



## **MULTNOMAH COUNTY OREGON**

### **LAND USE AND TRANSPORTATION PROGRAM**

1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233

PH: 503-988-3043 FAX: 503-988-3389

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

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# **NOTICE OF DECISION**

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

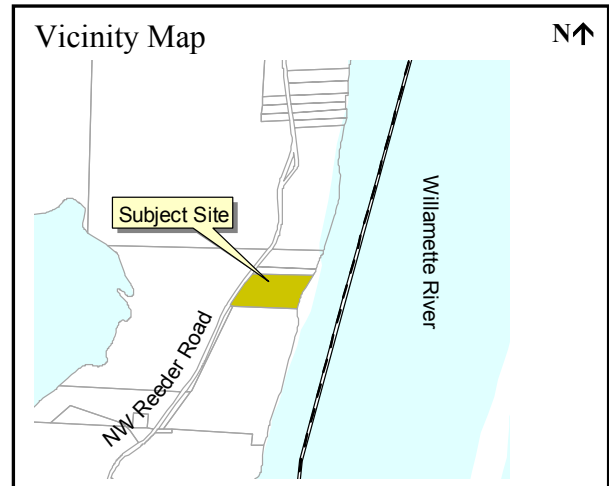
**Case File:** T2-05-045

**Permit:** Significant Environmental Concern  
Permit

**Location:** TL 300, Sec 26D, T3N, R1W, W.M.  
Tax Account #R98126-0220

**Applicant:** Peter Wilmarth  
Thompson Vaivoda & Associates  
920 SW Sixth Avenue, STE 1500  
Portland, Oregon 97204

**Owner:** Thomas Hicks



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**Summary:** Build a single family dwelling on Tax Lot 300 within a Significant Environmental Concern (general) zoning overlay. The subject property is located along Sauvie Island's eastern shore and is zoned Multiple Use Agriculture-20.

**Decision:** Approved, with conditions.

**Unless appealed, this decision is final Tuesday, September 20, 2005 at 4:30 PM.**

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Issued by:

By: \_\_\_\_\_

Don Kienholz, Planner

For: Karen Schilling - Planning Director

Date: Tuesday, September 6, 2005

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

**Opportunity to Appeal:** This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of **MCC 37.0640**. An appeal requires a **\$250.00 fee** and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals (LUBA) until all local appeals are exhausted.

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Tuesday, September 20, 2005 at 4:30 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): 34.4500-4575, Significant Environmental Concern; Chapter 37, Administration and Procedures; 34.2880 – 34.2885, Multiple Use Agriculture-20.

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

### **Scope of Approval**

- 1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s) contained as Exhibits to this report. 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 37.0690, this land use permit expires two years from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0690 and 37.0700. Such a request must be made prior to the expiration date of this 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. The property owner shall record a copy of the Notice of Decision cover sheet and conditions of approval with the Multnomah County Recorder within 30 days of the date this decision becomes final. A copy of the recorded document shall be submitted to the Land Use Planning Office prior to zoning approval of the building permit [MCC 37.0670].**

2. The applicant/property owner shall ensure that all grading work attributed to this development is conducted in accordance with the provisions of Grading and Erosion Control permit #T1-05-018.
3. Installation and survival of the submitted landscaping plan is a condition of this approval [MCC 34.4555(A)]. All landscaping must be installed within 6-months of occupancy. The landowner must replace any landscaping that does not survive with a comparable species.
4. Trees outside of the development footprint for the road and home site shall be retained during construction.
5. Prior to the issuance of Building Permits, the applicant/owner shall submit a copy of the deed of creation – a deed describing the property in its current configuration and recorded prior to October 6, 1977 [MCC 34.0005(L)(12)].

