

NOTICE OF DECISION

Case File: T2-2022-15569

Permit(s): Significant Environmental Concern Wildlife Habitat and Scenic Views

Applicants: James Fanjoy **Owners:** Richard & Wanda Amodeo

Location: **Address:** 16496 NW Sheltered Nook Rd., Portland **Map, Tax lot:** 2N1W19-01200
Tax Account #: R971190240 **Property ID #:** R325115

Base Zone: Commercial Forest Use – 2 (CFU-2)

Overlays: Significant Environmental Concern Wildlife Habitat (SEC-h), Scenic Views (SEC-v) and Streams (SEC-s), Geological Hazards (GH)

Proposal Summary: Applicant is seeking approval to build a 3,100 square foot replacement dwelling in the same location as the existing dwelling within the Significant Environmental Concern Wildlife Habitat and Scenic Views overlays. GH and SEC-s permits are not required for the proposed development due to the project scope and siting on the property.

Decision: **Approved with Conditions**

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Tuesday, January 10, 2023 at 4:00 pm.

Opportunity to Review the Record: The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review by contacting Marisol Cervantes at 503-988-9452 or at Marisol.Cervantes@multco.us. Paper copies of documents are available at the rate of \$0.40/per page.

Opportunity to Appeal: 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 office at (503) 988-3043. This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

Issued by: _____

By: Marisol Cervantes, Planner

For: Adam Barber,
Interim Planning Director

Date: Tuesday, December 27, 2022



Applicable Approval Criteria:

Commercial Forest Use – 2 (CFU-2) zone: MCC 39.4070 Allowed Uses – (D) Replacement Dwelling within 100-feet of existing dwelling location, MCC 39.4105 Building Height Requirements, MCC 39.4110 Forest Practices Setbacks and Fire Safety Zones, MCC 39.4115(C) Development Standards for Dwellings, MCC 39.4150 Single Family Dwelling Condition of Approval

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://www.multco.us/landuse/zoning-codes> under the link **Chapter 39: Multnomah County Zoning Code**

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.

2. Permit Expiration – This land use permit shall expire as follows:

- a. **Within four (4) years** of the date of the final decision for residential development on land zoned for Commercial Forest Use when construction has not commenced.
 - i. For the purposes of 2.a, commencement of construction shall mean actual construction of the foundation or frame of the approved structure. The property owner shall send notification to land.use.planning@multco.us and reference the case number, T2-2022-15569 a minimum of seven (7) days prior to date of commencement of construction.
- b. **Within four (4) years** of the date of commencement of construction when the structure has not been completed.
 - i. For the purposes of Condition 2.b, 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.

Note: The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 39.1195, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.

2. Prior to zoning review of the proposed building plans, the property owner(s) or their representative shall:

- a. Acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement has been provided to assist you. The signed document shall be sent to Marisol.Cervantes@multco.us. [MCC 39.1170(A) and (B)]
- b. Sign and record with the County Recorder the covenant referenced in MCC 39.4150. A copy of the covenant form for you to record is included with this decision.

3. At the time of zoning review of the proposed building plans, the property owner(s) or their representative shall:

- a. Revise the building elevation drawings to show the location(s) of any proposed chimney for the proposed replacement dwelling. The elevation drawings must demonstrate that any proposed chimney will have a spark arrester. [MCC 39.4115(C)]
- b. Notate on the building elevation drawings the approved color(s) and building material(s) for the replacement dwelling. If the applicant wishes to change the approved color(s) and/or building material(s), they shall submit samples to the Land Use Planning Division for review and approval. [MCC 39.5650]
- c. Provide an erosion control plan for the replacement dwelling. The plan must demonstrate compliance with the requirements of MCC 39.6220 and show locations of any fill being stored on site for the duration of the project. No excavated materials shall be placed on slopes over 10% or within a Geological Hazard overlay zone.
- d. Submit a planting plan showing the locations, types, and spacing of the ten (10) coniferous trees proposed for the site as described in Exhibit A.22. The approved planting plan shall be the plan of reference to determine the completion of Condition #5.c below. [MCC 39.5860(C)]

4. Prior to and during construction, the property owner(s) or their representative shall ensure that:

- a. The Best Management Practices related to erosion control shall be in place for the proposed replacement dwelling. [MCC 39.6220]
5. As an on-going condition, the property owner(s) or their representative(s) shall:
 - a. Establish and maintain a Primary Fire Safety Zone of 30 feet in all directions around the proposed replacement dwelling and around the existing detached garage. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height. [MCC 39.4110(D)]
 - b. The nuisance plants listed in MCC 39.5580 and defined in MCC 39.2000, shall not be used as landscape plantings on the subject property. All nuisance plants shall be kept removed from developed areas of the subject property. [MCC 39.5860(B)]
 - c. Within one year of this decision becoming final, implement the planting plan referenced in Condition #3.d. [MCC 39.5860(C)]
 - i. Within 30 days of completing the plantings, send an email referencing case no. T2-2022-15569 to land.use.planning@multco.us stating the plantings were completed. Include date stamped photos of the plantings with your email.

