

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: T2-2017-7140
Permit: Significant Environmental Concern
Location: 19335 NW Logie Trail Road
Tax Lot 600, Section 13AC
Township 2 North, Range 2 West, W.M.
Tax Account #R972130070
Applicants: Geoffrey Hausheer **Owners:** Geoffrey & Lauren Hausheer
Base Zone: Commercial Forest Use – 2 (CFU-2)
Overlays: Significant Environmental Concern for wildlife habitat (SEC-h) and scenic views
(SEC-v) / Hillside Development (HD)

Summary: The applicant is requesting to construct a 17-ft by 20-ft accessory building in the SEC-h and SEC-v overlay zone. A significant environmental concern permit for wildlife habitat and scenic views is required.

Decision: Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Monday, October 2, 2017 at 4:00 pm.

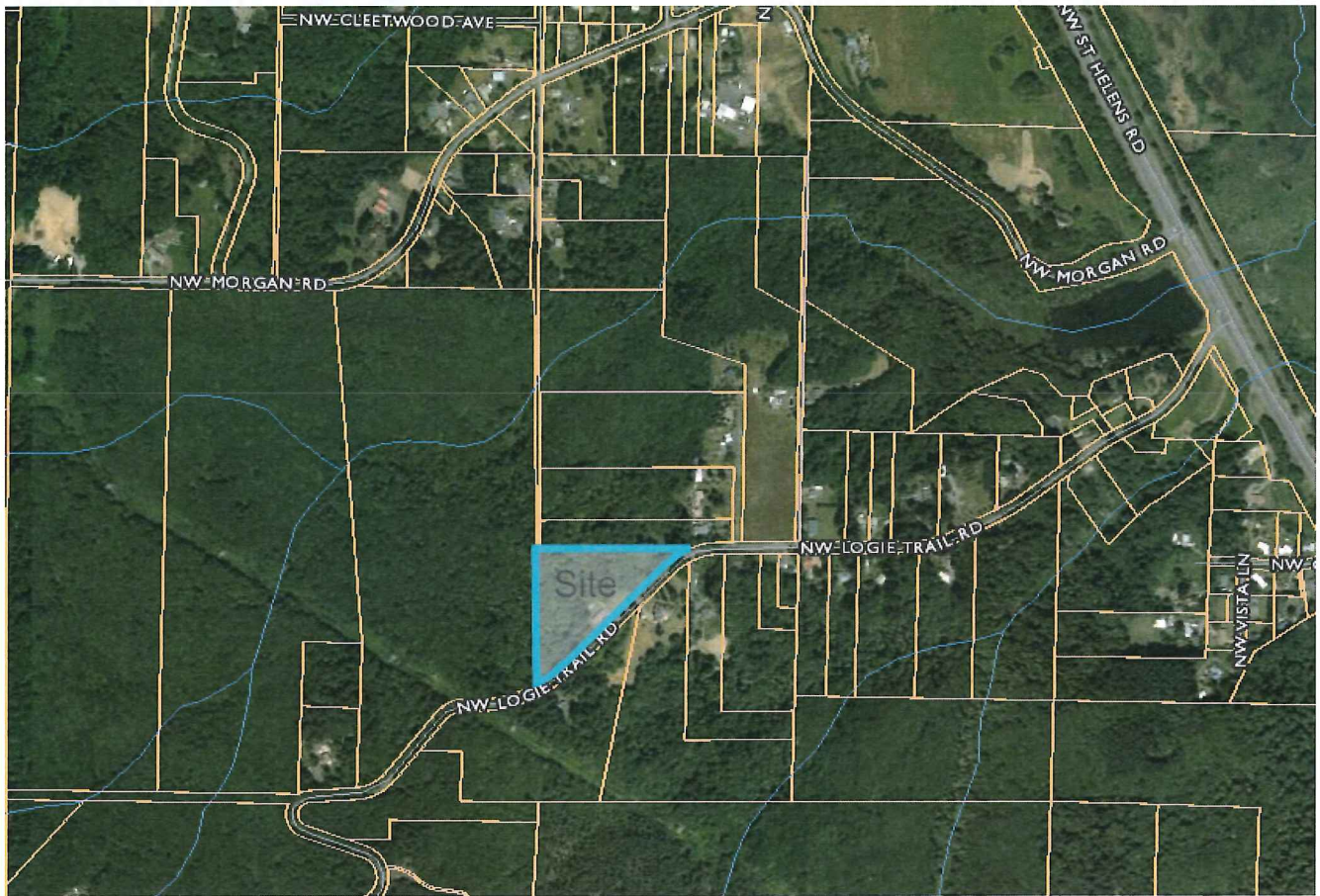
Issued by:



