

1600 SE 190th Ave, Portland OR 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: T2-2018-10300 **Permit:** Accessory Use Determination & SEC-h
Location: 7007 NW Thompson Rd, Portland
Tax Lot 1000, Section 25A, Township 1 North, Range 1 West, W.M.
Alt. Acct # R961250460 Property ID#324465
Applicant: Brian Bainnson, Quatrefoil, INC.
Owners: Leslie McAlister
Base Zone: Commercial Forest Use - 2 (CFU-2)
Overlays: SEC-h, SEC-s, HD

Summary: A request for an Accessory Use Determination and SEC-h permit to construct an approximately 23' x 30' (690 sq. ft.) accessory building. The Accessory Use Determination is necessary given the proposed building has design features that exceed the allowed use provisions.

Decision: Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Friday, August 17, 2018 at 4:00 pm.

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.

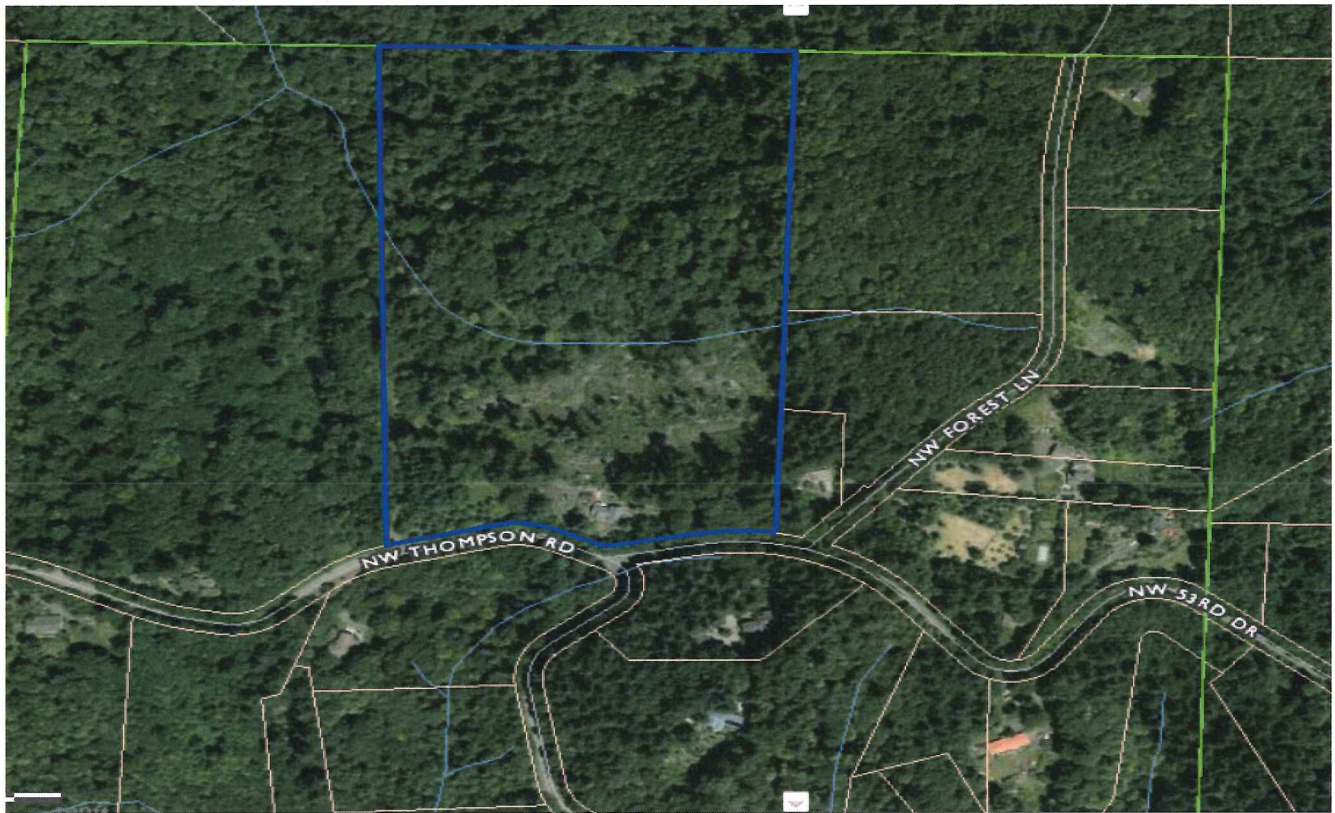
Issued by:



Chris Liu, Asst. Planner

For: Michael Cerbone, AICP
Planning Director

Date: Friday, August 3, 2018



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 Chris Liu, Staff Planner at 503-988-2964 or email chris.liu@multco.us.

Applicable Approval Criteria: Multnomah County Code (MCC): 37.0560 *Code Compliance*, MCC 33.0005 & MCC 33.2275 *Lot of Record*, MCC 33.0565 *Condition of Approval – Accessory Structures*, MCC 33.0570 *Dark Sky Lighting Standards*, MCC 33.2220(T) *Allowed Uses*, MCC 33.2225(L) *Review Uses*, MCC 33.2256 *Forest Practice Setbacks and Fire Safety Zones*, MCC 33.2261 *Development Standards for Dwellings and Structures*, MCC 33.2273 *Access*, MCC 33.4570 *Criteria For Approval of SEC-H Permit – Wildlife Habitat*.

