



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.

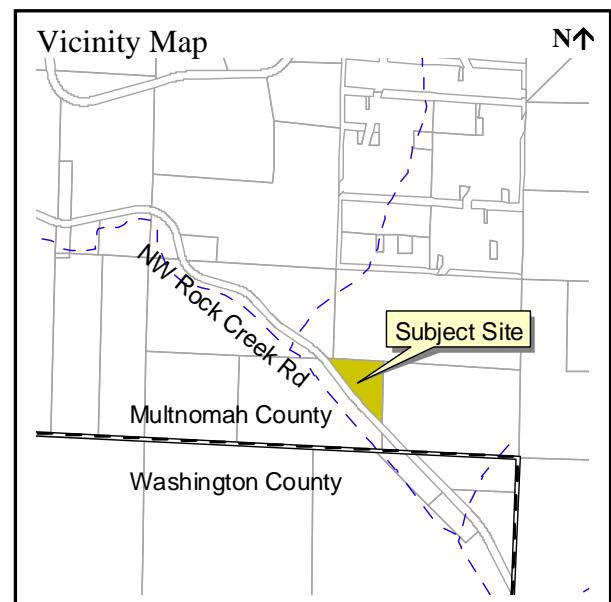
Case File: T2-07-022

Permit: Significant Environmental Concern

Location: 13611 NW Rock Creek Road
TL 400, Sec 26D, T2N, R2W, W.M.
Tax Account #R97226-0310

Applicant: Frank Walker

Owner: Martin and Kara Laetsch



Summary: Applicant is requesting approval for an accessory structure for the purposes of storage.

Decision: Approved with conditions.

Unless appealed, this decision is effective Tuesday, December 2, 2008 , at 4:30 PM.

Issued by:

By: _____
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Tuesday, November 18, 2008

Instrument Number for Recording Purposes: #98060306

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 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, ext. 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 2, 2008 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): Multnomah County Code (MCC): 33.2220 Allowed Uses; 33.2256 Forest Practices Setbacks and Fire Safety Zones; 33.2261 Development Standards for Dwellings and Structures; 33.2275 Lot of Record; 33.0005 Lot of Record; 33.4570 SEC-h Approval Criteria; 33.4575 SEC-s Approval Criteria.

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. The request for a permit extension must be submitted prior to the expiration of the approval period.**

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. **After the decision is final and prior to building permit sign-off, the property owner shall record the Notice of Decision cover sheet through the conditions of approval 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 a copy filed with Land Use Planning. Recording shall be at the applicant's expense. [MCC 37.0670]

2. The owner shall continuously maintain the 30-foot primary fire safety zone around the accessory structure [MCC 33.2256(D)(1)].
3. The roof of the accessory building shall be constructed out of fire retardant materials [MCC 33.2261(C)].
4. The following nuisance plants shall not be planted on 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.

[MCC 33.4570(B)(7)]

5. The owner shall monitor the red cedar trees planted as mitigation with a yearly audit for five years. The owner shall ensure at least an 80-percent survival rate of planted vegetation. If the survival rate falls below 80%, replacement red cedars shall be planted to raise the average above 80 percent [MCC 33.4575(D)(1)(d)].
6. Prior to building permit sign-off, the owner shall submit a Stormwater Certificate signed and stamped by an Oregon registered Professional Engineer certifying the proposed stormwater system can handle the increased runoff on site for a 10-year/24-hour storm event [33.4575(E)(2)].

7. All exterior lighting shall be hooded and directed downward [MCC 33.4575(E)(3)].

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, Don Kienholz, at (503) 988-3043 ext. 29270 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. Five (5) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee of \$53.00 will be collected. In addition, an erosion control inspection fee of \$77.00 may be required.

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**

Staff: The applicant is requesting approval to construct a 24x60 foot storage building accessory to the dwelling.

2. **Site Characteristics**

Staff: The subject property is within the County's West Hills Rural Plan Area and bisected by NW Rock Creek Road. The proposed site is on the eastern side of the lot near the existing dwelling. The entire property is heavily forested except in the immediate area around the dwelling and the proposed building site for the accessory structure. Rock Creek flows along the western NW Rock Creek Road and on the opposite side of the road as the development site.

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 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 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: An Opportunity to Comment was mailed on July 5, 2007 to property owners within 750-feet of the property lines. No written comments were received.

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 Martin and Kara Laetsch as owners of the subject property (Exhibit A-1). Frank Walker has signed the SEC Application Form (Exhibit A-2). A letter of authorization signed by Martin and Kara Laetsch has been included granting authority to Frank Walker to act on their behalf for the application (Exhibit B-1).

Criterion met.

5. **Residential Accessory Storage Structures Are Allowed**

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 proposed building will store residential items and be accessory to the residence on the property. Therefore, the structure will be incidental to a primary use on the property.

Criterion met.

6. **The Proposed Development Will Meet the Height Requirements**

A. **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 proposed storage building will measure 20-feet tall.

Criteria met.