Lisa Estrin, Planner

For: Michael Cerbone, AICP
Planning Director

Date: Monday, September 18, 2017



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 Lisa Estrin, Staff Planner at 503-988-0167 or lisa.m.estrin@multco.us.

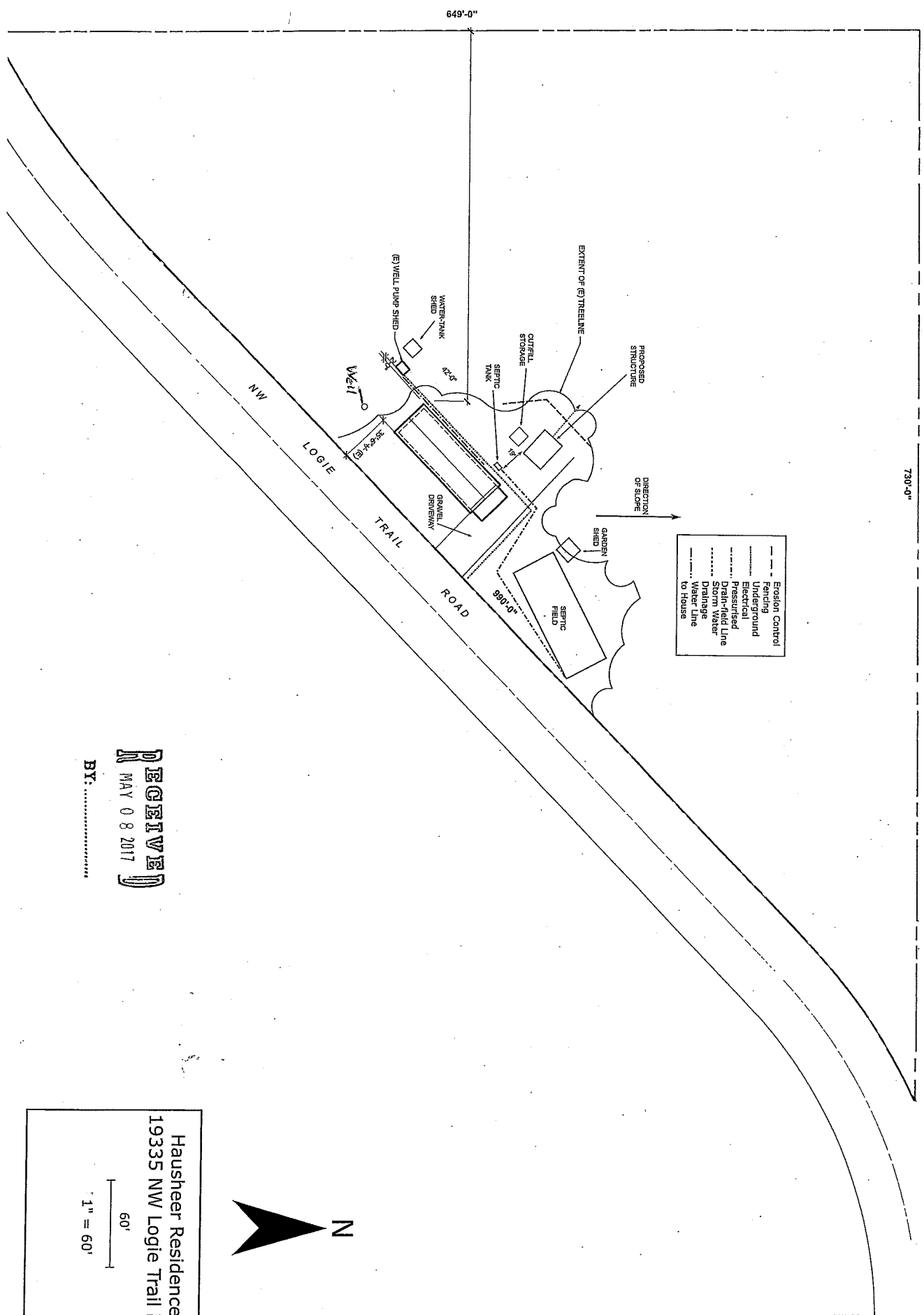
This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Monday, October 2, 2017 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): CFU-2: MCC 33.2220, MCC 33.2250, MCC 33.2256, MCC 33.2261, MCC 33.2275;
SEC-h: MCC 33.4510, MCC 33.4520, MCC 33.4567 or MCC 33.4570
SEC-v: MCC 33.4510, MCC 33.4520, MCC 33.4565

