



**MULTNOMAH COUNTY**  
**LAND USE AND TRANSPORTATION PROGRAM**  
1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233  
PH: 503-988-3043 FAX: 503-988-3389  
<http://www.co.multnomah.or.us/landuse>

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## NOTICE OF DECISION

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

**Case File:** T2-07-010

**Permit:** Significant Environmental Concern & Administrative Decision By The Planning Director

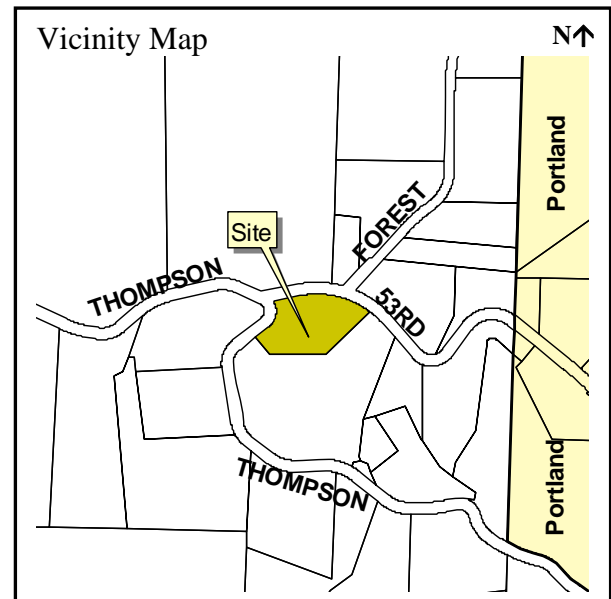
**Location:** 2981 NW 53<sup>rd</sup> Drive  
TL 1600, Sec 25, T 1N, R 1W, W.M.  
Tax Account #R96125-0310

**Applicant:** Steve Kaiser  
FormWest Architecture, Inc.

**Owner:** James Hampton

**Base Zone:** Commercial Forest Use – 2 (CFU-2)

**Overlays:** Significant Environmental Concern for Wildlife Habitat (SEC-h) & Hillside Development and Erosion Control (HDP)



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**Summary:** Applicant is requesting the following:

1. To remodel and add an addition to the existing single family dwelling; and
2. Construct a 2,479 sq. ft. accessory structure on the subject property.

**Decision:** Approved with conditions.

Unless appealed, this decision is effective Monday, April 23, 2007, at 4:30 PM.

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Issued by:

By: \_\_\_\_\_  
Lisa Estrin, Planner

For: Karen Schilling- Planning Director

Date: Monday, April 23, 2007

Instrument Number for Recording Purposes: # 95063851

**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 Lisa Estrin, Staff Planner at 503-988-3043 ext. 22597.

**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 Monday, April 23, 2007 at 4:30 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): *Commercial Forest Use – 2*: MCC 33.2220 Allowed Uses, MCC 33.2225 Review Uses, MCC 33.2250 Building Height Requirements, MCC 33.2256 Forest Practices Setbacks and Fire Safety Zones, MCC 33.2261 Development Standards for Dwellings and Structures, MCC 33.2275 Lot of Record

**Significant Environmental Concern:** MCC 33.4510 Uses; SEC Permit Required, MCC 33.4515 Exceptions, MCC 33.4520 Application for SEC Permit, MCC 33.4570 Criteria for Approval of SEC-h Permit -Wildlife Habitat

**Chapter 37:** Administration and Procedures, specifically MCC 33.0530(B) Type II procedures, MCC 33.0550 Initiation of Action, MCC 33.0560 Code Compliance.

