

**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.

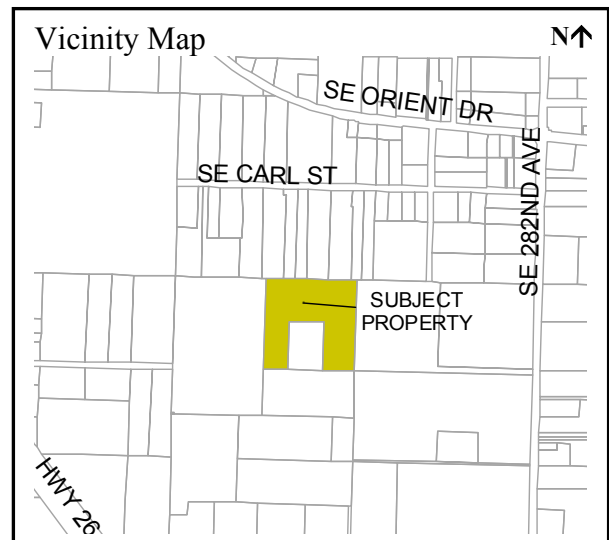
Case File: T2-05-090

Permit: Significant Environmental Concern
(wildlife habitat) permit

Location: 8081 SE 282nd Ave.
TL 500, Sec24D, T1S, R3E, W.M.
Tax Account #R99324-0300

Applicant: Jay Ellis

Owner: Michael & Caroline Escourt



Summary: The applicant is proposing to build a single family dwelling and construct a well and septic system on the subject property within a Significant Environmental Concern wildlife habitat zoning overlay.

Decision: Approved With Conditions

Unless appealed, this decision is effective Wednesday, November 23, 2005, at 4:30 PM.

Issued by:

By: _____
Tammy Boren-King, AICP,
Planner

For: Karen Schilling- Planning Director

Date: November 9, 2005

Instrument Number for Recording Purposes: # 13250664

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 Tammy Boren-King, 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, November 23, 2005 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): **MCC 36.0005(L)(13)** - Lot of Record; **MCC 36.2855** - Dimensional Standards and Development Requirements; **MCC 36.2870** - Lot of Record; **MCC 36.2885** - Access; **MCC 36.4540** - Application for SEC Permit; **MCC 36.4550** - General Requirements for Approval in Areas Designed as SEC-h; **MCC 36.4560** - 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 37.0700. 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. Prior to building permit sign-off, the applicant shall record the Notice of Decision (pages 1-3 of this decision) with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and filed with the Land Use Planning Division. Recording shall be at the applicant's expense.
2. Prior to building permit sign-off, the applicant shall record a covenant that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 (MCC 36.2855(H)(1)). A copy of the covenant is presented as Exhibit S4.
3. Prior to the initiation of ground disturbing activities or authorization of a building permit for the dwelling, the applicant shall apply for and receive approval a Grading and Erosion Control permit. (MCC 36.4540(A)(4))
4. Prior to the authorization of a building permit, staff shall ensure that the proposed building is in compliance with the building height limit of 35 feet established in (MCC 36.2855(C)).
5. The applicant shall remove no more than 16 trees as part of the construction of the proposed improvements. For each tree removed, two trees of similar species shall be planted. The replanting shall occur within one year of occupancy of the new dwelling. The replacement trees shall be planted in the locations shown on the applicant's vegetation plan included as Exhibit A2. (MCC 36.4560(B)(3))
6. The applicant shall not plant any of the nuisance plants listed in Table 1 of MCC 36.4550(C) anywhere on the subject property and shall control these plants within all cleared areas of the property.

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, Tammy Boren-King, 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. A \$75 erosion control inspection fee is also required at time of plan signoff.

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 of Fact

Formatting Note: Written findings are contained herein. The Multnomah County Code criteria and Comprehensive Plan Policies are in **bold** font. Applicant comments are identified as **Applicant:** and follow. Staff comments and analysis are identified as **Staff:** and follow.

