

1 (3) A dwelling, as proposed, is compatible with the primary uses as listed in
2 MCC 11.15.2168 on nearby property and will not interfere with the
3 resources or the resource management practices or materially alter the
4 stability of the overall land use pattern of the area.

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6 (4) The dwelling will not require public services beyond those existing or pro-
7 grammed for the area.

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9 (5) The owner shall record with the Division of Records and Elections a
10 statement that the owner and the successors in interest acknowledge the
11 rights of owners of nearby property to conduct accepted forestry or farm-
12 ing practices.

13
14 (6) The dwelling will be located outside a big game winter habitat area as
15 defined by the Oregon Department of Fish and Wildlife, or that agency
16 has certified that the impacts are acceptable.

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18 (7) A residential use located in the MUF district after August 14, 1980 shall
19 comply with the following:

20
21 (1) The fire safety measures outlined in the "Fire Safety Considerations
22 for Development in Forested Areas", published by the Northwest
23 Inter-Agency Fire Prevention Group, including at least the following:

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25 a) Fire lanes at least 30 feet wide shall be maintained between a resi-
26 dential structure and an adjacent forested area;

1 b) Maintenance of a water supply and of fire fighting equipment suffi-
2 cient to prevent fire from spreading from the dwelling to adjacent
3 forested areas;

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5 (2) An access drive at least 16 feet wide shall be maintained from the
6 property access road to any perennial water source on the lot or an
7 adjacent lot;

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9 (3) The dwelling shall be located in as close proximity to a publicly main-
10 tained street as possible, considering the requirements of MCC
11 11.15.2058(B). The physical limitations of the site which require a
12 driveway in excess of 500 feet shall be stated in writing as part of the
13 application for approval;

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15 (4) The dwelling shall be located on that portion of the lot having the low-
16 est productivity characteristics for the proposed primary use, subject
17 to the limitations of subpart #3 above;

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19 (5) Building setbacks of at least 200 feet shall be maintained from all
20 property lines, wherever possible, except:

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22 a) a setback of 30 feet or more may be provided for a public road, or

23
24 b) the location of dwelling(s) of adjacent lots at a lesser distance
25 which allows for clustering of dwellings or sharing of access;

1 (6) The dwelling shall comply with the standards of the Uniform Building
2 Code or as prescribed in ORS 446.002 through 446.200, relating to
3 mobile homes;

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5 (7) The dwelling shall be attached to a foundation for which a building
6 permit has been obtained;

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8 (8) The dwelling shall have a minimum floor area of 600 square feet; and

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10 (9) The dwelling will be located outside a big game winter habitat area as
11 defined by the Oregon Department of Fish and Wildlife or that agency
12 has certified that the impacts will be acceptable.

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14 **II. FINDINGS OF FACT**

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16 The applicant requests approval to develop the property with a non-
17 resource related single family dwelling. The subject property is a 29,000 sq.ft.
18 Lot of Record comprising four lots in the plat of Burlington and located on the
19 west side of McNamee Road approximately $\frac{3}{4}$ mile south of US Highway 30.
20 The site is wooded with a mix of deciduous and evergreen vegetation.

21
22 The surrounding area, with the exception of a 0.93 acre parcel contiguous
23 to the west, is characterized by a mixture of several smaller lots also within the
24 plat of Burlington and large parcels (60 plus acres) all in the ownership of Agen-
25 cy Creek Management Company, which are being used for commercial forestry
26 purposes. Nearly all of the immediate surrounding area was harvested for tim-

1 ber purposes within the past six to nine months. All of the area harvested was
2 replanted. While there are nine non-resource related residences within a one
3 square mile area of this site, only one is on property zoned MUF-19 and is locat-
4 ed along US Highway 30. The remaining residences are on properties zoned
5 Rural Residential.

6 7 **III. EVALUATION OF THE APPLICATION**

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9 After hearing testimony, arguments and weighing the evidence, the
10 Board finds the proposal does not satisfy all approval criteria required by
11 MCC 11.15.2172(C). The Board finds specifically that the proposal is incom-
12 patible with the commercial forest uses of the surrounding area. All of the
13 property within the 500 foot notification area, with the exception of the 0.93
14 acre parcel noted above and a 0.54 acre parcel in the ownership of Portland
15 General Electric, are in one single ownership and managed for commercial
16 forestry purposes. The Board finds that development of this 0.66 acre parcel
17 with a non-resource related single family residence, only 30 feet from com-
18 mercial forest properties, would alter the stability of the commercial forest
19 land use pattern of the surrounding area.

20 21 **IV. CONCLUSIONS AND DECISION**

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23 Based on the above findings and evaluation, the Board of Commissioners
24 concludes that the proposed Conditional Use does not comply with applicable
25 standards of the Multnomah County Code. Specifically, it does not satisfy MCC
26 11.15.2172(C)(3). Therefore, the Board of Commissioners hereby upholds the

1 Planning Commission decision in this matter and denies the non-resource relat-
2 ed residence requested in CU 15-91.

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5 DATED this 26th day of November, 1991

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Gladys McCoy
Gladys McCoy, Multnomah County Chair

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15 REVIEWED AS TO FORM:
16 LAURENCE KRESSEL, COUNTY COUNSEL
17 FOR MULTNOMAH COUNTY, OREGON

18

19 By: *John DuBay*
John DuBay, Chief Deputy County Counsel

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