

**MULTNOMAH COUNTY****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

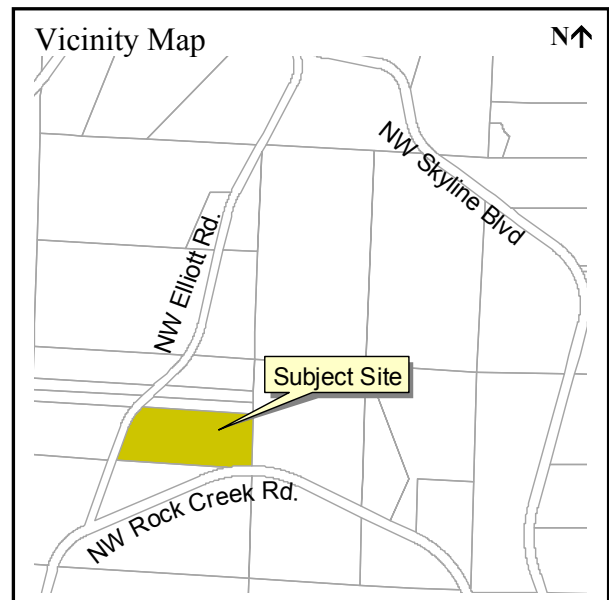
This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

Case File: T2-05-029

Permit: Modification to a Significant
Environmental Concern Permit for
Wildlife Habitat

Location: 16330 NW Elliott Road
TL 1300, Sec 23D, T2N, R2W, W.M.
Tax Account #R97223-0180

Owner: Christopher Ancien
23925 SW Davis Road
Hillsboro, OR 97123



Summary: A request to modify a previous Significant Environmental Concern Permit for Wildlife Habitat to add a 15 by 15-foot addition to the garage. The modification is a limited review.

Decision: Approved with conditions.

Unless appealed, this decision is effective Wednesday, May 25, 2005, at 4:30 PM.

Issued by:

By: _____
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Wednesday, May 11, 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 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, May 25, 2005 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): 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. The applicant/owner shall remove and clear and maintain the development area free of the nuisance plants listed under MCC 33.4570(B)(7).**

NOTE:

Once this decision becomes final, applications for building permits may be made with the City of Portland. **When ready to have building permits signed off, call the Staff Planner, Don Kienholz, at (503)-988-3043 to schedule an appointment.** Multnomah County must review and sign off building permit applications before they are submitted to the City of Portland. Six (6) sets each of the site plan and building plans are required at the building permit sign-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: Written findings are contained herein. The Multnomah County Code criteria and Comprehensive Plan Policies are in **bold** font. Staff comments and analysis are identified as **Staff:** and follow Applicant comments identified as **Applicant:** to the applicable criteria. Staff comments include a conclusionary statement in *italic*.

1. **Project Description**

Staff: The applicant is requesting to modify a previously issued Significant Environmental Concern permit (T2-03-014) by adding a 15x15 foot pump room to the rear of the garage.

2. **Public Comment**

MCC 37.0530(B) Type II Decisions

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

Staff: An opportunity to comment was mailed to property owners within 750-feet of the property lines on April 18, 2005. No comments were received regarding the application.

Procedures met.

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: Assessment and Taxation shows Richard and Gisela Jones as the owners of the subject property. A note authorizing Christopher Ancien to apply for the SEC permit dated February 22, 2003 has been submitted to the case file. Christopher Ancien has signed the application form in the case file to authorize the processing of the permit.

Criterion met.

4. **The Proposed Development Meets The SEC-h Standards**

MCC 33.4570 Criteria for Approval of SEC-h Permit -Wildlife Habitat

(B) Development standards:

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

Applicant: Fire Marshal approval provided with previous case file T2-03-014.

Staff: The addition is proposed to be located off the rear of the garage. The area is already cleared and being used for residential purposes.

Criterion met.

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

Applicant: Development is within 200 feet of public road (see site plan)

Staff: As shown on the site plan (Exhibit A), the development is roughly 105-feet from the public right-of-way.

Criterion met.

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

Applicant: The driveway is less than 500 feet. (See site plan)

Staff: The existing driveway will not be extended as part of this proposal.

Criterion met.

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

Applicant: Access road/driveway is within 100 feet of property boundary (see site plan)

Staff: The access road is 90-feet from the north property line as measured on the submitted site plan.

Criterion met

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

Applicant: Development is within 300-feet of property (see site plan).

Staff: The proposed dwelling is 105-feet from the property line as measured on the site plan.

Criterion met.

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

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

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

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

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

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

Applicant: There will be no fencing.

Staff: no fencing is proposed as part of this application.

Criterion met.

Conclusion

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

Exhibits

A. Site Plan