Note: When ready for zoning review of the proposed building plans, the applicant shall complete the following steps. Land Use Planning may collect additional fees, if applicable.

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, “Prior to zoning review of the proposed building plans...” Be ready to demonstrate compliance with the conditions.
2. Contact Right-of-Way Permits at row.permits@multco.us to review your plans, obtain your access permit, and satisfy any other requirements. You may schedule an appointment at <https://multco.us/transportation-planning/webform/right-way-appointment-request/> or leave a message at 503-988-3582. Failure to make an appointment with County Right-of-Way will result in delaying your building plan review and obtaining building permits.
3. Contact the City of Portland, Bureau of Development Services, On-site Sanitation at 503-823-6892 or e-mail septic@portlandoregon.gov for information on how to complete the Septic Evaluation or Permit process for the proposed development. All existing and/or proposed septic system components must be accurately shown on the site plan.
4. Visit <https://www.multco.us/landuse/submitting-building-plan> for instructions on how to submit your building plans. Please ensure that any items required under, “At the time of zoning review...” are ready for review. Land Use Planning must sign off on the plans and authorize the building permit before you can go to the Building Department.

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*.

1.0 Project Description:

Staff: Applicant proposes to construct a 3,100 square foot replacement dwelling for the existing 1996 Manufactured home on the subject property. The proposal includes Significant Environmental Concern for Wildlife Habitat (SEC-h) and Scenic Views (SEC-v) permits as the proposed development is within both of those overlays. The proposed development is located outside the Geological Hazards (GH) and Significant Environmental Concern for Streams (SEC-s) overlays; hence, GH and SEC-s permits are not required for the project.

2.0 Property Description & History:

Staff: The subject property is located in unincorporated west Multnomah County in the area known as the West Hills Rural Planning Area. The property is zoned Commercial Forest Use – 2 (CFU-2) and contains a 1996 Manufactured Dwelling and a detached garage.

3.0 Public Comment:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties per MCC 39.1105 (Exhibit C.4). Staff did not receive any public comments during the 14-day comment period.

4.0 General Provisions:

4.1 MCC 39.1515 CODE COMPLIANCE AND APPLICATIONS.

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 or zoning review approval of development or any other approvals authorized by this code for any property that is not in full compliance with all applicable provisions of the Multnomah County Zoning Code and/or any permit approvals previously issued by the County.

* * *

Staff: This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

This standard was originally codified in the Zoning Code chapter related to land use application procedures and, by its terms, expressly applies to the application review process. Although now codified in the enforcement Part of the Zoning Code as a result of the more recent code consolidation project, the language and intent was not changed during that project and remains applicable to the application review process and not to the post-permit-approval enforcement process.

Importantly, a finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance.

For purposes of the current application, there are no open compliance cases on the subject property, and there is no evidence in the record of any specific instances of noncompliance on the subject property. *This criterion is met.*

4.2 MCC 39.6235 Stormwater Drainage Control

(A) Persons creating new or replacing existing impervious surfaces exceeding 500 square feet shall install a stormwater drainage system as provided in this section. This subsection (A) does not apply to shingle or roof replacement on lawful structures.

* * *

(D) The stormwater drainage system required in subsection (A) shall be designed to ensure that the rate of runoff for the 10-year 24- hour storm event is no greater than that which existed prior to development at the property line or point of discharge into a water body.

* * *

Staff: The applicant provided a stormwater drainage control certificate and report (Exhibit A.15) completed by Richard Amodeo, P.E., stating that the use of a gutter, downspout, and splash block drainage control system for the development meets MCC 39.6235. *Criteria met.*

5.0 Lot of Record Criteria:

5.1 MCC 39.3005 – Lot of Record – Generally

(A) An area of land is a “Lot of Record” if it meets the standards in Subsection (B) of this Section and meets the standards set forth in this Part for the Zoning District in which the area of land is located.

