

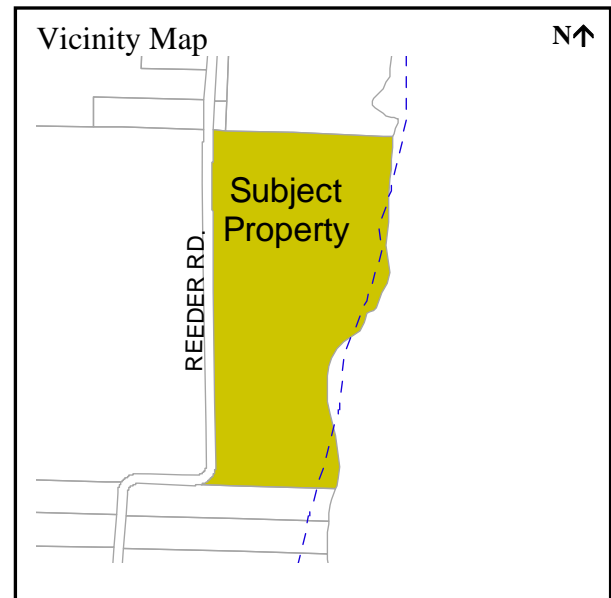


MULTNOMAH COUNTY
LAND USE AND TRANSPORTATION PROGRAM
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
<http://www.multco.us/landuse>

NOTICE OF DECISION

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

Case File: T2-2011-1709
Permit: Significant Environmental Concern
Location: 27210 NW Reeder Road
TL 700, Sec 23, T3N, R1W, W.M.
Tax Account #R981230150
**Applicant
& Owner:** Dan O'Neill
Base Zone: Multiple Use Agriculture 20 (MUA-20)
Overlays: Significant Environmental Concern –
General (SEC-g); Flood Hazard (FH)



Summary: Replacement dwelling in the Multiple Use Agriculture -20 (MUA-20) Zone with a Significant Environmental Concern (SEC) Overlay.

Decision: Approved With Conditions

Unless appealed, this decision is effective Friday, September 16, 2011, at 4:00 PM.

Issued by:

By: _____
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Friday, September 2, 2011

Instrument Number for Recording Purposes: #2006172737

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 Friday, September 16, 2011 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): 37.0560 Code Compliance, 34.0005 Lot of Record, 34.2855 Dimensional Requirements, 34.2879 Lot of Record, 34.4555 SEC Approval Criteria

Copies of the referenced Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR) 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> or <http://web.multco.us/transportation-planning>.

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 pursuant to MCC 37.0690(A) as applicable. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0695, 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.

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.

- 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 along with a copy of the landscaping plan (Exhibit 21). 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. Work shall not commence under this permit until the corresponding Grading and Erosion Control and Flood Plain Development Permit (T1-2011-1710) is issued [MCC 34.4555(I) and (J)].**
- 3. Prior to zoning sign-off for building permits for the replacement dwelling, the owner shall submit retroactive building permits for the well house located on the property [MCC 37.0560].**
- 4. Prior to zoning sign-off for building permits, the owner shall apply for and receive an Access Permit from the County Right-of-Way Specialist. For information on obtaining an Access Permit, please contact Alan Young at 503-988-3582 [MCRR 4.000].**
- 5. Prior to zoning sign-off for building permits, the owner shall submit an accurately scaled site plan showing the location of all structures on the property along with the distances from the structures to property lines labeled [MCC 34.0560].**
- 6. Prior to zoning sign-off for building permits, the owner shall submit evidence that the local fire district has reviewed the replacement dwelling project and that any requirements from the fire district are met [Comprehensive Plan Policy 38; MCC 29.013].**
- 7. Prior to zoning sign-off for building permits, the owner shall submit accurately scaled elevation plans of the dwelling with the building height calculated and depicted on the plans according to the methodology of MCC 34.0005 Building Height [MCC 34.2855(C)].**
- 8. The owner shall maintain the lawn east of the home in good condition such that it is continuously alive and healthily so that it can act as a filter for runoff and help prevent erosion. The owner shall also remove invasive species found in the list of MCC 34.4570(B)(7) from the development area and along the Columbia River. The owner shall also plant 10 native trees (such as Ponderosa Pine, Red Alder, Western Red Cedar, Big Leaf Maple, Cottonwood, or Willow Trees) on the east side of the dwelling in the area depicted in the Planting Plan of Exhibit 21. The owner shall continuously maintain the trees. Any of the trees damaged or destroyed by inclement weather or disease shall be replaced with one of the tree species named above within the next planting season. A replacement tree shall be at least 6ft tall a time of planting and shall be placed in the same general location [MCC 34.4555(G)].**
- 9. The exterior body of the home shall be painted a dark earth tone color matching the colors of Row B, Columns 12-16 and Row C, Columns 14-16 of the Recommended Colors of the NSA Scenic Resources Implementation Handbook. The exposed foundation shall be painted Dark Grey. The roof shall consist of composite roofing that is black or a dark brown matching Row A, Column 16 of the NSA Scenic Resources Implementation Handbook [MCC 34.4555(L)].**

