



**MULTNOMAH COUNTY OREGON**

**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.co.multnomah.or.us/dbcs/LUT/land\\_use](http://www.co.multnomah.or.us/dbcs/LUT/land_use)

---

## NOTICE OF DECISION

---

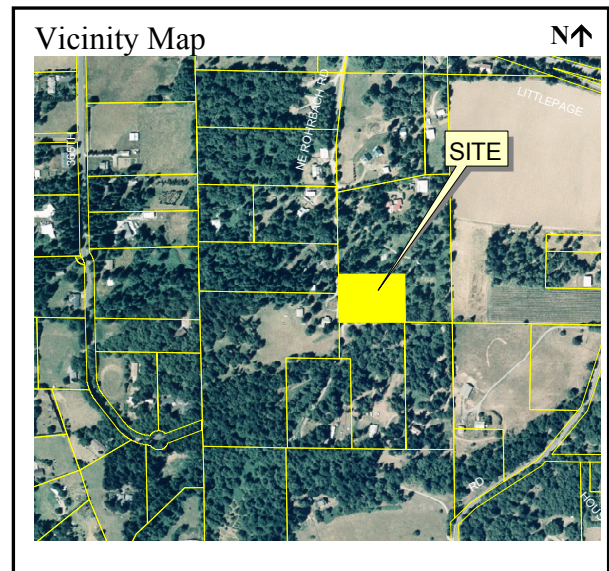
This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

**Case File:** T2-04-083

**Permit:** National Scenic Area Site Review

**Location:** 584 NE Rohrbach Rd.  
Corbett, Oregon  
97019

**Applicant:** John & Peggy Ragona  
PO Box 140  
Corbett, OR 97019



---

**Summary:** A proposal to build a replacement dwelling on the subject property.

**Decision:** **Approved with Conditions.**

Unless appealed, this decision is effective June 27, 2005, at 4:30 PM.

---

Issued by:

By: \_\_\_\_\_  
Adam Barber, Planner

For: Karen Schilling - Planning Director

Date: June 13, 2005

Instrument Number for Recording Purposes: 98187138

**Opportunity to Review the Record:** A copy of the Planning Director's Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director's Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Adam Barber, Staff Planner at 503-988-3043.

**Opportunity to Appeal:** This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of **MCC 38.0640**. 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 Columbia River Gorge Commission 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 June 27, 2005 at 4:30 pm.**

**Applicable Approval Criteria:** Columbia River Gorge National Scenic Area General Provisions; **MCC 38.0000 – 38.0110**, Administration and Enforcement; **MCC 38.0510 – 38.0800**, Columbia River Gorge National Scenic Area General Gorge Residential (GGR) Districts; **MCC 38.3000 – 38.3095**, Site Review for General Management Areas (GMA); **MCC 38.7000 – MCC 38.7090**.

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at:  
[http://www.co.multnomah.or.us/dbcs/LUT/land\\_use/index.shtml](http://www.co.multnomah.or.us/dbcs/LUT/land_use/index.shtml)

### **Scope of Approval**

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. **Pursuant to MCC 38.0690, this land use permit expires two years from the date the decision is final if;** (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under **MCC 38.0700**. Such a request must be made prior to the expiration date of the permit.

### **Conditions of Approval**

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. **Within 30-days of this decision becoming final and prior to building permit sign-off, the applicant shall record the Notice of Decision (pages 1-3) 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 or within 30-days of the decision becoming final, whichever occurs first. Recording shall be at the applicant's expense. A copy of the recorded document shall be filed with the Land Use Planning Department.**
2. Exterior lighting on the home shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding shall be composed of non-reflective, opaque materials **(MCC 38.7035(B)(10))**.
3. If, during construction, cultural or historic resources are uncovered, the applicant/owner shall immediately cease development activities and inform the Multnomah County Land Use Planning Division, Columbia River Gorge Commission, and the U.S. Forest Service of any discovery pursuant to **MCC 38.7045(L) & (M)**.
4. The owner shall plant an east-west linear row of six, five foot tall Douglas fir trees to the north of the proposed home approximately 25-feet from the northern property line. Trees shall be planted 12-foot on-center. The owner is responsible for replacing any of these trees that do not survive with comparable evergreen trees **(MCC 38.7035(A)(4))**.
5. Only dark, natural earth toned colors shall be used in the construction of the new home's exterior **(MCC 38.7035C(3)(c)(4))**.

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, Adam Barber, at (503) 988-3043, to schedule 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. Four (4) sets each of the site plan and building plans are needed for building permits signed off. A \$75 erosion control inspection fee will be required at plan signoff.

