



MULTNOMAH COUNTY OREGON
LAND USE AND TRANSPORTATION PROGRAM
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
http://www.co.multnomah.or.us/dbcs/LUT/land_use

NOTICE OF DECISION

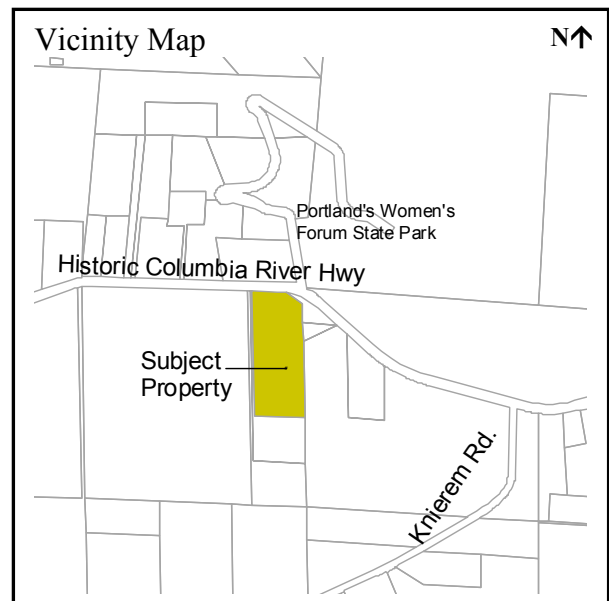
This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

Case File: T2-05-005

Permit: National Scenic Area Site Review for the renovation of and addition to an existing single family home.

Location: 39130 E. Crown Point Highway
TL 100, Sec 36BA, T1N, R4E, W.M.
Tax Account #R94436-0430

Applicant/ Jennifer O'Donnell
Owner: PO Box 62
Corbett, OR 97019



Summary: Renovation of the existing residence including exterior alterations, 208 square foot addition to the first floor and 98 square foot addition to the second floor.

Decision: Approved with Conditions.

Unless appealed, this decision is effective July 5, 2005 at 4:30 PM.

Issued by:

By: _____
Tammy Boren-King, Planner

For: Karen Schilling - Planning Director

Date: June 21, 2005

Instrument Number: 2002176436

Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted in support of the 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 Tammy Boren-King, Staff Planner at 503-988-3043.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was mailed 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 is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is July 5, 2005, at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC):

38.0030, Existing Uses

38.0060, Agricultural Buffer Zones

38.3060, GGA Zone Dimensional Standards

38.7035, General Management Area Scenic Review Criteria

38.7045 General Management Area Cultural Resource Review Criteria

38.7055 General Management Area Wetland Review Criteria

38.7060 General Management Area Stream, Lake, and Riparian Area Review Criteria

38.7065 General Management Area Wildlife Review Criteria

38.7070 General Management Area Rare Plant Review Criteria

Scope of Approval

1. Approval of this land use permit is based on the 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(B), 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 38.0690 and 38.0700. Extension requests 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 or prior to building permit sign-off, whichever happens first, the applicant shall record the Notice of Decision (pages 1-4 of this decision) and Exhibit C (the reduced-scale wetland survey) with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and filed with the Land Use Planning Division. Recording shall be at the applicant's expense. Failure to sign and record the Notice of Decision within this time frame shall void the decision pursuant to MCC 38.0670.
2. The property owner shall restrict the residential use of the wetland buffer to the area north of the historic fence line. The residential use of the site includes accessory uses such as lawn and garden uses and landscaping. As shown on the Exhibit C, this fence line was located 203 feet south of the northwest corner of the lot and 127 feet south of the northeast corner of the lot. The wetland buffer area south of this historic fence line must be retained in an undeveloped state. (MCC 38.7055(F)(3))
3. This property owner shall retain the remaining wetland buffer in an undeveloped state. The property owner shall keep nuisance and invasive plant species removed from the wetland and wetland buffer and shall not plant any nuisance or invasive species in the wetland or wetland buffer. (MCC 38.7055(F)(3))
4. The exterior modifications to the dwelling shall be limited to the modifications depicted in the plans and elevations submitted by the applicant. Exterior modifications other than those specifically proposed in this application and depicted on the elevations included as Exhibits I, K, M, and O are not authorized by this decision. (MCC 38.7035(B)(1)).
5. The applicant shall use the colors and exterior materials proposed. The exterior siding shall either be the existing wood siding under the aluminum siding or Hardiplank Plank Lap siding with Select Cedarmill Harditrim as shown in Exhibit P. Regardless of siding material, the exterior shall be painted Bernard Brown with Saddlebury trim as shown in Exhibit Q. The roofing material shall be Legacy Malarkey laminate shingles in the color "Antique Brown" as shown in Exhibit R. The windows shall be Milgard Ultra windows in the "Brownstone" color as shown on Exhibit S. The windows other than the bay window installed on the east façade shall use low-reflectivity glass. (MCC 38.7035(B)(1))
6. All existing on-site trees shall be retained with the exception of the two arborvitae flanking the entrance on the west elevation. (MCC 38.7035(C)(1)(c)(1))
7. Within two years of the County's authorization of a building permit for the proposed improvements, the applicant shall plant 3 quaking aspens, 5 vine maples, and 3 elderberries in the locations shown on the Agricultural Buffer plan included as Exhibit E. These trees shall be at least six (6) feet tall when planted. (MCC 38.0060(B) and (C)).
8. Within two years of the County's authorization of a building permit for the proposed improvements, the applicant shall install the following plants in the locations indicated on the landscaping plan included as Exhibit (D). (MCC 38.7035(B)(1))

- Two lilac (Syringa), three feet tall at planting

- Five Hydrangea (hydrangeaceae), two feet tall at planting
 - Three evergreen Cape Mallow (anisodonta), three feet tall at planting
 - Three evergreen heaths (Erica), one foot tall at planting
 - Five evergreen heathers (calluna), one foot tall at planting
 - Three evergreen native wild lilac (ceanothus), two feet tall at planting.
 - One evergreen native pacific rhododendron (ericaceae), three feet tall at planting
 - Three native red flowering current (ribes sanguineum), three feet tall at planting.
9. The new vegetation planted shall be maintained and its survival ensured. The existing trees shall be maintained and neither existing trees nor newly planted screening vegetation shall be removed unless diseased or dying. If existing trees are removed due to disease, the trees shall be replaced immediately with similar trees of 2-inch caliper size or greater. If the screening vegetation specified in condition 4 is removed due to disease, it shall be replaced immediately with the same species of similar size as the plant which was removed. (MCC 38.7040(A)(1))
10. Exterior lighting fixtures shall only be installed on the locations indicated on the exterior elevations included as Exhibits I, K and O and along the pathway shown on the landscape plan included as Exhibit D. The only exterior light fixtures used shall be the fixtures depicted in Exhibits EE and FF. (MCC 38.7040(A)(6))
11. 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 38.7050(H).
12. Prior to the County's authorization of a building permit, the owner or her representative must obtain a Grading and Erosion Control permit pursuant to MCC 29.336(A)(2). Contact planner Tammy Boren-King for Grading and Erosion Control requirements and assistance in making an application.

Once this decision is final and a Grading and Erosion Control permit has been approved, application for building permits may be made. When ready to have building permits signed off, the applicant shall call the Staff Planner, Tammy Boren-King, 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 the building permits authorization.

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: (Formatting Note: Staff provides the Findings included here as necessary to address Multnomah County ordinance requirements. Multnomah County Code requirements are referenced using a **bold** font. Written responses to code criteria prepared by or on behalf of the applicant are identified as “**Applicant:**”. Planning staff comments and analysis may follow applicant responses. Where this occurs, the notation “**Staff:**” precedes the comments.)

1. Project Description

Applicant: The Applicant requests to renovate, with interior and exterior alterations, an existing single-family residence. The Applicant proposes a 208 square foot addition to the ground floor and a 98 square foot addition to the upper floor of the existing house.

The applicant proposes to renovate an existing farmhouse in an effort to maintain continued livability and restore architectural integrity to one of the oldest homes in the Corbett area, while maintaining compliance with the National Scenic Act as administered by Multnomah County, Land Use Planning Division. At the pre-filing meeting with Rick Roth and Derrick Tokos, in May of 2003, applicant discussed including an outbuilding and landscaping in this application. Due to agricultural and wetland buffers, the recommended placement of that, outbuilding (the front yard), was not acceptable to the applicant so an outbuilding will not be proposed at this time. The applicant had hoped to hire a professional landscaper to assist with hardscape, irrigation and larger plantings. However, costs incurred in this application process have caused applicant to withdraw that proposal as well.

Multnomah County property tax records indicate the existing home was built in 1907, however research by historian and author Clarence Mershon indicate that the original house was built circa 1898 (LIVING EAST OF THE SANDY, VOLUME ONE, by Clarence E. Mershon, 1999). Prior to beginning this project, correspondence with the State Historical Preservation Office was initiated by applicant to determine if the home had historical significance that needed to be considered. Response from Christine Curran indicated that because its appearance has changed so radically from the original structure it would not meet eligibility requirements of the National Register.

As is common with many farmhouses, the home has undergone numerous additions, renovations and changes to accommodate the needs of its residents over time. Age and lack of quality workmanship and materials through those many renovations have resulted in a home with a poor interior floor plan, a sagging roofline, drafty windows and doors, and siding and roofing in disrepair. The owner/applicant is committed to renovating the home, on a limited budget, in a way that respects the historical significance of this simple home to the Corbett area.

Bill Whitney, of Whitney Architects, Gresham, Oregon has been retained as project architect. Dick Wand, of Dick Wand Construction, Corbett, Oregon will be the building contractor. Both gentlemen have done work in the National Scenic Area and are well respected for their work in this community. A survey has been conducted by Love Land Surveys, Inc. of Gladstone, Oregon. A wetland delineation has been performed by Anderson Earth and Environmental. Lando and Associates, landscape architects, have been consulted for landscape guidance.

The home is a one and a half story farmhouse with living area currently at 1705 square feet. The home also contains an 810 square foot unfinished basement and an enclosed porch of 210 square

feet. The project includes minimal addition of square footage to the rear of the house to increase functionality of the area that is currently an unheated enclosed porch with no foundation. Moving the exterior wall out four feet, adding a foundation and heat source, relocating the east entry, and adding a south entry will increase the livable space in the home significantly while adding minimal square footage to the footprint of the home. The project also includes adding a bathroom on the upper floor which would add an additional 98 square feet to that level through a shed addition. Both of these additions are on the back side of the house and would not significantly impact visibility to the parts of the house seen from key viewing areas. The front entry would be changed from the east to the west side of the home to allow for easier access to the interior stairs, which will also be relocated. The view, currently seen from a closet and a stairwell, would be more accessible with the front picture window relocated to the east side of the house front. The two east windows on the lower floor would be replaced with one bay window, using reflective glass. Depending on cost and structural considerations, the fireplace in the front of the house may be retained or replaced with an additional window.

The project proposal includes removing the light blue aluminum siding from the house exterior and, depending on its condition, restoring the original siding or replacing it with Hardiplank siding of the size and style of the original. The planned house color is Bernard Brown, with window trim painted Saddlebury, both dark earth tones that will significantly improve the visual subordination of the home from key viewing areas. Windows and doors will be replaced so that they all match and maintain a more traditional look. The roofed porch on the front of the home currently decreases window visibility on that side of the home. Windows on the east side of the house will include nonreflective glass. Entry way lighting will be directed downward and shielded so that is not highly visible from the Key Viewing Areas.