- 10. Any exterior lighting shall be shown on the building plans at the time of zoning sign-off for building permit review. Exterior lighting shall be recessed can lights directed downward or wall-mounted lights that have the bulb shielded downward and covered by opaque materials on the side. If there are wall mounted exterior lights, the owner shall include the corresponding information sheet depicting the light design. No portion of the bulb shall be visible [MCC 34.4555(L)].**

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 applicant requested a remodel to an existing dwelling but based on the plans submitted and description provided to the City of Portland Sanitarian, the project is more accurately described as a replacement dwelling. As such, the applicant is seeking to replace the existing dwelling with a new three story dwelling with an attached garage and deck. The subject property is zoned Multiple Use Agriculture – 20 and is covered by the 100-year flood plain. The existing home is from the late 1970’s and there is currently a farm use on the property.

2.00 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.

Staff: The property has received two complaints of violations - one in 2006 and one in 2007. The complaints have since been closed. During review of the subject application it was discovered the site plan submitted did not include all the structures that currently exist on the property. 2010 air photos showed a structure located on ‘the beach’ portion of the property and an accessory structure northeast of the dwelling. An elevation certificate submitted for an accompanying Flood Development and Grading and Erosion Control Permit contained a photograph that showed a portion of the accessory structure.

The applicant noted that the structure on the beach was a temporary pergola structure covered with a tarp that has since been removed. The applicant also submitted photographs of the accessory structure to the northeast of the dwelling. The applicant stated that the structure was probably built at the same time as the dwelling, which dates back to the 1970’s. It is reasonable to believe that the accessory structure was built at the same time as the dwelling in the 1970’s and since the dwelling received building permits, so did the accessory structure. With the pergola removed from the beach, those structures are now in full compliance.

Lastly, a well house on the property was included on the site plan submitted to the City of Portland Sanitarian. As measured on that site plan, the well house was located between 15 and 20-feet from the front property line and within the required 30-foot setback.

Site plans submitted for previous building permits on the property also included the well house, but depicted it as being roughly 75-100 feet away based on the scale of the plans. When notified of the potential setback encroachment, the applicant submitted two movies demonstrating the measuring of the distance from the structure to the property line, and the center of the road. Those movies are attachments to emails and cannot be downloaded and saved to the record. The distance as seen on the videos puts the well house at 51-feet from the centerline in the county road. At that point on Reeder Road, the Right-of-Way is 50-feet wide. Assuming the centerline of the as-traveled road is the middle of the Right-of-Way,

the property line is 25-feet from the centerline. That would put the well house at 31-feet from the property line and outside of the required setback.

Considering the issues and evidence above, the property is in full compliance with the zoning and building codes.

3.00 Multiple Use Agriculture-20 Zone Standards and Requirements.

A. MCC 34.2855 DIMENSIONAL REQUIREMENTS

- 1. (A) Except as provided in MCC 34.2860, 34.2870, 34.2875 and 34.4300 through 34.4360, the minimum lot size for new parcels or lots shall be 20 acres.

Staff: No new parcels are being proposed as part of the application.

Criterion met.

