

**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: T2-10-011

Permit: Accessory Use Determination and a Significant Environmental Concern for Wildlife Habitat Permit.

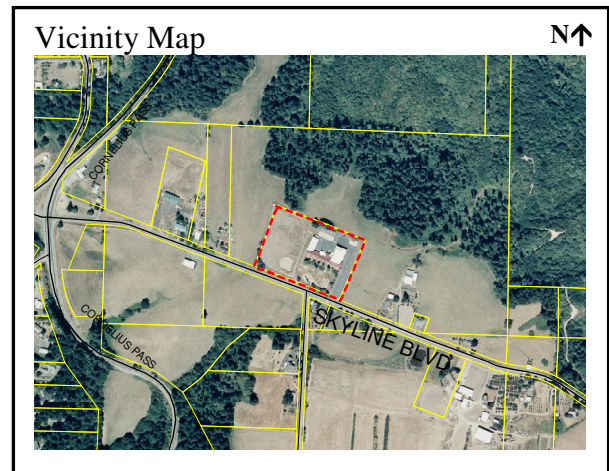
Location: 11536 NW Skyline Blvd.
Tax Lot 900, Section 31D,
Township 2N, Range 1W, W.M.

Applicant: Andersen Electric
9390 SE Hideaway Court
Damascus, OR 97089

Owner: Portland Public Schools
501 North Dixon Street
Portland, OR 97227

Base Zone: Exclusive Farm Use (EFU)

Overlays: Significant Environmental Concern for Wildlife Habitat (SEC-h)



Summary: Application for Accessory Use Determination and Significant Environmental Concern for Wildlife Habitat for a 2.5 kilowatt (kW) wind turbine on a 90 foot tall monopole to partially serve the Skyline School's electricity needs and to serve as an educational aide to students.

Decision: Approved.

Unless appealed, this decision is effective June 9, 2010, at 4:30 PM.

Issued by:

By: _____
Kevin Cook, Planner

For: Karen Schilling- Planning Director

Date: May 26, 2010

Instrument Number for Recording Purposes: #04680228

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 Kevin Cook, Staff Planner at 503-988-3043, ext. 26782 or kevin.c.cook@co.multnomah.or.us

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 June 9, 2010 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): Accessory Use Determination; MCC 33.2625 through MCC 33.2690. Significant Environmental Concern for wildlife habitat; MCC 33.4500 through MCC 33.4530 and MCC 33.4565 through MCC 33.4570.

Multnomah County Road Rules (MCRR): MCCR 4000; Access to County Roads.

Copies of the referenced Multnomah County Code (MCC) 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 (2) years from the date the decision is final if the development action is not initiated in that period. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0690. 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 this decision becomes final and prior to building permit sign-off, the property owners shall record this Notice of Decision 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 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 [MCC 33.4570(B)(7)]

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 sepium</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
<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

Scientific Name	Common Name
<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.

3. The gravel driveway entrance onto Skyline Blvd. located 110 feet west of the existing paved driveway shall be closed prior to plan sign-off. Closing of the gravel driveway shall be completed to the satisfaction of the County Right of Way Specialist (Contact Alan Young at 503-503-988-3043 ext. 83582) [MCRR 4.200]

Note: Once this decision is final, application for building and electrical permits may be made with the City of Portland. When ready to have building and electrical permits signed off, the applicant shall call the Staff Planner, Kevin Cook, at (503) 988-3043 ext. 26782, for an appointment for review and approval of the conditions and to sign and stamp the building and electrical permit plans prior to submittal to the City of Portland. Please note, Multnomah County must review and sign off the building and electrical permits before the applicant submits building and electrical 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 of Fact

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

1.00 Project Description:

Staff: The proposal is for a 2.5 kW wind turbine on top of a 90 foot tall monopole intended to partially serve the Skyline School’s electricity needs and to serve as an educational aide to students. The Applicant’s site plan (Exhibit A.6) shows the proposed monopole 90 feet south (towards the Skyline Blvd.) of the school building, 103 feet from the Skyline Blvd. right-of-way, 315 feet from the east property line, 250 feet from the west property line, and 300 feet from the north property line.

