



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.

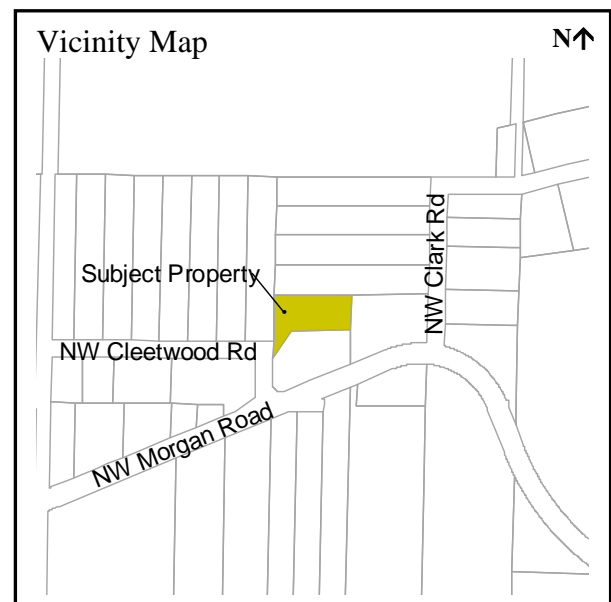
Case File: T2-08-028

Permit: Significant Environmental Concern for
Wildlife Habitat, Scenic Views and an
Adjustment

Location: 19225 NW Cleetwood Road
TL 1100, Sec 12DB, T2N, R2W, W.M.
Tax Account #R70830-2830

Applicant: Mo Savoy

Owner: Tamara J. Williams



Summary: Request for a 14x23-foot sunroom on the north side of the house and to retroactively permit the carport attached to the garage. The request also includes an Adjustment to reduce the setback from the carport to the west property line down to 18-feet.

Decision: Approved With Conditions

Unless appealed, this decision is effective Tuesday, October 28, 2008, at 4:30 PM.

Issued by:

By: _____
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Tuesday, October 14, 2008.

Instrument Number for Recording Purposes: # 2006134713

Opportunity to Review the Record: A copy of the Planning Director's Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director's Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Don Kienholz, Staff Planner at 503-988-3043, x 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, October 28, 2008 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): 37.0560 Full Compliance, 33.0005 Lot of Record, 33.3155 Dimensional Requirements, 33.3170 Lot of Record, 33.4565 SEC Views, 33.4570 SEC Habitat, 33.7611 Adjustment 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. A request for permit extension may be required to be granted prior to the expiration date of the permit.**

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. **Prior to building permit sign-off, the applicant shall record the Notice of Decision cover sheet through 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 filed with the Land Use Planning Division. Recording shall be at the applicant's expense. [MCC 37.0670].**

2. The vegetation along both the west and east property lines shall be retained for screening and privacy purposes. Any that should die, blow over, or lose its foliage, shall be replaced with another laurel or a coniferous tree no less than 4-feet in height within 30-days. If an arborist or other qualified expert certifies the planting should take place later than 30-days after, than it shall be replaced under the arborists timeline [33.4565(C)(1) and (4)]
3. All exterior lighting shall be shown on building plans and be hooded and directed downward [MCC 33.4565(C)(3)].
4. The applicant shall continue to maintain the property free of the nuisance plants listed in MCC 33.4570(B)(7).
5. The owner shall remove one foot of carport increase the setback from the west property line to 18-feet in order to have a setback reduction of only 40% through the Adjustment [MCC 33.7611].

Once this decision becomes final, applications for building permits may be made with the City of Portland. **When ready to have building permits signed off, call the Staff Planner, Don Kienholz, at (503)-988-3043 x29270 to schedule an appointment.** Multnomah County must review and sign off building permit applications before they are submitted to the City of Portland. Six (6) sets each of the site plan and building plans are required at the building permit sign-off. There is a \$53 fee for building permit sign-off and a \$77 fee for Minimal Impact Inspection, if 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 proposing to construct a 14x23-foot sunroom on an existing concrete pad on the north side of the existing dwelling. Additionally, a carport that was attached to the west side of the dwelling without permits is being retroactively permitted for a Significant Environmental Concern Permit for Wildlife Habitat (SEC-h) and Significant Views (SEC-v). Due to the proximity to the western property line, the carport must also have an Adjustment to reduce the allowed setback to 18-feet. The subject property is zoned Rural Residential (RR) and located off of NW Cleetwood Ave in the West Hills.