The combined above improvements will significantly decrease the visibility of the home from the key viewing areas of the Historic Columbia Gorge Highway, Women 's Forum and Crown Point by contrasting far less than the current materials in use. There are mature trees on all sides of the home and none would be removed for this project. Additional landscaping of large shrubs on the north and east sides of the home will be used to provide additional natural screening. The plantings will be largely hardy natives that will have the greatest chance to survive the east winds the sight is highly exposed to, but will also include plants that are historically appropriate to a home of the age.

No new roads will be added with this project. The current driveway approach has been reviewed by the Fire District and Oregon Department of Transportation and meets their criteria for continued use. There will be minimal effect on the existing topography of the area to increase the footprint of the home by 108 square feet, moving approximately 11 cubic yards of dirt.

Staff: The applicant's description accurately reflects the scope of work described in the materials submitted for review.

2. The county adhered to the required notification procedures.

Staff: An Opportunity to Comment was sent out to the County's list of property owners within 750-feet of the subject property and to the required Agencies, Confederated Tribes, and Recognized Neighborhood Associations pursuant to MCC 38.0530(B). The Opportunity to Comment was mailed on April 28, and was open for 14 days.

Comments were received from the following agencies:

- USDA Forest Service in the form of a Cultural Resources Survey Determination and a Section 106 Documentation Form (Exhibit T)
- State Historic Preservation Office in the form of a Section 106 Determination (Exhibit U)

These comments are directed at code criteria related to cultural and historic resources and are addressed in section 10 of this report.

Additional comments were received from the following agencies and are addressed in this section.

- Friends of the Columbia Gorge (Exhibit V)
- Multnomah County Transportation Planning Exhibit W)

The Friend's group submitted comments raising the code standards they believe to be applicable to the request. This preserves their standing in the matter. No substantive comments regarding the specific proposal were made by the Friend's group.

An email from Multnomah County Transportation Planning staff notes that the County's Transportation division has no issues with the subject proposal. A copy of the email is included as Exhibit W.

3. Proof of ownership and initiation of action

Staff: Applications for National 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). County Assessment Records included as Exhibit B and deed records included as Exhibit Z show the property is owned by Jennifer O'Donnell. Jennifer O'Donnell has signed the application form providing the necessary consent to process this request. A copy of the signed application form is included as Exhibit A.

4. The subject property meets the definition of "Parcel."

(P) (1) Parcel:

(a) Any unit of land, satisfying all applicable land division and zoning regulations in effect on the date of creation, created and separately described by a lawful sales contract, deed, partition map or plat, or subdivision plat;

(b) A unit of land shall not be considered a separate parcel simply because it:

- 1. Is a unit of land created solely to establish a separate tax account;**
- 2. Lies in different counties;**
- 3. Lies in different sections or government lots;**
- 4. Lies in different zoning designations; or**

5. Is dissected by a public or private road.

Staff: The subject property was created through a partition executed in 1977. A copy of a survey of the partition recorded on 11-28-77 is included as Exhibit X. A copy of the deed recorded for the subject lot on 12-20-77 is included as Exhibit Y.

Ordinance 148 became effective on 10-6-77. This ordinance established the zoning of the subject parcel as MUF-20 and required a twenty-acre minimum lot size for new lots or parcels. None of the lots in the land division that created the subject parcel met that minimum lot size. This zone did have a "Lot of Exception" section, which allowed the creation of lots less than the minimum lot size under certain conditions. No land use decision has been found that authorized the 1977 partition. Multnomah County first required land use approval for partitions in 1978.

No findings regarding the legal status of the subject parcel have been made to date and no development permits have been issued on the subject parcel since it was divided. Both of the remaining parcels created through the same land division have been approved through building permits and land use decisions subsequent to the land division as described below. The two other parcels created through the land division are the properties at 39126 E. Crown Point Highway and 39122 E. Crown Point Highway.

39122 E. Crown Point Highway- Parcel II on Partition Survey included as Exhibit X
SEC 28-80 approved the installation of an accessory building on the property at 39122 E. Crown Point Highway. A subsequent building permit, number 801526, was issued for this structure. In SEC 4-87, authorization was granted for the replacement of a mobile home with a site built dwelling. No record of permits for the mobile home has been found. This casefile contains assessment information showing the mobile home was installed in 1961. Additionally, this file contains a letter of approval from Jurgen A. Hess, the USDA Forest Service Columbia River Gorge National Scenic Area land use coordinator. Building permit MC 330 was subsequently issued for the construction of the dwelling. Copies of all decisions and permits referenced in this section are included in the file.

No lot of record or land division findings were included in the SEC decision or on the building permit. The building permit did receive a general "zoning" approval and the SEC permit was issued by the Land Use Planning program.

Both of these land use decisions and the accompanying building permits were issued after the 1977 land division.

39126 E. Crown Point Highway- Parcel I on Partition Survey included as Exhibit X
In case CU 16-91, this property was approved for a non-resource related single family residence with a detached garage. In the "Proposal Summary and Background" and the "Site Vicinity and Characteristics" sections of this decision, the lot is referred to as a lot of record. A specific finding under section 3 of the report on page five states, "The property is a 'Lot of Record' pursuant to MCC .2182(A)(2)." A copy of this decision is included as Exhibit AA. A copy of MCC 11.15.2182 in effect in 1991 is included as Exhibit BB.

The standard under which this lot was found to be a lot of record reads as follows:

11.15.2182 Lot of Record

(A) *For the purposes of this district, a Lot of Record is a parcel of land:*

(1) For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to August 14, 1980; and

(2) Which, when established, satisfied all applicable laws.

The finding in 1991 that this lot satisfied all applicable laws when established means the land division was found to have been in compliance with the law in place at the time it was executed.

Subsequent to the 1991 conditional use permit approval, a building permit was issued for the house which included review and approval of both zoning the land division. In 1997, Case NSA 2-97 was approved to allow the construction of a garage with a breezeway attaching it to the existing house. Subsequently, a building permit was issued to authorize the construction of the garage and breezeway. This building permit contains approvals under the Design Review, Zoning, and Land Division portions of the permit form. Copies of both of these documents are in the file.

The subject property was created through the same land division that created the property at 39126 E. Crown Point Highway. Conditional use permit CU 16-91 found that the land division, when established, satisfied all applicable laws. Subsequent permit authorizations have reviewed the configuration created by the 1977 land division and determined that it was in compliance.

The land division has been reviewed several times since it occurred in 1977 and has consistently been found to comply with the laws that were in effect at the time it was established. Based on these previous approvals, staff finds the 1977 land division satisfied the laws in place at the time it was established.

The subject lot remains in the same configuration as when it was created through the 1977 land division.

The subject property is a lawful parcel.

5. The use is an Existing Use.

§ 38.0030 Existing Uses

Except as otherwise provided below, existing uses may continue, notwithstanding the provisions of MCC 38.0000 through 38.0110, 38.2000 through 38.3295, and 38.7000 through 38.7085.

5.1 (A) Any use or structure existing on February 6, 1993 may continue so long as it is used in the same manner and for the same purpose as on that date.

Applicant: Multnomah County property tax records indicate the existing home was built in 1907, however research by historian and author Clarence Mershon indicate that the original house was built circa 1898 (LIVING EAST OF THE SANDY, VOLUME ONE, by Clarence E. Mershon, 1999).

The woman who lived in the house from 1950 to 1970 visited me and told me that they built the deck. This was verified by my neighbor, Ed Kubiki, who bought his home in 1977 and said the deck was in existence then.

The proposed four foot addition will not disturb the functioning of the existing wetland or wetland buffer by a new use. Rather it will be the reallocation of existing use of residence/yard/garden space within the buffer zone that has been in continuous use as such since the home was built in approximately 1898.

When the applicant purchased the property in October 2002, there was a clear demarcation of residence/yard/garden area and the remainder of the property. This demarcation consisted of barb wire, sheep wire, and split rail fencing, all in disrepair, Himalayan blackberries, piles of rotting wood, and volunteer scrub trees also separated yard/garden from remainder of property. Evidence of this is indicated on the survey, done in 9/03, when the applicant was still in the process of removing fencing and blackberries and an obvious fence line still existed over approximately one third of this area as shown on the survey.

When the applicant purchased the property the residence/yard/garden area consisted of sparse foundation plantings around the north, east and west sides of the home and deck, primarily flowering perennials and herbs. Numerous small trees, shrubs, and plants existed on the west side of the residence. On the south side of the home there was also a fire pit, and several raised vegetable beds, long neglected. Blackberries, piles of debris and broken machinery were also included in this area. As indicated in the landscape plan submitted earlier, a concrete sidewalk and numerous mature trees also existed in this area, and have been maintained.

The existing sidewalk extends down a slope south of this yard and garden area. This sloping area, which now is an obvious buffer between the yard and the wetland, at time of purchase contained tall grass, weeds, blackberries and several dumping sites for water heaters, tires, roofing shingles, wire, wood, concrete, old furniture and other debris.

The applicant has maintained the demarcation that has been existence between residence/yard/garden, immediate wetland buffer on slope, and the wetland.

Staff: The house on site was built near the turn of the century and has been used as a house since it was constructed. There is no evidence that the house has been used for any other purpose or any other manner than as a single family home. The house continues to be used as a single family home.

A deck exists on the east side of the house which does not appear to be original to the house. No record of building permits exist for this deck. The applicant has submitted a written statement from the previous owner of the house stating that her family installed the deck in 1966 when a

sliding glass door was installed. This statement is included as Exhibit CC. Aerial photos of the subject site taken in October of 1977 clearly show the deck. A photocopy of the 1977 aerial photo is included as Exhibit DD. The aerial photos are black and white photos printed on Mylar. As such, they do not photocopy well. The deck is clearly visible on the original photo and appears as a light spot next to the house on the photocopy included as Exhibit DD. The original of the 1977 aerial photo is available for viewing in the Multnomah County Land Use Planning office. Sufficient evidence is in the record to establish that the deck was in existence on February 6, 1993. The deck continues to be used as a deck and access way into the house.

The applicant states that the portion of the site in use as a residential lawn and garden has been used as a lawn and garden since prior to February 6, 1993. The applicant states that when she acquired the property in 2002, a fence line marked the edge of the residential lawn/garden portion of the site. This fencing has since been removed but the garden use of the site does not extend past the historic fence line. The 1977 aerial photo clearly shows the fence line extending the entire width of the property in the same location as indicated on the applicant's survey from 2003 included as Exhibit C. This survey indicates that the fence line was 203 feet south of the northwest corner of the lot and 127 feet south of the northeast corner of the lot. On the 1977 aerial photo, the cleared land south of the fence line appears to be used for hay or a similar crop in conjunction with the property to the West. The area north of the fence line contains trees, the driveway, and pathways around the house consistent with the use of the area as a residential lawn/garden. This evidence supports the applicant's assertion that the portion of the property north of the fence line has traditionally been used as a yard/garden area for the house.

Sufficient evidence is in the record to demonstrate that the house and deck are structures that were in existence prior to February 6, 1993 and that they continue to be used in the same manner and for the same purpose as on that date. Sufficient evidence is also in the record to establish that the use of the portion of the property north of the historic fence line as a residential lawn/garden was established prior to February 6, 1993 and continues to be used in the same manner and for the same purpose as on that date.

