



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.

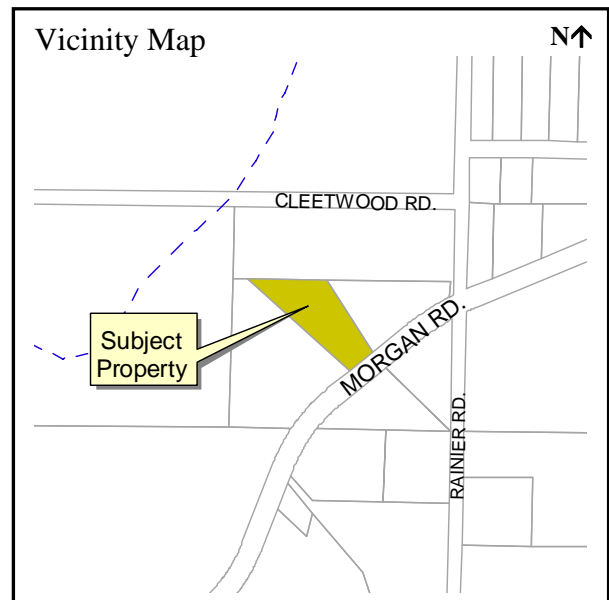
Case File: T2-06-124

Permit: Significant Environmental Concern for
Habitat and Scenic Views

Location: 19541 NW Morgan Rd.
TL 500, Sec 12CD, T2N, R2W, W.M.
Tax Account #R708303790

Applicant: Darin Anderson
13931 Shireva Ct.
Lake Oswego

Owner: Darin and Marjorie L. Anderson
13931 Shireva Ct.
Lake Oswego



Summary: Proposal to build a 23' by 36' detached garage in the Rural Residential Zone District and in the Significant Environmental Concern for Wildlife Habitat and Scenic Views Overlay Districts.

Decision: Approved with Conditions

Unless appealed, this decision is effective March 15, 2007, at 4:30 PM.

Issued by:

By: _____
George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: Thursday, March 1, 2007

Instrument Number for Recording Purposes: #2006136904

Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director's Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact George A. Plummer, Staff Planner at 503-988-3043 ext. 29152.

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 March 15, 2007 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): Chapter 37: Administrative Rules and Procedures, MCC 33.3100 et al: Rural Residential, MCC 33.4500: Significant Environmental Concern

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.co.multnomah.or.us/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. Within 30 days of this decision becoming final and prior to building permit sign-off, the applicant shall record the Notice of Decision including the Conditions of Approval (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 Multnomah County Land Use Planning. Recording shall be at the applicant's expense (MCC 37.0670).

2. The property owner shall maintain the existing trees and hedge shown northeast of the driveway on the site plan, included as Exhibit 1.3, to provide screening of the development from the viewing areas. The property owner shall plant additional trees to provide screening of the garage shown on the staff amended site plan included as Exhibit 2.7. The additional trees to be planted include at least five arborvitae trees northeast of the driveway and a least three conifer trees southwest of the driveway between the dwelling and front property line. These trees shall be maintained in living condition in perpetuity, if any die they must be replaced within a year. The trees shall be planted within a year of the building permit final inspection [MCC 33.4565(C)].
3. The property owner shall use the building materials represented in the application including painting the garage the colors as shown on Exhibit 1.5 or paint colors which match colors on the Columbia Gorge Commission color chart can be used [MCC 33.4565(C) and (C)(2)].
4. Outdoor lighting shall be directed downward, hooded and shielded as represented in Exhibit 1.6 [MCC 33.4565(C)].
5. The property owner shall remove the existing fencing on the sideyard property line for the first 30 feet from the Morgan Road right-of-way. All fencing within a required setback from Morgan Road (30 feet) shall meet the following criteria:
 - (a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.
 - (b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.
 - (c) Cyclone, woven wire, and chain link fences are prohibited.
 - (d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.
6. Nuisance plants listed under MCC 33.4570(B)(7) shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property.