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 land use sign-off of the building permit, the property owner or his representative shall have the slope on the west and south sides of the accessory building surveyed for slope percentage. The primary fire safety zone shall be in accordance with MCC 33.2256(D). The corrected primary fire safety zone shall be shown on the site plan.
2. Prior to use of the accessory structure, the required Primary Fire Safety Zone shall be established as shown on the modified site plan required under Condition No. 1.
3. The Primary Fire Safety Zones shall be maintained by the property owner in compliance with MCC 33.2256.
4. Prior to the construction of the accessory building, a building permit shall be obtained at the City of Portland and the building permit shall be final before use of the structure by the property owner. [MCC 33.2261(C)(1)]
5. If in the future a heating device requiring a chimney or stove pipe is installed within the garage/studio/storage building, a spark arrester must be installed and maintained. [MCC 33.2261(C)(4)]
6. Prior to issuance of land use sign off of the building permit for the accessory structure, the property owners shall hire a professional biologist to survey the stream channel and riparian area along NW 53<sup>rd</sup> Drive on their property and determine if the removal of blackberries or other nuisance plants is warranted. If warranted, the biologist shall create an enhancement plan for the riparian zone on the subject property. This enhancement plan shall be submitted to Land Use Planning. [MCC 33.4570(C)]
7. No area can be cleared for the construction of a separate septic system for the accessory structure. Any plumbing added to the accessory structure shall be connected to the dwelling's septic system. [MCC 33.4570(C) & MCC 2220(T)]
8. No more than 1 acre (43,560 sq. ft) will be cleared in total for all physical improvements separate from the accessway. [MCC 33.4570(C)]
9. The fencing shown in the forested areas of the site (east property line & connecting into the northern elevation of the dwelling) must be removed. [MCC 33.4570(C)]

**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, Lisa Estrin at (503)-988-3043 extension 22597 to schedule an appointment for land use signoff.** Multnomah County must review and sign off building permit applications before they are submitted to the City of Portland. Six (6) sets each of the site plan and building plans are required at the building permit sign-off stage along with a \$53.00 building permit sign-off fee and a \$77 erosion control inspection fee.

**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**

**FINDINGS:** Written findings are contained herein. The Multnomah County Code criteria and Comprehensive Plan Policies are in **bold font**. The applicants statements are identified below as ‘**Applicant:**’. Staff comments and analysis are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

### ***Project Description:***

**Applicant:** This project is to expand the existing residential use on the site. The project includes a remodel and addition to the existing residence, increasing the foot print (area under roof) by 200 square feet. It also includes a new accessory structure, located 80-feet from the existing residence. This new structure has a footprint of 2,000 square feet and will be used for garage and storage functions. The project will increase the total cleared area on the site by approximately 2,500 square feet and will require the removal of approximately (5) existing fir trees. Other trees may need to be removed to meet the requirements of the “primary fire safety zone”.

**Staff:** Staff calculated the size of the accessory structure and found that the square footage for the proposed accessory structure is actually 2, 479 sq. ft.

#### **1.00 Administration and Procedures**

##### **1.01 Type II Case Procedures**

**MCC 37.0530(B): ...Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision...**

**Staff:** The application was submitted January 26, 2007 and was deemed complete on February 22, 2007. An “Opportunity to Comment” notice was mailed on February 23, 2007 to all properties within 750 feet of the subject properties in compliance with MCC 37.0530. Comments were received from the neighbors to the south. Their concerns include impacts to sensitive flora and fauna covered by the City of Portland’s “E” zone, watershed protection, size of accessory structure in relation to others in the area, proximity to their property, location within the Balch Creek drainage basin, failure to build the structure within the cleared zone and submittal of a Wildlife Conservation Plan.

Multnomah County’s Significant Environmental Concern regulations do not specify specific protections for specific sensitive flora or fauna. The subject property is not located in an area regulated by the City of Portland. The City’s environmental overlays do not govern in Multnomah County’s jurisdiction and the County is unable to utilize them when reviewing a permit. The subject property is located within two watersheds: Balch Creek and Saltzman Creek. The County’s watershed protection is through the County’s Grading and Erosion Control ordinance. The applicant will need to provide documentation of compliance as prior to land use sign off of the building permit. Size of the structure and accessory use is look at under finding 2.01. The setback and height requirements are reviewed under finding 2.03, 2.04 & 2.05. Findings 3.03 through 3.11 show compliance with the SEC wildlife criteria.

