



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/landuse>

NOTICE OF DECISION

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

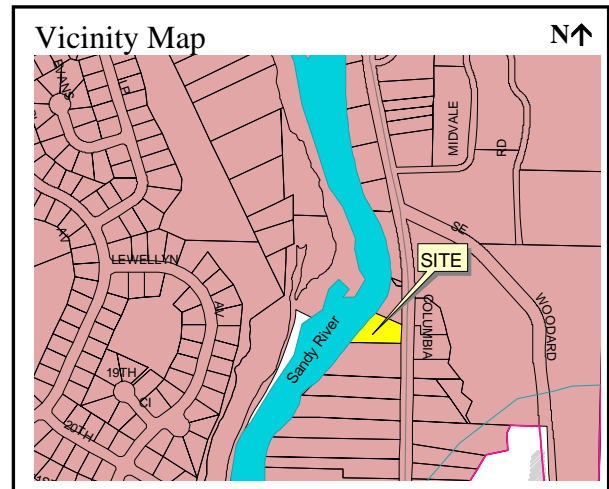
Case File: T2-06-046

Permit: National Scenic Area Site Review and
GMA Buffer Variance

Location: R94431-0540
TL 1700, Sec 31BC, 1N-4E

Applicant Lance Forney, All County Surveyors

Owners: Barry and Dorcas Woodin



Summary: The applicant is proposing to construct a 3,343 square foot single family dwelling with attached garage and on-site septic system on the 0.69-acre undeveloped subject property. This proposal requires an approved National Scenic Area Permit and Variance to the General Management Area buffers from the Sandy River and Historic Columbia River Highway.

Decision: Approved with conditions.

Unless appealed, this decision is effective **February 7th, 2007, at 4:30 PM.**

Issued by:

By: _____
Adam Barber, Planner

For: Karen Schilling - Planning Director

Date: January 24th, 2007

Instrument Number for Recording Purposes: 96050829

Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted associated with this application is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director's Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Adam Barber, Staff Planner at 503-988-3043 x 22599.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of **MCC 38.0640**. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Columbia River Gorge Commission (CRGC) 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 February 7th, 2007, at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 38.0000 - 38.0210, General Provisions; MCC 38.0510 - 38.0800, Administration and Procedures; MCC 38.3000 - 38.3095, Residential Districts; MCC 38.7000 - 38.7090, Site Review; MCC 38.0065, Variances.

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/landuse>

SCOPE OF APPROVAL

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

1. **The property owner shall record pages 1-4 of this decision and the landscaping plan in Exhibit A15 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 the building permit sign-off (MCC 38.0670).

2. Unless otherwise specified, compliance with the approval conditions listed herein shall occur within two (2) years of the date this decision becomes final (**MCC 38.7035(B)(26)**).
3. The property owner may not alter the color or building materials proposed without land use authorization (**MCC 38.7035(B)(9)**). **The Monk's Cloth 8396 Sherwin Williams brown base color proposed for the home is not approved for use. In place of the Monk's Cloth 8396 brown color, the applicant shall use a dark earth toned brown or green color comparable to the brown and green colors displayed in Rows A or B of the Recommended Color Chart within the National Scenic Area Resources Implementation Handbook (MCC 38.7035 (B)(1)) & MCC 38.7035 (B)(12)). Prior to building permit signoff, Staff shall verify that the base color to replace the Monk's Cloth 8396 Sherwin Williams brown is consistent with the acceptable color range mentioned above.**
4. All exterior building materials shall be low reflectivity with all exterior glass having exterior visible light reflectivity rating less than 11% (**MCC 38.7035 (B)(1)**).
5. The property owner shall complete installation of the Landscape plan, presented as Exhibit A15, between September 1st and May 15th as recommended by the National Scenic Area Scenic Resources Implementation Handbook for west side sites. **When a size range for a particular planting is noted in the landscaping plan legend in Exhibit A15, the larger size shall be selected for that particular species (MCC 38.7035 (B)(17)(c)&(d)).**
6. The property owner(s), and their successor(s) in interest are responsible for the proper maintenance and survival of the required planted vegetation, and replacement of such vegetation that does not survive (**MCC 38.7035 (A)(4) & (MCC 38.7035(B)(17)(d))**).
7. For the first three years after planting the landscaping required in Exhibit A15, the owner shall prepare an annual report that documents milestones, successes, problems, and contingency actions. This report shall be submitted to case file T2-06-046, contained in the land use planning office. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts (**MCC 38.7060 (F)(4)**).
8. The owner shall obtain an Oregon Department of Transportation access permit prior to construction of the proposed asphalt driveway (**MCC 38.3090**). Proof of the ODOT access permit shall be provided to Multnomah County for the permanent record prior to construction of the asphalt driveway illustrated in Exhibit A13.
8. All trees to be preserved (#1, 4, 17, 18, 20, 21, 22, 23) shall be surrounded at the drip line by visible temporary fencing prior to the start of construction to avoid damage to the roots during construction (**MCC 38.7060 (D)(3)(f)**). Fencing shall remain in place and in good working order until after all ground disturbing activities have been concluded.
9. The owner shall implement the staff amended Erosion Control plan in Exhibit A1 prior to the commencement of ground disturbing activities. The property owner shall maintain best erosion control practices through all phases of development (**MCC 38.7060 (D)(3)(f)**).
10. If, during construction, cultural or historic resources are uncovered the applicant/owner shall immediately cease development activities and inform the Multnomah County Planning Director, Columbia River Gorge Commission, and U.S. Forest Service of their discovery (**MCC 38.7045(L) & MCC 38.7045(M)**).

Note

Once this decision becomes final, applications for building permits may be made with the City of Troutdale. When ready to have building permits signed off, call the Staff Planner, Adam Barber, at (503)-988-3043 x 22599 for an appointment to review with you the Conditions of Approval and to provide the building permit plan signoff. Multnomah County must review and sign off building permit applications before they are submitted to the City of Troutdale. Please bring four plan sets and one copy of the recorded land use decision cover page and conditions of approval to the building permit plan signoff.

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.

DECISION OF THE PLANNING DIRECTOR

(Formatting Note: As necessary to address Multnomah County ordinance requirements; Staff provides Findings referenced here. Headings for each finding are underlined. Multnomah County Code requirements are referenced using a **bold** font. Written responses by the applicant or their representative are *italicized*. Planning staff comments and analysis may follow applicant responses. Where this occurs, the notation “Staff” precedes such comments.)

Scope of Review

This review is limited to the applicable standards of the Columbia River Gorge National Scenic Area contained within Multnomah County Code Chapter 38.

FINDINGS OF FACT

1.0 SUMMARY OF PROPOSAL

Staff: The applicant is requesting approval to construct a one story, 3,343 square foot single family dwelling with attached garage on a 0.69-acre undeveloped property located 500-feet southwest of the East Historic Columbia River Highway/SE Woodard Road intersection. The applicant will also be constructing an on-site septic drain field system and paved driveway to serve the new development.

The proposed dwelling location and dimensions are illustrated with applicant’s development plans (Exhibit A1) and exterior architectural elevations (Exhibit A2). Details of the proposal will be discussed within this land use decision.

2.0 VICINITY AND PROPERTY DESCRIPTION

Staff: The subject property lies within the limits of the City of Troutdale between the Sandy River and the Historic Columbia River Highway (Exhibit A21). The vacant site currently contains a water well near the southwest corner, a set of stone stairs leading to the Sandy River Flood plain in the western third of the property and two concrete ballards approximately 4-feet tall framing the existing gravel driveway entrance at the southeast corner of the property.

The site can be described as two nearly level benches. The first and largest bench ranges between 130-170 feet wide, slopes east towards the river at a 1% pitch and is located adjacent to the Historic Columbia River Highway (herin referred to as the “Highway”). All proposed construction will occur on this upper bench.

The second bench is approximately 20 ft wide and is located roughly 14 feet below the main bench closer to the Sandy River. During times of low river flow, the property drops down to the Sandy River from this second narrow terrace. On November 7th, 2006 staff observed this second bench submerged under the swollen flow of the Sandy River after a large storm moved through the area. A photo of the Sandy River lapping against the stairway connecting the upper and lower bench is presented as Exhibit A3. No construction is proposed on this lower narrow bench.

Existing vegetative screening on the property is almost non-existent even though 22 mature Douglas fir trees are established on the upper terrace. The reason these trees provide little screening is because all limbs along the lower 20 – 30 feet have been removed leaving only the thin vertical tree trunks as evident in the site photo in Exhibit A4. One 5-6 foot tall pine tree is located to the north side of the existing stairwell on the top property bench. The site is generally absent of any mature shrub level community with exception of two ornamental blue juniper pom pom topiary trees near the driveway entrance and a 35-foot long row of 14 Azalea and 7 Rhododendron north of the proposed septic drainfield area. A ring of boxwoods northwest of the proposed home also currently exists (Exhibit A5). None of the existing shrubs provide measureable site screening. The upper bench is covered with short residential type grasses.

The rocky slope connecting the upper and lower benches has been landscaped with a number of small ornamental plantings including boxwood, juniper, false cypress, yucca, dwarf alberta spruce, Pines and Scot's broom.

Land above the ordinary high water mark of the Sandy River is zoned Gorge General Residential (GGR-2), a designation which allows single family dwelling and accessory structures provided they do not adversely effect the scenic, cultural, natural, and recreational resources of the National Scenic Area. Land below the ordinary high water mark of the river is zoned Gorge General Open Space (GGO). As illustrated in the applicant's site plan, no development is proposed on GGO zoned portions of the property. The property is also partially located in the Flood Development zone which correlates to the Sandy River's 100-year flood plain. The City of Troutdale implements flood, erosion control and building permit reviews for this property.

