, shall have a central monitored alarm system (MCC 36.2110(B)(6)).**

*Applicant: "No accessory structure will be constructed or exist."*

**Staff:** There are no accessory structures on the subject property and none are proposed. This standard does not apply.

**7.6 All accessory structures within 50 feet of a building shall have a central monitored alarm system and have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction or constructed with noncombustible materials on the exterior side (MCC 36.2110(B)(3)(a)&(b));**

*Applicant: "No accessory structure will be constructed or exist."*

**Staff:** There are no accessory structures on the subject property and none are proposed. This standard does not apply.

## **8.0 Significant Environmental Concern Application Requirements**

**8.1 All applications for SEC permits shall include the information listed in this section in sufficient detail for County staff to evaluate the impacts of the proposal. The applicant is responsible for providing all of the required information. In addition to the information listed in this section, the application shall contain the supplemental information that is listed for the resource area in which the development is proposed (MCC 36.4540(A)).**

**(1) A written description of the proposed development and how it complies with the requirements applicable to the resource area in which development is proposed as listed in SECsw, SECwr, SECh.**

**(2) A map of the property drawn to scale 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) Location of natural drainageways, springs, seeps, and wetlands on the site. The Planning Director may require the applicant to provide the location of the SEC-wr boundary, topography, or the location of development as determined by a registered professional surveyor or engineer;**

**(e) Proposed fill, grading, site contouring or other landform changes;**

**(f) 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;**

**(g) Location and width of existing and proposed roads, driveways, parking and maneuvering areas, and service corridors and utilities.**

**(3) A scaled drawing of the building design and elevations that show the relationship between the building and existing and finished grades and existing or proposed vegetation.**

**(4) Application for a flood hazard permit, erosion control permit, and/or other required natural hazards permit for the proposed development;**

**Staff:** The applicant has provided a narrative description of the project meeting this standard. Narrative responses to approval standards are presented as Exhibit A5. Copies of all development plans meeting the requirement above are presented as Exhibits A3 and A4.

**8.2 SEC-Scenic Waterway: In addition to the information in 36.4540(A), an application in the SEC-sw overlay area shall include a letter from the Oregon Parks and Recreation Department which indicates that the proposed development as shown on the site map and**

scaled drawing required in (A)(2) and (3) above has been reviewed and is, or can be, consistent with the provisions of the Oregon Scenic Waterways Management Plan. For areas within the SEC-sw overlay, the building design shall also include a description of the exterior materials and proposed exterior colors including roofing (MCC 36.4540(B(1))).

**Staff:** A copy of a letter from the Oregon Parks and Recreation Department is presented as Exhibit A6. The applicant has described the proposed exterior building materials in the narrative presented as Exhibit A5. These details will be discussed in detail within the SEC-scenic waterway analysis below.

- 8.3 The SEC-sw designation shall apply to those wild and scenic waterways that are designated SEC on Multnomah County sectional zoning maps. An application shall not be approved unless it contains the information in 36.4540(A) and (B). Any proposed activity or use requiring an SEC-sw permit shall be subject to the following: Submittal of a letter from the Oregon Parks and Recreation Department which indicates that the proposed development has been reviewed and is, or can be, consistent with the provisions of the Oregon Scenic Waterways Management Plan (MCC 36.4545(A)).**

*Applicant: "The application and acceptance letter from OPRD has been submitted."*

**Staff:** The letter submitted by the applicant from the Oregon Parks and Recreation Department states "According to the information provided, your proposal complies with these scenic waterway regulations." A copy of this letter submitted by Jan Houck, Program Coordinator is presented as Exhibit A6. Staff finds this standard is met.

- 8.4 The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area (MCC 36.4545(B)).**

*Applicant: "No area between the current structure and the river and other native vegetation will be affected by the remodel project."*

**Staff:** The majority of the remodel/addition will occur along the north and west walls of the home on the opposite side as the river. The only new portion of the project that may be visible from the river will be the second story addition. Currently, the area between the home and river is dominated by Doug firs helping to screen the home. Removal of the Doug fir screening is not proposed. Staff finds this standard is met.

- 8.5 Agricultural land and forest land shall be preserved and maintained for farm and forest use (MCC 36.4545(C)).**

*Applicant: "All forest land will be preserved, no agricultural land exists."*

**Staff:** Although the subject site and surrounding properties are zoned commercial forest use, these properties appear to be used as residential properties today and do not appear to be part of an active commercial timber harvest operation according to recent aerial photos. No farms are located in the immediate vicinity of the project. In fact, the subject property is not in special tax deferral related to forest practices and is assessed as residential land.

The proposal to expand the dwelling will not require the removal of even one tree and will not measurably change the amount of the 3.19 acre property that could be used for either agricultural or timber production in the future. Since the use of the structure as a single family dwelling is not changing, Staff does not believe the number or types of trips to and from the property will noticeably change as a result of approval and therefore residual traffic will not create problems for local farm and forest operations. Staff finds the proposal will not impact any future agricultural and forest operations in the area and that this standard is met.

