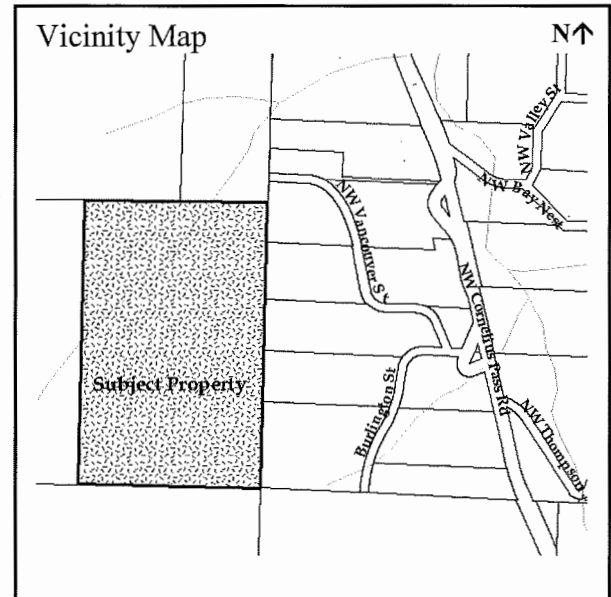


1600 SE 190th Avenue, Portland Oregon 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

NOTICE OF DECISION

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

Case File: T2-2014-3251
Permit: Significant Environmental Concern
Location: 13939 NW Cornelius Pass Road
Tax Lot 3600 , Section 25
Township 2 North, Range 2 West, W.M.
Tax Account #R972250350
Applicant: Michael and Tammy Sayre
Owners: Michael and Tammy Sayre
Base Zone: Commercial Forest Use – 2 (CFU-2)
Overlays: Significant Environmental Concern for
wildlife habitat (SEC-h) and streams
(SEC-s) / Hillside Development (HD)



Summary: Applicants are requesting a significant environmental concern permit for wildlife habitat in order to add decks and a patio to an existing dwelling in the CFU-2 zone.

Decision: Approved with Conditions

Unless appealed, this decision is effective Tuesday, May 27, 2014, at 4:00 PM.

Issued by:

By: 
Lisa Estrin, Planner

For: Karen Schilling- Planning Director

Date: Monday, May 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 Tuesday, May 27, 2014 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 33.2220 Allowed Uses – Alteration...of Dwelling, MCC 33.2256 Forest Practices Setbacks and Fire Safety Zones, MCC 33.2261 Development Standards for Dwellings and Structures, MCC 33.2275, and MCC 33.4570 Criteria for Approval of SEC-h Permit -Wildlife Habitat, MCC 33.4515(A)(8) SEC – Exceptions, MCC 33.5505 Hillside Development and Erosion Control – Permits Required.

Copies of the referenced Multnomah County Code (MCC) sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at www.multco.us/landuse.

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 as described in (a) or (b) below:**
 - (a) **When construction has not commenced within four years of the date of the final decision. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure.**
 - (b) **When the structure has not been completed within four years of the date of commencement of construction. Completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval.**
3. 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 as described above in 2.

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. The required Primary Fire Safety Zones shall be maintained by the property owner in compliance with the criteria listed under MCC 33.2256(D)(1). [MCC 33.2256(D)(5)]
2. Prior to the construction of the proposed decks, the property owner shall obtain buildings permits for their construction as required by the building department. [MCC 33.2261(C)]
3. By November 1, 2014, the property owner shall plant the proposed fifteen, 3 to 4-foot tall native trees where shown on exhibit A.19. If these trees become diseased, die or are removed from the property, they shall be replaced during the next growing season. [MCC 33.4570(C)(4)]
4. The nuisance plants listed in MCC 33.4570(B)(7) shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property at the owners expense. [MCC 33.4570(B)(7)]

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: The applicant is proposing to construct the following improvements to the existing dwelling on the subject property:

- 976 sq. ft. concrete apron in front of the garage
- 8-ft. by 12-ft. (96 sq. ft.) deck
- 150 sq. ft. second story deck
- 1,200 sq. ft. main deck
- 1,032 sq. ft. concrete patio under the main deck

2.00 Property Description & History:

Staff: The subject property is located in the Commercial Forest Use - 2 (CFU-2) general district and has overlays of Significant Environmental for wildlife habitat (SEC-h), streams (SEC-s) and Hillside Development (HD). The property is currently occupied by an existing 3,754 square foot dwelling which was authorized in 1987 by PRE 8-87. Building permits were issued in 1991 and the structure was finalized in October 1998. In addition, a small 8-ft by 20 ft outbuilding exists to the southeast of the dwelling and is used as a storage building for garden tools and goat feed.