- 2. (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 parcels are proposed so lot area is not applicable.

- 3. (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: As seen on the submitted site plan (Exhibit A.12), the new dwelling meets the required setbacks to property lines. The front lot line length is not being altered as part of the application and remains longer than 50-feet.

The submitted elevation plans (Exhibit A.9) contain a measurement of the dwelling being 39-feet and 13/16 inches, which exceeds the building height standard. However, building height is calculated under the methodology found in MCC 34.0005 Building Height. While the plans that were submitted were not to scale, staff used assumptions to approximate the height of the roof and thus the midpoint of the roof as well as the datum used as the lower elevation. Staff found that it appeared the dwelling’s building height as defined was between 28-feet and 33-feet, which is below the 35-foot limitation. It is reasonable to infer from the rough calculations that the building meets the building height requirements.

A condition of approval will require a full set of scaled site plans at the time of building permit sign-off with the dwelling’s height shown on the plans as calculated using the methodology of MCC 34.0005: Building Height to ensure the accurate calculation of the dwelling’s height.

Criterion met.

4. **(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 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 yard requirements in consultation with the Road Official.**

Staff: The right-of-way along NW Reeder Road is 50-feet, which meets the County’s minimum standard.

Criterion met.

5. **(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: None of the above listed structures are proposed.

6. **(F) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:**

Staff: The application is for a replacement dwelling. This criterion is not applicable.

B. MCC 34.2870 LOT OF RECORD

(A) In addition to the Lot of Record definition standards in MCC 34.0005, 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, MUA-20 zone applied, Ord. 148 & 149;**
- (5) October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;**
- (6) 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 34.2885, 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 34.2860, 34.2875, and 34.4300 through 34.4360, 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.

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

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

MCC 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 34.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

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

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

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

(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: It appears the subject property was first described as early as 1970. A deed document from, 1970, Book 727 Pages 115-116, for an adjacent property included the subject property in the metes and bounds description but then excepted out the subject property (Exhibit B.12). The subject property was either separately described prior to that 1970 deed, or at that time was divided out. In 1970 the property was zoned F-2 which had only a 2-acre minimum lot size as the dimensional requirements. Partition requirements were not yet adopted and so no land use review was required for the creation of three or fewer parcels within a calendar year. At that time in 1970, or before, the property met all the zoning and land division rules in place.

Based on the records in the land use case file, the subject property obtained additional area not included in the 1970 description when the Division of State Lands sold the owners at that time additional property in 1978 (Exhibit B.14). It is unclear if the subject property was consolidated with the property from the Division of State Lands or not at that time. In 1992, a deed was recorded (Book 2628 Pages 1446-1448 – Exhibit B.17) describing the entirety of the area of land excepted out of the 1970 deed and excluding the area of land below the ordinary high water mark of the Columbia River – clearly indicating the property contained the area of land obtained from the Division of State Lands which comprises the subject property today. No land use review was required in 1978 or 1998 to consolidate property at that time and the zoning district, MUA-20, did not require review for consolidations.

Tax lot records showed the property as being only 4.50-acres on the October 6, 1977 tax lot map (Exhibit B.8) and the 1998 tax lot map (Exhibit B.9), even with the land obtained from the Division of State Lands included. According to the Assessment and Taxation Parcel Record card, there was a correction in 2000 to the description of the subject property (Exhibit B.10). The 4.50-acre tax lot was consolidated with 23.10-acres “out of the Columbia River” to form an accurate tax lot and what is described by deed of the subject property. The correction was merely an increase in the tax lot area – not a land division or change of the metes and bounds description - and therefore satisfied the land division rules in place in 2000. Therefore, based on the above information, the subject property is a Lot of Record.