1.0 Project and Vicinity Description

Applicant: The applicant would like to construct a single family dwelling on property known as 1S 3E 24D lot 500, and associated development such as well, septic & driveway. The 7.99 acre property is located in the West of Sandy Rural Plan Area, in the Multiple Use Agriculture-20 (MUA-20) Zone District. The northern portion of the property is located within the Significant Environmental Concern for Water Resources (SEC-wr) overlay zone, see aerial photo (attached). Additionally, the “legs” of the property are designated with the Significant Environmental Concern for Habitat (SEC-h) overlay zone.

The dwelling and all improvements will not encroach into the Water Resource area which is 200 feet from creek at northern end of property. All improvements will be within the Wildlife Resource area of the property.

The applicant is purchasing this property due to its natural resources like the trees, vegetation and creek. The applicant will take great pains to retain and disturb as little of the natural qualities as possible. The applicant will not disturb the natural grade except as necessary for construction of the proposed dwelling. The applicant proposes to replant any removed tree with two replacement trees within one year of completing construction.

Staff: The 7.99 acre, U-shaped subject property is located between 282nd Ave. and Highway 26, approximately 2,000 feet south of the City of Gresham corporate limits. This property is inside the Urban Growth Boundary (UGB) and is part of the Springwater Regionally Significant Industrial area. The zoning has not been changed since the UGB expansion. A vicinity map is included as Exhibit S1.

The property is heavily forested and drains north to the stream which runs east/west across the property. This stream is mapped as a significant Goal 5 resource and is protected with the Significant Environmental Concern for Water Resources (SEC-wr) overlay, which extends for 200 feet from the top of bank. The remainder of the parcel is designated with the Significant Environmental Concern for Habitat (SEC-h) overlay. The base zone of the subject property is Multiple Use Agriculture-20. A zoning map is included as Exhibit S2. The applicant is proposing construction of a single family dwelling, septic system and drinking water well near the southeast corner of the property in an area outside of the SEC-wr overlay. The purpose of this decision is to review the proposal against the Significant Environmental Concern (wildlife habitat) standards.

Access to the property will occur from 282nd Avenue via an easement. This easement has existed since 1919 and was reviewed at length in case T2-01-100, which found the subject property to be a lot of record. The applicant is proposing to take access from the existing shared private road constructed in this easement. His private driveway will extend north into the subject property along the alignment of an existing trail. The home will be sited in an area which is primarily cleared of trees. (See staff photos included as Exhibit S5) The applicant’s site plan and tree removal plan (Exhibit A1) indicates that some tree removal will be necessary to install the improvements but that the majority of the site will remain undisturbed.

2.0 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 on October 13, 2005. One letter of comment was received and is included in the permanent record for this decision. The letter is in support of the proposal.

Procedures met.

3.0 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: Multnomah County Assessment and Taxation records show Michael and Caroline Estcourt as owners of the subject property. Michael Estcourt signed the General Application Form contained in the permanent record authorizing Multnomah County to process this request.

4.0 Lot of Record (MCC 36.0005(L)(13))

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 subject property was determined to be a Lot of Record in decision T2-01-100, a copy of which is included in the permanent record for this case.

5.0. Use Allowance

MCC 36.2820(A) - Allowed Uses - A single-family detached dwelling on a Lot of Record.

Staff: One single-family dwelling is allowed on a Lot of Record in the Multiple Use Agriculture-20 zoning district. The previous finding determined this property is a Lot of Record. These criteria have been met.

6.0 Dimensional Standards and Development Requirements (MCC 36.2855(C))

Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height - 35 feet

Staff: As illustrated in Exhibit A1, the home will be located over 270 feet from the front (south) property line, approximately 60-feet from the east side property line, roughly 90-feet from the west side property line and 290-feet from the rear (north) property line. Staff finds the home will meet the minimum yard dimensions.

The applicant has not submitted elevation drawings of the proposed dwelling. Staff must verify the height of the proposed dwelling prior to the authorization of a building permit. A condition of approval will be attached to ensure compliance with the building height requirements of this section.

Criteria met with conditions.

6.1 On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot (MCC 36.2855(F)).

Staff: The City of Portland Sanitation office has determined in a land feasibility study (LFS 420-05) that the site is suitable for the use of an alternative sand filter system. (Exhibit A5) Thomas J. Sisul, a registered Professional Engineer has designed a soakage trench to adequately handle storm water runoff from proposed impervious surfaces. This site specific design demonstrates storm water/drainage control will be handled appropriately. A copy of the storm water trench design is included as Exhibit A6. The applicant proposes to use a private well to provide water to the site, as is common with other properties in the area. The property is large enough to accommodate parking associated with the use and the plans submitted demonstrate the minimum required yard areas will be preserved. This standard is met.

