



**MULTNOMAH COUNTY**  
**LAND USE AND TRANSPORTATION PROGRAM**  
1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233  
PH: 503-988-3043 FAX: 503-988-3389  
<http://www.multco.us/landuse>

## NOTICE OF DECISION

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

**Case File:** T2-2013-2691

**Permit:** Significant Environmental Concern Permit – Wildlife Habitat (SEC-h), Scenic Waterway (SEC-sw)

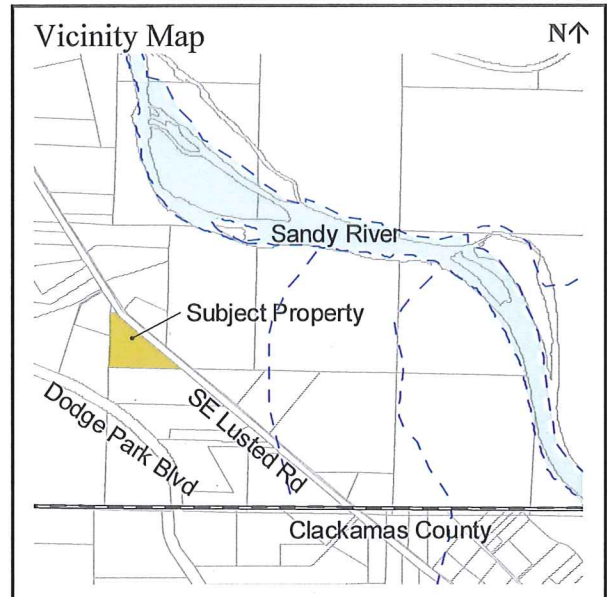
**Location:** 36340 SE Lusted Road  
Tax Lot 2000, Section 23C,  
Township 1S, Range 4E, W.M.  
R994230070

**Applicants:** Jim Bird & Sharon Lambeth, Affordable Remodeling Specialists, LLC

**Owners:** Nicholas and Irmgard Powell

**Base Zone:** Rural Residential (RR)

**Overlays:** Significant Environmental Concern – Wildlife habitat (SEC-h) and Scenic Waterways (SEC-sw)



**Summary:** Construct a Web Steel accessory garage on the subject property in the SEC-h overlay and SEC-sw overlay that is part of the Oregon Scenic Waterways Act.

**Decision:** Approved with Conditions.

Unless appealed, this decision is effective Friday, June 14, 2013.

Issued by:

By:   
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Friday, May 31, 2013

Instrument Number for Recording Purposes: #2005179938

**Opportunity to Review the Record:** A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Don Kienholz, Staff Planner at 503-988-3043, ext. 29270 or [don.d.kienholz@multco.us](mailto:don.d.kienholz@multco.us).

**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 Friday, June 14, 2013 at 4:00 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): MCC 37.0560 Code Compliance; 36.0005 Lot of Record; 36.3155 Dimensional Standards and Development Requirements; 36.3170 Lot of Record; 36.4525 Existing Uses; 36.4545 SEC-sw Approval Criteria; 36.4550 General Requirements for Approval in Areas Designated SEC-wr or SEC-h; 36.4560 SEC-h Approval Criteria.

Copies of the referenced Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR) sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.co.multnomah.or.us/landuse> or <http://web.multco.us/transportation-planning>.

### **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. **This land use permit expires two years from the date the decision is final pursuant to MCC 37.0690(B) as applicable. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0695, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.**

### **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. **After the decision is final and prior to building permit sign-off, the property owner shall record the Notice of Decision cover sheet through the conditions of approval (Pages 1 through 3) and the Retained Vegetation Area site plans (Exhibit B.10 and B.11) 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 a copy filed with Land Use Planning. Recording shall be at the applicant's expense [MCC 37.0670].**

- 2. Exterior colors of the proposed accessory structure shall only be the dark, natural and earth-toned colors from Rows labeled A and B on the Recommended Colors Chart of the *Scenic Resources Implementation Handbook* (Exhibit B.7) [MCC 36.4545(H)].**
- 3. Exterior lighting on the accessory structure shall be directed downward, hooded and shielded. Shielding and hooding of exterior lighting shall be composed of non-reflective, opaque materials [MCC 36.4545(H)].**
- 4. Roofing materials shall be composite shingles colored Black, Gray, or Blue as provided in the applicant's samples in the case file (Exhibit A.19) [MCC 36.4545(H)].**
- 5. All present and future property owners shall be responsible for the proper maintenance and survival of screening trees shown and labeled on the site plans included as Exhibits B.10 and B.11. The area of retention measures 30-feet wide beginning at the front property line and continuing roughly 200-feet parallel to SE Lusted Road as depicted in Exhibits B.10 and B.11. Any of these trees damaged or destroyed by inclement weather or disease to the extent that they no longer screen the development shall be replaced with the same tree species within the next planting season. Replacement trees shall be at least 6-feet tall a time of planting and shall be placed in the same general location as the damaged or dead tree [MCC 36.4545(B) and (E)].**

**Note:** Once this decision is final, application for building permits may be made with the City of Gresham. When ready to have building permits signed off, the applicant shall call the Staff Planner, Don Kienholz, at (503) 988-3043 ext. 29270 or don.d.kienholz@multco.us, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Gresham. Three (3) 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 of \$53.00 will be collected. In addition, an erosion control inspection fee of \$77.00 may be required.

**Notice to Mortgagee, Lien Holder, Vendor, or Seller:**

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

## **Findings of Fact**

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

### **1.00 Project Description:**

**Staff:** The applicant is seeking approval of a 40x36-foot (44-foot x 38-foot with eaves) Web Steel detached accessory garage. The 1,440-square foot structure is located off of a horse-shoe shaped driveway on the southern portion of the property and 145-feet from the dwelling as seen on Exhibit A.17.