4.00 Significant Environmental Concern Permit

MCC 34.4555 CRITERIA FOR APPROVAL OF SEC PERMIT

The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, cultural areas, and wild and scenic waterways that are designated SEC on Multnomah County sectional zoning maps. Any proposed activity or use requiring an SEC permit shall be subject to the following:

- A. **(A) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.**

Staff: The proposed replacement dwelling is shown as partially in the same location as the existing dwelling. To the west of the existing, and proposed, dwelling is the primary septic system. To the west of the proposed home is the 100-year flood plain and the floodway according to the submitted survey (Exhibit A.7). With the Columbia River, the floodway and the 100-year flood plain to the east of the proposed dwelling and the septic system to the west, there is a limited area to locate the dwelling and still utilize the existing foundation, access, and residential area. The proposed location appears to be the best location for the home to still protect the natural resource and areas and maintain the scenic and aesthetic values of the property and river.

Criterion met.

- B. **(B) Agricultural land and forest land shall be preserved and maintained for farm and forest use.**

Staff: There is an agricultural use on the property in the form of horse husbandry. The farm use takes place in two large farm buildings built in 2007 under Grading and Erosion Control Permit and Flood Hazard Permit T1-07-013. The replacement dwelling will not encroach into the land utilized as farm use.

Criterion met.

- C. **(C) A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.**

Staff: The area of environmental significance is the Columbia River. The replacement dwelling is proposed to be located partially on the site of the existing dwelling and extend 10-feet closer to the river. According to the submitted site plan (Exhibit A.12), the new dwelling is mapped within the 100-year flood plain, but the elevation puts it out of the flood plain and out of the Floodway. With the whole property within the 100-year flood plain, any location would be impacted by a flood. The greatest area of environmental significance would be within the Floodway as any development there would be closer to sensitive fish habitat as well as likely washed away with moving flood waters. The most sensitive areas of the property are still protected by keeping the new dwelling outside the floodway and by locating the new dwelling in the already disturbed area.

Criterion met.

- D. **(D) Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.**

Staff: No recreational uses are proposed as part of the application. The subject property is private and does not have an obligation to allow the public access to the river.

Criterion met.

- E. **(E) The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.**

Staff: The property is accessed by way of a private driveway. The western perimeter of the property, adjacent to the public road, is lined with tall trees and vegetation which provides a buffer from the public and potential crimes of opportunity in the form of vandalism and trespass.

Criterion met.

- F. **(F) Significant fish and wildlife habitats shall be protected.**

Staff: The Columbia River is identified as habitat of endangered and threatened fish species. However, there is no development proposed to be in, or immediately adjacent to the river. The new dwelling is proposed approximately 120-feet from the river.

Criterion met.

- G. **(G) The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion, and continuous riparian corridors.**

Staff: The applicant is not proposing to remove any vegetation between the proposed dwelling and the river. The artistic renderings show a grass lawn on the east side of the home acting as a buffer to the river. No landscaping plans were submitted other than the artistic renderings. While the river and riparian area are protected by not having intervening vegetation removed, enhancement still needs to occur. To help the scenic quality of the river, protect against erosion and encourage a continuous riparian corridor, a condition of approval will require the owner of the property to remove invasive plant species, maintain the lawn of the home for erosion control, and plant 10 native trees to enhance the scenic quality and improve the riparian corridor.

Criterion met with a condition of approval.

- H. **(H) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.**

Staff: There are no known archeological areas in the vicinity of the proposed home.

Criterion met.

- I. **(I) Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.**

Staff: The entire property is located within the 100-year flood plain. The floodway for the Columbia River is identified as being on the subject property, about 1-foot from the proposed deck on the east side of the proposed replacement dwelling. The deck is proposed to be on piers which would allow flood waters to travel through underneath unabated.

Criterion met.

- J. **(J) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.**

Staff: Development for the dwelling will require mechanized equipment to prepare the foundation and piers for the replacement home. The applicant has submitted a Grading and Erosion Control Permit (T1-2011-1710) to address the areas of erosion and potential erosion. This standard will be met when the project is constructed according to the approved GEC permit.

Criterion met with condition of approval.

- K. **(K) The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.**

Staff: A replacement dwelling will not affect the long term air and water quality or ambient noise levels since there has been a dwelling on site since the 1970's. Additional land will be used to site the new dwelling as it is significantly larger than the existing dwelling. However, the property is over 27-acres in size and the additional ground coverage will not impact the ability of the property to hold a farm use.

Criterion met.