(B) A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, either satisfied all applicable zoning laws and satisfied all applicable land division laws, or complies with the criteria for the creation of new lots or parcels described in MCC 39.9700. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

* * *

MCC 39.3030 LOT OF RECORD – COMMERCIAL FOREST USE-2 (CFU-2)

(A) In addition to the standards in MCC 39.3005, for the purposes of the CFU-2 district a Lot of Record is either:

(1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or

* * *

Staff: Land use case no. T2-08-017 found that the subject property was a single Lot of Record. The current configuration of the subject property (Exhibit A.7) matches the configuration described in case no. T2-08-017. Therefore, the subject property remains a single Lot of Record. *Criteria met.*

6.0 Commercial Forest Use – 2 (CFU-2)

6.1 MCC 39.4070 - Allowed Uses

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

* * *

(D) Alteration, maintenance, replacement or restoration of an existing lawfully established habitable dwelling as defined in MCC 39.2000 and located within 100-feet from an existing dwelling.

(1) In the case of a replacement dwelling, the existing dwelling shall be removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

Staff: According to the proposed site plan (Exhibit A.20), the existing dwelling will be demolished and the 3,100 square foot replacement dwelling will be placed in the same location as the existing dwelling. *Criteria met.*

6.2 MCC 39.4105 – Building Height Requirements

(A) Maximum structure height – 35 feet.

(B) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

Staff: According to the proposed elevation drawings (Exhibit A.9), the height of the proposed replacement dwelling is 27 feet. *Criteria met.*

6.3 MCC 39.4110 - FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES.

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature

and location of the proposed use. The following requirements apply to all structures as specified:

Use	Forest Practice Setbacks			Fire Safety Zones
Description of use and location	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)	Fire Safety Zone Requirements (FSZ)
Replaced or restored dwelling in same location & greater than 400 sq. ft. of additional ground coverage;	Nonconforming setback(s) of less than 30 ft. to property lines that existed as of August 26, 2006 may be maintained	30	30	Primary is required, except that if there was a nonconforming Forest Practice setback of less than 30 feet to property lines as of August 26, 2006, Primary is required to the full extent of the nonconforming Forest Practice setback as it existed on August 26, 2006

Staff: The applicant proposes to demolish the existing dwelling and site the replacement dwelling in the same location (Exhibit A.20). The proposed replacement dwelling will be 662 feet from the east property line, 431 feet from the north property line, 606 feet from the west property line and 92 feet from the south property line (Exhibit A.18). Required primary fire safety zones are discussed below. *Criteria met.*

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 39.4155 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

Staff: The applicant does not propose any reductions to the Forest Practices Setbacks nor an exception to the Secondary Fire Safety Zone. *Criteria met.*

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area.

Staff: The Transportation Planning Review completed by the County Right-of-way office does not indicate the need for increased setbacks due to insufficient right-of-way (Exhibit A.17). *Criterion met.*

(D) Fire Safety Zones on the Subject Tract.

(1) Primary Fire Safety Zone.

(a) A primary fire safety zone is a firebreak extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

* * *

(2) Secondary Fire Safety Zone.

* * *

(3) No requirement in (1) or (2) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

Staff: According to the revised site plan (Exhibit A.20) the proposed replacement dwelling and the existing detached garage will have the required 30 foot Primary Fire Safety Zones.. The Secondary Fire Safety Zone is not required for the proposed project as the existing detached garage and proposed replacement dwelling are within 100 feet of the existing dwelling's location. A condition of approval requires compliance with (4) and (5) above. *As conditioned, these criteria are met.*

6.4 MCC 39.4115 – Development Standards for Dwellings & Structures

* * *

(C) The dwelling or structure shall:

(1) Comply with the standards of the applicable building code or as prescribed in ORS 446.003 through 446.200 relating to mobile homes;

(2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;

(3) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

Staff: The proposed replacement dwelling is not a mobile home; the replacement dwelling will be stick built and subject to a building permit for applicable building codes. The

proposed building plans (Exhibit A.9) and applicant narrative (Exhibit A.22) states a torch-down modified bitumen roof with a granular surface meeting a “Class A” roofing will be installed. Additionally spark arrestors will be installed on the chimney. A condition of approval requires compliance with (C) above. *As conditioned, these criteria are met.*

6.5 MCC 39.4150 Single Family Dwelling Condition of Approval

As a condition of approval of a single family dwelling, the landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Staff: A condition of approval requires the recording of the above covenant. *As conditioned, the above criterion is met.*

6.6 MCC 39.6850 Dark Sky Lighting Standards

* * *

(C) The following standards apply to all new exterior lighting supporting a new, modified, altered, expanded, or replaced use approved through a development permit and to all existing exterior lighting on property that is the subject of a development permit approval for enlargement of a building by more than 400 square feet of ground coverage.