## **Findings of Fact**

(Formatting Note: Staff as necessary to address Multnomah County ordinance requirements provides Findings referenced herein. Headings for each finding are underlined. Multnomah County Code requirements are referenced in **bold** font. Written responses to code criteria prepared by or on behalf of the applicant are *italicized*. Planning staff comments and analysis may follow applicant responses. Where this occurs, the notation “Staff” precedes such comments).

### **1.0     Description of Proposal**

**Staff:** This decision involves a proposal to remove the existing 3-bedroom mobile home, deck and garage at the southwest corner of the property and build a 36-foot by 48-foot replacement home and 22-foot by 35-foot garage near the southeast corner of the property (Exhibit A1). A small cabin is located at the northwestern corner of the property.

The new home will have 3-bedrooms and will be 75% larger than the existing mobile home to be replaced. The septic system will need to be relocated, and the access point to the new home moved. The applicant will access the proposed home by traveling east on the easement access road located on the property to the south. The new paved drive will enter the site near the southeast corner of the property as indicated on the site plan presented as Exhibit A1. The applicant is proposing to located development amongst existing trees and will avoid developing on the broad swale passing through the central portion of the site. The applicant proposes to plant at least six trees towards the northern portion of the site to further screen development as viewed from the north.

### **2.0     Vicinity Description**

**Staff:** The 2.0 acre rectangular subject property is zoned General Residential-5, (GGR-5) at the southern extent of the Columbia River Gorge National Scenic Area. Maps illustrating the location and configuration of the property are presented as Exhibits A3 and A4. The subject property is located roughly ½ mile to the southeast of Corbett, Oregon and is accessed by Rohrbach Road which is not a county road but a dedicated easement.

The surrounding neighborhood generally slopes to the southwest and consists of partially wooded residential properties averaging about 3-4 acres in size. Gorge General Residential-5 zoned land is the predominant zoning in the area with Multiple Use Agriculture-20 and Exclusive Farm Use zoned land to the south of the property on the other side of the Columbia River Gorge National Scenic Area boundary. A zoning map of the area is presented as Exhibit A4.

### **3.0 Code Compliance**

**The County shall not make a land use decision, or issue a building permit approving development, including land divisions and property line adjustments, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County (MCC 38.0560).**

**Staff:** The 2.0 acre subject property was lawfully created in 1988 by an exempt minor partition approval LE 11-88, recorded with Multnomah County records in Book 2161 and Page 1121. At that time, the Multnomah County Environmental Services Land Development Section approved a site plan of 2.00 acre property containing a mobile home and cabin which are both still in use today as residences.

The applicant began preparing the proposed building location for construction prior to receiving an approved Grading and Erosion Control application. Upon learning this activity required approval from the county, the applicant immediately ceased construction, stabilized the site with sediment fencing and submitted a Grading and Erosion Control application. The Grading and Erosion Control permit will be issued once the appeal period for this National Scenic Area permit has expired if no appeal is filed. By ceasing grading activities, stabilizing the site and submitting a Grading and Erosion Control application, the applicant has brought this non-compliant work back into compliance with applicable county regulations to the best of his ability. Staff finds the property is in full compliance with all applicable provisions of the Multnomah County Land Use Code.

Both the existing mobile home (to be replaced) and the cabin located in the northwest corner of the property were determined to legal in 1988 as verified on the stamped and signed Exempt Minor Partition plan (Exhibit A2). In 1988, the Planning Director understood that both dwellings on the subject property were legally existing and that the number of dwellings were not being increased as a result of the land division request (**Multnomah County Code 11.15.2140(D)**).

### **4.0 Comments Received**

**Upon receipt of a complete application, notice of the application and an invitation to comment is mailed to the Gorge Commission, the U.S. Forest Service, the Indian tribal governments, the State Historic Preservation Office, the Cultural Advisory Committee, and property owners within 750 feet of the subject tract (MCC 38.0540(B)). The Planning Director accepts comments for 14 days after the notice of application is mailed (MCC 38.0540(B)). Written comments were received from the following agencies and individuals. There comments are addressed throughout this report within the staff response to the applicable code sections.**

- Glenn Fullilove, Land Use Legal Assistant, Friends of the Columbia River Gorge

(Exhibit A13). Mr. Fullilove indicated which Multnomah County Codes apply to this proposal.

- Margaret L. Dryden, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area (Exhibit A11).
- Dennis Griffin, SHPO Lead Archaeologist (Exhibit A12).
- Alison Winter, Multnomah County Transportation Specialist (Exhibit A14).