### **2.00 Property Description & History:**

**Staff:** The subject property is located on SE Lusted Road just north of the Clackamas County line. The property is heavily wooded with a cleared portion in the vicinity of the proposed garage. The proposed building site is relatively flat. Access to the property is off of a shared driveway with the property to the south. An existing house is located in the southwestern portion of the property. A detached garage and a deck addition to the dwelling were approved with County case SEC 20-99.

### **3.00 Code Compliance:**

#### **MCC 37.0560 Code Compliance**

**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 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.**

**Staff:** There are no identified open code compliance issues on the property. A complaint was filed on the property in 2006 (UR 06-059) for alleged tree cutting. The complaint was closed after an inspection by the County’s Code Compliance program. The property was reviewed by the County in case SEC 20-99 and the dwelling was found to be lawfully established. That land use decision approved an addition to the dwelling and the detached garage on the property. Lot of Record is discussed in Finding #4.00 below.

*The subject property appears to be in full compliance.*

### **4.00 Lot of Record:**

#### **MCC 36.0005 Definitions**

**Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 36.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.**

**(a) "Satisfied all applicable zoning laws" shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.**

**(b) "Satisfied all applicable land division laws" shall mean the parcel or lot was created:**

- 1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or**
- 2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or**
- 3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or**
- 4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and**
- 5. "Satisfied all applicable land division laws" shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)**

**(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an "acknowledged unincorporated community" boundary which intersects a Lot of Record.**

- 1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.**
- 2. An "acknowledged unincorporated community boundary" is one that has been established pursuant to OAR Chapter 660, Division 22.**

**\* \* \***

## **MCC 36.3170      Lot of Record**

**(A) In addition to the Lot of Record definition standards in MCC 36.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:**



- (1) July 10, 1958, SR zone applied;**
- (2) July 10, 1958, F-2 zone applied;**
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;**
- (4) October 6, 1977, RR zone applied, Ord. 148 & 149;**
- (5) October 13, 1983, zone change from MUF-19 to RR for some properties, Ord. 395;**
- (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004, 20 acre minimum lot size for properties within one mile of Urban Growth Boundary;**
- (7) May 16, 2002, Lot of Record section amended, Ord. 982.**

**(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 36.3185, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.**

**(C) Except as otherwise provided by MCC 36.3160, 36.3175, and 36.4300 through 36.4360, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.**

**(D) The following shall not be deemed to be a lot of record:**

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

**Staff:** The property was found to be a Lot of Record in County case SEC 20-99.

*Criteria met.*

## **5.00 Rural Residential (RR) Development Standards:**

### **A. MCC 36.3120 ALLOWED USES.**

#### **(G) Accessory Structures:**

- 1. (1) Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district:**
  - (a) Garages or carports;**
  - (b) Pump houses;**

- (c) Garden sheds;
- (d) Workshops;
- (e) Storage sheds;
- (f) Greenhouses;
- (g) Woodsheds;
- (h) Shelter for pets, horses or livestock and associated buildings such as: manure storage, feed storage, tack storage, and indoor exercise area;
- (i) Swimming pools, pool houses, hot tubs, saunas, and changing rooms;
- (j) Sport courts;
- (k) Gazebos, pergolas, and detached decks;
- (l) Fences, gates, or gate support structures; and
- (m) Similar structures.

**Staff:** The proposed detached structure is proposed as a potting and storage shed for personal use. The proposed structure is an allowed use.

*Criteria met.*

2. **(2) If the accessory structure is a building, then to be an “allowed use” the foot print of the building in combination with the footprint of all other accessory buildings on the property shall not exceed 2500 square feet.**

**Staff:** As measured on the building plans (Exhibit A.9) the proposed structure has a floor area of 40x36-feet for a total of 1,440 square feet. There is an existing detached garage and a well house that Multnomah County Assessment and Taxation does not list in the improvements section of their database. As measured on the site plan (Exhibit A.17), the plans for the garage provided in SEC 20-99 show the structure measuring 22x26-feet, or 572 square feet. The well house on the site plan measures 10x15-feet. The total cumulative square footage of all accessory buildings is 2,394-square feet.

*Criterion met.*

3. **(3) If the accessory structure has a bathroom or kitchen facilities, then prior to issuance of the building permit the property owner shall record a deed restriction with County Records that states that the owner understands and agrees that the structure cannot be occupied as a dwelling.**

**Staff:** The floor plans provided by the applicant do not show a kitchen or bathroom facilities are included.

*Criterion met.*

**B. MCC 36.3155 DIMENSIONAL STANDARDS AND DEVELOPMENT REQUIREMENTS.**

**All development proposed in this district shall comply with the applicable provisions of this section.**

1. **(A) Except as provided in MCC 36.3160, 36.3170, 36.3175 and 36.4300 through 36.4360, the minimum lot shall be five acres. For properties within one mile of the Urban Growth Boundary, the minimum lot size shall be as currently required in the Oregon Administrative Rules Chapter 660, Division 004.**

**Staff:** The proposal does not include the creation of new lots or parcels.

*Criterion met.*

2. **(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.**

**Staff:** Lot area is not applicable since no new lots or parcels are being created.

*Criterion met.*

3. **(C) Minimum Yard Dimensions - Feet**

<b>Front</b>	<b>Side</b>	<b>Street Side</b>	<b>Rear</b>
<b>30</b>	<b>10</b>	<b>30</b>	<b>30</b>

**Maximum Structure Height - 35 feet**  
**Minimum Front Lot Line Length - 50 feet.**

**Staff:** As seen on the site plan (Exhibit A.17) the proposed structure is 200-feet from the front property line, 80-feet from the closest side yard and more than 100-feet from the rear property line.

The elevation drawings (Exhibit A.7) show the proposed garage being 17-feet tall.

*Criteria met.*

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

**Staff:** The proposed structure is 200-feet from the front property line, providing enough yard to meet the setback requirements.

