

NOTICE OF DECISION

Case File: T2-2019-12185

Permit: Significant Environmental Concern and Forest Development Standards

Applicant(s): Kelly Geiger **Owner(s):** Morgan & Justin Bors

Location: 14245 NW Skyline Blvd., Portland
Tax Lot 2600, Section 25, Township 2 North, Range 2 West, W.M.
Tax Account #R972250140 Property ID #R325909

Zoning: Commercial Forest Use – 2 (CFU-2)

Overlays: Significant Environmental Concern – wildlife habitat (SEC-h), Geologic Hazards (GH)

Proposal Summary: The applicant requests a Significant Environmental Concern and Forest Development Standards Permit for a replacement single-family dwelling and new accessory building.

Decision: Approved with Conditions

This decision is final and effective at the close of the appeal period, unless appealed. The deadline for filing an appeal is Monday, January 27, 2020 at 4:00 pm.

Opportunity to Review the Record: The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review at the Land Use Planning office. Copies of all documents are available at the rate of \$0.30/per page. For further information, contact Chris Liu, Staff Planner at 503-988-2964 or at chris.liu@multco.us.

Opportunity to Appeal: 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 office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

Issued By:



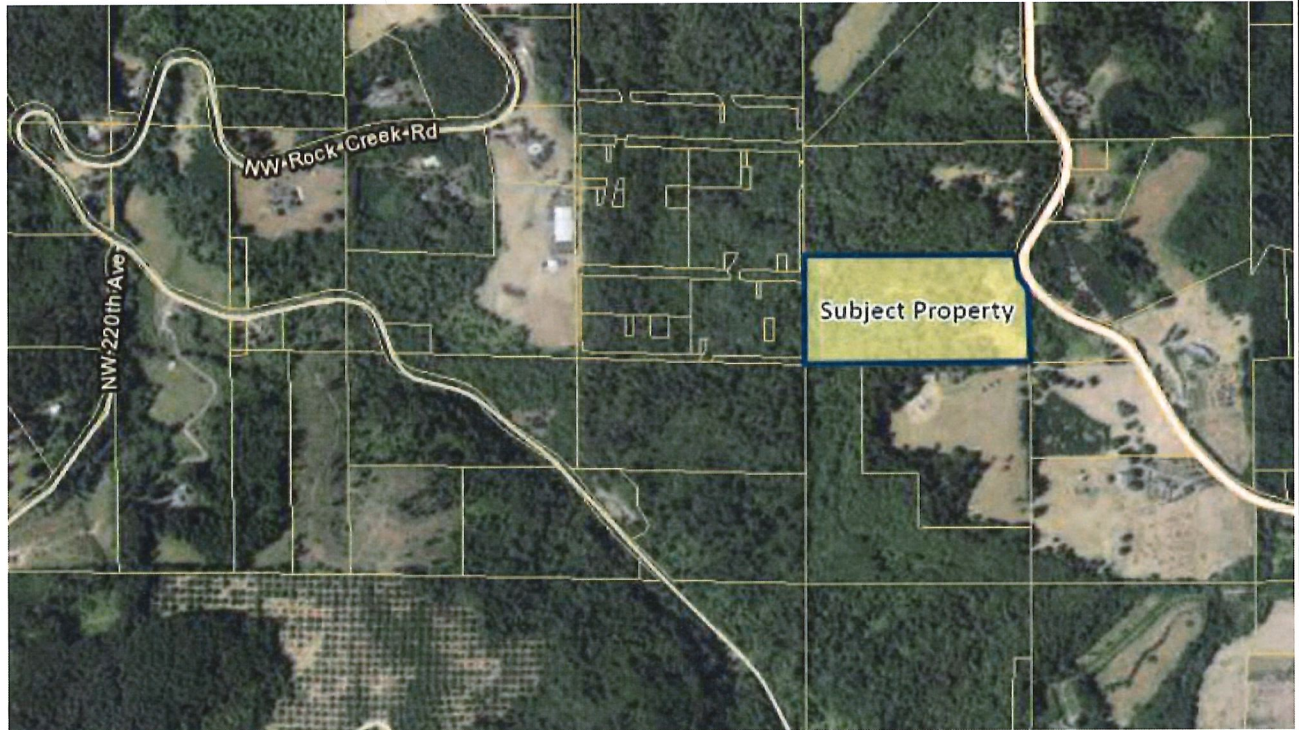
Chris Liu, Planner

For: Carol Johnson, AICP
Planning Director

Date: Monday, January 13, 2020

Instrument Number for Recording
Purposes: #2018-103731

Vicinity Map



Applicable Approval Criteria: Multnomah County Code (MCC):

General Provisions: MCC 39.1515 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.3005 Lot of Record – Generally, MCC 39.3030 Lot of Record - (CFU-2)

CFU-2 Zone: MCC 39.4070(D) & (T) Allowed Uses, MCC 39.4105 Building Height Requirements, MCC 39.4110 Forest Practices Setbacks and Fire Safety Zones, MCC 39.4115 Development Standards for Dwellings and Structures, MCC 39.4150 Single Family Dwellings Condition of Approval

Significant Environmental Concern: MCC 39.5520 Application for SEC Permit, MCC 39.5860 Criteria for Approval of SEC-h Permit

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-304 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link *Chapter 39: Zoning Code*

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. 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.

1. This land use permit for the **replacement dwelling expires** as noted in (a) and (b) below pursuant to MCC 39.1185(C) as applicable.
 - a) When construction has not commenced within **four (4) years of the date of the final decision**. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure.
 - b) When the structure has not been completed within **four (4) years of the date of commencement of construction**. Completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval.

Note: The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 39.1195, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.

2. This land use permit for the **accessory building expires** as noted in (a) and (b) below pursuant to MCC 39.1185(B) as applicable.