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 multco.us/landuse/zoning-codes at the link Chapter 33: West Hills Rural Plan Area.

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. 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 two years from the date the decision is final pursuant to MCC 37.0690(B). The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0695. The request for a permit extension must be submitted prior to the expiration of the approval period.

3. The garage building shall not be occupied as a dwelling or for any other form of permanent or temporary residential use [MCC 33.0565].

4. Required Primary and Secondary Fire Safety Zones shall be established within the subject tract and maintained by the property owner [MCC 33.2256(D)(4) – (5)].

5. The garage building shall have a fire retardant roof [MCC 33.2261(C)(3)].

6. As an on-going condition, the property owner shall:

a) Ensure that the following nuisance plants shall not be planted on the subject property and shall be removed from cleared areas on the property. [MCC 33.4570(B)(7)]

Common Name	Scientific
Lesser celandine	<i>Chelidonium majus</i>
Canada Thistle	<i>Cirsium arvense</i>
Common Thistle	<i>Cirsium vulgare</i>
Western Clematis	<i>Clematis ligusticifolia</i>
Traveler' s Joy	<i>Clematis vitalba</i>
Poison hemlock	<i>Conium maculatum</i>
Field Morning-glory	<i>Convolvulus arvensis</i>
Night-blooming Morning-glory	<i>Convolvulus nyctagineus</i>
Lady' s nightcap	<i>Convolvulus sepium</i>
Pampas grass	<i>Cortaderia selloana</i>
Hawthorn, except native species	<i>Crataegus sp. except C. douglasii</i>
Scotch broom	<i>Cytisus scoparius</i>
Queen Ann' s Lace	<i>Daucus carota</i>
South American Waterweed	<i>Elodea densa</i>
Common Horsetail	<i>Equisetum arvense</i>
Giant Horsetail	<i>Equisetum telemateia</i>
Crane' s Bill	<i>Erodium cicutarium</i>
Robert Geranium	<i>Geranium roberianum</i>
English Ivy	<i>Hedera helix</i>
St. John' s Wort	<i>Hypericum perforatum</i>
English Holly	<i>Ilex aquafolium</i>
Golden Chain Tree	<i>Laburnum watereri</i>
Duckweed, Water Lentil	<i>Lemna minor</i>

Common Name	Scientific
Fall Dandelion	<i>Loentodon autumnalis</i>
Purple Loosestrife	<i>Lythrum salicaria</i>
Eurasian Watermilfoil	<i>Myriophyllum spicatum</i>
Reed Canary grass	<i>Phalaris arundinacea</i>
Annual Bluegrass	<i>Poa annua</i>
Swamp Smartweed	<i>Polygonum coccineum</i>
Climbing Binaweed	<i>Polygonum convolvulus</i>
Giant Knotweed	<i>Polygonum sachalinense</i>
English, Portuguese Laurel	<i>Prunus laurocerasus</i>
Poison Oak	<i>Rhus diversiloba</i>
Himalayan Blackberry	<i>Rubusdiscolor</i>
Evergreen Blackberry	<i>Rubus laciniatus</i>
Tansy Ragwort	<i>Senecio jacobaea</i>
Blue Bindweed	<i>Solanum dulcamara</i>
Garden Nightshade	<i>Solanum nigrum</i>
Hairy Nightshade	<i>Solanum sarrachoides</i>
Common Dandelion	<i>Taraxacum oficinale</i>
Common Bladderwort	<i>Ultricularia vulgaris</i>
Stinging Nettle	<i>Utica dioica</i>
Periwinkle (large leaf)	<i>Vinca major</i>
Periwinkle (small leaf)	<i>Vinca minor</i>
Spiny Cocklebur	<i>Xanthium spinoseum</i>
Bamboo sp.	<i>various genera</i>

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, Chris Liu, at (503) 988-2964, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County Land Use Planning Division and Multnomah County Transportation Division 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 will be collected.

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. Project Description:

Staff: The applicant requests an Accessory Use Determination and Significant Environmental Concern for Wildlife Habitat permit to construct a new detached garage and to legalize a trellis structure in the Commercial Forest Use – 2 (CFU-2) zone.

2. Property Description:

Staff: The subject property is an approximately 27.21 acre property north of Thompson Rd. and NW 53rd Dr. near the border of the City of Portland. Most of the property is tree covered and the existing development is contained in an area extending approximately 150 ft. into the property from NW Thompson Rd. An existing creek runs through the subject property approximately 535 ft. north of the existing house. The surrounding area consists of rural forest properties to the east and urban forest properties to the west that are within the City of Portland.

3. Administration and Procedures:

3.1 CODE COMPLIANCE AND APPLICATIONS

MCC 37.0560: Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

- (1)** It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or
- (2)** It is necessary to protect public safety; or
- (3)** It is for work related to and within a valid easement over, on or under an affected property.

