

**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.

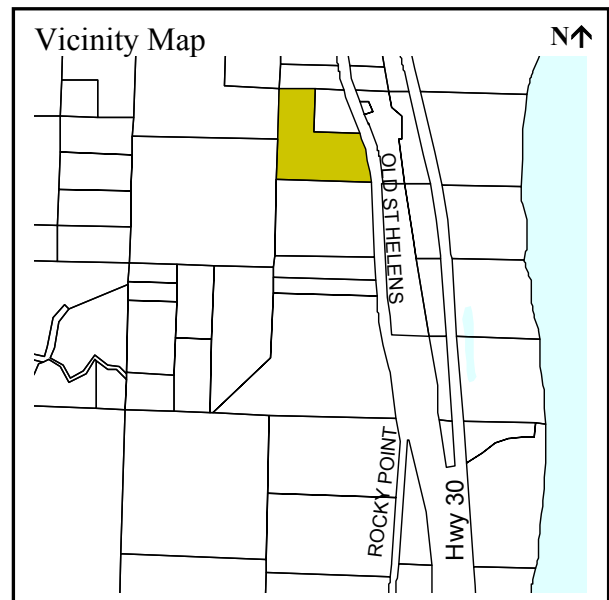
Case File: T2-05-060

Permit: Significant Environmental Concern For
Scenic Views

Location: The Property South of 26501 NW St.
Helens Road
TL 1500, Sec 25D, T 3N, R2W, W.M.
Tax Account #R98225-0110

Applicant: Susan Moon

Owner: Donald & Theora Campbell



Summary: Applicant is requesting a modification of a prior approval of a Significant Environmental Concern Permit for areas with Scenic Views (T3-01-013) in order to construct a single family dwelling in the CFU-5 zoning district.

Decision: Approved with conditions.

Unless appealed, this decision is effective Monday, November 14, 2005, at 4:30 PM.

Issued by:

By: _____
Lisa Estrin, Planner

For: Karen Schilling- Planning Director

Date: Monday, October 31, 2005

Instrument Number for Recording Purposes: # 2005145476

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 Lisa Estrin, 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 37.0640. 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 Land Use Board of Appeals 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 Monday, November 14, 2005 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC):

Commercial Forest Use – 5 Zoning District

MCC 33.2505 Development Standards for Dwellings and Structures

Significant Environmental Concern – Scenic Views

MCC 33.4510(A) Uses, SEC Permit Required

MCC 33.4520 Application for SEC Permit

MCC 33.4565 Criteria for Approval of SEC-v Permit, Significant Scenic Views

Chapter 37: Administration and Procedures, specifically MCC 37.0530(B) Type II Process, MCC 37.0550 Initiation of Action, MCC 37.0560 Code Compliance and Applications, MCC 37.0690 Expiration and Extension of a Type II Or Type III Decision in EFU and CFU Zones.

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). 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 37.0690(B), 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 37.0690 and 37.0700.**

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.

1. Within 30 days of this decision becoming final (by December 1, 2005) and prior to building permit sign-off, the applicant shall record the Notice of Decision (pages 1-3 of this decision) and Exhibit B.6 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 filed with the Land Use Planning Division, and a copy of the recorded document shall be submitted to the Land Use Planning Division. Recording shall be at the applicant's expense. Failure to record the Notice of Decision within the above 30 day time period may void the decision. [MCC 37.0670]
2. This decision modifies Condition No. 1 of T3-01-013 for the size and configuration of the dwelling and Condition No. 15 for color choice.
3. The exterior colors for the dwelling shall be as follows:
 - a. Wood Siding - Bitter Chocolate;
 - b. Trim - Stone Hearth
 - c. Composition Roof Shingle – Driftwood.