- L. **(L) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.**

Staff: As seen in the artistic renderings of the new dwelling (Exhibit A.8), the dwelling is designed with contemporary Craftsman elements. The shake siding, exposed rafters and brackets are natural materials that in general blend with the natural settings of Sauvie Island.

The proposed home is a two story dwelling with an unfinished basement for a total of three floors making up the bulk. The attached garage is located underneath the home and connected to the basement. The submitted floor plans (Exhibit A.10) detail the home as having a total of 7,907 square feet of area. At roughly 8,000 square feet, the home is large. However, there are other large homes of similar size on the island, including:

- A 6,348-square foot home and attached garage (as assessed by the County Assessor) approved under T2-06-094 at 23820 NW Gillihan Road.
- A 5,514-square foot home and attached garage (as assessed by the County Assessor) at 26610 NW Reeder Road.

Based on the other large homes in the area, the bulk of the proposed dwelling is consistent and compatible with the character and visual quality of other homes in the significant environmental concern area.

The criterion requires the color the home to be compatible with the area of significant environmental concern. The color renderings depict the siding to be a dark brown, in the range of Row B, Columns 12-16 and Row C, Columns 14-16 of the Recommended Colors of the NSA Scenic Resources Implementation Handbook. The proposed colors are natural earth tones that are consistent and compatible with the natural area around the home and identified as significant

environmental concern. A condition of approval shall require the exterior body of the home to be painted a color matching the identified colors. The exposed foundation shall be painted dark grey as depicted in the renderings. The roof is shown to be made of a dark composition roof. A condition of approval shall require the roof shingles to be black, or a dark brown matching Row A, Column 16 of the NSA Scenic Resources Implementation Handbook.

With the area identified as a significant environmental concern area, lighting must be compatible. The natural setting of the local area and its proximity to the Columbia River, which contains endangered and threatened species, requires lights to be controlled to lessen the effect of light pollution on the neighbors and habitat areas. The applicant did not show any exterior lighting on the submitted elevation drawings (Exhibit A.9) or artistic renderings (Exhibit A.8). As such, a condition of approval will require that any exterior lighting be recessed can lights or wall-mounted lights that have the bulb shielded downward and covered by opaque materials on the side. No portion of the bulb shall be visible.

Criterion met with condition of approval.

- M. **(M) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.**

Staff: There is no known fragile or endangered plant habitat on the subject property.

Criterion met.

- N. **(N) The applicable policies of the Comprehensive Plan shall be satisfied.**

Staff: The majority of the Comprehensive Plan policies have been satisfied by the adopting and application of the Multnomah Channel/Sauvie Island Rural Plan Area. Comprehensive Plan Policy 38: Facilities deals with fire protection and is implemented through Chapter 29: Building Regulations. Fire access and fire flow standards are implemented by the local fire districts and building officials. The standards found in Comprehensive Plan Policy 38 states are:

*B. There is adequate water pressure and flow for fire fighting purposes; and
C. The appropriate fire district has had an opportunity to review and comments on the proposal.*

To ensure that the local fire district has had an opportunity to review and comment on the proposal, the applicant is required to submit a completed Fire District Review – Fire Flow Requirements certification form signed by the local fire district.

The Fire District Review – Fire Flow Requirements certification form was submitted by the applicant (Exhibit A.6). It indicates the project is a remodel and addition to an existing dwelling. However, the site plan submitted by the applicant along with the On-Site Sewage Disposal Certification Form indicates the project is a replacement dwelling – as do the plans submitted on August 25, 2011.

Amanda Hoyt of Fire District 30 (Sauvie Island) signed the certification form under Option A which is for exempt farm structures, additions consisting of a garage or attic, or additions to existing dwellings that adds 50% or less to the floor area of an existing home. The square footage

of the new dwelling, based on the calculations of the architect on Sheet 3 of the building plans (Exhibit A.10), shows the new home as being roughly 8,000 square foot. Multnomah County Assessment and Taxation shows the existing 1979 home being 4,848 square feet in area. A 50% addition of square footage would be an additional 2,424 square feet for a new total of 7,272 square feet. The new dwelling as proposed would contain more than a 50% addition of square footage and but is more accurately described as a replacement dwelling.