 - a) When construction has not commenced within **two (2) years of the date of the final decision**. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures for an approved above ground utility or development or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.
 - b) When the structure has not been completed within **four (4) years of the date of commencement of construction**. Completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval.

Note: The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 39.1195, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.

3. Prior to Land Use Planning review and sign-off for a building permit, the property owners or their representative shall:
 - a) Record pages 1 through 4 of this Notice of Decision with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and shall be filed with the Land Use Planning Division. Recording shall be at the applicant's expense. [MCC 39.1175]
 - b) Record the Covenant for the Accessory Building prohibiting the use of the building as a dwelling with the County Recorder. [MCC 39.8860]
 - c) The Building Plans shall contain the following:
 - i. Details on the proposed exterior lighting to demonstrate compliance with MCC 39.6850 Dark Sky Lighting Standards.

- ii. Details demonstrating the dwelling will have a fire retardant roof and a spark arrester on any proposed chimney. [MCC 39.4115(C)]
- 4. As an on-going condition, the property owner shall:
 - a) Establish and maintain the primary fire safety zone of 80 feet in all directions around the replacement dwelling. Trees within the primary fire safety zone shall be spaced with greater than 15 feet between crowns. The Trees shall 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 39.4110(D)]
 - b) Establish and maintain the primary fire safety zone of 80 feet in all directions around the accessory building. Trees within the primary fire safety zone shall be spaced with greater than 15 feet between crowns. The Trees shall 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 39.4110(D)]
 - c) The nuisance plants in MCC 39.5580 Table 1 shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property.

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 by land use planning, the applicant shall complete the following steps:

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, "Prior to land use sign-off for building plan check..." Be ready to demonstrate compliance with the conditions.
2. Contact Right-of-Way Permits at row.permits@multco.us, or schedule an appointment at <https://multco.us/transportation-planning/webform/right-way-appointment-request/>, or at 503-988-3582 for an appointment to review your plans and satisfy any other requirements. Failure to make an appointment with County Right-of-Way will result in delaying your building plan review and obtaining building permits.
3. Contact Chris Liu, Planner, at 503-988-2964 or chris.liu@multco.us, for an appointment for review of the conditions of approval and to sign the building permit plans. Land Use Planning must sign off on the plans and authorize the building permit before you can go to the Building Department. At the time of this review, Land Use Planning will collect additional fees.