**5.0 Staff:** Applications for Natural Scenic Area Site Review permits are classified as Type II permit applications (**MCC 38.0530**). As such, they may only be initiated upon written consent of the property owner or contract purchaser (**MCC 38.0550**). Mr. John Ragona and Mrs. Penny Ragona are the project applicants. Both have provided the written authorization necessary to process this request as they jointly own of the subject property.

**6.0 No application for use or development of land shall be approved for a site which is subject to enforcement action (MCC 34.0910(B)).**

**Staff:** No active violations, complaints or outstanding enforcement issues are associated with the subject property.

**7.0 The following uses may be allowed on lands designated GGR, pursuant to MCC 38.0035: One single family dwelling per legally created parcel (MCC 38.3025 (A)(1)).**

**Staff:** County zoning maps indicate that the subject property is currently zoned Gorge General Residential (GGR-5). Under this zoning district, establishing a new single family dwelling is considered a Review Use under **MCC 38.3025 (A)(1)**. This decision evaluates the applicable standards for such a use. The 2.0 acre subject property was lawfully created in 1988 by an exempt minor partition approval LE 11-88, recorded with Multnomah County records in Book 2161 and Page 1121. At that time, the Multnomah County Environmental Services Land Development Section approved a site plan of 2.00 acre property containing a mobile home and cabin. The property today still contains a mobile home and cabin. Staff finds the subject property is a legal parcel eligible for this replacement dwelling request.

## **8.0 Dimensional Requirements**

Minimum Yard Dimensions – Feet (**MCC 38.3060(C)**).

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

**Staff:** As indicated on Exhibit A1, the proposed home will be located 33 feet from the east property line, 112-feet from the north property line, 66-feet from the south property

line and 260-feet from the west property line. Staff finds the minimum yard dimensions of **MCC 38.3060(C)** will be met. The home's elevations show the structure will be less than 35-feet tall, as required by this code section. The proposal meets this standard.

## **9.0 National Scenic Area Required Findings**

**A decision on an application for NSA Site Review shall be based on findings of consistency with the criteria for approval specified in MCC 38.7035 through 38.7085 or 38.7090 as applicable (MCC 38.7020).**

**Staff:** The approval criteria for the General Management Area are located within **MCC 38.7035**: GMA Scenic Review Criteria, **38.7045**: GMA Cultural Resource Review Criteria, **38.7055**: GMA Wetland Review Criteria, **38.7060**: GMA Stream, Lake and Riparian Area Review Criteria, **38.7065** GMA Wildlife Review Criteria, **38.7070** Rare Plant Review Criteria, and **38.7080**: GMA Recreation Resource Review Criteria. As discussed in this decision, the applicant has addressed how the requisite criteria will be met.

### **9.1 GMA Scenic Review Criteria**

**The following scenic review standards shall apply to all Review and Conditional Uses in the General Management Area of the Columbia River Gorge National Scenic Area for all Review Uses and Conditional Uses:**

### **9.2 New buildings and roads shall be sited and designed to retain the existing topography and reduce necessary grading to the maximum extent practicable (MCC 38.7035(A)(1)).**

*Applicant: "In determining the sight to place this house this was a primary concern. After evaluating the two acres it was determined that the existing plan to place the house where we plan will in effect reduce the amount of grading to a minimum. The intended placement of the house is mainly due to slope conditions on the property that exist for most of the parcel (see site plan topo) and also, existing drain fields prohibit certain locations as well. To place the home where the mobile home sits is not an option due to the modern day setback regulations and the mobile home's drain field location behind it (no room to move the locale back to meet setbacks). There is no room at the location being used now, to place a house conforming to modern regulations."*

**Staff:** As the applicant has indicated, he has proposed a location meeting current setbacks. Since the driveway access will be relocated from the west property line to the south property line, the south property line will become the front of the property which requires a 30-foot setback between the property line and any structures. It appears that if the new home was constructed in the general location as the mobile home in an area that met current setbacks that not enough room for a new primary and secondary drainfield would exist on relatively level land in this portion of the site.

The applicant has proposed utilizing an existing access road to the south of his property to access the southeast corner of his property with a new driveway extension. The applicant has demonstrated a right to use the southern access easement and the fire department has indicated the access as proposed is adequate (Exhibit A5 and A6). The 12-foot proposed drive has been designed as short as possible by traveling up the hill, perpendicular to elevational contours. The proposed building site will require a small amount of earth disturbance to construct the building pad, although the proposed building area is no steeper than the existing developed area. In fact, the broad swale running through the center of the property has been avoided in an attempt to minimize grading on the steepest portion of the site. The development location was also selected as this is the most heavily forested portion of the site. By locating development here, the home would be better screened as viewed from the southeast and southwest. Staff will discuss screening in more detail later in the decision.

