



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
(503) 988-3043 FAX: (503) 988 -3389

DECISION OF THE PLANNING DIRECTOR

Exception to Secondary Fire Safety Zones and Forest Practices Setbacks **Case File No.: E 0-2** October 2, 2000

Proposal: Applicant requests an exception to the fire and forest practices setbacks in order to construct and addition onto the west side of the dwelling. Review is required because the existing dwelling is approximately 92' from the property line and does not meet the required 130' setback. The proposed addition will further reduce the setback to approximately 80'.

Location: The subject property is located at:
40210 SE Loudon Rd.
1S5E07B-00600
Tax Account R995070040

Applicant/ Gordon and Christine Spanjer
Owner: 40210 SE Loudon Rd.
Corbett, OR 97019

Zoning: CFU-4 East of Sandy River
Commercial Forest Use

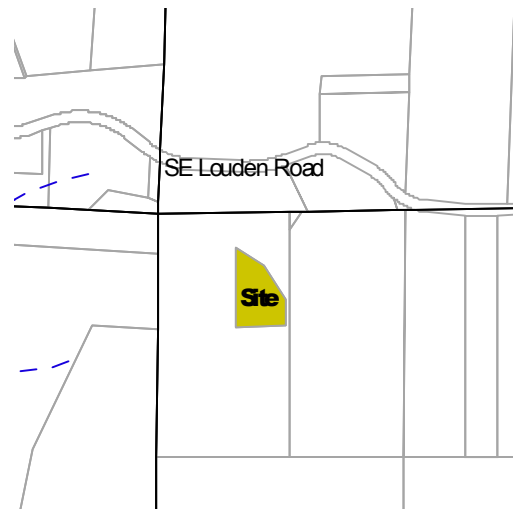
Site Size: 1.75 acres

APPROVAL STANDARDS:

Applicable approval standards for this permit can be found in MCC 11.ES.2048, .2058, .2074, and .2075 of the Multnomah County Zoning Code.

VICINITY MAP **SCALE: 1" = 1000'**

N↑



DECISION: Approve, subject to the Conditions of Approval, the proposed addition.

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 this staff report and decision. The applicant shall be responsible for implementing the development plan as presented and approved.
2. The property owner shall maintain primary and secondary fire safety zones on the property as shown on the site plan. This condition is intended to implement the provisions of MCC .2074(A)(5) and .2075.
- 3.
- 4.

Note: The Planning Director's policy is for the case planner to provide zoning approval of the final Building Plans on an appointment basis. Please contact Chuck Beasley at 988-3043 to set a time for Building Permit sign-off.

Findings of Fact

(Formatting Note: Staff as necessary to address Multnomah County ordinance requirements provides Findings referenced herein. Headings for each finding are underlined. Multnomah County Code requirements are referenced using a **bold** font. Written responses by the applicant, demonstrating compliance with code criteria, are *italicized*. Planning staff comments and analysis may follow applicant responses. Where this occurs, the notation "Staff" precedes such comments.)

1. Description of Proposal:

Applicant requests an exception to the fire and forest practices setbacks in order to construct and addition onto the west side of the dwelling. The alterations also include an addition onto the northeast side of the dwelling adjacent to the access road. Review is required because the existing dwelling is approximately 92' from the west property line and does not meet the required 130' setback. The proposed addition will further reduce the setback from the west line to approximately 80'.

2. Site and Vicinity Characteristics:

The subject site is located on a private road that has access to SE Loudon Road. The dwelling site is on open, relatively flat ground adjacent to land in agricultural use on the west and south. The east and north property line is defined by a curve in the access road. Development in the area consists of a mix of small farm, forest, and residential uses.

3. Multnomah County Code

MCC 11.ES.2048 Uses Permitted Outright

(D) Alteration, maintenance, or expansion of an existing lawfully established single family dwelling subject to the following:

(1) The existing dwelling

- (a) Has intact exterior walls and roof structures;**
- (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;**
- (c) Has interior wiring for interior lights; and**
- (d) Has a heating system.**

(2) Satisfies the dimensional standards of MCC .2058; and

(3) Satisfies the development standards of MCC .2074(A)(5) and (B) if an expansion that exceeds 400 square feet of ground coverage.

Staff: The dwelling was constructed on the property under permit number 57109, which was issued in 1972. At that time, the property was in a zone (F2) that allowed dwellings as a primary use. This is substantial evidence that the dwelling was lawfully established. The features listed in (1)(a) through (d) are either shown on the plans or have been verified by the applicant to exist.

The applicable dimensional standards of MCC .2058 are the setback provisions of (G). These provisions allow some flexibility for additions to dwellings that were established prior to the Commercial Forest Use zoning and that do not meet the new setback/fire safety zone requirements. This is the case here because applicable setback to the west property line is 130', and the dwelling was established at 91.9'. The proposed addition would further reduce the setback to 80.3'. Although the language of (G) does not specifically allow further reduction of the setback, staff interprets the code as not intending to prevent it when the Exceptions provisions of 11.ES.2075 are met.

The proposed addition to the west side of the dwelling is approximately 827 square feet in size, and this makes it subject to MCC .2074(A)(5) and (B). These provisions require fire resistant materials and the establishment and maintenance of primary and secondary fire safety zones. The roofing is indicated as composition, and no chimneys are indicated on the plans. The primary fire safety zone on the property is 30', and the secondary is 100'. The exception provisions of 11.ES.2075 are provided for situations wherein the fire safety zone standards cannot be met.

11.ES.2075 Exceptions to Secondary Fire Safety Zones and Forest Practices Setbacks

(A) The secondary fire safety zone and forest practices tract setbacks for dwellings and structures may be reduced pursuant to the provisions of .2075(B) when:

- (1) The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less, or**
- (2) The dwelling or structure is proposed to be located within 130 feet of the centerline of a public or private road serving two or more properties; or**
- (3) The proposed dwelling or structure is proposed to be clustered with a legally existing dwelling or structure.**

Staff: The request meets all of the above. The average lot depth is less than 330 feet, the structure is within 130' of the center of the access road, and the addition is attached and therefore clustered with an existing dwelling.

(B) Exceptions to secondary fire safety zones and forest practices setbacks shall only be granted upon satisfaction of the following standards:

(1) If the proposed secondary fire safety zone is between 50 and 100 feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban–Wildland Interface Code Section 505 Class 2 Ignition Resistant Construction as adopted August, 1996, or as later amended, or

* * *

(3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and

(4) A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of MCC .2075(B)(1) are utilized, or

Staff: The proposed secondary fire safety zone is 50.3', and therefore needs to meet the Class 2 Ignition Resistant Construction standards. In addition, the provisions of (3) and (4) are required. The Class 2 standards and alarm system requirements are indicated on the building plans. No fencing is indicated on the plans.

Conclusion: The proposed addition meets the requirements for alteration of a lawfully established dwelling when the work is completed as indicated on the plans. A condition of approval that requires maintenance of primary and secondary fire safety zones is imposed to alert the property owner to this on-going responsibility.

In the matter of: E 0-2

By: _____
Chuck Beasley, Planner
For Kathy Busse, Planning Director
Multnomah County Land Use Planning Division

NOTICE:

The Administrative Decision detailed above will become final unless an appeal is filed within the 12-day appeal period that starts the day after the notice is mailed. If the 12th day falls on a 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 for, 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 instructions, call the Multnomah County Planning Division at (503) 988-3043, or visit our offices at 1600 SE 190th Avenue, Portland, Oregon, 97233(8:30am to 4:00pm).

The appeal period ends Monday, October 16, 2000, at 4:30pm. If there is no appeal, this decision becomes final on that date.