(1) The light source (bulbs, lamps, etc.) must be fully shielded with opaque materials and directed downwards. “Fully shielded” means no light is emitted above the horizontal plane located at the lowest point of the fixture’s shielding. Shielding must be permanently attached.

(2) The lighting must be contained within the boundaries of the Lot of Record on which it is located. To satisfy this standard, shielding in addition to the shielding required in paragraph (C)(1) of this section may be required.

Staff: The applicant provided proposed exterior lighting details (Exhibit A.4 & Exhibit A.10) to demonstrate the exterior lighting complies with the Dark Sky Lighting Standards. *Standards met.*

7.0 Significant Environmental Concern Criteria:

7.1 MCC 39.5510 Uses; SEC Permit Required

(A) All uses allowed in the base zone are allowed in the SEC when found to satisfy the applicable approval criteria given in such zone and, except as provided in MCC 39.5515, subject to approval of an SEC permit pursuant to this Subpart.

(B) Any excavation or any removal of materials of archaeological, historical, prehistorical or anthropological nature shall be conducted under the conditions of an SEC permit, regardless of the zoning designation of the site.

MCC 39.5520 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 39.5540 through 39.5860.

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

* * *

Staff: This application includes a request for an SEC-h and SEC-v permit. No activities outlined in MCC 39.5510(B) are proposed. The applicant provided the required SEC application materials as Exhibits A.9, A.11, A.18 – A.20 & A.22.

7.2 MCC 39.5860 Criteria for Approval of SEC-h Permit

(A) In addition to the information required by MCC 39.5520 (A), an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:

* * *

Staff: The applicant provided a revised topographical area map of the subject property as (Exhibit A.18). *Criteria met.*

(B) Development standards:

(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 proposed development is in the same area as the current dwelling (Exhibit A.20). No new clearing is proposed as the property is heavily forested and the proposed replacement dwelling and existing detached garage meet the 30' primary Fire Safety Zone. *Criteria met.*

(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

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

(4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:

(a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or

(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.

* * *

Staff: The proposed replacement dwelling is more than 200 feet away from NW Sheltered Nook Rd. according to the site plan (Exhibit A.18). The existing driveway is more than 500 feet in length. NW Sheltered Nook Rd. provides access to the subject property via an existing driveway. The property to west of the subject property has an existing driveway within 200 feet of the common west property line. *Standards (2) and (3) have not been met. Standard (4) has been met.*

(5) The development shall be within 300 feet of a side property line if adjacent property has structures and developed areas within 200 feet of that common side property line.

Staff: The property to the west of the subject property contains structures within 200 feet of the shared common side property line. According to the area map (Exhibit A.18), the proposed replacement dwelling is not within 300 feet of the side common property line. *Standard not met.*

(6) 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.

* * *

Staff: According to the site plan, no new fencing is proposed as part of this development (Exhibit A.20). *Criteria met.*

(7) The nuisance plants in MCC 39.5580 Table 1 shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property.

Staff: The applicant does not propose to plant any nuisance plants listed in MCC 39.5580 (Exhibit A.22). A condition of approval requires compliance with (7) above. *As conditioned, the above criterion is met.*

7.4 (C) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.

(1) The applicant cannot meet the development standards of subsection (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use;

* * *

Staff: Per the applicant narrative, due to the subject property's existing physical characteristics, the applicant cannot meet development standards (B)(2),(B)(3), and (B)(5). The applicant proposes no new clearing of trees and development is to occur in existing cleared areas. In order to provide mitigation for the proposed development, the applicant proposes to plant (10) coniferous native trees on the subject property (Exhibit A.22). A condition of approval requires documentation and maintenance of the mitigation plantings. *As conditioned, the above criterion is met.*

(3) Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (C)(5), the wildlife conservation plan must demonstrate the following:

(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

(c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.

(d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.

(e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.

