

**MULTNOMAH COUNTY****LAND USE AND TRANSPORTATION PROGRAM**1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233

PH: 503-988-3043 FAX: 503-988-3389

[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.

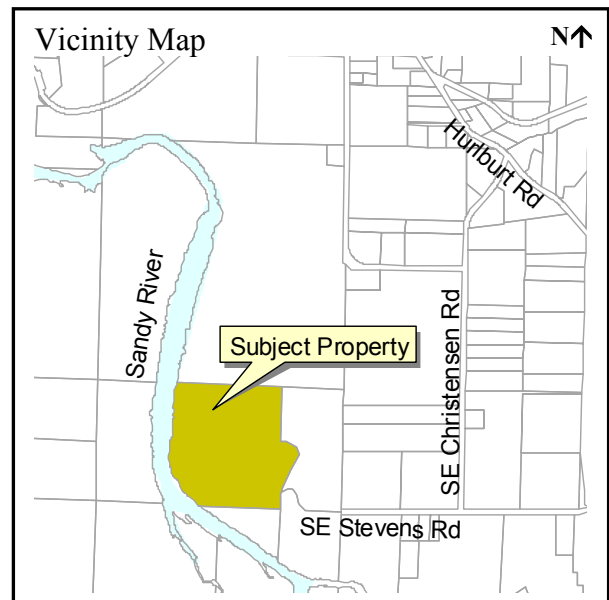
**Case File:** T2-05-078

**Permit:** Significant Environmental Concern  
Permit And Alteration Of A Non-  
Conforming Use

**Location:** 32100 SE Stevens Road  
TL 400, Sec 5, T1S, R4E, W.M.  
Tax Account #R99405-0510

**Applicant:** Gus Kriara

**Owner:** American Hellenic Education Center



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**Summary:** Replace/expand an aging First Aid Station/Nurse's Shack and Maintenance Building with new structures.

**Decision:** Approved With Conditions

Unless appealed, this decision is effective February 23, 2006, at 4:30 PM.

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Issued by:

By: \_\_\_\_\_  
Kenneth Born, Planner

For: Karen Schilling- Planning Director

Date: February 9, 2006

**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 Ken Born, 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 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 February 23, 2006 at 4:30 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): 35.2260 - Dimensional Requirements; 35.2275 - Lot of Record; 35.2305 - Development Standards for Dwellings and Structures; 35.4555 - Criteria for Approval of SEC Permit; 35.7210 - Alteration, Expansion or Replacement of Nonconforming Uses; 35.7215 - Verification of Nonconforming Use Status

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//land\\_use](http://www.co.multnomah.or.us//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. **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 or 37.0700, as applicable. A request for permit extension may be required to be granted 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 maintenance shop and first aid station shall have a fire retardant roof with the materials clearly listed on the building plans [MCC 35.2305(B)(3)]**
2. **Any exterior lighting associated with a proposed development shall be placed, shaded or screened to avoid shining directly into a Stream Conservation Area. [MCC 35.4575(E)(3)]**

3. A Minimal Impact Inspection fee shall be paid at the time of zoning approval of the building permit. The plans shall show the location of ground disturbing activities and erosion control measures consistent with the *Erosion Prevention Sediment Control Plans Technical Guidance Handbook*.

The property owner shall maintain best erosion control practices through all phases of development. Erosion control measures are to include the installation of sediment fences/barriers at the toe of disturbed areas and post construction re-establishment of ground cover. Straw mulch, erosion blankets, or 6-mil plastic sheeting shall be used as a wet weather measure to provide erosion protection for exposed soils. All erosion control measures are to be implemented as prescribed in the current edition of the *Erosion Prevention Sediment Control Plans Technical Guidance Handbook*, copies of which are available for purchase at our office, or through the City of Portland. [MCC 29.353(B)]

4. Prior to land use approval of the building permit, the property owner shall acknowledge their responsibility under MCC 35.5520(B) in writing and submit it in to planning staff. [MCC 35.4575(E)(5)]
5. A primary fire safety zone shall be installed around the new structures and additions and shall extend 30-feet to in all directions. Trees within the primary fire safety zone shall be spaced with greater than 15-feet between crowns (MCC 35.2305(A)(5)(c)(1). A 100-foot secondary fire safety zone shall surround the primary zone. Installation of the fire safety zones shall occur prior to construction and in accordance with MCC 35.2105(A)(5)(c). All fire safety zones shall be continuously maintained in accordance with MCC 35.2105(A)(5)(c).