The above must be completed before the applicant can obtain building permits from 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.

GENERAL PROJECT INFORMATION

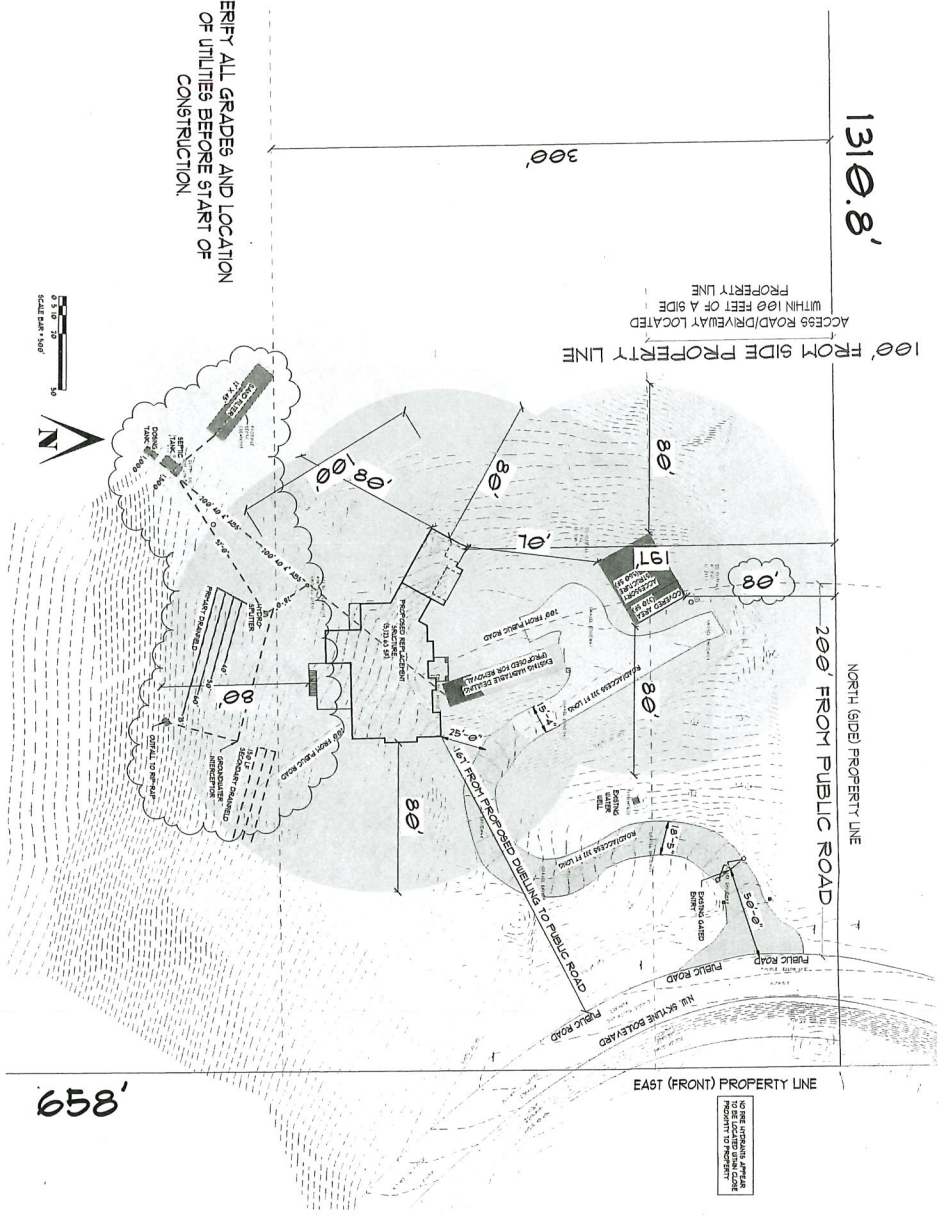
SITE ADDRESS	14245 NW SKYLINE BLVD, PORTLAND, OR 97229
EXISTING AREA FOOTPRINT	54 SF (UNIMPAVED DEADLAND)
PROPOSED PRIMARY DEADLAND FOOTPRINT	5,334 SF
PROPOSED ACCESSORY STRUCTURE FOOTPRINT	1,269 SF
GROSS LOT SIZE	862,448 SF (19.80 ACRES)
ZONING	COMMERCIAL FOREST (CF-1) (C79-3)
IMPERVIOUS AREA	
PRIMARY DEADLAND ROOF AREA (INCLUDING EAVES)	5,344 SF
ACCESSORY STRUCTURE ROOF AREA (INCLUDING EAVES)	1,279 SF
TOTAL IMPERVIOUS SURFACE AREA	6,623 SF

