



DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION AND LAND USE PLANNING DIVISION
2115 SE Morrison Street
Portland, OR 97214 (503)248-3043 fax (503)248-3389
email: land.use.planning@co.multnomah.or.us

ADMINISTRATIVE DECISION

Case Files:

DR 4-97

Related Case Files;

CU 8-95

WHO:

APPLICANT/OWNER

John L. Jersey
14660 NW Rock Creek Road
Portland, OR 97231

WHERE:

13838 NW Rock Creek Road
Tax Lot '9', Sec 26, T2N, R2W, WM
18.50 acres

Notices
16
Decision Notices
mailed on 7-16-97
by JC

WHAT:

The applicant's are requesting Design Review approval for a single family dwelling approved under CU 8-95. There is a pending Grading and Erosion Control permit for this development.

WHEN:

This decision will become affective July 28, 1997 at 4:30 pm unless an appeal is filed.

ZONING:

Commercial Forest Use (CFU), Significant Environmental Concern- wildlife habitat (SEC)

PROJECT DESCRIPTION:

As part of the CU approval for this application, the Hearings Officer issued a decision on November 1, 1995 with specific conditions regarding the location of the dwelling and other issues. Conditions 1-2 reflect new conditions of approval for the Design review, Conditions 3-11 are the conditions of the CU that still must be fulfilled prior to issuance of a building permit. The Conditional Use approval applied the West Hills Reconciliation report and the Comprehensive Plan policies to the application. The Hearings Officer Decision contains findings related to this project's compliance with those criteria and policies and is included as part of the DR 4-97 case file.

Decision: *Approval*, with conditions, of the Final Design Review plans for construction of a single family dwelling, based on the findings and conclusions contained herein.

CONDITIONS OF APPROVAL:

1. The applicant will contact Susan Muir at 248-3043 to schedule an appointment to have the building permit reviewed. The case planner listed above shall be the one to review and approve all building permit applications associated with this approval.
2. Design review approval shall expire in 18 months from the date of final design review approval (July 16, 1997, expiration date January 16, 1999), however upon application a six month extension may be granted by the Planning Director upon written findings that the applicable provisions of this ordinance are satisfied. The Director's Decision may be appealed as provided by MCC 11.15.8290. Failure to apply for an extension shall result in expiration of the approval.
3. Prior to approval of a building permit, applicant must provide evidence that a stocking survey report has been submitted to the County Tax Assessor in accordance with OAR 660-06-029(5)(C). The Assessor will then determine whether the property can receive tax deferral status.
4. Prior to the issuance of a building permit for the dwelling, applicant will submit a copy of a well report demonstrating that a domestic water supply is available on the property, that complies with the provisions of MCC 11.15.2074(C).
5. Prior to the issuance of a building permit, applicant shall establish primary and secondary fire safety zones around the proposed site of the structure. As long as the property is under forest resource zoning, applicant will maintain primary and secondary fire safety zones around all structures in accordance with MCC 11.15.2074(A)(5)(b), and as required by the Forest Practice Rules under the Department of Forestry, Forest Management Plan.
6. The dwelling shall have a fire retardant roof and all chimneys shall be equipped with spark arrestors in accordance with the requirements of OAR 660-06-035(4) and (6). The dwelling shall also comply with the Uniform Building Code.
7. Any fences erected shall be erected in accordance with the standards of MCC 11.15.6426(B)(3).
8. Residential landscaping areas (also known as the "cultivated area") shall not exceed one acre in size and shall be contiguous to the proposed dwelling in conformance with standards for wildlife habitat areas (MCC 11.15.6426).
9. No species of an invasive vegetation (English Ivy, Vinca, etc.) shall be introduced in the "cultivated" area contiguous to the proposed dwelling. The remaining portion of the parcel shall be left in native vegetation unless altered in conjunction with an approved forest management plan, or to comply with primary and secondary fire safety zone requirements.
10. The applicant shall receive approval of the Grading and Erosion Control permit prior to issuance of the building permit.
11. Development of this property shall be limited to the dates specified in MCC 11.15.6428(F). Soil disturbing activity within the 100 foot riparian corridor of Rock Creek Tributary II (South), shall be accomplished no later than October 15.

Design Review

MCC 11.15.7850 Design Review Criteria

The provisions of MCC .7805 through .7865 shall apply to all conditional and community service uses in any district.

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

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

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

Applicant: Due to the setbacks of the dwelling from the public access road known as Rock Creek Rd. and the mature natural vegetation surrounding the building site, this log home structure should in every way exceed the elements necessary to create a harmonious existence with this forest zoned natural resource area. All elevations of the home will be constructed of natural products, no outdoor lighting or fencing will impair it's natural beauty.