The property owner shall not vary from this selection without advance written confirmation from Multnomah County Land Use Planning that the alternate color qualifies as a dark natural or dark earthtone. [MCC 33.4565(C)(2)]

4. Prior to land use sign-off for the building permit, the property owner or their representative shall provide lighting details on the exterior lighting. The proposed exterior lighting shall be directed downward, hooded and shielded so that the light is not visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials. [MCC 33.4565(C)(3)]
5. The property owner shall be responsible for the proper maintenance and survival of any required vegetation. Any required vegetation which is damaged or destroyed by inclement weather or dies or becomes diseased to the extent that it no longer serves its purpose shall be immediately replanted with Douglas Firs or Cedars, as appropriate to the soil conditions, which are a minimum of 6 ft tall. The required vegetation consists of all trees, shrubs and other plantings other than grass **to the east of the subject building.** [MCC 33.4565(C)(4)]

Note: Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Portland. Six (6) sets each of the site plan and building plans are needed for building permits signed off. Please contact Lisa Estrin at 503.988.3043 to obtain an appointment for sign-off review.

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.
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Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code criteria and Comprehensive Plan Policies are in **bold** font. The applicants statements are identified below as ‘**Applicant:**’. Staff comments and analysis are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

Project Description:

Applicant: A proposed site plan is enclosed...The use will be a single family residence with a three – bedroom house. The predicted population will be two adults and two children. No business is proposed for the site. Water service will be by means of a well. Sewage disposal will be by means of a septic tank.

Road access is to a County Road. The Access location is developed and has been in use since prior to 1983. The road is actually a frontage road owned by ODOT, but it is managed as a County road by Multnomah County.

Staff: The applicant is requesting to modify the Significant Environmental Concern permit for Scenic Views issued as a part of the Hearings Officer’s Decision T3-01-013. In that decision a 2,600 square foot dwelling was approved with set elevations, colors and location. The applicant desires to construct a two story dwelling with attic, which is smaller in size than previously approved under T3-01-013. Since the May 2002 approval for the Significant Environmental Concern for Scenic Views permit is building design specific, a new permit is necessary to allow the modification of the building footprint and exterior elevations. MCC 37.0660 specifies that a condition of a permit can be modified through the same process and subject to the same criteria as the original permit. If approved, this application will modify the Significant Environmental Concern for Scenic Views permit issued in T3-01-013 only. Conditions No 1 and No. 15 of T3-01-013 are being modified as part of this permit.

History:

Staff: In May 2002, a Multnomah County Hearings Officer approved a Conditional Use and a Significant Environmental Concern Permit for Scenic Views, Wildlife Habitat and Streams (T3-01-013) to allow the construction of a single family dwelling on the subject property. The following conditions of approval were included as a part of the decision:

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). The subject property shall be developed in the manner promised by the applicant. 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. Prior to building permit sign-off, the applicant or property owner shall submit a signed statement confirming that they have provided a copy of a forest stocking survey to the county assessor in accordance with the procedures and provisions of MCC 33.2440(A)(6).
3. Prior to building permit sign-off, the applicant or property owner shall submit a copy of a recorded statement indicating that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices (MCC 33.2440(A)(8)).
4. Prior to issuance of a building permit, the property owner shall install primary and secondary fire safety zone fuel breaks around the footprint of the residence consistent with the fire safety

standards plan prepared by Philip Thompson, Architect, and in accordance with the requirements of MCC 33.2505(A)(5). It is the property owner's responsibility to maintain these safety zones in accordance with these requirements as long as the property is under forest resource zoning.

5. Except where necessary to comply with other conditions of this decision, existing trees and understory vegetation located south and east of the residence are to be maintained in their present condition to provide a vegetated buffer between the residence and Jones Creek and to visually screen the dwelling from Highway 30, the Multnomah Channel, and identified scenic viewing areas on Sauvie Island (MCC 33.4555(F), .4555(G), .4565(C)(I), and .4565(C)(4)).

6. The proposed dwelling shall; (a) comply with applicable standards of the Building Code or as prescribed in ORS 446.002 through 446.200; (b) have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained; (c) have a fire retardant roof; and (d) have a spark arrester on each chimney (MCC 33.2505(B)).

7. Prior to building permit sign-off, a well report shall be submitted demonstrating compliance with MCC 33.2505(C). At that time, persons entitled to notice will again be notified that the water service part of the approval criteria is being reviewed and will be given the opportunity to comment and appeal the County's decision regarding compliance with well report approval criteria.

8. Prior to issuance of a building permit, the applicant is to provide verification from a qualified professional engineer that the proposed driveway from the public road to the home has been constructed to the specified width, grade, and location and that the surface can support 52,000 lbs. GVW (MCC 33.2505(D) and Plan Policy 38).

