



DEPARTMENT OF ENVIRONMENTAL SERVICES  
Transportation and Land Use Planning Division  
2115 S.E. Morrison Street  
Portland, Oregon 97214 (503) 248-3043

**DECISION OF THE PLANNING DIRECTOR**

**DESIGN REVIEW OF A SINGLE FAMILY DWELLING  
APPROVED AS A CONDITIONAL USE**

**Case File Number: DR 2-97**

**April 22, 1997**

**Proposal:** Applicant proposes to place a manufactured home on the subject site as approved in Conditional Use case # CU 2-95. Also included are responses of the applicant to the approval criteria for a site-built replacement dwelling to be constructed after setting up and occupying the manufactured home. Upon completion of the site-built replacement dwelling, the manufactured home will be removed from the property.

**Location:** 16200 NW McNamee Road

**Tax Roll**

**Description:** Tax Lot '30', Section 19, T. 2 N., R. 1 W., WM..

**Property** George and Shannon Butler

**Owner &** 673 NE 157th Avenue

**Applicant:** Portland, OR 97230

**Zoning:** Commercial Forest Use (CFU); Significant Environmental Concern (SEC) SEC-h [Wildlife Habitat] and SEC-v [Scenic Views]

**Approval**

**Criteria:** Multnomah County Code (MCC): MCC 11.15.7850 Design Review Criteria

The dwelling placed on the property under the approval of CU 2-95, (the manufactured home), is not subject to the current SEC code provisions because they were not in effect at the time of the conditional use hearings. The significant environmental concern plan policies regarding habitat and views were in effect and were addressed in the conditional use decision.

A future site built "replacement dwelling" will require SEC permit approval prior to any building permits being issued.

_____	Notices
<u>2</u>	Decision Notices
mailed on	<u>4-22-97</u>
<u>JK</u>	

## Planning Director's Decision:

**Approve, subject to conditions**, design review for a proposed manufactured home on the above described property.

## Conditions of Approval:

1. The proposed manufactured home shall be placed in the location shown in the application. The colors of the siding and roof shall be in the **darker** earth tone range of colors so as to not be highly visible from "key viewing areas" identified in the County Comprehensive Plan document "West Hills Reconciliation Report". For this site, those areas are Sauvie Island, Highway 30, and Multnomah Channel. (Examples of the color range are at the permit counter.)
2. Lighting fixtures shall be directed downward and shielded so as to not be highly visible.
3. Any disturbance of more than 50 cubic yards shall require a grading and erosion control permit.
4. The replacement dwelling will require approval of an SEC Permit under the provisions of the Significant Environmental Concern standards of MCC .6420, .6424, and .6426.

## Findings:

### 1. Format of Decision

The applicant has submitted responses to the Design Review criteria for both the manufactured home and the future site-built home. The purpose of this is to demonstrate that although the manufactured home is proposed to be located to the immediate northeast of the dwelling location shown on the site plan submitted with Conditional Use 2-95, the future replacement dwelling will be constructed in the location shown on the CU plans.

Therefore, this decision will include both sets of responses to the approval criteria (where they differ). Each will be preceded by either the notation: "*Applicant's Response, Manufactured home:*" or "*Applicant's Response, Replacement dwelling:*".

The Code language will be distinguished by being shown in **bold font**.

## 2. Property Description

### A. *Applicant's Response, Manufactured home:*

"Steve and Shannon Butler own 16.43 acres located one and one tenth of a mile up McNamee Road from Hwy. 30. The property is undeveloped except for an existing log landing. The West side of the property abuts McNamee Road and is the narrow portion of the site. This parcel of land was clear cut and replanted in 1993. There are no creeks or waterways on this site. There are homes located to the North, South, and West.

The entire property slopes away from McNamee Road. From McNamee Road East; the property slopes from about 5% and gradually gets steeper to about 30% and then lessens to about 18%. The manufactured home site will be located on an area that will not be greater than 16% slope. North of the site, the property slopes to about 30% from West to East. South of this site, the property slopes to about 24% from West to East. A deed restriction will be obtained to have a log landing located to the South of the planned house site. The location of the manufactured home will allow for the least impact on the surrounding trees and grade of the land while leaving a space for the log landing once the home is built and the manufactured home is removed. There will also be no visual impact from any neighboring properties. **No construction will occur on slopes 25% or greater."**

### B. *Applicant's Response, Replacement dwelling:*

"... The entire property slopes away from McNamee Road. From McNamee Road East; the property slopes from about 5% and gradually gets steeper to about 30% and then lessens to about 18%. The home site will be located on an area that will not be greater than 16% slope. North of this site, the property slopes to about 30% from West to East. South of this site, the property slopes to about 24% from West to East. Because of this, the home site was chosen nearest to McNamee Road. No construction will occur on slopes 25% or greater."