6.2 New, replacement, or expansion of existing dwellings shall minimize impacts to existing farm uses on adjacent land by (MCC 36.2855(H)):

(1) Recording a covenant that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 where the farm use is on land in the EFU zone; or

(2) Where the farm use does not occur on land in the EFU zone, the owner shall record a covenant that states he recognized and accepts that farm activities including tilling, spraying, harvesting, and farm management activities during irregular times, occur on adjacent property and in the general area.

Staff: Although the subject property is not zoned EFU, properties to the immediate southwest are outside the UGB and zoned EFU. Many nearby properties are actively being used for farming. Recording the covenant required by sub-part (2) above (Exhibit S4) is a condition of this approval.

7.0 Application for SEC Permit (MCC 36.4540)

7.1 General SEC: 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:

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 (MCC 36.4540(A)(1)).

Staff: The applicant's narrative statements are quoted throughout this decision. Staff finds the submitted narrative fulfils this requirement.

7.2 A map of the property drawn to scale showing (MCC 36.4540(A)(2));

- (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.**

Applicant: See Exhibits A, B, C, and D.

Staff: The applicant's development plans are presented as Exhibits A1 through A4. The applicant has submitted the necessary information.

7.3 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 (MCC 36.4540(A)(3)).

Applicant: Please see rough proposed plans and vegetation plans (Exhibit A1 and A4)

Staff: The required information is presented as noted above.

7.4 Application for a flood hazard permit, erosion control permit, and/or other required natural hazards permit for the proposed development (MCC 36.4540(A)(4)).

Staff: A Flood Hazard permit is not required. The applicant must apply for and receive approval of a Grading and Erosion Control permit prior to the initiation of ground disturbing activities. The applicant will be required to apply for and receive approval of this permit prior initiation of ground disturbing activities or the authorization of a building permit.

Criterion met with condition.

7.5 In addition to the information required in MCC 36.4540(A) above, an application to develop in SEC-h areas shall also 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 (MCC 36.4540(D)(1)).

Applicant: Please see Tax Map (Exhibit A4)

Staff: A map satisfying this standard is presented as Exhibit A4.

- 7.6 Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas. For the purposes of this section, a forested area is defined as an area that has at least 75 percent crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A non-forested "cleared" area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan (MCC 36.4540(D)(2)).**

Applicant: N/A

Staff: Locations of all existing forested areas can be seen on an aerial photo presented as Exhibit S5.

- 7.7 Location and width of existing driveways within 200 feet of the subject parcel's boundaries on all adjacent parcels (MCC 36.4540(D)(3));**

Applicant: Applicant is using the same drive access as the center property of this site that runs along the southern border.

Staff: This information is illustrated in Exhibit A4. The surrounding properties access via a shared private road.

- 7.8 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 (MCC 36.4540(D)(4)).**

Applicant: The applicant has walked the property on a number of occasions and has not noted any existing fencing nor does the applicant propose any with this development

Staff: The applicant has indicated that no fencing exists. No new fences are proposed.

8.0 General Requirements for Approval in Areas Designated as SEC-h (MCC 36.4550).

- 8.1 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 36.4550(A)).**

Applicant: Applicant intends to meet this criterion. Details to follow with GEC permit.

Staff: The proposed development area is a nearly level existing clearing that is accessed by an existing cleared trail. The applicant is choosing to locate his proposed improvements in an area that is more than 200 feet from the stream on the property and mostly level. The proposed locations of the improvements will reduce the potential for erosion and for any sedimentation making its way into the stream to the north of the building site.

A range of Best Management Practices to minimize erosion must be proposed in order to achieve approval of a Grading and Erosion Control Permit. Staff has included a condition of approval requiring the applicant to obtain a Grading and Erosion Control permit prior to the initiation of ground disturbing activities. With this condition, the standard is met.