LEGEND

CLEARED NON-CROPPED AREA	
PROPOSED BUILDINGS	
PRIMARY FIRE SAFETY ZONE	

VERIFY ALL GRADES AND LOCATION OF UTILITIES BEFORE START OF CONSTRUCTION

OSP-1 SITE PLAN- PROPOSED
① SMALLER SHOP- OPT A
1" = 30'-0"



OCT 22 2019

RENAISSANCE HOMES

16771 BOONES FERRY ROAD
LAKE OSWEGO, OR 97035
P: (503) 636-5600 F: (503) 635-8400

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OSP-1

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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*.

1.0 PROJECT DESCRIPTION:

Staff: The applicant requests a Significant Environmental Concern – Wildlife Habitat (SEC-h) permit for a replacement dwelling and new accessory building in the Commercial Forest Use – 2 (CFU-2) zone. If approved, the existing manufactured dwelling will be removed from the subject property. The existing dwelling is located in a cleared area on the subject and the applicants will utilize this same area to construct the replacement dwelling.

2.0 PROPERTY DESCRIPTION:

Staff: The subject property is located in rural Multnomah County in the Commercial Forest Use – 2 (CFU-2) zone. The entire property is located within the Significant Environmental Concern – Wildlife Habitat (SEC-h) overlay, and portions of the property are located within the Geologic Hazards (GH) overlay. The proposed development is not located inside an area of the property within the GH overlay.

3.0 GENERAL PROVISIONS:

3.1 MCC 39.1515 Code Compliance and Applications

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 Zoning Code and/or any permit approvals previously issued by the County.

Staff: The subject property contains a single-family manufactured dwelling that will be replaced if this application is approved. Aerial photos and the submitted application materials do not indicate the presence of any unpermitted structures/buildings. Staff is unaware of any compliance issues on this property.

4.0 LOT OF RECORD CRITERIA:

4.1 MCC 39.3005 Lot of Record – Generally

(A) An area of land is a “Lot of Record” if it meets the standards in Subsection (B) of this Section and meets the standards set forth in this Part for the Zoning District in which the area of land is located.

(B) A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, either satisfied all applicable zoning laws and satisfied all applicable land

division laws, or complies with the criteria for the creation of new lots or parcels described in MCC 39.9700. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

Staff: In Land Use case no. T2-2010-948 the County found that the subject property was a Lot of Record (Exhibit A.5). As there have been no changes to the configuration of the subject property since that time (Exhibit B.3), the current configuration remains a Lot of Record. *Criteria met.*

4.2 MCC 39.3030 Lot of Record – CFU-2

(A) In addition to the standards in MCC 39.3005, for the purposes of the CFU-2 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.**

Staff: As stated in section 4.1 above, in Land Use Case no. T2-2010-948 the County found that the current configuration of the subject property is a Lot of Record and is not aggregated with any adjacent properties (Exhibit A.5). As there have been no changes to the configuration of the subject property since the previous land use decisions (Exhibit A.19), the current configuration remains a Lot of Record. *Criteria met.*

5.0 COMMERCIAL FOREST USE ZONE:

5.1 MCC 39.4070 Allowed Uses

(D) Alteration, maintenance, replacement or restoration of an existing lawfully established habitable dwelling as defined in MCC 39.2000 and located within 100-feet from an existing dwelling.

