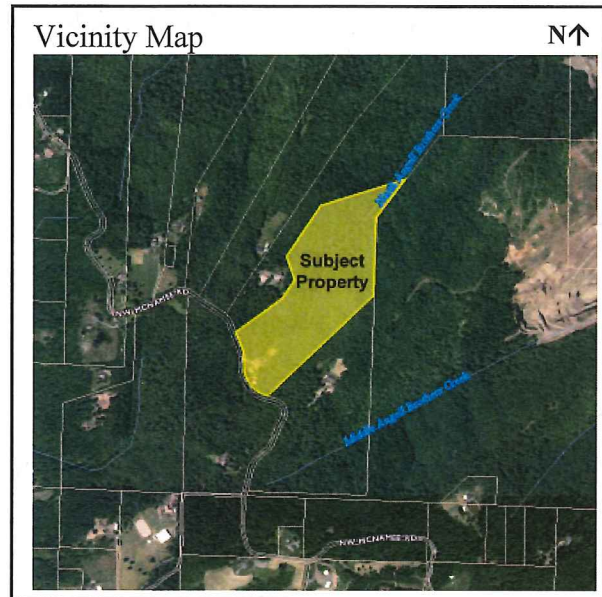


1600 SE 190<sup>th</sup> Ave, Portland OR 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

## NOTICE OF DECISION

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

**Case File:** T2-2017-6859  
**Permit:** Significant Environmental Concern  
**Location:** 14000 NW McNamee Road  
Tax Lot 1000, Section 29,  
Township 2 North, Range 1 West, W.M.  
Tax Account #R649701780  
**Applicant:** Jim Clarke  
**Owners:** Michele Taylor  
**Base Zone:** Commercial Forest Use – 2 (CFU-2)  
**Overlays:** Significant Environmental Concern  
for Wildlife Habitat (SEC-h)  
Significant Environmental Concern  
for Streams (SEC-s)  
Significant Environmental Concern  
for Scenic Views (SEC-v)  
Hillside Development and Erosion  
Control (HDP)



**Summary:** The applicant is seeking a Significant Environmental Concern for Scenic Views Permit for a remodel of an existing home, replacing some existing windows with larger ones and with doors, and adding a window in the Commercial Forest Use – 2 (CFU-2) zoning district.

**Decision:** Approved with Conditions

Unless appealed, this decision is effective Friday, June 16, 2016, at 4:00 PM.

Issued by:



Katie Skakel, Senior Planner

For: Michael Cerbone, AICP  
Planning Director

Date: Friday, June 2, 2017

**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 Katie Skakel, Staff Planner at 503-988-0213 or [katie.skakel@multco.us](mailto:katie.skakel@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 16, 2017 at 4:00 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): 37.0560 Code Compliance, 33.0005 Definitions, 33.2220 Commercial Forest Use – 2: Allowed Uses, 33.2261 Development Standards for Dwellings and Structures, 33.2273 Access, 33.2275 Lot of Record, 33.4565 Criteria for Approval of SEC-v permit – Significant Scenic Views.

### **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. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No other exterior work shall occur on the dwelling 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):
  - (1) When construction has not commenced within two years of the date of the final decision. Commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures for an approved above ground utility or development or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.
  - (2) When the structure has not been completed within four years of the date of commencement of construction. Completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval.

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.

3. Any windows replaced on the existing dwelling and all new windows on the proposed remodel and shall have a reflectivity rating of 11% or less.
  - a. At the time of land use sign-off for building plan check, the property owner or their representative shall provide documentation of the reflectivity rating for the windows and add this requirement to the plans. [MCC 33.4565(A)(2)]

**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.

**Note:** Once this decision is final, application for building permits may be made with the City of Portland. When ready to have building permits signed off, the applicant shall call the Staff Planner, Katie Skakel, at (503) 988-0123, 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 Portland. Five (5) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee will be collected. In addition, an erosion control inspection fee may be required.

### **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 a Significant Environmental Concern for Scenic Views Permit for a remodel of an existing home, replacing some existing windows with larger ones and with doors, and adding a window in the Commercial Forest Use – 2 (CFU-2) zoning district. The proposed changes to the dwelling consist of 1) adding a window on the east side, replacing a door with a window on east elevation; 2) replace two sets of three windows with doors, and enlarge one window, and 3) replace second floor windows with 2 smaller windows on north elevation side; and 4) add window on west elevation of the existing dwelling.