**NOTE:**

Once this decision becomes final, applications for building permits may be made with the City of Portland. **When ready to have building permits signed off, call the Staff Planner, Don Kienholz, at (503)-988-3043 to schedule an appointment.** Multnomah County must review and sign off building permit applications before they are submitted to the City of Portland. Six (6) sets each of the site plan and building plans are required at the building permit sign-off.

**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:** Written findings are contained herein. The Multnomah County Code criteria and Comprehensive Plan Policies are in **bold** font. Staff comments and analysis are identified as **Staff:** and follow Applicant comments identified as **Applicant:** to the applicable criteria. Staff comments include a conclusionary statement in *italic*.

1. **Project Description**

**Staff:** The applicant proposes construction of a two-story, single family dwelling with internal garage. The dwelling has roughly 4,200 square feet of livable area. Development also includes construction of a storm water drainage system and a conventional septic system. The property is zoned Multiple Use Agriculture-20 and is mapped within a designated Significant Environmental Concern general overlay zone.

2. **Site Characteristics**

**Staff:** The Multiple Use Agricultural-20 zoned property is 9.43 acres in size and is located within the Sauvie Island Rural Plan Area off of Reeder Road. The building site, located between Dairy Creek and the Columbia River, is generally level and is located in a cleared area of the property. The western portion of the property, near Dairy Creek, is vegetated and contains only a few smaller sized trees. The north portion of the property contains a small grove of trees while the southern portion is covered in vegetation. The east side of the property is cleared of all vegetation. The building site, in the middle of the property is cleared and unvegetated. Portions of the property are within the 100-year floodplain. The native vegetation on the property consists of clusters of cottonwood trees, various species of brush and native grasses. The proposed dwelling will be located between the Dairy creek and Columbia River riparian zones in the attempt to minimize impact to both ecosystems.

3. **Public Comment**

**MCC 37.0530(B) Type II Decisions**

**(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses and natural features and resources, and how it will look. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject Tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision. The Planning Director's decision is appealable to the Hearings Officer. If no appeal is filed the Planning Directors decision shall become final at the close of business on the 14<sup>th</sup> day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to LUBA within 21 days of when the decision is signed.**

**Staff:** An opportunity to comment was mailed to property owners within 750-feet of the property lines on June 27, 2005. No written comments were received regarding the application. .

*Procedures met*

4. **Proof of Ownership**

**MCC 37.0550 Initiation Of Action.**

**Except as provided in MCC 37.0760, Type I - IV applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.**

**Staff:** Thomas Hicks, whom Multnomah County Assessment and Taxation records show as the owner of the subject lot (Exhibit 1), has signed the General Application Form (Exhibit 2). TVA Architects, INC. is listed as the applicant and thus is authorized to act on the application.

*Criterion met.*

5. **A Dwelling is an Allowed Use in the MUA-20 Zoning District**

**MCC 34.2820 Allowed Uses**

**(C) Residential use consisting of a single family dwelling constructed on a Lot of Record**

**Staff:** A Single-Family Dwelling as proposed is an allowed use.

*Criterion met.*

6. **The Proposed Dwelling Meets the Dimensional Requirements**

**MCC 34.2855(C) Minimum Yard Dimensions - Feet**

| Front | Side | Street Side | Rear |
|-------|------|-------------|------|
| 30    | 10   | 30          | 30   |

**Maximum Structure Height – 35 feet**

**Staff:** As indicated on the submitted site plan (Exhibit 3), the dwelling will not be taller than 35-feet. Additionally, the dwelling meets the required minimum yard setbacks as it will be located more than 100-feet from any property line.

*Criterion met.*

7. **The Property is a Lot of Record**

**MCC 34.2870 Lot of Record**

**(A) In addition to the Lot of Record definition standards in MCC 34.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:**

**(1) July 10, 1958, SR zone applied;**

- (2) July 10, 1958, F-2 zone applied;
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
- (4) October 6, 1977, MUA-20 zone applied, Ord. 148 & 149;
- (5) October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;
- (6) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.

