

1600 SE 190<sup>th</sup> Avenue, Portland Oregon 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

## NOTICE OF DECISION

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

**Case File:** T2-2013-3142

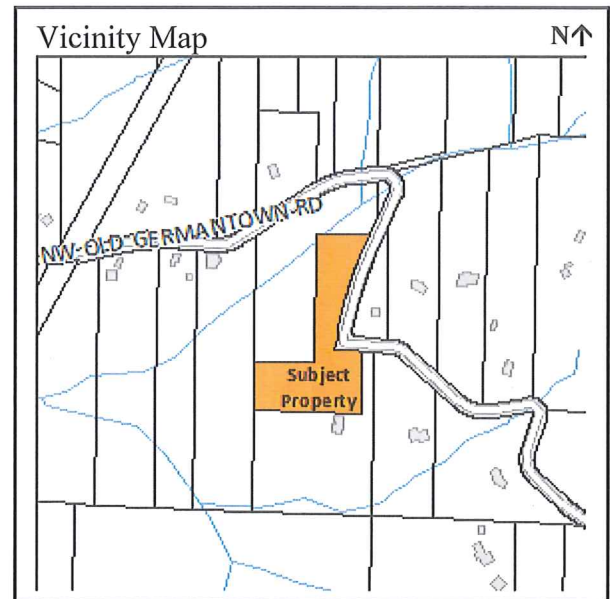
**Permit:** Verification and Alteration of a Nonconforming Use

**Location:** 13626 NW Old Germantown Road  
Tax Lot 1800, Section 09C  
Township 1 North, Range 1 West, W.M.  
Tax Account #R026703100

**Applicant/  
Owner:** Penelope Barnes

**Base Zone:** Rural Residential (RR)

**Overlays:** Significant Environmental Concern for wildlife habitat (SEC-h) and streams (SEC-s) / Hillside Development (HD)

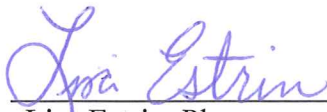


**Summary:** Applicant is requesting review and approval of a Verification and Alteration of a Nonconforming Use Determination to allow various improvements within the required yard areas.

**Decision:** Approved with Conditions

Unless appealed, this decision is effective Wednesday, March 26, 2014, at 4:00 PM.

Issued by:

By:   
Lisa Estrin, Planner

For: Karen Schilling- Planning Director

Date: Wednesday, March 12, 2014

**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 Lisa Estrin, Staff Planner at 503-988-3043, ext. 22597.

**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 Wednesday, March 26, 2014 at 4:00 pm.**

**Applicable Approval Criteria:** **Multnomah County Code (MCC):** *Rural Residential* – MCC 33.3155 Dimensional Requirements, MCC 33.3170 Lot of Record, MCC 33.3180 Off-Street Parking  
*Significant Environmental Concern* – MCC 33.4515 Exceptions

*Nonconforming Uses* - MCC 33.7200 Nonconforming Uses, MCC 33.7204 Verification of Nonconforming Use Status, MCC 33.7214 Alteration, Expansion or Replacement of Nonconforming Uses

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(B) 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. As required by the County's Building Department, the property owner shall obtain building permits for the conversion of the garage to living space and the interior remodel to the dwelling. [MCC 37.0560]

2. If the property owner chooses to enclose the covered porch, she shall obtain building permits for the project. [MCC 33.3115]

**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, Lisa Estrin, at (503) 988-3043 ext. 22597, 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.

**Notice to Mortgagee, Lien Holder, Vendor, or Seller:**

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

## **Findings of Fact**

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

### **1.00 Project Description:**

**Staff:** Applicant is requesting a Verification of a Nonconforming Use of the existing single family dwelling constructed in the year 1939 and related physical improvements. If the dwelling is determined to be nonconforming to the 30-foot front yard setback, the applicant requests approval to alter and expand the nonconforming use in order to authorize various improvements within the front yard. These improvements include: a covered porch and enclosure of a 4-foot by 4-foot area for garage purposes constructed in 1995-1997, a four-foot by five-foot deck on the east side of the house and garden stairs.