Note: Once this decision is final, application for building permits may be made with the City of Portland. When ready to have building permits signed off, the applicant shall call the Staff Planner, George Plummer, at (503) 988-3043 ext. 29152, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Portland. Six (6) sets of the site plan and five (5) sets of the building plans are needed for building permit zoning signed off as well as payment of a \$53 fee for building permit zoning review and \$77 fee for erosion control inspections.

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

FINDINGS AND CONCLUSIONS

This decision is based on the findings and conclusions in the following section.

Staff Report Formatting Note: To address Multnomah County Code requirements staff provides findings as necessary, referenced in the following section. Headings for each category of finding are underlined. Multnomah County Code language is referenced using a **bold** font. The Applicant's narrative, when provided, follows in *italic font*. Planning staff analysis and findings follow the **Staff** label. At the end of the report, Exhibits are described.

1. DESCRIPTION OF THE PROPOSAL:

Applicant: *Proposed new construction of a 32' x36' detached garage.*

Staff: The applicant is requesting an SEC-v and SEC-h Permit for to build a 1152 square foot, single story detached garage (Exhibit 1.2).

2. SITE AND VICINITY CHARACTERISTICS

Staff: The property is located on the northwest side of NW Morgan Road. It is located a little more than 100 feet from the road on a portion of the property with a shallow slope. The property is relatively small, at 0.87 acres. The proposed development area is adjacent to the existing dwelling in a cleared area of the property. There are several residentially developed properties in the vicinity ranging in size of about two acres to parcels smaller than the subject property (Exhibit 2.1). These properties are within the Rural Residential District (Exhibit 2.2). Surrounding this pocket of smaller lots are properties in the Commercial Forest Use – 2 District which tend to be larger lots ranging in size from two acres to 15 or more.

3. OWNERSHIP

MCC 37.0550: Except as provided in MCC 37.0760, Type I - IV applications may only be initiated by written consent of the owner of record or contract purchaser.

Staff: County Assessment records show the property owners as Darin and Marjorie L. Anderson (Exhibit 2.1). Both property owners signed the application as the owners (Exhibit 1.1).

4. TYPE II CASE PROCEDURES

MCC 37.0530(B) Type II Decisions

(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses and natural features and resources, and how it will look. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject Tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision. The Planning Director's decision is appealable

to the Hearings Officer. If no appeal is filed the Planning Directors decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to LUBA within 21 days of when the decision is signed.

Staff: An opportunity to comment notice was mailed to property owners within 750-feet of the property lines on January 5, 2007. No comments were received regarding the application.

5. RURAL RESIDENTIAL ZONE DISTRICT

5.1. Allowed Uses:

MCC 33.3120(F) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district;

Staff: A detached garage is a structure customarily accessory to dwellings in this district. The existing dwelling is 1400 square feet thus the proposed garage at 1152 sq. ft is incidental to the dwelling use.

5.2. LOT OF RECORD

MCC 33.3170 (A) In addition to the Lot of Record definition standards in MCC 33.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR zone applied;**
- (2) July 10, 1958, F-2 zone applied;**
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;**
- (4) October 6, 1977, RR zone applied, Ord. 148 & 149;**
- (5) October 13, 1983, zone change from MUF-19 to RR for some properties, Ord. 395;**
- (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004, 20 acre minimum lot size for properties within one mile of Urban Growth Boundary;**
- (7) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.**

MCC 33.3170 (B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 33.3185, may be occupied by any al-lowed use, review use or conditional use when in compliance with the other requirements of this district.

MCC 33.3170 (C) Except as otherwise provided by MCC 33.3160, 33.3175, and 33.4300 through 33.4360, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

MCC 33.3170 (D) The following shall not be deemed to be a lot of record:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;**
- (2) An area of land created by the foreclosure of a security interest.**
- (3) An area of land created by court decree.**

MCC 33.0005 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 Re-cording 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 property is shown on the current map County Assessment (Exhibit 2.1) the same as it appears on the 1962 zoning map (Exhibit 2.3). The County Assessment parcel record for the property shows there was a warranty deed for the property filed on 5/23/53 in Book 1611 on Page 0508 (Exhibit 2.4). The property was created prior to zoning and partition requirements meeting the standards for a Lot of Record under (a) and (b) of the Lot of Record definition. The property is a Lot of Record.