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 <http://www.multco.us/landuse/zoning-maps> under 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.



RECEIVED
MAY 08 2017

BY:

Hausheer Residence
19335 NW Logie Trail Rd

Scale: 3/16" = 1'

Right Side

Window

Window

Left Side

Window

Door

Back

Front

Overhead Door

**Exhibit
A.15**

RECEIVED
MAY 08 2017

BY:

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(A). The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0695, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.**

A. **This approval shall expire as described in (1) or (2) below:**

- (1) **When construction has not commenced within two years of the date of the final decision. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure.**
- (2) **When the structure has not been completed within four years of the date of commencement of construction. Completion of the structure shall mean completion of the exterior surfaces(s) of the structure and compliance with all conditions of approval in the land use approval.**

Expiration is automatic. Failure to give notice of expiration shall not affect the expiration of this Type II approval.

3. Prior to land use approval for building plan check, the property owners or their representatives shall:
 - A. Add the primary fire safety zone to the site plan and indicate any and all trees to be removed to meet the primary fire safety zone requirements listed in (1) below:
 - (1) **Primary Fire Safety Zone - 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. [MCC 33.2256 Table 1 and MCC 33.2256(D)(1)(a)]**
 - B. Utilize the scaled site plan and draw a landscape plan showing the location of replacement trees removed for the primary fire safety zone. For each tree removed to establish the building or primary fire safety zone, two, 18-inch tall or larger evergreen tree shall be planted within the septic drainfield area. [MCC 33.4570(C)(1), (C)(3)(a) & (d)]
 - C. Add to the site plan, any existing fencing not located within the cleared area of the property that is under the property owners' control. In addition, this fencing shall be labeled to be removed. No new fencing shall be constructed outside of the SEC-h fence exemption area. [MCC 33.4570(C)(3)(c)]
 - D. Add to the site plan and accessory building's elevations, any exterior lighting required by the Portland Building Department. In addition, the lighting shall comply with the County's Dark Sky Lighting Standards contained in MCC 33.0570. 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. The lighting must be contained within the boundaries of the Lot of Record on which it is located.

- E. Record the Accessory Structure covenant required by MCC 33.0565. This covenant 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. After recordation, the property owner shall return documentation to Land Use Planning demonstrating compliance.
- 4. Within 30 days of occupancy of the building, the property owners shall:
 - A. Establish the primary fire safety zone around the building;
 - B. Remove any existing fencing outside of the exemption area; and
 - C. Contact Code Compliance at 503.988.5508 so that the primary fire safety zone and fence removal can be inspected. [MCC 33.2256]
 - 5. If in the future a property owner installs a woodstove into the accessory building, the chimney shall have a spark arrester installed and maintained. [MCC 33.2261(C)(4)]
 - 6. Building permits shall be obtained and finalized for the construction of this accessory structure. [MCC 33.2261(C)(1)]
 - 7. The primary fire safety zone shall be maintained for the existence of the building. [MCC 33.2256]

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, Lisa Estrin, at (503) 988-0167 or lisa.m.estrin@multco.us, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County 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. In addition, an erosion control inspection fee may be required.

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*.