In conclusion, Staff finds the applicant has minimized the amount of earthwork necessary by utilizing an existing access road off-site to reach the development area, has proposed a short access road to the home, has proposed a design that does not incorporate large retaining walls or other large earth altering features, and has located development to the east of the central swale. This standard is met.

### 9.3 New buildings shall be generally consistent with the height and size of existing nearby development (MCC 38.7035(A)(2)).

*Applicant: "Our house is very similar to the houses in the district area in both height and size. Exact house was just built and approved one mile from the site."*

**Staff:** The currently assessed above ground residential square footage (including attached structures) for other nearby residences using Rohrbach Road for access were used for this size comparison. This area was selected as it provided a representative cross section through the local neighborhood of other like type developments. The following table outlines the results with the subject site presented in bold font.

#### Surrounding Development Evaluation

	Tax ID	Address	Home Size (SF)
Property 1	R944350980	603 NE Rohrbach Rd.	3,279
Property 2	R944350810	700 NE Rohrbach Rd.	2,968
Property 3	R944350630	605 NE Rohrbach Rd.	2,420
Property 4	R944351230	720 NE Rohrbach Rd.	1,721
Property 5	R944350860	801 NE Rohrbach Rd.	1,628
Property 6	R944350870	931 NE Rohrbach Rd.	1,440
Property 7	R944350340	None Listed	1,408
Average Size			2,123
Max Size			3,279
Min Size			1,408
<b>Subject Site (Proposed)</b>	<b>R944350790</b>	<b>584 NE Rohrbach Rd.</b>	<b>2,212</b>
		% below Max	32.50%



% above Min

157.1%

As illustrated in the table above, this proposal involves building a home with a total enclosed area of 2,212 square feet. This structure is slightly larger than the average size of homes in the area (2,123 square feet average). The structure involved in this proposal is 32.5% smaller than the largest dwelling in the area and 157.1% larger than the smallest dwelling in the area. Considering the results, Staff finds the proposed one story home is generally consistent with the average size of nearby development. This standard has been met.

**9.4 New vehicular access points to the Scenic Travel Corridors shall be limited to the maximum extent practicable, and access consolidation required where feasible (MCC 38.7035 (A)(3)).**

**Staff:** The property is accessed off Rohrbach Road which is not a Scenic Travel Corridor. The development will not result in an additional vehicular access points to the Scenic Travel Corridor. Alison Winter, Multnomah County Transportation Planning Specialist, has indicated the access as proposed is acceptable from a county transportation planning standpoint (Exhibit A14).

**9.5 Project applicants shall be responsible for the proper maintenance and survival of any required vegetation (MCC 38.7035(A)(4)).**

*Applicant: "Yes. No significant vegetation will be disturbed."*

**Staff:** As indicated in the conditions of approval, the land owner is responsible for planting and maintaining the six Doug fir trees.

**9.6 For all proposed development, the determination of compatibility with the landscape setting shall be based on information submitted in the site plan (MCC 38.7035(A)(5)).**

*Applicant: "The landscape setting is rural residential and will remain so. Minimal disturbance to vegetation. The only thing getting disturbed is field grass and weeds."*

**Staff:** The landscape setting for this property is 'Rural Residential'. Information contained in the submitted narrative (Exhibit A8), site plans (Exhibit A1) and photographs (Exhibit A8) were sufficient to determine compatibility with the landscape setting.

**9.7 All Review Uses and Conditional Uses visible from Key Viewing Areas:**

**Size, height, shape, color, reflectivity, landscaping, siting or other aspects of proposed development shall be evaluated to ensure that such development is visually subordinate to its setting as seen from Key Viewing Areas (MCC 38.7035(B)(1)).**

*Applicant: "Although the site cannot be seen from a key viewing area we are maintaining visual aspects that are standard to Gorge development. Included is a paint chip that is the color of the proposed home. Size, height, shape, color, is compatible to surrounding houses."*

**Staff:** The home's wood exterior will consist of 8-inch wide vertical siding painted a dark brown earth toned color (Behr, 'bear rug S-G-790). The roof will be a dark brown composition shingle roof. The front of the home facing southeast contains a solid garage door, a solid entry door, and five windows. The rear of the home facing northwest contains three windows and one entry door which appears to be a sliding glass entry door according to the elevations provided. The end of the home facing southwest contains one window and the end of the home facing northeast towards the Columbia River Highway is void of windows. At this point, the applicant has not selected a specific color for the window trim, gutters, downspouts and doors although the use of a dark green color is most likely. The applicant has agreed to use only dark earth toned colors compatible with the approved color samples available for review at the County planning office. A condition of this approval is that only dark earth toned colors be used.