7. **The Proposed Accessory Structure will Meet the Forest Practice and Fire Safety Zone Requirements**

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:

Table 1

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)
Accessory structures within 100 ft. of dwelling	N/A	30	30	Primary required

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 33.2310 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

(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.

(2) Secondary Fire Safety Zone

A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of 33.2310.

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

(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: The proposed accessory building is located 65-feet from the existing dwelling as measured on the submitted site plan (Exhibit B-2), therefore the structure is required to have a 30-foot forest practice setback from any property line as well as a 30-foot primary fire safety zone. Slope at the development site is flat so there will be no increase in the primary fire safety setback. The closest property line is 60-feet away to the east. The secondary fire safety break is not required based on Table 1 shown above.

Criteria met.

8. The Proposed Storage Structure Meets the Development Standards

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

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 33.2261(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2261(B) & (C);

Staff: Because the proposed storage building is within 65-feet of the dwelling, it is only subject to the standards of MCC 33.2261(C) below.

B. (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 mobile home is not being proposed. No chimneys are proposed for the storage building. A condition of approval shall require that the roof of the storage building be constructed out of fire retardant material.

Criteria met with a condition of approval.

9. The Property Has Adequate Access

MCC 33.2273 ACCESS

All lots and parcels in this district shall abut a street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 33.2275(C).

Staff: The property fronts NW Rock Creek Road and has an existing driveway which is adequate for emergency services.

Criterion met.

10. The Property is a Lot of Record

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 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.)

MCC 33.2275 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:

(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.

Staff: The subject property shows up on the 1962 zoning maps as two separate tax lots with 9.93 acres and 4.74 acres respectively. At the time, the property was zoned F-2 which had a 2-acre minimum lot size. The properties maintained the same configuration on the tax lot maps when the zoning changed to MUF-20 zone which required 20-acres to divide a property. The properties maintained the same tax lot configuration on the 1993 tax lot maps when the zoning changed to CFU. Tax Cards from Multnomah County Assessment and Taxation show the two parcels were consolidated in 1990 into one parcel in instrument number Book 9508 Page 1532. Yet, there were two tax lots for taxing purposes – known today as Tax Lots 400 and 500. Consolidating two parcels into one did not require County review for consolidation and did not violate land division rules. Zoning requirements did not regulate the consolidation of the properties either. A replacement home was permitted by the County under permit SEC 32-97. Taking all this into account, the property met the zoning and land division requirements at the time of creation and was verified by the County with the approval of the replacement home under permit SEC 32-97 and is a Lot of Record.

Criteria met.

11. **The Proposal Meets the SEC-h Approval Criteria**

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

(B) Development standards:

- A. **(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: Under the definition of ‘cleared’ the portion of the property occupied by the home and the proposed site of the storage building are cleared. The remaining areas of the entire property are forested. There is an existing slab where the accessory building will be placed as well as an existing driveway.

Criterion met.

- 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 accessory building is 95-feet from the roadway as measured on the site plan (Exhibit B-2).

Criterion met.

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

Staff: There is an existing driveway serving the dwelling that is roughly 220--feet in length to the accessory structure.

Criterion met.

- D. **(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.

(d) The standards in this subsection (4) may be modified upon a determination by the County Road Official that the new access road/driveway approach would result in an unsafe traffic situation using the standards in the Multnomah County “Design and Construction Manual,” adopted June 20, 2000, (or all updated versions of the manual). Standards to be used by the Road Official from the County manual include Table 2.3.2, Table 2.4.1, and additional referenced sight distance and minimum access spacing standards in the publication A Policy on Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials (AASHTO) and the Traffic Engineering Handbook by the Institute of Transportation Engineers (ITE).

1. The modification shall be the minimum necessary to allow safe access onto the public road.

2. The County Road Official shall provide written findings supporting the modification.

Staff: No new access points are proposed.

Criterion met.

- E. **(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 proposed storage building is 60-feet from the eastern property line, which is a side property line.

Criterion met.

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

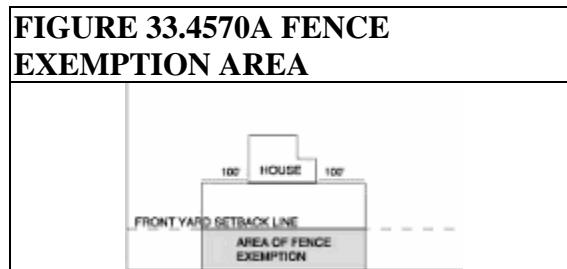
(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

(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.



Staff: No fencing currently exists on the property and none is proposed.

Criteria met.

(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
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<i>Crataegus sp. except C. douglasii</i>	hawthorn, except native species
<i>Cytisus scoparius</i>	Scotch broom
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<i>Geranium robertianum</i>	Robert Geranium
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Scientific Name	Common Name
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<i>Loentodon autumnalis</i>	Fall Dandelion
<i>Lythrum salicaria</i>	Purple Loosestrife
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<i>Phalaris arundinacea</i>	Reed Canary grass
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<i>Vinca minor</i>	Periwinkle (small leaf)
<i>Xanthium spinosum</i>	Spiny Cocklebur
<i>various genera</i>	Bamboo sp.

