



MULTNOMAH COUNTY

Department of Environmental Services
Land Use Planning Division
1600 SE 190th Avenue
Portland, OR 97233 Phone: (503) 248-3043

NOTICE OF DECISION

EXCEPTION TO SECONDARY FIRE SAFETY ZONES AND FOREST PRACTICES SETBACKS

Case File No.: E 1-99
March 19, 1999

- WHAT:** An application for an Exception to the Secondary Fire Safety Zones and Forest Practices Setbacks as established in MCC 11.WH.2074 and .2075. The property owner constructed a barn before any land use applications were submitted to the County. The applicant's related case files were: HV 13-97, denied; SEC 23-97 withdrawn; and GEC 8-98, approved. The GEC application was to document that the work done on the site when the barn/arena was constructed illegally was in compliance with the applicable Multnomah County Code provisions. The related case, ZV 97-03, remains open until the issuance of building permits.
- WHERE:** 11272 NW Skyline Boulevard
Tax lot 30, Section 32, T2N, R1W
R#97132-0300.
See attached map.
- OWNER/
APPLICANT:** Leslie and Florence Shields
11272 NW Skyline Boulevard
Portland, OR 97231-2633
- ZONING:** Commercial Forest Use (CFU-2) and Significant Environmental Concern for Wildlife Habitat and View (SEC-h, v).
- APPROVAL
CRITERIA:** The applicable approval Criteria for this decision includes the following:
Multnomah County Code 11.WH.2042 et seq.
- DECISION:** **APPROVED, with conditions,** for an exception to the Secondary Fire Safety Zones and Forest Practices Setbacks. The applicant requests the exception for the requirement to have a 130-foot setback from a structure to a tract boundary. The barn/ arena is approximately 60 feet from the east property line.

Case History and Comment:

Applicant:

Attached is a letter from Tualatin Valley Fire and Rescue Prevention dated June 1, 1998. This letter from Deputy Fire Marshal Drew DeBois outlines their review of our structure as it relates to the Ignition Rating 2 Standards in Code Section .2075. The following are our responses to the points on their letter and how we plan to comply with the standards once a building permit is issued.

Tualatin Valley Fire and Rescue:

Pursuant to a request made by the Multnomah County Division of Planning and Development, Deputy Fire Marshal's Arthur Thurber and Drew DeBois conducted a review of a structure at the above address. The purpose of this review was to evaluate the building in relation to the Ignition Rating 2 criteria as outlined in the 1997 Urban-Wildland Interface Code. The following was observed.

The 11,520 square foot structure was designed for use as a riding arena and stable. Occupancy classification as outlined by the 1994 Uniform Building Code appears to be Group U, Division 1 and construction Type is V-N.

(Portions of the evaluation are located elsewhere within this document.)

Although the structure is not in full compliance with the above standards (interface chart), no undue hazards were noted during the survey. Furthermore, Chapter 5 (Special Building Construction Regulations), Section 501.1, Exception 2 of the 1997 Urban Wildland Interface Code exempts agricultural buildings such as this structure from the above standards. It is suggested that the issues and intent of these regulations be discussed with Multnomah County planners prior to commencing any needed repairs or modifications.

Staff:

The subject parcel is 10.04 acres in size (Tax Lot 30). The zoning of the subject parcel is Commercial Forest Use (CFU-2) and Significant Environmental Concern for wildlife habitat and view (SEC -h ,v).

Previous cases on file with Multnomah County Land Use Planning for the subject property include the following: HV 13-97, denied; SEC 23-97, withdrawn; GEC 8-98, approved; and ZV 97-03, under review.

Exhibits within this document illustrate site plan information and narrative points.

The applicant constructed a barn/ arena on a portion of the current parcel formerly identified as Tax Lot 29. The barn/ arena was constructed illegally; that is, the barn/ arena was constructed without the required land use applications and building permits. The closest edge of the structure is approximately 60 feet from the east property line of the subject parcel (now identified as Tax Lot 30 at 10.04 acres). The applicants (and property owners), the Shields, submitted a variance request, HV 13-97, to be excepted from the required yard setback of 200 feet. The Shields had constructed the illegal structure in violation of the required County setback of the CFU zoning district. As noted above, the site is zoned SEC-h, v and this zoning district requires a land use

application for the “location and design of any use, or change or alteration of a use.” Section .6406 provides an exception to the SEC permit requirement when the structure is for “Farm use, as defined in ORS 215.203(2)(a)...” The County refunded the SEC fee and considered the case, SEC 23-97, withdrawn. The Board of County Commissioners denied the Shields appeal of the Staff administrative decision and of the Hearings Officer denial of the decision on HV 13-97 for the variance request.