The low profile one story home has standard roof overhangs which will help shade windows on the first and only floor. The only Key Viewing Area in the local vicinity is the Columbia River Highway which travels east-west and is located roughly ¼ mile to the north of the property. Tree cover on and off the site blocks direct views of the development area from the Key Viewing Area, although views are not blocked by permanent topography. The elevation of the Historic Columbia River Highway is the same as the site to the direct north (elevation 680 above Mean Sea Level). The highway is roughly 10 feet lower in elevation as it passes by the site to the northwest and roughly 100 feet higher in elevation to the northeast of the site.

Off site vegetation is most sparse on farms northeast of the subject site and since the highway is at a higher elevation here, this is the most critical angle from which the project should be evaluated for visual subordination. The subject site is not visible from any other Key Viewing Area. Two thick stands of trees exist on the subject property – one in the northeast and one in the southeast corner of the property. The applicant has chosen to locate development among the trees in the southeast portion of the property to help break up the mass of the structure and help screen the development. The applicant has also proposed aligning the structure so that the narrowest portion of the home will face the northeast in an attempt to further reduce visible bulk as viewed from the northeast towards the Historic Columbia River Highway. The applicant is also proposing a home design with no windows facing northeast which will eliminate any potential of solar reflection coming from the home's windows as viewed from the most critical location on the historic Columbia River Highway.

The applicant has proposed planting an east-west linear row of at least six, five foot tall Douglas fir trees to the north of the proposed home approximately 25-feet from the northern property line (12-foot on center) to help screen the development in the event all off site vegetation between the home and key viewing area to the north is removed. The

six trees proposed for planting will also help augment winter screening on-site since the existing trees north of the proposed home are predominantly alder with Douglas fir located to the east, south and west of the home.

The low profile, one story design has effectively used dark, low reflective earth toned colors to help blend development into the surrounding landscape. It should be noted that the existing home is located at the same elevation as the proposed home and that the existing home has not been identified as a highly visible, problematic structure in the past. The one story proposed home will be of comparable height as compared to the one story existing home that will be replaced. Considering all the evidence, Staff finds the proposed home and garage will be visually subordinate.

**9.8 Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments (MCC 38.7035(B)(3)).**

**Applicant:** *“Although the site cannot be seen from any key viewing area we are maintaining visual aspects that are standard to Gorge development. There will be no visual impact to any key viewing area.”*

**Staff:** There will be no cumulative net change to the use of this property as an existing three bedroom home will be replaced with a new three bedroom home. The existing home in the southwest corner of the property will be torn down as agreed upon by the applicant (Exhibit A9). Staff finds there will be no net cumulative effect from this approval.

**9.9 For all buildings, roads or mining and associated activities proposed on lands visible from Key Viewing Areas, the following supplemental site plan information shall be submitted in addition to the site plan requirements in MCC 38.0045 (A) (2) and 38.7035 (A) (5) for mining and associated activities (MCC 38.7035(B)(4)):**

**For buildings, a description of the proposed building(s)’ height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used, number, size, locations of plantings, and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes) - (MCC 38.7035(B)(4)(a)); and Elevation drawings showing the appearance of proposed building(s) when built and surrounding final ground grades, for all buildings over 400 square feet in area (MCC 38.7035(B)(4)(b)).**

**Staff:** The information listed has either been provided or can be obtained from photos submitted by the applicant.

**9.10 New buildings or roads shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural**

**resources. In such situations, development shall comply with this standard to the maximum extent practicable (MCC 38.7035(B)(6)).**

*Applicant: "Although the site cannot be seen from any key viewing area, placement of replacement house is away from existing drainfield and slope in middle of property."*

**Staff:** The property contains two nearly level benches at the northwest and northeast corners of the property. The center of the property contains a southward sloping broad swale not suitable for residential development (Exhibit A1). Placing the new home towards the north end of the property is desirable as this is the flattest portion of the site, although locating development slightly to the south, as proposed, drops the development down in elevation roughly 4-feet without having to develop within the swale.