**NOTE:**

Once this decision becomes final, applications for building permits may be made with the City of Gresham. **When ready to have building permits signed off, call the Staff Planner, Ken Born, 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 Gresham. Four (4) 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**

**Applicant:** This project consists of replacing an existing building with a new first aid station and an existing maintenance shed with a new bidder-design building. No vegetation will be removed at either site. The first aid station will be centrally located on site adjacent to existing structures, parking, and access road per the site plan. The new structure is approx. 1200 sf, two stories, 26 feet in height, a wood frame with slab on grade foundation. All utilities are readily available, including electricity, water and existing septic tank. There will not be any additional full time employees as camp visitors are required to provide nursing personnel as needed. Hours of operation are seasonal and vary according to scheduled use of camp facilities as reserved by visitors. Current and prior approvals have been given by state and county agencies for all uses and facilities currently on site.

**Staff:** This is a request to replace an administration building/first aid station with a new structure, and to construct an addition to a maintenance shed at Camp Angleos Conference & Retreat Center. The construction of an administration building/first aid station will create a structure 1,565 square feet in gross floor area. The addition to the maintenance shed will involve 480 square feet of new floor area. The existing maintenance shed is 868 square feet. Other structures include the Camp Angelos Lodge (5,700 sq. ft.), kitchen facilities (800 sq. ft.), cabin facilities (ten cabins, 480 sq. ft. each), bath facilities (352 sq. ft.), and classroom facilities (1,350 sq. ft.). Construction of the structures will occur within a Significant Environmental Concern Zone due to its locations within the statutory boundary of the Sandy River Scenic Waterway.

The facility was originally approved as a youth camp in September 1986 under CS-13-86. Under the current Multnomah County Code (MCC 35.2230(D)(1)(a) and (e)), the property's current use would not be allowed. However, as previous County approvals indicate, the camp was lawfully established, making it a *non-conforming use*. Alterations to this non-conforming use require an Alteration of a Non-Conforming Use permit.

2. **Site Characteristics**

**Staff:** The 40.37 acre subject property is located along the Sandy River northwest in the East of Sandy River Rural Plan Area (Exhibit 3). The site is accessed by SE Stevens Road on the south. Zoning of the property is Commercial Forest Use-4 with the entire property located within a Significant Environmental Concern overlay. The site consists of educational facilities, a church, cabin facilities, hiking trails, playing fields, a campfire area, caretaker facilities, and ponds. The site is moderately forested, and with an area of steep slopes in the southwest portion of the property.

3. **Type II Case Procedures**

**MCC 37.0530(B) Type II Decisions**

**(B) 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.**

**Staff:** An opportunity to comment was mailed to property owners within 750-feet of the property lines on November 28, 2005. Written comments were received regarding the application from Jan Houck, Program Coordinator with the Oregon Parks and Recreation Department. In her comment letter, she states: "The buildings look to exceed the height limitation imposed under OAR 736-040-0035(7)(a)(C) 'No structures shall exceed 30 feet in height from natural grade on a side facing the river.'" To address the concerns of Ms. Houck, the applicant provided revised building elevations on December 21, 2005 to the Parks and Recreation Department (Exhibit #9), which contain the evidence of compliance. A January 4, 2006 letter from the Parks and Recreation Department affirmed compliance with the State's height standard, and granted conditional approval for the construction of a nurse's station and replacement of the maintenance building. This issue is addressed in greater detail in Finding #7. *Procedures met.*

4. **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:** American Hellenic Education Center, whom Multnomah County Assessment and Taxation records show as the owner of the subject lot (Exhibit 2), has signed the General Application Form (Exhibit 1) and authorized an action to be taken on the application. *This criterion has been met.*

5. **The Current Use Is A Non-Conforming Use**

**MCC 35.7215 Verification of Nonconforming Use Status**

**(A) The Planning Director shall verify the status of a nonconforming use upon application for a determination by an owner on application for any land use or other permit for the site, or on finding there is a need for a determination (e.g., on learning of a possible Code violation). The determination shall be based on findings that the use:**

**(1) Was legally established and operating at the time of enactment or amendment of this Zoning Code, and**

**Applicant:** Per county records, the use of this camp was established and operating at the time of the zoning ordinance. The camp was founded in 1977.