- (1) In the case of a replacement dwelling, the existing dwelling shall be removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.**
- (2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.**

MCC 39.2000 Definitions – Habitable Dwelling

Habitable Dwelling – An existing dwelling that:

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

(T) Accessory Structures subject to the following:

(1) The accessory structure is customarily accessory or incidental to any use permitted or approved in this base zone, is located within 100 feet of the dwelling and is a structure identified in the following list:

(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.

(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.**

(5) Compliance with MCC 39.8860 is required.

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

Staff: The applicant proposes to replace the existing manufactured dwelling on the subject property with a new stick-built single-family dwelling in the same location (Exhibit A.19). The applicant provided photos, utility bills, and other documents to demonstrate that the existing dwelling meets the definition of habitable as shown above (Exhibit A.9 – A.10). The County authorized the placement of the existing manufactured dwelling through Land Use case no. T2-2010-948 and approving the building plans for the building permit obtained through the City of Portland in 2010.

The applicant also proposes to construct a new accessory building, with an approximately 1300 sq. ft. footprint, within 100 feet of the proposed replacement dwelling (Exhibit A.19). There are no other proposed accessory buildings on the site plan; therefore, the total combined footprint limit of 2500 square feet is not exceeded (Exhibit A.19). The submitted floor plans show that the proposed accessory building will be an open floor plan garage with a single story (Exhibit A.20). A condition of approval requires the applicant to record a covenant prohibiting the use of the accessory building as a residence. *Criteria met through a condition of approval*

5.2 MCC 39. 4105 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 proposed replacement single-family dwelling is under 35 feet at the tallest point (Exhibit A.15). The proposed accessory building is under 35 feet at the tallest point (Exhibit A.20). *Criteria met.*

5.3 MCC 39.4110 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:

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)
Replaced or restored dwelling in same location & greater than 400 sq. ft. additional ground coverage	Nonconforming setback(s) of less than 30 ft. to property lines that existed as of August 26, 2006 may be maintained	30	30	Primary is required, except that if there was a nonconforming Forest Practice setback of less than 30 feet to property lines as of August 26, 2006, Primary is required to the full extent of the nonconforming Forest Practice setback as it

				existed on August 26, 2006.
Accessory structures within 100 ft. of the dwelling	N/A	30	30	Primary Required.

Staff: To meet the required forest practices setbacks listed in the table above, the proposed replacement building and proposed accessory building must have 30 feet setbacks from all property lines. As shown on the submitted site plan identified as Exhibit A.19, the proposed replacement single-family dwelling and proposed accessory building meet the required 30 feet forest practices setbacks from all property lines. A Primary Fire Safety Zone is required for both buildings and discussed in section 5.4 below. *Criteria met.*

5.4 (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 farther 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.

(2) 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. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 39.4155.

(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

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

(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: The topographical information submitted by the applicant shows the area surrounding the proposed replacement single-family dwelling and proposed accessory building are between 10% - 20% (Exhibit A.19). Based on this information, an additional 50 feet of primary fire safety zone is required, bringing the total required primary fire safety zone surrounding each proposed building to 80 feet. The submitted site plan shows that each of the two proposed buildings has an 80 feet primary safety zone in all directions and each primary fire safety zone is contained within the boundaries of the subject tract (Exhibit A.19).

A condition of approval (Condition #4) requires the property owner to establish and maintain the required 80 feet primary fire safety zone around the proposed replacement single-family dwelling and proposed accessory building within the subject tract. *Criteria met through a condition of approval.*

5.5 MCC 39.4115 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 39.6850:

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

(2) Replacement or restoration of a dwelling.