The house, deck, and lawn/garden area north of the historic fence line are existing uses.

- 5.2 **Staff:** The remainder of the Existing Use section regulates replacement of uses or structures, industrial uses, multi-family uses, mineral resource production, and the reclamation of mined lands. The applicant is not proposing any of these activities. The remainder of the criteria in this section do not apply to the subject request.

Criteria (B) through (I) of this section do not apply to the subject request.

6. The proposal meets the agricultural buffer zone requirements.

§ 38.0060 Agricultural Buffer Zones

All buildings, as specified, shall satisfy the following setbacks when proposed to be located on a parcel which is adjacent to lands designated GGA- 20 or GGA- 40:

Type of Agriculture	Type of Buffer		
	Open or fenced	Natural or created vegetation barrier	8 foot berm or terrain barrier
Orchards	250'	100'	75'
Row crops/vegetables	300'	100'	75'
Livestock grazing pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

- 6.1 **Applicant:** A plot map of applicant's and adjacent properties show that the agricultural buffers have been met on the west and south sides. The property west of the applicant's home is used for pasture and haying. The property line to this property is 200 feet from the applicant's home, clearly meeting the buffer requirement. The southern property line is approximately 630 feet from the applicant's home, again easily satisfying that agricultural buffer area, even though the property is a forested home site.

The property to the east is also a home site and has been since the home was built in 1928. While the zoning designation indicates agriculture, when viewing the property one can clearly see the only space on this site for agriculture is in the form of a home garden. The distance from applicant's home to the east property line is 95 to 98 feet depending on which measurement one uses, the surveyor's site map or the aerial photograph supplied by the county. So the existing buffer is somewhere between two and five feet short of the 100 foot buffer requirement for "other" agriculture.

- Staff:** The subject property is zoned GGA-40 as are the neighboring properties south of the highway. The adjacent properties north of the highway are zoned GSO and GSPR. The agricultural buffer requirements do not apply north of the highway, but do apply to the properties east, west, and south of the subject parcel.

The property to the west appears to be used for hay production. The west property line is open, requiring an agricultural buffer of one-hundred feet. The closest point of the proposed addition will be 177 feet from the west property line as shown on the applicant's Ag Buffer Plan included as Exhibit E. The agricultural buffer requirements have been met on the west side of the house.

The properties to the south are used for residential purposes. In this case, the "other" category of agricultural buffer applies, requiring a 100 foot separation for open or fenced areas. The addition will be approximately 630 feet from the south property line. The agricultural buffer requirements have been met on the south side of the house.

The property to the east appears to be used for residential purposes, making it subject to the "other" category of agricultural buffer requirements. The property is open on this side, requiring a 100 foot separation. The applicant has provided a survey prepared by a registered professional surveyor showing the existing house at a distance of 95 feet from the east property line (Exhibit C). The addition to the rear of the dwelling is proposed to

be flush with the existing east line of the house. As such, the existing house does not meet the agricultural buffer for an open or fenced area.

The applicant has proposed the planting of a vegetation barrier pursuant to the standards of (B) below.

The agricultural buffer requirements have been met to the north, south, and west.

(A) Earth berms may be used to satisfy, in part, the setbacks. The berm shall be a minimum of 8 feet in height, and contoured at 3:1 slopes to appear natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of 15 feet.

(B) The planting of a continuous vegetative screen may be used to satisfy, in part, the setback standards. Trees shall be at least 6 feet high when planted and reach an ultimate height of at least 15 feet. The vegetation screen shall be planted along the appropriate parcel line(s), and be continuous.

- 6.2 **Applicant:** The adjacent property has mature trees currently existing along the property line, which when in leaf screen the homes completely from one another and satisfy a 100 foot buffer were any type of agriculture taking place, which it is not. The applicant has been told that the only way to use those existing trees to satisfy this requirement is to sign an easement agreement with the current owners giving applicant access to and responsibility for maintenance of existing trees. This agreement would need to be continued between future owners of either property. The applicant has a good relationship with the adjoining property owners and they are very supportive of the proposed improvements, however, all agree that an easement is not a reasonable measure and could potentially jeopardize the existing positive relationship between the parties involved. Therefore, the applicant reluctantly agrees, for purposes of moving this application forward, to take on the additional work and expense to create additional planting to satisfy this requirement which is two to five feet short of the necessary agricultural buffer.

Staff: The applicant has submitted an agricultural buffer plan which is included as Exhibit E. This plan shows the applicant's proposal for meeting the vegetative screen requirements of this section in order to reduce the agricultural buffer requirement to 50 feet from 100 feet. The applicant will plant 3 quaking aspen, 5 vine maples, and 3 elderberries in the locations indicated on Exhibit E in order to complete the vegetative screen between the proposed addition and the property to the east. When the proposed vegetation is added to the existing vegetation flanking the development on the subject parcel, a continuous vegetative screen will exist on the east property line.

Staff performed internet research at the U.S. Forest Service on-line plant encyclopedia to ensure the proposed species meet the requirement of reaching an ultimate height of 15 feet. The encyclopedia can be found at <http://www.fs.fed.us/database/feis/plants/index.html>. Printouts regarding the botanical characteristics of each of the proposed species are in the file. According to the Forest Service, Quaking Aspen (*Populus tremuloides*) reach a height of 48 feet, Vine Maples

(Acer circinatum) reach a height of 30 feet in open conditions, and Elderberries (Sambucus Racemosa) reach a height of up to 20 feet. All of these species are capable of reaching an ultimate height of 15 feet and thus are eligible for use in the agricultural buffer vegetative screen.

A condition of approval has been attached requiring the trees to be at least 6 feet high when planted.

The agricultural buffer requirements have been met with conditions on the east side.

(C) The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.

- 6.3 **Staff:** The subject proposal only contains one phase of development. The applicant will be required to plant to the trees proposed for the agricultural buffer within two years of the County's authorization of a building permit for the proposed changes.

Criteria met.

7. **The proposal meets the applicable dimensional standards of the GGA zone (MCC 38.3060).**

- 7.1 **Staff:** The dimensional standards of the GGR zone include standards for lot size, lot length, setbacks and height limits. The only portion of this section applicable to the subject request is sub-part (C), which establishes setback and height limit requirements.

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet

- 7.2 **Staff:** As shown on the applicant's sit plan (Exhibit E) and the building elevations (Exhibit I, K, M, and O) the proposal meets the setbacks and is in compliance with the height limit.

Criteria met.

- 8. The proposal meets the GMA Scenic Review Criteria of MCC 38.7035.**

§ 38.7035 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:

(A) All Review Uses and Conditional Uses:

(1) New buildings and roads shall be sited and designed to retain the existing topography and reduce necessary grading to the maximum extent practicable.

8.1 **Applicant:** No new buildings or roads will be sited.

Staff: The applicant is proposing an addition to an existing building. No new buildings or roads will be constructed as part of the subject request.

Criterion does not apply.

(2) New buildings shall be generally consistent with the height and size of existing nearby development.

8.2 **Applicant:** Not Applicable

Staff: No new buildings are proposed.

Criterion does not apply.

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

8.3 **Applicant:** No new vehicular access points are proposed.

Staff: The applicant currently accesses the property via a driveway to the west of the house. No new access points are proposed.

Criterion met.

(4) Project applicants shall be responsible for the proper maintenance and survival of any required vegetation.

8.4 **Applicant:** Applicant will select hardy native plants with greatest chance of survival in this exposed site as per landscaping plan (Exhibit D) to be planted within two years. Applicant will hand water all new plantings.

Staff: As discussed in Section 6 of this report, the applicant is proposing the planting of vegetation to create a continuous vegetative screen to meet the agricultural buffer requirements. Additional vegetation shown on the landscape plan (Exhibit D) is proposed to provide screening for the development in a manner that is consistent with the landscape setting. A condition of approval has been included requiring the maintenance and survival of this vegetation.

Criterion met with condition.

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

- 8.5 **Applicant:** The landscape setting is deemed pastoral. The remodeling changes will enhance and protect the residence and surrounding area to reflect the feeling of a simple early century farmhouse that will fit appropriately into the rural landscape. The landscaping will include native shrubs and historically appropriate plantings within 30 feet of the home and will not reduce the large grass expanses around the outer perimeter of the home that maintains the look of the pastoral setting.

Staff: The applicant provided sufficient information in three site plans (Exhibits C, D and E) to determine compatibility with the landscape setting.

Criterion met.

(6) For all new production and/or development of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable.

- 8.6 **Staff:** No new production or development of mineral resources or expansion of existing quarries is proposed.

Criterion does not apply.

(B) All Review Uses and Conditional Uses visible from Key Viewing Areas:

(1) 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.

- 8.7 **Applicant:** Size, shape. The footprint of the house will increase approximately 108 square feet with a four by twenty-seven foot addition to the rear of the house. The upper floor will be expanded an additional 98 feet on the rear of the house to match the dimensions of the front of the house. Because these changes are to the rear of the existing home, are screened by mature trees, and are minimal additions of square footage, they will not significantly impact the overall visibility of the home.

Height. The height of the current structure will not change. The addition of the shed addition on the upper floor of the home will tie into the existing ridge and replace the current roof pitch in that area from 7:12 to 3:12 on expansion. The rear addition will raise the roof on that section by one foot while pitch will remain unchanged.

Color. Earth tone colors in the brown range will be used in all exterior material. Bernard Brown will be used on the body of the home and Saddlebury will be used as the trim color (Exhibit Q-Paint Samples). This will allow for visual subordination while at the

same time allowing some contrast that reflects historically appropriate color combinations. The trim color will best match the Milgard Ultra series fiberglass windows in the color choice of Brownstone (Exhibit S-Window Selection). Malarkey Legacy laminate shingle roofing, with the color choice of Antique Brown, will be used for all roofs (Exhibit R- Roofing Materials). All of these color changes will significantly reduce the visibility as compared to the current colors of light blue and white siding and windows.

Reflectivity. The current reflective aluminum siding that has been patched with mismatched wood and white aluminum siding will be removed and the original siding will be refurbished or it will be replaced with Hardiplank siding (Exhibit P) painted with flat paint. Windows on the east side of the house will include nonreflective glass.

Landscaping. Due to existing mature trees on the east and west sides of the home, proposed additions will be minimally visible from the HCRH. These additions will not be visible from Women's Forum or Crown Point. Ten of the fourteen trees on the north, east and west sides of the home are evergreen, plus a row of ten evergreen arborvitae offering year round screening. Year round screening will be enhanced with the addition of evergreen shrubs planted on the north and east sides of the home as per the landscape plan.

Plantings on the north side of the house will include the following new shrub groupings:

- Two lilac (Syringa), three feet tall at planting
- Five Hydrangea (hydrangeaceae), two feet tall at planting
- Three evergreen Cape Mallow (anisodonta), three feet tall at planting
- Three evergreen heaths (Erica), one foot tall at planting
- Five evergreen heathers (calluna), one foot tall at planting

Plantings on the east side of the house will include the following new shrub groupings:

- Three evergreen native wild lilac (ceanothus), two feet tall at planting
- One evergreen native Pacific rhododendron (ericaceae), three feet tall at planting
- Three native red flowering current (ribes sanguineum), three feet tall at planting.

