



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/landuse>

NOTICE OF DECISION

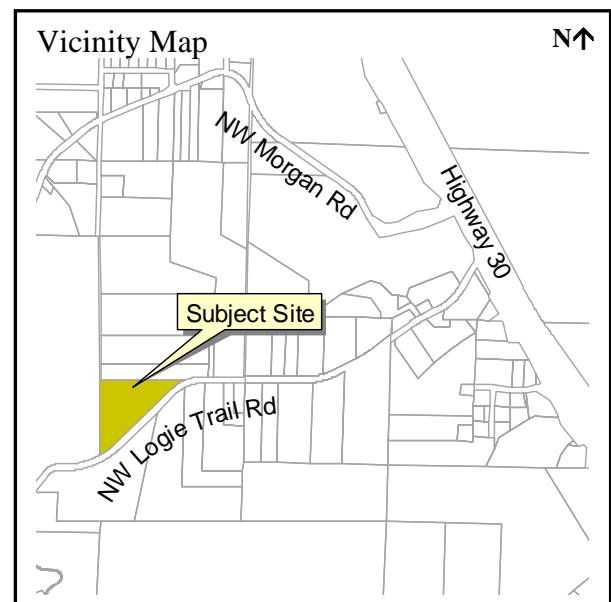
This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

Case File: T2-06-100

Permit: Significant Environmental Concern

Location: 19335 NW Logie Trail Road
TL 600, Sec 13, T2N, R2W, W.M.
Tax Account #R97213-0070

**Applicant/
Owner:** Geoffrey Hausheer



Summary: Significant Environmental Concern Permit to construct a 15 x 24 foot addition onto an existing single family residence in the CFU-2 zone

Decision: Approved With Conditions.

Unless appealed, this decision is effective Tuesday, December 5, 2006, at 4:30 PM.

Issued by:

By: _____
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Tuesday, November 21, 2006

Instrument Number for Recording Purposes: #2004136610

Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director's Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Don Kienholz, Staff Planner at 503-988-3043, extension 29270.

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 Tuesday, December 5, 2006 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): 33.0005(L)(13) Lot of Record; 33.2220(D) Allowed Uses; 33.2250 Building Height Requirements; 33.2256 Forest Practices Setbacks and Fire Safety Zones; 33.2275 Lot of Record; 33.4500 Et Seq Significant Environmental Concern for 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/landuse>.

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. **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. [MCC 37.0670].**

2. **The applicant/owner shall remove and clear and maintain the development area free of the nuisance plants listed under MCC 33.4570(B)(7).**

NOTE: Once this decision becomes final, applications for building permits may be made with the City of Portland. **When ready to have building permits signed off, call the Staff Planner, Don Kienholz, at (503)-988-3043 x29270 to schedule an appointment.** Multnomah County must review and sign off building permit applications before they are submitted to the City of Portland. Six (6) sets of the site plan and five (5) sets of the building plans are required at the building permit sign-off. There is a \$53.00 building permit review fee as of July 1, 2006. An Erosion Control Inspection Fee of \$77.00 will also be collected at the time of 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 application covers a proposed 15'x 24' addition (~650 sq ft floor space) onto an existing single-family residence located at 19335 NW Logie Trail Road, in Multnomah County (tax-lot #: 2N2W13AC-00600), in accordance with MCC 33.2220(D). The planned addition will add an additional bathroom and an additional bedroom to the current residence. In addition to the dwelling construction, this proposal also covers re-siding the existing well-pump auxiliary structure with a fire-resistant cementitious siding and Class A composition asphalt shingle roofing.

Staff: A 15 x 24 foot addition to an existing single family residence.

2. **Site Characteristics**

Staff: The subject site is located off of NW Logie Trail Road in an area dominated by forest lots around 7 acres in size or less. To the east is an area of residential development on small lots clustered around the road. To the west are lots larger than 7-acres in size and scattered residential development. The area is comprised of rugged hills and heavily forested lands. The subject site is a 7-acre lot roughly 85% forested with the small residential area being the only cleared portion. The site contains a small plateau where the dwelling, pump house and storage building are located and then drops off to the north.

3. **Public Comment**

MCC 37.0530 Summary Of Decision Making Processes.

(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 Director's 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 the Land Use Board of Appeals (LUBA) within 21 days of when the signed Hearings Officer decision is mailed pursuant to 37.0660(D).

Staff: Public notice was mailed out on November 6, 2006. Those that received notice were given 14-days to provide comment. One comment was received regarding the proposal from Multnomah County Transportation.

While no dedication or easement is required, the Transportation Planning Specialist recommends dedicating a slope/drainage easement for maintenance purposes Exhibit 6). If you are interested in granting a voluntary easement, you will need to contact Patrick Hinds at 503-988-3712 to complete the dedication.

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: Multnomah County Assessment and Taxation records show Geoffrey and Lauren Hausheer as the owners of the subject property (Exhibit 1). Geoffrey Hausheer has signed the General Application Form (Exhibit 2) authorizing the processing of the permit.