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: Land use case # T2-07-040 found that the subject property is a Lot of Record and approved construction of a single-family dwelling. The land use decision included a site plan that showed a chicken coop SE of the existing dwelling. A trellis structure built as part of the 2007 project did not obtain the necessary approvals. This land use decision will retroactively approve the trellis structure.

Criteria met

4. Commercial Forest Use - 2 Approval Criteria:

4.1 LOT OF RECORD

MCC 36.0005: Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 33.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or

2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or

3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or

4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and

5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an “acknowledged unincorporated community” boundary which intersects a Lot of Record.

1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.

2. An “acknowledged unincorporated community boundary” is one that has been established pursuant to OAR Chapter 660, Division 22.

MCC 33.2275(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

(2) A group of contiguous parcels or lots:

(a) Which were held under the same ownership on February 20, 1990; and

(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

(4) Exceptions to the standards of (A)(2) above:

Staff: Land use case # T2-07-040 found that the subject property is a Lot of Record. Therefore, the subject property is a Lot of Record.

Criteria met.

4.2 CONDITION OF APPROVAL – ACCESSORY STRUCTURES

MCC 33.0565: Prior to issuance of any development permit involving an Accessory Building, the property owner shall record a covenant with County Records that states that the owner understands and agrees that the structure cannot be occupied as a dwelling or for any other form of permanent or temporary residential use.

Staff: The property owner recorded the required covenant (Exhibit A.15). A condition of approval prohibiting the structure for use as a dwelling is included in this decision.

Criteria met.

4.3 DARK SKY LIGHTING STANDARDS

MCC 33.0570(C): The following standards apply to all new exterior lighting supporting a new, modified, altered, expanded, or replaced use approved through a development permit and to all existing exterior lighting on property that is the subject of a development permit approval for enlargement of a building by more than 400 square feet of ground coverage.

(1) The light source (bulbs, lamps, etc.) must be fully shielded with opaque materials and directed downwards. “Fully shielded” means no light is emitted above the horizontal plane located at the lowest point of the fixture’s shielding. Shielding must be permanently attached.

(2) The lighting must be contained within the boundaries of the Lot of Record on which it is located. To satisfy this standard, shielding in addition to the shielding required in paragraph (C)(1) of this section may be required.

Staff: The applicant provided specification sheets from the manufacturer *Designers Fountain* regarding the proposed lighting from the company’s *Bayport Collection* (Exhibit A.10). The specification sheets indicate that the design is Dark Sky Compliant and the light will be directed downward. Proposed lighting is wholly within the subject tract.

Standards met.

4.4 ALLOWED USES

MCC 33.2220(T): Accessory Structures subject to the following:

(1) The Accessory Structure is customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

(a) Garages or carports;

(n) Similar structures.

Staff: The purpose of the proposed garage is to store vehicles, gardening/forest maintenance equipment and supplies, and similar long-term storage items. All uses are accessory to the dwelling or for forest maintenance. The trellis provides a covering for additional personal vehicles.

Standard met.

4.4.1 MCC 33.2220(T)(2): The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

Staff: The property owner recorded a covenant prohibiting the use of the structure as a dwelling. A condition of approval prohibiting the use of the structure as a dwelling is included in this decision. No sleeping provisions are included in the proposed plans

Standard met.

4.4.2 MCC 33.2220(T)(3): The Accessory Structure may contain one sink.

Staff: The submitted plans for the proposed garage show a single sink on the ground floor of the structure. The trellis is an open structure with no plumbing.

Standard met.

4.4.3 MCC 33.2220(T)(4): The Accessory Structure shall not contain:

- (a) More than one story;**
- (b) Cooking Facilities;**
- (c) A toilet;**
- (d) Bathing facilities such as a shower or bathing tub;**
- (e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or**
- (f) A closet built into a wall.**

Staff: The proposed garage is one and one half story, contains a toilet, and contains a dog boot/wash. Because the proposed structure does not meet standards (a), (c), and (d) above, it will be reviewed under the review use provisions in section 4.5 below.

Standards not met.

The trellis is an open structure with no walls and does not contain plumbing nor provisions for aiding in sleep.

Standards met.

4.4.4 MCC 33.2220(T)(5): Compliance with MCC 33.0565 is required.

Staff: The property owner has recorded the covenant as required. See section 4.2 above.

Standard met.

4.4.5 MCC 33.2220(T)(6): The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

Staff: The proposed garage building is approximately 690 sq. ft. No other Accessory Buildings are located on the property. The Trellis and Chicken Coop are not classified as buildings; hence, they are not included in the footprint calculation.

Standard met.

4.4.6 MCC 33.2220(T)(7): An Accessory Building exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

Staff: The proposed garage is one and one-half story, contains a sink, and contains a dog boot/wash; hence, the building exceeds the allowed use provisions. Section 4.5 addresses the review use provisions for the proposed garage as required by this standard.

Standard met.