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

**Staff:** The subject property is a 38-acre parcel that is located at the end of a public right-of-way located off of the public road known as NW McNamee Road. The property is occupied by a dwelling constructed in 1993. An aerial photo from 2012 shows the dwelling, the garage building and barn. The applicant has proposed to remodel existing dwelling with a slight change to a few windows requiring an SEC-v review. However, there is not an addition or any ground disturbing activity proposed. Planning staff will review these buildings for compliance with land use laws.

#### **3.00 Commercial Forest Use – (CFU-2) Criteria:**

##### **3.01 § 33.2220 Allowed Uses.**

**(D) Alteration, maintenance, replacement or restoration of an existing lawfully established habitable dwelling as defined in MCC 33.0005 and located within 100-feet from an existing dwelling.**

**Staff:** The applicant is proposing to remodel an existing single family dwelling. The only change requested is replacing windows and adding windows and doors to the existing dwelling. A copy of the deed showing the subject parcel is a Lot of Record has been included as Exhibit A.14.

*Criteria met.*

##### **3.02 § 33.2275 LOT OF RECORD**

**(A) In addition to the Lot of Record definition standards in MCC 33.0005. MCC 33.0005 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 de-scribed in MCC 33.7785. 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:

**Staff:** The County found the subject property was a legal parcel and a lot of record in the partition plat 1990-30. The property is in its approved configuration and is a Lot of Record.

#### **4.00 Significant Environmental Concern for Scenic Views Criteria:**

#### **4.01 § 33.4565 CRITERIA FOR APPROVAL OF SEC-V PERMIT -SIGNIFICANT SCENIC VIEWS**

**(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.**

**Staff:** The location of the dwelling is topographically visible from Multnomah Channel, Sauvie Island Roads, Highway 30, Bybee-Howell House and Virginia Lakes. The proposed changes to the dwelling consist of 1) adding a window on the east side, replacing a door with a window on east elevation; 2) replace two sets of three windows with doors, and enlarge one window and 3) replace second floor windows with 2 smaller windows on north elevation side; 4) add window on west elevation of the existing dwelling.

Existing trees on the property and topography will screen the changes from many of the identified viewing area. Additionally, the changes are minor changes that with the distance to all identified viewing area, the changes will not stand out and with trim. A condition of approval has been included requiring this vegetation (as shown below) remain to screen the dwelling.

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

**Staff:** No information has been provided on the reflectivity rating of the windows or roofing. Through conditions of approval, the criterion can be met.

#### **4.03 (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.**

**Staff:** No exterior lighting is proposed.

*Criterion met.*

#### **4.04 (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.**

**Staff:** Existing vegetation exists on the property line that will help to screen the dwelling from

the identified viewing areas. A condition of approval has been included requiring the maintenance of this vegetation.

- 4.05 (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.**

**Staff:** The addition to the dwelling is site specific as the dwelling already exists. There will be no grading for the window replacements. *Criterion met.*

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

**Staff:** The structure is existing and will remain below canopy height. *Criterion met.*

- 4.07 (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:**

**Staff:** The dwelling will remain below the skyline as seen from identified viewing areas. *Criterion met.*

- 4.08 (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:** Conditions of approval included with this decision are to ensure that the proposed addition and the new accessory building will be visually subordinate from the identified viewing areas.

## **6.00 Conclusion**

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Significant Environmental Concern for scenic views to make any alterations to the exterior of the structure and to authorize in the Commercial Forest Use (CFU-2) zone. This approval is subject to the conditions of approval established in this report.

## **7.00 Exhibits**

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

Exhibits with a “\*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2017-6859 at the Land Use Planning office.

| Exhibit # | # of Pages | Description of Exhibit                                     | Date Received/ Submitted |
|-----------|------------|--|--------------------------|
| A.1       | 1          | General Application Form                                   | 2/3/2017                 |
| A.2       | 6          | Narrative and Significant Environmental Concern for scenic | 2/3/2017                 |
| A.3       | 1          | Site Plan  | 2/3/2017                 |

|     |   |  |           |
|-----|---|--|-----------|
| A.4 | 3 | Site Plan and elevation plan                 | 2/3/2017  |
| A.5 | 3 | House photos                                 | 2/3/2017  |
| 'B' | # | Staff Exhibits                               | Date      |
| B.1 | 2 | A&T Property Information for 2N1W19C - 00300 | 2/3/2017  |
|     |   |  |           |
| 'C' | # | Administration & Procedures                  | Date      |
|     | 1 | Application Complete                         | 3/8/2017  |
|     | 1 | Request for waiver of Pre-filing             | 2/3/2017  |
| C.1 | 1 | Opportunity to Comment                       | 5/13/2017 |
| C.2 | 9 | Administrative Decision                      | 6/02/2017 |