- 8.2 Outdoor lighting shall be of a fixture type and shall be placed in a location so that it does not shine directly into undeveloped water resource or habitat areas. Where illumination of a water resource or habitat area is unavoidable, it shall be minimized through use of a hooded fixture type and location. The location and illumination area of lighting needed for security of utility facilities shall not be limited by this provision (MCC 36.4550(B)).**

Applicant: Applicant proposed that any non-security outdoor lighting will be hooded/shielded to prevent shining directly into habitat/water resource areas.

Staff: The applicant has proposed a number of external, wall mounted lighting designs which are presented as Exhibit A3. A lighting plan (Exhibit A3) shows the proposed locations of these light fixtures. Staff finds all the lighting fixtures will be adequately hooded and will effectively cast light downward around the base of the home rather than outward further into the wildlife habitat zone. The use of any of the external lighting styles presented in Exhibit A3 will satisfy this standard.

- 8.3 The nuisance plants in Table 1 (MCC 36.4550(C)), in addition to the nuisance plants defined in 36.4510, shall not be used as landscape plantings within the SEC-wr and SEC-h Overlay Zone (MCC 36.4550(C)).**

Applicant: Applicant intends to leave the vegetation as natural as possible. No nuisance plants will be planted with this development.

Staff: The entire property is either mapped with in the SEC-h or SEC-wr zone. The applicant has verified that no nuisance plants listed in Table 1 will be planted. This approval is conditioned such that none of the nuisance plants listed in Table 1 can be planted anywhere on the property and must be kept from the cleared areas of the site. With the condition, this criterion is met.

9.0 Criteria for Approval of SEC-h Permit -Wildlife Habitat (MCC 36.4560).

- 9.1 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 (MCC 36.4560(A)(1)).**

Applicant: The property does not have any "cleared areas." The applicant is proposing development in areas to disturb the minimal amount of natural vegetation.

Staff: As seen in the aerial photo presented as Exhibit S3, the entire property is forested. Staff concurs with the applicant that there are no cleared areas on the site. As can be seen in the staff photos included as Exhibit S5, there is a portion of the site where the trees have been thinned. The existing trail leads to this thinned area. The thinned area is the proposed location of the dwelling. This standard is met.

- 9.2 Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site (MCC 36.4560(A)(2)).**

Applicant: The proposed development site does not have access to any public road way within 200 feet. As a result, the applicant proposed to mitigate with the proposed vegetation plan (Exhibit A2). The basic idea being that the applicant will replace any removed tree with two new ones in the southern portion of the property. The applicant proposed no “landscaped areas” only to retain and promote and replant as needed the existing fern forest undercover.

Staff: No portion of the subject property is within 200 feet of a public road capable of providing reasonable practical access to the subject site. The applicant has presented a wildlife conservation plan to compensate for not being able to meet this standard. The wildlife conservation plan is evaluated later in this decision.

9.3 The access road/driveway and service corridor serving the development shall not exceed 500 feet in length (MCC 36.4560(A)(3)).

Applicant: The access drive is not longer than 500 feet.

Staff: Staff concurs. The private driveway is approximately 320 feet long from the property line to the house. This standard is met.

9.4 (4) Fencing within a required setback from a public road shall meet the standards of MCC 36.4560(A)(4)(a)-(f) - (MCC 36.4560(A)(4)).

Applicant: The applicant does not proposed any new fencing with this application.

Staff: No new fencing is proposed. This standard does not apply.

9.5 The nuisance plants listed in Table 1 shall not be planted as landscaping and shall be controlled within cleared areas of the subject property (MCC 36.4560(A)(5)).

Applicant: As stated earlier the applicant will remove any nuisance plants with in the development area. No new nuisance plants will be planted.

Staff: The applicant is proposing the planting of replacement trees only. No nuisance plants are proposed for use as landscaping. A condition of approval has been attached to this decision requiring the applicant to control nuisance species within the cleared areas of the subject property.

9.6 Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist:

The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use MCC 36.4560(B)(1); or

The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section (B) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (B) - (MCC 36.4560(B)(2)).

Staff: The applicant cannot meet the development standards because no portion of the property is within 200 feet of a public road reasonable capable of providing access to the site as noted in finding 9.2. The applicant has presented a wildlife conservation plan using the standards of Section B as a template. This standard is met.