4.5 REVIEW USES

MCC 33.2225: The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(L) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.2220 Allowed Uses, but which meet the following provisions:

(1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

Staff: The proposed use of the proposed building is as a garage, which is customarily accessory to a single-family dwelling. The property owner has recorded a covenant prohibiting the use of the structure as a dwelling per MCC 33.0565. A condition of approval prohibiting the use of the structure as a dwelling is included.

Standard met.

4.5.1 MCC 33.2225(L)(2): The Accessory Structure shall not contain a bathing tub.

Staff: The proposed garage contains a toilet, one sink, and a dog/boot wash. No bathing tub is proposed (Exhibit A.17).

Standard met.

4.5.2 MCC 33.2225(L)(3): Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

Staff: The proposed garage is one and one half story and the toilet, sink, and dog/boot wash are located on the ground floor (Exhibit A.17).

Standard met.

4.5.3 MCC 33.2225(L)(4): An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

Staff: The proposed garage contains a toilet, sink, and dog/boot wash located on the ground floor (Exhibit A.17). No kitchen or other cooking facilities are proposed.

Standard met.

4.5.4 MCC 33.2225(L)(5): The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

Staff: The proposed garage will be used to store automobiles, garden/forest maintenance tools and supplies, and other personal long-term storage items. No provisions to aid in sleep will be installed and a covenant prohibiting the use of the structure as a dwelling was recorded.

Standard met.

4.5.5 MCC 33.2225(L)(6): The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

Staff: Three requested features in the proposed garage exceed the allowed use provisions: 1) One and one half story; 2) A toilet on the ground floor; and 3) A dog/boot wash on the ground floor.

The primary uses for the proposed garage are to store automobiles, garden/forest maintenance tools and supplies, and long-term storage items. Some of the tools are utilized to conduct invasive plant species removal to maintain the health of the over 20-acre forest on the property. The dog boot/wash will assist in cleaning domestic animals living on the property. A one and one half-story design aims to reduce the overall footprint of the garage structure while providing a multi-use space adjacent to the existing dwelling.

The property previously had a garage to serve the desired uses in this proposal; however, the garage required demolition. Approval of the proposed garage will replace the void created after the demolition. The desired uses stated in the application appear to align with customary accessory uses relative to the dwelling and forest maintenance.

Standard met.

4.5.6 MCC 33.2225(L)(7): Compliance with MCC 33.0565 is required.

Staff: The property owner has recorded the covenant as required. See section 4.2 above.

Standard met.

4.6 FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES

MCC 33.2256: 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)
Accessory structures within 100 ft. of the dwelling	N/A	30	30	Primary Required

Staff: The proposed garage is approximately 54 feet west of the existing house and approximately 66 feet from the front lot line. The trellis is approximately 17 feet west of the existing house and approximately 120 feet from the front lot line. All other setbacks are beyond the 30 feet minimum (Exhibit A.16). Plans show the 30 ft. primary fire safety zone in place and an extended primary fire safety zone for the portion of the property with steeper slopes (Exhibit A.16).

Standard met.

4.6.1 MCC 33.2256: (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 30	75 additional
Less than 40	100 additional

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

Staff: The site plan (Exhibit A.16) shows the required 30 ft. primary fire safety zone for the trellis and the garage. 50 additional ft. is included to extend the primary fire safety zone to 80 ft. for the area south of the proposed garage containing 10-20% slope.

Standard met.

4.6.2 MCC 33.2256(D)(2): Secondary Fire Safety Zone

Staff: A secondary fire safety zone is not required per Table 1 in MCC 33.2256.

Standard met.

4.6.3 MCC 33.2256(D)(3): No requirement in (1) or (2) 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

Staff: A forest management plan is not required for this project by the State Dept. of Forestry per the applicant narrative (Exhibit A.3); hence, the primary fire safety zone is established within the existing cleared area.

Standard met.

4.6.4 MCC 33.2256(D)(4): Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

MCC 33.2256(D)(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: A condition of approval requiring the establishment and maintenance of the primary fire safety zones is included in this decision (Condition #4).

Standard met.

4.7 DEVELOPMENT STANDARDS FOR DWELLINGS AND STRUCTURES

MCC 33.2261: All dwellings and structures shall comply with the approval criteria in (B) through (D) below except as provided in (A). All exterior lighting shall comply with MCC 33.0570:

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

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 33.2261(C);

(C) The dwelling or structure shall:

(3) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

Staff: The proposed garage is located approximately 54 ft. west of the existing house. No chimney is proposed and a condition of approval (Condition #5) requires the garage have a fire retardant roof.

The trellis is an open-air structure with a polycarbonate greenhouse roof with no chimney. The polycarbonate panels are fire retardant.

Standards met.

4.8 ACCESS

MCC 33.2273: All lots and parcels in this district shall abut a public street or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 33.2275(C).

Staff: The property is a Lot of Record; hence, this access requirement does not apply. See section 4.1 above.

Standard met.

5. SIGNIFICANT ENVIRONMENTAL CONCERN – APPROVAL CRITERIA

5.1 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT

MCC 33.4570(A): In addition to the information required by MCC 33.4520 (A), an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:

Staff: The application includes a site plan of the property containing the requested information in this section (Exhibit A.16).

Criteria met.