The Grading and Erosion Control permit, GEC 8-98, was for retroactive approval of the grading activity done on the site to accommodate the construction of the barn/ arena. A determination of use was not required for the decision issued on April 28, 1998.

On August 8, 1998 the zoning of the subject parcel (one tract consisting of two parcels at that time) changed from CFU to CFU-2. The change in the zoning designation included a change to the Dimensional Requirements found in Section 11.WH.2058. The current setback requirements of the CFU-2 district are “Minimum Forest Practices Setback Dimensions from Tract Boundary – feet: road frontage from centerline of road from which access is gained: 60, other front: 130, side: 130, rear: 130.”

The subject parcel’s current size was created as a result of the consolidation of Tax Lots 29 (R#97132-0290) (5.04 acres) and 30 (R#97132-0030) (5.00 acres) on October 14, 1998. The applicants, Les and Florence Shields, filed the request for the consolidation with Multnomah County Assessment and Taxation.

The Zoning Violation case, ZV 97-03 will remain in effect until the issuance of building permits and compliance with Conditions of Approval for all applicable case files has been determined.

The application, E 1-99, was deemed incomplete on February 5, 1999. The application was deemed complete on March 16, 1999, upon submittal of the requested case file information.

Staff notes that the applicant submitted a letter from the Tualatin Valley Fire and Rescue Department (TVFR). An excerpt of this letter is included above. Responses from TVFR are included along with applicant and Staff responses for criteria.

List of Exhibits:

1. Vicinity Map.
2. Site Plan.
3. Econ-O-Fab details (2 pages).
4. Ignition Resistant Construction Categories (2 pages).
5. Request for consolidation of tax lots.
6. Tax Lot description as recorded with Assessment and Taxation (2 pages).

Multnomah County Code

Commercial Forest Use (CFU-2)

11.WH.2042 Purposes

The purposes of the Commercial Forest Use District are to conserve and protect designated lands for continued commercial growing and harvesting of timber and the production of wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for

agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement Comprehensive Framework Plan Policy 11, Commercial Forest Land, the Commercial Forest Use policies of the West Hills Rural Area Plan, and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

11.WH.2044 Area Affected

MCC .2042 through .2075 shall apply to those lands designated CFU-2 on the Multnomah County Zoning Map.

Staff: The subject parcel of the application is Tax Lot 30 of Section 32, Map 2N 1W. This parcel is zoned CFU-2.

11.WH.2046 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .2048 through .2056.

Staff: The applicant has constructed the barn/ arena without the required land use approval and building permits. At this time, the property owner/ applicant has received retroactive approval for the Grading and Erosion Control permit, GEC 8-98. The permit was to document the work done on the site was done in compliance with Multnomah County Code provisions. During the review of GEC 8-98, no determination of use of the site was made by the Staff Planner (such a determination was not required at that time). This application, E 1-99, is submitted by the applicant/ property owner to illustrate compliance with fire safety setback requirements for the barn/ arena.

11.WH.2048 Uses Permitted Outright

* * *

(C) Farm use, as defined in ORS 215.203;

Staff: A discussion of farm use is contained in case file HV 13-97. The barn/ arena is a structure for a farm use.

11.WH.2054 Accessory Uses

The following structures or uses may be authorized in this district provided they are customarily accessory or incidental to a permitted use:

(A) Signs, pursuant to the provisions of MCC 11.1 5.7902-.7982;

(B) Off-street parking and loading as required by MCC .6100 through .6148;

(C) Type A home occupations pursuant to the definition and restrictions of MCC .0010 and .2053. Home occupations as defined by MCC .0010 do not allow the level of activity defined in ORS 215.448; and

(D) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

Staff: As stated in the Staff comment under Section .2048(C), the barn/ arena is considered a structure for farm use. Case file HV 13-97 contains a discussion of farm use. The barn/ arena is an accessory structure and the farm use is an accessory use to the primary structure and the primary use of the site. The primary structure on the subject parcel is the single-family residence and the primary use of the site is residential. No other uses or structures are proposed at this time. This application, E 1-99, is for a determination of compliance with fire safety setback requirements in the CFU-2 zoning district.