### **2.00 Property Description & History:**

**Staff:** The property known as 13626 NW Old Germantown Road (a.k.a. 1N1W09C – 1800) consists of portions of lots 31, 33, and 34 of Andrew Acres which were property line adjusted into a single parcel of land in 1985 by Paul Kirkland. The subject parcel currently contains one single family dwelling with an attached garage. The dwelling was originally constructed in 1939. In 1995, the property owner at the time obtained approval for a major remodel of the existing dwelling which included construction of a covered porch on the front of the dwelling. The site plan at the time showed the dwelling and the porch addition, 40 feet from Old Germantown Road (Exhibit A.24). Land Use Planning understood from the plans that the existing dwelling was 40 feet from the edge of the public right-of-way (r.o.w.). Unfortunately, the site plan actually depicted the distance from the existing dwelling to the edge of the paved roadway with the distance from the dwelling to the front lot line being less than 30 feet. The current property owner had the property line surveyed in January 2013 (Exhibit A.30). The distance from the edge of the original dwelling to the edge of the public right-of-way is 10 feet. At its closest point, the covered deck attached to the dwelling is 4.7 feet from the public right-of-way.

### **3.00 Verification of a Nonconforming Use:**

#### **3.01 MCC 33.0005 Definitions.**

**As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.**

**Nonconforming Use – A legally established use, structure or physical improvement in existence at the time of enactment or amendment of the Zoning Code but not presently in compliance with the use regulations of the zoning district in which it is located. A use approved under criteria that have been modified or are no longer in effect is considered nonconforming.**

#### **MCC 33.7204 Verification of Nonconforming Use Status**

**(A) The Planning Director shall verify the status of a nonconforming use upon application for a determination by an owner on application for any land use or other permit for the site, or on finding there is a need for a determination (e.g., on learning of a possible Code violation). The determination shall be based on findings that the use:**

**(1) Was legally established and operating at the time of enactment or amendment of this Zoning Code, and**

**(2) Has not been abandoned or interrupted for a continuous two year period.**

**Staff:** A dwelling was constructed on Lot 33 of Andrews Tracts in 1939. The right-of-way for Old Germantown Road was realigned in 1947 which reduced the distance from the public right-of-way to the dwelling to 10 feet. On October 6, 1977, the dwelling became nonconforming to the 30-foot front yard requirement when it was rezoned to Multiple Use Agriculture – 20. The dwelling remained nonconforming to the 30-foot front yard standard when in October 1983 the County rezoned it to its present zoning of Rural Residential (RR). *The dwelling was lawfully established in 1939 before zoning and is nonconforming to the current 30-foot front yard requirement of MCC 33.3155(C).*

To the northwest of the dwelling (Exhibit A.30) exists a recently repaired stairway leading to the garage and the backyard from the dwelling. It appears that this set of stairs existed prior to the 30-foot front yard requirement instituted on October 6, 1977 based on the materials replaced by the current property owner. Both the stairs and retaining wall were made of lumber and were necessary to move from the front yard to the garage on the site. *Based upon staff discussions with the applicant, the garden stairs are a nonconforming structure.*

- 3.02            (B) The Planning Director shall verify the status of a nonconforming use as being the nature and extent of the use at the time of adoption or amendment of the Zoning Code provision disallowing the use. When determining the nature and extent of a nonconforming use, the Planning Director shall consider:**

**(1) Description of the use;**

**Staff:** The subject property contains an existing building that is nonconforming to the current 30-foot front yard requirement of MCC 33.3155(C). The building has been located 10 feet from the public right-of-way since 1947. The building was built as and is currently used a single family dwelling. To the northwest of the dwelling is a set of stairs leading from the front yard to the garage area and the back yard. These stairs are accessory to the primary use.

- 3.03            (2) The types and quantities of goods or services provided and activities conducted;**

**(3) The scope of the use (volume, intensity, frequency, etc.), including fluctuations in the level of activity;**

**Staff:** No goods or services are provided from the single family dwelling. Activities conducted within the building and on the property are related to the primary use of the building as a single family dwelling. No other primary uses exist within the building.

- 3.04            (4) The number, location and size of physical improvements associated with the use;**

**(5) The amount of land devoted to the use; and**

**(6) Other factors the Planning Director may determine appropriate to identify the nature and extent of the particular use.**

**Staff:** The existing, lawfully established dwelling with attached garage is currently 1,090 square feet. There is approximately 1 acre of land used for the dwelling, driveway, parking and landscaped areas. The garden stairs allow for the movement of people from

one terraced area to another on the site. No other factors have been considered.