**MCC 34.0005(12)**

**Lot of Record** – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof which when created and when reconfigured (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or
2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or
3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in *recordable form* prior to October 19, 1978; or
4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and
5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See *Date of Creation and Existence* for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU district.)

**Staff:** The subject property appears on the October 6, 1977 zoning map in its current configuration but not on the 1962 zoning map indicating the property was created prior to October 6, 1977 when the property zoning changed from F2 to Multiple Use Agriculture-20. A deed describing the subject lot in its current configuration will verify the exact date it was created and

shall be required as a condition of approval. To be a Lot of Record the property needed to have met the F2 zoning district requirements in place at that time. The F2 district had a minimum lot size of 2-acres for new lots. The subject lot is 9.43-acres and therefore met the zoning requirements in place at the time it was created. Partition requirements were not in place until October of 1978. With no partition requirements in place, the lot met the land division laws at the time it was created

*Criteria met.*

8. **Significant Environmental Concern**

**MCC 34.4555**

A. **(A) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.**

**Applicant:** The proposed dwelling will be set back 95 feet, at the closest point, from the top bank of the Columbia River. This location was selected to maximize the open space setback, between the house and the Columbia River, without building into the riparian environment or into the 100 year flood plain. Both the river frontage and the sides of the house will be landscaped with new trees and natural grasses to screen the house from river views and to enhance the aesthetic qualities of the site. The canopy of preserved large trees, behind the house, will provide a naturally landscaped back drop reinforcing the scenic character of the river corridor. The Dairy Creek riparian environment, on the west side of the property, will not be impacted by the development. See the attached Site Plan and referenced Site Photos for environmental and landscaping information.

**Staff:** The applicant did not wish to locate the development in the western third of the property due to the presence of Dairy Creek in this area. Staff does not believe locating residential development in this area would be most appropriate as this area is within the dairy creek riparian area and is within the 100-year floodplain. The eastern portion of the property is near the Columbia River and in portions of the 100-year flood plain. Therefore, the best building location is roughly the center of the property with roughly equal distances to the Columbia River and Dairy Creek. Additionally, this portion of the property is not located within the 100-year floodplain, is located on a slight rise in topography and is mostly cleared.

The applicant has proposed the installation of an extensive native vegetation landscaping plan to enhance the vegetative diversity surrounding the home (Exhibit 4). Landscaping will consist of the establishment of native grasses, sedges and trees providing a natural gradation from under story to canopy vegetation. The resulting land between the home and the Columbia River will transition from a densely landscaped area surrounding the home to open floodplain. This standard requires the maximum possible landscaped area or open space between any use and a river, stream, lake, or floodwater storage area. Staff finds that the applicant is increasing landscaping diversity and density while preserving open space to the maximum extent practicable by locating the development area between both Dairy Creek and the River.

*Criterion met.*

B. **(B) Agricultural land and forest land shall be preserved and maintained for farm and forest use.**

**Applicant:** Agricultural and forest land will be preserved and maintained by focusing the development in an area where there will be significantly less impact on the natural vegetation of the riparian environment. The dwelling will be sited to minimize the amount of forested land damaged. The area adjacent to the house will be restored with native species of plants to maximize the net amount of arable and forest land preserved. No agricultural land will be taken out of production by this development.

The paved driveway, turnaround and terrace areas will facilitate vehicle circulation and human activities, on the site, while isolating them from the native riparian environment. Surface runoff from the paved areas will be collected and filtered into vegetated swales, maintaining ground water quality and minimizing the impact on vegetation. See the attached Site Plan and Aerial Site Photo for the locations and types of natural vegetation and for the extent of development.

**Staff:** The property is not used today for agricultural or timber production. The property is also not in agricultural farm or forest tax deferral and therefore is not likely to commercially produce farm or timber products in the near future. The wetland and environmentally sensitive area of Dairy Creek contains soggy soils that would make farming and forest practices difficult. The sandy area adjacent to the Columbia River also would make farming and forest practices very difficult.