5.1.2 MCC 33.4570(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 garage and the existing trellis structure are located within the existing cleared area around the existing home; see site plan (Exhibit A.16).

Criteria met.

- 5.1.3 MCC 33.4570(B)(2): Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.**

MCC 33.4570(B)(3): The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

Staff: The proposed garage and existing trellis are within 200 ft. of NW Thompson Rd, a County maintained road. The existing driveway serving the proposed and existing development is approximately 375 ft. long. See site plan (Exhibit A.16).

Criteria met.

- 5.1.4 MCC 33.4570(B)(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

(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.

Staff: The existing driveway meets (b) above as the access is within 50 ft. of either side of the driveway for 7144 NW Thompson Rd., which is directly across from the subject property.

Criteria met.

- 5.1.5 MCC 33.4570(B)(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: The adjacent property to the east of the subject property contains development within 200 ft. of the common side property line. The proposed garage and the existing trellis structure are beyond the 300 ft. requirement. Because the application did not meet the requirements of this criterion, a wildlife conservation plan is required. See section 5.2 below.

Criteria not met.

- 5.1.6 MCC 33.4570(B)(6): Fencing within a required setback from a public road shall meet the following criteria:**

Staff: The applicant did not propose new fencing as part of this project.

Criteria met.

- 5.1.7 MCC 33.4570(B)(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: All invasive plants were removed from the developed area of the subject property per the applicant's narrative (Exhibit A.9). A condition of approval (Condition #5) prohibiting the planting of plants listed on the nuisance plants list in this section is included in this decision.

5.2 MCC 33.4570(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 applicant has proposed a wildlife conservation plan [Exhibit A.9]. The related standards are discussed in sections 5.2.1 through 5.2.5 below.

Standard met.

5.2.1 MCC 33.4570(C)(3): Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (C)(5), the wildlife conservation plan must demonstrate the following:

- (a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

Staff: The proposed development is limited to previously cleared areas on the property. No additional clearing will occur as part of this project [Exhibit A.6 & A.9].

Standard met.

5.2.2 (b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

Staff: The proposed development is limited to previously cleared areas on the property. No additional clearing will occur as part of this project.

Standard met.

5.2.3 (c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.

Staff: The applicant will not construct any fencing as part of this project [Exhibit A.6].

Standard met.

5.2.4 (d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.

Staff: The proposed development is limited to previously cleared areas on the property. No additional clearing will occur as part of this project.

Standard met.

5.2.5 (e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.

Staff: No stream riparian areas will be disturbed as part of this project [Exhibit A.6].

Standard met.

6. Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the approval of the requested Accessory Use Determination and Significant Environmental Concern Permit to construct a new garage in the CFU-2 zone. This approval is subject to the conditions of approval established in this report.

7. 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 T2-2018-10300 at the Land Use Planning office.

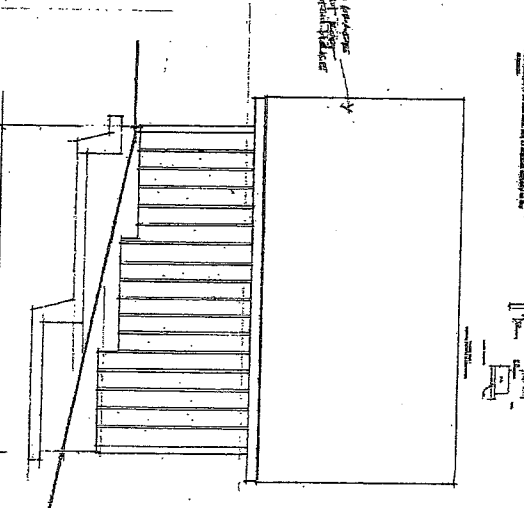
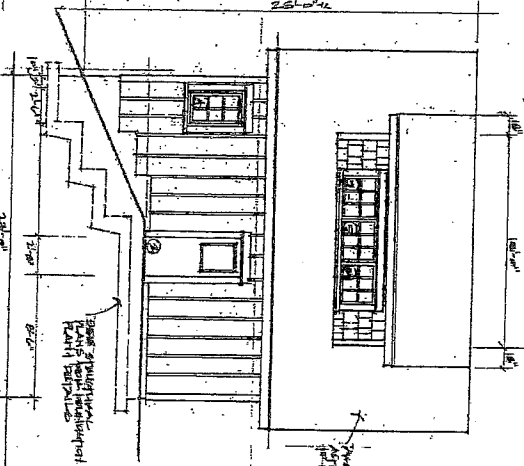
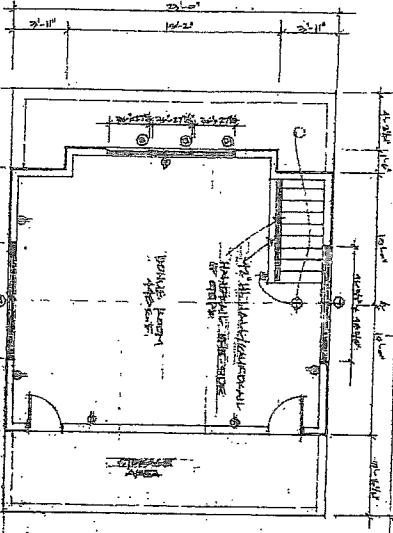
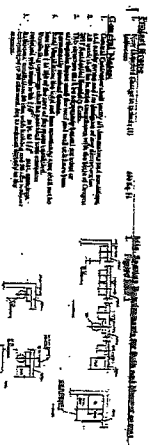
Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application Form	4.13.2018
A.2	1	Property Owner Letter of Authorization	4.13.2018
A.3	7	Narrative	4.13.2018
A.4	1	Site Plan	4.13.2018
A.5	5	Site Detail Plans and Building Plans	4.13.2018
A.6	8	SEC-h worksheet	4.13.2018
A.7	1	Certification of Water Service	4.13.2018
A.8	2	Property Maps	4.13.2018
A.9	12	Revised Narrative	5.30.2018
A.10	6	Proposed Lighting Details	5.30.2018
A.11	6	Generator Specifications	5.30.2018
A.12	8	Stormwater Certificate	5.30.2018
A.13	6	Septic Review Certification	5.30.2018
A.14	4	Fire Service Agency Review	5.30.2018
A.15	3	Covenant To Prohibit Residential Use of Accessory Structure	5.30.2018
*A.16	3	Revised Site Plans	5.30.2018
A.17	8	Revised Site Detail Plans and Building Plans	5.30.2018
‘B’	#	Staff Exhibits	Date