**Staff:** The facility was originally approved as youth camp in September 1986 as Community Service Use (CS 13-86). The current code provisions were first placed on the subject property in 1998 when the zoning changed from MUF-20 to CFU-4. Provisions of the MUF-20 zone were applicable from 1977 through 1998. The County issued building permits associated with uses allowable under the MUF-20 zone including a dormitory/sleeping cabin (1987), shower facilities (1988), camp buildings (1990) and youth camp facilities (1991). *This criterion has been met.*

**(2) Has not been abandoned or interrupted for a continuous two year period.**

**Applicant:** The use has been continuous and uninterrupted for more than a two year period.

**Staff:** County historical land use and building permit records (CS 13-86, CS 4-92, LE 6-87, TP 1-92, TP 2-92 DR 17-93, HDP 21-93), and information provided by the applicant from the camp's website, provide evidence which indicates that the approved use has not been abandoned or interrupted for a continuous two year period. *This criterion has been met.*

**(B) The Planning Director shall verify the status of a nonconforming use as being the nature and extent of the use at the time of adoption or amendment of the Zoning Code provision disallowing the use. When determining the nature and extent of a nonconforming use, the Planning Director shall consider:**

**(1) Description of the use;**

**Applicant:** The American Hellenic Education Center (Camp Angelos) has operated as an outdoor school program, private camp and other entitled uses and activities as described and allowed by prior and current conditional use permits issued by Multnomah county. Activities range from outdoor sports & recreation to nature studies and art, horticulture and wildlife observations. Indoor activities are varied and respond to each visiting groups needs. Groups & visitors consist of private business retreats, religious camp outings, public school outdoor program to various special interest groups. Length of stay can range from a few hours to a week depending on groups needs. These activity groups & stays have been consistent since the camp was founded in 1977.

**(2) The types and quantities of goods or services provided and activities conducted;**

**Applicant:** All types, quantities and character of goods and services conducted on the property are in compliance with approved conditional use permits and will not change with this application. Food & supplies are brought in for each group activity. Equipment is on site 24 hours a day 7 days a week or brought by visitors as needed. Facilities are noted on the site plan. Permanent employees are 1-2 on site and additional staff for cooking, counseling, first aid are brought in as needed for a given groups needs and only for the visit duration.

**Staff:** Condition #3 of a 1992 permit approval (CS 4-92) limits overnight stays on the site to 150 youth camp participants. The use of the site for groups of more than 60 adults also requires the obtainment of a Temporary Permit from the County (Condition #4). The expansion of the maintenance building and first aid station is not expected to alter these thresholds, or other types or quantities of the good or services provided, or services conducted. *This criterion has been met.*

**(3) The scope of the use (volume, intensity, frequency, etc.), including fluctuations in the level of activity;**

**Applicant:** The scope of use and fluctuations in level of activity will not change with this application.

**Staff:** As indicated by the applicant, the scope of the use has remained relatively consistent. The applicant is proposing an expansion of the maintenance building and first aid station provide service to meet ongoing demand. *This criterion has been met.*

