



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.

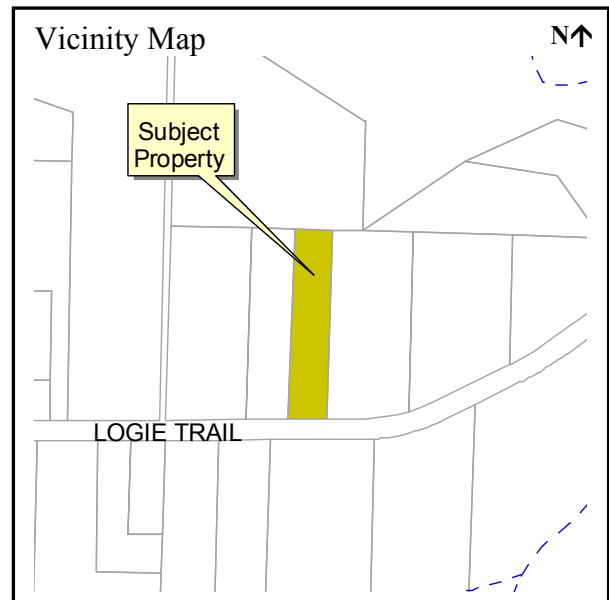
Case File: T2-05-047

Permit: Significant Environmental Concern
for View for an Addition to Existing
Dwelling

Location: 18811 NW Logie Trail Road
Tax Lot 500, Section 13A,
Township 2 North, Range 2 West, W.M.

Applicant: Marquette Mitchell
21560 NW Gilkison Road
Scappose, OR 97056.

Owner: Damon Geminiani
18811 NW Logie Trail Road
Portland, OR 97231



Summary: Request to build a 368 square foot addition and a 72 square foot porch attached to the existing dwelling. The property is located within the Rural Residential Zone District and the Significant Environmental Concern for Habitat (SEC-h) and View (SEC-v) Overlay District.

Decision: Approved with Conditions

Unless appealed, this decision is effective August 19, 2005, 4:30 PM.

Issued by:

By: _____
George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: Friday, August 5, 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 Friday, August 19, 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.

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: *The proposed development will be one story, 16' X 23' addition with an attached 6' X 12' covered porch.*

Staff: The applicant is requesting an SEC-v and SEC-h Permit for a 368 square foot addition and a 72 square foot porch to a dwelling established in 1943 (Exhibits 2.1).

2. SITE AND VICINITY CHARACTERISTICS

Staff: The subject property is 1.48 acres located within the Rural Residential Zone district and the Significant Environmental Concern for Habitat and Views Overlay District (Exhibit 2.2). The property is accessed from Logie Trail Road about a half mile from its junction with Highway 30 (St. Helens Road). The property is north of the Logie Trail road. The front portion of the property, where the dwelling and a detached garage are located, is a relatively flat cleared area (Exhibit 2.3 and 2.4). The north half of the property is heavily wooded and drops off with a relatively steep slope exceeding 25 percent. The area around the dwelling is cleared and relatively flat. The surrounding area is a pocket of Rural Residential zoned properties which are similar in size or about twice as large mostly developed for residential use.

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 Damon Geminiani and Cody Waldt (Exhibit 2.1). Damon Geminiani signed the application as the owner (Exhibit 1.1).

4. TYPE II CASE PROCEDURES

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 June 24, 2005. No comments were received regarding the application.

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;

Staff: The proposal is an addition to an existing dwelling established 1943 (Exhibit 2.1).

6. SIGNIFICANT ENVIRONMENTAL CONCERN REVIEW

6.1. SEC 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.

MCC 33.4515An SEC permit shall not be required for the following:

*** * ***

(H) Uses legally existing on November 17, 1994; provided, however, that any change, expansion, or alteration of such use (except for changes to a structure which 1) for the SEC, SEC-w, and SEC-v overlays do not require any modification to the exterior of the structure, and 2) for the SEC-h and SEC-s overlays require the addition of less than 400 square feet of ground coverage to the structure) shall require an SEC permit as provided herein;

Finding: The proposed development is within the Significant Environmental Concern for View and Significant Environmental Concern for Habitat Overlay Zone Districts. The proposed addition including 368 square foot enclosed area and a 72 square foot porch is greater than 400 square feet thus the SEC-h permitting requirements apply. An SEC-v Permit is also required for the proposed development.

6.2. Application for SEC Permit

An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for approval, under MCC 33.4560 through 33.4575.

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 33.4560 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.**

Finding: The required information was submitted (Exhibit 1.23 and 1.4).

6.3. Criteria for Approval of SEC-v Permit -Significant Scenic Views

MCC 33.4565(B) In addition to the information required by MCC 33.4520, an application for development in an area designated SEC-v shall include:

6.3.1. MCC 33.4565(B) (1) Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure;

Applicant: *The proposed development will be a one story, 16' by 23' addition with covered porch 6' by 12 covered porch the same color (white) as the existing structure. The porch light will be moved from the front of the house to the side with the porch. The proposed addition will have a wood exterior.*

Staff: The applicant has submitted the required information (Exhibits 1.2 and 1.5).

MCC 33.4565(B) (2) Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades;

Applicant: *The proposed addition will be level with existing structure and the roof line will not exceed the existing structure.*

Staff: The applicant has submitted the required information (Exhibit 1.5).