9.7 The wildlife conservation plan must demonstrate the following:

That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover (MCC 36.4560(B)(3)(a)).

Applicant: As stated earlier, the applicants intent for the property mirrors the intent of this section of the code. It is the applicant's belief that the applicant will be stricter on the limiting of potential impacts of the proposed development and replanting at a 2 to 1 ratio for any removed trees.

As stated on Exhibit A2, in narrative, and in verbal communication with County staff, the applicant will replant any removed trees 2 for 1 with new trees. New trees will be a mixture of maples and cedars to both be similar to native trees and fit with visual/scenic component of property. New trees to be planted on southern portion, legs of the property outside water resource area. For more specifics, please refer to Exhibit A2.

Staff: The applicant has submitted a tree survey and removal plan, a copy of which is included as Exhibit A1. This survey shows the tree species and diameter in the area where development is proposed. Twenty-six trees exist in close proximity to the proposed house and driveway. Of these twenty-six trees, the applicant's plan indicates 13 to 16 of the trees will need to be removed in order to construct the improvements. The applicant has positively identified 15 of these trees in the tree removal schedule. These include ten maple trees ranging in height from 20 to 65 feet. Four cedars between 18 and 35 feet in height as well as one 50 foot tall alder tree will be removed. Many of these trees are growing in very close proximity to one another or have trunks that are intertwined so that removal of one necessitates the removal of the other.

No tree removal is proposed related to the installation of the septic system. Staff scaled the proposed clearing from the applicant's site plan, and determined that the clearing of the 13 to 16 trees will cover an area of approximately 13,600 square feet (40 feet x 340 feet). This is approximately 1/3 of an area.

The applicant is proposing the reuse of an existing trail to locate the driveway. Since no cleared area exists on the site, the applicant is proposing the house in a thinned area large enough to accommodate the development proposed. Both the thinned area and the trail to be re-used as a driveway can be seen in the staff photos (Exhibit S5). While some tree removal is required, it is a minimal incursion into the almost 8 acre site.

This criterion has been met.

9.8 That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes (MCC 36.4560(B)(3)(b)).

Applicant: The applicant does not propose to disturb or clear more than 1 acre of this 7.99 acre site.

Staff: Much less than 1-acre will be cleared to facilitate development. As shown on the applicant's site plan, approximately 1/3 of an acre will be cleared. This standard is met.

9.9 That no fencing will be built outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes (MCC 36.4560(B)(3)(c)).

Applicant: The applicant proposing no new fencing.

Staff: No new fencing is proposed.

9.10 That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property (MCC 36.4560(B)(3)(d)).

Applicant: As stated on a number of occasions the applicant proposed to replant any removed tree at a 2 to 1 ratio as stated in this code section. The replanting will occur within one year of occupancy.

Staff: There are no existing cleared areas on the site. The applicant is proposing to plant two trees for every one tree removed. The replacement trees are proposed along the southerly property line outside the SEC-wr overlay. The applicant has verified revegetation will occur at a 2:1 ratio which exceeds the minimum requirements of this standard.

9.11 That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property (MCC 36.4560(B)(3)(e)).

Applicant: The applicant will not disturb the water resource area and will place protective fencing at 210 feet from the resource to provide a 10 foot buffer.

Staff: No stream riparian areas will be disturbed. The nearest water body, a creek, is located 210 feet to the north of the construction site on the subject property. The creek's functional riparian corridor located on the property is already forested. Revegetation will mainly occur along the southern edge of the forested area near the shared road from which access will be taken. Staff finds this standard is met.

Conclusion

Based on the findings and other information provided above, Staff finds that this application for a Significant Environmental Concern Permit for a new dwelling, with appropriate conditions, meets the applicable and Multnomah County Zoning Code requirements.

Exhibits

Applicant Exhibits

- A1. Site Plan and Tree Removal Plan (2 pages)
- A2. Vegetation Plan
- A3. Lighting Plan (2 Pages)
- A4. Access Map

- A5. Land Feasibility Study
- A6. Storm Water Certificate

Staff Exhibits

- S1. Vicinity Map
- S2. Zoning Map
- S3. 2002 Air Photo
- S4. Farming Covenant
- S5. Staff Photos.