Staff: A condition of approval will require the owner of the land to maintain the site free of the listed nuisance plants.

Criterion met.

12. **The Proposal Meets the SEC-s Approval Criteria**

MCC 33.4575 Criteria for Approval of SEC-s Permit –Streams

A. **(D) For stream resources designated "3-C" the applicant shall demonstrate that the proposal:**

(1) Will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its pre-development state, as documented in a Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:

(a) A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by MCC 33.4575 (C);

(b) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;

(c) A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in MCC 33.4575 (D) (1);

(d) An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.

Staff: The applicant is proposing a new structure and therefore not exempt from the SEC-s requirements. The applicant has provided a site plan showing the stream that is being protected, Rock Creek. It is located on the portion of the property west of NW Rock Creek Road, which bisects the property into two sections. The residence and proposed accessory structure are located on the eastern portion of the property and Rock Creek Road. The applicant included a Wildlife Habitat Assessment (Exhibit B-3) performed in August of 2007 which included an assessment of the stream corridor. Barry Schreiber, a wildlife biologist, performed the assessment. The biologist determined the creek is fish bearing and observed fingerling trout. Mr. Schreiber determined that human disturbance is already high at the site but will not be increased with the addition of the accessory building. Staff concurs as the area the accessory structure will be located is already compacted gravel and will not require addition site contouring or grading that would pose a risk to the stream. Because NW Rock Creek Road separates the residential area of the property from the stream, there will be no net increase in disturbance – human activity or development related. The mitigation plan includes the removal of invasive species and Red Cedar plantings to help enhance the riparian area.

Criteria met.

B. (E) Design Specifications

The following design specifications shall be incorporated, as appropriate, into any developments within a Stream Conservation Area:

1. **(1) A bridge or arched culvert which does not disturb the bed or banks of the stream and are of the minimum width necessary to allow passage of peak winter flows shall be utilized for any crossing of a protected streams.**

Staff: The stream will not be crossed as part of this application and therefore this criterion is not applicable.

2. **(2) All storm water generated by a development shall be collected and disposed of on-site into dry wells or by other best management practice methods which emphasize groundwater recharge and reduce peak stream flows.**

Staff: The applicant has noted in his narrative that the stormwater will be conveyed into a gutter/downspout that is connected to a drywell. A stormwater certificate signed and stamped by a professional engineer will be required as a condition of approval.

Criterion met with condition of approval.

3. **(3) Any exterior lighting associated with a proposed development shall be placed, shaded or screened to avoid shining directly into a Stream Conservation Area.**

Staff: The applicant states in his narrative that lighting shall be side mounted and contain light hoods. He also states that intervening vegetation will also prevent light from the building to shine in the creek. A condition of approval will require all lighting facing the stream to be hooded and directed downward.

Criterion met with condition of approval.

4. **(4) Any trees over 6" in caliper that are removed as a result of any development shall be replaced by any combination of native species whose combined caliper is equivalent to that of the trees removed.**

Staff: No trees shall be removed as part of the proposal. The area is already cleared of all vegetation.

Criterion met.

5. **(5) Satisfaction of the erosion control standards of MCC 33.5520.**

Staff: No grading is required to place the accessory building because the area is already flat, graveled and used for residential purposes. The accessory structure will be set on the existing cleared and graveled area. With no topographic changes or ground disturbance proposed, the erosion control standards are met.

Criterion met.

6. **(6) Soil disturbing activities within a Stream Conservation Area shall be limited to the period between June 15 and September 15. Revegetation/soil stabilization must be accomplished no later than October 15. Best Management Practices related to erosion control shall be required within a Stream Conservation Area.**

Staff: Originally the applicant proposed to replace the dwelling and provide for more extensive groundwork. Since that time, the applicant altered the proposal to include only the accessory building. Additionally, there was an emergency repair to the septic system that had a substantial failure. The owners also installed two retaining walls with non-mechanized equipment with County permits. Pictures provided by the applicant show the proposed accessory site is already level and graveled. Grading was originally proposed by the applicant for site preparation but the work has already been done with the placement of the retaining walls and septic system repair. No further grading is necessary for the placement of the accessory structure.

Criterion met.

7. **(7) Demonstration of compliance with all applicable state and federal permit requirements.**

Staff: Staff is not aware of any state or federal requirements triggered by the placement of the accessory structure.

Criterion met.

Conclusion

Based on the findings, site plan, and other information provided herein, this application, as conditioned, satisfies the applicable approval criteria required for a Significant Environmental Concern Permit for a Wildlife Habitat and Significant Streams.

Exhibits

Staff:

- A-1 Multnomah County Assessment and Taxation Information Sheet
- A-2 Significant Environmental Concern Application Form

Applicant:

- B-1 Letter of Authorization
- B-2 Site Plan
- B-3 Wildlife/Habitat Assessment
- B-4 Applicant Narratives