

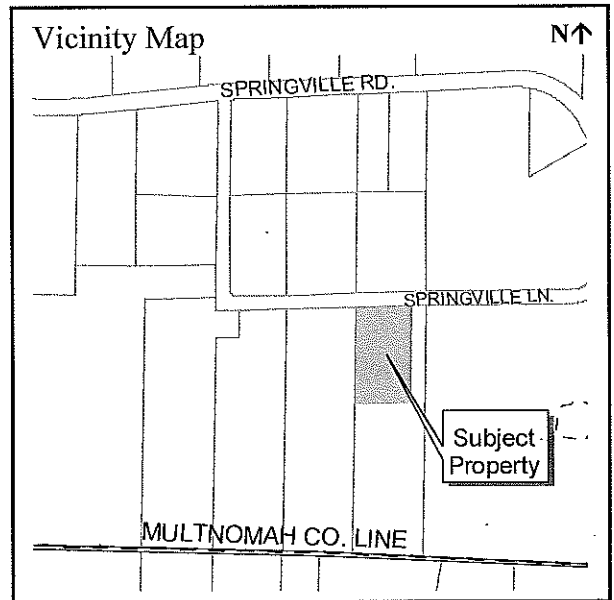


MULTNOMAH COUNTY
LAND USE AND TRANSPORTATION PROGRAM
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
<http://www.multco.us/landuse>

NOTICE OF DECISION

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

Case File: T2-2012-2113
Permit: Significant Environmental Concern
Location: 13340 NW Springville Lane
Township 1 North, Range 1 West, W.M.
TL 3300, Section 16D,
Tax Account #R961160660
Applicant: David Bissett
Owner: Joyce Mehl
Base Zone: Multiple Use Agriculture-20 (MUA-20)
Overlays: Significant Environmental Concern for
Wildlife Habitat



Summary: To build an approximately 1010 square foot addition with a 462 square foot covered terrace onto the existing single family dwelling located in the Multiple Use Agriculture - 20 (MUA-20) Zone within the Significant Environmental Concern for Wildlife Habitat (SEC-h) Overlay Zone

Decision: Approved with Conditions

Unless appealed, this decision is effective May2, 2012 at 4:00 PM.

Issued by:

By: _____
George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: April 18, 2012

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 George Plummer, Staff Planner at 503-988-3043, ext. 29152.

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 May1, 2012 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR): Multnomah County Code (MCC): MCC 33.2800 et. al: MUA-20 and 33.4500 et. al: SEC-h

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 2 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.

1. 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 |

| Scientific Name | Common Name |
|-------------------------------|---------------------------|
| <i>Loentodon autumnalis</i> | Fall Dandelion |
| <i>Lythrum salicaria</i> | Purple Loosestrife |
| <i>Myriophyllum spicatum</i> | Eurasian Watermilfoil |
| <i>Phalaris arundinacea</i> | Reed Canary grass |
| <i>Poa annua</i> | Annual Bluegrass |
| <i>Polygonum coccineum</i> | Swamp Smartweed |
| <i>Polygonum convolvulus</i> | Climbing Binaweed |
| <i>Polygonum sachalinense</i> | Giant Knotweed |
| <i>Prunus laurocerasus</i> | English, Portugese Laurel |
| <i>Rhus diversiloba</i> | Poison Oak |
| <i>Rubus discolor</i> | Himalayan Blackberry |
| <i>Rubus laciniatus</i> | Evergreen Blackberry |
| <i>Senecio jacobaea</i> | Tansy Ragwort |
| <i>Solanum dulcamara</i> | Blue Bindweed |
| <i>Solanum nigrum</i> | Garden Nightshade |
| <i>Solanum sarrachoides</i> | Hairy Nightshade |
| <i>Taraxacum officinale</i> | Common Dandelion |
| <i>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. |

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.

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, George Plummer, at (503) 988-3043 ext. 29152, 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.

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. Project Description

Staff: The applicant has requested a Significant Environmental Concern for Wildlife Habitat Permit to build an approximately 1010 square foot addition with a 462 covered terrace onto the existing dwelling in the Multiple Use Agriculture -20 (MUA-20) Zone and in the Significant Environmental Concern for Wildlife Habitat (SEC-h) Overlay Zone.

2. Property Description

Staff: The existing dwelling was established in 1952. The dwelling is located in a shallow sloped area. The proposed addition is in a relatively flat area. There are several trees near the dwelling but the addition is in a cleared area. No trees are proposed to be removed.

3. Base Zone Criteria

3.1. Multiple Use Agriculture Zone

MCC 33.2820(C) Residential use consisting of a single family dwelling constructed on a Lot of Record.

Staff: The proposal is to build an addition onto the single family dwelling. Lot of Record finding is below under Section 3.3. *The addition is an allowed use.*

3.2. Dimensional Requirements

MCC 33.2855(C): Minimum Yard Dimensions – 30-foot front and rear yards, 10-foot side yards.