Development in the swale is not advisable as this could create drainage and/or foundation saturation problems. By locating the development as proposed, the one story home will expose 4-less feet of mass to the key viewing area to the north which minimizes visibility. As previously discussed, the home has been rotated such that the narrowest portion of the structure faces the highway which in effect also helps reduce the bulk of the structure.

The access drive is located behind the home as viewed from the Columbia River Highway and therefore will not be visible. Staff finds the development as proposed has been sited to minimize visibility of development to the maximum extent. This standard is met.

**9.11 In siting new buildings and roads, use of existing topography and vegetation to screen such development from Key Viewing Areas shall be prioritized over other means of achieving visual subordination, such as planting of new vegetation or use of artificial berms to screen the development from Key Viewing Areas (MCC 38.7035(B)(7)).**

*Applicant: "Not applicable, this building site cannot be seen from any key viewing areas."*

**Staff:** Due to off-site screening cover, no part of the subject site is highly visible from the Columbia River Highway. Even though the development will not be visible, the applicant has proposed building the home among an alder and Douglas fir stand located at the southeast corner of the property (Exhibit A10). The screening provided by this stand of trees will be thickest to the south. To provide supplemental winter screening north of the home, the applicant has proposed planting an east-west linear row of at least six Douglas fir trees to the north of the proposed home approximately 25-feet from the northern property line. The applicant has proposed a development layout that first uses on-site vegetation for screening and additional plantings as a supplementary measure. This standard had been met.

**9.12 Driveways and buildings shall be designed and sited to minimize grading activities and visibility of cut banks and fill slopes from Key Viewing Areas (MCC 38.7035(B)(8)).**

*Applicant: "New house is designed to keep grading to a minimum and the topography would remain unchanged."*

**Staff:** No visible cut banks will result from construction. The greatest change to the topography will be created when pioneering the driveway to the home which will not be visible from a key viewing area as the only key viewing area in proximity to the site is to the north and driveway will be directly south of the home, thus hidden behind the home.

The level building pad will be created by cutting two feet on the northeast side of the building pad and filling two feet on the southwest side. This design is not overly aggressive considering the cut/fill amounts will be balanced and be done in a way that creates a natural looking bench in the slightly sloping site terrain. A map showing topographic changes is presented in Exhibit A1.

**9.13 The exterior of buildings on lands seen from Key Viewing Areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features (MCC 38.7035(B)(9)).**

*Applicant: "Not applicable, this building site cannot be seen from any key viewing area. But will not be using any materials that will be reflective."*

**Staff:** The exterior of the home will be a painted dark brown wood which is non-reflective. The composition shingle roof will be dark brown. The roofing material is not highly reflective. No windows will face the Historic Columbia River highway to the north as the side of the home containing no windows has been oriented to the northeast which is the most critical direction as previously explained. The four windows facing to the northwest will be obscured both by off site vegetation and on-site tree cover as illustrated in Exhibit A10. Staff finds only non and low-reflective materials will be used for the home construction.

**9.14 Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials (MCC 38.7035(B)(10)).**

*Applicant: "Although the site cannot be seen from any key viewing area, lighting will be directed downward and shielded."*

**Staff:** The applicant has indicated that all exterior lighting will be hooded to direct light downward, although the exact locations and designs of external lighting to be placed on the structure is not known at this time. The exact locations will be illustrated on the

building plans submitted for building permit review. This approval is conditioned such that only downward directed, hooded and shielded external lighting can be used.

- 9.15 The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. Variances may be granted if application of this standard would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use, and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the standard have been made (MCC 38.7035(B)(13)).**

*Applicant: "Although the site cannot be seen from any key viewing area, the site area is being determined by slope restrictions and the proposed location is a flat area elevated by several feet from a rolling hill. In placing the home on this spot, this will afford a level spot to build."*

**Staff:** The Historic Columbia River Highway passes by the site to the northeast, north and northwest. The highway is either at similar elevation or higher elevation to the site along different portions of the highway in the area meaning the home would extend above grade as viewed from the highway anywhere the home was constructed on-site. Sky lighting of the structure will be prevented by on and off-site vegetation which will obscure views of the new structure from all locations along the Columbia River Highway. Evaluation of a sky lighting standard is more appropriate when the building site will be of higher elevation than the key viewing area which is not the case in this instance. Staff finds the home will not skylight as viewed from a key viewing area and that no other location on-site would produce a more favorable outcome in light of this standard.