6. SIGNIFICANT ENVIRONMENTAL CONCERN REVIEW

6.1. SEC Permit Required

MCC 33.4510(A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in MCC 33.4515, shall be subject to an SEC permit.

Finding: The proposed development is within the Significant Environmental Concern for Significant Scenic Views (SEC-v) and Significant Environmental Concern for Habitat (SEC-h) Overlay Zone Districts (Exhibit 2.2). An SEC-v and SEC-h Permit is required for the proposed garage.

6.2. Application for SEC Permit

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

MCC 33.4520 (A) An application for an SEC permit shall include the following:

- (1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC 33.4560 through 33.4575.
- (2) A map of the property showing:
 - (a) Boundaries, dimensions, and size of the subject parcel;
 - (b) Location and size of existing and proposed structures;
 - (c) Contour lines and topographic features such as ravines or ridges;
 - (d) Proposed fill, grading, site contouring or other landform changes;
 - (e) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;
 - (f) Location and width of existing and proposed roads, driveways, and service corridors.

Finding: The required information was submitted (Exhibit 1.2 - 1.7).

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

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

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

Applicant: *I am proposing to build a 32' x 36' garage at the above named property. Finished height of the garage will be no more than 20'. The roof of the garage will be finished with a dark color shingle to blend in with the surrounding. The siding will be handiplank lap siding finished and painted with dark earth tone colors also to blend in. This will be a detached garage with no plumbing. The exterior lighting will be as such that has cover over the light bulb, directing light downward only.*

Staff: The applicant has submitted the information required (Exhibits 1.2 – 1.7).

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

Staff: The applicant has submitted the required information (Exhibit 1.7).

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

Applicant: *According to a topographic map the property can be viewed from places on Sauvie Island: Sauvie Island Wildlife Refuge.*

Staff: The applicant has identified viewing areas as Sauvie Island including the Wildlife Refuge (Exhibit 1.2). The proposed structure appears to be topographically visible from portions of Sauvie Island which likely includes some of the public roads and possibly from the Multnomah Channel (Exhibit 2.6).

6.3.4. MCC 33.4565(B) (4) A written description and drawings demonstrating how the proposed development will be visually subordinate as required by (C) below, including information on

the type, height and location of any vegetation or other materials which will be used to screen the development from the view of identified viewing areas.

Applicant: *The roof of the garage will be finished with a dark color shingle to blend in with the surrounding. The siding will be handiplank lap siding finished and painted with dark earth tone colors also to blend in. There is no existing vegetation on the property that would block the view from Sauvie Island, however there are many trees that exist on other properties at this time that currently block the view of the property from all identified viewing areas.*

Staff: The applicant has addressed visibility of the proposed garage with a written description and drawings (Exhibits 1.2 and 1.3.). The applicant depends on the building materials, paint colors and vegetation on other properties as well as additional planting of arborvitae trees to meet visual subordination. While vegetation on other properties currently provides screening for the proposed garage, that vegetation could potentially be removed in the future by the other property owners. Given the proposed single story, low reflective materials, and painting the building dark natural colors the building could be made visual subordinate with planting of vegetation along the northeast side (Exhibit 1.3) and the southwest side of the driveway as shown on staff amended site plan attached as Exhibit 2.7 .

6.4 MCC 33.4565 (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: Given the topography of the area the front of the garage proposed garage will be topographically visible from the southeast. The applicant depends on the building materials, dark natural colors and vegetation on other properties as well as proposed planting of arborvitae trees to meet visual subordination. While vegetation on other properties currently provide screening for the proposed garage, that could vegetation could potentially be removed in the future by the other property owners. Vegetation planted on the subject property is more reliable for screening the proposed building. In conclusion to the findings in the guidelines below the proposed single story height, low reflective materials, and painting the building dark natural colors, the building could be made visual subordinate through planting of vegetation along the northeast side of the driveway as proposed by the applicant (Exhibit 1.3) and planting additional conifer trees on the southwest side of the driveway as shown on staff amended site plan attached as Exhibit 2.7. This criterion can be met through conditions of approval requiring low reflective materials, painting the building the submitted colors and planting of additional vegetation on the property as shown on Exhibit 2.7.