2.00 Property Description & History:

Staff: The lot is a 5.84 acre Exclusive Farm Use zoned property located on the north side of Skyline Blvd. and is the site of the Skyline School, a K-8 school administered by the Portland Public School District. The school building dates to 1939 according to County Assessment and Taxation records. In addition to the main school building there is a covered basketball court, and a bus garage.

3.00 Comments Received:

Staff: One comment letter was received during the 14-day opportunity to comment period (Exhibit D.1). The letter is from Virginia L. Ross, P.C. who represents Nancy Sheer, owner of adjacent lot 2200 (lot 2200 surrounds the subject lot on all sides but south). Ms. Sheer opposes the wind turbine based on concerns regarding view, property value, and impact to birds. The issues raised in the letter do not appear to specifically address the approval criteria.

4.00 Administration and Procedures:

MCC 37.0560 Code Compliance And Applications.

xcept 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: The property currently has two access points onto Skyline Blvd.; the primary parking lot entrance on the eastern portion of the property and a gravel driveway entrance further west that provides direct access to the ball fields on the western half of the school property. The primary driveway on the eastern portion of the driveway has been permitted by the County Right-of-Way section (Exhibit B.5). However, staff has not found a permit for the gravel driveway to the west. The Multnomah County Road Rules (MCRR 4.200) generally permits one access per lot.

Condition 3 requires the gravel driveway entrance onto Skyline Blvd. to be closed in order to bring the property into compliance.

5.00 Base Zone Criteria:

Staff: The property is located in the Exclusive Farm Use (EFU) zone (Exhibit B.6).

5.10 MCC 33.2660 Dimensional Requirements

(E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.

Staff: The proposed wind turbine is similar to a windmill and will exceed the standard 35-foot height requirement in MCC 33.2660(C). The total height (base to blade tip) will be approximately 97 feet. The monopole itself is proposed at 90 feet and the turbine is to be mounted at the 90 foot level. Six foot blades would be attached to the turbine. The structure will be 90 feet to the nearest (south) property line.

5.20 MCC 33.2675 Lot of Record

A) In addition to the Lot of Record definition standards in MCC 33.0005, for the purposes of this district a Lot of Record is either:

(1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or

(2) A group of contiguous parcels or lots:

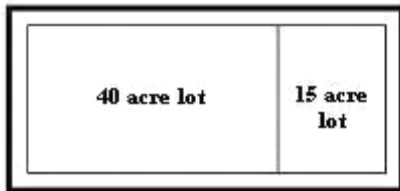
(a) Which were held under the same ownership on February 20, 1990; and

(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.

2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.

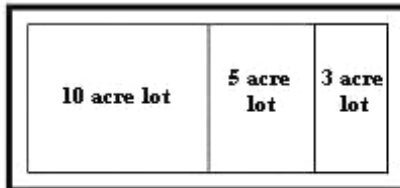
3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:



Example 1:
One 55 acre Lot of Record



Example 2:
**One 40 acre Lot of Record and
one 30 acre Lot of Record**



Example 3:
One 18 acre Lot of Record

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g. MUA-20, RR, RC, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

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

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

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

(B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:

(1) July 10, 1958, F-2 zone applied;

(2) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;

(3) October 6, 1977, MUA-20 and EFU-38 zones applied, Ord. 148 & 149;

(4) August 14, 1980, zone change from MUA-20 to EFU-38 for some properties, Ord. 236 & 238;

(5) February 20, 1990, lot of record definition amended, Ord. 643;

(6) April 5, 1997, EFU zone repealed and replaced with language in compliance with 1993 Oregon Revised Statutes and 1994 Statewide Planning Goal 3 Oregon Administrative Rules for farmland, Ord. 876;

(7) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997;

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC

33.2690 may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(D) The following shall not be deemed a Lot of Record:

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

Staff: The property was created prior to Countywide zoning rules as shown on the earliest Multnomah County zoning maps (Exhibit B.10). *The property is a Lot of Record.*

6.00 Accessory Use Determination:

6.10 MCC 33.2625 REVIEW USES

(P) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.2620, Allowed Uses.

Staff: The wind turbine is proposed to partially offset the power needs of the school. The applicant states that the proposed 2.5 kW wind turbine will only provide approximately 2.5% of the school’s estimated 160,000 kWh annual power consumption (Exhibit A.12). Because the 2.5 kW turbine will only provide a fraction of the school’s typical power consumption it is clearly incidental to the primary use of the property (a school).