Staff: The applicant is proposing a remodel of and an addition to an existing house. Staff photos of the existing house taken in the spring are included as Exhibit G. The applicant's photos of the house taken in the winter are included as Exhibit F. The entire house does not have to be made visually subordinated, only the newly proposed development, i.e. the changes to the house. These changes include an addition to the rear of the house, a bay window on the east elevation, renovation of the doors and windows on the front (north) elevation, the addition of doors and windows on the rear (south) elevation, the addition of a door on the west elevation as well as the re-arrangement and enlargement of windows on the west elevation. The following exhibits show the existing and proposed elevations for the house:

- Exhibit H Existing North Elevation
- Exhibit I Proposed North Elevation

- Exhibit J Exiting South Elevation
- Exhibit K Proposed South Elevation
- Exhibit L Exiting East Elevation
- Exhibit M Proposed East Elevation
- Exhibit N Exiting West Elevation
- Exhibit O Proposed West Elevation

The subject property is highly visible from the Historic Columbia River Highway (HCRH) and the Portland Women's Forum State Park.

The applicant's photos demonstrate that the west side of the house is visible from the HCRH at a distance of approximately .3 miles, then is not visible due to a curve in the road. The house becomes visible from the HCRH again approximately .1 miles from the west property line. Staff photos show that during the spring, the existing house is visually subdominant due to the existing vegetation. The applicant's photos show that the existing house can easily be spotted during the winter months due to its light blue and white colors. The applicant is proposing a dark brown color for the entire exterior. Substantial amounts of vegetation exist on this side of the house even in the winter. This color will blend with the existing vegetation in the winter to make the structure visually subdominant. The additions to the rear of the house and the modifications such as a new entry and windows will be visually subdominant as viewed from the HCRH to the west when the house is painted dark brown. A condition of approval has been attached requiring the applicant to use the colors proposed.

The south elevation of the structure is not directly visible from any key viewing areas. Both the southwestern and southeastern edges of the proposed addition will be visually subdominant as seen from HCRH as discussed within this finding. The southern façade is not visible at all from the Women's forum as it is blocked from view by the front of the house. Since the addition is facing away from any key viewing areas, is blocked from direct view by the front of the house, and is screened from the edges by existing and proposed vegetation, the southern façade of the house will be visually subdominant when viewed from key viewing areas.

The east façade of the house as viewed from the HCRH is highly visible for a short distance. Traveling westbound on the HCRH, the house becomes visible as you reach the edge of the neighboring house, a distance of approximately 200 feet from the subject house. The house remains visible until you pass it, for a total distance of approximately 250 feet. In the spring and summer months, the distance at which the house first become visible from the east is less than 100 feet due to intervening vegetation. Staff photos show the house at approximately 100 feet during the spring and the applicant's photos show the house at a distance of approximately 200 feet in the winter. In the both the winter and the summer, the front of the house is highly visible from the HCRH as there is little vegetation directly screening the front of the house.

The proposed changes on the portions of the house visible from the eastbound lanes of the HCRH include the addition to the rear, increasing the size of the windows on the front of the house, moving the door from the west side of the chimney and replacing it with a glass front door on the east side of the chimney, and adding a bay window on the east

side of the house. Since the existing house sits at an angle to the HCRH, the addition to the rear will be largely screened from view by the existing house. The southeastern corner of the addition will be visible, but the remainder will be blocked from view by the existing house.

The front of the house is visible from both the HCRH and the Portland Womens' Forum State Park. The house faces directly onto the HCRH across from the entrance to the Women's forum as shown in both the staff photos and the applicant's photos (Exhibits F and G). The proposed changes to the front of the house include enlarging the windows on the front façade, and installing a glass front-door. The proposal also includes painting the entire house dark brown earth-tone colors to reduce the overall visibility from its current light blue and white color scheme. The applicant is proposing the installation of shrubs in front of the house as shown on the landscaping plan included as Exhibit D. The proposed species include Cape Mallow, Rhododendron, wild lilac, heaths, and heathers. All of these shrubs will provide some softening of the front elevation, but not will grow large enough to screen the front of a two-story house. This is consistent with the landscape setting of "Pastoral" as described on pages I-16 and I-17 of the Management Plan. The fourth sentence of the Overview and Land Use portion of the Pastoral Landscape setting description on page I-16 of the Management Plan states, "Visual features distinguishing this setting include large expanses of cultivated fields and pastures, punctuated by clusters of farm accessory buildings and hedgerows or poplar rows defining distinct fields." Sub-part (3)(c) of the Design Guidelines for the "Pastoral" landscape setting on page I-17 of the Management Plan states, "Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields." The proposed landscaping will allow the existing row of trees and the trees installed to meet the agricultural buffer requirements to predominate in the view, defining the boundary between the fields on the subject property and the properties to the east. The proposed lower growing vegetation will soften the appearance of the front of the house but still allow the house to retain the feeling of being set in a large pasture defined by a tree row.

The net result of the proposed changes will be a house that blends with its pastoral landscape setting and the neighboring house more fully than the existing dwelling. The proposed renovation will result in the house being clad in the same material on all facades rather than the existing situation where some portions have been patched with siding that does not match. The aluminum siding will be removed and either the original wood siding or Hardiplank Lap Siding will clad the exterior depending on the condition of the wood under the aluminum siding. Photos of the Hardiplank Lap Siding are included as Exhibit P. This type of siding is more in character with the age of the house. The existing windows are a mix of ages, styles, and materials. These will be replaced with windows Milgard Ultra windows in the Brownstone color as identified by the applicant in Exhibit S. The replacement of the existing windows with windows that all match will also make the house more internally consistent and less visually obtrusive.

The size of the house will be minimally increased, but the height will remain unchanged. The color will be changed from the highly visible light blue to a dark earth tone palette of browns. The overall reflectivity of the structure will be greatly reduced by removing aluminum siding in favor of wood or Hardiplank. The proposed landscaping and trees

proposed for the agricultural buffer will further blend the house into the surrounding pastoral landscape. The clustering of this house with a neighboring historic property, the planting of vegetation that is in character with a pastoral landscape, the retention of the existing on-site trees, the addition of trees on the east side of the house, and the proposed color palette all work together to make the proposed improvements visually subordinate when viewed from key viewing areas.

Conditions of approval have been attached to ensure the development is constructed as proposed.

Criterion met with conditions.

- 8.8 **(2) The extent and type of conditions applied to a proposed development to achieve visual subordination should be proportionate to its potential visual impacts as seen from Key Viewing Areas. Primary factors influencing the degree of potential visual impact include: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas it is visible from, the number of Key Viewing Areas it is visible from, and the linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads). Written reports on determination of visual subordination and final conditions of approval shall include findings addressing each of these factors.**

Applicant: The light blue reflective siding and non-reflective window glass currently create far more visibility than the proposed changes will bring. Mature trees currently exist on all sides of the home. No trees will be removed in this project. Although a home is not required to be invisible from KVAs, visual subordination will be further enhanced by planting of shrubs on north and south sides of the home as per landscaping plan.

Staff: The analysis in finding 8.7 goes into detail regarding the proposed development's potential visibility from KVAs. The proposed development is an addition and renovation to an existing house. The existing house is highly visible. The net result of the proposed changes will be a house that blends with its pastoral landscape setting and the neighboring house more fully than the existing dwelling.

The house has been in existence since the turn of the century and is in a pastoral landscape setting which encourage retaining the feel of open fields separated by hedge rows or poplar rows. The applicant is adding trees to the existing row of maples to further delineate her house from the neighboring house as required by the agricultural buffer provisions. Additionally, various shrubs and low-growing landscape plants are proposed for the front of the house. This will re-enforce the pastoral setting as seen from the Portland Women's Forum State Park. Removing the aluminum siding in favor of wood or Hardi-plan and repainting the entire house dark brown will reduce visibility of the house from both the HCRH and the Women's Forum. Conditions of approval 3, 4, 6, 7, and 8 related to visual subordination and are consistent with the proportional visual impact of the development (i.e. the addition and renovation only).

Criterion met with conditions.

- 8.9 **(3) Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.**

Staff: The proposal will result in a net reduction of negative visual impacts to Key Viewing Areas. The proposed development will take an existing highly visible house and reduce its visibility through the use of color and landscaping as discussed in findings 8.7 and 8.8.

Criterion met.

- 8.10 **(4) 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**

(5) For proposed mining and associated activities on lands visible from Key Viewing Areas, in addition to submittal of plans and information pursuant to MCC 38.7035 (A) (5) and subsection (4) above, project applicants shall submit perspective drawings of the proposed mining areas as seen from applicable Key Viewing Areas.

Staff: No mining activities are proposed. No driveways or other roads are proposed. The applicant is proposing an addition to an existing building. The materials required by these sections has been submitted by the applicant. The building elevation drawings are included as Exhibit I, K, M, and O, proposed building materials and colors are shown in the Exhibits P, Q, R, and S, proposed exterior light fixtures are shown in Exhibit EE and FF, and the proposed landscaping plans are shown on Exhibits D and E.

Criteria met.

- 8.11 **(6) 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.**

Staff: No new buildings or roads are proposed. The applicant has proposed an addition to an exiting building.

Criterion met.

- 8.12 **(7) 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.**

Staff: No new buildings or roads are proposed. The applicant has proposed an addition to an existing building.

Criterion met.

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

Staff: No new driveways or buildings are proposed. The location of the addition is dictated by the location of the existing building. The applicant is choosing to make an addition that expands the back wall of the house four feet past where the wall sits now. The applicant has minimized grading activities by reusing an existing house and proposing an addition that adds the minimum amount of space necessary to achieve the purpose of the renovation.

Criterion met.

8.14 **(9) 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.**

Applicant: The aluminum siding will be removed and the condition of the existing siding will be examined. If it is determined that the siding is in acceptable condition it will be used as the exterior covering of the home. If it is not in acceptable condition, Hardiplank lap siding will be installed. Flat finish paint will be used. Non-reflective glass will be used in the windows on the east side of the home, the area most exposed to Women's Forum and HCRH Key Viewing areas. The windows on the north side of the home are visually subordinated from the KVAs through the existing screening of mature trees and a roofed porch. The west side of the home is screened by mature trees. The south side, while also screened with mature trees is not visible from KVAs.

Staff: The applicant is proposing the use of non-reflective materials (existing wood siding or new Hardiplank) for the exterior of the dwelling (Exhibit P). The proposed roofing is a dark earth-tone composition shingle, which will have low reflectivity. (Exhibit R) There will be windows installed, but these windows will use low-reflectivity glass and dark earth-tone trim. (Exhibit S). All of these materials have low reflectivity.

Criterion met.

8.15 **(10) 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.**

Applicant: Lighting to ensure security and safety will be placed at north and west entries. Fixtures will be ceiling mounted and covered. Although neighbors were approved, apparently in error, of lighting fixtures similar to those I originally proposed, I have changed my lighting choices on the north, west, and south sides of the house to

Exhibit EE, black baffle recessed light fixtures. I was unable to find adequate light fixtures for the deck area that met NSA criteria, so will maintain the current lighting in that area. I was also unable to find motion sensitive pathway lighting that met NSA criteria, so am submitting Exhibit FF as a low-voltage alternative along the proposed pathway to the front entrance.

See Exhibits I, K, M, and O, elevation drawings, for placement of light fixtures and Exhibit EE for selected lighting fixtures.