6.4.1. MCC 33.4565 (C)(1) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.

Staff: The subject property is relatively small at .87 acres which limits the location of the proposed building. The proposed building is located adjacent to the dwelling on the property and the dwelling on the neighboring property. Moving the structure back would move it into the septic drainfield (Exhibit 1.3). Given the size of the property and the existing development, other locations are not practical for siting the building on this property.

6.4.2. MCC 33.4565 (C)(2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors.

Applicant: *Finished height of the garage will be no more than 20'. The roof of the garage will be finished with a dark color shingle to blend in with the surrounding. The siding will be handiplank lap siding finished and painted with dark earth tone colors also to blend in. The garage door will be a rough metal surface.*

Staff: The applicant is proposing handiplank lap siding which are low reflectivity cement fiber siding planks (Exhibit 1.2). The garage door is proposed to be a rough metal surface which will meet the low reflectivity standard if painted with flat paint surface (Exhibit 1.4). The applicant has submitted a sample of dark green and black asphalt roofing. The proposed building colors are as follows: Behr "Wanderer" a dark green for the trim and "Carriage Door" a natural green for the base (Exhibit 1.5). These colors meet the guidelines for dark earthtone colors and will blend in with the vegetation in the area. If the applicant chooses to change the paint color selection, the Columbia Gorge Commission color chart can be used as a guideline for paint colors which meet these guidelines. These colors and the required additional vegetation to be planted, will achieve visual subordination. A condition of approval will require use of the building materials and the colors proposed by the applicant.

6.4.3. MCC 33.4565 (C)(3) No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials.

Applicant: *The exterior lighting will be as such that has cover over the light bulb, directing light downward only.*

Staff: The applicant submitted a lighting fixture brochure showing a fixture that will meet this guideline (Exhibit 1.6). A condition of approval will require lighting that is directed downward and hooded and shielded. This standard will be met through a condition.

6.4.4. MCC 33.4565 (C)(4) Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening.

Staff: The applicant proposes coniferous vegetation (arborvitae) planted to the east of the proposed garage along the northeast side of the driveway (Exhibit 1.3). Three additional conifer trees will need to be planted to the southwest of the driveway to screen the proposed structure as shown on staff amended plans attached as Exhibit 2.7. A condition will require this vegetation to be planted and maintained.

6.4.5. MCC 33.4565 (C)(5) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.

Applicant: *The proposed structure will fit exactly on the footprint of the existing house.*

The proposed land development as described in the topography section of site plan will follow the contour & flow of the surrounding land. The development will eliminate the unnatural deep depression on the ground where the down flow of the hill ends abruptly. A rock & concrete retaining wall will be constructed to hold the amount of the soil that will fill the area. (please see retaining wall details).

Staff: The subject property is relatively small at .87 acres which limits the location of the proposed building. The proposed building is located adjacent to the dwelling on the property and the dwelling on the neighboring property. Moving the structure back would move it into the septic drainfield. Given the existing development, the location takes advantage of the one existing tree and line of shrubs at the driveway entrance for screening. The topography in the vicinity of the dwelling is relatively flat. The proposed garage meets this guideline best it can given the existing physical characteristics and existing development.

6.4.6. MCC 33.4565 (C)(6) Limiting structure height to remain below the surrounding forest canopy level.

Applicant: *The height of the surrounding forest canopy is on average 40' – 50' tall. The proposed garage will be no higher than 20'.*

Staff: The proposed development will be below the canopy of the trees in the area. This guideline is met.

6.4.7. MCC 33.4565 (C)(7) Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property, except:

Staff: The proposed structures will be below the skyline of bluffs or ridges as seen from identified viewing areas. This guideline is met.