9. The applicant/property owner shall implement the mitigation plan prepared by Philip Thompson, architect, described in narrative form in a site analysis documents dated August 6, 2001 and April 15, 2002 and illustrated map revised January 20, 2002. Plantings within the wetland depression shall include native sedge and at least 20 red osier and yellow-twig dogwoods. Ten fir and ten maple trees, each at least two gallons in size, are to be staggered 40 feet off center along the edge of the meadow, northwest of the dwelling site. All plantings are to be finished no later than fall of the year in which the dwelling is completed (MCC 33.4555(F), .4555(G), .4570(C)(3)(d), .4570(C)(3)(e), and .4575(D)(I)(c)).

10. It is the applicant/property owner's responsibility to annually monitor the plantings required under Condition #9, to ensure an 80 percent annual survival rate, for a period of five years (MCC 33.4575(D)(1)(d)).

11. Soil disturbing activities within the Stream Conservation Area (i. e. areas within 300 feet of the adjoining creek) shall be limited to the period between June 15th and September 15th. Re-vegetation and stabilization of soils must be accomplished no later than October 15th. Best Management Practices related to erosion control shall be conducted within the Stream Conservation Area. (MCC 33.4575(E)(6)).

12. Any trees 6" in caliper or larger within the Stream Conservation Area that are removed as a result of development shall be replaced by any combination of native species whose combined caliper is equivalent to that of the trees removed (MCC 33.4575(E)(4)).

13. The applicant/property owner shall ensure that all grading work attributed to this development is conducted in accordance erosion control narrative prepared by Philip Thompson, architect, dated

April swale/detention areas as shown on the stormwater site plans prepared by Philip Thompson, architect, dated April 15, 2002, unless revised with an approved Hillside Development Permit (MCC 33.4555(J) and MCC 33.4575(E)(5)).

14. Exterior lighting, shall be directed downward and sited, hooded and shielded such that it is not highly visible from viewing areas to the east. Shielding and hooding materials shall be composed of non-reflective, opaque materials (MCC 33.4555(L), MCC 33.4565(C)(3), and MCC 33.4575(E)(3)).

15. Exterior colors for the dwelling are to match shades identified on the applicant's color board as Blind Faith PPOC-68, Into The Night PPOC-80, Tierra Del Fuego PPOC-67, Coffee Brown PPOC-79, or Raspberry Cappuccino PPOC-78. Dark toned composition shingles are to be used for roofing. The applicant/property owner shall not vary from this selection without advance written confirmation from Multnomah County Land Use Planning that the alternate method of exterior treatment involves the use of dark natural or dark earth-tone materials (MCC 33.4555(L) and .4565(C)(2)).

16. Only non-reflective or low reflective building materials are to be used in the construction of the exterior of the residence. For the purpose of this decision, windows with a reflectivity rating less than or equal to 13 percent qualify as low reflective materials (MCC 33.4555(L) and .4565(C)(2)).

17. The nuisance plants listed under Finding #13G shall not be planted and are to be removed from areas proposed for development and mitigation (MCC 33.4570(B)(7) and .4570(C)(3)(e)).

18. Drainage of storm run-off attributed to the new residence is to be managed with an infiltration system (soakage trench) and driveway run-off with landscaped swale and swale/detention areas as shown on the stormwater site plans prepared by Philip Thompson, architect, unless revised with an approved Hillside Development Permit (MCC 33.4575(E)(2) and Plan Policy 37).

19. The applicant/owner shall record a copy of the Notice of Decision and Conditions of Approval with the Multnomah County Recorder within 30 days of the date this decision becomes final. A copy of the recorded document shall be submitted to the Land Use Planning Office prior to building permit sign-off (MCC 37.0670).

20. Pursuant to MCC 37.0690, 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 37.0690 and 37.0700. Such a request must be made prior to the expiration date of the permit.

1.00 *Administration and Procedures*

1.01 **Type II Case Procedures**

MCC 37.0530(B): ...Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations 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 and renders a decision...

Staff: The application was submitted June 8, 2005 and was deemed complete as of August 18, 2005. An "Opportunity to Comment" was mailed on September 12, 2005 to all properties within 750 feet of the subject properties in compliance with MCC 37.0530. No written

comments were received.