*Criterion met.*

C. **(C) A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.**

**Applicant:** The house will be located on the only portion of the property above the 100 year flood plane and outside of the natural riparian corridor. This location will maximize preservation and protection of the forested interior of the site and the Dairy Creek wetlands and riparian zone. See the attached Site Plan and Topographic Survey for site information.

**Staff:** The applicant had a survey conducted on the property detailing the elevation of the 100-year flood plain and what portions of the property are above the flood plain bench mark (Exhibit 5). The proposed building location is the only site above that 100-year floodplain benchmark, outside the Dairy Creek riparian area and not immediately adjacent to the Columbia River. This is the highest elevation on the site not located in a forested wildlife habitat.

*Criterion met.*

D. **(D) Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.**



**Applicant:** The proposed single family dwelling is for private use only. Public use is not included or proposed. The private residence does not include any recreational use.

**Staff:** No commercial recreational use exists on the property, nor is a recreational use proposed. No public recreational access to the Columbia River will be provided through the subject property.

*Criterion met.*

E. **(E) The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.**

**Applicant:** Development of the site will be consistent with protection of public safety and of public and private property. There will be no public access to the property and the potential for vandalism and trespass will be reduced by having the owner occupying the site.

**Staff:** Staff concurs with the applicant.

*Criterion met.*

F. **(F) Significant fish and wildlife habitats shall be protected.**

**Applicant:** Wildlife habitats will be protected by focusing development away from the forested interior of the site and the Dairy Creek wetlands and riparian zone, leaving those areas undisturbed. The proposed dwelling will be set back a minimum of 96 feet from the top of the Columbia River bank and this area will be landscaped with native species of plants to protect the river front habitat. The building site was selected to maximize the open space setback, between the house and the Columbia River, without building into the riparian environment or into the 100 year flood plain. See the attached Site Plan, referenced Site Photos and the Aerial Site Photo for habitat locations and information.

**Staff:** Significant fish habitat is located within Dairy Creek which passes through the western portion of the property. Additionally, the Columbia River is located at the east end of the property. Development has been sited to avoid the Dairy Creek riparian area and the forested portion of the site, while minimizing encroachment towards the Columbia River as seen on the site plan (Exhibit 3). The best balance between minimizing impacts to all significant fish and wildlife habitats has been achieved.

*Criterion met.*

G. **(G) The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion, and continuous riparian corridors.**

**Applicant:** The natural vegetation along the Columbia River bank will be protected and enhanced by the addition of new mature, native trees and natural grasses. The new plants will be naturally occurring ones or will be species compatible with the riparian environment to complement the existing vegetation. The landscaping will be designed to maintain the scenic quality of the river corridor, by screening views from the river. It will

also support the river front wildlife habitat and will provide protection from river bank erosion. Areas of grass lawn, directly adjacent to the house, will be prevented from spreading into native habitats by concrete steps, paving strips and other barriers. These barriers will also help keep fertilizer and domestic gardening activities isolated from the native riparian environment. See the attached Site Plan, referenced Site Photos and the Aerial Site Photo for natural vegetation and new landscaping information.

**Staff:** The applicant has located the building site over 200-feet away from Dairy Creek and the vegetation that lines creek as well as nearly 100-feet from the Columbia River, preserving and protecting the natural vegetation along the river and stream. The applicant has also submitted a landscaping plan (Exhibit 4) that will increase the amount of vegetation on the property, provide a buffer between the residence and those waterways and fill in a part of the gap in the riparian corridor as seen from the Columbia River. The plan will also protect the waterways from erosion by adding extra infiltration and buffering between the waterways and the dwelling as well as enhance the scenic quality of the site.

*Criterion met.*

H. **(H) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.**

**Applicant:** No archeological areas have been identified on the property. If such sites are discovered during the course of construction they will be protected from unauthorized entry and vandalism.