3.0 REVIEW USE

Staff: According to Review Uses listed in **MCC 38.3025(A)(1)**, the following uses may be allowed on lands designated Gorge General Residential (GGR) with an approved scenic area permit: *"One single-family dwelling per legally created parcel."* Because the subject property can be found on the first zoning map for the area (Referred to as Tax Lot 54 at that time), Staff finds the property is a legal parcel eligible for this land use review. This dwelling request qualifies as a review use under this provision.

4.0 COMPLIANCE

No application for use or development of land shall be approved for any property that is not in full compliance with all applicable provisions of county code and/or any previous permit approvals (MCC 38.0560).

Applicant: The applicant proposes a single family dwelling on a legally created lot, therefore will be considered as a review use. The application includes a title report. There are no existing easements, covenants, conditions, or restrictions on the property.

Staff: Staff is not aware of any outstanding compliance issues related to the subject property. The subject property is eligible for this development request.

5.0 PROOF OF OWNERSHIP

Type II applications may only be initiated by written consent of the owner of record (MCC 38.0550).

Staff: County Assessment and Taxation records list Barry and Dorcas Woodin as owners of the subject parcel. A signature provided on the General Application Form by Dorcas Woodin provides the necessary authorization to process this request.

6.0 COMMENTS RECEIVED

Upon receipt of a complete application, notice of the application and an invitation to comment is mailed to the Gorge Commission, Oregon Department of Fish and Wildlife, the U.S. Forest Service, the Indian tribal governments, the State Historic Preservation Office, the Cultural Advisory Committee, and property owners within 750 feet of the subject tract (MCC 38.0530(B)). The Planning Director accepts comments for 30 days after the notice of application is mailed (MCC 38.0530(B)).

Staff: Written comments were received from the following agencies and individuals:

- Dennis Griffin, Lead Archaeologist, State Historic Preservation Office (Exhibit A6).
- Elizabeth McCallum, Senior Planner, City of Troutdale (Exhibit A7).
- Pam and Doug Briggs, Neighbors at 1493 East HCRH (Exhibit A8).
- Jessica Metta, Columbia River Gorge Commission (Exhibit A9).
- Richard Till, Land Use Law Clerk, Friends of the Columbia River Gorge (Exhibit A10).
- Margaret L. Dryden, Heritage Program Manager, for the Columbia River Gorge NSA (Exhibit A11).
- Devin Simmons, Oregon Department of Fish and Wildlife (Exhibit A12).

Mr. Griffin with the State Historic Preservation Office indicated in a September 25th, 2006 letter that although there have been no previous cultural resource surveys completed near the project area, it lies within an area generally perceived to have a high probability of containing archaeological sites. Mr. Griffin recommended that all work should cease immediately until a professional archaeologist can assess the discovery in the event any cultural material is discovered during construction. Mr. Griffin's recommendation has been incorporated into a condition of this approval. A copy of Mr. Griffin's comment letter is presented as Exhibit A6.

Ms. McCallum with the City of Troutdale provided a general list of City of Troutdale Development Codes (TDC) and Municipal Codes (TMC) that will also apply to the proposal under the City's purview (Exhibit A7). This project will be reviewed by the City of Troutdale after a final decision is made by Multnomah County. The September 13th, 2006 comment letter continued to indicate that the proposal may not meet all City development code and that prior to issuance of a building permit for the dwelling, that the applicant must obtain a Type I Site and Design Review from the City of Troutdale. The applicant attended a City of Troutdale Pre-Application meeting to discuss these issues on November 2nd, 2006. Subsequent to the Pre-Application meeting with the City of Troutdale, the applicant reduced the size of the proposed dwelling.

A brief comment letter also submitted from neighbors Pam and Doug Briggs who voiced support for the application because they felt the design "*seems to be in keeping with the neighborhood and the various/numerous regulations*" - (Exhibit A8). The Briggs recently received National Scenic

Area and City of Troutdale approval to construct a new home between the Highway and Sandy River and are familiar with the applicable National Scenic Area approval criteria.

Ms. Metta with the Columbia River Gorge Commission indicated that according to the site plan, variances from the setbacks from the river and highway would likely be required. Staff agrees and has addressed the variance standards in finding 16.0 of this decision. Ms. Metta also indicated that due to the close proximity to both KVAs, a thorough landscaping plan would be required as well as the use of low reflectivity exterior glass in order to achieve visual subordination. Staff agrees with Ms. Metta on both points and has incorporated a condition of approval requiring the use of glass with a low exterior visible light reflectivity rating less than 11%. The applicant has also submitted an extensive landscaping plan which is presented as Exhibit A15.

Mr. Till with the Friends of the Columbia River Gorge provided a comment letter listing the applicable review standards (Exhibit A10). Mr. Till raised concern that the size of the new home may not be compatible with surrounding residences. This comment was submitted before the applicant decided to reduce the size of the proposed dwelling. This issue is addressed in finding 9.2 of this decision.

Mr. Till also indicated that the circulated site plans depicted a 75-foot setback from the river which should in fact be protected by a 100-foot buffer. Staff agrees with Mr. Till that a 100-foot buffer from the Sandy River applies in accordance with **(MCC 38.7060(E)(1)(a))**. The applicant has acknowledged the 100-foot buffer requirement and consequently has submitted a variance request to locate the dwelling closer than 100-feet to the river which is evaluated within finding 16.0 of this decision. It should be noted for clarity that in addition to the above mentioned 100-foot Stream buffer zone, a 75-foot wetland buffer zone also applies to this proposal in accordance with **MCC 38.7055(G)(3)(a)**. During the land use review, the applicant relocated the dwelling more than 75-feet from the Sandy River in order to meet this particular 75-foot setback requirement.

Ms. Dryden's April 20th, 2006 comment letter indicated that neither a cultural resource reconnaissance survey nor a historic survey was required for this review (Exhibit A11).

Mr. Simmons with the Oregon Department of Fish and Wildlife indicated that his agency did not expect the project will pose a significant risk to the Sandy River or the natural resources associated with it. Mr. Simmons also concurred that the landscaping plan prepared by Pacific Habitat Services is adequate for site mitigation (Exhibit A12).

7.0 DIMENSIONAL REQUIREMENTS

The required setbacks from property lines in the base zoning code must be met for this proposal. As outlined in MCC 38.3060(C), the minimum yard dimensions and maximum structure heights are as follows (MCC 38.3060(A)):

- **Front (30-ft), Side (10-ft), Street Side (30-ft), Rear (30-ft)**
- **Maximum Structure Height – 35 feet**

Applicant: The applicant's site plan and exterior elevations demonstrate that the proposed residence will satisfy the minimum yard requirements. All of these yard setbacks can be achieved with the current application.

Staff: According to the applicant's setback plan in Exhibit A1, the dwelling's roof overhangs will be located 42.0 feet from the front (east) property boundary, 76.90-feet from the rear (west) boundary and 18.79-feet and 12-feet from both side property boundaries (north and south lines, respectively). It should be noted that although the applicant's plan in Exhibit A1 indicates the dwelling will be located 44.58-feet from the east property line, this distance is measured to the garage wall rather than the roof overhang. The true setback, as measured from the roof overhang is 42.0 feet according to the 1:20 scale on the applicants plan in Exhibit A1. Staff finds the proposed dwelling meets the minimum required dimensional requirements of this zoning district.

The one-story dwelling will be approximately 16-feet tall which is in compliance with the 35-foot maximum structure height allowance of the district. Copies of the home's elevation views showing the structural height are presented as Exhibit A2.

8.0 ACCESS

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles (MCC 38.3090).

Applicant: ODOT has issued a conditional driveway permit for the property. The application number is 5357.

Staff: The Oregon Department of Transportation (ODOT) is the approval authority for access points to the Historic Columbia River Highway. On February 6th, 2006 ODOT issued a conditional approval (#5357) for the use of the existing access point near the southeast corner of the property. A copy of the ODOT conditional approval is presented as Exhibit A13. This approval indicatives the "*Applicant shall provide construction plans for ODOT's review and approve prior to a permit being issued.*" This requirement has been incorporated into a condition of this National Scenic Area approval to assure safe property access will be provided.

9.0 APPROVAL CRITERIA – GENERAL MANAGEMENT AREA

- 9.1 The following scenic review standards shall apply to all Review Uses in the General Management Area of the Columbia River Gorge National Scenic Area (MCC 38.7035):**
MCC 38.7035 (A)(1): New buildings and roads shall be sited and designed to retain the existing topography and reduce necessary grading to the maximum extent practicable:

Applicant: Please refer to the site plan and building elevations. The residence must be located above the 100 year flood elevation to satisfy the City Of Troutdale requirements. Grading will be limited to that which is necessary to provide a driveway, storm and septic systems, foundation, and satisfactory finish grades around the residence. A grading plan, showing both pre and post construction contours, is included as part of the application. (Exhibit 3) The proposed site plan requires very little site grading. The house has been placed on the "flat" portion of the site. There are no new roads or grading occurring on the "banks" of the Sandy River.

Many alternatives were explored in order to construct a single family dwelling on this site. The applicant has considered alternatives, and has come to the conclusion that this layout best suites their needs and liking.

