



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 Correction

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

Case File: T2-2012-2196

Permit: Significant Environmental Concern for Wildlife Habitat and Scenic Views

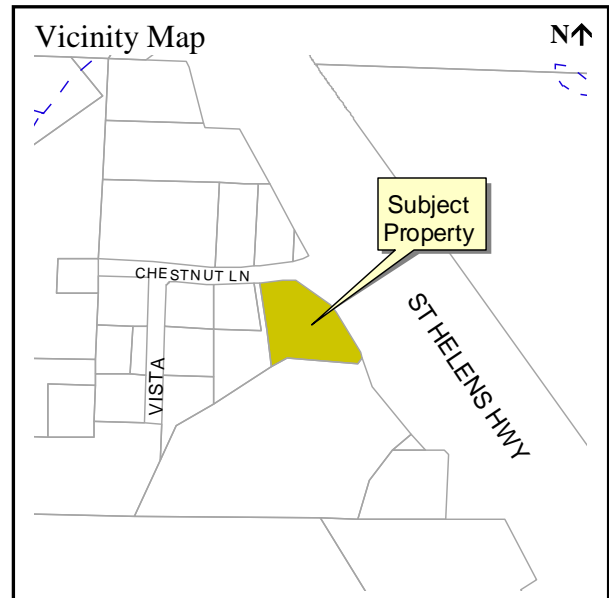
Location: 17910 NW Chestnut Lane
Tax Lot 00700, Section 18B,
Township 2 North, Range 1 West, W.M
Tax Account #R971180570

Applicants: Portrait Homes Northwest

Owners: Frank & Elizabeth Moss

Base Zone: Rural Residential (RR)

Overlays: Significant Environmental Concern for Wildlife Habitat and Scenic Views



Summary: Obtaining after the fact permits for extension of wraparound porch and dormer additions to the dwelling, converting accessory building (second dwelling) into a garage and increasing the size of the garden shed to 10 ft by 20 ft in the Rural Residential (RR) Zone and Significant Environmental Concern for Scenic Views (SEC-v) and Wildlife Habitat (SEC-h) Overlays. Correction in condition Number 2, correcting the siding and roofing materials for the porch and dormer additions.

Decision: Approved with Conditions

Unless appealed, this decision is effective June 21, 2012, at 4:00 PM.

Issued by:

George A. Plummer, Planner

For: Karen Schilling- Planning Director
Date: Thursday, June 7, 2012

Recording # 2008162734

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 June 21, 2012 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): Multnomah County Code (MCC): MCC 33.3100 et. al: RR Zone, MCC 33.4500 et. al: SEC

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.

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 property owners shall obtain Building Permit for any of the work that requires building permits. The property owners shall use shall use nonreflective or low reflective building materials as outlined in the application submittal (Exhibit A.2 and A.9). For the exterior colors a green color matching “Earthen Cheer” Miller Paint color matching the dwellings current color is approved for the siding of the dormer, the garage and the shed (Exhibit A.12). The trim, porch columns, balusters and gutters of the porch addition to the dwelling and the trim and gutters of the accessory buildings shall be painted a blackish color “Silent Sea” Miller Paint (Exhibit A.12). The lattice below the new section of the porch shall be painted dark gray “Thunderstorm” Miller Paint (Exhibit A.12). The siding for the dormer shall be cedar shingles which are coated with the color “Sierra” Penofin Oil Finish. The roofing for the porch addition, dormer addition and shed shall be dark green “Driftwood” Certain Teed Landmark brand asphalt shingle (Exhibit A.12). [MCC 33.4565(C)(2)]
3. 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

Scientific Name	Common Name
<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
<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

Scientific Name	Common Name
<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.

4. New exterior outdoor lighting shall be directed downward with a fixture in which the lighting is hooded and shielded so that the light is not highly visible from identified viewing areas. Hooded and shielded materials shall be composed of low-reflective and shall be opaque materials. A brochure showing a drawing or photo of the proposed light fixtures shall be submitted prior to zoning review signoff for the building permit. Locations of outdoor lighting shall be shown on the elevation drawings for the building permit. [MCC 33.4565(C)(3)]
5. The property owners shall maintain the existing tree density on the property shown on Exhibit B.4. [MCC 33.4565(C)(4)]
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. [MCC 33.4570(B)(6)]
7. The property owners shall apply for a right-of-way Access Permit prior to zoning signoff for the Building Permits. [MCRR 4.000]

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.