3.00 Commercial Forest Use Approval Criteria:

3.01 MCC 33.2220 ALLOWED USES

(D) Alteration, maintenance, replacement or restoration of an existing lawfully established habitable dwelling as defined in MCC 33.0005 and located within 100-feet from an existing dwelling.

(1) In the case of a replacement dwelling, the existing dwelling shall be removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

Staff: The applicant has demonstrated that the single family dwelling was lawfully established and is habitable (Exhibit A.10, A.14 and A.15). The decks are an alteration to an existing lawfully established habitable dwelling. *Criterion met.*

3.02 MCC 33.2256 FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Use	Forest Practice Setbacks			Fire Safety Zones
Description of use and location	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)	Fire Safety Zone Requirements (FSZ)
Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling	May maintain current nonconforming setback(s) if less than 30 ft. to property line	30	30	Property owner is encouraged to establish Primary to the extent possible

Staff: The dwelling with its decks will be approximately 56 feet from the west property line, 238 feet from the south property line, at least 900 feet to the north property line and at least 600 feet from the east property line. The site plan shows a primary fire safety zone (Exhibit A.2). *Criterion met.*

3.03 (D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

(b) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

Percent Slope	Distance in Feet
Less than 10	No additional required
Less than 20	50 additional
Less than 25	75 additional
Less than 40	100 additional

(c) The building site must have a slope less than 40 percent.

Staff: The site plan shows a 80-foot plus primary fire safety zone southwest, southeast and northeast of the dwelling (Exhibit A.2 & A.3). The primary fire safety zone is approximately 40 feet on the western side of the dwelling. Slopes in the area range from

10 to 20 percent. *Criterion met.*

3.04 (2) Secondary Fire Safety Zone

A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of 33.2310.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

Staff: The subject property is not required to have a secondary fire safety zone. A condition of approval has been included requiring the maintenance of the primary fire safety zone (Exhibit A.2 & A.3). *Criterion met.*

3.05 MCC 33.2261 DEVELOPMENT STANDARDS FOR DWELLINGS AND STRUCTURES

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

(A) For the uses listed in this subsection, the applicable development standards are limited as follows:

(1) Expansion of existing dwelling.

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 33.2261;

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 33.2261(C);

Staff: The proposed development will add over 400 square feet of deck area to the existing single family dwelling. The development must comply with MCC 33.2261(C) as demonstrated below.

3.06 (C) The dwelling or structure shall:

(1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;

(2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;

(3) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

Staff: The proposed improvements are uncovered decks and concrete. Building permits will be obtained for the decks construction as required by the building code. No roofs are proposed. No chimneys are proposed. No mobile home is involved. *As conditioned, criterion met.*

3.07 MCC 33.2275 LOT OF RECORD

(A) In addition to the Lot of Record definition standards in MCC 33.0005, for the purposes of this district a Lot of Record is either:

(1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or

Staff: The County reviewed and approved a Land Division and Access by Easement in 1986 authorizing the subject property's creation by deed with a metes and bounds description. The Sayres' do not own any adjacent properties within the Commercial Forest Use – 2 zone and did not own any adjacent properties on February 20, 1990. *The subject property is a Lot of Record.*

4.00 Significant Environmental Concern Criteria

4.01 § 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:

(b) 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 cover-age as compared to the structure's ground coverage on the date above;

Staff: The subject property has a Significant Environmental Concern overlay for streams (SEC-s) over a portion of the property. The proposed decks and patios will not encroach within this overlay and are exempt from obtaining a SEC-s permit. The entire property has a Significant Environmental Concern for wildlife habitat overlay on it. The proposed addition to the dwelling is over 400 square feet so a SEC-h permit is required.