1.02 **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: The proposed project is located on Tax Lot 1500, Section 25D, Township: 3 North, Range: 2 West. Assessment & Taxation records show that the land is owned by Donald & Theora Campbell. The property owners have granted approval for Susan Moon to make application for the necessary permits to establish a single family dwelling on the property (Exhibit A.1). *This criterion has been met.*

1.03 **MCC 37.0560 Code Compliance And Applications.**

Except as provided in subsection (A), the County shall not make a land use decision, or issue a building permit approving development, including land divisions and property line adjustments, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: Staff found no known violations or complaints for the subject site. *This criterion is not applicable at this time.*

2.00 ***Significant Environmental Concern – Scenic Views Criteria***

2.01 **MCC 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 proposed single family dwelling was permitted through a Conditional Use Permit in May 2002. The applicant is requesting a SEC-v permit to modify the design of the structure

previously approved in T3-01-013.

2.02 MCC 33.4520 Application for SEC Permit

An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for approval, under MCC 33.4560 through 33.4575.

(A) An application for an SEC permit shall include the following:

(1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC 33.4560 through 33.4575.

Staff: The applicant has submitted narrative statements addressing the approval criteria for the SEC-v criteria. *This criterion has been met.*

2.03 (2) A map of the property showing:

- (a) Boundaries, dimensions, and size of the subject parcel;**
- (b) Location and size of existing and proposed structures;**
- (c) Contour lines and topographic features such as ravines or ridges;**
- (d) Proposed fill, grading, site contouring or other landform changes;**
- (e) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;**
- (f) Location and width of existing and proposed roads, driveways, and service corridors.**

Applicant: See attachment one. For the home site there will be no more than 4' of cut, there will be a level grade of 26' x 28' and no fill. For the turnaround there will be no more than 2' of cut, no more than 2' of fill and a grade from 0 to no more than 12%. See attachment 1a and 6a.

Staff: The applicant has provided the above information as part of their submittal (Exhibit A.1 through A.16). *This criterion has been met.*

2.04 MCC 33.4565 Criteria for Approval of SEC-v Permit –Significant Scenic Views

(A) Definitions:

(1) Significant scenic resources consist of those areas designated SEC-v on Multnomah County sectional zoning maps.

(2) Identified Viewing Areas are public areas that provide important views of a significant scenic resource, and include both sites and linear corridors. Identified Viewing Areas are:

**Bybee-Howell House
Virginia Lakes
Sauvie Island Wildlife Refuge
Kelley Point Park
Smith and Bybee Lakes
Highway 30
The Multnomah Channel
The Willamette River
Public roads on Sauvie Island**

(3) Visually subordinate means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development

that is visually subordinate may be visible, but is not visually dominant in relation to its surroundings.

Staff: The subject property is visible from Highway 30, the Multnomah Channel and Sauvie Island Road on Sauvie Island. The proposed development must be *Visually Subordinate* as seen from the above Identified Viewing Areas.

- 2.05 **(B) In addition to the information required by MCC 33.4520, an application for development in an area designated SEC-v shall include:**

(1) Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure;

Applicant: Wood siding will be painted a dark color Bitter Chocolate, Fireside or Revival Mahogany. With trim to be a Blanket Brown, Traditional, Stone Heath, or Simple Silhouette, with a deep tone base. Non-reflective material. Roofing shall be a composition 3-Tab dark in color Autumn Brown or Driftwood. Chimney shall be stainless Steel painted dark in color with Spark Arrestor. Outdoor lighting shall be directed downward, hooded and shielded. Windows to be 13% reflectivity or less. See attachment two a.

Staff: The above information can be found in Exhibit A.17, A.3 & A.6. The applicant has submitted elevations, color samples, a site plan showing the location of the outdoor lighting, and has listed the building materials on the elevations. *This criterion has been met.*

- 2.06 **(2) Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades;**

Applicant: See attachment two.

Staff: Elevations have been submitted (Exhibit A.17). *This criterion has been met.*

- 2.07 **(3) A list of identified viewing areas from which the proposed use would be visible; and,**

Staff: The site is visible from Highway 30, the Multnomah Channel and Sauvie Island Road on Sauvie Island. *This criterion has been met.*

- 2.08 **(4) A written description and drawings demonstrating how the proposed development will be visually subordinate as required by (C) below, including information on the type, height and location of any vegetation or other materials which will be used to screen the development from the view of identified viewing areas.**

Staff: The applicant has provided written narrative, elevations and site plans addressing the approval criteria, including visual subordination. *This criterion has been met.*

- 2.09 **(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.