*Criterion met.*



5. **(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.**

**Staff:** The proposed structure is not similar to the listed structures of this criterion.

*Criterion met.*

6. **(F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.**

**(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.**

**(2) Stormwater/drainage control systems are required for new impervious surfaces that are greater than 400 square feet in area. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.**

**Staff:** The applicant has submitted a completed On-Site Sewage Disposal Certification form (Exhibit A.12) demonstrating the proposed structure will not adversely impact the existing septic system. The applicant also submitted a completed Storm Water Certification Form (Exhibit A.11) signed by an Oregon Registered Professional Engineer demonstrating storm water will be adequately handled on site for a 10-year/24-hour storm event.

*Criteria met.*

7. **(G) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.**

**Staff:** The subject property slopes down from west to east towards Lusted Road. The slopes are less than 10% as seen on the County's GIS map. The site is more than 200-feet to any water body. The total developed site will be less than 10,000 square feet in area. Based on these facts and the requirements of Chapter 29 of the Multnomah County Code, the project would be a Minimal Impact Project.

*Criterion met.*

8. **(H) New, replacement, or expansion of existing dwellings shall minimize impacts to existing farm uses on adjacent land (contiguous or across the street) by:**

**(1) Recording a covenant that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 where the farm use is on land in the EFU zone; or**

**(2) Where the farm use does not occur on land in the EFU zone, the owner shall record a covenant that states he recognizes and accepts that farm activities including tilling, spraying, harvesting, and farm management activities during irregular times, occur on adjacent property and in the general area.**

**Staff:** The proposed project is not for a new dwelling nor an expansion or replacement of the existing dwelling.

*Criterion met.*

**6.00 Significant Environmental Concern Approval Criteria:**

**A. MCC 36.4545 CRITERIA FOR APPROVAL OF SEC-SW PERMIT - SCENIC WATERWAY.**

**The SEC-sw designation shall apply to those wild and scenic waterways that are designated SEC on Multnomah County sectional zoning maps. An application shall not be approved unless it contains the information in 36.4540(A) and (B). Any proposed activity or use requiring an SEC-sw permit shall be subject to the following:**

**Staff:** The subject site is within the County's SEC-sw overlay. Staff did a cursory analysis of the subject site's topographic visibility from the Sandy River and found that the site is potentially visible from portions of the river – particularly downstream and north of the proposed building. However, the visibility appears to be limited to the upper portions of the proposed structure, namely the roof, as a result of the setback from the ridge and the steep viewing angles from the river. Because of the steep viewing angles, the edge of the ridge provides topographic screening from several areas of the river.

- 1. (A) Submittal of a letter from the Oregon Parks and Recreation Department which indicates that the proposed development has been reviewed and is, or can be, consistent with the provisions of the Oregon Scenic Waterways Management Plan.**

**Staff:** The applicant has submitted a letter from the Oregon Department of Parks and Recreation indicating that the property is outside of the State's Designated areas of the Scenic Waterways Management Plan. While the site is outside the state's overlay, the property is still within the County's SEC-sw overlay.

*Criterion met.*

- 2. (B) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.**

**Staff:** The applicant has located the proposed accessory structure so that it satisfies the SEC-h dimensional criterion of MCC 36.4560(A)(1) and (2) – in a cleared area and within 200-feet of the public road. Staff visited the subject site and reviewed air photos of the property. Locating the structure in the proposed location on the existing contour bench will keep the structure topographically screened from several portions of the Sandy River. Locating the structure further west and closer to the house would raise the structure's

elevation and eliminate the topographic screening available from the edge of the ridge. As such, the location is best suited to meet the SEC-h and SW criteria and still maintain the maximum possible landscaped area, vegetation etc. A condition of approval will require the land owner to maintain the intervening trees for screening purposes.

*Criterion met with condition of approval.*

3. **(C) Agricultural land and forest land shall be preserved and maintained for farm and forest use.**

**Staff:** The subject property is zoned Rural Residential, which is not a resource zone such as Exclusive Farm Use or Commercial Forest Use. The adjacent properties are also zoned Rural Residential.

*Criterion met.*

4. **(D) A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.**

**Staff:** The applicant has noted that the structure is proposed in a cleared area that will not require tree or vegetation removal. Additionally, the applicant notes that the structure is proposed to be parallel with SE Lusted Road. The Sandy River, the identified area of environmental significance (along with wildlife habitat), runs east-west in the area before a bend that changes the course of the river north-south. Lusted Road, and the structure, are at a 45-degree angle from both stretches of the river and roughly 1,300-feet away on the north side and 3,000-feet away on the east side. The angle of the building helps prevent a single, solid side of the building from being potentially visible as seen from the river.

*Criterion met.*

5. **(E) The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion**

**Staff:** The Sandy River is not adjacent to the subject property. The applicant has stated that the existing vegetation and trees on site will be retained. That could be a condition of approval if the application were approved.

*Criterion met.*

6. **(F) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.**

**Staff:** There are no known archeological areas on the subject property.

*Criterion met.*

7. **(G) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.**

**Staff:** The area of the proposed development is under 10% slope and more than 80-feet from the closes property line. The closest property downslope from the development site is the front property which is 200-feet away. Basic erosion control measures under the Minimal Impact Program would be adequate protection from the potential of erosion.

*Criterion met.*

8. **(H) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.**

**Staff:** The SEC-sw overlay is a scenic overlay with the intent to preserve the visual character and natural integrity of the views of landscape from the Sandy River. The overlay is similar to the SEC-v in the West Hills and the visual subordination of the National Scenic Area.

The County interprets this criterion to require the overall visual design of any proposed structure to be visually subordinate as seen from the designated key viewing area, in this case the Sandy River. Potentially visible means that the structure is not topographically screened by earth (ridges, hills etc). Trees, vegetation and other structures do not topographically screen buildings as they can be removed or destroyed and if on other property, are not in control of the subject property owner. Design takes into account size, bulk, color, visual angles, building materials and any aspect that relates to the visibility of a building.