Staff: The proposed 3,100 square foot replacement dwelling will be constructed in the same location as the existing dwelling, after completion of the demolition of the existing dwelling. This location is an existing cleared area approximately ¼ acre in size. No new clearing will be necessary and the proposal does not include any new fencing or disturbance of a stream riparian area (Exhibit A.20). The applicant proposes to plant (10) coniferous trees on the subject property; however, the proposed revegetation is not subject to the 2:1 ratio of (d) as no new cleared areas are proposed. *Criteria met.*

* * *

(5) Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (C)(3) of this section, the wildlife conservation plan must demonstrate the following:

* * *

Staff: The wildlife conservation plan demonstrated satisfaction of the criteria in subsection (C)(3), as described above. *Criterion met.*

7.5 MCC 39.5650 Criteria for Approval of Scenic Views (SEC-v)

(A) For purposes of this Section, the following terms and their derivations shall have the meanings provided below:

(1) Significant Scenic Resources – Those areas designated SEC-v on Multnomah County sectional zoning maps.

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

* * *

(3) Visually Subordinate – The subject 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: Section (A) above is for information purposes.

(B) In addition to the information required by MCC 39.5520, 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;

* * *

Staff: The locations of the existing and proposed lighting fixtures and the light fixture details are in Exhibits A.4 & A.10. Applicant narrative and elevation drawings (Exhibits A.9 & A.22) indicate the exterior building materials will be cedar, stone and masonry. There will be metal flashings and trim, but those features will be a matte finish and painted in a neutral grey or brown color. The proposed windows and doors are brown frames and the roof material is an asphalt torch-down with dark grey granular cap coat.

The elevation drawings (Exhibit A.9) show a proposed height of 27 feet for the replacement dwelling, which is 10 feet taller than the height of the existing dwelling. However, the replacement dwelling will be significantly below the adjacent coniferous tree canopy of +/- 100 feet that surrounds the area. The proposed replacement dwelling silhouette will remain below the skyline and ridges of the Key Viewing Areas. *Criteria met.*

(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.

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

(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.

(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: The subject property is visible from identified viewing areas; hence, the proposed development must be visually subordinate. An existing cleared area where the existing dwelling and detached garage are located, will serve as the location for the proposed replacement dwelling. A majority of the property has existing tree canopy that provides vegetative screening for the existing and proposed development. The proposed replacement dwelling will use natural materials including cedar, stone and masonry, with metal flashings and trim that will be matte finish and painted in a neutral grey or brown color. The proposed windows and doors will have brown frames and the roofing will be asphalt torch-down with a dark grey granular cap coat (Exhibit A.9 & Exhibit A.22).

Using the proposed natural / low reflectivity building materials, earthtone paint colors, and existing vegetation for screening, the proposed development will be visually subordinate from the identified viewing areas. A condition requires the use of the proposed building materials / colors. *As conditioned, these criteria are met.*

(D) Mining of a protected aggregate and mineral resource within a PAM Overlay shall be done in accordance with any standards for mining identified in the protection program approved during the Goal 5 process. The Application for SEC-v permit must comply only with measures to protect scenic views identified in the Goal 5 protection program that has been designated for the site.

* * *

Staff: The proposal does not include any mining of a protected aggregate or mineral resource. Therefore, (D) is not applicable to this proposal.

8.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Significant Environmental Concern Wildlife Habitat and Scenic View permits and the Commercial Forest Use Development Standards to establish a 3,100 square foot replacement dwelling in the CFU-2 zone. This approval is subject to the conditions of approval established in this report.