**Staff:** No known archaeological areas were identified on the subject property during this review.

*Criterion met.*

I. **(I) Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.**

**Applicant:** The proposed dwelling will be sited above and outside of the 100 year flood plain and will be landscaped to maintain natural drainage on the property. Storm water from impervious areas will be collected and infiltrated into soakage trenches and vegetated swales to protect water quality and prevent overflow and erosion. The Dairy Creek wetlands, and low lying riparian areas in the west and center of the property, will be preserved in their natural state. See the attached Storm Water Management System Proposal, Geotechnical Report, Site Plan and Topographic Survey for water quality and drainage information.

**Staff:** The 100-year is on roughly 75% of the property. The areas of “annual” flooding would fall within the 100-year flood boundary as annual flooding, by definition, would convey less water and cover less area than the flood occurring every 100-years on average. Areas subject to standing water and flooding have been completely avoided by the dwelling as shown on the applicant’s site plan showing the 100-year floodplain. The applicant has minimized the impacts to areas that experience flooding by locating all structural development outside these zones. The septic system is also located fully outside

of the floodplain.

A small portion of the driveway is located within the 100-year floodplain near the northern property line of the property. Staff finds that extending a gravel driveway through an area that floods on average every 100-years and connecting it to an existing driveway on the property to the north is preferable to cutting an entirely new driveway on the property and constructing a new crossing point over Dairy Creek.

The applicant has also submitted a Flood Development permit and Grading and Erosion Control permit application to mitigate flooding and erosion concerns. In conclusion, the applicant has proposed to control erosion through the use of sediment fencing, will clean and infiltrate storm water discharge through grassy swales and will be altering the ground topography in a way that has no measurable impact on the way flood waters will pass through the site in the future.

*Criterion met.*

- J. **(J) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.**

**Applicant:** Areas of potential erosion on the property will be protected from all ground disturbing activity with an approved erosion control plan implementing Best Management Practices. The geotechnical investigation of the site has been prepared and specifies the appropriate Best Management Practices for the project. Sediment fencing will be placed at the toe of all sloped areas of earth disturbance, to make sure sediment stays on the site, as one of the BMPs utilized. See the attached Site Plan for sediment fence location and the Storm Water Management System Proposal and Geotechnical Report for erosion control and storm water management information.

**Staff:** This criterion is met when the development is carried out in compliance with the Grading and Erosion Control Permit #T1-05-018.

*Criterion met.*

- K. **(K) The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.**

**Applicant:** Air, water and land resources on environmentally sensitive areas of the site will be preserved by minimizing intrusion and development in such areas. In addition, all construction materials and debris will be collected, stored and removed in a timely manner during development. Approved Best Management Practices for the project will protect water quality and prevent erosion. Planted landscaping will be used to restore site areas adjacent to the house to their natural state. The completed house will be fully insulated limiting the interior noise level impact on the surrounding area. See the attached Site Plan and Storm Water Management System Proposal for environmental protection information.

**Staff:** Establishing a residential use on the property is not anticipated to impact the long term air quality of the area to any measurable degree as residences are not known for adding significant amounts of pollutants. Ambient noise levels associated with the

residential use are expected to be consistent with other single family dwelling uses in the area and are not expected to be problematic.

Surface and groundwater quality is not expected to negatively be impacted by the development as all storm water runoff associated with impervious surfaces will be discharged into two soakage trenches and two vegetated infiltration swales designed to filter the runoff.

*Criterion met.*

**L. The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.**

**Applicant:** The design of the proposed dwelling is intended to be compatible with the character and visual quality of the site. The eastern Sauvie Island riverfront is characterized by open flood plains with areas of mature native forest groves, low brush and native grasses. There are extensive watercourse and wildlife habitats in the area, some of which have been designated as parklands or preserves. There are also large tracts of farm land and open pastures inland. Building development in the area consists of both agricultural buildings and of single family houses in a wide variety of sizes and styles. Along the river bank area, single family housing predominates, and the dwellings tend to be setback from the roadway on deep lots, oriented toward views of the river.