4.02 MCC 33.4570 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT

(B) Development standards:

(1) Where a parcel contains any non-forested "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 within the property's cleared area. No trees will need to be removed to complete the development (Exhibit A.3). *Criterion met.*

4.03 (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 property is landlocked without public road frontage. The deck is attached to

the existing single family dwelling and is located approximately 1300 feet from the nearest public right-of-way. *Criterion not met; a Wildlife Conservation Plan will be necessary.*

4.04 (3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

(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

* * *

Staff: The existing driveway is approximately 3,960 feet long. No additional length will be created as part of this project. *Criterion not met; a Wildlife Conservation Plan will be necessary.*

4.05 (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: No development exists on adjacent parcels within 200 feet of the common property line (Exhibit A.16). *Criterion met.*

4.06 (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.

* * *

Staff: No fencing is proposed for the property as part of this project. *Criterion met.*

4.07 (7) 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:

* * *

Staff: The property owners have indicated that they do not presently have any of the nuisance plants on the subject property (Exhibit A.12) and actively work to keep them from establishing. They have acknowledged that they cannot plant any of the listed nuisance species. *As conditioned, criterion met.*

4.08 (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 wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or

Staff: The subject property does not front onto a public right-of-way and cannot meet all of the development standards in Section (B). A wildlife conservation plan will be

necessary to mitigate for the departures to these standards. The property owners have decided to utilize the mitigation measures contained in (C)(4)(a) through (d) below instead of providing a separate conservation plan.

4.09 (4) For a property meeting (C)(1) above, the applicant may utilize the following mitigation measures for additions instead of providing a separate wildlife conservation plan:

(a) Each tree removed to construct the proposed development shall be replaced on a one to one ratio with a six foot tall native tree.

(b) For each 100 square feet of new building area, the property owner shall plant, one, 3-4 foot tall native tree or three native tree seedlings. The trees shall be planted to improve wildlife habitat first within non-forested cleared areas contiguous to forested areas, second within any degraded stream riparian areas before being placed in forested areas or adjacent to landscaped yards.

Staff: No trees will be removed for the proposed deck and patio additions. The new square footage of the decks is 1,446 square feet. Fourteen, 3 to 4-foot tall native trees or 42 native tree seedlings would need to be planted within a non-forested cleared area. The applicant has provided a landscape plan (Exhibit A.19) showing the location of fifteen, 3 to 4-foot tall trees to be planted that are a mixture of Douglas fir, cedar, hemlock, alder and maple. *As conditioned, this criterion met.*

4.10 (c) Existing fencing located in the front yard adjacent to a public road shall be consistent with MCC 33.4570(B)(6).

Staff: The property does not front onto a public right-of-way. *Criterion met.*

4.11 (d) For non-forested "cleared" areas that require nuisance plant removal pursuant to MCC 33.4570(B)(7), the property owner shall set a specific date for the work to be completed and the area replanted with native vegetation. The time frame must be within two years from the date of the permit.

Staff: The property does not contain any nuisance plantings. A condition has been included requiring that the property owner continue to work to maintain control of nuisance plants on the property. *As conditioned, this criterion met.*

5.00 Hillside Development Exemption

5.01 MCC 33.5505 PERMITS REQUIRED

Hillside Development Permit: All persons proposing development, construction, or site clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall obtain a Hillside Development Permit as prescribed by this subdistrict, unless specifically exempted by MCC 33.5510.

MCC 33.5510 EXEMPT LAND USES AND ACTIVITIES

(C) Categorical Exemptions – Notwithstanding MCC 33.5510 (A) and (B) (1) through (6), the following activities are exempt from the permit requirements, except that in the Tualatin River Drainage Basin, activities which effect water quality shall require a Permit pursuant to OAR 340-41-455 (3):

(1) An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, nor exempt any excavation having an unsupported finished height greater than five feet.

Staff: The subject property has areas of slopes over 25 percent. The proposed development is located in an area of terrain with less than 25 percent slope. A building permit will be obtained as part of constructing the decks. As such, no Hillside Development permit is required for the proposed development.

6.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Significant Environmental Concern for wildlife habitat permit to authorize construction of various decks and patios to the existing single family dwelling in the Commercial Forest Use – 2 zone. This approval is subject to the conditions of approval established in this report.