- (4) **The number, location and size of physical improvements associated with the use;**  
**Applicant:** The proposed replacement structures will not change the number, location and/or size of physical improvements associated with this use.  
**Staff:** The applicant proposes to add a 1,200 square foot addition to an administration building/first aid station, and 480 square feet of new floor area to a maintenance shed, thus expanding non-conforming uses occurring on the subject property. Again, these uses pre-date the use requirements under the current CFU-4 zoning district. *This criterion has been met.*
- (5) **The amount of land devoted to the use; and**  
**Applicant:** The amount of land devoted to the use will remain the same.  
**Staff:** The 40.37-acre property contains the proposed structures in question as illustrated on the 2002 aerial photo presented as Exhibit 8. The amount of land devoted to the use at the time it became non-conforming is the same, according to County historical land use and building permit records, including CS 13-86, CS 4-92, LE 6-87, TP 1-92, TP 2-92 DR 17-93, HDP 21-93. *This criterion has been met.*
- (6) **Other factors the Planning Director may determine appropriate to identify the nature and extent of the particular use.**  
**Applicant:** Other factors will remain unchanged with this application.  
**Staff:** The nature and extent of the use has been adequately documented with the information both submitted and contained within County records. *This criterion has been met.*
- (7) **A reduction of scope or intensity of any part of the use as determined under MCC 35.7215 (B) for a period of two years or more creates a presumption that there is no right to resume the use above the reduced level. Nonconforming use status is limited to the greatest level of use that has been consistently maintained since the use became nonconforming. The presumption may be rebutted by substantial evidentiary proof that the long-term fluctuations are inherent in the type of use being considered.**  
**Applicant:** The scope and intensity of use has remained at the same level and will continue to do so as part of this application.  
**Staff:** There is no evidence in the record that long-term fluctuations have occurred as in the history of the use on this site. *This criterion has been met.*

6. **The Proposed Alteration Will Have No Adverse Impact**

**MCC 35.7210      Alteration, Expansion or Replacement of Nonconforming Uses**

- (C) **After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 35.7215, the Planning Director may authorize alteration, expansion or replacement of any nonconforming use when it is found that such alteration, expansion or replacement will not result in a greater adverse impact on the neighborhood. In making this finding, the Planning Director shall consider all of the criteria listed below. Adverse impacts to one of the criterion may, but shall not automatically, constitute greater adverse impact on the neighborhood.**

- (1) **The character and history of the use and of development in the surrounding area;**

**Applicant:** Founded in 1977, the camp has been in operation in its current and proposed use for several years. From the beginning, the camp has served private organizations, special interest groups, public outdoor school programs and religious groups with retreat activities and conference facilities. The character and history includes individual detached structures for specific functions which will continue. The design continues both the functional and camp vernacular style. There is no change to the surrounding area as a result of the proposed development of replacement structures. For additional information – go online to [www.campangelos.com](http://www.campangelos.com).

**Staff:** Multnomah County has issued various building permits for a dormitory/sleeping cabin (1987), shower facilities (1988), camp buildings (1990) and youth camp facilities (1991). These permits are peripheral to the main use of the property as a camp, and have not changed the primary use of the structure over time. The use of this property has been formally permitted as a camp since 1977 which continues today. The buildings will be expanded to allow more of the same type of use with no discernable change in use proposed that would bring out of balance the history of the use on the site or those uses surrounding the project area. *This criterion has been met.*

**(2) The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable within the neighborhood;**

**Applicant:** The proposed structures will not add any additional noise, vibration, dust, odor, fumes, glare or smoke to the surrounding area (neighborhood). In fact, the replacement structures will reduce the amount of these undesirable elements due to improved weather tight construction materials and methods which do not exist in the current structures. The distance from adjacent property occupants and existing geographic features makes any impact from these elements negligible.

**Staff:** Staff concurs. Any additional dust generation is limited to the time of construction. *This criterion has been met.*

**(3) The comparative numbers and kinds of vehicular trips to the site;**

**Applicant:** The number and kinds of vehicular trips to the site will not change as the uses and activities are the same.

**Staff:** The number of trips associated with the first aid station/administration building and maintenance shed will not increase. No additional generation is expected. *This criterion has been met.*

**(4) The comparative amount and nature of outside storage, loading and parking;**

**Applicant:** The amount and nature of outside storage, loading and parking will not change as a result of replacing the proposed structures.

**Staff:** The new administration building and maintenance shed will not increase storage, loading and parking. The driveway will allow better access to an existing single family dwelling. No increases in outside storage, loading or parking will be generated. No increase in occupancy is proposed. *This criterion has been met.*

**(5) The comparative visual appearance;**

**Applicant:** The visual appearance will be improved since the original buildings have been in disrepair due to age. The camp vernacular will be continued in the (sic) new structures which will provide architectural integrity and continuity to the appearance (refer also to plan submitted).