1. *Home design. The home was designed to best fit the site. The home has been designed to be a one-level home. This is important to remain a one-level home to better meet the strict screening rules enforced by the National Scenic Area (NSA). This site lies within two Key Viewing Areas (KVA) of the NSA. The home has to be screened from not only the Historic Columbia River Highway, but the Sandy River as well. A two-story structure would be nearly impossible to screen from the river which is approximately 30 feet below the proposed finish floor elevation. This one-level design is also being proposed for the handicap accessibility required for Mrs. Woodin in and around the house. With current ongoing health conditions, it is not possible for the applicant to get up stairs.*

2. *Home size. An extensive home size survey was completed on homes within a quarter-mile radius of the site (See report attached). This survey was conducted to help establish the size of the Woodin's residence. It was calculated that this home is within the average size of the homes of the area. The home must also contain wider hallways and wider doorway openings to allow wheelchair accessibility. Tree protection is a major factor in the sizing and design of the home. Trees 9,10,11,12,13, and 19 are all located on the north portion of the home. All of these trees are in poor condition with trunk injuries, and internal decay, except tree 9, as specified in the attached Arborist Report. Tree 9 has a high canopy and is more prone to wind failure with the removal of the poor conditioned trees which surround it. The home would not benefit the site to be redesigned or made smaller to save these trees due to the fact that the existing trees are in poor condition.*

3. *Home placement. The placement of the home is very important for many reasons. The NSA enforces a 100 foot buffer from the river and a 100 foot buffer from the highway. The site is so narrow that these buffers overlap on the north portion of the site and only allow a small triangular area of 1,182 square feet to be built upon. The size and shape of this allowable buildable area would make the site impossible to develop. The location of the existing well onsite also drives the location of a septic field. This septic field must be 100 feet away from the well. The only portion of land where the septic field could be constructed is in the Northeast corner of the site. The construction of this septic field forces the removal of tree 6. This tree is so large that the trunk system could not be retained while installing a septic field. ODOT has approved a conditional state highway approach permit based on the layout proposed. The location of this approved access forces the location of the driveway and garage. The driveway needs to provide enough room to allow ample room for a car to be able to turn around, as it is not safe to have a car back out on the highway. The size and location of this ODOT approved driveway makes it necessary to remove trees 2,3,5, and 8 located within the driveway and garage envelope."*

Staff: Staff concurs with the applicant's narrative response above. Construction of the new dwelling is proposed on the flattest portion of the property which slopes roughly 1% towards the east. The applicant has also proposed utilizing the existing gravel driveway to access the new dwelling with only minor expansions needed to provide an auto turnaround east of the proposed garage. Ultimately, the driveway will be covered in asphalt.

The amount of grading proposed is typical for this type of project on nearly level land and the applicant is not changing the topography of this flat site. Although the amount of ground disturbance associated with the foundation construction could be slightly reduced further by altering the one story proposal to a two story home with a smaller footprint, this would directly conflict with the visual subordination standards of Multnomah County Code (MCC)

38.7035(B)(1), (2) & (15) by increasing the height of the structure. In an effort to find a balance between the visual subordination standards and this particular regulation attempting to minimize

grading, Staff agrees with the applicant's alternative analysis above and finds the dwelling, driveway and septic system have been sited in a way that reduces grading to the maximum extent practicable.

9.2 MCC 38.7035 (A)(2): New buildings shall be compatible with the general scale (height, dimensions and visible mass) of similar buildings that exist nearby (e.g. dwellings to dwellings). Expansion of existing development shall comply with this guideline to the maximum extent practicable. For purposes of applying this standard, the term nearby generally means buildings within ¼ mile of the parcel on which development is proposed.

Applicant: The applicant site plan depicts the size of the proposed new home as 2,938 square feet and one story in height (This square footage is calculated from the architect plans with garage and no overhang as an industry standard). The applicant has an extensive appraisal survey of all homes on the Sandy River in the subject area. The homes have been reduced to those within a ¼ mile radius. The purpose was to ascertain the mean home size as well as accessory buildings along the Sandy River front. The proposed home does prove consistent with the structure size of nearby development. (Exhibit 21).

To compare with the appraisal and another recent NSA application (case T2-04-004) copy attached, 3,481 feet are enclosed. Four of the 23 dwellings listed in the report exceed this size, one at 3,983 sq ft at 1820 SE Historic Columbia River Highway, one at 4,136 sq ft at 2016 SE Historic Columbia River Highway, one at 4,514 sq ft at 2150 E Historic Columbia River Highway and one at 3,490 square feet at 1969 E Historic Columbia River Highway. Since the size of the proposed dwelling falls within the range of what currently exists in the area, it is consistent with that of existing nearby developments.

Staff: The applicant's narrative statement above indicates the size of the home and attached garage is 2,938 square feet (SF). In actuality, the proposed home is 3,343 SF which is calculated by adding the 2,022 SF living space, the 916 SF attached garage and the 405 SF covered and attached porch and patios. The covered porches and patios are added to this total because they contribute to the "visible mass" of the structure. The applicant has only considered the living space and garage in the 2,938 square foot total. For evaluation of this standard, staff considers the dwelling to be 3,343 square feet.

Out of the 23 single family dwellings surveyed by the applicant in the area (i.e. within ¼ mile of the subject property), the average home size was determined to be 2,430.4 square feet with the maximum size being 4,498 square feet at 2150 East HCRH. The largest home is 1,155 square feet larger than the applicant's home. Another existing dwelling larger than the proposed home totals 4,329 square feet at 2016 East HCRH. Copies of the applicant's size analysis and Assessment and Taxation printouts for the dwellings in the area are presented as Exhibit A14. Considering that other homes larger than the proposed home are located in the area, Staff finds the proposed one story dwelling with attached garage, attached covered porch and covered patios is generally compatible with the general scale of other similar buildings in the area. This standard has been met.

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

Applicant: The proposed development will require a single access to the Old Columbia River Highway. The applicant has not discussed more than one access to the site. There is an existing

access to the site for maintenance. A conditionally approved O-Dot permit has been retrieved and is included in (Exhibit 6).

Staff: The existing gravel access point to the HCRH Scenic Travel Corridor will be improved to serve the new development. This is the only access point to the property proposed. Because at least one access point to the property is proposed, Staff finds access to the Scenic Travel Corridor has been limited to the maximum extent practicable. This standard has been met.

9.4 MCC 38.7035 (A)(4), Property owners shall be responsible for the proper maintenance and survival of any required vegetation.

Applicant: This requirement can be stipulated as a condition of approval, in the event that any vegetation is required with this permit. The application includes a landscaping plan for the area around the residence and for the terrace area, the latter providing an under story of plantings onsite. The owner of the property, Mrs. Wooden, has worked with Pacific Habitat Service to develop a landscape plan. Pacific Habitat Services, Inc. conducted a National Scenic Area Review and included a buffer plan in (Exhibit 8). The applicant or the landscape contractor can post a landscaping bond to Multnomah County to ensure compliance.

Staff: This requirement has been incorporated into a condition of this approval to assure compliance with this standard. The landscaping plan required to be implemented and maintained is presented as Exhibit A15. As conditioned, this standard has been met.

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

Applicant: The applicant is proposing to plant numerous native plantings onsite. The owner, Mrs. Wooden, has submitted additional details of the landscaping plan. She has chosen many native species and has worked closely with Pacific Habitat Services developing those plans. See Site plans (Exhibit 3) Building elevations (Exhibit 9) and landscaping plans. (Exhibit 7,8)

Staff: As required by this provision, the submitted landscaping plan will be used to determine compatibility with the Rural Residential landscaping requirements of **MCC 38.7035(C)**.

9.6 MCC 38.7035 (B): All Review Uses and Conditional Uses visible from Key Viewing Areas:

Applicant: The site is visible from the HCRH. The site is also visible from the Sandy River. The provisions of this section apply.

Staff: The site is not topographically screened from the Historic Columbia River Highway or from the western shore of the Sandy River and therefore the site is visible from these KVAs. From the eastern shore of the Sandy River adjacent to the site, views of the eastern portions of the property adjacent to the Highway are partially blocked by the steep bank connecting the upper and lower terraces. The property is fully visible from the west bank of the Sandy River. Staff finds the following requirements must be evaluated for views from the Sandy River and the Highway.

9.7 MCC 38.7035 (B)(1): Each development shall be visually subordinate to its setting as seen from Key Viewing Areas.

Applicant: The home will be colored and textured to blend into the hillside as depicted by the roof, stone, and siding samples in (Exhibit 22). The applicant has chosen Sherwin Williams #8396 as the base color and Sherwin Williams #8395 for the trim. Both of these colors are dark shadow blends which will contrast and hide the new structure into the existing and proposed landscaping.

We will be using the fiberglass not vinyl (for the window sash, porch doors and patio doors). The fiberglass is paintable and the exterior trim will definitely be painted the base color of the house.

Proposed landscaping is planned to further camouflage the home as shown in the Visual Perspective Plan (Exhibit 5) and Proposed Landscape Plan.(Exhibit 8) The proposed wide roof overhang and the covered porch and patios will reduce the reflectivity of glares from windows. “Low-reflective” glass will also be used to further avoid drawing attention to the home. See Home Materials and Colors Plan for detailed home colors and materials. (Exhibit 23)...

A profile was created through the property showing the area from the River to the HCRH.(Exhibit 5) This profile is evidence showing the existing and proposed landscaping / screening for the site. Three lines of sight were created to show visual subordination. A car traveling along the HCRH is shown with an eye height of approximately 4’ off the existing pavement. This profile shows how the house would be completely visible with existing conditions. The profile also shows the home will be visually subordinate due to the proposed plantings in accordance to Exhibits 8 and 13. Both the new plantings and proposed dark colors will hide the new house within the landscaping.

The second line of site shows a 6’ tall person standing on the river bank below the site. The profile shows even with existing conditions, the person would not be able to see the proposed house. This visual subordination is achieved due to existing landscaping and the 28’ tall bank located from the river which extends approximately 46 feet into the site. The proposed landscaping further screens this area to make the house invisible from this bank.