##### **1.02 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:** The proposed project is located on Tax Lot 1600, Section 25A, Township: 1 North, Range: 1 West. Assessment & Taxation records show that the land is owned by James Hampton (Exhibit B.1). The property owner has granted approval for Steve Kaiser of FormWest Architecture, Inc. to make application for the necessary permits to remodel an existing single family dwelling and construct an accessory structure on the property (Exhibit A.1 & A.2). *This criterion has been met.*

**1.03 MCC 37.0560 Code Compliance And Applications.**

**Except as provided in subsection (A), the County shall not make a land use decision, or issue a building permit approving development, including land divisions and property line adjustments, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.**

**(A) A permit or other approval, including building permit applications, may be authorized if:**

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

**(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.**

**Staff:** There are no known violations on the site at this time.

**2.00 Commercial Forest Use – 2 Criteria**

**2.01 MCC 33.2220 Allowed Uses**

**(T) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.**

**Staff:** The applicant's proposed structure will be used as a garage, storage and studio space and will be 2,472 sq ft in size. The existing dwelling is 2,896 sq. ft in size and has a 600 sq ft covered patio for a total area of 3,496 sq. ft. The proposed accessory structure is smaller than the existing dwelling and is an accessory structure to the existing dwelling. *This criterion has been met.*

**2.02 MCC 33.2225 Review Uses**

**The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:**

**(A) Expansion, replacement or restoration of an existing lawfully established habitable dwelling.**

**Staff:** A *lawfully established dwelling* was constructed in compliance with the laws in effect at the time of establishment. A *habitable dwelling* is one that exists and has intact exterior walls and roof structure, indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system, interior wiring for interior lights, a heating system and was lawfully established. The existing house was constructed in 1988. A building permit was issued for an addition to the dwelling in 1998. At the time the building permit was issued for the 171 sq. ft. addition, the Land Use Planning determined that the dwelling was lawfully established. The applicant has submitted photographs documenting that the existing dwelling has all the required components of a habitable dwelling (Exhibit A.7).

2.03 **MCC 33.2250 Building Height Requirements**

(A) **Maximum structure height – 35 feet.**

(B) **Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.**

**Staff:** The elevations for the remodel and addition show that the dwelling will be a 32 ft tall at the ridgeline. The accessory structure is proposed to be 34.25 ft high at the ridgeline (Exhibit A.3 & A.4). *This criterion has been met.*

2.04 **MCC 33.2256 Forest Practices Setbacks and Fire Safety Zones**

**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:**

Use	Forest Practice Setbacks		Fire Safety Zones
Description of use and location	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	30	30	Property owner is encouraged to establish Primary to the extent possible
Accessory structures within 100 ft. of dwelling	30	30	Primary required

**Staff:** Both structures are shown on the site plan as meeting the Forest Practice Setbacks (Exhibit A.3). The site plan shows a 30 ft primary fire safety zone around the dwelling and accessory dwelling.

2.05 **(D) Fire Safety Zones on the Subject Tract**

**(1) Primary Fire Safety Zone**

**(a) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall**

also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

(b) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

Percent Slope	Distance In Feet
Less than 10	No additional required
Less than 20	50 additional
Less than 25	75 additional
Less than 40	100 additional

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

**Staff:** The existing slope surrounding the dwelling appears to be less than 10 %. The applicant has shown a 30 ft primary fire safety zone around the dwelling. The building site for the accessory structure has slopes ranging from 15 to 19 percent. The downhill slope west of the accessory structure ranges from 43 to 50% based on the applicant's contour information. This will require additional area be included within the Primary Fire Safety Zone. The primary fire safety zone will need to be lengthened on this side of the structure from 30 ft to 130 ft. A condition of approval has been included requiring that the slope on the west side of the building be surveyed and that the primary fire safety zone be lengthened accordingly. *As conditioned this criterion has been met.*

- 2.06           **(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.**
- (5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).**

**Staff:** Two conditions of approval have been included to remind it the property owner of their requirement to maintain the Primary Fire Safety Zone.