Staff conducted a cursory analysis of the visibility of the proposed building site and structure. The property in general and building site specifically are potentially visible from portions of the Sandy River mainly to the north. The site as seen from the northeast, east and southeast appears to be topographically screened by the ridge the structure sits on due to the steep viewing angles from the river. As seen on the site plan (Exhibit A.17), the applicant has proposed the structure at a 45-degree angle to either visible corridor of the river. The angle reduces the overall amount of sheer unbroken surface area potentially visible from the river.

The property features a mature forest canopy consisting mainly of deciduous trees between the structure and the river. The proposed structure is a kit building from Web Steel made of metal. The applicant provided a sample of the material painted medium brown (Exhibit A.18) although the structure is proposed to be a shade of green.

While only advisory, the *Building in the Scenic Area – Scenic Resources Implementation Handbook* provides applicants and staff solid and factual guidance on materials, colors, design etc to design project to achieve visual subordination. Figure 19 on page 23 (Exhibit B.6) provides a resource on the reflectivity of materials. Galvanized or enamel painted steel and aluminum materials are classified as Highly Reflective. Staff examined the metal sample outside on a sunny day, in the open and in the shade, as well as under the office lights and found it to be highly reflective in all conditions, consistent with the NSA

handbooks conclusions. The medium brown color of the metal did not alter the reflective qualities of the materials. Staff finds that because metal, particularly untreated metal, is highly reflective, it is not an appropriate material for structures potentially visible in overlays that protect views. That said, the analysis staff conducted on the potentially visibility limited the area of concern to the roof. The remainder of the building appears to be low enough in elevation to be topographically screened by the ridge edge. Therefore, the roof should not be metal.

Staff is aware of new metal treatments that provide a coarse and granulated surface that renders material unreflective. One of those materials appears to be known as Kingspan AP300GS. The County's sample as a handwritten marking of Z0402-09-D on it. That metal material, would be non to low-reflective and would be approvable if the applicant had proposed it, but they did not.

Staff conversed with the applicant about the issue of a metal roof and the applicant submitted composite shingles to use on the roof. Staff reviewed the three colors of shingles (black, gray, and blue) and finds the materials are non-reflective and dark and are appropriate for the roof of the proposed accessory structure.

The applicant provided a computer generated elevation drawing of the building with two shades of green but did not provide a specific paint samples for review. In the applicant's March 7, 2013 supplemental narrative (Exhibit A.16), the greens are called out as 'forest green' and 'sage green' which can be any number of hue or shade depending on the brand. The applicant indicated in the January 29, 2013 narrative (Exhibit A.3) that the paint would have a satin finish – which tends to be reflective. However, after discussions with the applicant on the lack of a specific color, the applicant submitted two colors on the NSA Color Palette found in the *Scenic Resources Implementation Handbook* that are appropriate. They are greens found in A-3 and B-5. Staff approves those colors for the accessory structure.

In order to ensure the structure remains visually subordinate as seen from those portions of the river that are not topographically screened, a condition of approval will require retention of screening trees north of the structure in a swath measuring 30-feet x 200-feet parallel to the front property line as depicted in Exhibits B.10 and B.11. The retention area is within the required front yard setback and will not take up any buildable area of the property.

*Criterion met with Condition of Approval.*

9. **(I) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.**

**Staff:** The subject site does not have any area recognized as containing fragile or endangered plant habitat.

*Criterion met.*

**B. MCC 36.4550 GENERAL REQUIREMENTS FOR APPROVAL IN AREAS DESIGNATED AS SEC-WR OR SEC-H**

**The requirements in this section shall be satisfied for development in the SEC-wr and SEC-h areas in addition to the provisions of 36.4555 or 36.4560 as applicable.**

1. **(A) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.**

**Staff:** The proposed building site does not rise to the thresholds required for a grading and Erosion Control permit under Multnomah County Code Chapter 29. The project would qualify for a Minimum Impact Project due to the flatness of the development site, distance to any watercourse, and small footprint of the potential disturbed area.

*Criterion met.*

2. **(B) Outdoor lighting shall be of a fixture type and shall be placed in a location so that it does not shine directly into undeveloped water resource or habitat areas. Where illumination of a water resource or habitat area is unavoidable, it shall be minimized through use of a hooded fixture type and location. The location and illumination area of lighting needed for security of utility facilities shall not be limited by this provision.**

**Staff:** No exterior lights are proposed in the narrative or shown on the elevation plans.

*Criterion met.*

3. **(C) The following nuisance plants, in addition to the nuisance plants defined in 36.4510, shall not be used as landscape plantings within the SEC-wr and SEC-h Overlay Zone:**

**Table 1  
Nuisance Plant List**

<b>Common Name</b>	<b>Scientific</b>
Lesser celandine	<i>Chelidonium majus</i>
Canada Thistle	<i>Cirsium arvense</i>
Common Thistle	<i>Cirsium vulgare</i>
Western Clematis	<i>Clematis ligusticifolia</i>
Traveler' s Joy	<i>Clematis vitalba</i>
Poison hemlock	<i>Conium maculatum</i>
Field Morning-glory	<i>Convolvulus arvensis</i>
Night-blooming Morning-glory	<i>Convolvulus nyctagineus</i>
Lady' s nightcap	<i>Convolvulus seppium</i>
Pampas grass	<i>Cortaderia selloana</i>
Hawthorn, except native species	<i>Crataegus sp. except C. douglasii</i>
Scotch broom	<i>Cytisus scoparius</i>
Queen Ann' s Lace	<i>Daucus carota</i>
South American Waterweed	<i>Elodea densa</i>
Common Horsetail	<i>Equisetum arvense</i>