2. **Site Characteristics**

Staff: The subject site is within the County's West Hills Rural Plan Area. The subject property is located in an area off of Highway 30 in an old subdivision of narrow and long lots generally consisting of 1 to 1.5 acres in size. The area contains a large rural community with most lots having dwellings and some outbuildings. The subject site is relatively flat and cleared of any forested area. Access to the property is from NW Cleetwood Road.

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 August 8, 2008 to property owners within 750-feet of the property lines. No official comments were received however staff did receive two phone calls asking for clarifications on the proposal as well as general zoning questions that resulted from the mailing.

Procedures met.

4. **Code Compliance**

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 in-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: No active Under Review (UR) or Zoning Violation (ZV) cases are associated with the property. However, there is an existing carport attached to the west of the garage that was built without permits by a previous owner. The dwelling and attached garage were approved under SEC 30-99 and are compliant with the code. As part of their application, the current owner has applied for an Adjustment to bring the property into full compliance.

Criterion met.

5. **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 Tamara Williams as the owner of the subject property (Exhibit A-1). Nuview Design, LLC is listed as the applicant with Maurice Savoy acting on their behalf. Ms. Williams has signed the SEC Application Form (Exhibit A-2)

as the owner of the property to authorize the processing of the permit and Mr. Savoy as an agent authorized to act on her behalf.

Criterion met.

6. **An Addition to an Existing Dwelling is an Allowed Use**

MCC 33.3115 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 33.3120 through 33.3130 when found to comply with MCC 33.3155 through 33.3185.

* * *

MCC 33.3120 Allowed Uses

A. **(C) Residential use consisting of a single family dwelling constructed on a Lot of Record**

Staff: A single-family dwelling is an allowed use in the Rural Residential zone. Additions to an existing dwelling such as sunrooms and carports are allowed under the same provision.

Criterion met.

7. **The Proposal Meets the Dimensional Requirements**

MCC 33.3155 Dimensional Requirements

A. **(A) Except as provided in MCC 33.3160, 33.3170, 33.3175 and 33.4300 through 33.4360, the minimum lot size for new parcels or lots shall be five acres. For properties within one mile of the Urban Growth Boundary, the minimum lot size shall be as currently required in the Oregon Administrative Rules Chapter 660, Division 004 (20 acre minimum as of October 4, 2000).**

Staff: This project does not involve the creation of additional lots or parcels and therefore is not subject to the 5-acre requirement.

Criterion met.

B. **(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.**

Staff: No new lots are being created. The right-of-way calculation is not applicable.

Criterion met.

C. **(C) Minimum Yard Dimensions – Feet**

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

Staff: The single story sunroom addition is 11-feet from the north (side) property line and over 30-feet from both the rear (east) and front (west) property lines as shown on the submitted site plans (exhibit B-1). The elevation drawings of the sunroom show the sunroom addition measuring well below the 35-foot maximum in height (Exhibit B-2).

The carport does not meet the front yard dimensional standards but is the subject of an Adjustment as addressed under Finding 12.

Criterion met.

- D. **(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional requirements not otherwise established by Ordinance.**

Staff: NW Cleetwood has 50-feet of County Right-of-Way, the minimum amount required. Therefore, the existing yard is adequate.

Criterion met.

8. **The Property is a Lot of Record**

MCC 33.3170 Lot of Record

(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.**

(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 allowed use, review use or conditional use when in compliance with the other requirements of this district.