Staff: The proposed light fixtures on the dwelling will only be located at the doors on the north, west, and south side. The existing lighting on the east side will remain unchanged. The proposed light fixtures are recessed ceiling mounted fixtures as shown in Exhibit EE. These lights are fully shielded (covered on the sides) and hooded (covered on the top). The light produced by these fixtures will be contained by the roofs into which the recessed lights will be installed. These lights will not be highly visible from Key Viewing Areas.

The proposed pathway lights are shielded and hooded with black plastic as shown in Exhibit FF. These fixtures will direct the light downward and illuminate the pathway only. The proposed pathway location is shown on the landscaping plan included as Exhibit D. This pathway will be located behind shrubs which will block the pathway lights as seen from both the HCRH and the Women's Forum. The pathway lighting will not be highly visible from Key Viewing Areas.

Conditions of approval have been included requiring the application to use only the light fixtures proposed and to install the light fixtures only in the locations indicated on the submitted plans.

Criterion met with condition.

- 8.16 **(11) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of colors specified in the landscape setting for the subject property.**

Applicant: Additions will be of the same color and materials proposed for existing home.

Staff: The applicant is proposing an addition that is smaller than the square footage of the existing house. The applicant could have chosen to paint the addition the same light blue as the existing house but has elected to repaint the entire house a dark earth-tone color to help the entire home be visually subordinant. The proposed colors are shown in Exhibit Q and meet the requirements of the landscape setting as discussed in finding 8.30.

Criterion met.

- 8.17 **(12) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual subordination requirements for lands seen from Key**

Viewing Areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to such historic structures shall be consistent with National Park Service regulations for historic structures.

Applicant: Correspondence with Christine Curran, SHPO, indicates the home has had too many alterations from its original condition to be considered for the National Register of Historic Places (Exhibit U- Photos and letter from SHPO).

Staff: The proposal was reviewed by the State Historic Preservation Office (SHPO) and the house was found to be ineligible for inclusion on the National Register of Historic Places as shown in Exhibit U. The house is not a significant historic structure.

Criteria do not apply.

- 8.18 **(13) 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.**

Applicant: No new buildings are being proposed.

Staff: No new buildings are proposed.

Criterion does not apply.

- 8.19 **(14) 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:**

Staff: The existing house was built prior to November 17, 1986 as discussed in the Existing Use findings in Section 5 of this report. The existing house sits at the top of a ridge and does break the skyline as seen from the HCRH and the Portland Women's Forum State Park as shown in the applicant's photographs included as Exhibit F.

(a) The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration; and

- 8.20 **Applicant:** Earth tone color changes and use of nonreflective siding and window materials will provide less contrast than before alterations.

Staff: The applicant has made a proposal that will contract less with its setting after the alteration than before. The primary factors that will reduce the contrast are as follows:

- The removal of the aluminum siding and use of either the existing wood or new Hardiplank siding. Wood and Hardiplank are not reflective while aluminum is. This change will reduce the overall reflectivity of the structure.
- The color change from light blue and white to a dark earth tone color. The existing light colors contrast with the existing vegetation, making the dwelling especially easy to see during the winter months. The dark earth tone color will allow the house to be visually subordinant during the winter months when it is currently not visually subordinant.
- The planting of shrubs and low growing vegetation on the front of the house will partially screen the dwelling and soften its impact as seen from the Portland Women's Forum State Park.
- The installation of trees on the east side of the dwelling to meet the agricultural buffer requirements will have the incidental positive impact of increasing screening of the house on the east side.

(b) There is no practicable alternative means of altering the building without increasing the protrusion.

8.21 **Applicant:** The roof protrusion will not be increased. Due to roof pitches and varying levels of floors in upper story of home, it is not possible to add a bathroom without the shed addition. Improving interior function of the home is not feasible without redesigning entries and adding an additional four feet off the back of the home.

Staff: The existing ridge line will be maintained. The house will not protrude further into the skyline after the addition than it does before the addition

Criteria met.

8.22 **Staff:** The standards of sub-parts (15) through (25) of this section deal with utility facilities, new communication facilities, roadway facilities, new structures on land over 30 percent in slope, structural development involving more than 100 cubic yards of grading, and quarries. The subject proposal does not include any of the uses, grading activities, or steep slopes regulated by sub-parts (14) through (25). These criteria do not apply to the subject proposal.

Criteria 15 through 25 do not apply.

8.23 **(26) Compliance with specific approval conditions to achieve visual subordinance (such as landscaped screening), except mining and associated activities, shall occur within a period not to exceed 2 years after the date of development approval.**

Applicant: The applicant understands and takes responsibility to meet requirements involving landscaping. Landscaping that has occurred since purchase of the property in October 2002 and located outside of the proposed project area is indicative of the applicant's commitment and ability to comply with this standard.

Staff: Conditions of approval have been attached requiring the portions of the proposal intended to achieve visual subordinance to be installed within 2 years of the County's

authorization of a building permit. These activities include painting the entire house the colors indicated in Exhibit Q and the installation of the vegetation proposed on both the landscaping plan (Exhibit D) and the agricultural buffer plan (Exhibit E).

Criterion met with condition.

(C) All Review Uses and Conditional Uses within the following landscape settings:

(1) Pastoral

- 8.24 **(a) New development shall be compatible with the general scale (height, dimensions, overall mass) of development in the vicinity. Expansion of existing development shall meet this standard to the maximum extent practicable.**

Applicant: As addressed previously in 38.7035(B)(13), the height of the existing roof line will not increase. The footprint of the home will increase minimally- approximately 108 square feet. The total additions to the home will be approximately 206 square feet total, thus also minimally impacting the overall mass of the home. The development in a one mile vicinity includes homes of greater scale.

It would be the applicant's desire to reduce costs by creating a second floor bathroom within the existing space. However, the current floor plan has been reviewed by four designers/architects and all concur that a bathroom cannot be added without an addition. This is due to the differing roof lines in the front and back sections of the upper floor as well as a six inch floor height difference in the back section that houses the master bedroom.

The applicant proposes a four foot addition on the back of the main floor of the house which is the minimal addition required to make this a usable space. This area is currently used as a laundry area, a storage area and a passageway to the main house and the basement. The applicant desires to make this space a more efficient and usable space by redesigning the entries, updating the laundry area, adding a closet, changing the access to the basement, creating an additional living space off the back of the dining area and restoring a southern entryway to the house, which previous owners indicated was once there. Plans submitted will indicate the proposed changes of the L-shaped space that was once a porch.

The existing L-shaped porch currently contains a doorway on the west side into the porch area, a doorway on the south side into the main house, and a staircase to the basement. Because it does not have a foundation, floors in this space are not level and not all doors fit properly. The current entryway and traffic flow are inefficient. The current staircase to the basement is in disrepair and unsafe. It was hand dug and added some time after the rear basement addition. During heavy rains there is standing water at the bottom of the stairs. The walls take in moisture and there are three colors of mold growing on the walls.

The applicant is proposing a new access to the basement along the south wall of the current foundation wall (not current exterior wall which contains no foundation). This

access will be safer, drier, and will allow easier accessibility to the basement from outside. Basement access has been explored in other places but it is not practical. Putting the basement stairs under the proposed stairs to the upper floor would not be possible because the 3 ½ by 2 ½ reinforcement that was added to the foundation of the original house to maintain structural integrity would need to be partially removed. This area also contains water access into the home which would need to be moved. Putting the stairs along the wet side of the enclosed porch would impact the existing plumbing for the laundry and kitchen area on the main floor and the water heater and septic plumbing in the basement. The proposed staircase is the only practical alternative. Putting the proposed staircase within the existing space would allow only a three foot space between the proposed staircase and existing south wall, creating an awkward and useless space along the outer south wall and inadequate space for the proposed closet. An adequate closet and stairway access to the basement are especially important because both will be used to house equipment that might normally be in an outbuilding or garage, which is not practical on this site given the wetland restrictions under the NSA. This four foot addition is the proposal that is most practicable, affordable and will cause minimal impact in an already disturbed area.

The applicant is requesting the minimal amount of space that is needed to allow for an efficient redesign of the most frequently used entryway into the home. The proposal will have beneficial effects that it will allow a conscientious homeowner who has a great desire to improve the property to remain as the owner.

Staff: The proposed development is the renovation of and an addition to an existing house. The house is current shown by the Assessment and Taxation division as having 1,927 square feet of finished space plus 620 square feet of unfinished basement. After the renovation, the basement will remain the same size with the finished area totaling 2,133 square feet. The chart below shows the sizes of houses on properties within ¼ mile of the subject site. The sizes are shown in square feet as reported by the County's Assessment and Taxation division and do not include basements. Copies of the Assessment and Taxation printouts are in the file.

Prop. # on Exhibit II	Address	Tax Account Number	House size from A&T Info
1	38725 E. Historic Columbia River Highway	R944250280	1562
2	38745 E. Historic Columbia River Highway	R944250290	1996
3	38909 E. Historic Columbia River Highway	R944250370	1668
4	39126 E. Historic Columbia River Highway	R944360660	2248
5	39122 E. Historic Columbia River Highway	R944360670	1843
6	39210 E. Historic Columbia River Highway	R944360200	1404
7	39300 E. Historic Columbia River Highway	R944360550	1320
8	39675 E Knieriem Rd.	R944360190	3434
9	38700 E. Historic Columbia River	R944360520	2870

	Highway		
10	39149 E. Knieriem Rd.	R944360470	1120

As can be seen from this chart, the 2,133 square foot size of the house after the renovation will be well within the range of existing house sizes within ¼ mile.

The applicant has also stated that the addition is the minimum amount of additional space needed to reconfigure the existing floor plan to make the house usable under present expectations for a single family dwelling such as having a reinforced foundation supporting all of the bearing walls of the house, having a bathroom on the same floor of the house as the bedrooms and having a dry level staircase serving as access to the basement.

Criterion met.

- 8.25 **(b) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.**

Applicant: Not applicable.

Staff: No new accessory structures or outbuildings are proposed. No vehicular accessways are proposed though a new pathway from the existing gravel parking area to the front door of the house is proposed. This pathway is in close proximity to the house as shown on Exhibit D. It is contained within the exiting lawn/garden area, retaining the improvements in a cluster at the northerly edge of the property with the remainder of the property retaining its open character.

Criterion met.

(c) 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:

- 8.26 **1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.**

Applicant: All tree cover screening will be retained with the exception of two arborvitae, approximately ten feet tall, that currently define the west entry that will be relocated. These trees are insignificant in that the mature pine, fir, and poplar trees on the west side of the driveway provide significant screening, as do the fir and arborvitae row at the northwest corner of the home, providing year round screening to the west side of the home.

Staff: The two arborvitae proposed for removal are most clearly visible in the applicant's photos labeled "West Exposure" and the lower photo on the page labeled "Driveway approach from HCRH." As can be seen in these photos, the arborvitae serve

as shrubs flanking the existing entry deck, which will be removed as part of the renovation. Their relocation in order to accommodate the renovations to this side of the house is necessary for site development. A condition of approval has been attached requiring the retention of all existing on-site trees with the exception of these two arborvitae.

Criterion met.