Applicant: The driveway will be visually screened by the existing trees which will be preserved. The residence is sited so that the existing vegetation will serve as some screening for the residence. (Some lower limbs must be removed for fire protection purposes.) From all three vantage points, there is existing vegetation at ground level which interrupts not only a casual view, but a serious search for the property. The dwelling site absolutely cannot be seen

from the Bybee-Howell house or from Sauvie Island Refuge, due to intervening vegetation offsite. Intervening vegetation is sparser along St Helens Road, but is still expected to be effective...

Staff: Topographically, the entire property is visible from Highway 30, Multnomah Channel and Sauvie Island Road. The site does have vegetation which can be utilized to screen the proposed dwelling, driveway and other improvements from the identified viewing areas and additional vegetation must be installed pursuant to Condition No. 9 of T3-01-013. The existing and required vegetation will help to screen the proposed dwelling from Highway 30, Multnomah Channel and Sauvie Island Road. *This criterion has been met.*

2.10 **(2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors.**

Applicant: Non-reflective and dark colored materials will be used. There will be one window 4' x 4' facing the East, the sun will be in the southeast when it is high enough to cause some reflection off the glass. Thus, the reflection will be deflected north, and cannot be seen from the viewing areas. To be 13% or less. See attachment 2a.

Staff: The east elevation has been modified to include two 4 ft by 4 ft windows (Exhibit A.17). One is located within the attic floor and the other is located on the first floor adjacent to an exterior door. The applicant has indicated that the windows will utilize materials with a 13 percent or less reflectivity rating.

The applicant has proposed various options for color choices for the siding, trim and roofing. The color choices for the siding are Bitter Chocolate, Fireside or Revival Mahogany. Bitter Chocolate is a very dark brown. Fireside is a reddish brown. And Revival Mahogany is a medium brown color. Of the three choices, Bitter Chocolate fits within the requirement of dark natural or earthtone color. The other two choices are not dark enough to meet the criteria.

The applicant has also proposed four trim choices: Blanket Brown, Traditional, Stone Hearth or Simple Silhouette. Blanket Brown qualifies as a tan color. Traditional is a dark tan. Stone Hearth qualifies as a dark earthtone. Simple Silhouette is a tan-gray, but is a little light to qualify as a dark earthtone. Stone Hearth fits within the requirement of dark or earthtone color.

The applicant has proposed 2 color choices for the composition roofing: Autumn Brown and Driftwood. Autumn Brown is a mixture of browns. Driftwood is a mixture of black, blue, tan and dark grey. Of the two choices, Driftwood has a darker presence and would work to create a shadow effect for the dwelling. This shadow effect would contribute to the dwelling being visually subordinate from the Identified Viewing Areas.

Based upon the above analysis, staff has conditioned that the siding be painted Bitter Chocolate, trim shall be painted Stone Hearth and the composition shingle shall be Driftwood. *As conditioned, this criterion can be met.*

2.11 **(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.**

Applicant: Exterior lighting will be required to be directed downward and hooded and shielded with opaque materials so that it is not visible from the viewing areas. The porch light will be directed downward, hooded and shielded. See attachment 1a and 2a.

Staff: The applicant has shown the location of the exterior lighting on the elevations (Exhibit A.17) and on the Revised Site Plan (Exhibit A.12). The applicant has indicated that the lighting will be directed downwards and in compliance with the above criterion. No details on the

lighting fixtures have been provided. Staff has included a condition of approval requiring that lighting details be provided that demonstrate compliance with the criterion prior to land use sign off for plan check. *As conditioned, this criterion can be met.*

- 2.12 **(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.**

Applicant: Screening vegetation will be ineffective. See discussion above. The screening will be unaffected, not altered or changed.