B.1	2	A&T Property Information for 1N1W25A - 01000	4.13.2018
'C'	#	Administration & Procedures	Date
C.1	3	Incomplete Letter	4.27.2018
C.2	2	Applicant's Response	5.3.2018
C.3	9	Complete Letter (Day 1)	6.14.2018
C.4	4	Opportunity to Comment	6.22.2018
C.5	16	Administrative Decision	8.3.2018

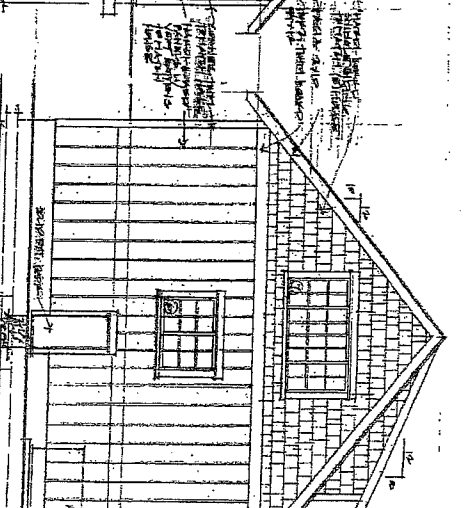
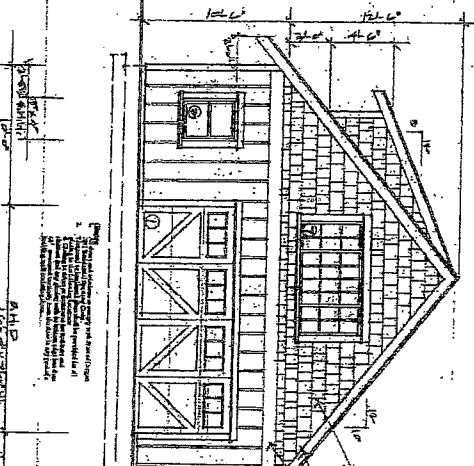
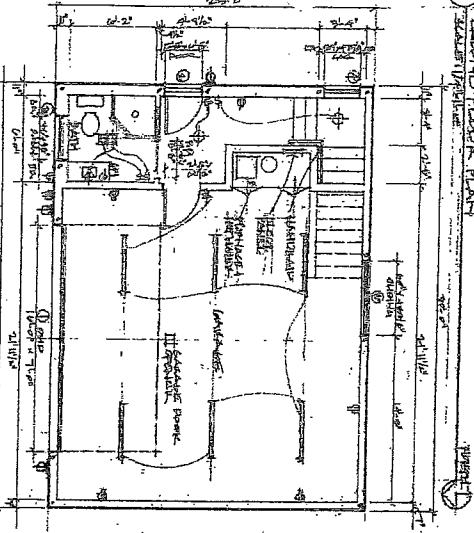
172680
18-151903-SC

NO.	DESCRIPTION	DATE
1	PLAN SET	11/20/06
2	REVISIONS	11/20/06
3	REVISIONS	11/20/06
4	REVISIONS	11/20/06
5	REVISIONS	11/20/06
6	REVISIONS	11/20/06
7	REVISIONS	11/20/06
8	REVISIONS	11/20/06
9	REVISIONS	11/20/06
10	REVISIONS	11/20/06

These drawings are prepared for the construction of the project described in the title block. The owner is responsible for obtaining all necessary permits and for providing all information required for the project. The architect is not responsible for the accuracy of the information provided by the owner or for the results of the construction. The architect is not responsible for the construction of the project.