(b) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 39.4115(C);

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 39.4115(C);

(C) The dwelling or structure shall:

(1) Comply with the standards of the applicable building code or as prescribed in ORS 446.003 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 replacement single-family dwelling is not a mobile home. A condition of approval (Condition #3) requires the property owner to demonstrate on the building plans that the proposed replacement single-family dwelling and proposed accessory building contain a fire retardant roof. A condition of approval (Condition #3) also requires the property owner to demonstrate on the building plans that the proposed replacement single-family dwelling will have a spark arrester on each chimney. *Criteria met through conditions of approval.*

5.6 MCC 39.6850 Dark Sky Lighting Standards

(A) The purpose of the Dark Sky Lighting Standards in this Section is to protect and promote public health, safety and welfare by preserving the use of exterior lighting for security and the nighttime use and enjoyment of property while minimizing the obtrusive aspects of exterior lighting uses that degrade the nighttime visual environment and negatively impact wildlife and human health.

(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: A condition of approval requires that the property owner demonstrate on the building plans that any proposed exterior lighting complies with MCC 39.6850 (Dark Sky Lighting Standards). *As conditioned, the Criteria are met.*

6.0 SIGNIFICANT ENVIRONMENTAL CONCERN:

6.1 MCC 39.5860 Criteria for Approval of SEC-H Permit – Wildlife Habitat

(B) Development standards:

(1) Where a parcel contains any nonforested "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: Per the submitted revised site plan (Exhibit A.19), the proposed replacement dwelling and proposed accessory building will be placed in the existing cleared area that contains the current dwelling and driveway improvements. *Criterion met.*

6.2 (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: Greater than 50% of the replacement home will not be within 200 feet of NW Skyline Blvd., a public road providing access to the site. *Criterion not met.*

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

Staff: Per the submitted revised site plan (Exhibit A.19), the driveway serving the development is approximately 322 feet from the NW Skyline Blvd. public right-of-way. *Criterion met.*

6.4 (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.

Staff: The existing driveway approach is approximately 20 feet from the north property line, which serves as the common side property line between the subject property and the adjacent property (Exhibit A.19). The adjacent property contains a driveway approach within 200 feet of the aforementioned side property line; hence, the location of the existing driveway for the subject property is within 100 feet of the common side property line. *Criteria met.*

6.5 (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 south of the subject property contains structures and developed areas within 200 feet of the common side property line. The proposed replacement dwelling and proposed accessory building are not within 300 feet of the aforementioned common side property line (Exhibit A.19). *Criterion not met.*

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

Staff: The applicant did not propose any fencing. No fencing is shown on the revised site plan (Exhibit A.19). *Criterion met.*

6.7 (7) The nuisance plants in MCC 39.5580 Table 1 shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property.

Staff: A condition of approval is included requiring compliance with this requirement. The property owner contracted with Ashcreek Forest Management LLC for nuisance plant removal on the subject property. A vegetation management plan is included as Exhibit A.7. *Criterion met through a condition of approval.*

6.8 (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 subsection (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 cannot meet all development standards listed in subsection (B) due to physical characteristics unique to the property. As this request is for a replacement dwelling, the applicant proposes to utilize the existing cleared area containing the current dwelling (Exhibit A.19) in order to reduce impacts to the surrounding forest. Constructing the replacement dwelling in the forested area would require extensive tree removal, grading and ground disturbance which would conflict with the intent of the wildlife habitat overlay. Therefore, the applicant provided the information discussed below to support their belief that the proposed wildlife conservation plan results in the minimum departure from the standards of (B).

6.9 (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 applicant proposes to utilize the existing cleared area containing the current dwelling as the site for the proposed replacement dwelling (Exhibit A.19). By utilizing the existing cleared area, the applicant will not need to clear additional forested areas to accommodate the proposed replacement dwelling or proposed accessory building (Exhibit A.2). Staff concurs that utilizing the existing cleared area will reduce impacts to the forested

area to the minimum necessary to serve the proposed development and disturb the least amount of forest canopy cover. *Criterion met.*