2.07   **MCC 33.2261 Development Standards for Dwellings and Structures**

**All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):**

**(A) For the uses listed in this subsection, the applicable development standards are limited as follows:**

- (1) Expansion of existing dwelling.**
- (a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 33.2261;**
- (3) Accessory buildings.**
- (a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 33.2261(C);**

**Staff:** A&T records indicate that the ground coverage for the existing dwelling is 2,516 sq. ft. The proposed remodel and addition will convert the existing attached garage into habitable space and building enlargement will only increase the ground coverage to 2,713 sq. ft. Since

the proposed ground coverage increase will be less than 400 sq. ft., the dwelling is not subject to MCC 33.2261. The proposed garage/studio and storage building is located 80 ft to the south of the house and will utilize the existing driveway for access. The documentation has been included that the structure will meet the requirements of MCC 33.2261(C).

2.08 **(C) The dwelling or structure shall:**

- (1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;**
- (2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;**
- (3) Have a fire retardant roof; and**
- (4) Have a spark arrester on each chimney.**

**Staff:** A building permit is required for the construction of the accessory structure. A condition of approval has been included requiring the building obtain and final a building permit for its construction. The proposed accessory building does not indicate that a chimney will be installed. A condition of approval has been included that if a chimney is installed in the accessory structure a spark arrester will be installed. The elevations for the structure indicate that a fire retardant roof will be installed. *As conditioned, these criteria will be met.*

3.00 ***Significant Environmental Concern Criteria***

3.01 **MCC 33.4510 Uses; SEC Permit Required**

- (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.**

**Staff:** Both accessory structures and additions to existing single family dwelling are listed as uses in the Commercial Forest Use – 2 zone.

3.02 **MCC 33.4520 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.**

- (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.**

**Staff:** Information has been provided (Exhibit A.1 – A.6).

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

**(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;**

**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.**

**(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 applicant has provided the above information in the plans (Exhibit A.3 & A.4).

3.04 **(B) Development standards:**

**(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:** 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. A "cleared" area is does not meet the description of a forested area and is not being reforested pursuant to a forest management plan. The applicant has indicated that the existing cleared area is approximately 20,000 sq. ft in size and is occupied by the current physical improvements. A portion of the accessory structure will be placed in the cleared area but four trees will need to be removed in order to construct the accessory structure. Additional trees may be required to be removed for the primary fire safety zone, but these are exempt from the standard (Exhibit A.3). The work on the dwelling will be within the existing cleared area. Since additional cleared area will be created for the accessory structure, a Wildlife Conservation Plan will be required.

3.05 **(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 existing dwelling is approximately 145 ft from NW 53<sup>rd</sup> Drive. The accessory building utilizes the existing driveway and is 210 ft from NW 53<sup>rd</sup> Drive, but is only 150 ft from NW Thompson Road. *This criterion has been met.*

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

**Staff:** The entire length of the service corridor is approximately 400 ft in length (Exhibit A.3). *This criterion has been met.*

- 3.07           **(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 driveway access to NW 53<sup>rd</sup> Drive is an existing use. No modification is proposed to the driveway's connection location. The driveway connection is a legally existing use that was constructed prior to 1994 and qualifies for the exemption pursuant to MCC 33.4515(H).

- 3.08           **(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:** Pursuant to MCC 33.0005, the front property line of Tax Lot 1600 is adjacent to NW Thompson Road. The property to the south has a dwelling approximately 150 ft from the shared property line. This shared property line is the interior side lot line for Tax Lot 1600. The proposed accessory structure is approximately 30 ft from this property line. The existing dwelling and addition is approximately 75 ft from the southern property line. *This criterion has been met.*

- 3.09           **(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.**

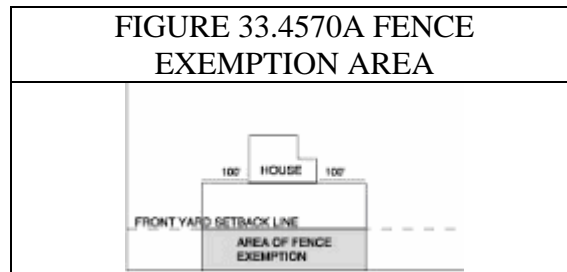
**(c) Cyclone, woven wire, and chain link fences are prohibited.**