**Staff:** Staff concurs with the applicant's statement above. The visual appearance of the addition will be minimal as the building's shape will not be altered substantially, the building will not be constructed higher and the new addition will match the design and construction of the main building. In addition, the applicant has indicated that the color scheme for first aid station will be designed to match surrounding buildings. Elevations showing how the addition will look are presented as Exhibit 5. *This criterion has been met.*

**(6) The comparative hours of operation;**

**Applicant:** The hours of operations will not change.

**Staff:** Staff concurs. *This criterion has been met.*

**(7) The comparative effect on existing flora;**

**Applicant:** The effect on existing flora will be negligible as the replacement new structures will be located in existing cleared areas on original building pads.

**Staff:** No flora will be disturbed during construction. The additions will be placed in areas already cleared of natural vegetation. *This criterion has been met.*

**(8) The comparative effect on water drainage or quality; and**

**Applicant:** The effect on water drainage and quality is negligible as the replacement structures will tie into existing systems resulting in minimal disturbance.

**Staff:** The proposed addition is above the 500 square foot minimum for which the county requires an engineer's assessment of stormwater drainage. Gary Darling, an Oregon Licensed Professional Engineer, indicated that the rate of stormwater runoff attributed to development will be greater than that which existed prior to development as measured from the property line or from the point of discharge into a water course. *This criterion has been met.*

**(9) Other factors which impact the character or needs of the neighborhood.**

**Applicant:** Other factors are not impact as there will be no change to uses or activities which will preserve the existing character and needs of the neighborhood to the maximum extent possible.

**Staff:** No factors outside of the discussion contained in this report have been identified that may negatively impact the character or needs of the neighborhood. *This criterion has been met.*

7. **Dimensional Requirements**

**MCC 35.2260 Dimensional Requirements**

**(C) Minimum Forest Practices Setback Dimensions From Tract Boundary– Feet:**

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

**Maximum Structure Height - 35 feet**

## **Minimum Front Lot Line Length - 50 feet.**

**Forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Exceptions to forest practices setback dimensions shall be pursuant to MCC 35.2310, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 35.2305 (A) (5) (c) 2.**

**Applicant:** Minimum setbacks to any existing or new structure is 269 ft which complies with all minimum front, side & rear requirements. (Refer to site plan, A1). Minimum structure height is less than 35 ft. (Refer to elevations/section, A3 & A4). Minimum front lot line is greater than 50 ft.

**Staff:** The applicant has submitted a site plan (Exhibit 3) and building elevations (Exhibit 5) which shows the proposed structures are greater than 130 feet from the closest property line, and less than 35' in height. However, the applicant must also meet the Scenic Waterways height limitation of 30' Per the request of the Oregon State Parks and Recreation Department, the applicant submitted revised elevations which clarify the height of the proposed structures (Exhibit 9), consistent with height limitations imposed under the Scenic Waterways Management Plan [OAR 736-040-0035(7)(a)(C)]. As indicated in the revised elevations, the height of the maintenance building is indicated as 21 feet, 9 inches, and the height of the first aid station will be under 26 feet. *The yard and height dimensions have been met.*

## **8. Lot of Record**

### **MCC 35.0005(L)(13) Lot of Record**

**Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof which when created and when reconfigured (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.**

**(a) "Satisfied all applicable zoning laws" shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.**

**(b) "Satisfied all applicable land division laws" shall mean the parcel or lot was created:**

**1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or**

**2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or**

**3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in *recordable form* prior to October 19, 1978; or**

**4. By partitioning land under the applicable land partitioning requirements in**

effect on or after October 19, 1978; and

**5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)**

**Staff:** The County’s Lot of Record code provisions were first placed on the subject property in 1977 when the zoning changed from F-2 to MUA-20. The property was created between 1962 and 1977 when the area was zoned F-2, an agricultural district. The property met the minimum lot size of 2-acres and had road access, thus meeting the zoning district requirements.

The 1955 Multnomah County Land Division Code in effect at the time stated: “Subdivision: As applied to these regulations, division of a lot, tract or parcel of land or portion thereof for *other than agricultural purposes* into four (4) or more lots, blocks or tracts or other divisions of land...” (Emphasis added).