- 6.10 (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 replacement dwelling and proposed accessory building will be placed in the existing cleared area containing the current dwelling (Exhibit A.19). As described in the applicant narrative (Exhibit A.2), no new clearing will be necessary to remove the current dwelling, construct the replacement dwelling, or construct the accessory building. *Criterion met.*

- 6.11 (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: No fencing is proposed nor is any fencing shown on the revised site plan (Exhibit A.19). *Criterion met.*

- 6.12 (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: As referenced above, the applicant did not propose any new cleared areas as part of this application. *Criterion met.*

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

Staff: Per County topographic information and information submitted by the applicant (Exhibit A.19), the property does not contain any streams or stream riparian areas; hence, there will be no disturbance in such areas. *Criterion met.*

- 6.14 (4) For a property meeting subsection (C)(1) above, the applicant may utilize the following mitigation measures for additions instead of providing a separate wildlife conservation plan:**

Staff: The applicant addressed the wildlife conservation plan requirements listed in (C)(3) above. See section 6.9 – 6.13.

- 6.15 (5) Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (C)(3) of this section, the wildlife conservation plan must demonstrate the following:**

Staff: The applicant addressed the wildlife conservation plan requirements listed in (C)(3) above. See section 6.9 – 6.13.

- 6.16 (6) For Protected Aggregate and Mineral (PAM) resources within a PAM Overlay, the applicant shall submit a Wildlife Conservation Plan which must comply only with measures identified in the Goal 5 protection program that has been adopted by Multnomah County for the site as part of the program to achieve the goal.**

Staff: The subject property is not within the Protected Aggregate and Mineral (PAM) overlay. *Criterion not applicable.*

7.0 CONCLUSION:

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Significant Environmental Concern – Wildlife Habitat and Forest Development Standards Permit to establish the proposed replacement dwelling and accessory building in the Commercial Forest Use - 2 zone. This approval is subject to the conditions of approval established in this report.

8.0 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 T2-2019-12185 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application Form	07.02.2019
A.2	6	Narrative	07.02.2019
A.3	1	Exhibit A: Existing Conditions Map (Not-to-scale)	07.02.2019
A.4	1	Exhibit B: Site Plan (Not-to-scale)	07.02.2019
A.5	7	Exhibit 2: Notice of Decision Land Use Case T2-2010-948	07.02.2019
A.6	1	Exhibit 3: Google Street View Map	07.02.2019
A.7	6	Exhibit D: Vegetation Management Plan	07.02.2019
A.8	5	Exhibit E: Fire Service Agency Review completed by Tualatin Valley Fire & Rescue	07.02.2019
A.9	8	Exhibit F: Photos of Existing Home	07.02.2019
A.10	4	Exhibit G: Power Bill for Subject Property	07.02.2019
A.11	15	Septic Review Certification (Unsigned)	07.02.2019
A.12	5	Certification of Water Service	07.02.2019
A.13	35	Stormwater Certificate and Supporting Documents	07.02.2019

A.14	14	Supplemental Information	07.02.2019
A.15	9	Site & Building Plans (To-Scale)	07.02.2019
A.16	7	Septic Review Certification (signed)	10.22.2019
A.17	3	Receipt for payment of additional application fees	10.22.2019
A.18	1	Revised Site Plan OSP-1 (Not-to-scale)	10.22.2019
A.19	1	Revised Site Plan OSP-1 (To-Scale)	10.22.2019
A.20	2	Revised Elevation Drawings and Floor Plan for proposed accessory building (To-Scale)	10.22.2019
'B'	#	Staff Exhibits	Date
B.1	2	A&T Property Information	07.02.2019
B.2	2	Pre-filing Conference Waiver Request	07.02.2019
B.3	3	Warranty Deed recorded 10.04.2018 as Instrument no. 2018-103731	07.02.2019
'C'	#	Administration & Procedures	Date
C.1	3	Incomplete Letter	07.30.2019
C.2	1	Applicant Response	08.13.2019
C.3	1	Complete Letter (Day 1)	10.25.2019
C.4	6	Opportunity to Comment	12.09.2019
C.5	16	Administrative Decision	01.13.2020