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. PROJECT DESCRIPTION

Staff: Obtaining after the fact permits for extension of wraparound porch and dormer additions to the dwelling, converting accessory building into a garage and increasing the size of the garden shed to 10 ft by 20 ft, doubling its size, in the Rural Residential (RR) Zone and Significant Environmental Concern for Scenic Views (SEC-v) and Wildlife Habitat (SEC-h) Overlays (Exhibit B.3).

2. PROPERTY DESCRIPTION

Staff: The subject property has an existing dwelling established in 1939 (Exhibit B.1) with a wraparound porch. Also existing is a dwelling established in 1962 (Exhibit B.1) and a 10 ft. by 10 ft. storage shed. The subject property is at the top of a bluff above the St. Helens Highway. Between the highway and the property Chestnut Lane winds up the hill. The property has shallow slope of about five percent in the location of the dwelling and the proposed garage, with the slope increasing to about 10 percent in the area for the accessory storage building addition. To the east and southeast beyond the developed area of the property the slope drops off at about 20 percent or more in a southeasterly direction down to a ravine to the south and Chestnut Lane to the east (Exhibit B.5).

3. CODE COMPLIANCE

MCC 37.0560 Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit 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.**

Staff: There is a Code Compliance Case UR-05-093 active on the property for an addition to the porch and a dormer addition to the dwelling that were built without permits. It is also for a second dwelling that was established in 1962 after one dwelling was allowed per property. The application is to obtain the required land use review for SEC-h and SEC-v permit for the additions. The application request includes modifications to the existing second dwelling to convert it into a garage and remove the porch on that building. This decision resolves the land use violations and allows building permits to be issued to resolve the violations. *This standard is met.*

4. BASE ZONE CRITERIA

4.1. Allowed Uses

MCC 33.3120 (C) Residential use consisting of a single family dwelling constructed on a Lot of Record.

Staff: An addition to a dwelling is an allowed use.

4.2. MCC 33.3120 (F) Accessory Structures:

(1) Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district:

(a) Garages or carports;

*** * ***

(e) Storage sheds;

*** * ***

(2) If the accessory structure is a building, then to be an “allowed use” the foot print of the building in combination with the foot-print of all other accessory buildings on the property shall not exceed 2500 square feet.

Staff: Currently there is a dwelling located an accessory building that is proposed to be converted into a garage. A garage is a listed accessory use. The proposed building garage has a footprint of about 640 square feet (Exhibit B.1). The application proposes addition to the 10 ft. by 10 ft storage shed to double its size (Exhibit A.1). The proposed combined accessory building footprint size of 840 square feet meets the allowed use standard. *These standards have been met.*

4.3. Dimensional Requirements

MCC 33.3155(C): Minimum Yard Dimensions – 30-foot front and rear yards, 10-foot side yards.

MCC 33.3155(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: Chestnut Lane currently has 50 foot wide right-of-way which meets the minimum standard for a Local Access Road. The dwelling meets the front yard requirement with a 40 foot setback and the closest side yard with a 30 foot setback. The minimum yards requirements are exceeded for all the existing and proposed buildings (Exhibit A.4). *These standards are met.*

4.4. 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 Re-cord 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: The subject property existed in 1962 as showing on the 1962 zoning map (Exhibit B.4). The property was zoned Suburban Residential – 10 in 1958 with a 10,000 square foot minimum. The applicant has submitted a copy of a deed recorded in Book 758 on Page 386 (Exhibit A.10) for the property. The property is 0.91 acres (Exhibit B.1). The property was created either prior to zoning or having met zoning requirements when created. No partition requirements existing when the property was created. Thus meets the Lot of Record definition. *The subject property is a Lot of Record.*

5. SIGNIFICANT ENVIRONMENT CONCERN FOR SCENIC VIEWS CRITERIA

- 5.1. MCC 33.4565(B): In addition to the information required by MCC 33.4520, an application for development in an area designated SEC-v shall include:**
- (1) **Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure;**
 - (2) **Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades;**
 - (3) **A list of identified viewing areas from which the proposed use would be visible; and,**
 - (4) **A written description and drawings demonstrating how the proposed development will be visually subordinate as required by (C) below, including information on the type, height and location of any vegetation or other materials which will be used to screen the development from the view of identified viewing areas.**

Staff: The applicants have provided sufficient information to review the proposed development.