Another stated purpose for the wind turbine is the opportunity to educate students by providing an on-site example of alternative energy generation. The ability to provide on-site educational opportunity is consistent with the primary use of the property (a school).

The proposed wind turbine is accessory and incidental to the primary use of the property as a school.

7.00 Significant Environmental Concern for Wildlife Habitat:

7.10 § 33.4505 AREA AFFECTED

Except as otherwise provided in MCC 33.4510 or MCC 33.4515, this subsection shall apply to those lands designated SEC on the Multnomah County Zoning Map.

Staff: The entire subject property is located within the Significant Environmental Concern for Wildlife Habitat (SEC-h) overlay as shown in Exhibit B.6.

7.20 § 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.

§ 33.4515 EXCEPTIONS

(A) Except as specified in (B) below, a SEC permit shall not be required for the following:

- (1) Farm use, as defined in ORS 215.203 (2) (a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695 (9) or on upland areas;**

- (2) The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act;
 - (3) Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, rip-rap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905 (6);
 - (4) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;
 - (5) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;
 - (6) The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;
 - (7) The maintenance and repair of existing flood control facilities;
 - (8) Uses legally existing on January 7, 2010; provided, however, that any change, expansion, or alteration of such use (except for changes to a structure that: [1] for the SEC, SEC-w, and SEC-v overlays, do not require any modification to the exterior of the structure, and [2] for the SEC-h and SEC-s overlays, require the addition of less than 400 square feet of ground coverage to the structure) shall require an SEC permit as provided herein;
 - (9) All type A Home Occupations;
 - (10) Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure;
 - (11) Alteration, repair, or replacement of septic system drainfields due to system failure;
 - (12) Single utility poles necessary to provide service to the local area;
 - (13) Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to ensure continuous width; and
 - (14) Stream enhancement or restoration projects limited to removal by hand of invasive vegetation and planting of any native vegetation on the Metro Native Plant List;
 - (15) Enhancement or restoration of the riparian corridor for water quality or quantity benefits, or for improvement of fish and wildlife habitat, pursuant to a plan that does not include placement of buildings or structures and does not entail grading in an amount greater than 10 cubic yards. This exemption is applicable to plans that are approved by Soil and Water Conservation District, the Natural Resources Conservation District, or the Oregon Department of Fish and Wildlife under the provisions for a Wildlife and Habitat Conservation Plan, and submitted to the County.
- (B) Within Metro's 2009 jurisdictional boundary, an SEC-s permit is required for agricultural buildings, structures and development associated with farm practices and agricultural uses, except that agricultural fences shall not require an SEC-s permit.

Staff: The proposed wind turbine permitted in the Exclusive Farm Use district as an accessory use to the Skyline School (see finding under 5.00 above). The proposed wind turbine does not qualify for any of the exceptions listed in MCC 33.4515. *The proposed wind turbine is subject to a SEC permit.*

7.30 § 33.4525 APPLICABLE APPROVAL CRITERIA

(A) The approval criteria that apply to uses in areas designated SEC-w, SEC-v, SEC-h and SEC-s on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

Zoning Designation	Approval Criteria (MCC#)
SEC-w (wetlands)	33.4560
SEC-v (scenic views)	33.4565

SEC-h (wildlife habitat)	33.4570
SEC-s (streams)	33.4575

Staff: The entire property is located in the SEC-h overlay as shown in Exhibit B.6. No other SEC overlays are currently located on the subject property. *The proposed wind turbine is subject to the approval criteria of MCC 33.4570.*

7.40 § 33.4570 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT

7.40.1 (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: The proposed wind turbine will be occur in a cleared area as shown on the applicant's site plan (Exhibit B.6). *The criterion is met.*

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

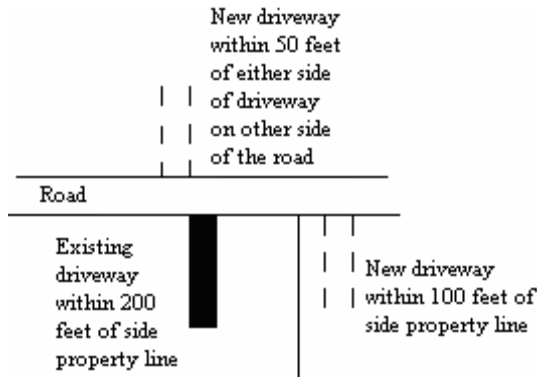
Staff: The proposed wind turbine is proposed to 90 feet from Skyline Blvd. as shown on the applicant's site plan (Exhibit B.6). *The criterion is met.*