MCC 33.4565(B) (3) A list of identified viewing areas from which the proposed use would be visible;

Applicant: *The attached pictures from the Identified Viewing Areas of Bybe Howell*

House; Sauvie's Island Wildlife Refuge; The Multnomah Channel; Public roads on Sauvie's Island and Highway 30 show that the existing structure is not visible. Since the additions will be on the West side of the current structure (away from the identified viewing areas); The addition also will not be seen

Staff: Due to topography to the northeast and southeast, the development can not be seen from those directions (Exhibit 2.4). The dwelling may be topographically visible from viewing areas due east and east-northeast if the trees on the neighboring properties were removed. However, the proposed addition is located on the far side of the house from the viewing areas (Exhibit 1.3). The existing house will block any possible view of the proposed addition from the directions that are not topographically screened. There are no viewing areas from which proposed use would be visible. This information has been provided.

MCC 33.4565(B) (4) A written description and drawings demonstrating how the proposed development will be visually subordinate as required by (C) below, including information on the type, height and location of any vegetation or other materials which will be used to screen the development from the view of identified viewing areas.

Applicant: *Since the additions will be on the West side of the current structure (away from the identified viewing areas), the addition will not be seen.*

Staff: Due to topography to the northeast and southeast, the development can not be seen from those directions (Exhibit 2.4). The dwelling may be topographically visible from viewing areas due east and east-northeast if the trees on the neighboring properties were removed. However, the proposed addition is located on the far side of the house from the viewing areas (Exhibit 1.3). The existing house will block any possible view of the proposed addition from the directions that are not topographically screened. There are no viewing areas from which proposed use would be visible. This information has been provided.

- 6.4 (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:**
- (1) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.**
 - (2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors.**
 - (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.**
 - (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.**
 - (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.

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

(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, except:

(a) New communications facilities (transmission lines, antennae, dishes, etc.), may protrude above a skyline visible from an identified viewing area upon demonstration that:

1. The new facility could not be located in an existing transmission corridor or built upon an existing facility;
2. The facility is necessary for public service; and
3. The break in the skyline is the minimum necessary to provide the service.

Staff: The proposed addition will not be visible from a viewing area. In good faith to reduce any potential impacts of the existing outdoor lighting the applicant states that the existing light will be moved from the front of the house to the side with the porch. This will shield the light from designated viewing areas because it will be behind the house. These standards are met because the addition is not visible from any viewing area.

6.2. SEC-h Development standards

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;
- (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: *The attached Multnomah County Land Use Planning Division aerial photo (Exhibit 4) shows a forested area behind the existing structure to the North of N. W. Logie Trail and the non-forested area around the residential structures on both sides of N. W. Logie Trail. The existing structures are located near either side of the tax lot. The house sits 13' from the property line to the East and the garage is located 14' from the West property line.*

N. W. Logie Trail is located South of the existing house a distance of 101 feet and is 22 feet wide. -The subject 's existing driveway connects to N. W>Logie Trail at the Southwest corner of the parcel and is 18 feet wide.

-The adjacent parcel to the West of the subject has a 14 foot wide driveway that is next to the subject 's driveway.
-The parcel across from the subject has an approximate 20 foot wide driveway that is directly across from the subject 's driveway
-The service corridor is along N. W. Logie Trail

Staff: The required information has been submitted.

6.2.1 MCC 33.2105(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 proposed addition will be to the West of the existing structure in an area that only has a lawn.*

Staff: The proposed addition is in an area that has been cleared (Exhibit 1.4 and 2.3). This standard is met.

6.2.2. MCC 33.2105(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 proposed additions will be within 125 feet of N. W. Logie Trail.*

Staff: The proposed addition will occur within 200 feet of Logie Trail Road a public road. The standard is met.

6.2.3. MCC 33.2105(B) (3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

Applicant: *The existing driveway entrance from N. W. Logie Trail to the existing structure is 150 feet.*

Staff: No extension to the existing driveway is planned. The existing driveway is less than 500 feet in length. This standard is met.

6.2.4. MCC 33.2105(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: *The existing driveway is adjacent to the Southwest corner of the property.*

Staff: The adjacent property to the west has a driveway that is about 10 feet from the property boundary (Exhibit 1.4 and 2.3). The existing driveway for the subject property will continue to be used. It is located within 100 feet of the property boundary. This standard is met.

6.2.5. MCC 33.2105(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: *The existing structure to which the addition will be attached is 13 feet from the East property line and 101 feet from the South property line.*

Staff: The adjacent property is within 200 feet of the property boundary (Exhibit 1.4 and 2.3). The proposed development will be within 300 feet of the property boundary (Exhibit 1.3). This standard is met.

6.2.6. MCC 33.2105(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.**

Applicant: No fencing exists and none will be added.

Staff: No fences are proposed as part of this application. This standard is met.

6.2.7. MCC 33.2105(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: Plants list Under MCC 33.4570(B)(7).

Staff: A condition of approval will require continual removal of the listed nuisance plants. This standard is met through a condition.

7. CONCLUSION

Staff: The applicant has demonstrated the criteria for the Significant Environmental Concern for View and 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 5/12/05 (1 page);
- Exhibit 1.2: Applicant's narrative submitted 5/12/05 (4 pages);
- Exhibit 1.3: Site Plan submitted 5/12/05 (1 page);
- Exhibit 1.4: Aerial photo of the front of the property submitted 5/12/05 (1 page);
- Exhibit 1.5: Elevation drawing and floor plan submitted 5/12/05 (2 pages);
- Exhibit 1.6: Copy of a survey showing the subject property filed May 6, 1965 submitted 5/12/05 (1 page).
- Exhibit 1.7: Certificate of On-site Sewage Disposal submitted 5/12/05 (1 page);
- Exhibit 1.8: Fire District Access Review submitted 5/12/05 (4 pages);
- Exhibit 1.9: Fire District Review Fire Flow Requirements submitted 5/12/05 (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: 2002 Aerial Photo showing topography of the vicinity (1 page);
- Exhibit 2.5: 1962 County Zoning Map showing subject property (1 page).