1.00 Project Description:

Staff: The applicant is requesting to construct a 17-ft by 20-ft accessory building in the SEC-h and SEC-v overlay zone. A significant environmental concern permit for wildlife habitat and scenic views is required.

2.00 Property Description & History (if needed):

Staff: Tax lot 2N2W13AC -00600 is a 7 acre property in the Commercial Forest Use – 2 zone. The property contains a single family dwelling originally constructed in 1966. Additions have been approved to the dwelling in 1995 (SEC 4-95) and 2007 (T2-06-100). In addition, the property contains a 16 sq. ft. well pump shed, a 64 sq. ft. water tank shed and an 80 sq. ft. garden shed. The site plan reviewed in 1995 shows the pump house, water tank shed and garden shed. Pursuant to MCC 37.0560, there are no known violations on the subject site.

3.00 Commercial Forest Use – 2 Approval Criteria:

3.01 § 33.2220 ALLOWED USES

(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: ...

(d) Workshops;

(e) Storage sheds, including shipping containers used for storage only;

(n) Similar structures.

Staff: The applicant is proposing a 17-ft by 24-ft (408 sq. ft.) accessory structure. The building will be used for storage and as a workshop (Exhibit A.12). *Criterion met.*

3.02 (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: A condition of approval will be included requiring a covenant be recorded to alert the present and future property owners to this requirement. *Through a condition of approval, criterion met.*

(3) The Accessory Structure may contain one sink.

(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 applicant's floor plan (Exhibit A.7) indicates that no plumbing fixtures will be installed. The floor plan shows an open rectangular space without cooking facilities, toilet, closets or sleeping equipment. The building will be only one-story (14-ft tall) based on the applicant's building elevations (Exhibit A.15). *Criteria met.*

3.03 (5) Compliance with MCC 33.0565 is required.

§ 33.0565 CONDITION OF APPROVAL – ACCESSORY STRUCTURES

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: A condition of approval has been included as part of this decision requiring the covenant be recorded prior to approval for building plan check. *Through a condition of approval, criterion met.*

3.04 (6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

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

Staff: The property currently contains 164 sq. ft. of accessory buildings on it (a 16 sq. ft. well pump shed, a 64 sq. ft. water tank shed and an 80 sq. ft. garden shed) (Exhibit A.12 and A.16). The proposed building will add 408 sq. ft. for a total of 572 sq. ft. of accessory building square footage. Based upon the findings 3.01 and 3.02, the proposed building does not exceed any of the accessory building provisions listed above. *Criterion met.*

3.05 (8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. Such buildings shall be used for their allowed farm purposes only and, unless so authorized, shall not be 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 subject building will be used for storage and workshop (Exhibit A.12)

3.06 § 33.2250 BUILDING HEIGHT REQUIREMENTS

(A) Maximum structure height – 35 feet.

(B) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures

may exceed the height requirements.

Staff: The applicant indicates in the narrative that the building will be less than 15-ft in height (Exhibit A.12). Staff measured the building height on the scaled building elevations (Exhibit A.15) as 15-ft from ground to top of gable. *Criterion met.*

3.07 § 33.2256 FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES

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:

Table 1

Use	Forest Practice Setbacks			Fire Safety Zones
	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)	
Description of use and location				Fire Safety Zone Requirements (FSZ)
Accessory structures within 100 ft. of the dwelling	N/A	30	30	Primary required

Staff: The proposed accessory building will constructed within 26 feet of the existing dwelling. The building will be 90-ft from the front property line adjacent to the County maintained Road, 275-ft from the west property line and approximately 240-ft from the northern property line. No primary fire safety zone is shown around the building on the site plan (Exhibit A.16) or site plan detail (Exhibit A.17). A condition of approval has been included requiring that the primary fire safety zone be added to the site plan and detail before land use sign off for the building permit. *Through a condition, criterion will be met.*

3.08 (A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 33.2310 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction Manual" and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

Staff: The applicant has not requested a reduction to any of the Forest Practice Setbacks. The proposed building meets the basic standards as discussed in Section 3.07 above. No Exception to the Secondary Fire Safety Zone is needed as the proposed outbuilding is within 100-ft of the existing dwelling and no secondary is required pursuant to Table 1 in Section 3.07 above. NW