- 3.05**           **(7) A reduction of scope or intensity of any part of the use as determined under this subsection (B) for a period of two years or more creates a presumption that there is no right to resume the use above the reduced level. Nonconforming use status is limited to the greatest level of use that has been consistently maintained since the use became nonconforming. The presumption may be rebutted by substantial evidentiary proof that the long-term fluctuations are inherent in the type of use being considered.**

**(E) An applicant may prove the continuity, nature and extent of the nonconforming use only for the 10-year period immediately preceding the date of application. Evidence proving the continuity, nature and extent of the use for the 10-year period preceding application creates a rebuttable presumption that the use, as proven, existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of application. Evidence proving the continuity, nature and extent of the use for the 10-year period preceding application does not create a rebuttable presumption that the use lawfully existed at the time the applicable zoning ordinance or regulation was adopted.**

**(F) For purposes of verifying a nonconforming use, the Planning Director shall not require an applicant for verification to prove the continuity, nature and extent of the use for a period exceeding 20 years immediately proceeding the date of application. Evidence proving the continuity, nature and extent of the use for the 20-year period preceding application does not create a rebuttable presumption that the use lawfully existed at the time the applicable zoning ordinance or regulation was adopted.**

**Staff:** Multnomah County Assessment and Taxation records indicate that the value of the dwelling building has increased almost every year starting in 1996. A single family dwelling is an *Allowed Use* in the Rural Residential zone. The nonconforming status of the building is related to the structure itself and not the use. Aerial photographs show that the building has existed on the property for over twenty years (Exhibit A.22).

- 3.06**           **(C) In determining the status of a nonconforming use, the Planning Director shall determine that, at the time of enactment or amendment of the Zoning Code provision disallowing the use, the nature, scope and intensity of the use, as determined above, was established in compliance with all land use procedures, standards and criteria applicable at that time. A final and effective County decision allowing the use shall be accepted as a rebuttable presumption of such compliance.**

**Staff:** The original 1939 dwelling building was constructed prior to the County implementing zoning in 1958. The initial Suburban Residential general district had a flexible front yard standard for nonconforming situations. It was not until October 6, 1977 that the smaller 10-foot distance to the public right-of-way became nonconforming. Please see Sections 3.02 through 3.05 for additional findings.

- 3.07**           **(D) Except for nonconforming uses considered under MCC 33.7214 (B), the Planning Director may impose conditions to any verification of nonconforming use status to insure compliance with said verification.**

**Staff:** At present, staff has not identified the need to impose conditions on the

verification portion of this decision.

**4.00 Alteration of a Nonconforming Use:**

**4.01 MCC 33.7214 ALTERATION, EXPANSION OR REPLACEMENT OF NONCONFORMING USES**

**(A) Alteration, expansion or replacement of a nonconforming use includes a change in the use, structure, or physical improvement of no greater adverse impact on the neighborhood, or alterations, expansions or replacements required for the use to comply with State or County health or safety requirements.**

**(B) After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 33.7204, the Planning Director shall authorize alteration of a nonconforming use when it is demonstrated that:**

- (1) The alteration, expansion or replacement is necessary to comply with state or local health or safety requirements, or**
- (2) The alteration is necessary to maintain in good repair the existing structures associated with the nonconformity.**

**Staff:** The proposed physical alteration to the nonconforming dwelling is to authorize an existing covered porch constructed with building permits in 1995-1997. Originally the dwelling's entrance did not have a cover and was less than 30 inches in height. MCC 33.0005 Definition for "*Yard*" is an open space that is unoccupied and unobstructed from 30 inches above the ground and upwards. The proposed alteration is not required to comply with State or County health or safety requirements or to maintain the existing structure in good repair. It is a request to extend the roofline of the dwelling further into the front yard setback and will need to meet the criteria under (C) below.