**8.6 A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance (MCC 36.4545(D)).**

*Applicant: "The remodel will occur on the current lawfully established residence. All updates and structural changes are being made in consideration of preserving and improving the aesthetic balance between the structure and the SEC area."*

**Staff:** A residential remodel/addition must occur within and immediately adjacent to the existing structure by definition and can not be reasonably 'located' in any other portion of the property. The applicant has proposed construction on the opposite side of the home than faces the river to move development as far from the Sandy River as possible. The Sandy River is a documented area of environmental significance. The proposal also will be occurring on the flattest ground around the dwelling which will minimize the potential of erosive scour that may threaten this resource. The addition has also been located the addition such that all existing trees will be spared and has incorporated a second story addition to minimize the amount of ground that must be disturbed. Staff finds the applicant has proposed a design that properly balances needs to expand the home against doing this in a way that has the least disruption to the local natural environment.

**8.7 The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion (MCC 36.4545(E)).**

*Applicant: "No natural vegetation will be affected by this project."*

**Staff:** Although the Sandy River is located over 100 feet to the east of the construction site, vegetation along the River will not be impacted as the development site sits on a bluff overlooking the river. As explained in the previous finding, no trees will be removed. The only vegetation that will be impacted by construction includes grasses and three rhododendrons which will be transplanted to new locations around the addition after construction. Existing filtering grasses down slope (east) of the home will not be disturbed and therefore will remain to help slow water runoff velocity and settle fugitive sediment associated with water quality impacts. The applicant has also submitted a Grading and Erosion Control permit to address erosion issues which have been evaluated using the designation case number T1-05-007. Staff finds this standard is met.

**8.8 Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry (MCC 36.4545(F)).**

*Applicant: "No archeological areas exist."*

**Staff:** Staff is not aware of any significant archaeological areas on the subject property.

**8.9 Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities (MCC 36.4545(G)).**

*Applicant: "Best management practices will be used to for all potential erosion. All areas where soil is disturbed is flat and located the maximum distance from the river side of the current residence."*

**Staff:** The applicant has submitted a Grading and Erosion Control permit to address erosion issues which have been evaluated using the designation case number T1-05-007. Within this application, the applicant proposes Best Management Practices (BMP's) such as the use of sediment fencing, the preservation of a grassy buffer strip, hauling off excess excavated soil to minimize the amount of disturbed soil on-site and the submittal of a landscape preservation plan. The applicant also proposes replacing 685 square feet of existing pervious asphalt driveway to the immediate west of the home with pervious paverstone to minimize sheet flow runoff coming off the driveway towards the new addition. Minimizing the volume and velocity of runoff water, as proposed, is the most effective way to minimize the risk of erosion. Staff finds the BMP's proposed meet this standard.

**8.10 The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern (MCC 36.4545(H)).**

*Applicant: "The exterior materials will be consistent with State Park service regulations and will include the use of natural wood, stone, and low matte finish. Specifically:*

- *Siding = natural cedar, column and base trim will be stone*
- *Roof = Metal, low matte dark green finish*
- *Windows = Double pane wood clad fiberglass*
- *Trim = Painted in a natural tone*
- *Walkways = stamped and stained concrete*
- *Driveway = permeable paverstone*
- *Chimney = Brick "Current"*
- *Deck = Stained cedar "current/no change"*
- *Patio = Concrete "current/no change"*

*As identified in the OPRD application, materials, colors and lighting is being designed to reduce the visual impact on the scenic area. All exterior lighting will be opaque downward facing exterior lighting to reduce light pollution. Exterior lighting is illustrated below. We do not expect any exterior lighting on the second floor addition. Most lighting will can lighting located in the eaves."*

**Staff:** The applicant has listed the construction materials proposed in the narrative above. The area zoned significant environmental concern around the home site can be described as a semi-open wooded bluff. The predominant vegetation surrounding the home consists of mature Douglas fir trees with spacing sufficient to allow proper light and air to pass through the canopy. Because the trees are mature an opening below the branches is seen roughly 20-feet off the ground. Ground cover surrounding the home consists of residential lawn and landscaping.

The applicant has proposed adding the first floor addition to the west of the home so it will not be visible from the river. This design also minimized the bulk of the second story proposed as seen in Exhibit A4. The applicant has proposed the use of cedar siding and rock base trim to help mimic the wooded nature of the site. The roof will be a dark green color to help blend in with the dark green fir canopy. The applicant has also proposed the use of fifteen external wall mounted lights that primarily direct light downward as the shade is composed of metal framing and a semi-transparent amber colored material that when turned on will resembles a cross between stained glass and the illumination typical through the walls of a wax candle. A lighting detail and location schematic is presented as Exhibit A7. The Douglas fir trees that help screen the development as viewed from the river will be retained to continue to help screen the development.

Considering all the proposed changes, staff finds construction will not be highly visible, will look natural and will blend into the look of the significant environmental concern area surrounding the home. This standard is met.

**8.11 An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible (MCC 36.4545(I)).**

*Applicant: "No natural vegetation will be affected by this project."*

**Staff:** The only vegetative habitat that will be damaged is residential lawn. Lawn is not fragile, endangered or in need of special protection.

## **Conclusion**

Based upon the findings contained herein, the applicant has carried the burden necessary to demonstrate that, with conditions, the applicable criteria for a replacement dwelling have been met.

## **Exhibits**

A1	1 p.	Topographic Map
A2	1 p.	Comments from Alison Winter, Multnomah County Transportation Planning Specialist
A3	3 p.	Development Plans
A4	2 p.	Structural Elevations and Floor Plans
A5	15 p.	Applicant's Narrative
A6	1 p.	Letter from Oregon Department of Parks and Recreation
A7	1 p.	Lighting Detail
A8	1 p.	Memo from Mike McCord – Oregon's District 20 Water Master