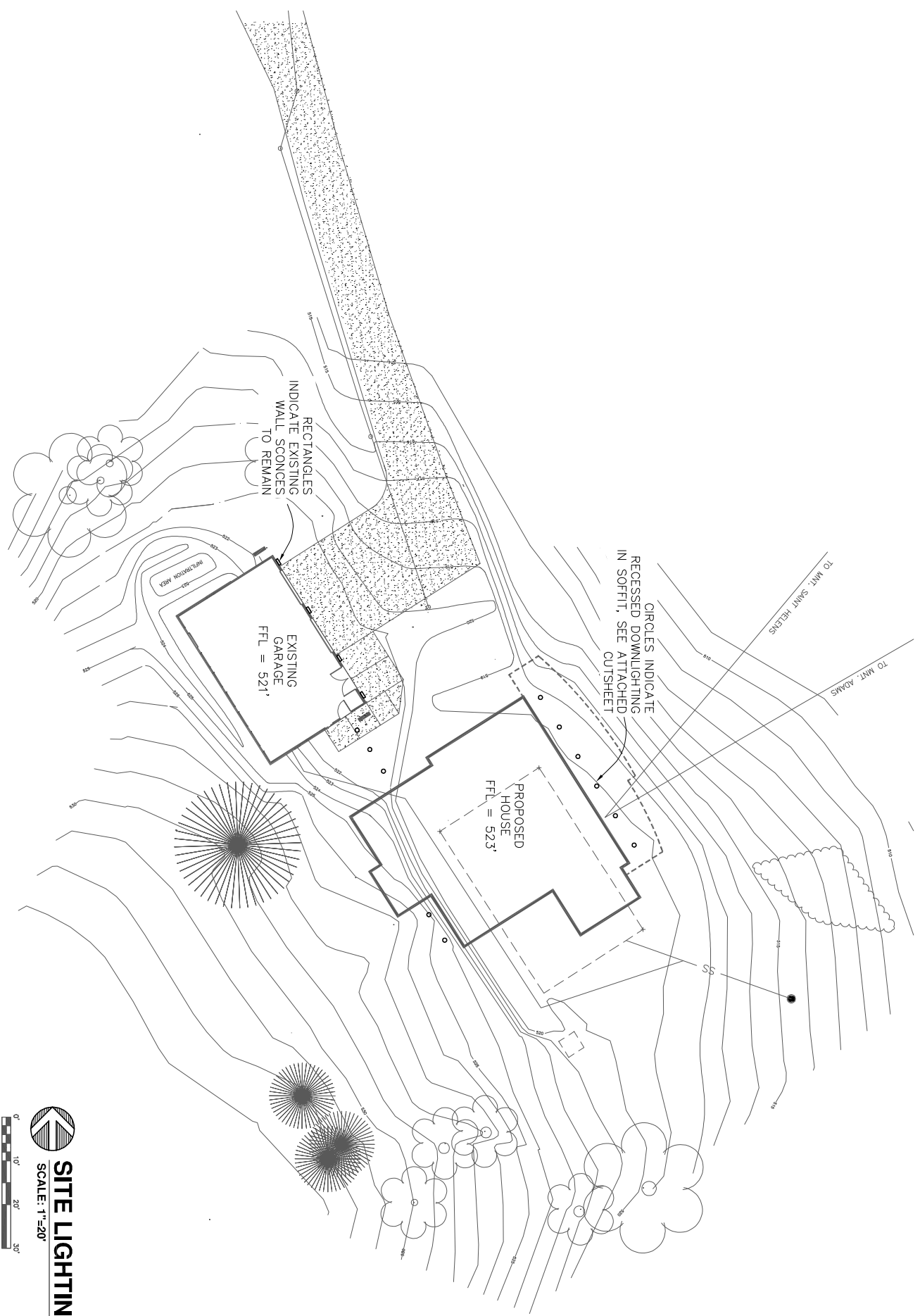
9.0 Exhibits

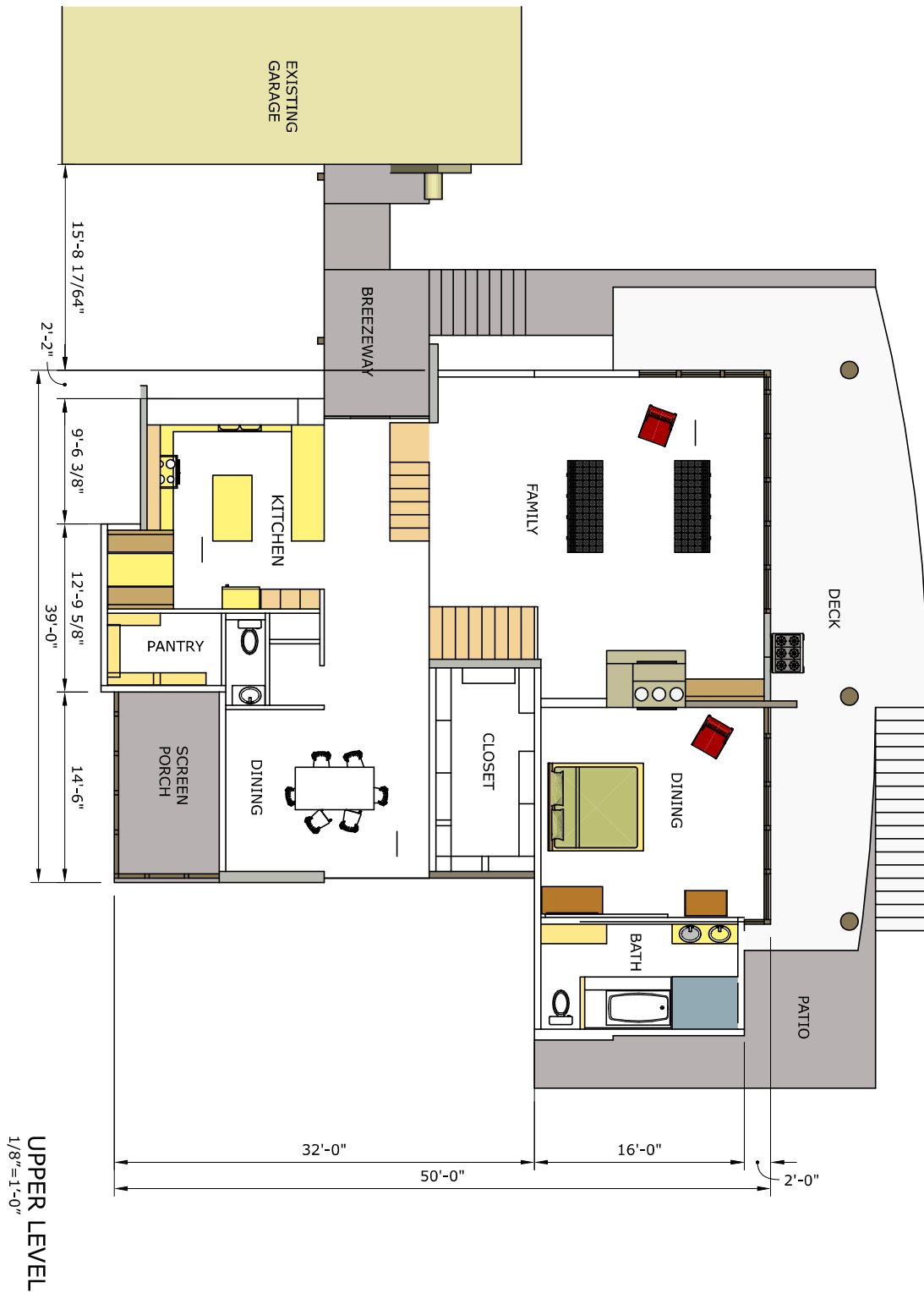
- ‘A’ Applicant’s Exhibits
- ‘B’ Staff Exhibits
- ‘C’ Procedural Exhibits

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. Those exhibits have been reduced to a size of 8.5” x 11” for mailing purposes. All other exhibits are available for review in Case File T2-2022-15569 by contacting Marisol Cervantes at (503) 988-9452 or Marisol.Cervantes@multco.us

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	03.04.2022
A.2	1	Authorization Representative Form	03.04.2022
A.3	6	Applicant Narrative	03.04.2022
A.4*	1	Site Plan with Lighting Locations	03.04.2022
A.5	1	Site Plan of entire property	03.04.2022
A.6	1	Inset Site Plan of the subject property	03.04.2022
A.7	2	Statutory Warranty Deed Instrument #2007-121613, recorded on July 06, 2007	03.04.2022
A.8	6	Habitable House Photos	03.04.2022
A.9*	6	Replacement Dwelling Floor Plans & Elevations	03.04.2022
A.10	8	Lighting Fixtures Description	03.04.2022