Since it appears the new home does not match the criteria of the signed Section A of the Fire District Review – Fire Flow certification form, the applicant will need to demonstrate compliance with Policy 38 of the Comprehensive Plan and Chapter 29: Building Regulations as a condition of approval. In their review of the current proposal, the fire district may require alternative methods of fire prevention or suppression. The method will need to be shown on the plans.

Comprehensive Plan met with condition.

4.00 Transportation Standards

MCRR 4.000 Access to County Roads

MCRR 4.200 Number: Reducing the number of existing and proposed access points on Arterials and Collectors and improving traffic flow and safety on all County roads will be the primary consideration when reviewing access proposals for approval. One driveway access per property will be the standard for approval. Double frontage lots will be limited to access from the lower classification street. Shared access may be required in situations where spacing standards cannot be met or where there is a benefit to the transportation system.

Staff: The subject property is served by one driveway. However, a review of the access permit records by the Right-of-Way Specialist revealed that there is no access permit on file. Prior to zoning sign-off for building permits, the owner will need to obtain an Access Permit.

Criterion met with condition of approval.

5.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Significant Environmental Concern Permit to establish a replacement dwelling in the Multiple Use Agriculture-20 zone. This approval is subject to the conditions of approval established in this report.

6.00 Exhibits

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 T2-2011-1709 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit
A.1	1	General Application Form
A.2	3	Applicant’s June 10, 2011 Narrative
A.3	1	June 10, 2011 Stormwater Certificate
A.4	7	June 10, 2011 Certificate of On-Site Sewage Disposal and

		Accompanying Plans and Information from Sanitarian.
A.5	2	Land Feasibility Study (LFS) 21-11
A.6*	2	Fire District Review – Fire Flow Requirements
A.7	1	June 10, 2011 Topographic Survey Produced by KLS Surveying
A.8	4	August 25, 2011 Artistic Renderings of Exterior of New Dwelling
A.9*	3	August 25, 2011 Elevation Plans
A.10*	3	August 25, 2011 Floor Plans
A.11	1	August 25, 2011 Roof Plan
A.12*	1	August 25, 2011 Development Area Site Plan
A.13	3	August 23, 2011 Pictures of Tool Shed Northeast of Dwelling
‘B’	#	Staff Exhibits
B.1	2	A&T Property Information
B.2	1	July 7, 2011 Complete Letter
B.3	3	Opportunity to Comment and Mailing List
B.4	2	August 12, 2011 Reassignment Letter
B.5	2	LE 21-78 Case Jacket Showing Denial and Proposed Land Division Map
B.6	1	1962 Zoning Map Showing F-2 Zone
B.7	2	December 9, 1975 Zoning Map Showing RL-C Zone
B.8	1	October 6, 1977 Zoning Map Showing MUA-20 Zone
B.9	2	1998 Zoning Map
B.10	2	Assessment and Taxation Parcel Card for #R981230150
B.11	1	Assessment and Taxation Parcel Card for #R981230140
B.12	4	March 26, 1970 Deed Recorded in Book 726 Pages 295-297 and Tax lot Map Showing Property Configuration
B.13	3	April 7, 1970 Deed Recorded in Book 727 Pages 115-116 and Tax Lot Map Showing Property Configuration
B.14	1	February 22, 1978 Letter From Division of State Lands Discussing Sale of Land to Previous Owner To Make Up Current Configuration (Out of Case LE 21-78)
B.15	5	February 11, 1980 Mortgage Deed Book 1419 Pages 1302 – 1305 and Tax Lot Map Showing Property Configuration
B.16	4	November 20, 1992 Deed Book 2628 Pages 1452-1454 and Tax Lot Map Showing Property Configuration
B.17	4	December 18, 1992 Deed Book 2628 Pages 1446-1448 and Tax Lot Map Showing Property Configuration
B.18	1	March 9, 1998 Deed Volume M98 Page 7813
B.19	1	Registered Survey #49759 Of Property
B.20	1	2010 Air Photo of Development Area
B.21*	1	Planting Plan Air Photo