11.WH.2058 Dimensional Requirements

- (A) Except as provided in MCC .2060, .2061, .2062, and .2064, the minimum lot size shall be 80 acres.**
- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the size of such lot.**
- (C) Minimum Forest Practices Setback Dimensions from tract boundary – Feet:**

<u>Road Frontage</u>	<u>Other Front</u>	<u>Side</u>	<u>Rear</u>
60 from centerline of road from which access is gained	130	130	130

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

Forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Exceptions to forest practices setback dimensions shall be pursuant to MCC 11.WH.2075, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 11.WH.2074(A)(5)(c)(ii).

Staff: The applicant has constructed a barn/ arena on a portion (formerly identified as Tax Lot 29) of Tax Lot 30 of Section 32, Map 2N 1W. The barn/ arena structure was built illegally (without land use and building permit approval) and in violation of setback requirements of the zoning district. Subsequent to the construction of the barn/ arena, the zoning of the subject parcel (Tax Lot 30) changed from CFU to CFU-2. The zoning district of CFU established minimum yard dimensions as follows: frontage to a County maintained road, 60 feet from centerline; other front, 200 feet; side, 200 feet; and rear, 200 feet. CFU-2 zoning became effective August 8, 1998 and established the following setbacks from a tract boundary: 60 feet from centerline of road from which access is gained; other front, 130 feet; side, 130 feet; and rear, 130 feet. The applicant has

requested an exception to the setbacks established herein; the barn/ arena is approximately 60 feet from the east property line. The applicant requests an exception to Section .2058 (C) and must therefore address Sections .2074 and .2075. The applicant has provided narrative to address fire safety standards.

* * *

- (E) The minimum forest practices setback requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.**

Staff: Not applicable.

- (F) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.**

Staff: The barn/ arena does not exceed the height limitation established in subsection (C) of this section. Exhibit #3 illustrates elevations of the barn/ arena.

- (G) Yards for the alteration, replacement or restoration of dwellings under MCC .2048(D), .2048(E) and .2049(B) need not satisfy the development standards of MCC .2074 if originally legally established to a lesser standard than that required by MCC .2074, but in no case shall they be less than those originally established.**

Staff: Not applicable.

- (H) Agricultural buildings, as specified in ORS 455.315(2) and allowed under MCC .2048(C), may have minimum side and rear yard setbacks of 30 feet, but in no case shall any setback be less than the minimum primary fire safety zone required by MCC .2074(A)(5)(c)(ii).**

Staff: The applicant has illustrated the required minimum fire safety setback for the primary fire safety zone around the barn/ arena on the site plan. The primary zone is 30 feet and the secondary zone is 100 feet as illustrated on the site plan.

11.WH.2062 Lot of Record

- (A) For the purposes of this district, a Lot of Record is**

- (2) A parcel of land:**

- (a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;**
- (b) Which satisfied all applicable laws when the parcel was created;**
- (c) Does not meet the minimum lot size requirements of MCC .2058; and**
- (d) Which is not contiguous to another substandard parcel or parcels under the same ownership, or**

Staff: The subject parcel, Tax Lot 30, of Section 32 of Map 2N 1W, is 10.04 acres in size. On October 14, 1998, Florence and Les Shields submitted a request to the Multnomah County Assessment and Taxation office for the consolidation of Tax Lots 29 (R#97132-0290) (5.04 acres) and 30 (R#97132-0030) (5.00 acres). The request to consolidate the two parcels was received and approved, and hence created one parcel that is now 10.04 acres. See Exhibits #5 and #6 (3 pages total). A concern regarding access to the subject parcel was brought to Staff's attention during the review of the subject application, E 1-99. Pursuant to the request, Staff reviewed the history of the subject parcel (previously identified as two parcels, Tax Lots 29 and 30). Based on research, Staff makes the finding that the subject parcel qualifies as a Lot of Record under this subsection of Section .2062.