- 5.2. MCC 33.4565(C): Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be *visually subordinate*. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:**

Staff: The applicants are proposing an after the fact review for an extension of the wraparound porch and dormer addition to the dwelling. Additionally they are proposing to convert a second dwelling into a garage which includes adding a garage door and removing a porch on that building. The proposal also includes adding 100 square feet to an existing accessory storage shed, doubling its size. The proposed development is in an area that is topographically visible from identified viewing areas such as the St. Helens Highway, the Multnomah Channel, and viewing areas on Sauvie Island. We have used the following guidelines to determine that the proposed buildings will be visual subordinate when conditions of approval have been met. *This standard is met through conditions.*

- 5.2.1. MCC 33.4565(C)(1): Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.**

Staff: The proposed existing and proposed development area is located on a bluff above St. Helens Highway with identified viewing areas to the east, northeast and southeast. The proposed dwelling addition (porch) and the addition to the storage shed are topographically visible from the three aforementioned directions. The dormer addition is not visible due to being on the west side of the dwelling. The changes to the building for the proposed garage are not visible from identified viewing areas due to being on the west side of the building and the removal of the porch on that building brings the building back to the previously existing building. The proposed development is screened to the northeast from St. Helens Highway, the closest viewing area by topography and is screened to east and southeast by existing trees. The topography does not screen proposed development components from more distant viewing areas. There is significant vegetation on the property to the south and south east of the proposed building screening it from the viewing areas to the southeast. *This standard is met.*

5.2.2. MCC 33.4565(C)(2): Use of nonreflective or low reflective building materials and dark natural or earthtone colors.

Staff: The applicants have used wood for the porch and dormer additions on the dwelling and will be using wood for the addition to the shed. The dwelling is currently painted a green that matches “Earthen Cheer” Miller Paint color. The applicant’s are proposing a blackish color “Silent Sea” Miller Paint for the trim, porch columns, balusters and gutters of the dwelling and for the trim and gutter of the accessory buildings. The applicant’ proposed a somewhat light gray “Software” Sherwin Williams color for the lattice below the porch and an alternative darker gray “Thunderstorm” Miller Paint for the lattice. The alternative darker gray “Thunderstorm” Miller Paint for the lattice meets the standard for dark earthtone colors. The siding for the dormer is cedar shingles which are proposed to be stained a dark cedar color “Sierra” Penofin Oil Finish. The roofing for the porch and dormer additions and for the shed is proposed to be dark green “Driftwood” Certain Teed Landmark brand asphalt shingle. Given the significant vegetative screening and the proposed building material and dark colors the building would blend in with the landscape well, resulting in visual subordination. A condition will require the color proposed except the light gray substituting the dark gray alternative. *This standard is met through a condition.*

5.2.3. MCC 33.4565(C)(3): No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials.

Staff: A condition will require exterior lighting meet this standard. *This standard is met through a condition.*

5.2.4. MCC 33.4565(C)(4): Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening.

Staff: There are existing trees that provide screening for the proposed development as described in Finding 5.2.1. above (Exhibit B.4). No trees are proposed to be removed for this project including the addition to the shed. A condition will require maintaining existing tree density in the area on the property as shown on Exhibit B.4. *This standard is met through a condition.*

- 5.2.5. MCC 33.4565(C)(5): Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.**

Staff: The site for the proposed additions to the dwelling and the shed appears to be in the best locations to take advantage of the existing topography and existing vegetation. There will only be minor grading to prepare the shed addition site which will only have a temporary impact and will not be visible from viewing areas. *This standard is met.*

- 5.2.6. MCC 33.4565(C)(6): Limiting structure height to remain below the surrounding forest canopy level.**