The proposed dwelling will be of a size, bulk and of construction materials that are within the normal range for a new single family residence in this area. The lot coverage will be 3,159 square feet and is only 0.77% of the 9.43 acre parcel. The house will be of wood frame construction with masonry and stucco as the primary exterior wall finishes. These materials will be specified in neutral, restrained colors to harmonize with the natural character of the site.

Extensive window areas are intended to give a transparent character to the design and minimize the bulk of the building. All exterior lighting will be hooded and aimed downward to minimize light dispersion. Planted landscaping will provide a screen for views on the Columbia River corridor and from the neighboring houses. Yards adjacent to the house are finished with stone pavers or grass lawn with concrete trim. A reflecting pool constructed of masonry, with an interior of stone and black plaster, is another landscaping element intended to reinforce the natural character of the site. See the attached Site Plan, Floor Plans and Elevations for house design and materials information. See also the attached photos of Neighboring Houses for size, bulk and design comparisons.

**Staff:** Staff believes the applicant has accurately defined the areas of significant environmental concern. The residential structure proposed will have a footprint of 3,159 square feet including attached garage and storage area. The applicant has provided property addresses and photos of other residences in the area of comparable size. Staff used these addresses to identify the footprint sizes for this analysis. The footprint sizes reflected in the sampling of dwellings in Table 1 below include the residence and all structures such as attached garages and decks. As illustrated in Table 1 below, the applicant is proposing cumulative development smaller than what exists on other

residentially properties in the area. As a result, Staff finds the bulk of the proposed dwelling is compatible with development that already exists on other properties in the area. The proposed dwelling is a two story house which is regularly found on Sauvie Island.

| House Number | ADDRESS                  | RESIDENTIAL FOOTPRINT (SF) |
|--------------|--------------------------|----------------------------|
|              | <b>Subject Site</b>      | <b>3,159</b>               |
| 1            | 19300 N.W. Gillihan Road | 3,194                      |
| 2            | 25710 N.W. Reeder Road   | 2,049                      |
| 3            | 16450 N.W. Gillihan Road | 2,814                      |
| 4            | 16700 N.W. Gillihan Road | 2,100                      |

*Table 1. Sampling of Residential footprint comparison.*

The design proposed will use earth toned-stucco as the exterior that matches the natural setting of Sauvie Island. The exterior lighting will be hooded to eliminate light dispersion into the natural riparian areas surround the home site. Finally, the applicant is proposing a substantial landscaping plan to enhance and visually screen the structure in the attempt to minimize impacts to the riparian area. Staff finds the development proposed is consistent with this particular standard for the reasons cited above.

*Criterion met.*

- M. **(M) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.**

**Applicant:** Much of the interior of the site is forested and portions of it lie below the flood plain. These areas contain fragile riparian habitats that extend from Dairy Creek across the western and central portions of the property. The proposed house will be located on the east side of the lot, minimizing impact on these sensitive habitats. The natural vegetation and existing trees on the site will be preserved, to the maximum extent possible, by locating the house in an area with relatively little vegetation, between the existing trees and the Columbia River. See the attached Site Plan and Topographic Survey for environmental information.

**Staff:** The proposed building site that was selected minimizes impacts to fragile riparian and wildlife habitat zones located on the site. The development area is at the highest elevation, outside the 100-year flood plain and in an area requiring minimal disturbance to existing vegetation. A more appropriate location does not appear to exist on this site when considering the protection of vegetation and wildlife habitat.

*Criterion met.*

- N. **(N) The applicable policies of the Comprehensive Plan shall be satisfied.**

**Applicant:** “The proposed development complies with the applicable policies of the Multnomah County Comprehensive Plan, including those of Policy IO for Multiple Use Agricultural Land area management.”

