



**MULTNOMAH COUNTY**

**Department of Environmental Services  
Transportation and Land Use Planning Division  
2115 SE Morrison Street  
Portland, OR 97214 Phone: (503) 248-3043**

## **DECISION OF THE PLANNING DIRECTOR**

**Case File No.: DR 3-98**

(May 1, 1998)

**Proposal:** Application for design review approval of Planned Development and Land Division approved under PD 1-97 and LD 4-97.

**Location:** 28201 SE Sweetbriar Rd

### **Tax Roll**

**Description:** SID T1S, R4E, Section 06CB Tax Lot 200; 1S 4E 6 TL'78'; R99406-0780.

**Owner :** Herbert Gray  
28201 SE Sweetbriar St  
Troutdale, OR 97060

**Applicant:** Don Gibbons  
28201 SE Holiday St  
Troutdale, OR 97060

**Zoning:** Rural Residential (RR).

### **Approval**

**Criteria:** Multnomah County Code (MCC): MCC 11.15.7850 Design Criteria.

**DECISION:** Preliminary Design Review Approval. Final Design Review is subject to compliance with the following.

## **CONDITIONS OF APPROVAL**

Final Design Review approval will occur upon demonstration and compliance with the following conditions of approval.

### **STEP 1**

Under PD 1-97 and LD 4-97 the "**Final Plat**" must be delivered to the Planning Division by July 31, 1998 and in recordable form. In order to record the Final Plat conditions No. 1,2,4,5,7, and 9 of the Planning Commissions Decision in PD 1-97 and LD 4-97 must be

**DR 3-98**  
**Notice Mailed** \_\_\_\_\_

**Contact Person: Phil Bourquin**  
Phone: (503) 248-3043

completed. In addition, prior to recording of the final plat Condition #1 of this design review decision shall be met:

1. Prior to recording a Final Plat, a final Design Review Plan shall be submitted to include the information provided on the preliminary plan with the following modifications:
  - a. The building envelope of Lot 4 shall be reduced to remove the eastern portion of the parcel with slopes exceeding 20% from the developable area.
  - b. Both shared accesses shall be indicated on the final Design Review Plan as private shared driveways and not public streets. Tract "A" shall be identified as a Private Shared Driveway and Public Utility Easement. Access to all lots from Tract "A" shall be allowed. An easement shall be recorded for egress and access to Lot 2 along the southwest portion of Lot 1. The area of the easement shall be indicated on the final Design Review Plan.
  - c. The existing mobile home straddling Lots 1 & 3 shall be removed from the site.

## **STEP 2**

This decision will become void 18 months from the date of this decision unless STEP 1 above, and the following is completed:

2. Provide written evidence of compliance with Condition #10 of PD 1-97/LD 4-97.

### **Additional Conditions**

3. The driveway on Tract "A" shall be improved to the standards of Gresham Fire District prior to sign off of a building permit by the Planning Division for any structures on Lots 1 through 4 and prior to July 31, 2001 (per condition #2 of PD 1-97). In the event approval from the district cannot be achieved, the driveway on Tract "A" shall be 20 feet in width extending at minimum from Sweet Briar Road to a point 50 feet north of the southern property corner of Lot 3 and constructed with two inches of blacktop on a four inch crushed rock base or 6 inches of portland cement as required under MCC 11.15.6128 (A) and .6132 (A)(1).
4. All utilities necessary for future development shall be accessed from off site through Tract "A".
5. All trees located outside building envelopes shall remain untouched or modified, except as required due to disease or other naturally occurring event.
6. 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 proposal as presented and approved.

*Please remember to call before coming into the office on any matter related to this case in order to assure the Case Planner will be available. This is typically done through an appointment. To confirm availability before coming in regarding this case, contact Phil Bourquin at 248-3043.*

## **FINDINGS**

### **I. 11.15.7850, DESIGN REVIEW CRITERIA**

**MCC .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.**

**Finding:** Under PD 1-97 the Planning Commission required that no development will take place on slopes greater than 20% and is assured with specified building envelopes. This requirement ensures grading for future dwellings will be minimized and views of future dwellings from the river will be adequately screened. All trees located outside building envelopes will be required to remain untouched, except as required due to disease or other naturally occurring event.