Logie Trail Road has an existing right-of-way width of 60-ft. No additional right-of-way is needed pursuant to the County's Design and Construction Manual. The minimum forest practice setback requirement for the front property line remains at 30-ft. *Criteria met.*

3.09 (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 25	75 additional
Less than 40	100 additional

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

Staff: The location of the proposed outbuilding has a slope of approximately 6 percent. The applicant has not shown the primary fire safety zone for the proposed outbuilding. A condition of approval will require that a primary fire safety zone be established for the outbuilding. *Through a condition, this criterion will be met.*

3.09 § 33.2261 DEVELOPMENT STANDARDS FOR DWELLINGS AND STRUCTURES

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:

(1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;

(2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;

(3) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

Staff: The proposed outbuilding will have no interior walls, sinks, wood stoves or bathrooms. A condition of approval has been included requiring that in the future if a woodstove is installed, a spark arrester be installed. The building will have a metal roof so it will have a fire retardant roof. Building permits will be obtained for the structure. *Through conditions, criteria will be met.*

3.10 § 33.2275 LOT OF RECORD

(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.

1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.

2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.

3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g. MUA-20, RR, BRC, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

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

(a) Where two contiguous parcels or lots are each developed with a lawfully established habitable dwelling, the parcels or lots shall be Lots of Record that remain separately transferable, even if they were held in the same ownership on February 20, 1990.

(b) Where approval for a “Lot of Exception” or a parcel smaller than 19 acres under the “Lot Size for Conditional Uses” provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the same ownership on February 20, 1990.

(B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, F-2 zone applied;
- (2) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
- (3) October 6, 1977, MUF-20 and CFU-38 zones applied, Ord. 148 & 149;
- (4) August 14, 1980, MUF-19 & 38 and CFU-80 zones applied, Ord. 236 & 238;
- (5) February 20, 1990, lot of record definition amended, Ord. 643;
- (6) January 7, 1993, MUF-19 & 38 zones changed to CFU-80, Ord. 743 & 745;
- (7) August 8, 1998, CFU-2 zone applied, Ord. 916 (reenacted by Ord. 997);
- (8) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997;

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 33.2273, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(D) The following shall not be deemed a Lot of Record:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;
- (2) An area of land created by the foreclosure of a security interest;
- (3) A Mortgage Lot.
- (4) An area of land created by court decree.

Staff: In land use application, T2-06-100, Land Use Planning made a finding that the subject parcel is a Lot of Record. *Criterion met.*

4.00 Significant Environmental Concern

4.01 § 33.4510 USES; SEC PERMIT REQUIRED

(A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in MCC 33.4515, shall be subject to an SEC permit.