(B) For the purposes of this subsection:

- (1) Contiguous refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way;**
- (2) Substandard Parcel refers to a parcel which does not satisfy the minimum lot size requirements of MCC .2058; and**
- (3) Same Ownership refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.**

(C) A Lot of Record which has less than the front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.

* * *

11.WH.2074 Development Standards for Dwellings and Structures

Except as provided for the alteration, replacement or restoration of dwellings under MCC .2048(D), .2048(E) and .2049 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:

(A) The dwelling or structure shall be located such that:

- (1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2058(C) through (G);**

Applicant: It has the least impact on nearby or adjoining forest lands because it meets minimum yard setbacks according to 11.WH.2058 Dimensional Requirements and is a use permitted outright. This states that forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. The structure is beyond the 30-foot primary fire safety zone. We will be providing additional fire safety buffer as required by Section 11.WH.2075, as detailed in our *Application for the Exceptions to Secondary Fire Safety Zones and Forest Practices Setbacks*.

Staff: The applicant has illustrated the location of the primary and secondary fire

safety zones on the submitted site plan. The applicant has also submitted a letter from the TVFR as part of the documentation that the structure meets the required fire safety standards. The application meets the criterion.

(2) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

Applicant: Adverse impacts on forest operations and accepted farming practices are minimized because the structure is for farm use. When siting this structure on the tract, it was placed on the best and most logical location that minimized the fill and grading necessary. This siting left the maximum remaining area for pasture use.

Staff: The applicant has described that the placement of the barn on the site was made to accommodate the farm use of the site. The applicant submitted a retroactive request for approval for the grading done on the site to accommodate the barn/arena. The request, filed under GEC 8-98, was approved April 28, 1998. The barn/ arena is a structure for farm uses on the site. The application meets the criterion.

(3) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

Applicant: The amount of forest land used for siting the structure and roads were minimized because the road built to the structure was only an additional 135 feet. It ties directly into the pre-existing residence road access. The portion of land where the structure was located was sparsely treed and was the most efficient site for the proposed use.

Staff: The applicant constructed the barn to the rear of the existing dwelling. When the barn was constructed, the subject property (Tax Lot 30) was composed of two tax lots (Tax Lots 29 and 30). To access to the portion of the property where the barn is located, the applicant must travel through the adjacent parcel (Tax Lot 28). See the attached site plan. The applicant states the building area used as the site for the barn/ arena was "sparsely treed." The application meets the criterion.

(4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and

Applicant: The additional access does not exceed 500 feet in length.

Staff: The applicant states the additional access does not exceed 500 feet in length. The access distance from the barn to the house does not exceed 500 feet. However, access to the barn from NW Skyline Boulevard is first taken through an adjacent parcel identified as Tax Lot 28. The easement through Tax Lot 28 extends for approximately 268.5 feet. The access to the barn is thence taken through the subject parcel (Tax Lot 30). The total distance from NW Skyline Boulevard to the barn exceeds 500 feet in length. Keeping in mind the access to the subject parcel is through an adjacent parcel, the application partially meets the criterion.

(5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by

contract;

Applicant: The structure is located within the Tualatin Valley Fire & Rescue District.

Staff: The applicant has provided a letter from the Tualatin Valley Fire & Rescue District stating the barn meets the requirements of TVFR. No alterations are proposed for the existing single-family dwelling. The applicant meets the criterion.

- (b) **Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC .2074(D) with permanent signs posted along the access route to indicate the location of the emergency water source;**

Applicant: According to the attached (Exhibit A) letter from the Tualatin Valley Fire and Rescue, access is adequate for fire suppression operations with their water pump fire trucks that can hold between 300 and 3,000 gallons. Fire hydrants are located on the main road and our driveway access.

Staff: The applicant meets the criterion.

- (c) **Maintenance of a primary and a secondary fire safety zone on the subject tract.**

- (i) **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.**

Applicant: There are less than five trees within the primary 30-foot fire safety zone but are spaced further than 15 feet between the crowns. All vegetation within that zone is kept less than two feet in height.

Staff: As described above, the application meets the criterion.

- (ii) **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 In Feet	Distance
Less than 10	Not required
Less than 20	50
Less than 25	75
Less than 40	100

Applicant: Not applicable because the structure's slope is less than 10 percent.