## 3. Compliance With Design Review Code Criteria

A. Code language in bold, applicant responses, and staff findings.

### **MCC 11.15.7850 Design Review Criteria**

**(A) Approval of a final design review plan shall be based on the following criteria:**

**(1) .7850(A)(1) Relation of Design Review Plan Elements to Environment.**

**(a) The elements of the design review plan shall relate harmoniously to the**

**natural environment and existing buildings and structures having a visual relationship with the site.**

***Applicant's Response, Manufactured Home:*** "The Butler's manufactured home will cause no adverse impact on the natural surroundings of the environment. The size of the home will give little impact to the lot. Its location was chosen so as not to impede construction of their house site. Exterior lighting will be restricted to the parking space and walkway. This location and the placement of the home will allow passersby the view from McNamee road without obstructions. There are trees to the North and South that obstruct any view to homes located in either direction. These trees will not be removed except to allow for CFU fire code requirements. This location will minimize any visual impact on surrounding properties and on McNamee Road Traffic. There are no existing structures located on this site."

***Applicant's Response, Replacement dwelling:*** "The Butler's home will relate to and harmonize with the natural surroundings of the environment. The design of the home will give continued offsets thus creating shadows at different angles to allow it to be better hidden from view making it look less intrusive. The roof will be dark in color and with many angles to further lessen its intrusiveness. The house will be painted a neutral color to better blend with its surroundings. Exterior lighting will be restricted to the driveway and walkway. The placement of this lighting will be used for guidance only and because of the location of the house, the lighting will be obstructed from view from the East and South. The structure will be one main level with a daylight basement. This fact and the placement of the home will allow passersby the view from McNamee road without major obstructions. There are trees to the North and South that obstruct any view to homes located in either direction. These trees will not be removed except to allow for CFU fire code requirements. These design features will minimize any visual impact on surrounding properties and on McNamee Road traffic. There are no existing structures located on this site."

***Finding:*** The property is identified as being part of the significant views of the Tualatin Mountains as viewed from Sauvie Island, Highway 30, and Multnomah Channel. The SEC-v (views) overlay zoning designation was not in place at the time of the conditional use approval for a single family dwelling. Therefore, the manufactured home is not subject to those review standards. However, the proposed replacement dwelling will be subject to the requirement for an SEC Permit.

Under the above design review standard, there is a condition of approval of the manufactured home that requires darker colors to lessen the visibility of the home -- ". . . relate

harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.

- (2) .7850(A)(1)(b) **The elements of the design review plan should promote energy conservation and provide protection from adverse climactic conditions, noise, and air pollution.**

*Applicant's Response, Manufactured Home:* "The manufactured home is 14 feet by 70 feet. The manufactured home will be a temporary residence until a permit can be obtained for a permanent house and (sic) the house is completed. The manufactured home will not be a significant source of air pollution, nor will the Butler's contribute to any noise outside of normal household activities."

*Applicant's Response, Replacement dwelling:* "The house will have two stories. Its design will incorporate the latest proven technology while keeping with the requirements that have been set forth. The house will have a low profile thus reducing heat loss from exterior walls. The basement will be set back into the slope further reducing heat loss. The house will not be a significant source of air pollution, nor will the Butler's contribute to any noise outside of normal household activities."

- (3) .7850(A)(1)(c) **Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.**

*Applicant's Response, Manufactured Home:* "The manufactured home will sit on the site so as to have least impact on its surroundings. The manufactured home will be located on a site making it unobtrusive to McNamee Road and neighboring properties. The surrounding trees are well above the house making it impossible to see from any location."

*Applicant's Response, Replacement dwelling:* "The Butler's house will sit on the site so as to have least impact on its surroundings. The one story with daylight basement design gives the house a low profile making it less intrusive to McNamee Road and neighboring properties. With the low profile, the house will sit well below the surrounding tree line. Because of the designed offsets, the house will have less visual impact. These features will allow the house to blend in with the natural features of the site and not overwhelm them."

- (4) .7850(A)(2) **Safety and Privacy – The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and**

**transitions from public to private spaces.**

***Applicant's Response, Manufactured Home:*** "The manufactured home will meet all code requirements regarding Safety. The septic field will be located in a location designated by the City of Portland who reviews and permits septic systems in unincorporated Multnomah County. There are no public areas on the Butler's property or adjoining properties."

***Applicant's Response, Replacement dwelling:*** "The house will meet all code requirements regarding Safety. The septic field will be located in a location designated by the City of Portland who reviews and permits septic systems in unincorporated Multnomah County. There are no public areas on the Butler's property or adjoining properties."

- (5) .7850(A)(3) Special Needs of Handicapped – Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and braille signs.**

***Applicant's Response, Manufactured Home:*** "This criterion is not applicable to a private residence occupied by members of one family."

***Applicant's Response, Replacement dwelling:*** "This criterion is not applicable to a private residence occupied by members of one family."

- (6) .7850(A)(4) Preservation of Natural Landscape – The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.**

***Applicant's Response, Manufactured Home:*** "The manufactured home is located on the least restrictive site for the construction of the house. This site was chosen to allow for the least tree and vegetation removal and to give a location for a deed restriction for a log landing after the house is built and the manufactured home is removed. This site was also chosen because it will require the least damage to the existing grade of the site. Construction activity will not threaten trees remaining outside of the cleared area. Care will be taken to keep machinery away from vegetation during construction."