A third line of sight was used from a boat traveling down the river. With existing conditions, the home would be partially visible from the River. The roof would be the only portion of the house visible. The profile with proposed landscaping shows how the home will be visually subordinate due to new plantings. The roof will be easily blended in with the proposed plantings and no defined roof lines will be recognized.

Staff: This is a particularly difficult site to achieve visual subordination for a number of reasons outside the applicant’s control. First, the location of the property is between two Key Viewing Areas leaving no spot to hide the new development. The Highway is located 54-feet to the east and the Sandy River 76.9-feet to the west of the proposed home. The upper flat property bench, which is the only viable building location, contains no topographic rises to hide behind. The ability to move the development is further hampered by the small size of the property and the corresponding yard setbacks discussed in finding 7.0 of this decision.

Second, the existing vegetation provides almost no effective screening from either Key Viewing Area as discussed in finding 2.0 of this decision. Because of these existing site constraints, the applicant has considered a number of architectural features, material and color selections and proposed screening vegetation to achieve visual subordination. The proposed techniques to achieve visual subordination are summarized below.

Evaluating the Existing Vegetation...

The applicant started by hiring a Certified Arborist to evaluate the condition of the 23 existing trees in an attempt to identify if any trees needed to be removed due to damage or disease. The applicant felt this information would help site the dwelling in a way that could preserve the most viable trees for screening. The Certified Arborist, Rob Lloyd, ISA, states on page 1 of his report that *“due to the limbs being raised up on the trunks, there is no vegetative screening being offered to drivers or passerby from that would be lost with the proposed tree removals for the lot development.”* This report confirms that although the development should be designed to minimize tree removal, the existing trees provide little in the way of screening. A copy of the arborist report is presented as Exhibit A16.

Page 4 of the arborist report concludes, *“As per the location of the house and configuration of the lot is difficult to build any sized structure on this property that would not remove the trees along its frontage. With the required setbacks and other overlay zones it appears as though a driveway and septic system will unavoidably remove the trees along the frontage of this property, regardless of the size of the home.”* These two statements provided by the Certified Arborist confirm that locating the home in a different location and/or reducing the size of the home would not save any more trees that could be used for screening. The arborist concludes on page 5 that *“many of the trees on this lot are in poor condition...I believe the existing tree cover has been retained as much as possible, and that trees proposed for removal are necessary for site development.”*

After considering where home and septic drain field will be located, the Arborist report concludes that out of the 23 trees on the property, only 8 should be retained all of which are mature Douglas fir. Seven of the eight trees are all located along the west side of the property between the proposed home and Sandy River. The other tree that can be saved is located at the southeastern corner of the home.

The Arborist found 15 trees should be removed due to their location in the development area and due to disease and damage. By hiring the arborist, Staff finds the applicant has adequately identified the trees worth saving versus those which need to be removed.

Considering the Dwelling Design...

The next design step involved deciding whether a one or two story design would be more appropriate for the site. It became apparent that due to the lack of existing screening and close proximity to two Key Viewing Areas (KVA's), that a two story design with a smaller footprint would be much more difficult to achieve visual subordination. A one story home design was ultimately selected to present a lower profile to both KVA's and because one of the owners has great difficulty climbing stairs due to chronic hip pain and therefore needs a one-level home. In addition, the home is being designed to accommodate future wheel chair access which would be greatly complicated by a two story design.

Building Material Choices...

The applicant then researched different external materials available to help the structure blend into the natural hillside backdrops forming the Sandy River canyon slopes. Elevations of the proposed dwelling are presented as Exhibit A2. The dark grayish brown composition roofing shingles will blend well into the site's dark earth toned colors. The large roof overhangs will help shield the windows along the west, south and north side of the home with the covered front entry porch helping to screen the two larger windows on either side of the front door and two windows within the front door itself. The applicant has proposed low reflective glass for all exterior windows.

Ms. Metta with the Columbia River Gorge Commission indicated in a comment letter that due to the close proximity to both KVA's, the use of low reflectivity exterior glass should be required in order to achieve visual subordination. Staff agrees with Ms. Metta and has incorporated a condition of approval requiring the use of glass with a low exterior visible light reflectivity rating less than 11%.

The applicant has also incorporated two different multi-angled window "coves" along the west side of the home facing the river to minimize the amount of glass along one plane that could reflect all at one time towards the river. Realistic looking brown Eldorado stone veneer faux rock accents will also be used along various portions of the house body and chimney to mimic the rocky floodplain and rip rap slope below the proposed dwelling.

The proposed cement stucco siding will help create a rough textured surface preventing reflection, the garage doors will be paneled to break up the mass of the doors, exterior lighting (11 total) will be recessed into the soffit overhangs and reduced to 65-watt bulbs to minimize light pollution.

Exterior Color Choices...

The composition roofing shingles are dark grayish brown. The applicant has proposed a mid range brown base color for the home's stucco walls and garage doors and a dark brown for the trim. These two colors are manufactured by Sherwin Williams and are called Monk's Cloth 8396 for the mid brown base color and Tilled Soil 8395 for the darker brown trim. The applicant has indicated all window sash, porch and patio doors will be painted with the same Monk's Cloth brown color used for the base of the home.

Staff compared the trim and base color proposed to the Recommended Color chart within the NSA Scenic Resources Implementation Handbook. The Monk's Cloth brown base color most closely matches cell E13 which is a recommended earth toned brown for sites *not visible* from Key Viewing Areas. **Staff finds the Monk's Cloth 8396 brown color inappropriate as proposed due to the close proximity to two Key Viewing Areas. After visiting the site on November 7th, Staff determined the predominate dark landscape colors are in the green and brown range. Therefore, in place of the Monk's Cloth 8396 brown color, the applicant is required to use a dark earth toned brown or green color comparable to the brown and green colors displayed in Rows A or B of the Recommended Color Chart within the National Scenic Area Resources Implementation Handbook. This change of color proposed is required to help achieve visual subordination for a structure located in close proximity to two Key Viewing Areas.**

The trim color most closely matches a combination of cells C13 and C14 which are both recommended dark earth toned colors. Staff finds the dark earth toned trim color proposed will mimic the dark earth toned colors of the property.

Although the low profile, natural looking dark earth toned structure would begin to blend into the site, the lack of existing vegetative screening prompted the applicant to retain Pacific Habitat Services, Inc. to evaluate the site and to recommend a landscaping plan meeting NSA mitigation and screening requirements. The resulting site study and landscaping plan is discussed below.

Proposed Landscaping Plan...

Pacific Habitat Services (PHS), Inc. prepared a proposed rehabilitation and enhancement plan on June 6th, 2006 to help rehabilitate the site from construction through a native vegetative species planting plan. A copy of that report is presented as Exhibit A16 and associated, Staff augmented landscaping plan is presented as Exhibit A15. The cover page to the report states that “*PHS suggested a selection of native plants suitable for the range of conditions encountered on the property. These plants were by no means to be considered the only species appropriate for the site, and the suggested sizes were also to be considered guidelines only.*” Staff mentions this statement because a few of the trees recommended by PHS needed to be increased in height, and a tree added, to better screen the dwelling from KVA’s. Staff made the necessary adjustments to the landscaping plan, which is now referred to the staff augmented landscaping plan in Exhibit A15.

PHS first divided the site into five different zones in accordance with the varying growing conditions on the site (Exhibit A16). Zone 1, adjacent to the Sandy River, was determined to be void of plants, dominated by large boulders and subject to frequent flood scour. No plantings were recommended by PHS for Zone 1 because the likelihood of survival was determined to be low. Zone 2 forms a narrow bench roughly 20-feet wide which has been called the lower bench earlier in this decision. PHS found zone 2 is unsuitable for the planting of trees and large shrubs due to the presence of boulders and geotextile fabric. PHS has recommended only the planting of smaller shrubs and groundcover in Zone 2. Zone 2 plantings along the bench total 22 plants including 5 Saskatoon serviceberry, 5 red flowering currant and 12 red elderberry.

Zone 3, which forms the slope between the upper and lower site benches, was found to also be armored with large boulders and therefore the opportunity for plant placement was limited. It was determined that a few large and small shrubs and ground cover could be established in this zone including 5 vine maple, 5 Saskatoon serviceberry, 10 kinnickinnic, 10 Salal, 10 Oceanspray, 15 Oregon boxwood, 5 red flowing currant, 5 red elderberry, 15 snowberry and 50 swordfern (130 total plants). Due to the existing site conditions, Staff finds it is unfeasible to try to establish trees large enough to screen the development within Zones 1-3.

Zone 4 forms the edge of the upper property bench between the proposed home and river. This is the critical zone when considering where to locate screening vegetation between the home and the Sandy River. Zone 4 is dominated by 6 Douglas fir trees (with no lower limbs) which will all be retained during construction and a 5-6 foot tall pine to the north of the existing stairs. In an effort to increase the amount of screening in Zone 4, PHS has recommended the following trees to be planted: 5 Grand fir (5-6’ tall), 5 Pacific yew (2-feet tall) and 5 Western hemlock (4-5’ tall). Staff has increased the size of the proposed 5 Pacific yew trees as a condition of this approval so that each Pacific yew shall be at least 5-feet tall when planted rather than 2-feet tall as proposed. The 5-foot tall size was selected by Staff after reviewing planting size recommendations of at least 5-feet for the majority of native evergreen trees listed in the “Recommended Plants for Screening” insert to the *Building in the Scenic Area Implementation Handbook*.

Staff does not agree with the applicant’s assertion that “*from a boat traveling down the river, with existing conditions, the home would be partially visible from the River. The roof would be the only portion of the house visible.*” It should be noted that the applicant’s Visual Perspective Plan presented in Exhibit A23 can be misleading because it shows the Sandy River only extending roughly 185-feet west of the proposed dwelling. The line of sight angle in Exhibit A23 from the river suggests the bank would block views of the majority of the dwelling. In reality, the west bank of the Sandy River is located roughly 380-feet away from the dwelling which does have an impact on how much of the dwelling would be visible as viewed from further out in the river.