(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 33.0005

(13) Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof which when created and when reconfigured (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

- 1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or**
- 2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or**
- 3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in *recordable form* prior to October 19, 1978; or**
- 4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and**
- 5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See *Date of Creation and Existence* for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)**

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

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

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

Staff: The dwelling on the subject property was approved in 1999. A dwelling could not be approved unless the property was a Lot of Record. The applicant has provided a deed from 1999 that contains the same configuration as today verifying the property has not changed its configuration. Since the property is the same configuration as when the dwelling was approved, the parcel is a Lot of Record.

Criteria met.

9. **Access**

MCC 33.3185 Access

Any lot in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

Staff: The subject property has road frontage onto NW Cleetwood Ave.

Criterion met.

10. **The Proposal Meets the Significant Environmental Concern-Views Approval Criteria**

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. **MCC 33.4565 CRITERIA FOR APPROVAL OF SEC-V PERMIT -SIGNIFICANT SCENIC VIEWS**

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

- (1) Details on the height, shape, colors, out-door lighting, and exterior building materials of any proposed structure;**
- (2) Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades;**
- (3) A list of identified viewing areas from which the proposed use would be visible; and,**

(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.

Staff: The applicant has provided the required information materials and details.

Criteria met.

B. (C) Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be *visually subordinate*. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:

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

(2) Use of nonreflective or low reflective building materials and dark natural or earth-tone colors.

(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.

(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.

(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.

(6) Limiting structure height to remain below the surrounding forest canopy level.

(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:

(a) New communications facilities (transmission lines, antennae, dishes, etc.), may protrude above a skyline visible from an identified viewing area upon demonstration that:

1. The new facility could not be located in an existing transmission corridor or built upon an existing facility;

2. The facility is necessary for public service; and

3. The break in the skyline is the minimum necessary to provide the service.

Staff: The sunroom addition is roughly 15-foot tall. The property is in an area that the ground level cannot be seen by any of the identified viewing areas as seen on the County's LIDAR (Light Detection And Ranging) map in the GIS system (Exhibit A-3). The entire site is visible at the 50-foot elevation using the same LIDAR data. The property also sits near the top of a small ridge in the Morgan Road neighborhood. With a height of roughly 15-feet, neither the sunroom addition nor the carport is likely to be seen from any of the identified scenic viewpoints. It is unclear at what elevation a structure would become visible given that the entire property is unseen from any identified viewing area at ground level but the entire property is visible at 50-feet above ground.

However, given that the proposed sunroom is only roughly 15-feet in height, on the north side of the dwelling in a hollow away from the viewshed to the significant viewing areas, and is screened by a laurel hedge roughly 12-feet tall on the east property line, it is extremely unlikely to be visible at all.

The carport is located on the east side of the dwelling and like the proposed sunroom addition, is roughly 15-feet tall with the same screening and topographic features between the significant viewing areas and the structure.

The additions are small and shall not increase the footprint of the dwelling substantially. The carport is on the west side of the dwelling and faces away from any key viewing areas. The materials of the carport are wood and are not reflective. The sunroom will have a substantial amount of glass. However, the sunroom is to the north of the house and will receive less direct sun exposure on the north side. Additionally, the sunroom is within a hollow that will not be seen from key viewing areas and will be vegetative screened on the east side of the property.

No lights are proposed on the exterior of the carport or the sunroom. If any are latter added, they shall be hooded and directed downward as a condition of approval.

Taking all this into account along with a condition of approval requiring vegetation retention, both proposed additions will be visually subordinate.

Criteria met.

- C. **(D) Mining of a protected aggregate and mineral resource within a PAM subdistrict shall be done in accordance with any standards for mining identified in the protection program approved during the Goal 5 process. The SEC Application for Significant Scenic Views must comply only with measures to protect scenic views identified in the Goal 5 protection program that has been designated for the site.**

Staff: There is no PAM subdistrict near the property.

Criterion met.

- D. **(E) The approval authority may impose conditions of approval on an SEC-v permit in accordance with MCC 33.4550, in order to make the development visually subordinate. The extent and type of conditions shall be proportionate to the potential adverse visual impact of the development as seen from identified viewing areas, taking into consideration the size of the development area that will be visible, the distance from the development to identified viewing areas, the number of identified viewing areas that could see the development, and the linear distance the development could be seen along identified viewing corridors.**

Staff: The proposed development is visually subordinate by being nearly topographically screened. Conditions of approval will be proportionate by only requiring conditions that could affect that visual subordination, such as retaining the laurel hedge located along the eastern property line as screening vegetation.