**Staff:** The following Comprehensive Plan Policies apply to new uses. Below, Staff addresses how this proposal meets each policy goal on a policy-by-policy basis.

1. **(Policy 13: Air, Water and Noise Quality)**

**It is the county's policy to require, prior to approval of a legislative or quasi-judicial action, a statement from the appropriate agency that all standards can be met with respect to air quality, water quality, and noise levels.**

**Staff:** This proposal will not measurably impact air, water resources or noise levels, as discussed in finding 8(K) of this report.

*Policy met.*

2. **(Policy 14: Developmental Limitations)**

**The County's policy is to direct development and land form alterations away from areas with development limitations except upon a showing that design and construction techniques can mitigate any public harm or associated public cost, and mitigate any adverse effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics:**

- Slopes exceeding 20%;
- Severe soil erosion potential;
- Land within the 100 year flood plain;
- A high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year;
- A fragipan less than 30 inches from the surface;
- Land subject to slumping, earth slides or movement.

**Staff:** According to the topographic map of Multnomah County's GIS system, slopes exceeding 20% grade are not located within the development area. The development area is nearly level. According to the Multnomah County Soil Survey, the soils of the entire property consist of the Sauvie soil unit. The Sauvie soil unit typically does not exhibit "severe" erosion potential as the Soil Survey indicates.

According to the Multnomah County Soil Survey, the Sauvie soil unit typically exhibits slow permeability and a shallow water table. It should be noted that the entire site is mapped within the Sauvie Soil unit and therefore can not be avoided. Hart Crowser, a geotechnical consultant, evaluated the on-site soils and conditions and determined permeability is rapid in the development area (>55 inches per hour) with no reference to the presence of a high water table or fragipan. His evaluation determined the site was suitable for development.

The applicant has delineated the 100-foot floodplain elevation benchmark and has noted the dwelling site is located above that benchmark.

*Policy Met*

3. **(Policy 37: Utilities)**

**The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:**

- **The proposed use can be connected to a public sewer and water system, both of which have adequate capacity; or**
- **The proposed use can be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or**
- **There is an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or**
- **There is an adequate private water system, and a public sewer with adequate capacity.**
- **There is adequate capacity in the storm water system to handle the run-off; or**
- **The water run-off can be handled on the site or adequate provisions can be made; and**
- **The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.**
- **There is an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and**
- **Communications facilities are available.**

**Furthermore, the County's policy is to continue cooperation with DEQ, for the development and implementation of a groundwater quality plan to meet the needs of the county.**

**Staff:** Evidence furnished by the applicant demonstrates that increased storm water run-off attributed to the new impervious surfaces can be infiltrated on-site via storm water infiltration trenches and infiltrating vegetated. A private septic disposal system will be constructed on-site which has been verified by the City of Portland Sanitation Department to be an acceptable method of disposal. A private well will provide adequate water to the new use. No evidence has been submitted or discovered suggesting a problem will be encountered in the supply of adequate communication and electricity to the residence.

4. **(Policy 38: Facilities)**

**The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:**

- **The appropriate school district has had an opportunity to review and comment on the proposal.**
- **There is adequate water pressure and flow for fire fighting purposes; and**
- **The appropriate fire district has had an opportunity to review and comment on the proposal.**
- **The proposal can receive adequate local police protection in accordance**

**with the standards of the jurisdiction providing police protection.**

**Staff:** The required services will be available to the subject property.

*Policy Met*

### **Conclusion**

Considering the findings and other information provided herein, this application for establishment of a single family dwelling, as conditioned, satisfies applicable Multnomah County Zoning Ordinance requirements.

### **Exhibits**

1. Multnomah County Assessment and Taxation Information Sheet
2. General Application Form
3. Site Plan
4. Landscaping Plan
5. 100-year Flood Plain Delineation
6. Elevations