

NOTICE OF DECISION

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

Case File: T2-2013-3115

Permit: Significant Environmental Concern for
Wildlife Habitat and Scenic Views

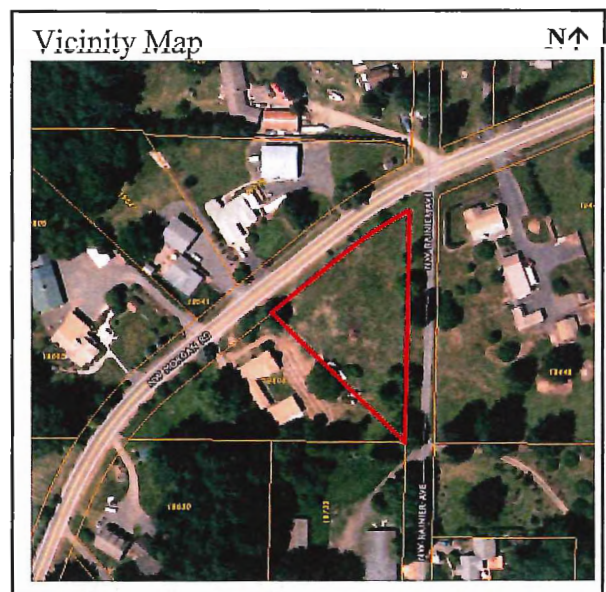
Location: Tax Lot 00700, Section 12CD
Township 2 North , Range 2 West,
W.M.
Tax Account R708303850

Applicants: Mark Johnson

Owners: Mark R. & Susan E. Johnson

Base Zone: Rural Residential

Overlays: Significant Environmental Concern for
Wildlife Habitat and Scenic Views



Summary: A request for an approval of a Significant Environmental Concern for Wildlife Habitat and Scenic Views permit for construction of a new dwelling and associated development in the Rural Residential Zone.

Decision: Approved with Conditions

Unless appealed, this decision is effective July 2, 2014, at 4:00 PM.

By: 
George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: June 18, 2014

Instrument Number for Recording Purposes: # 2012024888

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 July 2, 2014, at 4:00 PM.

Applicable Approval Criteria: Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR): MCC 33.3100 et. al: Rural Residential, MCC 33.4500: Significant Environmental Concern & Multnomah County Road Rules et.al.

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 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 section, 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 a building permit for all work requiring a building permit. The property owners shall use shall use nonreflective or low reflective building outlined in the application submittal (Exhibit A.3, A.6 and A.7) including wood for the siding and asphalt single roofing. The exterior of the dwelling shall be painted the colors as proposed, Metro recycled paint color "Storm Cloud" a dark gray for the body and "Fawn" a dark tan color for the trim (Exhibit A.7) or alternative colors selected from the Columbia Gorge Commission color chart in rows A or B or C13-C16 (Exhibit B.4) to meet the dark earth tone color requirement and confirmed with County Land Use Planning staff as matching the chart. Asphalt roofing shingles shall match a color on the Columbia Gorge Commission color chart in rows A or B or C13-C16 (Exhibit B.4) to meet the dark earth tone color requirement. [MCC 33.4565(C)(2)]
3. New exterior outdoor lighting shall be directed downward with a fixture that 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 materials. Locations of outdoor lighting shall be shown on the elevation drawings for the building permit. [MCC 33.4565(C)(3)]
4. 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 seppium</i>	Lady's nightcap
<i>Cortaderia selloana</i>	Pampas grass
<i>Crataegus sp. except C. douglasii</i>	hawthorn, except native species
<i>Cytisus scoparius</i>	Scotch broom
<i>Daucus carota</i>	Queen Ann's Lace
<i>Elodea densa</i>	South American Water-weed
<i>Equisetum arvense</i>	Common Horsetail
<i>Equisetum telemateia</i>	Giant Horsetail
<i>Erodium cicutarium</i>	Crane's Bill

Scientific Name	Common Name
<i>Geranium robertianum</i>	Robert Geranium
<i>Hedera helix</i>	English Ivy
<i>Hypericum perforatum</i>	St. John's Wort
<i>Ilex aquafolium</i>	English Holly
<i>Laburnum watereri</i>	Golden Chain Tree
<i>Lemna minor</i>	Duckweed, Water Lentil
<i>Loentodon autumnalis</i>	Fall Dandelion
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Phalaris arundinacea</i>	Reed Canary grass
<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

Scientific Name	Common Name
<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.