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

Staff: No new driveways are proposed. No new driveways are authorized under this permit. A condition of approval requires the western access point onto Skyline Blvd. to be closed (see finding under Section 4 above). However, the existing access can serve the proposed development as needed. The applicant indicates that they plan to use only the existing paved access point (Exhibit A.11). *The criterion is met.*

7.40.4 (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.**
- (c) Diagram showing the standards in (a) and (b) above.**



For illustrative purposes only.

(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 is proposed. The wind turbine will be served by existing driveway access from Skyline Blvd. as shown on the applicant’s site plan (Exhibit B.6). *The criterion does not apply.*

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

Staff: The subject property is surrounded by adjacent tax lot 2200 on three sides. The nearest development on tax lot 2200 is located approximately 260 feet east of the subject property’s east property line as shown in Exhibit B.7. Because the nearest development on the adjacent property is located more than 200 feet from the common side property line to the east there is no requirement to locate the proposed wind turbine closer to that line. The wind turbine is proposed to be 315 feet from the east property line. *The criterion is met.*

7.40.6 (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.

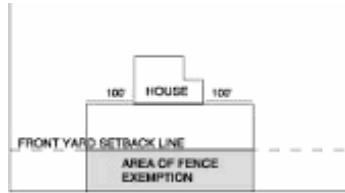
(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(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.

**FIGURE 33.4570A FENCE
EXEMPTION AREA**



Staff: No fencing is proposed. *The criterion does not apply.*

7.40.7 (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 sepium</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: A condition of approval requires the listed nuisance plants not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property (Condition 2).

8.00 Conclusion:

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Accessory Use Determination and the Significant Environmental Concern Permit for Wildlife Habitat in order to establish a 2.5 kW wind turbine on a 90 foot tall monopole in the Exclusive Farm Use zone. This approval is subject to the conditions of approval established in this report.

9.00 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

‘D’ Comments Received

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-10-011 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
‘A’	#	Submitted by Applicant	Date
A.1	1	General Application Form	2/24/2010
A.2	1	Multnomah County Assessment and Taxation Map	2/24/2010
A.3	11	Significant Environmental Concern for Wildlife Habitat Permit Application Worksheet	2/24/2010
A.4	1	Fire District Access Review	2/24/2010
A.5	3	Portland Sanitation Review	2/24/2010
A.6*	1	Applicant’s Site Plan	2/24/2010
A.7	14	Technical Plans for Proposed Wind Turbine	2/24/2010
A.8	8	Email from Applicant, Jon Roschke with attached photographs of similar wind turbines.	4/6/2010
A.9	6	Article regarding wind turbine’s effects on birds written by Mick Segrillo, 2003. Submitted by Applicant.	5/10/2010
A.10	1	Graph showing bird fatalities by source. Submitted by Applicant.	5/10/2010
A.11	1	Email from Applicant, Jon Roschke indicating that access to the proposed wind turbine site will be from the existing paved access drive.	5/20/2010
A.12	1	Email from Applicant, Jon Roschke indicating that the wind turbine is expected to generate approximately 2.5% of the schools power needs.	5/20/2010
‘B’	#	Staff Exhibits	Date
B.1	2	A&T Property Information	2/24/2010
B.2	1	A&T Improvement Information	3/26/2010

B.3	1	1977 Aerial Photograph of site	3/26/2010
B.4	1	List of Previous Building Permits	3/26/2010
B.5	4	Copy of Driveway Permit for the Existing Paved Driveway Access.	5/19/2010
B.6	1	Map of Zoning and Zoning Overlays	5/20/2010
B.7	1	Earliest County Zoning Maps	5/20/2010
'C'	#	Administration & Procedures	Date
C.1		Complete Letter (Day 1)	3/26/2010
C.2		Opportunity to Comment	4/15/2010
'D'	#	Comments Received (if needed)	Date
D.1	2	Letter from Virginia L. Ross, P.C. on behalf of Nancy Scheer (neighboring property owner), dated April 27, 2010.	4/28/2010