7.00 Exhibits

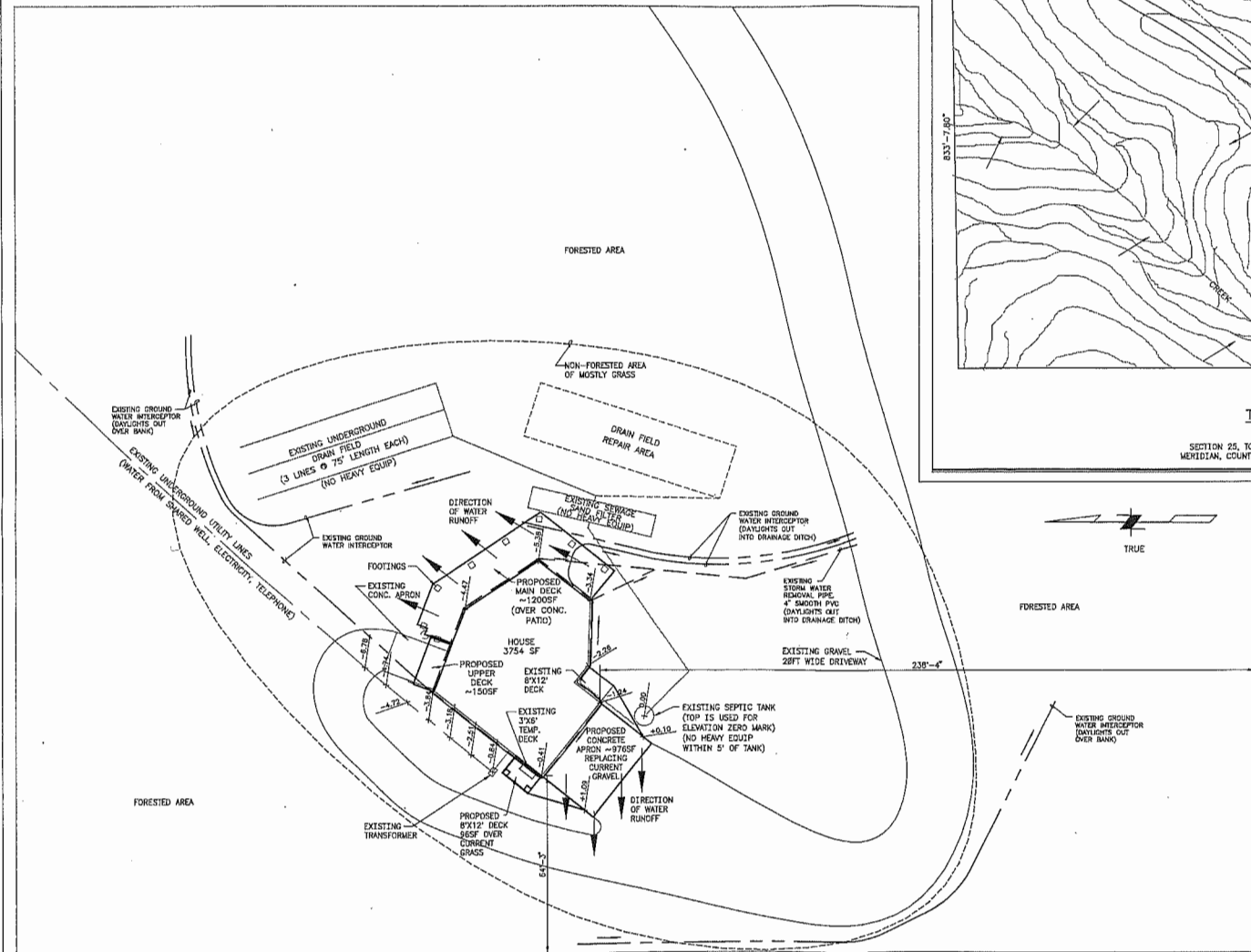
- 'A' Applicant's Exhibits
- 'B' Staff Exhibits
- 'C' Procedural Exhibits

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 T2-2014-3251 at the Land Use Planning office.

