

**MULTNOMAH COUNTY****LAND USE AND TRANSPORTATION PROGRAM**1600 SE 190TH Avenue Portland, OR 97233

PH: 503-988-3043 FAX: 503-988-3389

http://www.co.multnomah.or.us/dbcs/LUT/land_use

NOTICE OF DECISION

This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

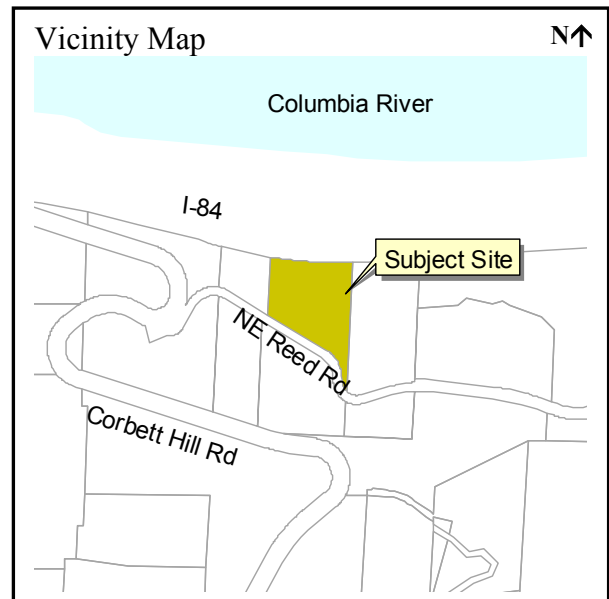
Case File: T2-05-013

Permit: National Scenic Area Site Review

Location: 36803 NE Reed Road
TL 100, Sec 26, T1N, R4E, W.M.
Tax Account #R94426-0420

Applicant: Mitch Speck
Speck Enterprises
45225 SE Paha Loop Drive
Sandy, OR 97055

Owner: Jeffery and Roberta Pulliam
36803 NE Reed Road
Corbett, OR 97019



Summary: Permit request for an alteration of a structure greater than 50 years old. Applicant proposes to enlarge the original windows on the south side of the dwelling as part of a project to repair dry rot in the exterior wall.

Decision: Approved.

Unless appealed, this decision is effective Thursday, April 21, 2005, at 4:30 PM.

Issued by:

By: _____
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Thursday, April 07, 2005

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's 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 Don Kienholz, Staff Planner at 503-988-3043.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 38.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Columbia River Gorge Commission until all local appeals are exhausted.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Thursday, April 21, 2005 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 38.0030 - Existing Uses; MCC 38.7045(A)(3) - Cultural Resource Reconnaissance Surveys

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at http://www.co.multnomah.or.us/dbcs/LUT/land_use.

Scope of Approval

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s) and is for the alteration of the dwelling as described in the narrative and the replacement of the windows as indicated. 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. **Pursuant to MCC 38.0690, this land use permit expires two years from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 38.0690 and 38.0700. A permit extension must be completed prior to the expiration date of the permit.**

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: Written findings are contained herein. The Multnomah County Code criteria are in **bold** font. Staff comments and analysis are identified as **Staff:** and follow Applicant comments identified as **Applicant:** to the applicable criteria. Staff comments include a conclusionary statement in *italic*.

1. **Project Description**

Staff: The applicant is proposing to replace portions of the dwellings' exterior wall that have been damaged by dry-rot. Additionally, several original windows on the 1934 home have deteriorated and need to be replaced. Due to new fire safety standards in the building code, the windows must be enlarged to accommodate fire personnel ingress and egress. Replacement of the dry rotted areas requires removal of damaged siding and replacing it with similar materials. The replacing the dry rotted siding and wood framing as well as the original windows on a structure over 50 years old is an alteration to a historic structure and is allowable in the GGR-5 zoning district. However, since the structure is over 50-years old and the replacement windows are larger than the originals, the structure must undergo an historic survey to identify potential affects to the historic or architectural character. Since no other development activity is proposed, this NSA Site Review is limited to this aspect of site review.

2. **Site Characteristics and Vicinity**

Staff: The subject site is located off of Corbett Hill Road and within close proximity to Interstate-84. The immediate area consists of smaller lots roughly 2-acres in size or less that are partially forested. Dwellings and out-buildings are located on most properties. Steep slopes dominate the area from Interstate-84 up to Chamberlain Road and to the top of the ridge near the Historic Columbia River Highway.