<b>Common Name</b>	<b>Scientific</b>
Giant Horsetail	<i>Equisetum telemateia</i>
Crane' s Bill	<i>Erodium cicutarium</i>
Robert Geranium	<i>Geranium roberianum</i>
English Ivy	<i>Hedera helix</i>
St. John' s Wort	<i>Hypericum perforatum</i>
English Holly	<i>Ilex aquafolium</i>
Golden Chain Tree	<i>Laburnum watereri</i>
Duckweed, Water Lentil	<i>Lemna minor</i>
Fall Dandelion	<i>Loentodon autumnalis</i>
Purple Loosestrife	<i>Lythrum salicaria</i>
Eurasian Watermilfoil	<i>Myriophyllum spicatum</i>
Reed Canary grass	<i>Phalaris arundinacea</i>
Annual Bluegrass	<i>Poa annua</i>
Swamp Smartweed	<i>Polygonum coccineum</i>
Climbing Binaweed	<i>Polygonum convolvulus</i>
Giant Knotweed	<i>Polygonum sachalinense</i>
English, Portugese Laurel	<i>Prunus laurocerasus</i>



Common Name	Scientific
Poison Oak	<i>Rhus diversiloba</i>
Himalayan Blackberry	<i>Rubus discolor</i>
Evergreen Blackberry	<i>Rubus laciniatus</i>
Tansy Ragwort	<i>Senecio jacobaea</i>
Blue Bindweed	<i>Solanum dulcamara</i>
Garden Nightshade	<i>Solanum nigrum</i>
Hairy Nightshade	<i>Solanum sarrachoides</i>

Common Name	Scientific
Common Dandelion	<i>Taraxacum officinale</i>
Common Bladderwort	<i>Utricularia vulgaris</i>
Stinging Nettle	<i>Urtica dioica</i>
Periwinkle (large leaf)	<i>Vinca major</i>
Periwinkle (small leaf)	<i>Vinca minor</i>
Spiny Cocklebur	<i>Xanthium spinosum</i>
Bamboo sp.	<i>various genera</i>

**Staff:** None of the listed plants are proposed.

*Criterion met.*

**C. MCC 36.4560 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT.**

**Development within areas designated SEC-h shall comply with the provisions of this section. An application shall not be approved unless it contains the information in 36.4540(A) and (D).**

**(A) Development standards:**

1. **(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.**

**Staff:** The accessory structure is proposed to be located in an area that is non-forested "cleared" as defined in MCC 36.4540(D).

*Criterion met.*

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:** As seen on the submitted site plan (Exhibit A.17), the proposed accessory structure is exactly 200-feet from the front yard property line adjacent to SE Lusted Road.

*Criterion met.*

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

**Staff:** The existing driveway is 400-feet in length according to the applicant's SEC-h worksheet (Exhibit A.6). There will be no extension of the driveway.

*Criterion met.*

4. **(4) Fencing within a required setback from a public road shall meet the following criteria:**

**(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.**

**(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.**

**(c) Cyclone, woven wire, and chain link fences are prohibited.**

**(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.**

**(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.**

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

**Staff:** No fencing is proposed as part of the applicant's project.

*Criteria met.*

5. **(5) The nuisance plants listed in Table 1 shall not be planted as landscaping and shall be controlled within cleared areas of the subject property.**

**Staff:** If the application were approved this criterion would be a condition of approval.

## **7.00 Conclusion**

Based on the findings and other information provided above, the applicant has not carried the burden necessary for the Significant Environmental Concern Permit to establish the proposed accessory building in the Rural Residential zone.

## **8.00 Exhibits**

'A' Applicant's Exhibits

'B' Staff 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 T2-2013-2691 at the Land Use Planning office.

Exhibit #	# of Pages	Applicant Exhibits
A.1	1	January 29, 2013 General Application Form
A.2	5	Applicant's Copy of PF 2012-2591 Notes

A.3	1	Applicant's January 29, 2013 Narrative
A.4	1	Applicant's January 29, 2013 Site Plan (Oversized)
A.5	1	Applicant's January 29, 2013 Photos of Site
A.6	9	January 29, 2013 SEC-h Worksheet
A.7*	3	January 29, 2013 Building Elevation Plans
A.8	1	January 29, 2013 3D Rendering of Building with Color
A.9*	1	January 29, 2013 Floor Plan
A.10	4	Fire Service Agency Review Form and Site Plan
A.11	1	Storm Water Certification Form
A.12	5	Certification of On-Site Sewage Disposal Form, Site Plan, and Permit History
A.13	1	Letter From Oregon Department of Parks and Recreation
A.14	1	Oregon Department of State lands Off Site Wetland Determination Report
A.15	1	General Application Form With Both Property Owners' Signatures
A.16	1	March 7, 2013 Supplemental Narrative
A.17*	1	March 8, 2013 Site Plan
A.18	1	Metal Siding Sample
A.19	1	Composite Roofing Samples
'B'	#	Staff Exhibits
B.1	2	A&T Property Information
B.2	1	A&T Tax Map with Property Highlighted
B.3	6	February 22, 2013 Incomplete Letter and Attachments
B.4	1	March 8, 2013 Complete Letter
B.5	7	April 9, 2013 Opportunity to Comment and Mailing List
B.6	1	Reflectivity Guide, Page 23 <i>Scenic Resources Implementation Handbook</i>
B.7	1	National Scenic Area Recommended Colors Color Chart
B.8	1	Previously Approved Detached Garage From County Case SEC 22-99
B.9	9	County Land Use Decision SEC 20-99
B.10*	1	Required Vegetation Retention Site Plan With Air Photo
B.11*	1	Required Vegetation Retention Site Plan With Tax Lot Map