6.5. SEC-h Development standards

MCC 33.4570(A) In addition to the information required by MCC 33.4520 (A), an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:

- (1) Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas;**
- (2) Location of existing and proposed structures;**
- (3) Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;**
- (4) Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.**

Staff: The required information has been submitted (Exhibit 1.3 and 1.8).

- 6.5.1 MCC 33.4570(B)(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.**

Staff: The property was cleared in the developed area when it was first developed. There are a variety of species of trees on the back portion of the property in areas other than where the development is proposed (Exhibit 1.2 and 2.4). This standard is met.

- 6.5.2. MCC 33.4570(B) (2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.**

Staff: The proposed addition will occur within 200 feet of Morgan Road a public road (Exhibit 2.5). The standard is met.

- 6.5.3. MCC 33.4570(B) (3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.**

Staff: The proposed driveway is less than 500 feet in length (Exhibit 1.3 and 2.5). This standard is met.

- 6.5.4. MCC 33.2105(B) (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: The adjacent property to the northeast has an access onto Morgan Road within 200 feet of the property boundary. The driveway on the subject property is within 100 of the property of the property with the driveway within 200 feet (Exhibit 2.5). This standard is met.

- 6.5.5. MCC 33.4570(B)(5) The development shall be within 300 feet of the property boundary if adjacent property has structures and developed areas within 200 feet of the property boundary.**

Staff: The development is within 300 feet of both side yard property lines (Exhibit 2.5). This standard is met.

- 6.5.6. MCC 33.4570(B) (6) Fencing within a required setback from a public road shall meet the following criteria:**

- (a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.**
- (b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.**
- (c) Cyclone, woven wire, and chain link fences are prohibited.**
- (d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.**

Applicant: *Fencing on the property line to the south is an existing chain link fence. On the property line to the north is a 3' tall wood fence. I am not proposing to add any new fencing.*

Staff: The fencing that applicant describes will need to be removed for the up to 30 feet from the Morgan Road Right-of-Way. Any fencing erected in the future will need to meet this standard. A condition of approval will require the removal of fencing that doesn't meet this standard and will require any future fencing erected meet this standard.

6.5.7. MCC 33.4570(B) (7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property: Plants list Under MCC 33.4570(B)(7).

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

7. CONCLUSION

Staff: The applicant has demonstrated the criteria for the Significant Environmental Concern for View and Habitat are met or can be met through conditions of approval for the proposed development.

8. EXHIBITS

8.1. Exhibits Submitted by the Applicant:

- Exhibit 1.1: Application form (1 page)
- Exhibit 1.2: Applicant's narrative (3 pages)
- Exhibit 1.3: Site Plans (4 pages)
- Exhibit 1.4: Addendum to narrative and roofing sample (1 page)
- Exhibit 1.5: Paint color chips (1 page)
- Exhibit 1.6: Lighting fixture brochure (1 page)
- Exhibit 1.7: Elevation drawings of the garage (2 pages)
- Exhibit 1.8: Storm Water Certificate completed and signed by Jamie J. Lim, PE (2 pages)
- Exhibit 1.9: Certification of On-site Sewage Disposal (3 pages);
- Exhibit 1.10: Fire District Review Fire Flow Requirements (4 pages)
- Exhibit 1.11: Fire District Access Review submitted 6/19/06 (4 pages);

8.2. Exhibits Provided by the County

- Exhibit 2.1: County Assessment Record and map for the subject property (2pages)
- Exhibit 2.2: Current County Zoning Map with subject property labeled (1 page)
- Exhibit 2.3: 1962 Zoning and Assessment Map (1 page)
- Exhibit 2.4: County Assessment Parcel Record for the property (1 page)
- Exhibit 2.5: 2004 Aerial Photo showing subject property (1 page)
- Exhibit 2.6: 2004 Aerial Photo showing property and vicinity with 10 foot contour lines (1 page)
- Exhibit 2.7: Staff amended site plan showing additional plantings and corrected North arrow (1 page)