GENERAL NOTES:
1. All construction shall be in accordance with the latest edition of the International Building Code (IBC) and the International Residential Code (IRC).
2. The owner is responsible for obtaining all necessary permits and for providing all information required for the project.
3. The architect is not responsible for the accuracy of the information provided by the owner or for the results of the construction.
4. The architect is not responsible for the construction of the project.



GENERAL NOTES:
1. All construction shall be in accordance with the latest edition of the International Building Code (IBC) and the International Residential Code (IRC).
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1. FIRST FLOOR PLAN

2. SECOND FLOOR PLAN

3. FRONT ELEVATION - NORTH

4. FRONT ELEVATION - WEST

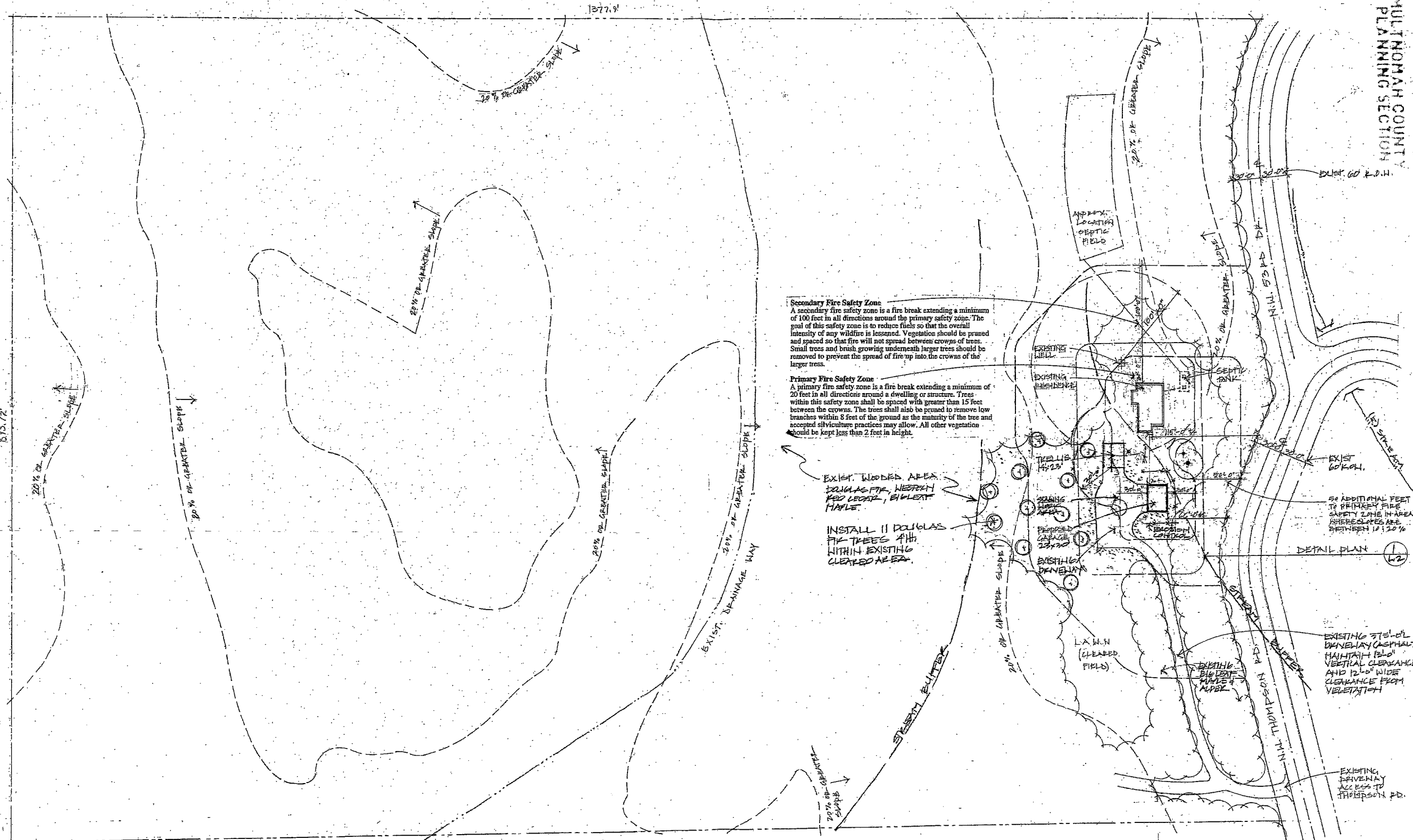
5. SIDE ELEVATION - WEST

New garage with bath only - no bedrooms.

pg. 5 of 6

DATE	11/20/06
SCALE	1/4" = 1'-0"
SHEET	A-1





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.

Primary Fire Safety Zone
A primary fire safety zone is a fire break extending a minimum of 20 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.