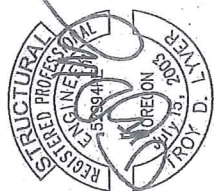
DRAWN: RLW	DATE: 11/2/2012	JOB NO: 2212-028
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**WEB STEEL**  
 BUILDING  
 37396 RUBEN LANE  
 SANDY, OR. 97055  
 OFFICE: (503)-688-3267 FAX: (503)-688-9441

# FRONT SIDEWALL ELEVATION & SIDING PLAN (AT LINE A)

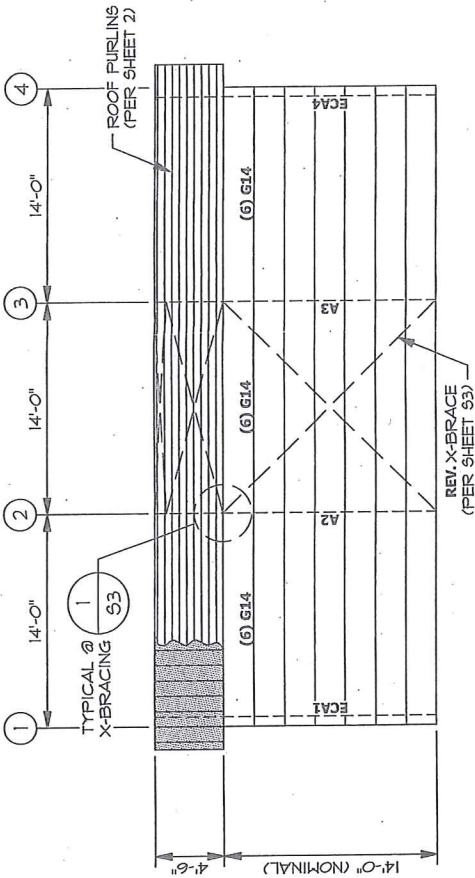
SHEET  
 3

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G12	2x6x12	--
G14	2x6x14	18
G16	2x6x16	--

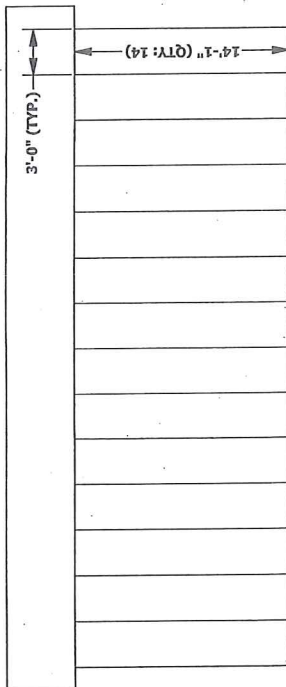


EXPIRES: 12-31-12

13 JUN 29 PM 1:31  
 RECEIVED



1 FRONT SIDEWALL ELEVATION @ LINE A  
 3 VIEW FROM OUTSIDE THE BUILDING @ LINE A  
 1/8" = 1'-0"

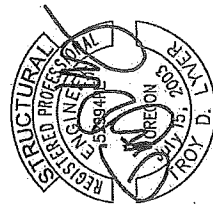
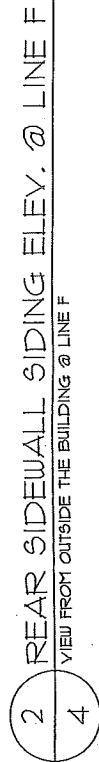
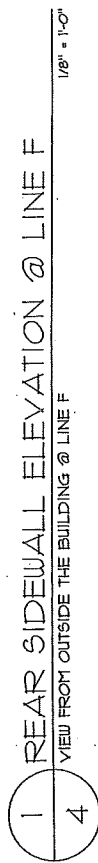


2 FRONT SIDEWALL SIDING ELEV. @ LINE A  
 3 VIEW FROM OUTSIDE THE BUILDING @ LINE A  
 1/8" = 1'-0"

EXHIBIT  
 A.7

4  
SHEET

A circular professional engineer seal for the State of Oregon. The outer ring contains the text "REGISTERED PROFESSIONAL ENGINEER" at the top and "STATE OF OREGON" at the bottom. In the center, the number "55994" is printed. A signature, "Troy D. Turner", is written across the seal. To the right of the signature, the date "July 15, 2003" is stamped.



EXPIRES: 12-31-12

$$1/s'' = 1 - O''$$

13 Jun 29 PM 1:31

DATE: 11/2/2012	JOB NO: 2212-028
DRAWN: RLW	

WEB STEEL BUILDING  
37396 RUBEN LANE  
SANDY, OR. 97055  
OFFICE: (503)-668-3267 FAX: (503)-668-9441

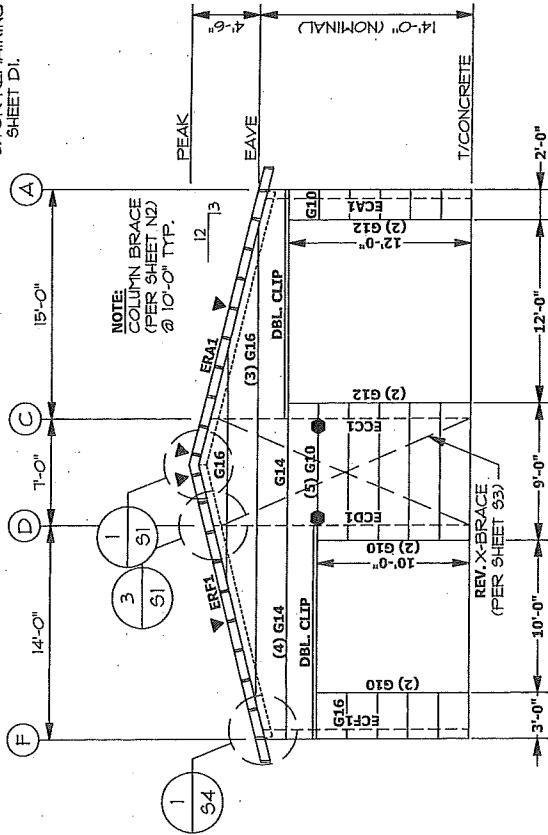
# LEFT ENDWALL DETAILS ELEVATION & SIDING PLAN (AT LINE 1)