At that time, “Agricultural Purposes” was interpreted by the County to be any lot 5-acres or larger in size. Since the County viewed lots over 5-acres in size as agricultural, they were not reviewed by the County. This coincides with the definition for “Subdividing Land” in State Statute. Oregon Revised Statute 92.010 at that time stated: ‘Subdivide Land’ means to partition a parcel of land into four or more parcels of less than five acres each.”

Therefore, dividing the properties into lots of 5-acres or larger would have been exempted from subdivision requirements under State Law and under the County Land Division Ordinance in effect at the time. Therefore, the property met the land division requirements in effect at the time. *This criterion has been met.*

**MCC 35.2275      Lot of Record**

**(A) In addition to the *Lot of Record* definition standards in MCC 35.0005, for the purposes of this district a Lot of Record is either:**

**(1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or**

**(2) A group of contiguous parcels or lots:**

**(a) Which were held under the *same ownership* on February 20, 1990; and**

**(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.**

**1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres**

**in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area.**

**2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record, or;**

**(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.**

**Staff:** The subject property is over 19 acres in size, and is adjacent to lots in common ownership greater than 19 acres. One exception is a 17 acre property (Tax Lot '1'), which should have been aggregated to an 11 acre property (Tax Lot '40'), when it was sold to Metro (or could be aggregated to Lot 40). Since the proposed development is will not occur on Tax Lot '40' nor Tax Lot '1', it will not affect the Lot of Record Determination. As discussed in this finding and under the finding for MCC 33.0005(L)(13), the subject property is a Lot of Record. *This criterion has been met.*

9. **Development Standards for Dwellings and Structures**

**MCC 35.2305 Development Standards for Dwellings and Structures**

**Except as provided for the alteration, replacement or restoration of dwellings under MCC 35.2220 (D) and (E); and 35.2225 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:**

**(A) The dwelling or structure shall be located such that:**

**(1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of 35.2260 (C) through (G);**

**Applicant:** The proposed first aid station and replacement matenance (sic) shed will be located in existing clearings with no impact on adjacent forest. Minimum yard and setback requirements have been met as shown on the site plan in compliance with 35.2260(C) through (G).

**Staff:** A 2002 aerial photograph of the area does not suggest any active farming operations are occurring on any contiguous properties. The accessory structures will be located in portions of the property which are already cleared, dedicated to the ongoing use being conducted on the property, and in an area not used for agriculture or forest practices. *This criterion has been met.*

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

**Applicant:** There are no forest operations or farming practices on this site, therefore adverse impacts will be minimal.

**Staff:** There are no active farming practices occurring on the tract. *This criterion has been met.*

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

**Applicant:** The amount of forest land utilized for the proposed structures will be minimized by utilizing existing building locations (replacement maintenance (sic) shed) and clearing open space (first aid station).

**Staff:** Staff concurs. *This criterion has been met.*

**(4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and**

**Applicant:** There will be no changes to the existing access/service roads currently approved for this property.

**Staff:** Staff concurs. *This criterion has been met.*

**(5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:**

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

**1. A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.**

**Staff:** This approval is conditioned such that all trees within the primary fire safety zone are spaced more than 15-feet between crowns (see Condition #7). *As conditioned, these criteria are met.*

**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

**Staff:** Slopes exceed 10% along the outer perimeter of the subject property, but those steeper slopes do not fall within the primary fire safety zone. An extension of the primary fire safety zone will not be needed in accordance with the table above. *This criterion has been met.*

**3. A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity**

of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 35.2260 (F) and 35.2310.

**Staff:** A secondary fire safety zone must be established in accordance with these requirements. The maintenance provisions of this code section have been incorporated into a condition of approval to assure compliance (see Condition #7). *As conditioned, these criteria are met.*

**4. No requirement in 1., 2., or 3. above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and**

**5. Maintenance of a primary and a secondary fire safety zone is required only on land surrounding the dwelling that is owned or controlled by the home owner.**

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

**Applicant:** The location and fire protection methods have been reviewed and approved by Mult. Co RFFD #14 (see fire district access review form submitted).