Criterion met.

11. **The Proposal Meets the Significant Environmental Concern-Habitat Approval Criteria**

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

Staff: The applicant submitted a complete SEC-h Worksheet packet that included responses to the development standards listed below.

- A. **(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 provided the necessary information and map elements for the decision making process.

B. (B) Development standards:

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

Staff: The entire property meets the definition of 'cleared' therefore, the development is proposed in non-forested cleared areas.

Criterion met.

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

Staff: Both the sunroom addition and the carport addition are occurring within 150-feet of NW Cleetwood Avenue.

Criterion met.

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

Staff: There is an existing driveway that is less than 500-feet in length and is not being elongated as part of this application.

Criterion met.

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

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

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

Staff: There is an existing driveway that is not being altered as part of this proposal; therefore this criterion does not apply.

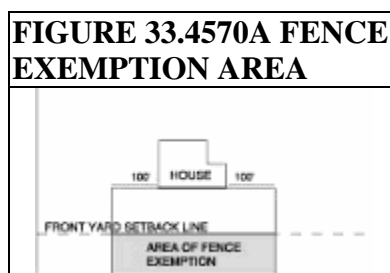
Criterion met.

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

Staff: Both the sunroom and the carport are within 200-feet of both side yard property lines.

Criterion met.

6. **(6) Fencing within a required setback from a public road shall meet the following criteria:**
- (a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.**
 - (b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be 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 is proposed as part of the proposal.

Criterion met.

7. **(7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:**

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

Scientific Name	Common Name
<i>Lemna minor</i>	Duckweed, Water Lentil
<i>Loentodon autumnalis</i>	Fall Dandelion
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Phalaris arundinacea</i>	Reed Canary grass
<i>Poa annua</i>	Annual Bluegrass
<i>Polygonum coccineum</i>	Swamp Smartweed
<i>Polygonum convolvulus</i>	Climbing Binaweed
<i>Polygonum sachalinense</i>	Giant Knotweed
<i>Prunus laurocerasus</i>	English, Portugese Laurel
<i>Rhus diversiloba</i>	Poison Oak
<i>Rubus discolor</i>	Himalayan Blackberry
<i>Rubus laciniatus</i>	Evergreen Blackberry
<i>Senecio jacobaea</i>	Tansy Ragwort
<i>Solanum dulcamara</i>	Blue Bindweed
<i>Solanum nigrum</i>	Garden Nightshade
<i>Solanum sarrachoides</i>	Hairy Nightshade
<i>Taraxacum officinale</i>	Common Dandelion
<i>Utricularia vulgaris</i>	Common Bladderwort
<i>Urtica dioica</i>	Stinging Nettle
<i>Vinca major</i>	Periwinkle (large leaf)
<i>Vinca minor</i>	Periwinkle (small leaf)
<i>Xanthium spinosum</i>	Spiny Cocklebur
<i>various genera</i>	Bamboo sp.

Staff: Nuisance plant removal shall be a condition of approval.

Criterion met.

12. Adjustment Approval Criteria

Applicant: I am writing in application for an Adjustment (Defined in MCC 33.7606) for my property located at 19225 NW Cleetwood Ave., Portland, OR 97231. The contractor I hired to build a sunroom addition to the north side of the house submitted appropriate applications to your office on or about April 1, 2008. Your inspection discovered that the existing carport did not have the required permit for construction. I purchased this property two years ago, in good faith, not knowing of this issue.

The existing carport is attached to the existing garage at the northwest corner. It is open on three sides and built of wood construction with a composite shingle roof that matches the rest of the house in color and composition. It was well planned in location as it adds to the beauty and character of the home without detracting from the beauty of the property. The .59 acre property is well maintained at all times and pleasing to the eye.

My surrounding neighbors all have carports that might be in violation of the code. It seems to be a common practice putting up outbuildings.

