



DESIGN REVIEW PERMIT

Case File No.: DR 14-97
February 10, 1998

What: Design Review Permit for the purposes of constructing a single family dwelling on a 13.6 acre parcel in a Commercial Forest Use zoning district.
and
Approval of the stormwater drainage plan required in Condition of Approval #5. of CU 12-96. The dwelling was approved in Conditional Use case CU 12-96, and associated cases SEC 21-96 and HV 18-96.

Where: The subject property is located at:
32152 SE Stevens Road
T1S, R4E, Section 8, TL. 44.

Who: **Property Owner/** Andre Protassy
Applicant: 12120 SW Boones Ferry Rd.
Portland, OR 97219

Decision: Approve, subject to the conditions below, the Final Design Review plans for construction of a single family residence, and approve the drainage plan as satisfaction of condition of approval #5 of CU 12-96, based on the following findings and conclusions.

I. CONDITIONS OF APPROVAL

1. Except as otherwise specified in the above conditions, this approval is based on the applicants submitted testimony, site plan, and findings contained in the Staff Report. The applicant shall be responsible for implementing the development plan as presented and approved.
2. This approval will become void 18 months from the date this decision becomes final. The decision will become final on February 20, 1998 unless an appeal is filed.

For questions about Conditions of Approval and Building Permit Sign-off, contact Chuck Beasley, at 248-3043.

II. BACKGROUND AND DESCRIPTION OF PROPOSAL

The applicant requests approval to construct a single family dwelling on the subject site. The use of this site for a single family dwelling was established in land use case CU 12-96 which was finally approved on December 4, 1997. The dwelling location was approved in HV 18-96 and SEC 27-96, which were processed concurrently with the CU request. These applications were made in order to resolve a zoning violation for construction of the dwelling without permits. This Design Review application satisfies the Hearings Officer condition of approval #8. of CU 12-96. In addition, condition of approval #5 requires compliance with the county Grading and Erosion Control code and approval of the stormwater drainage system. The stormwater plan is addressed under the Design Review approval criteria of MCC 11.15.7850(6) located in part IV. of this report.

The applicant has submitted a set of building plans, a plot plan and narrative, and a drainage plan and Geotechnical Report with his application. These plans and narrative are included as Exhibits "A1." through "A5" of this report.

III. SITE AND VICINITY CHARACTERISTICS

The subject property is on a bench above the Sandy River canyon, with the west property line adjacent to the dwelling approximately on the canyon rim. The side slopes of the canyon are forested with deciduous and coniferous tree species, and the majority of the parcel is a grass field. Access to the dwelling area in the northwest corner of the site is via an easement road that extends 660' from the end of Stevens Road to the site, and which serves two other properties. The dwelling site is nearly flat.

IV. ANALYSIS

MCC 11.15.7850(A): Approval of a final design review plan shall be based on the following criteria:

(1) Relation of Design Review Plan Elements to Environment.

- (a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.**

Applicant: The proposal calls for an existing single family dwelling located on the subject parcel. No other buildings exist on site. There was no removal of vegetation. There was no excavation except for what was needed by the foundation requirements. The structure proposed is a two-story single family dwelling. The house is painted gray, and the roof gray/green which harmonizes with the natural environment. No

changes to the approved use will be made, and the approved dwelling is and will continue to be the only dwelling on the property, and will be a single family dwelling only. This is going to satisfy #1 and #2 of the hearings officer's conditions of approval.

Staff: Staff finds that the dwelling size and colors relate harmoniously to the natural vegetation colors present on the site during various seasons.

(b) The elements of the design review plan should promote energy conservation and provide protection from adverse climactic conditions, noise, and air pollution.