5. The property owners shall maintain the existing tree density on the property shown on Exhibit B.3. The property owners shall plant five confers, of the species proposed by the applicant, planted along eastern right-of-way line (shall be planted five to ten feet west from the new right-of-way line established by the new five foot right-of-way dedication) and two conifers planted along the front right-of-way line, outside the clear vision area. The additional trees are needed to provide screening needed to meet the visual subordination standard. Existing trees on the property (not within right-of-way) and new planted trees shall be maintained in a living condition or shall be replaced. [MCC 33.4565(C)(4)]
6. While no fencing is proposed in this application, any future fencing along the right-of-way shall meet the requirements of MCC 33.4570(B)(6).
7. The property owners shall remove of the pump house shed within three months after the final inspection of the dwelling building permit. [MCC 37.0560(A)(1)]
8. The property owners shall apply for a right-of-way Access Permit for a driveway access onto Morgan Road. Property owners shall remove vegetation identified on the site plan received February, 11, 2014 and maintain clear vision area in order to provide adequate sight distance and provide a 20-ft paved approach to the County road prior to final inspection of the dwelling building permit. [MCRR 4.000]
9. The property owners shall dedicate an additional five feet of right-of-way the property's along Rainer Road frontage prior to final inspection of the dwelling building permit.. [MCRR 6.100]
10. Prior to final inspection of the dwelling building permit the property owners shall file a deed restriction committing the property owners to participate in future right-of-way improvements (Contact Pat Hinds at (503) 988-5050 Ext. 83712 to complete the deed restrictions). [MCRR 6.100A]

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 \$61.00 will be collected. In addition, an erosion control inspection fee of \$82.00 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

A request for an approval of a Significant Environmental Concern for Wildlife Habitat and Scenic Views permit for a new single family dwelling with attached garage and associated development (driveway, septic system, utility installation, etc.) in the Rural Residential Zone. The applicant's submittal is included as Exhibits A.1 through A.15.

2. PROPERTY DESCRIPTION

Staff: The subject property is a one acre triangle that abuts NW Morgan Road and NW Rainier Avenue (Exhibit B.2). The property is located within a small pocket of Rural Residential zoned properties surrounded by Commercial forest Use zoned properties. Many of the RR properties a similar in size to the subject property ranging in size from less than an acre to about two acres, with a few larger. The property has a shallow slope (near flat) and is located on a bench like rounded ridge line above St. Helens Highway, about a half mile from the highway. The property is mostly cleared with few remaining trees in the south corner as well as some trees located in the right-of-way (Exhibit B.3). The property is entirely within the Significant Environmental Concern for Wildlife Habitat and Scenic Views Overlay zones.

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;**

Staff: There is an existing pump house shed on the property directly adjacent to the property line. The property owners have signed a Voluntary Compliance Agreement (VCA) for removal of the shed. A condition of approval will require removal of the shed within three months after the final inspection of the dwelling building permit. This requirement is met through the VCA and a condition.

4. Rural Residential Zone

4.1. Allowed Uses

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

Staff: The applicant proposes a single family dwelling which is an allowed use. The Lot of record finding is below (Section 4.4 of this decision). *This standard is met.*

4.2. Dimensional Requirements

MCC 33.3155(C): Minimum Yard Dimensions – 30-foot front, street side 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: The NW Morgan Road right-of-way is 60 feet wide, which exceeds the 50-foot standard for rural local classified roads (Exhibit B.2). The NW Rainier Ave. right-of-way currently has a 40-foot wide right-of-way which does not meet the minimum 50-foot standard for a local access road.