MCC 33.2855(D): The minimum yard requirement shall be increased where the yard abuts a street having in-sufficient 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 existing dwelling is about 30 feet from the public road right-of-way line with the proposed addition being about an additional four feet from the right-of-way at about 34 feet from the right-of-way. The existing dwelling and the proposed addition’s exceed the minimum yard

requirements. The existing dwelling and proposed addition is located so that the east and west side-yards are more than 50 feet. The dwelling is over 200 feet from the rear property line. NW Springville Lane right-of-way at this location is about 50 feet wide which is sufficient right-of-way width for a rural local road to serve the area. *These standards are met.*

Lot Of Record

MCC 33.3170 (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...

MCC 33.0005: Definitions - Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 33.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

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

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

1. By a subdivision plat under the applicable subdivision requirements in effect at the time;

Staff: This property is shown on the 1962 zoning map, the zoning adopted in 1958 for this property was Suburban Residential (SR). The property is 1.63 acres exceeding the SR Zone minimum adopted in 1958. There were no land division review requirements prior to 1962, except for subdivisions. At that time parcels were lawfully created by filing a deed. *Given this property is on the 1962 map we find that the property is a Lot of Record.*

4. Significant Environmental Concern for Wildlife Habitat

4.1. MCC 33.4570(A): In addition to the information required by MCC 33.4520 (A), an application for development in an area designated SECh shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:

(1) Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas;

For the purposes of this section, a *forested area* is defined as an area that has at least 75 percent crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A *non-forested "cleared"* area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.

(2) Location of existing and proposed structures;

(3) Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;

(4) Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.

Staff: The applicant has provided sufficient information to review the proposed development.

4.2. SEC-h Development standards

- 4.2.1. MCC 33.4570(B)(1):** Where a parcel contains any nonforested "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 development is located in an existing nonforested "cleared" area with existing development (Exhibit B.4). No trees are proposed to be removed. However there is a fruit tree close to the proposed addition that may need to be removed if the addition damages the routes to much. The removal of that tree is permitted. *This standard is met.*

- 4.2.2. MCC 33.4570(B)(2):** Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

Staff: The existing dwelling is about 30 feet from the right-of-way. *This standard is met.*

- 4.2.3. MCC 33.4570(B)(3):** The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

Staff: The driveway serving the development is about 30 feet in length, which does not exceed 500 feet in length. *This standard is met.*

- 4.2.4. MCC 33.4570(B)(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: The access driveway is located within 50 feet of a driveway on the other side of the road. *This standard is met.*

- 4.2.5. MCC 33.4570(B)(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 development will be within 300 feet of both side property lines. *This standard is met.*

- 4.2.6. MCC 33.4570(B)(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: The applicant has stated that no fencing will be installed within the required setback from the road. *This standard is met.*

- 4.2.7. MCC 33.4570(B)(7)** The following nuisance plants (listed earlier in Condition #1) shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:

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: *A condition of approval will require this standard be met.*

4.3. Wildlife Conservation Plan

MCC 33.4570(C): Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.

- (1) The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wild-life conservation plan results in the mini-mum departure from the standards required in order to allow the use; or
- (2) The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section (B) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (B).

Staff: The applicant has demonstrated that the standards of Section (B) are met or can be met through conditions of approval. A Wildlife Conservation Plan is not required.

5. Transportation Standards

MCRR 4.000 et al: Access to County Roads

Staff: The proposed development is an addition for an existing dwelling. There will be no reconfiguring of the access driveway or increased impact resulting from the addition, however, a review of County Transportation indicated there is no access permit for the existing dwelling thus an application for an access permit will be required prior to zoning signoff on the building plans. There are no additional transportation related requirements.

6. Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the SEC-h Permit to establish a an addition to the existing single family dwelling in the MUA-20 Zone and the SEC-h Overlay Zone. This approval is subject to the conditions of approval established in this report.

7. Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

| Exhibit # | # of Pages | Description of Exhibit | Date Received/ Submitted |
|-----------|------------|---------------------------------------|--------------------------|
| A.1 | 1 | Application Form | 1/24/12 |
| A.2 | 2 | Introduction Narrative | 1/24/12 |
| A.3 | 11 | SEC-h worksheet | 1/24/12 |
| A.4 | 2 | Site Plan | 1/24/12 |
| A.5 | 5 | Floor Plans and Elevation Drawings | 1/24/12 |
| A.6 | 1 | Storm Water Cert. | 1/24/12 |
| A.7 | 5 | On-Site Sewage Disposal | 1/24/12 |
| A.8 | 11 | Fire District Review | 1/24/12 |
| | | | 1/24/12 |
| ‘B’ | # | Staff Exhibits | Date |
| B.1 | 2 | A&T Property Information | NA |
| B.2 | 1 | A&T Tax Map with Property Highlighted | NA |
| B.3 | 1 | Zoning Map | NA |
| B.4 | 1 | 2010 Aerial Photo | NA |
| B.5 | 1 | 1962 Zoning and Tax Assessment Map | NA |
| | | | |

| 'C' | # | Comments | Date |
|-----|---|---|---------|
| C.1 | 1 | Email from Kammy Ker-Korot addressing expressing concern about protecting Oregon White Oak Woodlands. | 3/1/12 |
| C.2 | 1 | Letter from Greg Malinowski supporting the application | 3/12/12 |