Applicant: The proposed dwelling is located on the site in such manner that protection from noise and air pollution is provided for the subject property and neighboring properties. The house is sighted to take advantage of passive solar heating through the use of many large windows facing west and south. The overhang of the roof has been extended to provide shade during the summer which will conserve electric energy for cooling. The house is designed for 2x6 double wall construction insulated at R-21. Under floor insulation will provide R-25, and attic insulation has been increased to exceed code requirements. Exterior siding is LP which not only provides additional insulation but also acts as a sound barrier. All windows are double insulated. Exterior door is double insulated. The heating system is forced air electric heat pump, allowing for zone heating within the house and further contributing to overall energy conservation. The house site is below the crest of the hill which provides wind protection. There are buffer of trees between the house and the road, also on the East. More trees will be planted for additional wind and noise protection. House wrap and vapor barriers will provide protection from air pollution. The fire place is a metal prefabricated unit designed to minimize air pollution. For additional air pollution protection, the insert has catalytic converters. The chimney will have a spark arrestor as required by the hearings officer's condition #3B.

Staff: Staff concurs.

(c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.

Applicant: The dwelling site is only 1.67% of the entire property, and is designed to fulfill the property's function as a commercial forest zone. The dwelling is designed to serve its function as a residence and takes advantage of a variety of landscaping elements such as: lawn areas, flower and vegetable gardens, fruit and nut trees, and grapes. The walkways will provide a pleasant and healthy environment.

Staff: Staff concurs.

(2) Safety and Privacy – The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.

Applicant: There was no removal of vegetation and trees, and keep the site in its most natural condition there will be more trees and vegetation planted. This will provide a great deal of privacy for both the residents of the subject property and adjoining properties. The Multnomah County Sheriff and Corbett Fire Department indicated that service to the site was adequate. The drive way and private road location is indicated and approved under CU 12-96. The house will be equipped with smoke detectors according to the code. There will be a security system. External lighting is provided at each entrance. All code requirements related to fire protection are and will be met. There is existing private road, which is designed and maintained to satisfy the standards required by MCC.2074 (D) and MCC.2074 (A) and MCC.6420 (J), as indicated and approved in CU.1296 and will also satisfy conditions of approval 3(A), 3(C)g 3(D), and 3(E). The size of the site and the natural landscape provides adequate privacy.

Staff: The applicable safety related concerns associated with a forest dwelling are fire protection measures and emergency vehicle access standards. Issues of privacy and transitions from public to private spaces are not applicable to this request. The criteria which must be met for conditional use approval of a forest dwelling include minimization of risks associated with wildfire pursuant to MCC 11.15.2074 (A) (5), and through construction of adequate emergency vehicle access required under MCC 11.15.2074 (D). The conditions of approval in CU 12-96 (conditions A. and D.) indicate that approval is based on verification and compliance that the road standards are met.

Conditions of approval 3C. and 3B. of CU 12-96 require maintenance of primary and secondary fire safety zones, and use of a fire retardant roof and spark arrestors on chimneys. The narrative submitted with the request and included as Exhibit “A1” of this report, indicates a composition roofing material and wood burning fireplace are to be used. Composition roofing material qualifies as a fire retardant roofing material. The plans do not specify a spark arrestor as required under condition of approval 3B.

(3) Special Needs of Handicapped – Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and Braille signs.

Applicant: This criterion is not applicable to review of a privately owned single family dwelling.

Staff: Staff concurs.

- (4) Preservation of Natural Landscape – The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.**

Applicant: The home design takes advantage of the natural look of the land. There was no excavation and removal of trees and land. No views from the road will be impeded. The yard provides the needed functional element of a level area consisted with a single family dwelling use. Considering the existence of the dwelling and grade will preserve the natural landscape and prevent erosion on the site, after additional trees and vegetation will be planted and maintained. This criterion will also satisfy #(5) of the hearings officer's conditions of approval.

Staff: Based on the apparent lack of excavation needed for the replacement dwelling, staff concurs with the applicant that the natural landscape was substantially maintained when the new dwelling was constructed. Satisfaction of condition of approval #5. of CU 12-96 is addressed under (6) below.

- (5) Pedestrian and Vehicular circulation and Parking – The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.**

Applicant: The dwelling provides adequate on site parking for residents and guests. There is a five car garage and a 35x40 gravel drive way which will meet all the needs of a private residence. The drive way and private easement road proposed in CU 12-96 was reviewed by Corbett Fire protection district and found it consistent with the applicable standards in MCC 11.15.2074 (D) (5). As indicated in the proposal CU 12-96, there is at least 48 feet radius turnaround and asphalted surface with at least 12 feet width on the private road and driveway. This criterion is met because the private road easement is providing safe access to the county street and to the three properties, (The camp) (Neighbor to the north) and to the Protassy's property. The fire access drive way standards are met (Corbett Fire District) and the design of the road provides space to turn around vehicles on site.