8.27 **2. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.**

Applicant: Landscaping to add additional screening on the north and northeast sides of the house, the areas most exposed to KVA's, will be added in areas of close proximity to the home, as per landscape plan. The grassy areas surrounding the home will be maintained as to retain the open character of the area deemed pastoral.

Staff: The vast majority of the site will be retained as an open field. The portion of the site north of the historic fence line shown on Exhibit C is the only portion used for the dwelling and homesite. All landscaping will be clustered in this portion of the property, retaining the overall open character of the site. The existing stand of mature trees on the west side of the house will continue to be the western edge of landscaping while new landscaping will be installed around the house up to the east property line.

A condition of approval has been attached requiring the applicant to use only the portion of the wetland buffer north of the historic fence line for residential purposes including landscaping.

Criterion met with conditions.

8.28 **3. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, bigleaf maple, and black locust (primarily in the eastern Gorge).**

Applicant: Landscaping in the areas most exposed to KVAs (north and northeast corners of the home) will include primarily evergreen shrubs and native plants as found growing in the vicinity. Year round screening will be enhanced with the addition of evergreen shrubs planted on the north and east sides of the home as per landscape plan. (Exhibit D).

Plantings on the north side of the house will include the following new shrub groupings:

- Two lilac (*Syringa*), three feet tall at planting
- Five *Hydrangea* (*hydrangeaceae*), two feet tall at planting
- Three evergreen Cape Mallow (*anisodonta*), three feet tall at planting
- Three evergreen heaths (*Erica*), one foot tall at planting
- Five evergreen heathers (*calluna*), one foot tall at planting

Plantings on the east side of the house will include the following new shrub groupings:

- Three evergreen native wild lilac (ceanothus), two feet tall at planting.
- One evergreen native pacific rhododendron (ericaceae), three feet tall at planting
- Three native red flowering current (ribes sanguineum), three feet tall at planting.

Staff: The applicant is not proposing the installation of any trees for screening purposes but is proposing the installation of shrubs. All of these shrubs will provide some softening of the front elevation, but not will grow large enough to screen the front of a two-story house. This is consistent with the landscape setting of “Pastoral” as described on pages I-16 and I-17 of the Management Plan. The fourth sentence of the Overview and Land Use portion of the Pastoral Landscape setting description on page I-16 of the Management Plan states, “Visual features distinguishing this setting include large expanses of cultivated fields and pastures, punctuated by clusters of farm accessory buildings and hedgerows or poplar rows defining distinct fields.” Sub-part (3)(c) of the Design Guidelines for the “Pastoral” landscape setting on page I-17 of the Management Plan states, “Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.” The proposed landscaping will allow the existing row of trees and the trees installed to meet the agricultural buffer requirements to predominate in the view, defining the boundary between the fields on the subject property and the properties to the east. The proposed lower growing vegetation will soften the appearance of the front of the house but still allow the house to retain the feeling of being set in a large pasture defined by a tree row.

Of the shrubs, the applicant is proposing the installation of seven natives on the east side of the house and eight natives (the heaths and heathers) on the north side of the house. This means of 15 of 25 plants proposed for screening will be native.

Criterion met.

8.29 **4. At least one-quarter of any trees planted for screening shall be coniferous for winter screening.**

Applicant: Mature evergreen trees, including fir, pine, and cedar currently exist around the home. Structures are not expected to be invisible in this setting. The existing trees along with the addition of evergreen shrubs will provide improved year round screening. Year round screening will be enhanced with the addition of evergreen shrubs planted on the north and east sides of the home as per landscape plan. (Exhibit D).

Plantings on the north side of the house will include the following new shrub groupings:

- Two lilac (Syringa), three feet tall at planting
- Five Hydrangea (hydrangeaceae), two feet tall at planting
- Three evergreen Cape Mallow (anisodonteae), three feet tall at planting
- Three evergreen heaths (Erica), one foot tall at planting
- Five evergreen heathers (calluna), one foot tall at planting

Plantings on the east side of the house will include the following new shrub groupings:

- Three evergreen native wild lilac (ceanothus), two feet tall at planting.

- One evergreen native pacific rhododendron (ericaceae), three feet tall at planting
- Three native red flowering current (ribes sanguineum), three feet tall at planting.

Staff: As described in finding 8.28, the applicant is not proposing the planting of any trees for screening. Eleven out of eighteen of the plants proposed for use as screening are evergreen.

Criterion met.

8.30 **5. Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12).**

Applicant: Colors in the brown range will be used in all exterior material. Bernard Brown will be used on the body of the home and Saddlebury will be used as the trim color (Exhibit Q). This will allow for visual subordination while at the same time allowing some contrast that reflects historically appropriate color combinations. The trim color will best match the Milgard Ultra series fiberglass windows in the color choice of Brownstone. (Exhibit S) The roof will be laminate shingle in Antique Brown. (Exhibit R).

Staff: All of the colors proposed by the applicant for use on the exterior of the home are dark earth tone colors.

Criterion met.

8.31 **(d) Compatible recreation uses include resource-based recreation uses of a very low or low-intensity nature, occurring infrequently in the landscape.**

Staff: No recreation uses are proposed.

Criterion does not apply.

8.32 **(D) All Review Uses and Conditional Uses within scenic travel corridors:**

(1) 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.

(2) All new buildings and alterations to existing buildings, except in a GGRC, shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to MCC 38.0065. All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable.

(3) Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a Scenic Travel Corridor roadway except in a GGRC, shall comply with subsection (2) above to the maximum extent practicable.

Applicant: The front of the home, which was built before the construction of the HCRH, sits approximately 75 feet from the edge of the pavement of the highway. The addition to existing structure will be at the rear of the home, approximately 125 feet from edge of pavement of the HCRH. Alterations will enhance the character of the current home and surrounding area and protect the home from falling into further disrepair.

Staff: The subject property is within one-quarter mile of the edge of pavement of the HCRH. As shown on the applicant's site plan (Exhibit C), the addition to the house will be more than 100 feet from the edge of pavement of the HCRH. The existing house will be improved and altered, but will not come any closer to the HCRH than it already is. The applicant's proposal complies with this section to the maximum extent practicable.

Criteria met.

- 8.33 **Staff:** The remainder of the criteria related to Scenic Travel Corridors deal with projects in the right-of-way of public roads, undergrounding of utilities, and quarries. The applicant is not proposing any activities regulated by MCC 38.7035(D)(4) through (7). These criteria do not apply.

9. The proposal meets the GMA Wetland Review Criteria of MCC 38.7055.

(A) The wetland review criteria shall be deemed satisfied if...

(B) If the project site is within a recognized wetland or wetland buffer zone, the applicant shall be responsible for determining the exact location of the wetland boundary. Wetlands boundaries shall be delineated using the procedures specified in the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (Federal Interagency Committee for Wetland Delineation, 1989), and any subsequent amendments.

All wetlands delineations shall be conducted by a professional, such as a soil scientist, botanist, or wetlands ecologist, who has been trained to use the federal delineation procedures.

The Planning Director may verify the accuracy of, and may render adjustments to, a wetlands boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the Planning Director shall, at the applicant's expense, obtain professional services to render a final delineation.

- 9.1 **Staff:** The subject property is mapped on the National Wetlands Inventory as containing a wetland. The applicant hired Anderson Earth and Environmental, LLC (AE&E) to perform a wetland delineation. A copy of the full delineation report is included in the file. The wetland delineation map is included as Exhibit C. Page 3 of the report by

AE&E states, "Jason Anderson, wetland specialist for AE&E and Tobias Watts, field ecologist for AE&E, performed all associated wetland determination/delineation fieldwork." This statement establishes the delineation was performed by professionals trained in wetland delineation procedures. This delineation report found two wetlands on the site- a northerly 0.908 acre wetland and a southerly 0.086 acre wetland.

The wetland delineation was submitted to the State of Oregon Division of State Lands (DSL) for concurrence. Kathy Verble, wetland specialist for DSL, provided a letter dated August 30, 2004 concurring with a revised wetland delineation. This letter indicates that the northerly 0.908 acre wetland is a wetland but that the southerly area identified by AE&E as a wetland is not a wetland. The letter is included as Exhibit GG. The wetland delineation map included as Exhibit C shows only the northerly area as a wetland.

(C) The following uses may be allowed in wetlands and wetland buffer zones when approved pursuant to the provisions of MCC 38.0045, MCC 38.7055 (E), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085:

(1) The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not:

- (a) Increase the size of an existing structure by more than 100 percent,**
- (b) Result in a loss of wetlands acreage or functions, or**
- (c) Intrude further into a wetland or wetlands buffer zone.**

New structures shall be considered intruding further into a wetland or wetlands buffer zone if any portion of the structure is located closer to the wetland or wetlands buffer zone than the existing structure.

- 9.2 **Staff:** The proposal by the applicant includes the expansion of a serviceable structure. The expansion is a four-foot deep addition which will intrude closer to the wetland. The wetland on-site was identified by AE&E as an Herbaceous wetland, requiring a 150 foot buffer zone under MCC 38.7055(G)(3)(c). The survey included as Exhibit C shows the applicant's entire house is located within the 150 foot wetland buffer. The south wall of the house is 100 feet from the wetland and the posts for the front porch are 150 feet from the wetland. The location of the proposed addition is the south of the house. Since the house will be expanding southward, the structure is intruding further into a wetland buffer zone. As such, the provisions of this section cannot be used to review the subject application.

(D) Uses not listed in MCC 38.7055 (A) and (C) may be allowed in wetlands and wetlands buffer zones, when approved pursuant to MCC 38.7055 (F) and reviewed under the applicable provisions of MCC 38.7035 through 38.7085.

- 9.3 **Staff:** The proposal is not listed in (A) or (C) and thus must be reviewed under MCC 38.7055(F). The project is reviewed for compliance with 38.7055(F) through this section and is reviewed for compliance with MCC 38.7035 through 38.7085 in sections 8, 10, 11, 12 and 13 of this report.

(F) Applications for all other Review and Conditional Uses in wetlands shall be processed pursuant to the provisions of MCC 38.0045 and shall demonstrate that:

(1) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative considering all of the following:

- 9.4 **Staff:** The proposal is an addition to an existing dwelling. The proposal is not water dependant. The application must be reviewed for compliance with the sub-parts (a) through (c) of this section.

(a) The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands;

- 9.5 **Staff:** The basic purpose of the application is to renovate the existing house in order to make it more useable. It is not reasonable to expect the applicant to move the existing house in order to renovate it. The purpose of renovating the existing house cannot be reasonably accomplished on another site.

Criterion met.

(b) The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands; and

- 9.6 **Applicant:** As the entire house sits in a wetland buffer zone, there is no alternative to expand the home outside of the wetland area. The purpose of the expansion on the rear of the house is to increase the functionality of the interior living space which is at present limited to being an inconvenient passageway into the entrance of the home. This space is currently in disrepair and of limited use as there is no existing foundation or heat source. The relocation of the side entrance and the addition of a back entrance will significantly improve traffic flow and make for a more functional living space. The minimal expansion will also allow for the relocation of the basement stairs to a more suitable location to allow this traffic flow. Without this minimal expansion, the current proposed redesign would not be feasible.

It would be the applicant's desire to reduce costs by creating a second floor bathroom within the existing space. However, the current floor plan has been reviewed by four designers/architects and all concur that a bathroom cannot be added without an addition. This is due to the differing roof lines in the front and back sections of the upper floor as well as a six inch floor height difference in the back section that houses the master bedroom.