Staff: According to the applicant, the slope of the site of the barn/ arena does not exceed 10%. The soil types for that portion of the subject property include Cascade silt loam, 8 to 15 percent slopes (7C) and Cascade silt loam, 15 to 30 percent slopes (7D). The portion of the property the barn/ arena was

constructed upon appears to contain Cascade silt loam, 8 to 15 percent slopes according to the soil maps on file at Multnomah County. In the narrative statement (dated March 26, 1998) from Karl Koroch of CIDA, Inc. submitted for the Grading and Erosion Control permit, GEC 8-98, Koroch stated the "average slope is 12.3%" for the site. The applicant will verify the slope of the site at the time of building permit issuance. At that time, the applicant will illustrate the 30-foot or 50-foot primary fire safety zone on the site plans for the building permits based upon the slope of the site. At this time, Staff notes that a 50-foot primary buffer shall be established based upon the application materials provided in the approved Grading and Erosion Control permit, GEC 8-98.

- (iii) 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 MCC 11.WH.2058(D) and .2075.**

Applicant: The secondary fire safety zone is being reduced under the provisions of MCC 11.WH.2075, and will be maintained as required. Tualatin Valley Fire & Rescue (Exhibit A) states that our primary and secondary defensible spaces are adequate.

Staff: The application meets the criterion.

- (iv) No requirement in (i), (ii), or (iii) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and**

Applicant: No forest management plan approved by the State of Oregon Department of Forestry is restricted or contradicted.

Staff: The applicant states that no forest management plan for the site conflicts with the requirements and hence the application meets the criterion.

- (v) Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line).**

Applicant: We will maintain the primary and secondary fire safety zone as required to the extent possible within the area of our approved yard.

Staff: The applicant states that they will comply with the primary and secondary safety zone requirements. The site plan illustrates the location of the fire safety setbacks (the site plan in the case file). The application meets the criterion.

- (d) The building site must have a slope less than 40 percent.**

Applicant: The building site has a slope less than 40 percent.

Staff: The building site of the barn/ arena has a slope less than 40 percent. Case file GEC 8-98 has detailed site plan information on the slope of the subject parcel and building area of the barn/ arena. The application meets the criterion.

(B) The dwelling or structure shall:

Applicant: Not applicable because the dwelling is not a mobile home.

Staff: The existing dwelling is not a mobile home thus section (B) does not apply.

(C) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 11 stream as defined in the Forest Practices Rules.

(1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

Applicant: the water supply is from an existing approved private well located on our property that has served our dwelling for more than 13 years, and will also be serving the new structure for stock watering purposes only.

Staff: The application meets the criterion. A water resource permit is not required for stock watering purposes as described by the applicant.

(2) Evidence of a domestic water supply means:

(a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

Applicant: Not applicable (see C2c below).

Staff: Not applicable.

(b) A water use permit issued by the Water Resources Department for the use described in the application; or

Applicant: Not applicable (see C2c below).

Staff: Not applicable.

(c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

Applicant: The water supply will be from our existing well and will be used solely for the purpose of stock watering, and is exempt from the permitting

process requirements of ORS 537.545. We have attached a copy of the Water Well Contractor's Certification Report as Exhibit B for your reference. (We do not foresee using more than 100 gallons of water per day at this structure.)

Staff: The application meets the criterion because a permit is not required from the Water Resources Department for the purposes described by the applicant (stock watering).

(D) A private road (including approved easements) accessing two or more dwellings, or a driveway accessing a single dwelling, shall be designed, built, and maintained to:

(1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;

Applicant: Our driveway will support a minimum gross vehicle weight of 52,000 lbs. We have not experienced any problems with the variety of heavy construction trucks necessary during the building of our home 16 years ago, the new structure, and the two other homes along a portion of our driveway. Tualatin Valley Fire & Rescue (Exhibit A) also indicated that our access is adequate for their fire trucks.

Staff: The application meets the criterion.

(2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;

Applicant: The driveway surface is covered with ¾-inch-minus gravel and has a minimum width of 12 feet.

Staff: The application meets the criterion.

(3) Provide minimum curve radii of 48 feet or greater;

Applicant: A minimum curve radii of 48 feet or more is provided.

Staff: The application meets the criterion.