Staff: The dwelling is two stories, the garage and shed are single story and the roof heights will be below the surrounding forest canopy level (Exhibit B.5). *This standard is met.*

- 5.2.7. MCC 33.4565(C)(7) Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property,**

Staff: The proposed building will remain below the skyline of the Tualatin Mountains, that are to the west, northwest and southwest as seen from identified viewing areas. *This standard is met.*

* * *

- 5.3. MCC 33.4565(E): The approval authority may impose conditions of approval on an SECv permit in accordance with MCC 33.4550, in order to make the development visually subordinate. The extent and type of conditions shall be proportionate to the potential adverse visual impact of the development as seen from identified viewing areas, taking into consideration the size of the development area that will be visible, the distance from the development to identified viewing areas, the number of identified viewing areas that could see the development, and the linear distance the development could be seen along identified viewing corridors.**

Staff: This decision will have conditions of approval that will be proportionate to the potential adverse visual impact of the development as seen from identified viewing areas, taking into consideration the size of the development area that will be visible, the distance from the development to identified viewing areas, the number of identified viewing areas that could see the development, and the linear distance the development could be seen along identified viewing corridors. Given the proposed building designs and building materials, the distance to potential viewing areas, the topography of the area we are limiting the conditions related to scenic view to the use of non-reflective or low reflective building materials, predominately dark earth tone colors, retaining and maintaining existing trees as shown on Exhibit B.5 and hooded or recessed exterior light. *This standard is met.*

6. SIGNIFICANT ENVIRONMENT CONCERN FOR WILDLIFE HABITAT CRITERIA

- 6.1. 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 applicants have provided sufficient information to review the proposed development.

6.2. SEC-h Development standards

- 6.2.1. 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 a nonforested "cleared" area (Exhibit B.4). *This standard is met.*

- 6.2.2. 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 proposed development is within 40 feet of a public road right-of-way. *This standard is met.*

- 6.2.3. 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 does not exceed 500 feet in length. *This standard is met.*

- 6.2.4. 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 100 feet of both side property lines. *This standard is met.*

6.2.5. 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.

6.2.6. 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 applicants have stated that they will not be installing fencing within the required setback from the road. *This standard is met.*

6.2.7. MCC 33.4570(B)(7): The following nuisance plants (listed earlier in Condition #5 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.

6.3. 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.

7. TRANSPORTATION STANDARDS

MCRR 4.000 et al: Access to County Roads

Staff: The proposed development is an accessory building for an existing dwelling. There will be no reconfiguring of the access driveway or increased impact resulting from the accessory building. County Transportation indicated there no transportation related requirements. However there is no Right-of-Way Access Permit on file for the property. An application for an Access Permit will be required prior to zoning sign off for the building permits.

8. CONCLUSION

Staff: Based on the findings and other information provided above, the applicant has carried the burden necessary for the approval of the requested SEC-h and SEC-v Permit to add wraparound porch and a dormer additions to the dwelling and covert the second dwelling into a garage (remove its porch) and a 100 sq. ft. addition to the shed located in the Rural Residential Zone District. This approval is subject to the conditions of approval established in this report.

9. EXHIBITS

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application form	2/7/12
A.2	10	Significant Environmental Concern for Scenic View Worksheet	2/7/12
A.3	11	Significant Environmental Concern for Wildlife Habitat Worksheet	2/7/12
A.4	1	Site Plan	2/7/12

A.5	1	Site Plan showing erosion control	2/7/12
A.6	6	On-Site Sewage Disposal Form with signed plans	2/7/12
A.7	2	Fire District Review	2/7/12
A.8	4	Storm Water Cert.	2/7/12
A.9	2	Photographs showing elevations of the dwelling, proposed garage and accessory storage building	2/7/12
A.10	10	Deeds for lot of record finding	3/24/12
A.11	1	Narrative describing exterior color	4/12/12
A.12	3	Samples of proposed exterior colors	4/12/12
A.13	1	2010 Aerial Photo of the property & vicinity	4/12/12
'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	1962 Zoning map showing property	NA
B.5	1	2010 Aerial Photo	NA