**4.02 (C) After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 33.7204, the Planning Director may authorize alteration, expansion or replacement of any nonconforming use when it is found that such alteration, expansion or replacement will not result in a greater adverse impact on the neighborhood. In making this finding, the Planning Director shall consider the factors listed below. Adverse impacts to one of the factors may, but shall not automatically, constitute greater adverse impact on the neighborhood.**

- (1) The character and history of the use and of development in the surrounding area;**
- (2) The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable within the neighborhood;**
- (3) The comparative numbers and kinds of vehicular trips to the site;**
- (4) The comparative amount and nature of outside storage, loading and parking;**
- (5) The comparative visual appearance;**
- (6) The comparative hours of operation;**
- (7) The comparative effect on existing flora;**
- (8) The comparative effect on water drainage or quality; and**

**(9) Other factors which impact the character or needs of the neighborhood.**

**Staff:** As discussed above in Section 3.1 through 3.06, the subject property contains an existing single family dwelling within the 30-foot front yard setback. In 1995 – 1997, the prior property owner obtained a permit to construct a covered porch on the front of the dwelling. The site plan for the project was not the best and actually showed the distance from the house to the paved portion of Old Germantown Road (Exhibit A.24). The covered porch expands the existing building footprint within the front yard setback. The distance from the edge of the dwelling to the public right-of-way went from 10 feet down to 4.7 feet at its closest point. The stairs leading off of the covered porch are also above 30 inches in height due to the 42 inch high stair railings. The distance from the end of the stair railing to the edge of the public right-of-way is 3 feet (at its closest point) (Exhibit A.30). The construction of the covered porch and attached stairs has been in existence since 1997 and the County has not received any complaints regarding its distance from the edge of the public right-of-way. The covered porch creates a pleasant entrance statement on the 1930 house. The proposed expansion of the dwelling into the 30-foot front yard setback will not create any additional impacts, vehicle trips, parking, and etcetera. To allow the expansion of the dwelling for a covered porch and stairs will not create any adverse impacts on the neighborhood.

The second proposal is to authorize the attachment of the garage to the dwelling completed in 1995 – 1997. A small segment (Exhibit A.4) of the building used to attach the garage to the dwelling encroaches into the 30-foot front yard setback. This encroachment is only one to two feet. The house juts much further into the front yard setback so this small extension is not really noticeable nor does it create any impacts.

The next request is to authorize the replacement of the garden stairs to the northwest of the dwelling. These garden stairs allow occupants of the dwelling to move from the front yard down to the garage level of the property. Since these stairs were found to be nonconforming (see Section 3.01), their replacement may be authorized. The size and scope of this structure has not increased and its replacement allows for the continued existence of the nonconforming structure.

The final request is an option for the front porch. Due to the property owner needing to remove a couple of sheds which were previously located within the 30-foot front yard setback, she is considering enclosing the covered porch for a storage area. The enclosure of the covered porch will not create any adverse impacts on adjacent properties or the site and would allow for storage space for wood and other materials used for the dwelling and maintenance of the grounds.

*The expansion of a nonconforming structure for a covered porch and structural component to attach the garage to the dwelling has met the criteria listed above. The authorized replacement of the garden stairs has met the criteria listed above. The enclosure of a portion or the entire front porch for storage space has met the criteria listed above.*

**4.03 (D) Any decision on alteration, expansion or replacement of a nonconforming use shall be processed as a Type II permit as described in MCC Chapter 37.**

**Staff:** This application for an expansion or alteration of a nonconforming use has been processed by following the County's Type II procedures (Exhibits C.1 through C.4).

**5.00 Rural Residential Criteria:**



## 5.01 MCC 33.3155 DIMENSIONAL REQUIREMENTS

### (C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.

**MCC 33.0005 DEFINITIONS.** As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

**Yard** – An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the district. A yard satisfying the yard requirement for one building shall not satisfy the yard requirement for another building. The purpose of yards between buildings and property lines is to provide space, light, air circulation, and safety from fire hazards

**Staff:** The following improvements exist within the front yard setback but are exempt as they are under 30-inches in height:

Description of Structure	I.D. <sup>1</sup>	Height
Keystone Wall in R.O.W.	1A	22 inches
2 <sup>nd</sup> Keystone Wall	2	22 inches
3 <sup>rd</sup> Keystone Wall on East Side of House	3	18 inches
Keystone Wall on Path	4	4 inches
Keystone Wall to left of Stairs	7	23 inches
Keystone Wall to right of Garden Stairs	6	30 inches
Height of Porch and Steps	10 & 11	Steps 22” Porch 22”
Height of Eastside Deck	9	26 inches

<sup>1</sup> on Exhibit A.27

Two of the improvements exceed 30-inches in height and must meet the 30-foot front yard setback or be found to be nonconforming.