(4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;

Applicant: An unobstructed vertical clearance of at least 13 feet 6 inches is provided.

Staff: The application meets the criterion.

(5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:

(a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;

(b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;

Applicant: The driveway does not exceed more than 8 percent grade except on short segments. As stated on Tualatin Valley Fire & Rescues letter (Exhibit A), the access to all structures on the property is adequate for fire suppression operations.

Staff: At some points on the site the driveway grade exceeds 8%. The applicant does not state whether or not the driveway exceeds 12% grade at any given slope on the site. The application partially meets the criterion.

(6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;

Applicant: Turnarounds have been provided with a minimum radius of 48 feet.

Staff: The application meets the criteria.

(7) Provide for the safe and convenient passage of vehicles by the placement of:

(a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or

(b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

Applicant: The driveway has appropriate turnouts for safe passage of vehicles along its length.

Staff: The application meets the criterion.

11.WH.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

Staff: The average lot width or depth of the tract exceeds 330 feet.

(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 including the subject site; or

Staff: The already constructed barn/ arena is not located within 130 feet of the centerline of a public road or a private road.

(3) The proposed dwelling or structure is intended to be located within 130 feet of a legally existing dwelling or structure.

Applicant: The structure is located within 130 feet of a legally existing dwelling.

Staff: The applicant built a barn/ arena within 130 feet of a dwelling. The applicant is therefore required, as established in this Section .2075 (A) (3) to address the requirements of Section .2075 (B).

(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**

Applicant: The secondary fire safety zone will be between 50 and 100 feet, therefore the structure will need to comply with the International Fire Code Institute – Wildland Interface Code Section 505 Class 2 Ignition Resistant Construction Standards.

Staff: The applicant has provided a letter from Drew DeBois of the Tualatin Valley Fire and Rescue (TVFR) Department and has provided a narrative response to Section .2075 requirements.

- (2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and**

Staff: The applicant proposes a fire safety zone between 50 and 100 feet as stated in (1) above. This criterion is not applicable.

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

TVFR: Not applicable. No fences are within 12 feet of the structure.

Staff: Not applicable as noted by TVFR.

- (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**

TVFR: No Central Station monitored alarm system is present. Provide a fire alarm system that is monitored by an approved Central Station service.

Applicant: We will extend our current Central Station Monitored alarm system in our home to the arena. We have already contacted our service provider and they have calculated the stations needed to effectively monitor the arena.

Staff: The applicant states the criterion will be met with an installed alarm system.

- (5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of MCC .2075(B)(2) are utilized. Exception: Expansions of existing single family dwellings as allowed by MCC .2048(D) shall not be required to meet this standard, but shall satisfy the standard of MCC .2074(B)(4) above.**

Staff: This criterion is not applicable as the applicant is utilizing the fire safety zone equivalents of Section .2075 (B)(1) and has therefore addressed subsection (4) above.

- (6) All accessory structures within the fire safety zone setbacks required by MCC .2074 shall have a central monitored alarm system.**

Staff: See subsection (4) above.

(7) All accessory structures within 50 feet of a building containing shall:

- (a) Have a central monitored alarm system;**
- (b) Have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction or constructed with noncombustible materials on the exterior side.**

Staff: The barn/ arena is not within 50 feet of a building, therefore this criterion (7) is not applicable.

- (8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the International Fire Code Institute Urban–Wildland Interface Code Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, or underfloor protection in accordance with Section 504.6 of that same publication.**

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one-hour-rated fire-resistive construction or heavy-timber construction.

TVFR: As follows.

Roof Covering: Roof covering material is predominantly metal with some fiberglass panels serving as skylights. Although Chapter 15 of the 1994 Uniform Building Code recognizes the metal panels as a Class B roof covering, it is not possible to confirm the fiberglass panels without the benefit of the manufacturers test data. Please forward this information to this office for review. If confirmation cannot be made, replace the panels with an approved Class B roof covering material.

Protection of Eaves: Not applicable. No eaves present.

Gutters and Downspouts: Gutters and downspouts are plastic and are presumed to be combustible. Remove plastic gutters and downspouts. If replaced, utilize non-combustible materials.