Criterion met.

5. **The Use is Allowed in the CFU-2 Zone**

MCC 33.2220 Allowed Uses

(D) Alteration and maintenance of an existing lawfully established *habitable dwelling* as defined in MCC 33.0005.

Staff: The applicant is requesting an alteration of an existing dwelling. Pictures submitted by the applicant demonstrate that the existing dwelling contains the elements required of a habitable dwelling: Intact walls and roof; indoor plumbing including a sink, bathing facilities, and a restroom; interior wiring and a heating system. The house was established in 1966, a land use decision approved additions in 1995 and building permits were issued. The history of permitting demonstrates the home was lawfully established.

Criterion met.

6. **The Proposed Addition Meets the Dimensional Requirements of the CFU-2 Zone**

A. **MCC 33.2450 BUILDING HEIGHT REQUIREMENTS**

(A) Maximum structure height – 35 feet.

Staff: The submitted elevation plans (Exhibit 3) show the proposed addition measuring an average of 16-feet in height.

Criterion met.

B. MCC 33.2456 FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES

Use	Forest Practice Setbacks			Fire Safety Zones
Description of use and location	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)	Fire Safety Zone Requirements (FSZ)
Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling	May maintain current nonconforming setback(s) if less than 30 ft. to property line	30	30	Property owner is encouraged to establish Primary to the extent possible

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Table 1

Staff: The proposal is for a 15x24 foot addition (360 square feet). According to the submitted site plan (Exhibit 4), the addition maintains the current 35-foot setback to the front property line, which meets the required Forest Practice Setbacks as established in Table 1 of MCC 33.2456.

Criterion met.

7. The Property is a Lot of Record

MCC 33.2075 Lot of Record

(A) In addition to the *Lot of Record* definition standards in MCC 33.0005, 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. See Examples 1 and 2 in this subsection.

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. See Example 3 in this subsection.

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

(4) Exceptions to the standards of (A)(2) above:

(a) Where two contiguous parcels or lots are each developed with a lawfully established *habitable dwelling*, the parcels or lots shall be Lots of Record that remain separately transferable, even if they were held in the *same ownership* on February 20, 1990.

(b) Where approval for a “Lot of Exception” or a parcel smaller than 19 acres under the “Lot Size for Conditional Uses” provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the *same ownership* on February 20, 1990.

MCC 33.0005(L)

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 33.7785. 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.)

(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an “acknowledged unincorporated community” boundary which intersects a Lot of Record.

1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.

2. An “acknowledged unincorporated community boundary” is one that has been established pursuant to OAR Chapter 660, Division 22.

Staff: The subject property was created on September 13, 1943 by recording a deed in Book 779, Page 95. The property has not changed its configuration since. At that time, there was no zoning on the subject property, so it met all zoning requirements. At that time, there were no partition requirements for divisions of land into three or fewer parcels, so the division met all land division rules in effect at the time. Considering this, the subject property is a Lot of Record.

Criteria met.

8. The Proposal Meets the SEC Approval Criteria

MCC 33.4565 Criteria for Approval of SEC-v Permit -Significant Scenic Views

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

- 1. (1) Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure;**

Staff: The applicant has provided detailed drawings, elevation plans and color specifics. Currently the dwelling is a forest green, but will be grey or blue grey. Due to the structure being topographically screened, color is a non-issue. There will be a motion sensing front porch entry, a side deck light, and a rear flood-lamp. All of which are topographically screened or face away from identified viewing areas.

Criterion met.

- 2. (2) Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades;**

Staff: The applicant has provided the required elevation drawings showing final grade.

Criterion met.

3. **(3) A list of identified viewing areas from which the proposed use would be visible; and,**

Staff: The site is topographically screened from all identified viewing areas.

Criterion met.

4. **(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: N/A

Staff: The proposed development is completely topographically screened

Criterion met.

- B. **(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:**

Staff: Staff concurs with the applicant. Analysis of the site shows that the area of development, the 15-foot face of the addition, is topographically screened from all listed Identified Viewing Areas. GIS data shows that the building site is at an elevation of 250 feet. Ridges within the site lines of the structure facing south and southeast intervene at elevations of 380, 300 and 290, completely shielding the development from any potential Identified Viewing Area.

The new roof for the pump house will be composite shingle and will be facing skyward as the structure is small and has a relatively flat roof.

Criteria met.

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

- C. **(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:**

- a. **(1) 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.

Staff: The applicant has shown on the site plan the areas of the properties that are forested. The area of the proposed addition is cleared.

Criterion met.

- b. **(2) Location of existing and proposed structures;**

Staff: The applicant has shown the location of the proposed addition on the site plan.

Criterion met.

- c. **(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;**

Staff: The applicant has shown the required elements on their plans.

Criterion met.

- d. **(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: Currently a 4' high aluminum wrought-iron style fence enclosing front yard.

Staff: There is an existing fence that closes off the front yard in front of the dwelling. The fence is within the exempted area as described in MCC 33.4570(B)(6).