- 9.16 An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing Areas, may itself protrude above the skyline if: The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration; and There is no practicable alternative means of altering the building without increasing the protrusion (MCC 38.7035(B)(14)).**

*Applicant: "Not applicable, this is new construction."*

**Staff:** The existing home will be torn down and a new home constructed. This standard does not apply.

- 9.17 New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable (MCC 38.7035(B)(15)).**

*Applicant: "Although site cannot be seen from any key viewing area, all utilities are underground and no lines will be seen."*

**Staff:** The new utility lines will be underground as illustrated on the development plan (Exhibit A1).

- 9.18 New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this standard. In determining the slope, the average percent slope of the proposed building site shall be utilized (MCC 38.7035(B)(20)).**

*Applicant: "Not applicable, this building site cannot be seen from any key viewing areas."*

**Staff:** The proposed building site slopes roughly 6% - 7% to the southwest (confirm grade in field w/ clinometer). This standard does not apply.

- 9.19 All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas and which slope between 10 and 30 percent shall include submittal of a grading plan. This plan shall be reviewed by the Planning Director for compliance with Key Viewing Area policies (MCC 38.7035(B)(21)). The grading plan shall include the information listed in MCC 38.7035(B)(21)(a)-(b)):**

**Staff:** The building site slopes less than 10 percent. This standard does not apply. The applicant has submitted an associated Grading and Erosion Control application (case T1-04-034).

- 9.20 Rural Residential Landscape Setting. New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this standard to the maximum extent practicable (MCC 38.7035C(3)(a)).**

*Applicant: "Our house is compatible with all the development in the area. (Dimension, height, overall mass). Our house is 1702 square feet."*

**Staff:** The resulting development will be generally consistent with the existing development in the vicinity. The supporting findings are presented in section 7.3 of this decision.

- 9.21 Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices (MCC 38.7035C(3)(b)).**

*Applicant: "Existing tree cover to be maintained. One Alder has fallen since aerial photos have been taken."*

**Staff:** The applicant has indicated in other portions of the application that no trees will be removed to facilitate development. The applicant's narrative is presented as Exhibit A7.

**9.22 In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development (MCC 38.7035C(3)(c)):**

**9.23 Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained (MCC 38.7035C(3)(c)(1)).**

*Applicant: "NA"*

**Staff:** No trees will be removed.

**9.24 At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area (MCC 38.7035C(3)(c)(2)).**

**Staff:** All six trees to be planted will be Douglas fir which are native to the area.

**9.25 At least half of any trees planted for screening purposes shall be coniferous to provide winter screening (MCC 38.7035C(3)(c)(3)).**

**Staff:** All six trees to be planted will be Douglas fir which are coniferous.

**9.26 Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12) - (MCC 38.7035C(3)(c)(4)).**

*Applicant: "See attached paint chip."*

**Staff:** The applicant has submitted a dark brown paint chip for the exterior of the home (Behr Paint 'bear rug S-G-790). At this point, the applicant has not selected a specific color for the window trim, gutters, downspouts and doors although the use of a dark green color is most likely. The applicant has agreed to use only dark earth toned colors compatible with the approved color samples available for review at the County planning office. A condition of this approval is that only dark earth toned colors be used.

**9.27 Compatible recreation uses include should be limited to small community park facilities, but occasional low-intensity resource-based recreation uses (such as small scenic overlooks) may be allowed (MCC 38.7035C(3)(d)).**

**Staff:** Recreational uses are not proposed.



- 9.28 All Review Uses and Conditional Uses within scenic travel corridors (MCC 38.7035(D)). For the purposes of implementing this section, the foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Historic Columbia River Highway and I- 84.**

**Staff:** The new home site will be located 1,446 feet from the closest edge of pavement of the Historic Columbia River Highway which is more than ¼ of a mile. This standard does not apply.

## **10.0 GMA Cultural Resource Review Criteria**

- 10.1 A cultural reconnaissance survey shall be required for all proposed uses, except: The modification, expansion, replacement, or reconstruction of existing buildings and structures (MCC 38.7045(A)(1)(a)).**

**Staff:** Although the use proposed is a replacement dwelling, Staff has evaluated the project's impacts to any known cultural resources as the replacement dwelling will be occurring in a different location and will require new ground disturbance.