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

**Finding:** Retention of the trees surrounding the building envelopes assists in buffering the proposed development from strong east wind, acts to protect and maintain the stability of the slopes to the north and east, and is consistent with policies for clean air.

- (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.**

**Finding :** The submitted plans identify the location and configuration of the proposed building envelopes. Proper location of these features is required to ensure that all systems function appropriately.

The shared driveways will be required to meet Fire Department standards for access. This ensures adequate access for fire fighting purposes.

#### **(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.**

**Finding:** The private driveways will be designed and constructed to Fire District Standards, thus balancing the need for privacy with the need for safety.

- (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.**

**Finding:** The proposal will create private residential lots and not public facilities. No public areas are proposed. Therefore, this criteria is satisfied.

- (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.**

**Finding:** The proposed building envelopes are required to be designed to include only areas of slopes less than 20 percent, consistent with Policy 14. Existing trees outside of the building envelopes will be required to be retained. The areas outside the building envelopes include moderate to severe grades. Retention of trees in this and other areas aids in the stability of slopes and the visual retention of the natural landscape.

- (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.**

**Finding:** Parking will be required on each individual lot. Two private driveways (rather than streets) reduces the amount of traffic which may utilize the roadway, and as such minimizes potential conflict between pedestrians and cars. Vehicular circulation will be satisfied through compliance with fire district standards. In the event the Fire District has a policy of not signing off on improvements, compliance with MCC 11.15.6128 (A) and .6132 of the Off-Street Parking and Loading section of code will be required.

MCC 11.15.6102 requires, “ In the event of the erection of a new building or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this Section”.

**MCC 11.15.6128 Access**

**(A) Where a parking or loading area does not abut directly on a public street or private street approved under MCC 11.45, of the Land Division Chapter, there shall be provided an unobstructed paved drive not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions thereafter shall be plainly marked.**

**MCC 11.15. 6132 Improvements**

**(A) Surfacing**

**(1) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.**

Approval of this DR application will result in an intensification of land use by allowing additional dwellings to be constructed and therefore subject to the standards of the OP section of code. Lot 3 does not directly abut a public or private street for the purposes of parking and loading as it is not practicable to access the site from Stark Street.

The access approved under PD 1-97 is a Private Shared Drive. Under PD 1-97 the shared driveway was required to provide evidence that the road was designed to the Gresham Fire District Standards. However, the applicant has indicated to staff, that Gresham Fire District has a Policy not to sign off on anything. Under .6128 (A) and .6132 (A)(1) the required standard is 20 feet in width for two-way traffic, leading to a public street and surfaced with two inches of blacktop on a four-inch crushed rock base or six inches of portland cement. This county standard is greater than the minimum standards of most Rural Fire Protection Districts and would be suitable to demonstrate compliance with PD 1-97 and LD 4-97 as well as this decision.

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

**Finding:** The applicant has obtained a Grading and Erosion Control Permit (GEC 3-97) for the development of the private driveway across a ravine (Tract “A”) which addresses the concerns related to access. The only additional development requiring a drainage system will be the individual dwellings. The drainage from the dwellings will be addressed at the building permit stage.

**(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.**

**Finding:** The building envelopes proposed are effectively shielded from surrounding areas by large evergreen trees, which will remain undisturbed.

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

**Finding:** All utilities necessary for future development shall be accessed from off – site through Tract “A” .

**(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.**

**Finding:** No signs or graphics have been proposed in this application therefore the criteria is not applicable at this time.

**MCC 11.15.7870 - Expiration of Approval:** (A) Design review approval shall expire 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.

**Comprehensive Framework Plan Policies:**

Applicable Comprehensive Plan Policies have been addressed through case file PD 1-97 and LD 4-97.

**CONCLUSIONS**

With the addition of Conditions of Approval, the Design Review plans submitted comply with the approval criteria of MCC 11.15.7850.

***In the matter of DR 3-98***

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

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By Phil Bourquin, *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 May 11, 1998 at 4:00 p.m.**