***Applicant's Response, Replacement dwelling:*** "The house is located on the least sloping area of the property. Because of the slope, the home site is restricted close to McNamee Road to have the least impact on this site. Less than 50 cubic

yards of dirt will be moved while grading for the house and yard areas. The Butlers intend to leave as much of the parcel in its natural state as possible while considering the requirements of the house, yard, and driveway. Construction activity will not threaten trees remaining outside of the cleared area. Care will be taken to keep machinery away from vegetation during construction.”

***Finding:*** Any alteration of the site by disturbing more than 50 cubic yards of earth will require review and approval a grading and erosion control permit. It is expected that the manufactured home placement can be accomplished without exceeding this threshold. However, it is likely that such a permit is will be required for the replacement dwelling.

The proposed home sites were approved with a side yard variance in case number HV 2-95. The area was cleared and used as a log landing area prior to the Butlers purchasing the property.

- (7) .7850(A)(5) **Pedestrian and Vehicular circulation and Parking** – The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.

***Applicant's Response, Manufactured Home:*** “The Driveway to the manufactured home is an existing driveway. This driveway has been in existence since it was logged in 1993. It will require approval from a Fire and road engineering. The entrance to McNamee Road will maximize safety and convenience while also insuring harmony with neighboring buildings and structures.”

***Applicant's Response, Replacement dwelling:*** “The Driveway to the house meets county fire code requirements. The entrance to McNamee Road will maximize safety and convenience while also insuring harmony with neighboring buildings and structures.”

***Finding:*** The existing driveway was initially used for access to the log landing. A driveway permit will be required prior to approval of the manufactured home placement permit.

- (8) .7850(A)(6) **Drainage** – Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.

***Applicant's Response, Manufactured Home:*** "Because of the lay and slope of the parcel, drainage from the roof of the manufactured home and parking area will be allowed to absorb into the ground causing no impact to neighboring properties or streets. A dry well will be installed to collect runoff if required."

***Applicant's Response, Replacement dwelling:*** "Because of the lay and slope of the parcel, drainage from the roof of the house and parking area will be allowed to absorb into the ground causing no impact to neighboring properties or streets. A dry well will be installed to collect runoff if required."

***Finding:*** The City of Portland Bureau of Buildings will be the agency reviewing the construction plans. Water runoff resulting from development will be required to be retained on-site. The exact mechanism for achieving that will be determined at the building permit review by the city staff.

- (9) .7850(A)(7) **Buffering and Screening – Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.**

***Applicant's Response, Manufactured Home:*** "No other structures are proposed. Mail service will be a single mail box located at McNamee Road."

***Applicant's Response, Replacement dwelling:*** "No other structures are proposed. Mail service will be a single mail box located at McNamee Road. Parking to the house will be done on the driveway in the vicinity of the garage."

- (10) .7850(A)(8) **Utilities – All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.**

***Applicant's Response, Manufactured Home:*** "All utilities will be underground."

***Applicant's Response, Replacement dwelling:*** "All utilities will be underground."

- (11) .7850(A)(9) **Signs and Graphics – The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.**



***Applicant's Response, Manufactured Home:*** "There will be no exterior signs, graphics, etc., and therefore this criterion is not applicable to the Butler's single family residence."

***Applicant's Response, Replacement dwelling:*** "There will be no exterior signs, graphics, etc., and therefore this criterion is not applicable to the Butler's single family residence."

**B. Applicants Conclusions:**

***Applicant's Conclusion, Manufactured Home:*** "The Butler's manufactured home fits in with the surrounding land use. It has no visual impact and will expose a minimum area to any potential erosion or siltation. The Butlers will maintain 15 acres of commercial forest and natural vegetation. The Butlers comply with the above Design Review requirements, and request approval of their application."


***Applicant's Conclusion, Replacement dwelling:*** "The Butler's manufactured home fits in with the surrounding land use. It has minimal visual impacts and will expose a minimum area to any potential erosion or siltation. The Butlers will maintain 15 acres of commercial forest and natural vegetation. The Butlers comply with the above Design Review requirements, and request approval of their application."

**Conclusions:**

1. The applicant has demonstrated that the criteria of approval are met for design review of a single family dwelling approved as a conditional use.
2. Conditions of approval are necessary to implement the code approval criteria.
3. A Grading and Erosion Control Permit will be required if more than 50 cubic yards of earth is disturbed.

Filed with the Director, April 22, 1997.

DEPARTMENT OF ENVIRONMENTAL SERVICES  
TRANSPORTATION AND LAND USE PLANNING DIVISION

By   
Gary Clifford  
Senior Planner  
For: Planning Director

**NOTICE:** This decision may be appealed within 10 days of the above date, pursuant to the provisions of MCC 11.15.8290. An appeal requires a \$100.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Planning and Development Offices at 2115 SE Morrison Street (telephone 248-3043).