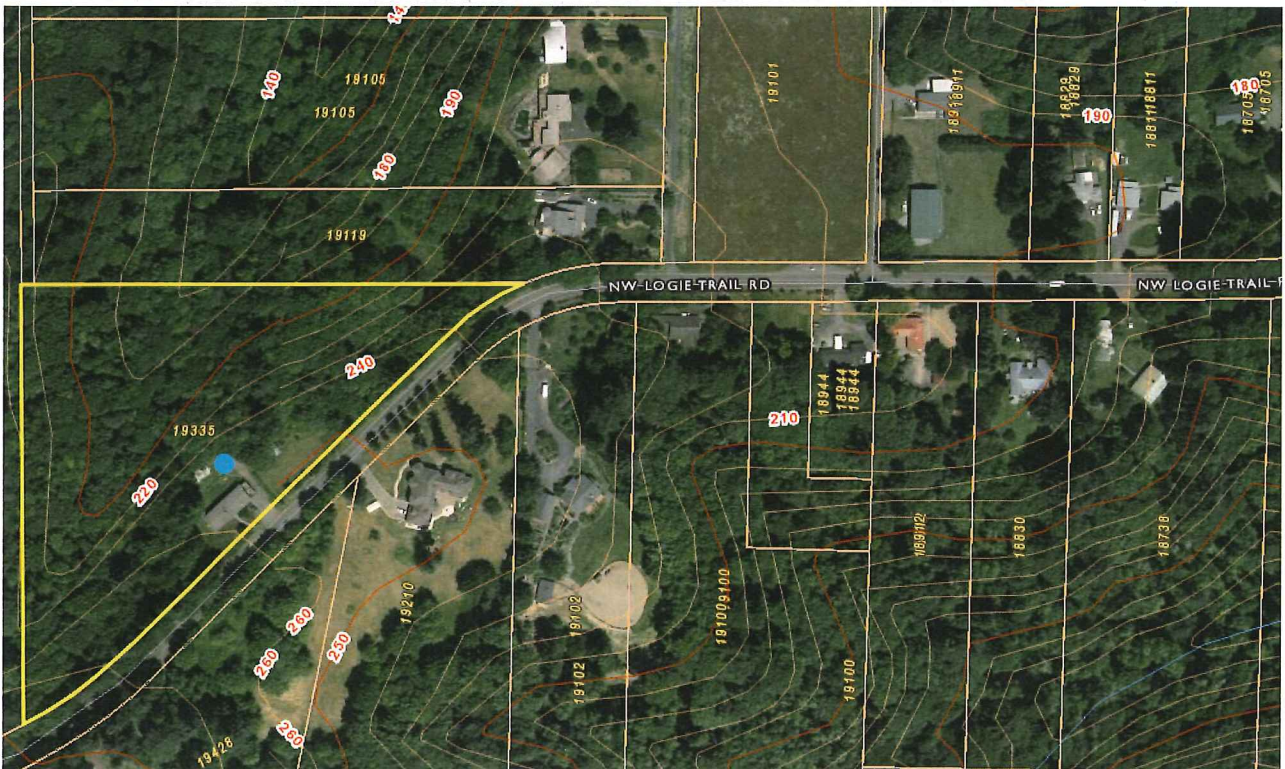
Staff: The applicant has submitted a request for a Significant Environmental Concern permit for

scenic views and wildlife habitat.

4.02 § 33.4565 CRITERIA FOR APPROVAL OF SEC-V PERMIT -SIGNIFICANT SCENIC VIEWS

(C) Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be visually subordinate. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:

(1) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.



the criterion has been met.

- 4.04 (3) No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials.**

Staff: The applicant states that no exterior lighting will be installed on the new accessory building (Exhibit A.13). In case a light is required by the building department on the building, a condition of approval has been included requiring the light to meet the above requirements. *Criterion met.*

- 4.05 (4) Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening.**

Staff: The subject property has significant existing vegetation to screen the building from the north and northeast. The applicant states that the vegetation is a mix of mature maple and cedar to provide year-round screening (Exhibit A.13). A condition of approval has been included reminding the applicant of the need to maintain the vegetation for screening purposes. *Criterion met.*

- 4.06 (5) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.**

Staff: The applicant has indicated in the SEC-v worksheet that no grading will be required to construct the proposed outbuilding (Exhibit A.13). *Criterion met.*

- 4.07 (6) Limiting structure height to remain below the surrounding forest canopy level.**

Staff: The proposed height of the building is 15-ft (Exhibit A.15). The applicant indicates that the forest canopy is at least 25 feet (Exhibit A.13). *Criterion met.*

- 4.08 (7) Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property, except:**

(a) New communications facilities (transmission lines, antennae, dishes, etc.), may protrude above a skyline visible from an identified viewing area upon demonstration that:

- 1. The new facility could not be located in an existing transmission corridor or built upon an existing facility;**
- 2. The facility is necessary for public service; and**
- 3. The break in the skyline is the minimum necessary to provide the service.**

Staff: The applicant is proposing a 15-ft tall accessory building (Exhibit A.15). The terrain continues to rise from St Helen's Highway to Skyline Blvd. The building will remain below the skyline. *Criterion met.*

- 4.09 (D) Mining of a protected aggregate and mineral resource within a PAM subdistrict shall be done in accordance with any standards for mining identified in the protection program approved during the Goal 5 process. The SEC Application for Significant Scenic Views must comply only with measures to protect scenic views identified in the Goal 5 protection program that has been designated for the site.**

Staff: No mining is proposed. The applicant will be constructing an accessory building only. *Criterion not applicable.*

- 4.10 (E) The approval authority may impose conditions of approval on an SEC-v permit in accordance with MCC 33.4550, in order to make the development visually subordinate. The extent and type of conditions shall be proportionate to the potential adverse visual impact of the development as seen from identified viewing areas, taking into consideration the size of the development area that will be visible, the distance from the development to identified viewing areas, the number of identified viewing areas that could see the development, and the linear distance the development could be seen along identified viewing corridors.**

Staff: Staff has included conditions of approval to ensure that the building will remain visually subordinate from identified viewing areas.