A.11	2	Erosion Control Report	03.04.2022
A.12	2	Septic Evaluation Application	03.04.2022
A.13	3	On-Site Septic Certification	03.04.2022
A.14	13	DEQ Septic Evaluation Report	03.04.2022
A.15	12	Stormwater Drainage Control Certificate & Report	03.04.2022
A.16	2	Fire Service Agency Review Form	03.04.2022
A.17	18	Transportation Planning Review Form	03.04.2022
A.18	1	Revised Area Map	07.26.2022
A.19	12	Revised Stormwater Certificate & Report	07.26.2022
A.20*	1	Revised Site Plan	07.26.2022
A.21	7	Revised Septic Certification Form	07.26.2022
A.22	6	Revised Applicant Narrative	07.26.2022
‘B’	#	Staff Exhibits	Date

B.1	3	Division of Assessment, Recording, and Taxation (DART): Property Information for R325115 (Alt Acct#R971190240)	03.04.2022
‘C’	#	Administration & Procedures	Date
C.1	3	Incomplete letter	03.25.2022
C.2	1	Applicant’s acceptance of 180 day clock	04.11.2022
C.3	1	Complete letter (day 1)	08.25.2022
C.4	10	Opportunity to Comment and mailing list	10.25.2022
C.5	17	Decision	12.27.2022







LOWER LEVEL
1/8"=1'-0"