The dwelling is proposed to be located at a about 41 feet from the NW Morgan Road right-of-way line exceeding the 30-foot front yard requirement. The proposed dwelling will be located 35 feet from the existing NW Rainier Ave. right-of-way allowing for the additional five foot dedication of right-of-way and meeting the minimum 30 foot minimum street side yard requirement after that dedication. The proposed dwelling location exceeds the 30-foot rear yard minimum requirement and the location exceeds the other side yard 10-foot the minimum requirement. All minimum yard requirements are met for the proposed dwelling (Exhibit A.13). *These standards are met.*

4.3. 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: A deed was record on September 9, 1956 in Book 1805 on Page 25 describing the subject (Exhibit A.12). There were no zoning district or land division requirements for the parcel in 1956, thus the parcel meets the Lot of Record definition. *The subject property is a Lot of Record.*

5. Significant Environmental Concern for Scenic Views

- 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 applicant has provided sufficient information to review the proposed development. The applicant’s submittal is included as Exhibit A.1 through A.15.

- 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 applicant is proposing a two story single family dwelling with an attached garage. The proposed development is in an area that is topographically visible from several of the 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 dwelling will be visually 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 development area is located on a bench above St. Helens Highway with identified viewing areas to the east, northeast and southeast. The applicant states that, "There are several large trees located on the east and north sides of the property." These trees are shown on Exhibit B.3; several of the trees are in the right-of-way. The applicant has sited the proposed dwelling in an area that best screens the dwelling using existing topography and existing vegetation. However, the existing topography and vegetation will not screen the dwelling sufficiently to achieve visual subordination of the dwelling as seen from identified viewing areas. A combination of building materials, dark colors, existing topography, existing vegetation and additional trees will be needed to achieve the visual subordination standard. *This siting 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 applicant proposes to use wood for the siding and asphalt shingles for roofing. The dwelling is proposed to be painted with Metro recycled paint color "Storm Cloud" a dark gray for the body and "Fawn" a dark tan color for the trim (Exhibit A.7). The proposed colors are dark enough they should blend in the natural landscape colors assisting in visual subordination for the dwelling. The applicant has not indicated what roofing color is proposed. Staff finds that if the roofing matches a color on the Columbia Gorge Commission color chart in rows A or B or C13-C16 (Exhibit B.4) the roof would meet dark earth tone color requirement. Columbia Gorge Commission color chart in rows A or B or C13-C16 are dark earth tone colors that will blend in the natural landscape colors assisting in visual subordination for the dwelling.

If the property owners would like to amend the color choice in the future, for the exterior colors of the dwelling, any color shown on the Columbia Gorge Commission color chart (Exhibit B.4), colors in rows A or B or C13-C16 meet the standard for dark earth-tone colors. A condition will require the colors proposed for the exterior of the dwelling meet the dark earth earth-tone color standard, using the proposed colors and colors from the color chart for the roofing and allow for exterior color substitution from the chart as described. *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: The applicant states, "In addition to the existing trees we will be planting a variety of native conifers (Western Red Cedar, Hemlock and Douglas fir) to provide additional screening of the development from the listed view of concern." The applicant has

included a site plan showing proposed tree planting areas (Exhibit A.2). The applicant does not state how many conifers they will be planting. Along with dark earth-tone exterior colors and low reflectivity building materials, additional trees are needed to meet the visual subordination standard. Staff finds that five additional conifer trees, of the species proposed by the applicant, planted along eastern right-of-way (planted five to ten feet west from the new right-of-way line established by the new five foot right-of-way dedication) and two conifers planted along the front right-of-way lines will provide the additional screening needed to meet the visual subordination standard. A condition will require maintaining existing tree density in the area on the property as shown on Exhibit B.3 and planting additional trees in the areas described in this finding. *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 dwelling is in the best location to take advantage of the existing topography and existing vegetation. There will only be minor grading to prepare site. The grading 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 roof height will be below the surrounding forest canopy level. *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 dwelling 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 design and building materials, the distance to potential viewing areas, the topography of the area, the conditions related to scenic view have been limited 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.3, planting addition trees as discussed in previous findings and hooded or recessed exterior light. *This standard is met.*

6. Significant Environmental Concern for Wildlife Habitat

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 included as Exhibit A.1 through A.14.