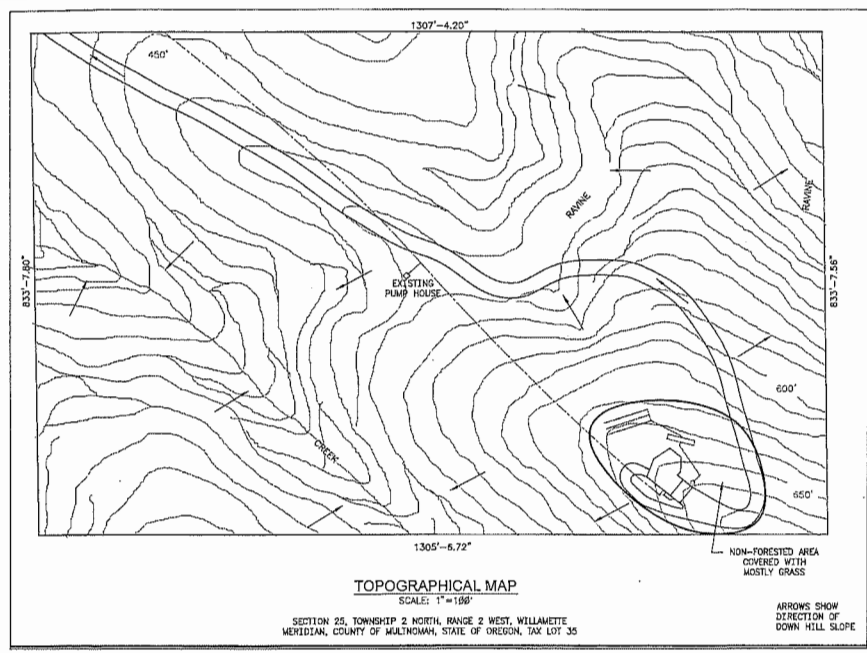
Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	1.03.2014
A.2	1	Topographic Map and Detailed Plan	1.03.2014
A.3	1	Site Plan	1.03.2014
A.4	1	Deck Layout -01	1.03.2014
A.5	1	Foundation/Patio Layout	1.03.2014
A.6	1	Deck Layout -02	1.03.2014
A.7	1	Detail A & B	1.03.2014
A.8	1	Details C & D	1.03.2014
A.9	1	Elevations Southeast, Northwest	1.03.2014
A.10	1	Residential Inspection Record Card	1.03.2014
A.11	7	Stormwater Certificate	1.03.2014
A.12	9	SEC-h work sheet	1.03.2014
A.13	5	Certification of Onsite Sewage Disposal	1.03.2014
A.14	2	Photos	5.05.2014
A.15	2	Land Use Cards for Dwelling	1.03.2014
A.16	1	Air Photo with SEC-s overlay shown	1.03.2014

A.17	4	Fire Service Agency Review	1.03.2014
A.18	2	Responses to SEC-h questions	2.21.2014
A.19	1	Landscape Plan	2.13.2014
'B'	#	Staff Exhibits	Date
B.1	2	A&T Property Information for 2N2W25 – 03600	
'C'	#	Administration & Procedures	Date
C.1	3	Incomplete Letter	1.31.2013
C.2	1	Applicant's Acceptance of 180 Day Clock	
C.3	1	Complete Letter (Day 1)	2.21.2014
C.4	4	Opportunity to Comment	3.13.2014
C.5	11	Administrative Decision	5.12.2014

Dec 18, 2013 - 7:53pm tsayre
C:\Users\tsayre\Desktop\Drawings\Tammy\HOUSE-Current\PROP.DWG



DETAILED PLAN
SCALE: 1" = 28'



TOPOGRAPHICAL MAP
SCALE: 1" = 198'

SECTION 25, TOWNSHIP 2 NORTH, RANGE 2 WEST, WILLAMETTE
MERIDIAN, COUNTY OF MULTNOMAH, STATE OF OREGON, TAX LOT 35

ARROWS SHOW
DIRECTION OF
DOWN HILL SLOPE

OWNERS
MICHAEL & TAMMY SAYRE

ADDRESS
13939 NW CORNELIUS PASS RD
PORTLAND, OR 97231

DESCRIPTION
SECTION 25, TOWNSHIP 2 NORTH, RANGE 2 WEST,
WILLAMETTE MERIDIAN, COUNTY OF MULTNOMAH,
STATE OF OREGON, TAX LOT 35

DRAWINGS PREPARED BY
TAMMY SAYRE

NOTE
0-SIZE PLOT (24X36) IS AT SCALE NOTED
8-SIZE PLOT (11X17) IS AT 50% SCALE NOTED

A					BOOK PERMIT REQUEST	08/2013	TS
NO.	REVISION	DATE	BY	ISSUED FOR	DATE	BY	
SAYRE HOME SITE PLAN							
SCALE: AS NOTED		DATE		DWG. NO.		REV.	
DRAWN BY: TAMMY SAYRE		11MAY09		D SITE		A	
CHECKED:							
APPROVED:							
TS TECHNICAL SERVICES							

CAD NO: PROP