Staff: Staff concurs with the applicant's statements about vehicle circulation and parking in the driveway area of the dwelling. The unmet standards of .2074(D) are height clearance of 13'6" and minimum road width of 20'. Compliance with these standards is required in order to satisfy the conditions of approval in CU 12-96.

- (6) Drainage – Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.**

Applicant: All natural drainage on the property flows to Sandy river, on the west and south side. No neighboring properties are affected by surface drainage. The trees and vegetation have prevented erosion on the site for a long time, and since I bought the property in 1987. No indication of any kind of erosion was noticed. Additional trees and landscaping will be planted and maintained to have even more prevention of erosion. An area of the site south of the dwelling location has been evaluated and approved for septic system. The system was built in May 1989. The designed and sized system of this type will also minimize or eliminate soil erosion, and result in no adverse effect to neighboring properties.

Applicant's drainage related statement in the 1/28/98 supplement, wherein certain Grading and Erosion Control code criteria are addressed.

(6) No drainage way is to be blocked or have its storm water carrying capacities or characteristics modified.

No drain way was blocked. The storm water carrying capacities were there for more than thirty years (On the old House). The new structure is sitting on the exact same place and the drainage 4" pipes are carrying the roof water in the exact same direction as the old ones did. The only difference is that I replaced and improved the old material with new one.

Notwithstanding MCC 9.40.020(A)(B)(1) through (6) the following activities took and will take place in order to minimize soil erosion and protect neighboring properties. Adequately designed and sized septic system was designed and approved by a sanitarian, which also will be approved by the City of Portland Authorities. The system existed for more than thirty years, and for better service was replaced with a new system in 1989. The system was put on the exact same place where the old one was. Talking to the previous owner, no erosions whatsoever were observed also since I bought the property in 1987. All natural drainage on the property flows to the south and into the Sandy river. The 4" pipes collecting the water from the roof are directed to the west on my property and the water drains into the natural surface drainage and into the Sandy River. Considering that no excavation, earth movement, vegetation removal, and altering of a drainage course took place, the criteria have been met. The density of the trees and the rocky soil did not allow any erosions in the past but to ensure even more protection, I will plant even more trees to perfectly satisfy the criterion so that the whole system will not adversely affect the neighboring properties.

Staff: The findings under this approval criterion are intended to also address CU 12-96 condition of approval #5, which was imposed to ensure that SEC 27-96 approval criteria MCC 11.15.6420(J) and (K) will be met. Findings and a decision on the Drainage Plan are included as part of this decision in order to meet the notification requirements imposed by condition of approval #5. A separate Grading and Erosion Control Permit under MCC 9.40 is not required on this property due to the apparently minimal ground disturbance which was required to construct the dwelling. A drainage plan is however, required by condition of approval #5, and evidence that

adjacent property is protected from drainage related impacts is required under this criterion.

The drainage plan in Exhibit A5. shows two 4" storm drain lines which apparently are connected to the roof drains extending toward the west property line and embankment. The plan also shows the lines being routed to a leach field south of the dwelling. The applicant is not requesting approval to relocate the stormwater lines from their current location, which extends west from the dwelling to the property line. The Geotechnical Report in Exhibit A3. addresses this existing system location, and concludes that discharge of the water from the roof drains onto the slope is not expected to cause damage to the subject property, or to adjacent property.

- (7) Buffering and Screening – Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.**

Applicant: The proposed dwelling site has been approved, and is only partially visible from one existing dwelling on the north. There are trees in front of both dwellings which provide a visual screen between the dwellings and the private road. No accessory structures such as storage buildings, etc. are proposed. Mail service will be from a single mail box located at the private road. Parking will be done in the drive way in the vicinity of the garage, and in a five car garage, itself. It should not constitute an adverse impact in this rural area and to neighboring properties.