Because someone could drift down the Sandy River farther from the home than is represented in Exhibit A23, the line of sight angle would be reduced which renders the bank screening less effective the further one is from the bank. This means that more of the dwelling will likely be visible from further out in the Sandy River as compared to the rendering illustration presented in Exhibit A23. This geometry is clearer when standing on the property considering the majority of the Sandy River can be seen in the background when standing at the driveway entrance which is further from the river than the proposed home. A photo demonstrating this point is presented as Exhibit A4. Staff is justified in increasing the height of the Pacific Yews to five feet because the Sandy River bank will not screen views of the home as much as is represented by the applicant.

In addition to these 15 trees, the following native shrubs and groundcover will be planted in Zone 4 between the home and River: 5 vine maple, 10 Tall Oregon grape, 10 Salal, 10 Oregon Boxwood, 10 Western rhododendron, 5 red flowing currant, 10 snowberry and 70 swordfern. In all, 145 plants are proposed within Zone 4.

Zone 5 plantings will screen views of the home from the Highway to the east because this zone is located along the highway frontage, also extending along the northern and southern corners of the property 90 feet. The applicant has proposed planting 5 Austrian Pines (6-8' tall), 8 yucca, 7 azalea, 10 sword fern, 10 Shore or Austrian Pines (3-5' tall), 3 Hicks yew (3 gallon) and 4 Dwarf Alberta Spruce (3 gallon). The applicant has spaced out the Shore Pines and Austrian Pines to form a nearly continuous barrier around the eastern, northeastern and southeastern side of the proposed home. Staff has added one extra Western hemlock to the landscaping plan to the south of the home to help fill a gap in the landscaping plan between Zones 4 and 5.

In conclusion, Staff believes the 31 required screening trees, in combination with the shrubs and groundcover proposed will help rehabilitate the property which has been cleared of almost all under story and lower branches. As conditioned, Staff believes the 31 evergreen trees will be of adequate size when planted to help achieve visual subordination within five years, as required by the NSA regulations. This extensive landscaping plan is being proposed as a supportive measure rather than a primary tool to achieve visual subordination. Staff finds the applicant's siting considerations, one story design, exterior material selections and dark earth toned colors required to be used in concert with the landscaping plan will result in a visually subordinate structure as viewed from the Historic Columbia River Highway and the Sandy River. This standard has been satisfied.

9.8 MCC 38.7035 (B)(2): The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its potential visual impacts as seen from Key Viewing Areas.

Applicant: The property is 90 feet wide at the E. Columbia River Highway frontage and 150-300 feet deep. There are required 100 foot setbacks along the frontage of each key viewing site. Due to height of the foliage of existing trees, the entire property is visible from the highway. The site elevation above the river and the distance of the building site from the top of the bank makes the slope of the bank the most visible part of the property. A Landscape Plan (Exhibit 8) has been created in accordance with the Pacific Habitat Services Inc. report.(Exhibit 13) A visual perspective profile has also been provided showing how the proposed home will be screened. (Exhibit 5). Additional landscaping materials have been chosen to further screen the view of the house. Evergreen trees were chosen for this screening. The owner has developed a landscape plan that will blend the dark colored home into its surrounding.

Staff: Due to the close proximity to the two Key Viewing Areas, lack of existing screening and topographic obstructions, the applicant has proposed a one story dwelling using dark colors and low reflective, natural looking building materials as well as an extensive landscaping plan. Staff is confident that all these design features including the landscaping plan will be necessary in order for the new dwelling to be visually subordinate as it is viewed from the Highway and River. Staff has conditioned this approval such that these design features and materials must be used and that the landscaping plan must be implemented and monitored. This is an appropriate set of conditions considering the site's current exposure to the Key Viewing Areas. This standard is met.

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

Applicant: This home is the only anticipated development in the area. It is the continuation of a phased development previously approved by the Gorge Commission staff. The property is one of the last remaining buildable lots in a subdivision called Thompson Villa Tract. This development is approximately 70 years old. The National Scenic Act (NSA) only covers the East side of the Sandy River; the West side is not subject to the NSA. Between the Troutdale and Stark street bridges (approximately 3 miles) there are no lots left that could be built on the West side, and on the East side there is only two or three left counting this one. If approved this will be one of the last new homes ever built in this area.

Staff: Although the new home will not be topographically screened from Key Viewing Areas, it is not expected to visually dominate the landscape for reasons explained in finding 9.7. Staff believes the conditions applied to this decision such as requiring the use of dark, earth toned materials, the installation and maintenance of the required plantings and recessed lighting will ensure the structure will not result in any measurable cumulative visual effect on the neighborhood. Staff finds the cumulative visual effects have been carefully considered and that this proposal would not threaten or change the look or feel of the area defined by an existing residential corridor.

9.10 MCC 38.7035 (B)(4): In addition to the site plan requirements in MCC 38.0045 (A) applications for all buildings visible from key viewing areas shall include a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used; number, size, locations of plantings; and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).

Staff: The development location and dimensions are illustrated on the development plans (Exhibit A1), the structural elevations (Exhibit A2) and described in finding 9.7 of this decision. The exterior lighting plan is presented as Exhibit A17. The landscaping plan is presented as Exhibit A15 and associated mitigation report prepared by Pacific Habitat Services, Inc (Exhibit A16). The necessary information has been provided.

9.11 MCC 38.7035 (B)(6): New development 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.

Applicant: The applicant proposes to construct a single family residence of 2,938 square feet, utilizing a setback of nearly 75 feet from the river (ordinary high water), and approximately 30 feet back from the edge of the upper terrace. The proposed impact to the riparian buffer will total approximately 1,479 square feet. Construction of the house is not possible in the eastern reaches of the site due to a required 100-foot setback from the highway. Although the site plan proposes only a set-back of approximately 60-feet from the edge of road, as stated in Multnomah County Code 38.0065 (A) (2) "Variation from the specified setbacks or buffer would, on balance, best achieve the protection of the affected resources." FEMA flood insurance requires that residences floor level along the river be at least 1 foot above the 100 year flood plane. The flood plane is about 41.5 feet at this property.

Staff: There is no particular location on this property which would minimize visibility from *both* the Sandy River and the Highway, both Key Viewing Areas. Moving the development further from the Highway locates the development closer to the river and vice-versa. There is also no location on the property large enough to place the entire development outside the buffer designed to protect both the Sandy River and the Scenic Highway. Moving the development outside of the river buffer would place the development within the Scenic Travel Corridor buffer and vice-versa.

In an attempt to partially obscure views of the dwelling from the Sandy River's eastern shore, the applicant has moved the dwelling approximately 30-feet from the break in slope down to the river. Although this location requires development to partially occur in both buffer zones, it does provide some benefit by reducing views of the lower portion of the structure from the Sandy River's east bank. Because any alternative location on the property would still require encroachment into both buffer zones and because the proposed location provides some reduction in visibility from the Sandy River's east bank, Staff finds the proposed location best meets the intent of this standard to the maximum extent practicable.

9.12 MCC 38.7035 (B)(7): New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from key viewing areas.

Applicant: There is a 26 to 28 foot rise from the river to the top of the bank, this existing topography will screen most of the home so that only the roof will be visible from the river KVA. The only existing small vegetation on this end of the property is that which grows on the slope of the bank and is not high enough to offer any screening. New vegetation will be planted along the bank as stated in the Pacific Habitat Services, Inc. report. Proposed vegetation between the highway and the home site will serve as a screen for the highway KVA. (See Exhibit 5, 8, and 13).

Staff: The majority of the site is nearly level with no topographic features to use for screening. It has been explained in finding 9.11 that the dwelling has been sited in a location that utilizes the steep bank to help partially obscure views of the new home from the river's east bank. A visual example of this geometry is seen in the applicant's visual perspective plan (Exhibit A18). As explained in detail within finding 2.0 the existing landscaping provides little to no effective screening. In this case, visual subordination has been achieved through the use of architectural design and proposed landscaping. Staff finds this standard is met.

9.13 MCC 38.7035(B)(8): Existing tree cover screening proposed development from key viewing areas shall be retained as specified in MCC 38.7035(C).

Applicant: The existing tree cover has been retained as much as possible. (See Exhibit 10) The existing trees provide little or no screening of the site. The proposed landscape plan replaces these tall fir trees with lower undercover and small dense canopy trees.

There are currently 23 trees on the site. 22 are Douglas Fir and 1 native cherry tree. Please refer to the Arborist Report (Exhibit 10, page 2) for detailed analysis. Applicant wanted to preserve as many trees as possible however, many are in poor condition. There are however, going to retain the 6 along the river bank. They include tree numbers 17, 18, 20, 21, 22 and 23....

I just talked to Mrs. Woodin, she was concerned about a lateral crack that was listed on the tree. After talking to the Arborist, it looks like this tree will be alright to save. I can send you a map and update some narrative to save Tree #4....

Please refer to Arborist Report (Exhibit 10, pg 2) for BDH of each tree. The range in height from 70 ft to 120 ft. Also, every effort is going to be made to save the native cherry tree in the SE corner. Its BDH is 9.5 in and it is approx. 25-30 ft in height. Please refer to Arborist Report (Exhibit 10 pg 2) for a detailed removal key.