**Staff:** The property is located within the Corbett Fire District. *This criterion has been met.*

**(B) The dwelling or structure shall:**

**(1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;**

**Applicant:** The proposed structures are compliant with all applicable building codes as prepared by a professional architect and/or engineer register in the state of Oregon and subject to approved plan review and building permits issued by governing jurisdictions(s).

**Staff:** Staff concurs. *This criterion has been met.*

**(2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;**

**Applicant:** Not applicable.

**Staff:** The addition is not part of a mobile home.

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

**Applicant:** Fire retardant roofs consisting of asphalt composition shingles and metal roofing are specified to comply.

**Staff:** A condition of approval shall require the addition to have a fire retardant roof. *This criterion has been met.*

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

**Applicant:** Not applicable.

**Staff:** A condition of approval requires that, prior to the zoning sign-off of the building plans for the structures, the applicant shall provide evidence that the dwelling and garage structures will have fire retardant roofs and there will be a spark arrester on each chimney (see Condition of Approval 1). *As conditioned, these criteria are met.*

**(C) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 11 stream as defined in the Forest Practices Rules.**

**(1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.**

**(2) Evidence of a domestic water supply means:**

**(a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or**

**(b) A water use permit issued by the Water Resources Department for the use described in the application; or**

**(c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.**

**Applicant:** Domestic water supply is currently provide (sic) to this property and will be utilized for the proposed structures as approved and certified by the Corbett Water District (refer to certification of water service form submitted).

**Staff:** The applicant has submitted a Certification of Water Service form from Corbett Water Service indicating the water system is adequate (Exhibit 7). *This criterion has been met.*

**10. SEC Approval Criteria**

**MCC 35.4510      Uses - SEC Permit Required**

**(C) Activities proposed for lands designated as scenic waterways under the Oregon Scenic Waterways System shall be subject to an SEC permit in addition to approval from the Oregon Parks and Recreation Department.**

**\* \* \***

**MCC 35.4555      Criteria for Approval of SEC Permit**

**The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, cultural areas, and wild and scenic waterways that are designated SEC on Multnomah County sectional zoning maps. Any proposed activity or use requiring an SEC permit shall be subject to the following:**

- (A) 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.**

**Applicant:** All existing landscaped areas, scenic enhancements, open space, vegetation and water resources will remain unchanged by the proposed development. Maximum provision of these elements shall be maintained.

**Staff:** The aerial photo (Exhibit 8) indicates that the area between the proposed accessory structures and the Sandy River is currently wooded. Existing vegetation provides a complete cover between the development and the river. Construction within cleared areas allows for the maximum open space between the proposed uses and the creek, which is consistent with this development standard. *This criterion has been met.*

- (B) Agricultural land and forest land shall be preserved and maintained for farm and forest use.**

**Applicant:** All existing agricultural and forest land will be preserved and remain unchanged for this development.

**Staff:** The land is already devoted to the proposed use, therefore the proposed improvements will not remove land area from agricultural or forest production. *This criterion has been met.*

- (C) 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.**

**Applicant:** The desired balance of function, cost and environmental protection is provided by locating (sic) the new development structures in existing open space and on existing building pads.

**Staff:** The applicant has demonstrated through the narrative and site plan (Exhibit 1) that the new improvements are as far enough away from the Sandy River, the area of environmental significance. Sandy River has been protected by placing these improvements approximately 309 feet from its centerline. *This criterion has been met.*

- (D) Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.**

**Applicant:** Recreational needs are satisfied and will be unchanged by the proposed replacement structures.

**Staff:** Staff concurs. *This criterion has been met.*

- (E) The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.**

**Applicant:** Public safety and property protecting will be enhanced by updating and improving the proposed camp facilities that serve those needs.



**Staff:** The proposed maintenance shed will allow the camp operators to protect their valuables from vandalism and trespass by securing them. The proposed location for the first aid station is adjacent to other occupied buildings, allowing the structure to be monitored. *This criterion has been met.*

**(F) Significant fish and wildlife habitats shall be protected.**

**Applicant:** Protected and significant fish and wildlife habitats will be unchanged by the proposed development. SOLV' has planted 1,000 willow trees to stabilize banks and control erosion.