5.00 Significant Environmental Concern for wildlife habitat Approval Criteria

5.01 § 33.4570 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT

(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 location of the proposed accessory building is within a small cleared area on the property. *Development standard met.*

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

Staff: The front of the building will be 90 feet from the edge of the public right of way known as NW Logie Trail Road. The back of the building will be approximately 120 feet from the same public right-of-way. *Development standard met.*

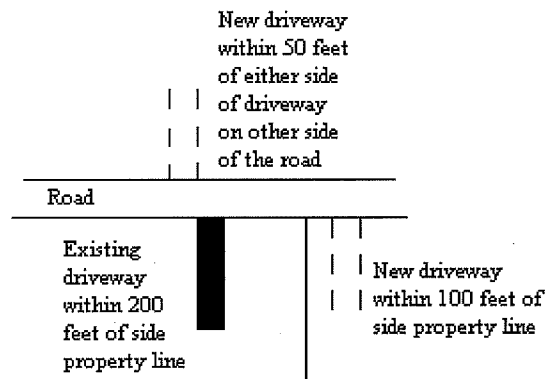
- 5.03 (3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.**

Staff: The driveway will end at the front of the new accessory building and will be 90 feet long. *Development standard met.*

- 5.04 (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.
- (c) Diagram showing the standards in (a) and (b) above.



For illustrative purposes only.

- (d) The standards in this subsection (4) may be modified upon a determination by the County Road Official that the new access road/driveway approach would result in an unsafe traffic situation using the standards in the Multnomah County “Design and Construction Manual,” adopted June 20, 2000, (or all updated versions of the manual). Standards to be used by the Road Official from the County manual include Table 2.3.2, Table 2.4.1, and additional referenced sight distance and minimum access spacing standards in the publication A Policy on Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials (AASHTO) and the Traffic Engineering Handbook by the Institute of Transportation Engineers (ITE).

1. The modification shall be the minimum necessary to allow safe access onto the public road.
2. The County Road Official shall provide written findings supporting the modification.

Staff: Staff reviewed aerial photographs for nearby driveways on the same side of the road as the subject property. Staff measured the closest driveway at 218 feet to the northwest on the same side of the street. The nearest driveway on the south side of the road is 123 ft to the southeast. *This development standard has not been met.*

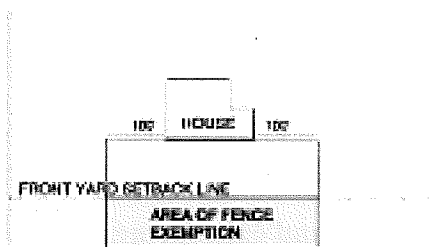
- 5.05 (5) The development shall be within 300 feet of a side property line if adjacent property has structures and developed areas within 200 feet of that common side property line.

Staff: The property to the north known as 19119 NW Logie Trail Road has development within 70 feet of the common property line. The accessory building is proposed at approximately 370 feet from this common line to the northeast. The property to the southwest is listed as vacant on the tax rolls. *This development standard has not been met.*

5.06 (6) Fencing within a required setback from a public road shall meet the following criteria:

- (a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.
- (b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.
- (c) Cyclone, woven wire, and chain link fences are prohibited.
- (d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.
- (e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.

FIGURE 33.4570A FENCE EXEMPTION AREA



- (f) Fencing standards do not apply where needed for security of utility facilities.

Staff: The applicant has indicated that no fencing will be constructed as part of this project. *Development standard met.*

5.07 (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: The applicant indicates that the site has stinging nettle, blackberry and common dandelion. The property owner has indicated that they will not plant any of these nuisance plants and will work to contain them in the cleared areas (Exhibit A.14). *Development standard met.*

5.09 (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

(2) The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section (B) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (B).