Staff: A Certified Arborist has evaluated the condition of the 23 existing site trees in an attempt to identify if any trees needed to be removed by disease. A copy of the arborist report is presented as Exhibit. The Certified Arborist, Rob Lloyd, ISA, states on page 1 of his report that “*due to the limbs being raised up on the trunks, there is no vegetative screening being offered to drivers or passerby from that would be lost with the proposed tree removals for the lot development.*” Page 4 of the Arborist report concludes “*As per the location of the house and configuration of the lot is difficult to build any sized structure on this property that would not remove the trees along its frontage. With the required setbacks and other overlay zones it appears as though a driveway and septic system will unavoidably remove the trees along the frontage of this property, regardless of the size of the home.*”

These two statements provided by the Certified Arborist confirm that reducing the size of the home would not save any more trees that could provide screening, which would be minimal at best. The arborist concludes on page 5 that “*many of the trees on this lot are in poor condition...I believe the existing tree cover has been retained as much as possible, and that trees proposed for removal are necessary for site development.*”

After considering where the home, garage, driveway and septic drain field will be located, the Arborist report concludes that out of the 23 evergreen trees on the property, only 8 should be retained (all mature Doug fir) which are all located along the back west side of the property between the proposed home and Sandy River minus one mature Doug fir located at the southeast corner of the proposed home. The Arborist found 15 trees should be removed due to their location in the development area and due to disease and existing tree damage. The applicant will also attempt to save a 9.5-inch diameter cherry tree at the southeast corner of the property even though it is in poor condition.

By retaining a Certified Arborist to determine which trees require removal, Staff finds the applicant has met this standard. The arborist has also confirmed the existing tree cover has been retained as much as possible and that changing the home size or design would not likely result in

preservation of any more trees. Staff finds the existing tree cover screening the proposed development from key viewing areas will be retained to the maximum extent practical even though existing tree cover provides little in the way of screening. This standard is met.

9.14 MCC 38.7035(B)(9): Driveways and buildings shall be designed and sited to minimize grading activities and visibility of cut banks and fill slopes from key viewing areas.

Applicant: The existing gravel driveway will need to be widened and paved to provide the necessary access to the proposed new structure. The site is relatively flat, with no major fills or cuts necessary for development. There will be no visible cut or fill banks associated with this development.

Staff: Grading activities will be confined to the dwelling's footprint, within utility lines, driveway footprint and septic drain field to the east of the home. Grading in these areas will be necessary to construct the home, provide safe site access with on-site turnaround and septic disposal as far away from the Sandy River as possible and at least 100-feet from the existing well. No cut banks or fill slopes will result in association with the development. This standard is met.

9.15 MCC 38.7035 (B)(10): 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. The *Scenic Resources Implementation Handbook* includes a list of recommended exterior materials. These recommended materials and other materials may be deemed consistent with this code, including those that meet recommended thresholds in the "visibility and Reflectivity Matrices" in the Implementation Handbook. Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordination. Recommended square footage limitations for such surfaces are provided for guidance in the Implementation Handbook

Applicant: The exterior of the home will be painted Sherwin Williams #8396 Monk's Cloth (base) and Sherwin Williams #8395 (trim) and will incorporate non-reflective materials or materials with low reflectivity. (Exhibit 22) The proposed colors will help blend the house with the natural settings of the Columbia River Gorge Area. The proposed landscape trees and shrubs will fill in and blend the new home into its surrounding elements. No continuous surface of glass is proposed with this development.

Staff: Finding 9.7 of this decision concludes that the proposed building materials including roofing, cement stucco walls, faux stone veneer accents, windows and garage doors, etc. will be composed of low reflective building materials. This standard has been met.

9.16 MCC 38.7035 (B)(11): 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: A minimum amount of exterior lighting is proposed. Lights will be positioned where necessary for safety at doors only. Recess lights will be installed on porch and covered patios. Lighting shall be directed down and shall be hooded and shielded to reduce attraction. Hooding and shielding shall be composed of non-reflective or opaque materials. (Exhibit 24)

Staff: All 11 exterior lights will be recessed into the soffit overhangs and therefore will be shielded by the roof overhangs. A copy of the exterior lighting detail is presented as exhibit A17. Each light will be flush mounted, downward directed and will use a 65-watt bulb to minimize light pollution. Lighting will be fairly equally distributed around the home with 4 near the front porch, 2 at the back patio, 2 at the side patio and 3 within the eave above the garage doors. Staff finds the exterior lighting proposed meets this standard.

- 9.17 MCC 38.7035 (B)(12): Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The *Scenic Resources Implementation Handbook* will include a recommended palette of colors.**

Applicant: The applicant has provided all color samples for materials used on the exterior of the residence. They have also included rock samples taken from the banks of the river to show how the proposed colors are similar/ darker than the existing rock features of the river. (Exhibit 22)

Staff: As discussed within finding 9.7 of this decision and as this approval is conditioned, all exterior colors of the home will be dark earth toned in compliance with the color chart recommendations for visible properties within the National Scenic Area Resources Implementation Handbook. A site visit conducted by staff on November 7th, 2006 confirmed the approved color range is consistent with the dark earth toned shadows found in the site's soil, boulders and fir trunks.

- 9.18 MCC 38.7035 (B)(15): The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. Variances may be granted if application of this standard would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use, and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the standard have been made.**

Applicant: The structure does not extend into the skyline as seen from Key Viewing Areas because of the hillside west of the home site forms a backdrop to the site.

Staff: The site does not contain any skyline, bluff or ridge from which the dwelling could be located on top. The site's eastern third does abruptly slope down to the river, although this small break in slope is not a true bluff in Staff's opinion. The applicant has moved the home back approximately 30 feet from this break in slope to avoid the home silhouetting above the flat property as seen from the river.

As viewed from the Sandy River, the dwelling will not silhouette above the background hillside which rises to an elevation over 500-feet tall behind the Highway to the east. As viewed from the highway, the dwelling will not silhouette above the background hillside rising over 180-feet in elevation along the western side of the river in the City of Troutdale's jurisdiction. Staff finds this standard is met.

- 9.19 MCC 38.7035 (B)(17): The following standards shall apply to new landscaping used to screen development from key viewing areas: (a) New landscaping (including new earth berms) shall be required only when there is no other means to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to**

using new landscaping to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible.

Staff: The new landscaping is required because the home design alone could not achieve visual subordination as discussed in finding 9.7. No other alternative sites exist on the property for the dwelling due to the small size of the property and required yard setbacks. According to the County's assessment and taxation database, the land owner does not own any adjacent property that could be used as an alternative building site. Staff finds the development can not be sited in a way that would avoid the need of a substantial landscaping plan. This standard has been met.

9.20 MCC 38.7035 (B)(17)(b): If new landscaping is required, it shall be used to supplement other techniques for achieving visual subordination.

Staff: As explained in finding 9.7, other techniques have been used to help achieve visual subordination including a one level structure, the use of large roof overhangs, recessed lighting, multi-angled window coves, dark earth toned colors and natural building materials with low reflectivity. The landscaping has been proposed as a supplementary technique to achieve visual subordination in combination with these other design features. This standard is met.

9.21 MCC 38.7035 (B)(17)(c): Vegetation planted for screening purposes shall be of sufficient size to make the development visually subordinate within five years or less of commencement of construction.

Staff: As discussed in finding 9.7, the size of the proposed yews was increased by Staff from 2-feet to 5-feet in height. Staff finds the other trees proposed are of sufficient size to achieve visual subordination within five years (Grand fir 5-6' tall, Western hemlock 4-5' tall, Pines 6-8' tall and Shore Pines 3-5 feet tall). **Staff finds that the larger size shall be used during planting when a range of heights is proposed for a particular species. This approval has been conditioned such that the larger size shall be used for all plantings when a range of general sizes is represented for a particular species on the Landscaping Plan in Exhibit A15.**

9.22 MCC 38.7035 (B)(17)(d): Landscaping shall be installed as soon as practicable, and prior to project completion. The property owner(s), and their successor(s) in interest are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

Staff: The applicant is required to install the landscaping plan illustrated in Exhibit A15 between September 1st and May 15th of 2007 as recommended by the National Scenic Area Scenic Resources Implementation Handbook for west side sites. The PHS report in Exhibit A16 also recommends installation of the landscaping in the winter to early spring which is consistent with the Scenic Resources Handbook recommendations. Proper maintenance and survival of the planted vegetation is required as a condition of this approval.

9.23 MCC 38.7035 (B)(17)(e): The Scenic Resources Implementation Handbook includes recommended species for each landscape setting consistent with MCC 38.7035(C) and the minimum recommended sizes for tree plantings (based on average growth rates expected for recommended species).

Staff: The applicant hired Pacific Habitat Services, Inc. to prepare a site evaluation report and mitigation/landscaping plan (Exhibit A16). The table on page 7 of this report verifies all plantings

proposed in Zones 1-4 will be native. Staff used the recommendations in the Scenic Resources Implementation Handbook to increase the height of the proposed Pacific Yew from 2-feet to 5-feet and to add one more Hemlock tree in accordance with the large tree recommendations on page 8 of the “Recommended Plant List” insert. The augmented landscaping plan is presented as Exhibit A15.

The Zone 5 plantings have been proposed by the applicant to help screen the development from the Highway. The trees proposed in Zone 5 for screening purposes are 5 Austrian pines in the 6-8 foot tall range and 10 Shore pines in the 3-5 foot tall range. On page 11 of the “Recommended Plant List” insert, Shore Pines are recommended to be at least 3-5 feet tall which the applicant has followed.

The handbook recommends Austrian pines be at least 3-5 feet tall for bare-root plantings. The applicant is proposing Austrian pines in the 6-8 foot range which is preferable since these pines will provide the primary screening along the 90-foot long front (east) property line.

In addition to following and often exceeding the recommended sizes for screening trees, it appears the spacing proposed is consistent with the recommended spacing in the Scenic Resources Implementation Handbook. Staff finds this standard is met.