- 10.2 The cultural resource review criteria shall be deemed satisfied, except MCC 38.7045 (L) and (M) if...no cultural resources are known to exist in the project area, and no substantiated comment is received during the comment period (MCC 38.7045(B)(1)).**

**Staff:** Marge Dryden, Mt. Hood National Forest Archaeologist, determined the proposal would occur in an area that has been determined to be located within a low probability zone and that neither a cultural resource reconnaissance survey nor a historic survey are required (Exhibit A11). Mr. Dennis Griffin, Lead Archaeologist with the State Historic Preservation Office (SHPO) indicated that no reported archaeological sites were cataloged in the SHPO database, although no previous cultural surveys had occurred in the project area (Exhibit A12). A condition of this approval requires that the applicant/owner shall immediately cease development activities and inform the Multnomah County Land Use Planning Division, Columbia River Gorge Commission, and the U.S. Forest Service if any cultural or historic resources are uncovered during construction. This condition minimizes potential impacts to archaeological resources that may be located in the development area.

## **11.0 GMA Wetland Review Criteria**

- 11.1 The wetland review criteria shall be deemed satisfied if: The project site is not identified as a wetland on the *National Wetlands Inventory* (U.S. Fish and Wildlife Service, 1987); The soils of the project site are not identified by the *Soil Survey of Multnomah County, Oregon* (U.S.D.A. Soil Conservation Service, 1983) as hydric soils; The project site is adjacent to the main stem of the Columbia River. The project site is not within a wetland buffer zone; and Wetlands are not identified on the project site during site review (MCC 38.7055(A)).**

**Staff:** Review of the National Wetlands Inventory map for the area did not reveal a mapped wetland on the subject property. Soils on the property consist of Mershon Silt Loam soil units 27B and 27D. According to the Multnomah County Soil Survey for Multnomah County, the Mershon Silt Loam soils are typically not hydric in nature but do have a seasonally high water table. Staff finds the wetland review criteria are satisfied as site conditions do not warrant further evaluation of on-site wetlands.

## **12.0 Stream, Lake and Riparian Area Review Criteria**

- 12.1 The following uses are allowed in streams, ponds, lakes, and their buffer zones without Site Review, if they: Are conducted using best management practices; Do not require structures, grading, draining, flooding, ditching, vegetation removal, or dredging beyond the extent specified below; and Comply with all applicable federal, state, and county laws (MCC 38.7060(A)):**

**Staff:** The stream, lake and riparian area review criteria are found satisfied as the project is not located near a stream, lake or riparian area. The nearest watercourse is the headwaters of an un-named drainage located roughly 520 feet to the southwest. The site is not located in a stream or stream riparian area. Staff finds further evaluation of these standards unnecessary.

## **13.0 GMA Wildlife Review Criteria**

- 13.1 Wildlife Habitat Site Review shall be required for any project within 1,000 feet of sensitive wildlife areas and sensitive wildlife sites (i.e., sites used by sensitive wildlife species) – MCC 38.7065.**

**Staff:** According to the County's sensitive wildlife assessment maps, the site is not located within 1,000 feet of a sensitive wildlife habitat area. Evaluation of these standards is not required.

## **14.0 GMA Rare Plant Review Criteria**

- 14.1 Rare Plant Site Review shall be required for any project within 1,000 feet of endemic plants and sensitive plant species (MCC 38.7070).**

**Staff:** According to the County's known rare plant maps, the site is not located within 1,000 feet of a documented rare plant. Evaluation of the rare plant standards is not required.

## **15.0 Conclusions**

Based on the findings and other information provided above, the applicant has carried the burden necessary for the proposed National Scenic Area Site Review. The applicant's request to replace a

single family dwelling in the NSA is approved subject to the conditions of approval established in this decision.

### **Exhibits**

All materials submitted by the applicant, prepared by county staff, or provided by public agencies or members of the general public relating to this request are hereby adopted as exhibits hereto and may be found as part of the permanent record for this application. Exhibits referenced herein are enclosed, and brief description of each are listed below:

Exhibit A1	4 p.	Development Plans
Exhibit A2	1 p.	Approved Exempt Minor Partition Plan
Exhibit A3	1 p.	Vicinity Map
Exhibit A4	1 p.	Zoning Map
Exhibit A5	3 p.	Driveway Easement Agreement
Exhibit A6	1 p.	Fire Department Signoff
Exhibit A7	18 p.	Submitted Narrative
Exhibit A8	1 p.	Site Photos
Exhibit A9	2 p.	Replacement Dwelling Agreement
Exhibit A10	1 p.	2002 Aerial Photo of Site
Exhibit A11	2 p.	Comments - Margaret L. Dryden, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area
Exhibit A12	1 p.	Comments - Dennis Griffin, SHPO Lead Archaeologist
Exhibit A13	4 p.	Comments - Glenn Fullilove, Land Use Legal Assistant, Friends of the Columbia River Gorge
Exhibit A14	1 p.	Comments – Alison Winter, Multnomah County Transportation Planning Specialist