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

Applicant: The placement of southern windows will allow for solar heating passively, the pitch of the roof will meet the snow level requirements of this area as well as be flame retardant to provide safety to the environment as well as protection from adverse climatic conditions. The anticipated activities with regard to a single family residence should not increase andy [sic] noise or air pollution already experienced routinely in this rural residential area.

Staff: The zoning on this parcel and the surrounding parcels is Commercial Forest Use, not Rural Residential.

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

Applicant: After asking two staff members to explain to me what this criteria is asking for, neither of them could give me a clue what this means so I will attempt to address this criteria as best I can. The relationship of the proposed home to the hillside to the north of it will attractively keep it in proportional overall landscape. The natural material with which this home will be manufactured will lend itself to appear inter-related on a human (domicile) level and effectively, and efficiently serve it's function as it is an energy efficient home and the development of it requires minimal disturbance of the area to build it.

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

Applicant: This home will have approximately a 150 to 200 foot setback from the county road, visibility from the pre-existing logging access road meets exceeds the access standards. The home will be built in compliance with all conditions of approval and building dept. codes and standards. Due to the setbacks of the home and the size of the parcel, privacy of pre-existing homes will be unchanged.

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

Applicant: Not applicable.

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

Applicant: See SEC report for details of mitigation of wildlife and plant life disturbances.

Staff: As part of the Conditional Use approval for this project, the applicant was required to address the SEC criteria as a way of implementing the West Hills Reconciliation Report (adopted September 1994). As part of that application, the applicant submitted the SEC report and the Hearings Officer determined the proposal to be in compliance with the standards.

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

Applicant: The access road is a 20 foot wide all weather gravel surface with a grade of less than 7%. It is a pre-existing logging road to access forest harvesting in the recent past. The continued use of this road allows for minimal soil disturbance in this resource area and a road base is somewhat present already. The incorporation of the existing trees in the turn-around will provide for safe traffic patterns and maintain visibility of vehicles entering or exiting the public road.

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

Applicant: This report is best summarized in the storm water calculations provided and the site plan which demonstrates a French drain system from all impervious surfaces, (mainly the structures themselves) underground to the county road swale which then merges

with Rock Creek itself just east of the driveway where the unnamed tributary also merges via a culvert under Rock Creek Road.

Staff: The pending Grading and Erosion Control permit will ensure this project meets this criteria.

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

Applicant: The road front of this parcel is moderately screened already with deciduous and conifer [*sic*] trees of varying ages. The utilities will all be run underground along the driveway. Again due to setbacks and parcel size visibility of the homesite to adjacent neighboring properties is non-existent. See tree density map.

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

Applicant: All utilities will be place [*sic*] underground so as to minimize adverse impacts on the site and neighboring properties. See site plan.

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

Applicant: There will be no signage other than the required posting of the homesite address per Fire Safety Standards. There will be no outdoor lighting, fencing, or painted surfaces on the structures thereby complying with the compatibility standards of this ordinance.

MCC 11.15.7870 - Expiration of Approval: (A) Design review approval shall expire in 18 months from the date of final design review approval; however upon application a six month extension may be granted by the Planning Director upon written findings that the applicable provisions of this ordinance are satisfied. The Director's Decision may be appealed as provided by MCC 11.15.8290. Failure to apply for an extension shall result in expiration of the approval.

- (a) Application shall be made on the appropriate forms and filed with the Director at least 30 days prior to the expiration date.**

Staff: The conditional use permit for this application expires November 1, 1997 unless the applicant files application at least 30 days prior to the expiration date and the Planning Director makes a determination that "substantial construction" had been completed as per MCC 11.15.7110(C).

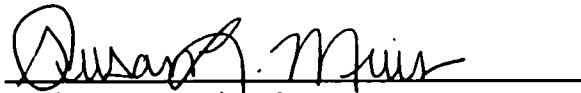
- (b) The Director shall issue a written decision on the application within 20 days of filing. That decision shall be based on the finding that:
- (i) Final Design Review approval has been granted under MCC .7845 on the total project; and
 - (ii) At least ten percent of the dollar cost of the total project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

CONCLUSIONS

With the addition of Conditions of Approval, the design review plans submitted comply with the approval criteria for a design review approval and a hillside development permit.

In the matter of DR 4-97

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



By Susan L. Muir, *Planner*
for: Kathy Busse, *Planning Director*

NOTICE

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

The Administrative Decision(s) detailed above will become final unless an appeal is filed within the 10-day appeal period which starts the day after the notice is mailed. If the 10th day fall on Saturday, Sunday, or a legal holiday, the appeal period extends through the next full business-day. If an appeal is filed, a public hearing will be scheduled before a County Hearings Officer pursuant to Multnomah County Code section 11.15.8290 and in compliance with ORS 197.763. To file, complete an Appeal of Administrative Decision form, and submit to the County Planning Division Office, together with a \$100.00 fee and supplemental written materials (as needed)