EXIST. WOODED AREA
DOUGLAS FIR, WESTERN
RED CEDAR, EMULG
MAPLE

INSTALL 11 DOUGLAS
FIR TREES 4" IN
WITHIN EXISTING
CLEARED AREA

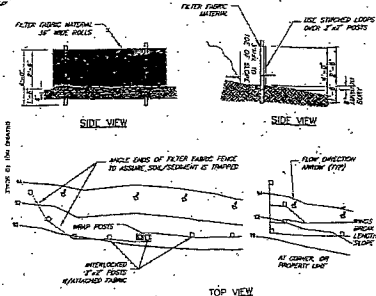
EROSION CONTROL NOTES:

- Approval of this erosion, sediment and pollution control plan (ESPCP) does not constitute an approval of permanent road or drainage design (e.g. size and location of roads, pipes, restrictions, channels, retention facilities, utilities, etc.).
- The implementation of this ESPCP and the construction, maintenance, replacement and upgrading of these ESPCP facilities is the responsibility of the applicant / contractor until all construction is completed and approved and vegetation / landscaping is established.
- The boundaries of the clearing limits shown on this plan shall be clearly flagged in the field prior to construction. During the construction period, no disturbance beyond the flagged clearing limits shall be permitted. The flagging shall be maintained by the applicant / contractor for the duration of construction.
- The ESPCP facilities shown on this plan must be constructed in conjunction with all clearing and grading activities, and in such a manner as to insure that sediment and sediment-laden water do not enter the drainage system, roadways or violate applicable water standards.
- The ESPCP facilities shown on this plan are the minimum requirements for anticipated site conditions. During the construction period, these ESPCP facilities shall be upgraded as needed for unexpected storm events and to ensure that sediment and sediment-laden water do not leave the site.
- The ESPCP facilities shall be inspected daily by the applicant / contractor and maintained as necessary to ensure their continued functioning.
- The ESPCP facilities on inactive sites shall be inspected and maintained a minimum of once a month or within the 24 hours following a storm event.

- Stabilized construction entrances shall be installed at the beginning of construction and maintained for the duration of the project. Additional measures may be required to insure that all paved areas are kept clean for the duration of the project.

SEDIMENT FENCE NOTES:

- The filter fabric shall be purchased in a continuous roll cut to the length of the barrier to avoid use of joints. When joints are necessary, filter cloth shall be spliced together only at a support post, with a minimum 6-inch overlap and both ends securely fastened to the post, or overlap 2 inch x 2 inch posts and attach as shown on detail sheet 4-2A.
 - The filter fabric shall be installed to follow the contours where feasible. The fence posts shall be spaced a maximum of six feet apart and driven securely into the ground a minimum of 24 inches.
 - The filter fabric shall have a minimum vertical burial of 6 inches. All excavated material from filter fabric fence installation, shall be backfilled and compacted, along the entire disturbed area.
 - Standard or heavy duty filter fabric fence shall have manufactured stitched loops for 2 inch x 2 inch post installation. Stitched loops shall be installed on the up hill side of the sloped area.
 - Filter fabric fences shall be removed when they have served their useful purpose, and not before the upslope area has been permanently protected and stabilized.
- Filter fabric fences shall be inspected by applicant / contractor immediately after each rainfall and at least daily during prolonged rainfall. Any required repairs shall be made immediately.



GENERAL NOTES:

- Landscape Architect is not responsible for existing conditions survey, the contractor shall verify all existing conditions, including location of property lines, prior to beginning any work. Report any discrepancies to the Owner immediately.
- Contractor shall verify the location of all underground utilities, lines, pipes, vaults, or boxes prior to excavation. Any damage to any known existing utility elements shall be repaired properly and immediately at the Contractor's expense and at no additional cost to the Owner.
- Contractor shall not willfully proceed with construction when it is obvious that unknown obstructions and/or differences exist that may not have been known during the design. Contractor shall assume all responsibility for all necessary revisions due to failure to give such notice.
- Prior to removing any existing features, contractor shall review extent of demolition with Owner.
- Contractor shall protect all existing features to remain in place, i.e. curbs, walks, plant material, lawn or fences shall be required or replaced by the Contractor at no expense to the Owner.
- Contractor shall remove from the site and legally dispose of all debris and excavated material not required for fill. No rubbish or debris shall be buried on the site.

All work shall conform to the requirements of the latest adopted editions of the 2005 State of Oregon Residential Specialty Code and all other local and state codes and ordinances and regulations.

SITE INFORMATION

TAX LOT: 1N1W25A.0000
TAX ACCT#: R91250460
ZONE: CULZ
27.21 ACRES
EXISTING RESIDENCE: 1924 S.F.
PROPOSED GARAGE: 690 S.F.
PROPOSED PORCH: 322 S.F.
TOTAL: 1,012 S.F.
*PLANT 11 DOUGLAS FIR TREES 4" IN
IN EXISTING CLEARED AREA OF
THE SITE.



2008 MAY 30 PM 2:04

Quatrefort Inc.
Landscape Architecture
1000 NE Oregon Street
Portland, Oregon 97232
(503) 255-1500

REGISTERED
ARCHITECT
OREGON
07/25/1996

McAllister Residence
7007 NW Thompson Rd. Portland, Oregon 97229

SITE PLAN

REVISIONS:	
4/1/2013	
5/27/2013	REV PERMIT
SCALE:	1" = 50' - 0"
DATE:	5/24/07
SHEET:	L.1