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

**(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.**

## FIGURE 33.4570A FENCE

### EXEMPTION AREA



**Staff:** There is no fencing proposed or existing along NW Thompson Road or NW 53<sup>rd</sup> Drive. *This criterion has been met.*

3.10

**(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
<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
<i>Ilex aquafolium</i>	English Holly
<i>Laburnum watereri</i>	Golden Chain Tree
<i>Lemna minor</i>	Duckweed, Water Lentil

Scientific Name	Common Name
<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
<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>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:** The property owner has indicated that there are no existing nuisance plants on the subject site and has acknowledged that he cannot plant any of these species on the site. *This criterion has been met.*

3.11

**(C) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.**

**(1) 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; or**

**(2) 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).**

**Staff:** The application has all but one of the development standards listed in Section B. Since additional cleared area will be created for the construction of the accessory structure, a wildlife conservation plan is required.

**(3) The wildlife conservation plan must demonstrate the following:**

**(a) 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.**

**Staff:** The removal of 4 trees for the construction of the accessory structure is the minimum necessary to construct the project. No area can be cleared for the construction of a separate septic system for the accessory structure. Any plumbing added to the accessory structure shall be connected to the dwelling's septic system. A condition of approval has been included that no additional trees can be removed for the construction of the accessory building other than for the primary fire safety zone.

**(b) 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.**

**Staff:** The existing cleared area is approximately 20,000 sq. ft. The newly cleared area is approximately 50 ft by 40 ft. No cleared area is authorized for a separate septic system for the accessory structure. The area required for the primary fire safety zones will be approximately 11,000 to 20,000 sq ft. No more than 1 acre (43,560 sq. ft) will be cleared in total for all physical improvements separate from the accessway.

**(c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.**

**Staff:** The fencing shown in the forested areas of the site (east property line & connecting into the northern elevation of the dwelling) must be removed. No agricultural use exists on the site.

**(d) 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.**

**Staff:** There are no cleared areas other than the existing areas for the dwelling and the proposed cleared area for the accessory structure.

**(e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.**

**Staff:** Along a portion of the NW 53<sup>rd</sup> road front, there exists a stream. The property owners shall hire a professional biologist to survey the stream channel and riparian area and determine if the removal of blackberries or other nuisance plants is warranted. If warranted, the biologist shall create an enhancement plan for the riparian zone of the subject property. This work shall be completed prior to land use sign off of the building permit for the accessory structure.

#### 4.00 **Conclusion**

Based on the findings and other information provided above, the applicant has carried the burden necessary for a Significant Environmental Concern for Wildlife Habitat and Administrative Decision by the Planning Director for the remodel and addition to the existing single family dwelling and construction of a garage/studio/storage building in the CFU-2 zoning district. This approval is subject to the conditions of approval established in this report.

#### 4.10 **Exhibits**

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	10	Significant Environmental Concern for Wildlife Habitat Permit Application	1/26/07
A.2	10	CFU Zone Development Standards Permit Application Form A, Type 1	1/26/07
A.3	1	Proposed Accessory Building Elevations, Site Vicinity Plan, Existing Conditions – Sheet A1	1/26/07
A.4	2	Existing House w/Remodel Elevations & Enlarged Site Plan, New Development – Sheet A2	1/26/07
A.5	1	Garage Second Floor	2/15/07
A.6	1	House Second Floor	2/15/07
A.7	3	Photographs of the Existing Single Family Dwelling	2/21/07
A.8	1	Ground Floor Plan	2/15/07
‘B’		Staff Exhibits	Date of Document
B.1	2	A&T Property Record for 1N1W25A – 1600	1/26/07
B.2	4	Comments received from Mr. & Mrs. Coon Regarding Application	3/9/02
‘C’		Administration & Procedures	Date
C.1	1	Complete Letter – Day 1	2/23/07
C.2	4	Opportunity to Comment	2/23/07