Description of Structure	I.D. <sup>1</sup>	Height
Garden Steps with Railings Perpendicular to Wall	5-8	39 inches

Height of Railing for Porch Steps	10 & 11	42 inches
Cover for Porch <sup>2</sup>	11	8.5 to 12 feet

<sup>1</sup> on Exhibit A.27

<sup>2</sup> on Exhibit A.28, Page 4 of 6

The garden stairs were found to be nonconforming and were authorized to be replaced in Section 4.02. The covered porch and stairs also authorized via an expansion of a nonconforming structure as discussed in Section 4.02. *Criterion met.*

## **5.02 MCC 33.3170 LOT OF RECORD**

**(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 for verifying zoning compliance may include, but are not limited to, the following:**

- (1) July 10, 1958, SR zone applied;**
- (2) July 10, 1958, F-2 zone applied;**
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;**
- (4) October 6, 1977, RR zone applied, Ord. 148 & 149;**
- (5) October 13, 1983, zone change from MUF-19 to RR for some properties, Ord. 395;**
- (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004, 20 acre minimum lot size for properties within one mile of Urban Growth Boundary;**
- (7) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.**

**(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 33.3185, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.**

**(C) Except as otherwise provided by MCC 33.3160, 33.3175, and 33.4300 through 33.4360, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.**

**(D) The following shall not be deemed to be a lot of record:**

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

**Staff:** Multnomah County Land Use Planning granted a Lot of Exception (LE3-85) and Exempt Minor Partition in 1985 for the creation of the subject parcel (1N1W09C – 01800) consisting of a portion of Lots 31, 33, and 34, Andrews Acres. The new legal description was recorded in May 1985 creating the 4.14 acre parcel. *The subject property*

is a Lot of Record.

**5.03 § 33.3180 OFF-STREET PARKING AND LOADING**

Off-street parking and loading shall be provided as required by MCC 33.4100 through 33.4220.

**Staff:** The subject property has room for two parking spaces within the driveway areas.

**6.00 Significant Environmental Concern Criteria:**

**6.01 § 33.4515 EXCEPTIONS**

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

(8) With respect to a structure lawfully established on or before January 7, 2010; alteration or expansion of such structure that:

(a) For the SEC-h and SEC-s overlays, result in the alteration or expansion of 400 square feet or less of the structure's ground coverage. With respect to expansion, this exception does not apply on a project-by-project basis, but rather extends only to a maximum of 400 square feet of additional ground coverage as compared to the structure's ground coverage on the date above; and

**Staff:** The subject property has two Significant Environmental Concern (SEC) overlays within its borders. The SEC-streams (SEC-s) overlay only covers a portion of the property. The SEC-wildlife habitat (SEC-h) overlay covers the entire property.



These overlays came effective in late 1995 and the covered porch and other improvements authorized on Exhibit A.24 fall within the above Exception.

An uncovered 10-foot wide by 6-foot long by 26 inches high (60 sq. ft.) deck has been constructed on the east side of house to allow for dwelling ingress and egress through French Doors leading from the living room area. Since the deck is under 30-inches in height, it may be located within the 30-foot front yard [MCC 33.3155(C) and MCC 33.0005 Definitions - Yards]. The applicant has requested utilization of the exemption in MCC 33.4515(A)(8)(a) for the 60 square foot deck. After the granting of this exception, the site may have an additional 340 square feet of ground coverage added to the house and still be exempt from obtaining the SEC-h permit.

## 7.00 Conclusion:

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Alteration and/or Replacement of a Nonconforming Use to authorize various improvements to an existing dwelling in the Rural Residential zone. This approval is subject to the conditions of approval established in this report.