The property on the west side of mine sits higher in topography and seems to be able to look right over our home. Because of its' location the carport does not create an eyesore or block their view of the surrounding area. The chain link fence and established plants and vegetation between our properties allows us both ample seclusion and privacy.

I am proposing to adjust the size of the existing carport to meet the county code.

Staff: The applicant has indicated that they will be cutting off part of the existing carport to meet the setback and qualify for an Adjustment rather than a Variance.

A. MCC 33.7606 Scope

(A) Dimensional standards that may be modified under an Adjustment review (modified no more than 40 percent) are yards, setbacks, forest practices setbacks, buffers, minimum front lot line length, flag lot pole width, cul-de-sac length, cul-de-sac turnaround radius, and dimensions of a private street, except the following:

(1) Reduction of yards/setback/buffer requirements within the Significant Environmental Concern (SEC) and Willamette River Greenway (WRG) overlay districts and the Commercial Forest Use fire safety zone are not allowed under the Adjustment process; and

(2) Reduction of yards/setback/buffer requirements within the Hillside Development, Large Fills, Mineral Extraction, and Radio and Television Transmission Towers Code Sections and any increase to the maximum building height shall only be reviewed as Variances; and

(3) Minor modification of yards/setbacks/buffers in the off-street parking and design review standards are allowed only through the “exception” provisions in each respective Code section.

Staff: The applicant is seeking a reduction in the front yard setback of the Rural Residential Zone for the open air carport from 30-feet down to 18-feet, which is a reduction of 12-feet, or 40%. This will require the removal of one foot of width to meet the 18-foot setback. The request qualifies as an Adjustment. The carport is essentially a covered parking area constructed out of wood materials.

B. MCC 33.7611 ADJUSTMENT APPROVAL CRITERIA

The Approval Authority may permit and authorize a modification of no more than 40 percent of the dimensional standards given in MCC 33.7606 upon finding that all the following standards in (A) through (E) are met:

- 1. (A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and**

Staff: The purpose of the front yard setback is to provide privacy for the property and increase fire safety. The property has an odd ‘front yard’ as defined by the code. It would be associated with a side property line by most individuals. Side yards require a 10-foot setback. In this case, there are shrubs between the open air carport and the adjacent property, thus providing privacy. Additionally, with an 18-foot setback, it is more than is required by a side yard – which the property owner mistakenly thought the yard was to begin with. Considering the established shrubs and vegetation, the fact that the carport is not part of the interior residence, and there is a established belief the yard was a side yard with only a 10-foot setback, the purpose of the yard is equally met with the adjustment.

Criterion met.

2. **(B) Any impacts resulting from the adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and**

Staff: The established vegetation along the property line provides adequate privacy as intended by the setback requirement. Access, light, and drainage are not affected by the 12-foot reduction to the property line.

Criterion met.

3. **(C) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zoning district; and**

Staff: Only one Adjustment is being requested in this application.

Criterion met.

4. **(D) If the properties are zoned farm (EFU) or forest (CFU), the proposal will not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on the subject property and adjoining lands; and**

Staff: The property is zoned Rural Residential. This criterion is not applicable.

5. **(E) If in a Rural Residential (RR) or Rural Center (RC) zone, the proposal will not significantly detract from the livability or appearance of the residential area.**

Staff: Carports and other outbuildings are routinely found on other properties in the surrounding area. The carport matches the construction material and color of the existing dwelling and does not significantly detract from the livability or appearance of the area.

Criterion met.

Conclusion

Considering the findings and other information provided herein, this application for a Significant Environmental Concern Permit and Adjustment for additions to the existing single family dwelling, as conditioned, satisfies applicable Multnomah County Zoning Ordinance requirements.

Exhibits**Staff:**

- A-1 Multnomah County Assessment and Taxation Information Sheet
- A-2 SEC-h Application Form Showing Owner Authorization
- A-3 Multnomah County LIDAR Data for 0-ft Elevation

Applicant:

- B-1 Site Plan
- B-2 Elevation Plans