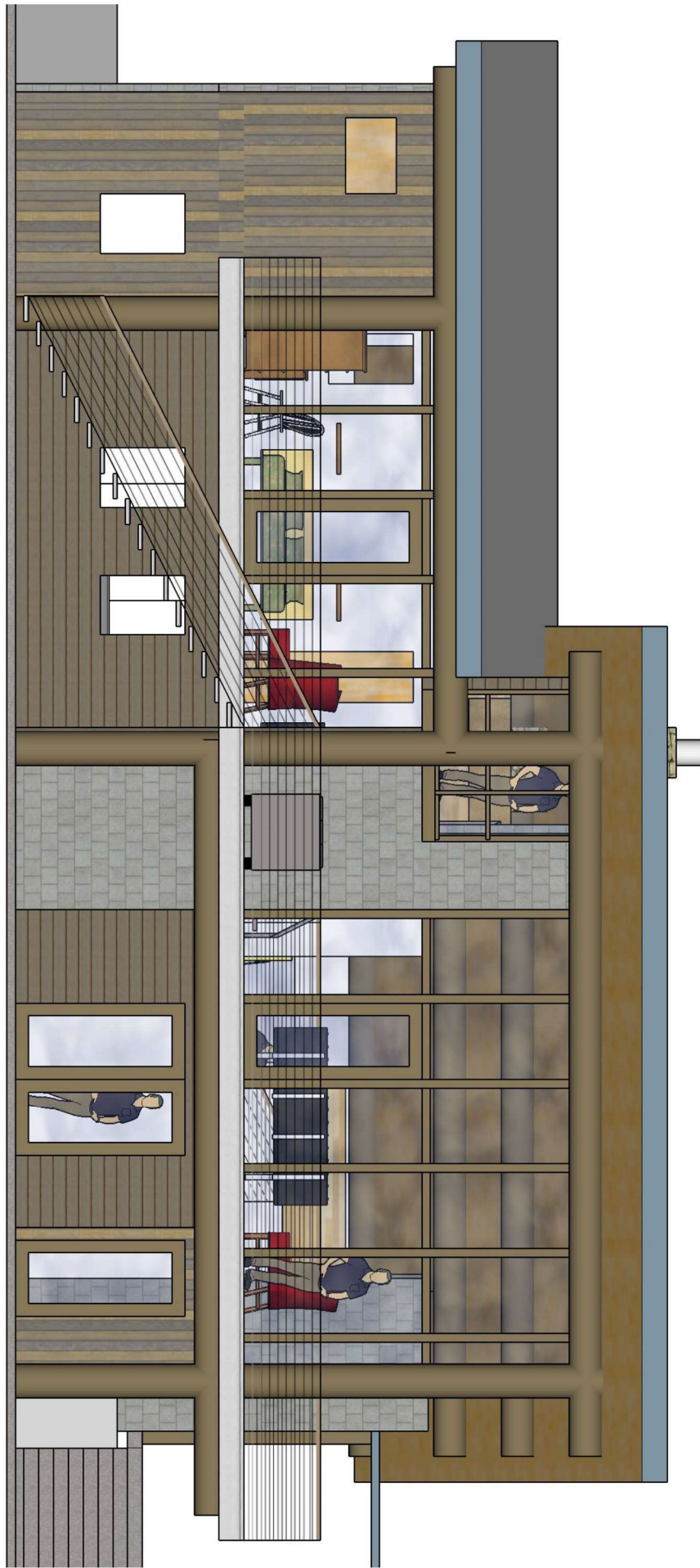
EAST ELEVATION
1/4"=1'-0"



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Amodeo Residence
16496 NW Sheltered Nook Rd
Portland, Oregon

February 10, 2022



NORTH ELEVATION
1/4" = 1'-0"



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SOUTH ELEVATION
1/4"=1'-0"



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BUILDING SECTION
1/8"=1'-0"



WEST ELEVATION
1/8"=1'-0"

Other than this proposal to replace the existing 3-bedroom house with a new 3-bedroom house, no other changes are being proposed to the property or site access. The existing cleared area will remain as it has been since the property was purchased in 2007, and is under 10% of the property area.

GENERAL NOTES

1. Building exterior will be natural materials and earth tones
2. Structures will be below the existing 80' tree canopy height and 35' structure height limit
3. All existing trees will remain
4. The new structure will be located in the same area as the dwelling to be replaced
5. Exterior lighting will be minimal, and where used will be hooded and directed downward
6. Roof will not be metal
7. No changes to existing road access or garage
8. Existing slope will be maintained. There will be no changes to the landform and topography adjacent to the building.
9. No trees will be removed.
10. The site is only marginally viewable for Sauvie Island, and not from any other listed viewing areas