SHEET 5

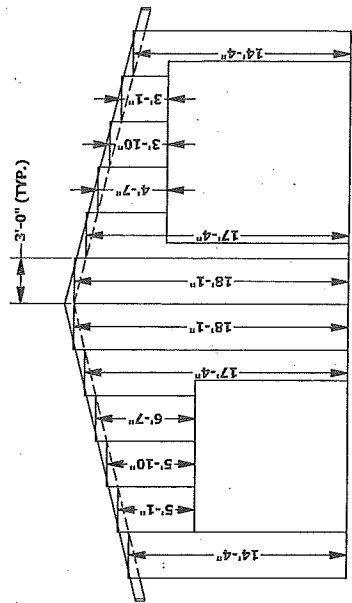
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G10	2x6x10	10
G12	2x6x12	4
G14	2x6x14	5
G16	2x6x16	5

SYM	DESCRIPTION	LENGTH	MEMBER	QTY
▼	RAFTER BRACE	18"	L1x1x1/8"	4
●	COLUMN BRACE	18"	L1x1x1/8"	2
ERF1	ENDWALL RAFTER FI	C8x11.5		
ERAI	ENDWALL RAFTER AI	C8x11.5		
ECF1	ENDWALL COLUMN FI	H65x3x3/16		
ECD1	ENDWALL COLUMN DI	W6x9		
ECC1	ENDWALL COLUMN CI	W6x9		
ECA1	ENDWALL COLUMN AI	H65x3x3/16		

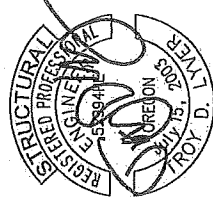
DOOR FRAMING NOTES:  
1. CANTILEVER WALL GIRTS PAST ENDWALL COLUMN TO OVERHEAD DOOR JAMBS.  
2. CONTINUOUS WALL GIRTS BETWEEN DOOR JAMBS  
3. FOR REMAINING FRAMING DETAILS SEE SHEET D1.



1 LEFT ENDWALL ELEVATION @ LINE 1  
VIEW FROM OUTSIDE THE BUILDING @ LINE 1  
1/8" = 1'-0"



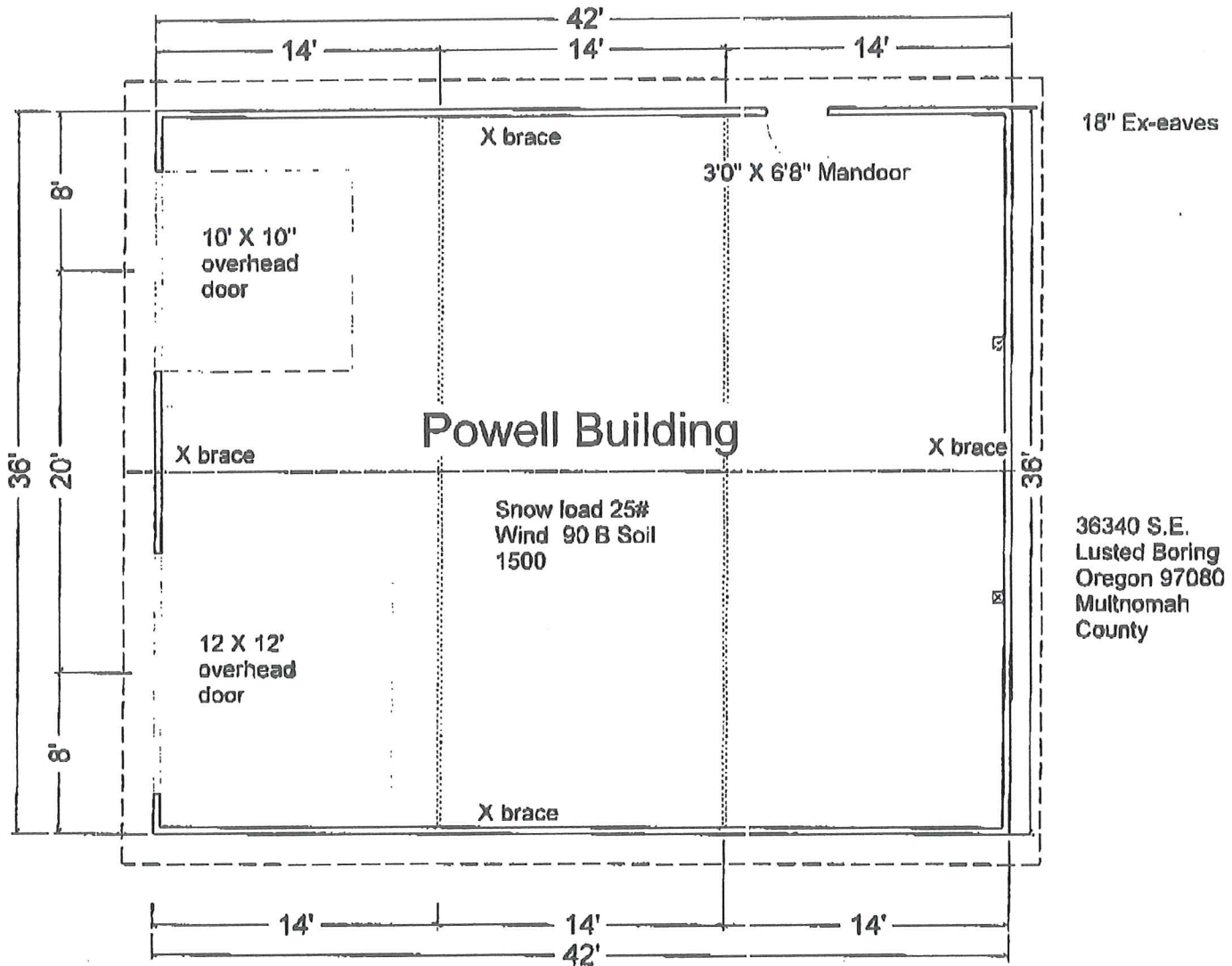
2 LEFT ENDWALL SIDING ELEV. @ LINE 1  
VIEW FROM OUTSIDE THE BUILDING @ LINE 1  
1/8" = 1'-0"