Exterior Walls: Approximately 60% of the structure is open with combustible wood structural members exposed to atmosphere. The balance of the building (south side) consists of wood studs covered with metal and fiberglass panels on the exterior side only. The upper 18" of the exterior wall covering near the intersection of the roof is fiberglass and serves as a light opening. The exterior walls, where present, are combustible and do not appear to meet the criteria for one-hour fire-resistive. Enclose the structure with one-hour fire-resistive construction on the exterior side. Such material shall extend from the top of the foundation to the bottom side of the roof sheathing.

Unenclosed Underfloor Protection: Not applicable. Structure rests on grade.

Appendages and Projections: Not applicable. No projections beyond the exterior walls. Windows: Not applicable. No conventional windows were observed.

Exterior Doors: The exit door near the southwest corner of the building is a 1 ¾" hollow metal door. The sliding doors (livestock entrance) along the south and east sides of the building are framed with metal cladding on the exterior side only.

Replace the sliding doors with noncombustible or solid core wood doors not less than 1 3/8" thick.

Vents: Not applicable. No conventional attic or foundation vents were observed.

Spark Arrestors: Not applicable. No wood or solid burning appliances were observed.

Applicant:

If the roof panels prove to be non-compliant, we will replace them with similar metal as the existing roof or with a conforming light panel. (See Econ-O-Fab Buildings, Inc. letter of August 6, 1998.)

Econ-O-Fab letter: "Enclosed is data and specifications for a light panel that could be used to replace existing light panels in the Shields arena. The panel is not a stock item and would have to be special ordered out of Canada. It has a fire rating of Class A. Cost for materials and labor to replace panels would be approximately \$1,800.00 - 30 12' panels in roof, 32 2' panels in side walls."

The exterior walls shall be made to be one-hour fire resistive by use of the conforming light panel noted in #1 above.

We will replace the plastic gutters and downspouts with non-combustible materials.

Exterior doors will be made non-combustible or removed if necessary.

Staff: The applicant has submitted the letter from Tualatin Valley Fire & Rescue (dated June 1, 1998) and the applicant has demonstrated that the fire safety zone setback requirements for the primary and secondary fire safety zones have been adequately addressed.

CONDITIONS OF APPROVAL:

1. The applicant shall contact the Staff Planner, Tricia R. Sears, at (503)-248-3043, **for an appointment** for building permit sign-off. **Upon completion of the case, and after the appeal period closes**, Staff will review the applicant's building permit materials (already submitted by the applicant). One (1) set of plans will be retained by Multnomah County and four (4) copies will be sent with the applicant for submittal to the City of Portland for building permit review.
2. The applicant site plan and building permit materials shall indicate the location and type of required fire safety standards. The site plans submitted with the building permit should illustrate the primary and secondary fire safety zones. At the time of building permit issuance, the primary and fire safety zones shall be verified. As stated in the Staff response under Section .2074 (A)(5)(c)(ii), Staff states that the applicant shall illustrate a primary safety zone setback of 30 feet or 50 feet based on the slope of the property. Based on application materials received and approved under GEC 8-98, the average slope of the property is 12.3% (Koroch) and the applicant shall illustrate a **50-foot primary setback for the fire safety zone**.
3. Compliance with the conditions set forth in GEC 8-98 (prior related case), except as may be modified by this decision, **E 1-99**.
4. The applicant shall be responsible for implementing the development plan as presented and approved in the submitted site plans, written testimony, and substantiating documents in case file **E 1-99**.

5. No additional land use action and/ or permit requests shall be accepted, relating to the subject application, until such time as all required fees for the said application have been paid in full.

NOTICE:

This decision was mailed March 19, 1999 in the manner required by ORS 197.763. Opportunity to appeal this decision and have the application considered at a public hearing will be provided until the close of business on March 29, 1999.

IN THE MATTER OF E 1-99:

Signed: Tricia R. Sears, Land Use Planner
For: Kathy Busse, Planning Director

APPEAL PROCESS:

The decision of the Director shall be final unless a notice of appeal is filed with the Land Use Planning Division within 10 days of the date of this decision by the applicant or any person who submitted comment. Notice of Appeal forms may be obtained at the Multnomah County Land Use Planning office at 1600 SE 190th Avenue, Portland, Oregon 97233 between 8:00 am and 4:30 pm Monday through Friday, or by calling (503)-248-3043.

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.