The applicant proposes a four foot addition on the back of the main floor of the house which is the minimal addition required to make this a usable space. This area is currently used as a laundry area, a storage area and a passageway to the main house and the basement. The applicant desires to make this space a more efficient and usable space by

redesigning the entries, updating the laundry area, adding a closet, changing the access to the basement, creating an additional living space off the back of the dining area and restoring a southern entryway to the house, which previous owners indicated was once there. Plans submitted will indicate the proposed changes of the L-shaped space that was once a porch.

The existing L-shaped porch currently contains a doorway on the west side into the porch area, a doorway on the south side into the main house, and a staircase to the basement. Because it does not have a foundation, floors in this space are not level and not all doors fit properly. The current entryway and traffic flow are inefficient. The current staircase to the basement is in disrepair and unsafe. It was hand dug and added some time after the rear basement addition. During heavy rains there is standing water at the bottom of the stairs. The walls take in moisture and there are three colors of mold growing on the walls.

The applicant is proposing a new access to the basement along the south wall of the current foundation wall (not current exterior wall which contains no foundation). This access will be safer, drier, and will allow easier accessibility to the basement from outside. Basement access has been explored in other places but it is not practical. Putting the basement stairs under the proposed stairs to the upper floor would not be possible because the 3 ½ by 2 ½ reinforcement that was added to the foundation of the original house to maintain structural integrity would need to be partially removed. This area also contains water access into the home which would need to be moved. Putting the stairs along the wet side of the enclosed porch would impact the existing plumbing for the laundry and kitchen area on the main floor and the water heater and septic plumbing in the basement. The proposed staircase is the only practical alternative. Putting the proposed staircase within the existing space would allow only a three foot space between the proposed staircase and existing south wall, creating an awkward and useless space along the outer south wall and inadequate space for the proposed closet. An adequate closet and stairway access to the basement are especially important because both will be used to house equipment that might normally be in an outbuilding or garage, which is not practical on this site given the wetland restrictions under the NSA. This four foot addition is the proposal that is most practicable, affordable and will cause minimal impact in an already disturbed area.

The area that the requested site covers is currently an empty flower bed. The area that will be disturbed around the proposed addition is also flower bed and pathway. The proposal does not impact the current wetland and does not remove any native vegetation in the wetland buffer area. The area will be improved with plantings, including natives, rather than rehabilitated, as it currently is already disturbed, does not contain native plantings, and has been disturbed for as long as the house has existed.

The applicant is asking for consideration of an addition to hold a bathroom on the upper floor, where all three bedrooms exist, and a four foot addition on the rear of the home and believes this is not an excessive request. The area on the back of the home has a beautiful southern exposure and would make a lovely expansion to the home if an additional ten to fifteen feet were added. The applicant is requesting the minimal amount of space that is needed to allow for an efficient redesign of the most frequently used

entryway into the home. The proposal will have beneficial effects in that it will allow a conscientious homeowner who has a great desire to improve the property to remain as the owner. The improvements proposed will increase the value and livability of the home and will prolong the life of a historical home, contributing to the economic value in the area.

The proposed four foot addition will not disturb the functioning of the existing wetland or wetland buffer by a new use. Rather it will be a reallocation of existing use of residence/yard/garden space within the buffer zone that has been in continuous use as such since the home was built in approximately 1898. Allowing the addition of four feet to the back of the residence will allow for an appropriate and reasonable renovation of a historically significant residence. This is not a new use of the buffer zone, as the four feet has been disturbed and used as a yard/garden since the home was first built and would continue to be disturbed and used as a yard/garden since the home was first built and would continue to be disturbed whether or not the addition were to be added. It is in the public interest that the applicant, who shows a desire to improve the condition of a highly visible historic residence as well as the surrounding property, including the wetlands, be given the opportunity to do so.

Staff: The existing house has been added on to several times over the last century. These additions added space to the house in a manner that is not necessarily consistent with the current ideas of how a house should function. Floor heights are not consistent throughout the house, some rooms have very little function, there are no bathrooms on the floor with the bedrooms, and the entry to the basement fills with water. The applicant's renovation is intended to modernize the house and repair much of the damage that has happened to the house as a result of poor construction techniques used in the past.

The applicant could renovate the house in a manner that does not come closer to the wetland. The various options for either not adding onto the house or adding onto the east and west sides of the house were evaluated and determined to be impractical due to existing constraints such as the location of the existing water lines, roof pitch, 2nd story floor height, the location of the basement entrance, the location of existing structural reinforcing members, and the need to improve the internal flow of the house.

The applicant carefully studied the situation and has proposed a minor encroachment into the wetland buffer. Numerous constraints limit the renovation to the proposed design. The proposal is the smallest modification that would achieve the purpose of allowing the interior of the house to be renovated to function smoothly.

Criterion met.

(c) Reasonable attempts have been made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and zone designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a Management Plan revision pursuant to MCC 38.0710 to demonstrate that practicable alternatives do not exist.

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

- 9.7 **Applicant:** It would be the applicant's desire to reduce costs by creating a second floor bathroom within the existing space. However, the current floor plan has been reviewed by four designers/architects and all concur that a bathroom cannot be added without an addition. This is due to the differing roof lines in the front and back sections of the upper floor as well as a six inch floor height difference in the back section that houses the master bedroom. The applicant proposes a four foot addition on the back of the main floor of the house which is the minimal addition required to make this a usable space.

Staff: Since the entire house is inside the wetland buffer, the most thorough way to remove the constraint would be to move the house from the wetland buffer, which is not practicable due to cost. The next alternative to remove the constraint would be to not do an addition. The applicant has sought the help of four professional designers to find a way to renovate the house without the need for an addition. No solution without an addition has been reached due to the nature of the existing improvements.

The applicant has limited the additional space used to the maximum extent practicable. There are no alternatives to her proposal that will accomplish the same basic purpose and have a lesser impact on the wetland buffer zone.

Criterion met.

(2) The proposed use is in the public interest as determined by:

(a) The extent of public need for the proposed use.

- 9.8 **Applicant:** The applicant is requesting the minimal amount of space that is needed to allow for an efficient redesign of the most frequently used entryway into the home. The proposal will have beneficial effects in that it will allow a conscientious homeowner who has a great desire to improve the property to remain as the owner. The improvements proposed will increase the value and livability of the home and will prolong the life of a historical home, contributing to the economic value in the area.

Staff: The majority of the benefit is a private benefit to the homeowner. The proposal does not have a direct public need but will have positive aesthetic impacts by reducing the visibility of the house through the use of color and landscaping as discussed in findings 8.7 and 8.8

(b) The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.

- 9.9 **Staff:** The property is not put to any direct public use but is highly visible from the Portland Women's Forum. The proposed renovation will improve the visual subordination of the home and stop the deterioration of a structure on a highly visible site.

The benefits to the homeowner will be permanent and significant. The existing house is awkward to use with mis-matched floor heights, substantial wasted space and no bathroom on the same floor as the bedrooms. Additionally, portions of the house have no reinforced foundation, no heat, and have walls that were constructed in a manner that take on water during heavy rains. The renovation and addition will allow the owner to modify the house to not only make it more stable and visually appealing on the exterior but will also make the interior more usable.

(c) The functions and size of the wetland that may be affected.

- 9.10 **Applicant's Wetland Report:** This determination identified wetland occurring on site and delineated boundaries are based upon the concurrent predominance of three parameters, which include hydrophytic vegetation, evidence of hydric soil indicators, and evidence of wetland hydrology. Wetlands occurring within the study area are associated with two individual topographical depressions. AE&E delineated wetland areas were measured in the field and based on our findings, it was determined that a total of 0.993 acres of wetland occur in areas associated with the lowest topographical areas within the study area. The largest wetland area (0.908 acres) covers much of the central portion of the study area and extends beyond the study area on the eastern boundary at center. A smaller wetland (0.085 acres) occurs in the southwest quadrant. This Wetland Determination Report provides the limits of wetland areas understood to fall under state and federal jurisdiction. Generally, wetland quality and function was observed to be moderate due to historic land use (agricultural and residential). (P. 12)

Letter from DSL: We have reviewed the wetland delineation report prepared by Anderson Earth and Environmental for the above referenced parcel. Based upon the information provided and the results of a June 18, 2004 site visit, we concur with the revised (attached) Figure 4. (Exhibit GG). The wetland area, totally 0.908 acres, is subject to permit requirements of the state Removal-Fill Law.

Staff: There is one 0.908 acre wetland on the northern portion of the site as shown in Exhibit GG and the applicant's survey, Exhibit C. This wetland has a moderate level of function due to historical disturbances related to agriculture and the residential use of the property. There are no identified wetland functions that may be impacted by the proposal.

(d) The economic value of the proposed use to the general area.

- 9.11 **Staff:** The proposal is for the renovation of a private single family home. There will be no direct economic value to the proposed general area other than the retention of a single family home in good condition.

(e) The ecological value of the wetland and probable effect on public health and safety, fish, plants, and wildlife.

- 9.12 **Applicant:** Invasive Himalayan blackberries and ribbon grass, also invasive, encompass approximately the first 25 feet of the northern wetland buffer. The remainder of the northern buffer to the edge of the existing home consists of landscaped plantings. A long term goal of the homeowner is to restore the immediate buffer, removing invasive species and replacing with native plantings. Whether or not this proposed project occurs the wetland buffer will remain impacted by human development.

Staff: The wetland has been negatively impacted by agriculture and previous residential uses of the property. The applicant's wetland biology team has determined that these factors have reduced the functional quality of the wetland. It is currently in a pasture that has long been used for grazing and/or hay production. The pasture is currently not in active grazing. The wetland buffer zone contains a house and yard/garden area. The applicant is proposing the use of a portion of the existing garden for the addition. No area that is serving a wetland or wetland buffer function will be removed from that use.

There are no identifiable direct impacts on public health and safety, fish or wildlife. The proposed renovation of the home will not have a direct impact on plants, but the proposed landscaping and general care and upkeep of the property will have a positive effect on the plant communities on the subject property, especially those inside the wetland buffer zone in close proximity to the house. This care includes the removal of invasive species and retention of the wetland itself and the remaining wetland buffer in an undeveloped state.

The applicant will be required to limit the yard/garden to the area north of the historic fence line. As shown on the Exhibit C, this fence line was located 203 feet south of the northwest corner of the lot and 127 feet south of the northeast corner of the lot. The wetland buffer area south of this historic fence line must be retained in an undeveloped state.

- 9.13 **(3) Measures will be applied to ensure the minimum feasible alteration or destruction of the wetland's functions, existing contour, vegetation, fish and wildlife resources, and hydrology.**

Applicant: The report from Anderson Earth and Environmental indicates that the study area has been historically altered through land use practices. Overall, the vegetation on the site can be characterized as being influenced by historical agricultural, and more recently, residential practices.

The proposed four foot addition will not disturb the functioning of the existing wetland or wetland buffer by a new use. Rather it will be a reallocation of existing use of residence/yard/garden space within the buffer zone that has been in continuous use as such since the home was built in approximately 1898. Allowing the addition of four feet to the back of the residence will allow for an appropriate and reasonable renovation of a historically significant residence. This is not a new use of the buffer zone, as the four feet has been disturbed and used as a yard/garden since the home was first built and would continue to be disturbed whether or not the addition were to be added. It is in the public interest that the applicant, who shows a desire to improve the condition of a highly

visible historic residence as well as the surrounding property, including the wetlands, be given the opportunity to do so.