**Staff:** The nearest portion of the proposed improvements is approximately 309-feet from the centerline of the Sandy River. This distance provides sufficient vegetation to protect the stream and surrounding wildlife area from potential adverse impacts from construction of the accessory structures. *The criterion has been met.*

**(G) 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, and continuous riparian corridors.**

**Applicant:** All existing vegetation and water resources are currently protected and will remain unchanged. Blackberries and other invasive species have been removed long the Sandy river banks of the subject property. Also bank stabilization and protection of native plants and trees have been provided.

**Staff:** No work or ground disturbance is proposed to take place within 309-feet of the Sandy River. The area to be covered by the improvements is currently cleared. The distance of the improvements from the banks of the stream protects the stream corridor to the maximum extent practicable. The applicant has enhanced the vegetation along the river by planting additional vegetation in areas needing it and by removing blackberries within this corridor. Blackberries are considered a nuisance plant in the State of Oregon and do not provide needed shade along the stream banks. The installation of willow trees adds to the depth of the riparian corridor shade and will help in cooling the stream for fish and other wildlife. *The criterion has been met.*

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

**Applicant:** Not applicable.

**Staff:** There are no known historic, scientific or cultural areas on site. *This criterion has been met.*

**(I) Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.**

**Applicant:** Not applicable.

**Staff:** The property is not shown to be within a floodplain as identified on the FEMA Flood Plain Maps. There are no identified wetlands on the property. The proposed improvements will not impact the topography or the flood carrying capacity of the area around the Sandy River. The proposed improvements are over 309 feet from the centerline of the river. *This criterion has been met.*

- (J) 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.**

**Applicant:** Erosion protection and controls will be provided per county standards and permit requirements. Areas of impact are minimal due to level grades and existing building pads being utilized.

**Staff:** The property owner has indicated that trees will be planted between the disturbance area and the Sandy River. The applicant will need to meet the requirements of a Minimum Impact Project (MCC 29.333) to ensure Best Management Practices are applied to all ground disturbing activities located on site. *This criterion has been met.*

- (K) The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.**

**Applicant:** All elements of air, water, land and noise quality are unchanged by this development.

**Staff:** The construction of a 480 square foot addition to a maintenance shed, and a 1,200 to a first aid station is minimal in terms of development and will not impact the ambient noise levels of the area nor the air and water quality, or the land resources. The applicant has implemented erosion control measures that will protect the stream and surrounding areas.

- (L) 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.**

**Applicant:** The design, materials, colors and lighting of proposed buildings will match and preserve the existing building vernacular. Overall site character is protected per the proposed design (see architectural drawings submitted).

**Staff:** The applicant has submitted elevation plans for the first aid station and building. The first aid station will have sanded plywood siding and a blue standing seam metal roof to match other buildings. The maintenance shed addition will have a metal roof and metal siding, and will match the existing pre-fab engineered structure. *This criterion has been met.*

- (M) 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.**

**Applicant:** All plant habitat and natural resources will be preserved and will remain unchanged by this development.

**Staff:** There is no known fragile or endangered plant habitat on the property. The Significant Environmental Concern overlay is for the Sandy River and it and the surrounding riparian areas shall be protected from erosion and sedimentation by the applicants' erosion control measures. Additionally, the development is taking place over 309-feet from the river. *This criterion has been met.*

- (N) The applicable policies of the Comprehensive Plan shall be satisfied.**

**Applicant:** All applicable policies of the comprehensive plan have been satisfied by prior reviews and conditional use approvals for this property. This application does not change any of the criteria for use and/or scope of development previously submitted for this property.

**Staff:** Staff concurs. *This criterion has been met.*

**Conclusion:**

Based on the findings and other information provided above, this application for a Significant Environmental Concern and Alteration of a Non-Conforming Use satisfies, with appropriate conditions, the applicable Comprehensive Framework Plan policies and Multnomah County Zoning Ordinance requirements.

**Exhibits:**

1. General Application Form
2. Multnomah County Assessment and Taxation Form
3. Site Plan
4. Narrative Statements
5. Elevations
6. Fire District Review Form
7. Certification of Water Service
8. Aerial Photo
9. Revised Drawings for Maintenance and Nurses' Station

**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.