## 8.00 Exhibits:

- 'A' Applicant's Exhibits
- 'B' Staff Exhibits
- 'C' Procedural Exhibits

Exhibits with a “\*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2013-3142 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	10.31.2013
A.2	1	Exhibit A: Landscaping	10.31.2013
A.3	1	Diagram 1B: Showing part of Garage within Setback with respect to 2007-2008 Porch and Garage Conversion	10.31.2013
A.4	1	Diagram 1A: Showing Right-of-Way, Front Yard and Location of House	10.31.2013
A.5	4	Narrative	10.31.2013
A.6	3	Property History Description	10.31.2013
A.7	1	Letter from PGE regarding Electrical Service	10.31.2013
A.8	1	Ferrell Gas & Propane Service Record from 2003 to 2013	10.31.2013
A.9	1	Portland Combination Inspection Record Card for Permit # 95-52584, Issued 8/29/95	10.31.2013
A.10	1	Application for a Permit to Use Public Road Right of Way Under the Jurisdiction of Multnomah County dated 10/28/13 for Landscaping Application & Well	10.31.2013
A.11	1	Application for a Permit to Use Public Road Right of Way Under the Jurisdiction of Multnomah County dated 10/28/13 for Driveway Application	10.31.2013
A.12	1	Exhibit A: Driveway	10.31.2013
A.13	1	Exhibit A: Driveway Dimensions	10.31.2013
A.14	1	Exhibit 1: Survey of Existing Right-of-Way and Location of Various Improvements to Front and Street Side Yards	10.31.2013
A.15	1	Exhibit 2: Legal Description from Preliminary Title Report	10.31.2013

		dated from 2005	
A.16	1	Exhibit 3: Survey 48293	10.31.2013
A.17	1	Exhibit 4: Letter to County dated 2/3/13	10.31.2013
A.18	1	Exhibit 5: Copy of Exempt Minor Partition dated 20, Mar. 1987 Recorded in Book 1988, Page 2118	10.31.2013
A.19	1	Exhibit 7: Document Showing Footprint of Original House, Garage, Second Floor Addition and Covered Front Porch on House	10.31.2013
A.20	1	Exhibit 8: Skyles Drilling, Inc. Water Supply Well Report	10.31.2013
A.21	1	Exhibit 9: Aerial Photograph with Map Comments PF 2012- 2645	10.31.2013
A.22	1	Exhibit 10: Exhibit of Google Earth Images	10.31.2013
A.23	1	Exhibit 11: Marion County Oregon Public Rights of Way – Who Owns What?	10.31.2013
A.24	5	Plans from RES95-52584	10.31.2013
A.25	2	Applicant's Response to November 27, 2013 Letter received 12.04.2013	12.04.2013
A.26	1	Revised Diagram 1A dated 12/1/13	12.04.2013
A.27	1	Diagram 3 Location of Photos for 11/27/13 <ul style="list-style-type: none"> <li>a. Keystone Wall in R.O.W. - labeled 1A</li> <li>b. Soil in behind R.O.W. Keystone is Level with Wall/Slope – labeled 1B</li> <li>c. 2<sup>nd</sup> Keystone Wall: 22 inches max – labeled 2</li> <li>d. 3<sup>rd</sup> Keystone Wall on East Side of House: 18 inches high – label 3</li> <li>e. Keystone Wall on Path: 4 inches high – labeled 4</li> <li>f. Steps and Parallel Wall – labeled 5</li> <li>g. 30 inch height of Keystone Wall to Right of Stairs – labeled 6</li> <li>h. 23 inch Keystone Wall to left of Stairs – labeled 7</li> <li>i. Height of Stairs: 43 inches – labeled 8</li> <li>j. Height of East Side Deck: 26 inches at highest point – labeled 9</li> <li>k. Covered Front Porch – labeled 10</li> <li>l. Height of Porch and Steps – labeled 11</li> </ul>	12.04.2013
A.28	6	Neil Kelly Plans dated 1/22/2013 - Basement Floor Plan – Page 1 of 6	12.04.2013