While the residence/yard/garden are within a designated wetland buffer, improvements in the yard/garden and buffer area by the applicant since October of 2002 indicate an ability and desire to care for the property in a manner that will avoid adverse effects on the existing wetlands. Since purchasing the property, the applicant has voluntarily enhanced a degraded wetland buffer and begun restoration through removal of invasive species and manmade debris and by adding numerous native plantings. It is not the applicant's intent to make a request that would cause adverse impact on the natural resources on the property and if applicant believed requested addition would do such, it would not be considered as part of this application.

When the applicant purchased the property in October 2002, there was a clear demarcation of residence/yard/garden area and the remainder of the property. This demarcation consisted of barb wire, sheep wire, and split rail fencing, all in disrepair, Himalayan blackberries, piles of rotting wood, and volunteer scrub trees also separated the yard/garden from remainder of property. Evidence of this is indicated on the survey, done in 9/03, when the applicant was still in the process of removing fencing and blackberries and an obvious fence line still existed over approximately one third of this area as shown on the survey.

Staff: The wetland survey prepared by AE&E states on page 12, "Generally, wetland quality and function was observed to be moderate due to historic land use (agricultural and residential.)" The wetland is on a portion of the property that has historically been farmed, but is now used as open pasture. No construction activities are proposed in the wetland. At its closest point, the proposed addition will be 96 feet from the delineated edge of the wetland. The wetland buffer area proposed for the addition is not currently serving a wetland function. It is part of the flower and vegetable garden established on the site since at least 1977 as discussed in the Existing Use findings in Section 5 of this report. The applicant has put significant effort into removing invasive species and debris from the wetland buffer and yard/garden area. Additionally, she has installed vegetation in the yard and proposes to continue to maintain and improve the wetland buffer area through the continued removal of invasive species. The proposal will have no direct negative impact on the functioning of the wetland.

The property owner shall restrict the residential use of the wetland buffer to the area north of the historic fence line. The residential use of the site includes accessory uses such as lawn and garden uses and landscaping. As shown on the Exhibit C, this fence line was located 203 feet south of the northwest corner of the lot and 127 feet south of the northeast corner of the lot. The wetland buffer area south of this historic fence line must be retained in an undeveloped state.

Criterion met with conditions.

- 9.14 **(4) Groundwater and surface-water quality will not be degraded by the proposed use.**

Staff: The proposal is the renovation of an existing single family home. The proposal was reviewed by the City of Portland Sanitarian (Exhibit FF) and the existing septic system was found to be adequate to handle the load after the renovation. The proposed renovation will not have a foreseeable impact on the groundwater or surface water quality.

Criterion met.

9.15 **(5) Those portions of a proposed use that are not water-dependent or have a practicable alternative will not be located in wetlands or wetlands buffer zones.**

Staff: As discussed in findings 9.4 through 9.7, the proposal does not have a practicable alternative.

Criterion met.

9.16 **(6) The proposed use complies with all applicable federal, state, and county laws.**

Staff: This document is a review of the applicable County laws. The proposal was reviewed for compliance with state wetland regulations by the Division of State Lands (Exhibit GG). Copies of the proposal were sent to the following state and federal agencies for their review:

- US Forest Service NSA Office
- State Historic Preservation Office
- Oregon Department of Fish and Wildlife
- Oregon Department of Transportation.

No comments were received from any of these agencies. Staff has no evidence that the proposal does not comply with applicable state or federal laws.

Criterion met.

9.17 **(7) Areas that are disturbed during construction will be rehabilitated to the maximum extent practicable.**

Applicant: The area that the requested site covers is currently an empty flower bed. The area that will be disturbed around the proposed addition is also a flower bed and pathway. The proposal does not impact the current wetland and does not remove any native vegetation in the wetland buffer area. The area will be improved with plantings, including natives, rather than rehabilitated, as it is currently already disturbed, does not contain native plantings, and has been disturbed for as long as the house has existed.

Staff: All of the areas that will be disturbed are currently used as a residential lawn and garden. These areas will continue to be used as lawn/garden. Vegetation will be re-established on these portions as soon as practicable after the end of construction.

The wetland itself will not be disturbed.

Criterion met.

- 9.18 **(8) Unavoidable impacts to wetlands will be offset through restoration, creation, or enhancement of wetlands.**

Staff: There are no identified impacts to the wetland. No restoration, creation, or enhancement is needed.

Criterion met.

(G) Wetlands Buffer Zones

- 9.20 **(1) The width of wetlands buffer zones shall be based on the dominant vegetation community that exists in a buffer zone.**

(2) The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.

(a) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent. A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.

(b) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

(c) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and non-woody vines.

Applicant: The wetland is deemed Herbaceous with a required buffer of 150 feet. Invasive Himalayan blackberries and ribbon grass, also invasive, encompass approximately the first 25 feet of the northern wetland buffer. The remainder of the northern buffer to the edge of the existing home, consists of landscaped plantings. A longterm goal of the homeowner is to restore the immediate buffer, removing invasive species and replacing with native plantings.

Staff: According to the wetland survey prepared by AE&E, the wetland area vegetation consists mostly of grasses, herbs, and invasive species. The dominant vegetation community is herbaceous.

(3) Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required:

(a) Forest communities: 75 feet

(b) Shrub communities: 100 feet

(c) Herbaceous communities: 150 feet

- 9.21 **Staff:** Since the wetland's vegetative community is herbaceous, the required wetland buffer is 150 feet.

(4) Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

Applicant: The area that the requested site covers is currently an empty flower bed. The area that will be disturbed around the proposed addition is also flower bed and pathway. The proposal does not impact the current wetland and does not remove any native vegetation in the wetland buffer area. The area will be improved with plantings, including natives, rather than rehabilitated, as it currently is already disturbed, does not contain native plantings, and has been disturbed as long as the house has existed.

Staff: The entire house and the majority of the residential yard/garden area sits inside the 150 foot wetland buffer. The house on site was built near the turn of the century and has been used as a house since it was constructed. As can be seen in the staff photos included as Exhibit G, the area planned for the addition is currently a flower bed surrounded by an impervious pathway. The portion of the wetland buffer planned for the addition is not in a natural state. As discussed in the Existing Use findings in Section 5 of this report, there is photographic evidence to support the fact that the area north of the historic fence line has been used as a residential lawn/garden since at least 1977.

The proposed addition will remove a flower bed from the yard/garden area and introduce a four foot addition to the rear of the house. This is not a new use, but the expansion of an existing use into an area that has is not now in a natural condition and has not been in a natural condition since at least 1977.

Criterion does not apply.

(H) Wetlands Compensation Plans

Wetlands compensation plans shall be prepared when a project applicant is required to restore, create or enhance wetlands and shall satisfy the following:

- 9.22 **Staff:** The proposal includes no identifiable adverse impacts to the wetland. As such, no restoration, creation, or enhancement of wetland is required. No wetland compensation plan is needed.

Criteria do not apply.

10. The subject proposal meets the standards of MCC 38.7045 GMA Cultural Resource Review Criteria

Staff: The proposal requires a cultural resource survey under MCC 38.7045(A)(2) and a historic survey under MCC 38.7045(A)(3).

The property owner prepared documentation and submitted it for review to the State Historic Preservation Office (SHPO) prior to submitting an application for the NSA permit. Sarah Jalving, Historic Compliance Specialist at SHPO provided the determination included as Exhibit U that the subject house is not eligible for listing on the National Register of Historic Places.

In Exhibit T, Marge Dryden, Heritage Resources Program Manager for the National Scenic Area determined that an historic survey is not required based on the determination from Ms. Jalving. The project is allowed as proposed under MCC 38.7045(B)(3)(a).

Ms. Dryden also determined that a cultural resource reconnaissance survey is not required based on Ms. Jalving's letter and a literature review of any known cultural resources. The literature review revealed that the nearest known archeological site is 1.55 miles from the subject property. This determination meets the requirements of MCC 38.7045(D)(1) for a reconnaissance survey. A copy of the cultural determination prepared by Ms. Dryden is included with this report as Exhibit T.

These two documents meet the burden of proof for the application to be approved under MCC 38.7045(E)(3). No comments were received during the 30 day review period required under MCC 38.704(E) or the 20 day comment period required by MCC 38.0530(B).

The standards of MCC 38.7045 (A) through (K) have been met.

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 any impacts to unknown resources in the development area and meets the requirements of MCC 38.7045(L) and (M).

11. The proposal meets the GMA Stream, Lake, and Riparian Area Review Criteria of MCC 38.7060.

Staff: This section establishes criteria for the review of proposal in streams, lakes, and riparian areas or the buffer zones established for these natural resources. No streams, lakes, or riparian areas exist on the subject property or the adjacent properties. The subject proposal is exempt from review under this section.

Criteria do not apply.

12. The proposal meets the GMA Wildlife Review criteria of MCC 38.7065.

Staff: MCC 38.7065 requires Wildlife Site Review for any project within 1,000 feet of sensitive wildlife areas. The subject site is not within 1,000 feet of any sensitive wildlife areas as shown on the County's stream and wildlife maps.

Criteria do not apply.

13. The proposal meets the GMA Rare Plant Review criteria of MCC 38.7070.

Staff: MCC 38.7070 requires the review of any proposed use within 1,000 feet of a mapped sensitive plant species. No sensitive plants are mapped as being within 1,000 feet of the subject property on the County's Rare Plant maps.

Criteria do not apply.

Conclusion

Based on the findings, site plan, and other information provided herein, this application, as conditioned, satisfies the applicable approval criteria required for Site Review in the National Scenic Area.

Exhibits

- A. Signed Application Form
- B. Assessment Information showing property ownership
- C. Wetland Survey (Reduced Copy)
- D. Landscape Plan
- E. Agricultural Buffer Plan
- F. Applicant's Photos (8 Pages)
- G. Staff Photos (3 Pages)
- H. Existing North Elevation
- I. Proposed North Elevation
- J. Existing South Elevation
- K. Proposed South Elevation
- L. Existing East Elevation
- M. Proposed East Elevation
- N. Existing West Elevation
- O. Proposed West Elevation
- P. Proposed Exterior Siding Material (2 Pages)
- Q. Proposed Colors
- R. Proposed Roofing (2 Pages)
- S. Proposed Windows (2 Pages)
- T. Cultural Resource Survey (2 Pages)
- U. Letter of determination for eligibility from State Historic Preservation Office
- V. Comment letter from Friend's of the Columbia Gorge (5 Pages)
- W. Comment email from County Transportation staff
- X. Survey 41369
- Y. Deed recorded in Book 1229 Page 1539 creating property in 1977
- Z. Deed 2002-176436 transferring ownership to Jennifer O'Donnell (2 pages)

- AA. Copy of CU 16-91 (12 Pages)
- BB. Copy of MCC 11.15.2182 in effect in 1991
- CC. Letter from Frieda O'Neil regarding deck (2 pages)
- DD. Copy of 1977 aerial photo
- EE. Proposed lighting fixtures for house
- FF. Proposed lighting fixtures for pathway
- GG. Concurrence letter from Division of State Lands (4 Pages)
- HH. Certification of On-Site Sewage Disposal
- II. Map showing houses within ¼ mile of the subject property