Staff: Staff concurs.

- (8) Utilities – All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.**

Applicant: All utilities such as electricity, telephone, water, and cable are installed underground.

Staff: Staff concurs.

- (9) Signs and Graphics – The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.**

Applicant: No signs or graphics are proposed for this development.

MCC 11.15.7870 - Expiration of Approval: (A) Design review approval shall expire in 18 months from the date of final design review approval, however upon

application a six month extension may be granted by the Planning Director upon written findings that the applicable provisions of this ordinance are satisfied. The Director's Decision may be appealed as provided by MCC 11.15.8290. Failure to apply for an extension shall result in expiration of the approval.

- (a) Application shall be made on the appropriate forms and filed with the Director at least 30 days prior to the expiration date.**
- (b) The Director shall issue a written decision on the application within 20 days of filing. That decision shall be based on the finding that:**
 - (i) Final Design Review approval has been granted under MCC .7845 on the total project; and**
 - (ii) At least ten percent of the dollar cost of the total project value has been expended for construction or development authorized under a sanitation, building or other development permit. Project value shall be as determined by MCC .9025 (A) or .9027 (A).**
- (c) Notice of the Planning Director decision shall be mailed to all parties as defined in MCC .8225.**
- (d) The decision of the Planning Director shall become final at the close of business on the tenth day following mailed notice unless a party files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295.**

V. CONCLUSION

The Design Review approval criteria are all demonstrated to have been met by the applicant. Several of the Design Review approval criteria are repetitive of Conditional Use or Significant Environmental Concern approval criteria on which a decision has already been made and conditions of approval imposed. The road standards and fire standards noted in the findings under (2) above must be implemented in order to meet the CU 12-96 decision, and therefore do not need to be addressed again in this decision. Drainage plan findings are included as a part of this decision in order to meet notification requirements of condition of approval #5, and to demonstrate compliance with Design Review approval criterion (6) Drainage. Staff concludes that based on the Geotechnical Report conclusions, and on findings that minimal excavation was required to construct the dwelling, that both condition of approval #5 and DR approval criterion (6) are satisfied. The Conditions of Approval listed at the beginning of this report are also required to be satisfied.

VI. EXHIBITS

- A1. Submittal dated 12/22/97.
Narrative, building plans, site evaluation and septic system construction permit receipt.
- A2. Building and site plan date stamped 12/26/97.
- A3. Geotechnical Report (drainage) dated 1/26/98.
- A4. Applicant's 1/28/98 supplement.
- A5. Drainage plan date stamped 1/15/98.

In the matter of DR 14-98

This decision filed with the Director of the Department of Environmental Services on February 10, 1996.

Multnomah County Department of Environmental Services
Transportation and Land Use Planning Division

By Chuck Beasley, *Planner*
For: Kathy Busse, *Planning Director*

NOTICE

State law requires a public notice (by mail) to nearby property owners and to any recognized Neighborhood Association of a Planning Director decision which applies discretionary or subjective standards or criteria to land use or development permit applications. The notice must describe the method to challenge the staff decision; and, if appealed, the County must hold a public hearing to consider the merits of the application. ORS 197.763, ORS 215.416(11)

The Administrative Decision(s) detailed above will become final unless an appeal is filed within the 10-day appeal period which starts the day after the notice is mailed. If the 10th day falls on Saturday, Sunday, or a legal holiday, the appeal period extends through the next full business-day. If an appeal is filed, a public hearing will be scheduled before a County Hearings Officer pursuant to Multnomah County Code section 11.15.8290 and in compliance with ORS 197.763. To file, complete an Appeal of Administrative Decision form, and submit to the County Planning Division Office, together with a \$100.00 fee and supplemental written materials (as needed) stating the specific grounds, approval criteria, or standards on which the appeal is based. To review the application file(s), obtain appeal forms, or other instruction, call the Multnomah County Planning Division at (503) 248-3043, or visit our offices at 2115 SE Morrison Street, Portland, Oregon, 97214 [hours: 8:30 a.m. – 4:30 p.m.; M—F].

The appeal period ends February 20, 1998, at 4:30 p.m.