Criterion met.

D. (B) Development standards:

Applicant: All requirements shall be met. The existing fence denoted above falls within either (a) outside the setback from the private road, or (b) within the exemption area designated by MCC 33.4560(B)(6)(e).

1. **(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.**

Staff: The proposed addition is in cleared area next to the existing dwelling.

Criterion met.

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

Staff: The addition is 35-feet from the property line as shown on the submitted site plan (Exhibit 4)

Criterion met.

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

Staff: There is an existing driveway to the development that will not be altered.

Criterion met.

4. **(4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:**

(a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or

(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.

Staff: No new accesses are a part of this development.

Criterion met.

5. **(5) The development shall be within 300 feet of a side property line if adjacent property has structures and developed areas within 200 feet of that common side property line.**

Staff: The development is within 300-feet of the side property line as shown on the submitted site plan.

Criterion met.

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

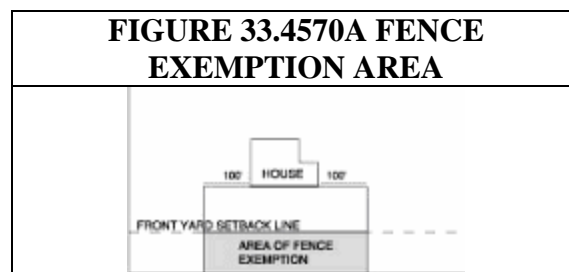
(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

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

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

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

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



Staff: No additional fencing is proposed. The existing fencing on the property is within the Exemption Area.

Criterion met.

7. **(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:**

Scientific Name	Common Name
<i>Chelidonium majus</i>	Lesser celandine
<i>Cirsium arvense</i>	Canada Thistle
<i>Cirsium vulgare</i>	Common Thistle
<i>Clematis ligusticifolia</i>	Western Clematis
<i>Clematis vitalba</i>	Traveler's Joy
<i>Conium maculatum</i>	Poison hemlock
<i>Convolvulus arvensis</i>	Field Morning-glory
<i>Convolvulus nyctagineus</i>	Night-blooming Morning-glory
<i>Convolvulus seppium</i>	Lady's nightcap
<i>Cortaderia selloana</i>	Pampas grass

Scientific Name	Common Name
<i>Crataegus sp. except C. douglasii</i>	hawthorn, except native species
<i>Cytisus scoparius</i>	Scotch broom
<i>Daucus carota</i>	Queen Ann's Lace
<i>Elodea densa</i>	South American Water-weed
<i>Equisetum arvense</i>	Common Horsetail
<i>Equisetum telemateia</i>	Giant Horsetail
<i>Erodium cicutarium</i>	Crane's Bill
<i>Geranium roberianum</i>	Robert Geranium
<i>Hedera helix</i>	English Ivy
<i>Hypericum perforatum</i>	St. John's Wort

Scientific Name	Common Name
<i>Ilex aquafolium</i>	English Holly
<i>Laburnum watereri</i>	Golden Chain Tree
<i>Lemna minor</i>	Duckweed, Water Lentil
<i>Loentodon autumnalis</i>	Fall Dandelion
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Phalaris arundinacea</i>	Reed Canary grass
<i>Poa annua</i>	Annual Bluegrass
<i>Polygonum coccineum</i>	Swamp Smartweed
<i>Polygonum convolvulus</i>	Climbing Binaweed
<i>Polygonum sachalinense</i>	Giant Knotweed
<i>Prunus laurocerasus</i>	English, Portugese Laurel
<i>Rhus diversiloba</i>	Poison Oak

Scientific Name	Common Name
<i>Rubus discolor</i>	Himalayan Blackberry
<i>Rubus laciniatus</i>	Evergreen Blackberry
<i>Senecio jacobaea</i>	Tansy Ragwort
<i>Solanum dulcamara</i>	Blue Bindweed
<i>Solanum nigrum</i>	Garden Nightshade
<i>Solanum sarrachoides</i>	Hairy Nightshade
<i>Taraxacum officinale</i>	Common Dandelion
<i>Utricularia vulgaris</i>	Common Bladderwort
<i>Urtica dioica</i>	Stinging Nettle
<i>Vinca major</i>	Periwinkle (large leaf)
<i>Vinca minor</i>	Periwinkle (small leaf)
<i>Xanthium spinosum</i>	Spiny Cocklebur
<i>various genera</i>	Bamboo sp.

Staff: A condition of approval shall require the applicant to maintain the residential area free of the nuisance plants listed above.

Criterion met.

Conclusion

Based on the findings and other information provided above, this application for a Significant Environmental Concern Permit for an addition to an existing dwelling, meets the applicable and Multnomah County Zoning Code requirements with conditions.

Exhibits:

1. Multnomah County Assessment And Taxation Information Sheet
2. General Application Form
3. Elevation Plans
4. Site Plan
5. Floor Plans
6. Transportation Memo Recommending Slope/Drainage Easement