Staff: The proposed application has failed to meet two of the basic development standards listed in Sections 5.04 and 5.05 above. The property owner is not able to shift the location of the accessory building to meet MCC 33.4570(B)(5) and remain within 100 feet of the existing dwelling. In addition, the existing driveway cannot be moved and still serve the existing attached garage or a second driveway added as transportation planning rules only allow a single driveway per property. Since there are unique physical characteristics on the site due to the existing development, the wildlife conservation plan must meet (C)(1) above.

5.10 (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.

(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.

(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.

(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.

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

Staff: (a) The applicant has placed the building in an existing cleared area on the property. Removal of any trees will be necessary only for creation of the 30-ft primary fire safety zone. No unnecessary tree removal will occur.

(b) The proposed 17-ft by 20-ft workshop will need to have a 30-ft primary fire safety zone on the north, east and west side. The southern primary is already cleared and used for driveway access. The total cleared area for the new accessory building will not exceed 3,850 sq. ft. The total area cleared for the existing dwelling, on-site sewage disposal system, primary fire safety zone around the buildings and proposed accessory building will be less than $\frac{3}{4}$ of an acre.

(c) No new fencing is proposed. There does not appear to be any existing fencing that belongs to the Hausheers outside of the fence exemption area adjacent to the dwelling. A condition of approval has been included requiring any existing fencing outside of the cleared area be removed if it is under the Hausheers' control.

(d) The subject site is heavily forested. The only available area for reforestation is where the septic

drainfield is located. Since the new building will be constructed in an existing cleared area, no trees will be removed except for possibly the primary fire safety zone area. If any trees will need to be removed to prepare this area, the same number of trees will need to be planted around the drainfield area. A condition of approval has been included requiring the property owner to identify trees to be removed for the construction of the primary fire safety zone and then a separate plan showing where the new trees will be planted and maintained near the drainfield.

(e) There are no known riparian areas on the subject property.

Through conditions of approval and compliance with the approved site plan, the applicants have shown that the wildlife conservation plan and proposed development results in the minimum departure from the standards required in order to allow the use. *Criteria met.*

6.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Significant Environmental Concern permit for scenic views and wildlife habitat to establish an accessory building in the Commercial Forest Use – 2 (CFU) zone. This approval is subject to the conditions of approval established in this report.

7.00 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 T2-2017-7140 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	2/28/2017
A.2	4	Narrative	2/27/2017
A.3	3	Addendum & Photos	2/27/2017
A.4	8	Significant Environmental Concern for Views (SEC-v) Permit Worksheet	2/27/2017
A.5	6	Significant Environmental Concern for Wildlife Habitat (SEC-h) Worksheet	2/27/2017
A.6	3	Fire District Review	2/27/2017
A.7	3	Septic Review Certification	2/27/2017
A.8	1	Site Plan 1" = 70'	2/27/2017
A.9	1	Site Plan Detail 1" = 35'	2/27/2017
A.10	1	Contour Lines 1" = 20'	2/27/2017

A.11	1	Cover Letter addressing Incomplete Letter	5/8/2017
A.12	4	Additional Narrative	5/8/2017
A.13	8	SEC-v worksheet - Revised	5/8/2017
A.14	8	SEC-h worksheet - Revised	5/8/2017
A.15	1	Building Elevations	5/8/2017
A.16	1	Site Plan - Revised	5/8/2017
A.17	1	Site Plan Detail - Revised	5/8/2017
A.18	2	Metal Siding and Roofing Samples	5/8/2017
'B'	#	Staff Exhibits	Date
B.1	2	A&T Property Information for 2N2W13AC – 00600	2/28/2017
B.2	1	A&T Improvement Information 2N2W13AC – 00600	2/28/2017
'C'	#	Administration & Procedures	Date
C.1	3	Incomplete Letter	3/27/2017
Application Complete (Day 1)			5/22/2017
C.2	4	Opportunity to Comment	8/18/2017
C.3	18	Administrative Decision	9/18/2017