9.24 MCC 38.7035 (B)(18): Conditions regarding new landscaping or retention of existing vegetation for new developments on land designated GMA Forest shall meet both scenic guidelines and the fuel break requirements of MCC 38.7305(A).

Staff: The property zoning is not GMA Forest. This standard does not apply.

9.25 MCC 38.7035 (B)(24): New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this standard. In determining the slope, the average percent slope of the proposed building site shall be utilized.

Applicant: The site plan illustrates that the portion of the property proposed for development is relatively flat, with slopes less than 10 percent. There are two portions of the site which contain slopes of greater than 30%. There is no proposed construction on these banks. There is only a proposal to plant native vegetation.

Staff: Slopes in the development area are nearly level. This standard is met.

9.26 MCC 38.7035 (B)(25): All proposed structural development involving more than 100 cubic yards of Grading on sites visible from Key Viewing Areas and which slope between 10 and 30 percent Shall include submittal of a grading plan. This plan shall be reviewed by the planning director for compliance with Key Viewing Area policies. The grading plan shall include the information contained in MCC 38.7035(B)(25)(a) & (b).

Applicant: Slopes are less than 10 percent in areas proposed for development therefore this section does not apply.

Staff: Slopes in the development area are less than 10%. This standard is satisfied.

9.27 MCC 38.7035 (C): All Review Uses and Conditional Uses within the following landscape settings (Rural Residential): MCC 38.7035 (C)(3)(a): Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes or as part of forest management practices.

Applicant: The portion of Lot 54, Thompson Villa is considered to be located within a "Rural Residential" landscape setting...There are 16 existing trees onsite that will be removed due to home and utility construction. There are 6 trees on the top of bank along the river and 1 tree along the HCRH that will be protected. See the Arborist report. (Exhibit 10) Most of the trees onsite are unfortunately poor condition and do not offer any screening or buffering from the Key Viewing Areas.

There are currently 23 trees on the site. 22 are Douglas Fir and 1 native cherry tree. Please refer to the Arborist Report (Exhibit 10, page 2) for detailed analysis. Applicant wanted to preserve as many trees as possible however, many are in poor condition. There are however, going to retain the 6 along the river bank. They include tree numbers 17, 18, 20, 21, 22 and 23. Please refer to Arborist Report (Exhibit 10, pg 2) for BDH of each tree. The range in height from 70 ft to 120 ft. Also, every effort is going to be made to save the native cherry tree in the SE corner. Its BDH is 9.5 in and it is approx. 25-30 ft in height. Please refer to Arborist Report (Exhibit 10 pg 2) for a detailed removal key.

Staff: Finding 9.13 of this decision confirms all existing tree cover will be retained as much as possible by relying on the findings and recommendations of a Certified Arborist who evaluated the intent of this standard in relation to the proposed development. The arborist report confirms every tree that to be removed is either located within the active development area and must be removed or is damaged and or diseased. A copy of the arborist report is presented as Exhibit A16. Staff finds this standard is met.

9.28 MCC 38.7035 (C)(3)(b): 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:

- (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: There are no existing trees onsite that provide screening from the Key Viewing Areas. The existing trees contain foliage that begins at about 15'-20' above the ground level. See attached plans (Exhibits 2,3,4,5) and Arborist report for more information (Exhibit 10).

There are currently 23 trees on the site. 22 are Douglas Fir and 1 native cherry tree. Please refer to the Arborist Report (Exhibit 10, page 2) for detailed analysis. Applicant wanted to preserve as many trees as possible however, many are in poor condition. There are however, going to retain the 6 along the river bank. They include tree numbers 17, 18, 20, 21, 22 and 23. Please refer to Arborist Report (Exhibit 10, pg 2) for BDH of each tree. The range in height from 70 ft to 120 ft. Also, every effort is going to be made to save the native cherry tree in the SE corner. Its BDH is 9.5 in and it is approx. 25-30 ft in height. Please refer to Arborist Report (Exhibit 10 pg 2) for a detailed removal key.

Staff: The previous finding addresses this issue and confirms all tree cover removed is necessary for site development or safety purposes. This standard has been met.

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

Applicant: There will be a total of 30 trees planted. 15 native and 15 recommended non-native (common to the area). All are coniferous. Applicant has been advised by Fred Small – Botanist for “Pacific Habitat Services” that smaller size trees/plants have a higher survival rate.

<i>Native Trees</i>	<i>Qty</i>	<i>Tall</i>
<i>Grand Fir</i>	<i>5</i>	<i>5’ – 6’</i>
<i>Pacific Yew</i>	<i>5</i>	<i>2’</i>
<i>Western Hemlock</i>	<i>5</i>	<i>4’ – 5’</i>

<i>Non -Native Trees</i>	<i>Qty</i>	<i>Tall</i>
<i>Austrian Pines on HCRH</i>	<i>5</i>	<i>6’ – 8’</i>
<i>Shore or Austrian Pines</i>	<i>10</i>	<i>3’ – 5’</i>

The applicant has worked with “pacific habitat services” to rework the map. PHS has revised some of the planting recommendations and included the plant size. (Please see their revised pages attached exhibit 13) the applicant has reworked the landscape plan to reflect their changes, and has included the zones (exhibit 8). The applicant has also included additional trees on the north, south and northeast corner. The applicant is proposing to retain the large cherry tree in the southeast corner and plant some hicks yews and dwarf Alberta spruce. All of the existing landscape will remain as is except for 15 fir trees and some small shrubs located where the driveway turnaround is proposed.

In “zones 2, 3, and 4”, there will be the native plants and trees planted as stated by PHS, with a high degree of emphasis to disturb the soils as little as possible.

In “zone 5” along the HCRH the applicant intended to plant 5 or 6 large cedar trees but, because of the low hanging power lines, the applicant is going to be restricted to plant pine trees that will grow no taller than 40-50 feet in height. The pines will be 6-8 feet high, spaced 10 feet apart, and be either balled or 5 gallon sizes. The applicant will plant a heavy under story of large yucca, azaleas and sword ferns to further screen the house from the highway. “zone 5”, along the north and south property line, will now have shore and Austrian pine ranging from 3-5 feet tall spaced every 10 feet. The trees will be 3-5 gallon size.

Because of the number of tree and shrubs required and limited spacing on the landscape map, the trees have been indicated by f- fir, y- yew, h- hemlock, p- pine, as- dwarf Alberta spruce, sp- shore pine, and r- rhododendron shrubs. All other shrubs and ground cover are indicated by symbols. Space prohibits identifying every shrub on the revised landscape plan. As far as location of each plant, the geotextile fabric, riprap armor rock will determine this. All of these plants will be planted according to height, space, and sun and shade requirements.

There are two tables on the landscape plan. One table is for “zones 2, 3, and 4” which will contain all native plants for the buffer zone. The other table is for “zone 5” which will contain native and ornamental species. In addition to all the zone plantings, the applicant is going to plant all the trees and shrubs as previously stated in (exhibit 8) between the house and the HCRH.

Please make note of the following:

1. *On the pacific habitat services revised sheets, sheet 2 states some substitutions may be acceptable depending on plant availability and survival over time.*
2. *In the “building in the scenic area” (scenic resource implementation handbook), the recommended plant for screening states on page 1, “you can also plant other types of trees and shrubs on your property.”*

Staff: The applicant’s table within the narrative above confirms that half of the trees to be planted will be native to the area. Staff has added an additional native Western hemlock to the landscaping plan in Exhibit A15 to provide additional screening making over ½ of all trees to be planted native. This standard is met.

9.30 MCC 38.7035 (C)(3)(b)(3): At least half of any trees planted for screening purposes shall be coniferous to provide winter screening

Applicant: The coniferous trees include shore pine, western hemlock, Pacific yew and grand fir. (Exhibit 8)

There will be a total of 30 trees planted. 15 native and 15 recommended non-native (common to the area). All are coniferous. Applicant has been advised by Fred Small – Botanist for “Pacific Habitat Services” that smaller size trees/plants have a higher survival rate.

<u>Native Trees</u>	<u>Qty</u>	<u>Tall</u>
Grand Fir	5	5’ – 6’
Pacific Yew	5	2’
Western Hemlock	5	4’ – 5’
<u>Non -Native Trees</u>	<u>Qty</u>	<u>Tall</u>
Austrian Pines on HCRH	5	6’ – 8’
Shore or Austrian Pines	10	3’ – 5’

Staff: All trees to be planted for screening purposes will be coniferous. In addition to the 30 trees mentioned by the applicant above, one additional Western hemlock was added to the landscaping plan by staff which will be coniferous. Staff finds this standard is met.

10.0 SCENIC TRAVEL CORRIDOR

10.1 Per MCC 38.7035 (D)(1): All Review Uses and Conditional Uses within scenic travel corridors. For the purposes of implementing this section, the foreground of a Scenic Travel Corridor shall include those lands within one quarter mile of edge of pavement of the Historic Columbia River Highway and I 84.

Applicant: This property does adjoin the Historic Columbia River Highway.

Staff: The property is located within a Scenic Travel Corridor. The following regulations apply to the development.

10.2 MCC 38.7035 (D)(2): All new buildings and alternations to existing buildings, except in a GGRC, Shall be set back at least 100 feet from the edge of the pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to MCC 38.0065.

Applicant: The proposed residence is located within 100 feet from Scenic Travel Corridor due to size restraints. A variance is being proposed to be able to build in this area of the site.

Staff: The new building will be located within 100-feet of the edge of pavement of the Highway and therefore a variance has been requested by the applicant pursuant to **MCC 38.0065**. See finding 16.0 of this decision for a discussion on the variance standards.