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10 JAN 29 PM 1:31  
11/2/2012





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MULTNOMAH COUNTY  
PLANNING SECTION

EXHIBIT  
A.9

# LEGAL DESCRIPTION

0-22-2012 §

REGISTRE

[illegible]

PROPOSED R.V. GARAGE 36340 S.E. LUSTED RD. BORING, OR

**EXHIBIT**  
A.17





Department of Community Services  
Land Use Planning and Transportation  
Program  
1600 SE 190th Ave.  
Portland, OR 97233  
Ph 503.988.3043  
Fax 503.988.3389  
Email: [land.use-planning@multco.us](mailto:land.use-planning@multco.us)

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This map is not printed to scale and should not be used for measurement.  
Multnomah County cannot accept responsibility for errors, omissions or positional accuracy.  
There are no warranties expressed or implied.

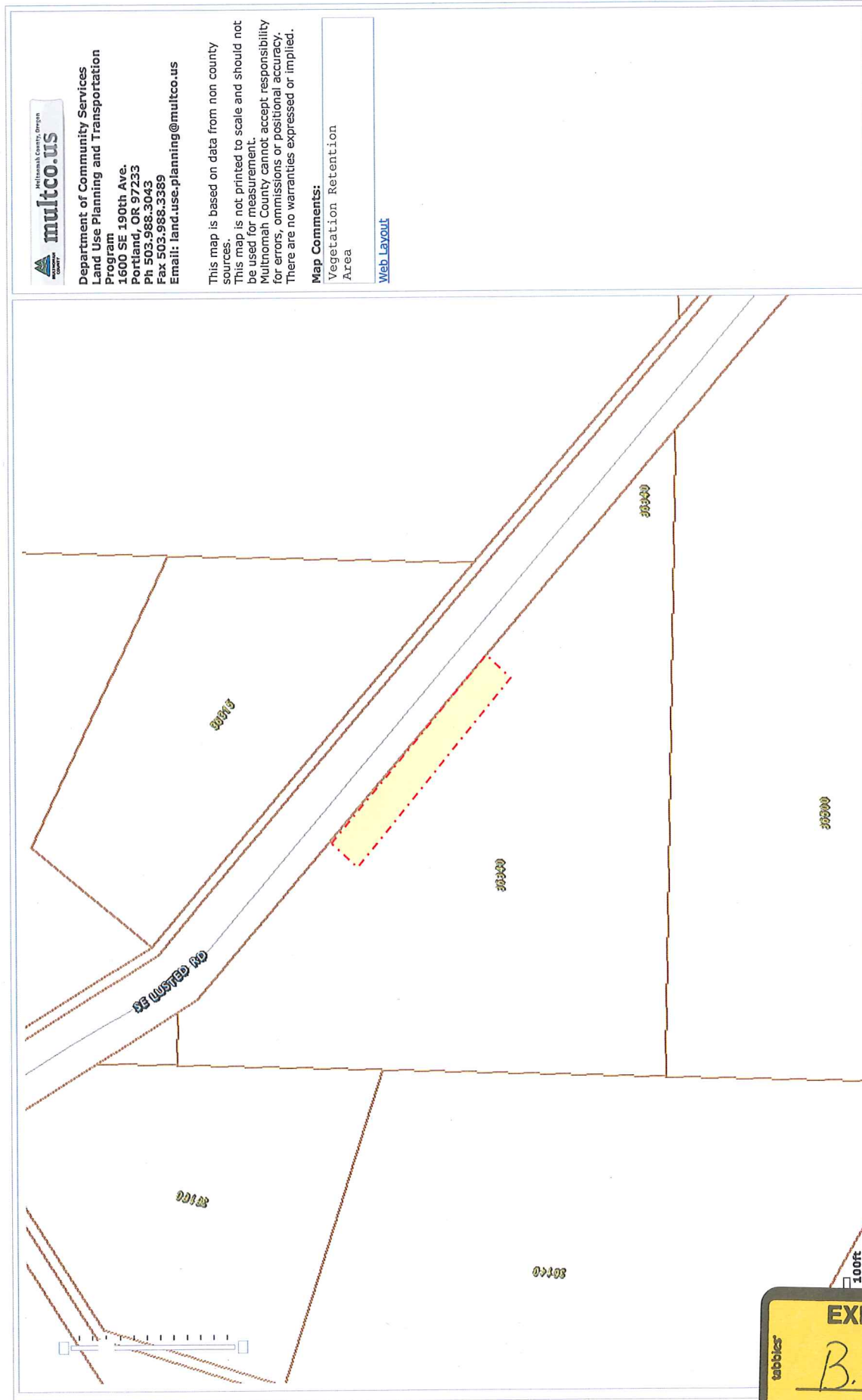
**Map Comments:**

Vegetation Retention  
Area

### Web Layout

# EXHIBIT

B.10



Department of Community Services  
Land Use Planning and Transportation  
Program  
1600 SE 190th Ave.  
Portland, OR 97233  
Ph 503.988.3043  
Fax 503.988.3389  
Email: land.use.planning@multico.us

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Map Comments:

Vegetation Retention  
Area

[Web Layout](#)

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**EXHIBIT**

B.11