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 will be setback about 41 feet from the 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 southwest side property line. *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 prohibits the listed nuisance plants from being planted on the subject property and requires removal and maintenance of 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 - Access to County Roads (MCCRR 4.000)

7.1. Access to County Roads (MCCRR 4.000)

Staff: All driveway accesses to County roads require a driveway permit. The paved approach will be measured from the edge of pavement of Morgan Road. It must not create any drainage problems along the County road. This paved approach standard will help to protect the County road from debris from the new driveway, and will improve the safety of this access. A condition will require the property owners obtain an Access Permit. *This standard is met through a condition.*

7.1.1. MCRR 4.100: Required Information: Applicants for a new or reconfigured access onto a road under County Jurisdiction may be required to provide all of the following:

- A. Site Plan;**
- B. Traffic Study-completed by a registered traffic engineer;**
- C. Access Analysis-completed by a registered traffic engineer;**
- D. Sight Distance Certification from a registered traffic engineer; and**
- E. Other site-specific information requested by the County Engineer**

Staff: The applicant has proposed to construct a new access driveway onto NW Morgan Road. This right-of-way is under County Jurisdiction and is classified as a rural local road. The new access is shown on the applicant's site plan (Exhibit A.15). All required information has been submitted. *Standard is met.*

7.1.2. 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 proposed to be served by one driveway. *Standard is met.*

7.1.3. MCRR 4.300 Location: All new access points shall be located so as to meet the access spacing standards laid out in the Design and Construction Manual.

Staff: For a road classified as a rural local, which does not have the spacing standard. *Standard not applicable*

7.1.4. MCRR 4.400 Width: Driveway and Accessway widths shall conform to the dimensions laid out in the Design and Construction Manual.

Staff: For a single family residential use, a new driveway must be 12 feet wide. The new driveway will be 12 feet wide. A condition of approval will require the property owners obtain an Access Permit. *This standard is met through a condition.*

7.1.5. MCRR 4.500 Sight Distance: All new access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the Design and Construction Manual and AASHTO's A Policy on Geometric Design of Highways and Streets.

Staff: Multnomah County Road Rules Section 4.500 states that access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the County Design and Construction Manual or AASHTO's *A Policy on Geometric Design of Highway and Streets*. The applicant has submitted for the review of the County Transportation Division a sight distance certification from a registered traffic engineer, which provides an assessment of sight distance at the intersection in question consistent with AASHTO standards.

Sight distance is limited at the proposed Morgan Road driveway access. The applicant has submitted documentation demonstrating that minimum sight distance requirements can be met through the removal of vegetation. A condition of approval will require the property owners to obtain an access permit requiring the vegetation identified on the site plan received February, 11, 2014 be removed and the area to be maintained as a clear vision area in order to maintain adequate sight distance. The vegetation within the clear vision area must be removed prior to building permit final. This standard is met though a condition.

7.2. Transportation Impact

7.2.1. MCRR 5.100 To determine if a Transportation Impact is caused by a proposed development, the County Engineer will determine the number of new trips generated by a site by one of the following methods:

A. Calculations from the most recent edition of the Institute of Transportation Engineers' Trip Generation (ITE); or

B. A site development transportation impact study conducted by a professional engineer registered in the State of Oregon and accepted by the County.

7.2.2. MCRR 5.200 The County Engineer will use the information obtained pursuant to sub-section 5.100 and/or the frontage length of the subject property to determine the pro-rata share of the requirements set forth in Section 6.000.