Staff: The subject property has significant amount of vegetation between the building site and the Identified Viewing Areas. The vegetative screen is a mixture of maples and firs. Staff has created an exhibit showing the area where the vegetation shall be preserved (Exhibit B.6). A condition of approval has been included requiring the maintenance of the screening vegetation within this area and replacement if necessary. *As conditioned, this criterion can be met.*

- 2.13 **(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.**

Applicant: The building will take advantage of natural topography, dug into the hill with a day-light basement, the slope of the land is fairly constant and there are no natural landforms to use for screening. The driveway runs with the slope of the land and only minimal grading will be required. As discussed elsewhere in this report, any exposed cut or fill areas will be covered with bark dust and allowed to revegetated naturally. Native landscape shrubs (less than 2 ft high – fire requirement) will be planted at 6 ft. on centers on any cut or fill areas visible from the street.

Staff: The applicant indicated in the narrative that “For the home site there will be no more than 4’ of cut, there will be a level grade of 26’ x 28’ and no fill. For the turnaround there will be no more than 2’ of cut, no more than 2’ of fill and a grade from 0 to no more than 12%.” The driveway follows an existing forest practice roadway to minimize the grading necessary to construct the proposal. *This criterion has been met.*

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

Applicant: The structure is limited to two stories with an attic which will be well below the surrounding forest canopy level.

Staff: The proposed dwelling will be 30.5 ft from finished grade to top of gable (Exhibit A.17). The surrounding forest canopy ranges from 30 ft in height upwards in front of and surrounding the proposed dwelling. *This criterion has been met.*

- 2.15 **(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:...**

Applicant: The building will not be silhouetted against the skyline, which is several hundred ft. above the proposed residence.

Staff: The proposed building is 30.5 ft tall. The dwelling is located at the 110 ft contour. The

property continues to rise from east to west behind the dwelling to 200 ft. As such, the building will remain below the skyline, bluff or ridge as seen from the Identified Viewing Areas. *This criterion has been met.*

- 2.16 **(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: The subject development is topographically visible from 3 Identified Viewing Areas. The conditions requiring the maintenance of existing and required vegetation and the use of dark earthtone are proportionate to the adverse impact to at least 3 Identified Viewing Areas.

3.00 ***Conclusion***

Based on the findings and other information provided above, the applicant has carried the burden necessary for approval of a Significant Environmental Concern Permit for Scenic Views in the CFU-5 zoning district. This approval is subject to the conditions of approval established in this report.

4.00 ***Exhibits***

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	6/8/05
A.2	1	Site Plan – Attachment 1	6/8/05
A.3	1	Color Choices	6/8/05
A.4	1	Storm Water Certificate	6/8/05
A.5	1	Certification of On-Site Sewage Disposal	6/8/05
A.6	1	Asphalt Composition Shingle Samples	6/8/05
A.7	1	Elevations – East & South – Attachment 2	6/8/05
A.8	4	Narrative Statements	6/8/05
A.9	1	Photographs of Site – Attachment 3	6/8/05
A.10	1	Air Photo of Site – Attachment 4	6/8/05
A.11	1	Map of Overlay Zones on Property – Attachment 5	6/8/05
A.12	1	Revised Site Plan – Attachment 1A	8/22/05
A.13	1	Fire Safety Zone & Plants	8/22/05

A.14	1	Letter addressing Incomplete Letter	8/22/05
A.15	1	Stormwater Site Plan	8/22/05
A.16	1	Site Plan with Septic System Location	8/22/05
A.17	1	Elevations – East & South – Attachment 2a	8/22/05
‘B’		Staff Exhibits	Date of Document
B.1	1	A&T Property Record	6/8/05
B.2	1	Site Plan from T3-01-013	5/30/2002
B.3	41	Hearings Officer Decision T3-01-013	5/30/05
B.4	4	Cross Sections and Profiles Between Identified Viewing Areas and Home Site	10/20/05
B.5	1	Dwelling Development Site Plan & Mitigation Plan from T3-01-013 Dated 1/20/02	10/27/05
B.6	1	Vegetation to be Maintained Between Dwelling and Key Viewing Areas	10/31/05
‘C’		Administration & Procedures	Date
C.1	3	Incomplete Letter	7/7/05
C.2	1	180 Day Acceptance Letter	7/7/05
C.3	1	Complete Letter – Day 1 (August 22, 2005)	9/8/05
C.4	4	Opportunity to Comment	9/12/05
C.5	13	Administrative Decision – Day 71	10/31/05