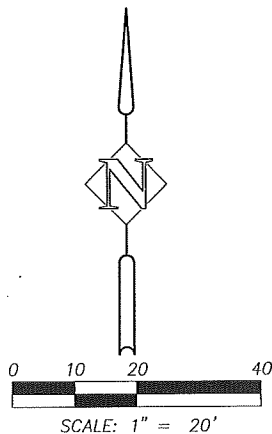
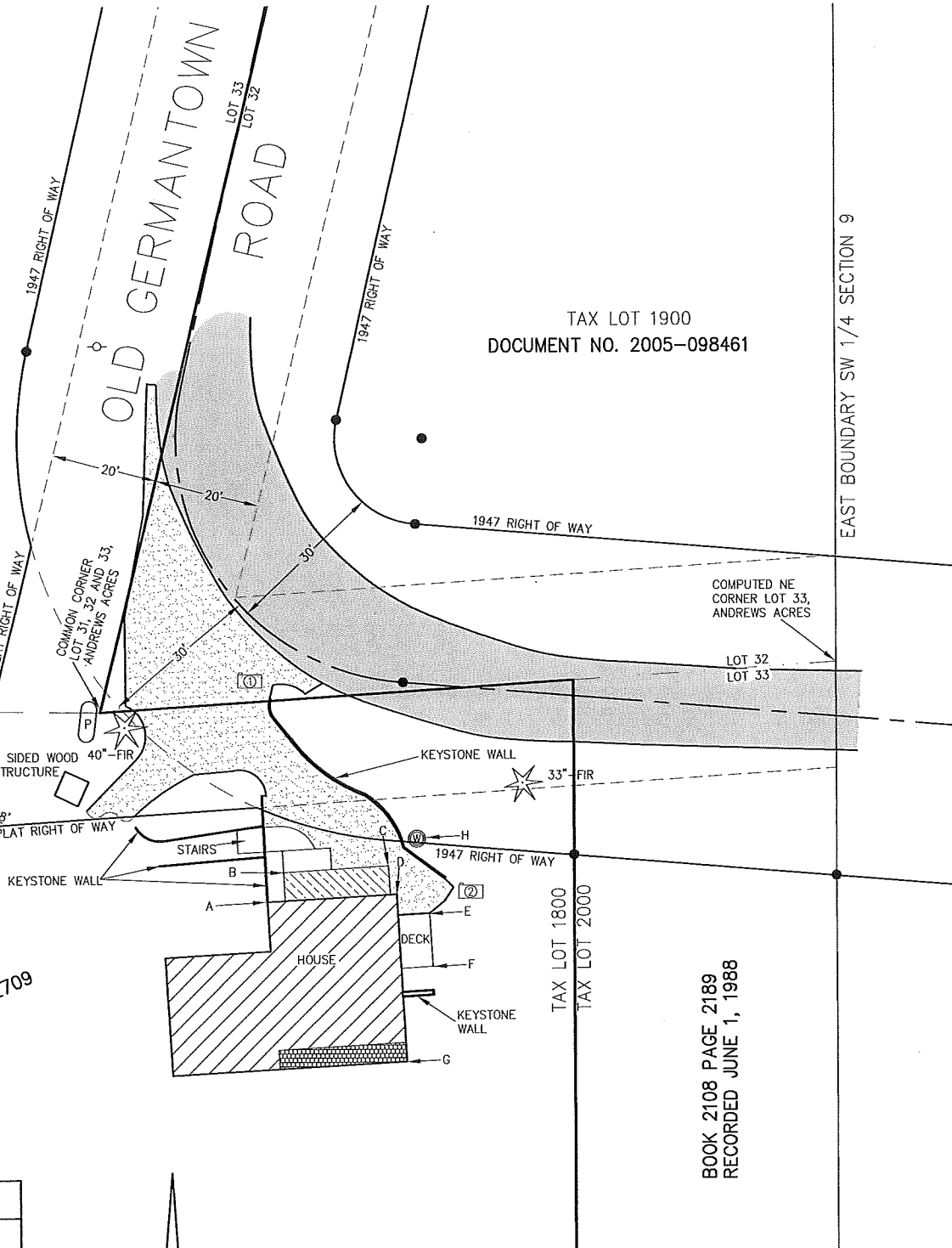
		a. First Floor Plan – Page 2 of 6 b. Front (North) Elevation – Page 3 of 6 c. Side (East) Elevation – Page 4 of 6 d. Rear (South) Elevation – Page 5 of 6 e. Side (West) Elevation – Page 6 of 6	
A.29	3	Garage Conversion Plans – First Floor Plan a. Rear (South) Elevation b. Side (West) Elevation	12.04.2014
A.30*	1	Revised Survey by HHPR, Inc.	3.10.2014
'B'	#	Staff Exhibits	Date
B.1	2	A&T Property Information for 1N1W09C-01800	10.30.2013
9			
'C'	#	Administration & Procedures	Date
C.1	2	Incomplete Letter	11.27.2013
C.2	1	Complete Letter (Day 1 – 12.04.2013)	12.04.2013
C.3	5	Opportunity to Comment	12.16.2013
C.4	14	Administrative Decision	

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26.8'
31.8'
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REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JULY 10, 1995  
 PATRICK M. GAYLORD  
 2767

RENEWAL DATE 6-30-2015



Harper  
 Houf Peterson  
 Righellis Inc.

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SHEET 1 OF 1

01/21/2013

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