The dwelling currently is prepped and prepared for work to commence on the structure once building permits are obtained.

3. **Proof of Ownership**

MCC 37.0550 Initiation Of Action.

Except as provided in MCC 37.0760, Type I - IV applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.

Staff: Multnomah County Assessment and Taxation records show Jeffery and Roberta Pulliam as owners of the subject property. Both Mr. and Mrs. Pulliam signed the NSA Application form authorizing an action to be taken on their property. Mitch Speck signed the form as the applicant on behalf of the owners.

Criterion met.

4. **Public Comment**

MCC 38.0530(B) Type II Decisions

(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are typically assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses, and it's relationship to scenic, natural, cultural and recreational resources of the area. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the Gorge Commission; the U.S. Forest Service; the Indian tribal governments; the State Historic Preservation Office; the Cultural Advisory Committee; and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed, except for comments regarding Cultural Resources, which will be accepted for 20 days after the notice is mailed. The Planning Directors decision is appealable to the Hearings Officer. If no appeal is filed the Planning Directors decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

Staff: An Opportunity to Comment was mailed out on March 11, 2005 after the application was deemed complete. One comment letter was received by the Friends of the Columbia River Gorge, an advocacy group. Their letter raised concerns about the application not including all of the site plan information as required under MCC 38.0045. They go on to say that whether or not a site is visible from key viewing areas, the project must address the scenic review criteria of MCC 38.7035.

MCC 38.7015 (Application for NSA Site Review) states that an application shall address the applicable criteria for site review. Due to the limited change to the structure, staff finds that the criteria listed below are the only criteria applicable to the limited review.

Procedures met.

5. **The NSA Scenic Review Criteria Are Not Applicable**

MCC 38.7035 GMA Scenic Review Criteria

The following scenic review standards shall apply to all Review and Conditional Uses in the General Management Area of the Columbia River Gorge National Scenic Area:

(A) All Review Uses and Conditional Uses

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MCC 38.7055 GMA Wetland Review Criteria

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MCC 38.7070 GMA Rare Plant Review Criteria

Rare Plant Site Review shall be required for any project within 1,000 feet of endemic plants and sensitive plant species.

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MCC 38.7080 GMA Recreation Resource Review Criteria

Staff: The site review criteria of MCC 38.7035 are not applicable per MCC 38.7015. The GMA Scenic Review criteria for these sections analyze new buildings, roads, access points, and erosion control features and how they could impact scenic resources as seen from Key Viewing Areas. Replacing old windows with new ones on an existing structure has no reviewable impact on the listed criteria and therefore the scenic review criteria are not applicable.

The GMA Wetland Review Criteria are for projects that disturb soil or include new development. The replacement of damaged portions of siding and new windows does not trigger the review criteria under MCC 38.7015.

The GMA Rare Plant Review Criteria do not apply since there is no ground disturbance associated with the development.

The GMA Recreation Resource Review criteria do not apply since the project is not on recreational zoned property and does not include any proposed recreation use.

Criteria not applicable.

6. **The Dwelling Is Not Considered Historically or Architecturally Significant**

MCC 38.7045 GMA Cultural Resource Review Criteria

(A) Cultural Resource Reconnaissance Surveys

(3) A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the buildings or structures that are 50 years old or older.

Staff: The applicants' proposal was sent to the US Department of Forestry for a Heritage Resource Inventory. Marge Dryden, the Heritage Resource Program Manager for the Columbia River Gorge National Scenic Area prepared a report (Exhibit 1) for the structure and determined the house "does not display elements of superior or distinctive architecture." Additionally, she concluded that the inventory failed to yield any indications that important information about the history of the area. Since there are no significant historic or cultural aspects of the dwelling or property, no further review is necessary for the allowed use. The conclusions of the Heritage Resource Inventory were forwarded on to the Oregon State Historical Preservation Office (SHPO) on Ms. Dryden's recommendation. SHPO determined the proposal would have no effect on the architectural appearance nor compromise features of the surrounding area that are important in defining the historic or architectural character of buildings in the area

Criterion met.

Conclusion:

Based on the findings and other information provided above, this application for a limited National Scenic Area Site Review has satisfied the applicable Multnomah County Zoning Code requirements.

Exhibits

1. Historic Cultural Resource Report from the US Forest Service.