MCRR 5.300 Except where special circumstances require the County Engineer to make an alternate determination, any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour shall be found to have a *Transportation Impact*. A minimum increase of 10 new trips per day is required to find a transportation impact.

Staff: The Multnomah County Road Rules defines a Transportation Impact as the affect of any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by 10 trips or more in the peak hour [MCRR 3.000]. A minimum increase of 10 new trips per day is required to find a transportation impact.

According to the ITE Manual, 8th Edition, a single family dwelling generates 10 trips per day. The property is currently vacant. Therefore, a transportation impact will be caused by the proposed development since trips generated by the site will be increased by more than 20 percent. The proposed development has a transportation impact.

7.3. Improvement Requirements

MCRR 6.100 Site Development: The owner of the site or the applicant for a proposed development, which is found to cause a Transportation Impact will be responsible for improvements to the right-of-way as follows:

A. Dedication Requirement***

Staff: The County standard right-of-way width for a rural local classification is 50 feet. NW Morgan Road right-of-way is 60 feet, exceeding the standard, however abutting the property is NW Rainier Ave right-of-way which has an existing substandard width of 40 feet. The property owners are required to dedicate an additional five feet pf right-of-way in order to achieve a proportional share of this standard. The right-of-way will be used to improve the roadway to serve growing travel demand, which in part will be generated by this proposed action.

The five foot dedication along NW Rainer Ave. is also in lieu of requiring other proportional share of improvements along NW Morgan Road related to the increased transportation impact resulting from a new single family dwelling.

The property owners are responsible for a pro-rata share, as determined by the County Engineer, of right-of-way and easement dedications necessary to bring the affected, existing, created or planned public streets and other facilities within and abutting the development to the current County standard. The dedication of the required easements and right-of-way may be conditions of approval of Design Review or any other development permit related to the proposal.

A non-remonstrance agreement, or “deed restriction”, will require that the property owners participate in standard local road improvements along the site’s frontage that are not completed as a part of the site’s required interim improvements. *This standard is met through conditions.*

8. Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Significant Environmental Concern for Scenic Views and Wildlife Habitat permits to establish a single family dwelling in the Rural Residential zone. This approval is subject to the conditions of approval established in this report.

9. Exhibits

- ‘A’ Applicant’s Exhibits
- ‘B’ Staff Exhibits
- ‘C’ Comments Received

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application Form	10/11/13
A.2	1	Site Plan	10/11/13
A.3	8	Significant Environmental Concern for Scenic View Worksheet	10/11/13
A.4	7	Significant Environmental Concern for Wildlife Habitat Worksheet (Type I)	10/11/13
A.5	2	Elevation Drawing of proposed dwelling	10/11/13
A.6	1	Brochure showing proposed exterior lighting fixtures	10/11/13
A.7	1	Metro paint chip brochure for proposed colors for the main walls	10//11/13

		and trim exterior of the dwelling	
A.8	1	Certification of Water Service for a well	10/11/13
A.9	4	Storm Water Certification completed and stamped by Kevin M. Foster P.E.	10/11/13
A.10	2	Fire Service Agency Review	10/11/13
A.11	2	On-site sewage disposal site evaluation	10/11/13
A.12	1	Parcel Record – Cartographic Unit for subject property	10/11/13
A.13	2	Revised Site Plan	12/13/13
A.14	4	Revised Elevation Drawings	12/13/13
A.15	2	Revised Site Plan showing site distance for transportation standard assessment	2/11/14
‘B’	#	Staff Exhibits	Date
B.1	2	A&T Property Information	NA
B.2	1	A&T Tax Map with subject property highlighted	NA
B.3	1	2012 Aerial Photo showing subject property	NA
‘C’	#	Comments Received	Date
C.1	1	Letter dated April 6, 2014 from D. R. Jones	4/10/14

EXHIBIT
B.4
labbies