11.0 CULTURAL RESOURCE CRITERIA

A reconnaissance level cultural investigation shall be performed as required by MCC 38.7045 (A). As stated in MCC 38.7045 (B), the cultural resource review criteria shall be considered satisfied if no cultural resources are known to exist in the project area, and no substantiated comment is received during the comment period provided in MCC 38.0530(B).

Applicant: A cultural reconnaissance survey has not been performed for this site. The slope along the river edge has already been stabilized per Willamette Engineering and Earth Sciences report dated March 25, 1998. (Exhibit 12)

Staff: Margaret Dryden, Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area has indicated that neither a cultural resource reconnaissance survey nor a historic survey is required for this project (Exhibit A11). Considering these submitted comments, Staff finds no cultural resources are known to exist in the area and that further review of the cultural resource criteria is not warranted. This standard has been satisfied.

12.0 WETLAND CRITERIA

MCC 38.7055(A) The wetland review criteria shall be deemed satisfied if:

(1) The project site is not identified as a wetland on the National Wetlands Inventory (U.S. Fish and Wildlife Service, 1987);

The project site is not identified as a wetland on the National Wetland Inventory. (<http://wetlandsfws.er.usgs.gov/imf/imfIdentifyBuffer.jsp>).

(2) The soils of the project site are not identified by the Soil Survey of Multnomah County, Oregon (U.S.D.A. Soil Conservation Service, 1983) as hydric soils;

(3) The project site is adjacent to the main stem of the Columbia River.

(4) The project site is not within a wetland buffer zone; and

(5) Wetlands are not identified on the project site during site review.

Applicant: The project site does not contain wetlands identified on the National Wetlands Inventory Maps. Field observations by applicant's consultant, Pacific Habitat Services Inc., indicate that there is no evidence of wetlands along the stretch of the river adjoining this property (Exhibit 12)

Staff: Pacific Habitat Services, Inc. has confirmed the National Wetlands Inventory (NWI) map did not map any wetlands within the project area and that the project area does not contain hydric

soils. The project is not adjacent to the Columbia River. Pacific Habitat Services ultimately determined the Wetland Review criteria had been satisfied due to a lack of wetland area evidence in the project area.

According to **Multnomah County Code 38.7055(A)(5)**, the project can not be located in a wetland buffer zone without satisfaction of the GMA Wetland Review Criteria. The Sandy River is mapped on the NWI maps as a Riverine wetland (R3UBH). Wetland buffer zones are determined in accordance with the predominant vegetative community of the site (**MCC 38.7055(G)(3)**). Because the dominant vegetative community on the site is Douglas Fir, as verified by a certified arborist in Exhibit A19, Staff finds the wetland buffer zone extends 75-feet from the Sandy River in accordance with **MCC 38.7055(G)(3)**. The applicant has moved the dwelling more than 75-feet from the Sandy River to comply with this buffer requirement. Staff finds development will not occur within a wetland or wetland buffer zone, the site soils are not hydric and therefore the wetland review criteria are deemed satisfied.

13.0 STREAM, LAKE AND RIPARIAN AREA CRITERIA

- 13.1 A stream, lake and riparian area review is required for a proposals within stream, pond and lake buffer zones as determined by MCC 38.7060. Uses not listed in MCC 38.7060(A) and (B) may be allowed in riparian areas when approved pursuant to MCC 38.7060(D) and reviewed under the applicable provisions of MCC 38.7035 through 38.7085.**

Applicant: The site is located within the buffer area for the Sandy River. The property's west boundary is proximate to, but not coincident with, the shoreline of the Sandy River. There is no wetland area located on the site. The proposed use is a single family residence, allowed by both the Multnomah County and City of Troutdale Codes. The riparian area will be minimally impacted by the residence.

Staff: The Sandy River is used by anadromous fish and therefore requires new structures to be located at least 100-feet from the ordinary high water-mark without the approval of a variance (**MCC 38.7060(E)(1)(a)**). The development will be located within the 100-foot riparian area buffer zone for the Sandy River and therefore requires a variance.

- 13.2 MCC 38.7060(E)(2): Except as otherwise allowed, 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: There are currently 23 trees on the site. 22 are Douglas Fir and 1 native cherry tree. Please refer to the Arborist Report (Exhibit 10, page 2) for detailed analysis. Applicant wanted to preserve as many trees as possible however, many are in poor condition. There are however, going to retain the 6 along the river bank. They include tree numbers 17, 18, 20, 21, 22 and 23. Please refer to Arborist Report (Exhibit 10, pg 2) for BDH of each tree. The range in height from 70 ft to 120 ft. Also, every effort is going to be made to save the native cherry tree in the SE corner. Its BDH is 9.5 in and it is approx. 25-30 ft in height. Please refer to Arborist Report (Exhibit 10 pg 2) for a detailed removal key.

Staff: A portion of the eastern 23.1 feet of the 100-foot riparian buffer will be disturbed by the new home. More specifically, 1,182 square feet of the buffer will be occupied by the home. The applicant has retained Pacific Habitat Services, Inc. who has prepared a native landscaping plan to rehabilitate and mitigate the riparian area buffer. A copy of the mitigation report and landscaping

plan are presented as Exhibit A16 and A15, respectively. All plantings within the Zones 1 – 4 (i.e. riparian buffer) will be native. Please see finding 9.7 for a detailed discussion on the types of species proposed. The species and locations of plantings are also listed on the landscaping plan in Exhibit A15. This standard is met.

13.3 MCC 38.7060 (D): 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:

Applicant: There are no wetlands located onsite.

Staff: The proposed use will not be located in a wetland. These additional standards do not apply.

13.4 MCC 38.7060 (D) (3) (a): Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources (Oregon Department of Fish and Wildlife, 2000)

Applicant: See Pacific Habitat Services, Inc. report dated February 20, 2006 for recommended construction time-lines. (Exhibit 12)

Staff: No in-water work is proposed. Pacific Habitat Services, Inc. evaluated potential harm to sensitive species on the site and found “wildlife usage appears to be limited by lack of suitable habitat for species other than fish, though occasional use by songbirds and other relatively mobile species is likely to occur along the river. No active nests or snags suitable for perching were observed on the property (Exhibit A16)” PHS also found the proposal was not likely to impact any of the bird, fish or plant species common to the area and consequently provided no recommended construction timing, although they have recommended landscaping be planted during the winter or early spring.

After reviewing the proposal, Devin Simmons with the Oregon Department of Fish and Wildlife indicated that his agency “does not expect that the project will pose a significant risk to the Sandy River or the natural resources associated with it... ODFW finds that the planting plan prepared by Pacific Habitat Services is adequate mitigation for this project (Exhibit A12).”

Because Mr. Simmons does not recommend a particular construction timeline for this project, Staff finds the construction of the dwelling can occur as soon as all necessary Multnomah County and City of Troutdale permits have been issued. This finding however, does not prohibit Construction time lines to be established by the City of Troutdale.

13.5 MCC 38.7060 (D) (3) (b): All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.

Applicant: The portion of the site from the river, east 70 feet will not be disturbed. None of the existing vegetation along this area is proposed to be removed. (Exhibit 13) The applicant is working with Clyde Keebaugh (Troutdale Parks and workshop) on obnoxious weed control sponsored by Multnomah County.

There are currently 23 trees on the site. 22 are Douglas Fir and 1 native cherry tree. Please refer to the Arborist Report (Exhibit 10, page 2) for detailed analysis. Applicant wanted to

preserve as many trees as possible however, many are in poor condition. There are however, going to retain the 6 along the river bank. They include tree numbers 17, 18, 20, 21, 22 and 23. Please refer to Arborist Report (Exhibit 10, pg 2) for BDH of each tree. The range in height from 70 ft to 120 ft. Also, every effort is going to be made to save the native cherry tree in the SE corner. Its BDH is 9.5 in and it is approx. 25-30 ft in height. Please refer to Arborist Report (Exhibit 10 pg 2) for a detailed removal key.

Staff: A Certified Arborist has evaluated the condition of the 23 existing site trees in an attempt to identify if any trees needed to be removed by disease. A copy of the arborist report is presented as Exhibit A19. The Certified Arborist, Rob Lloyd, ISA, states on page 1 of his report that “*due to the limbs being raised up on the trunks, there is no vegetative screening being offered to drivers or passerby from that would be lost with the proposed tree removals for the lot development.*” Page 4 of the Arborist report concludes “*As per the location of the house and configuration of the lot is difficult to build any sized structure on this property that would not remove the trees along its frontage. With the required setbacks and other overlay zones it appears as though a driveway and septic system will unavoidably remove the trees along the frontage of this property, regardless of the size of the home.*”

These two statements provided by the Certified Arborist confirm that reducing the size of the home would not save any more trees that could provide screening, which would be minimal at best. The arborist concludes on page 5 that “*many of the trees on this lot are in poor condition...I believe the existing tree cover has been retained as much as possible, and that trees proposed for removal are necessary for site development.*”

After considering where the home, garage, driveway and septic drain field will be located, the Arborist report concludes that out of the 23 evergreen trees on the property, only 8 should be retained (all mature Doug fir) which are all located along the back west side of the property between the proposed home and Sandy River minus one mature Doug fir located at the southeast corner of the proposed home. The Arborist found 15 trees should be removed due to their location in the development area and due to disease and existing tree damage. The applicant will also attempt to save a 9.5- inch diameter cherry tree at the southeast corner of the property even though it is in poor condition.

By retaining a Certified Arborist to determine which trees require removal, Staff finds the applicant has met this standard. The arborist has also confirmed the existing tree cover has been retained as much as possible and that changing the home size or design would not likely result in preservation of any more trees. Staff finds the existing tree cover will be retained to the maximum extent practical even though existing tree cover provides little in the way of screening. This standard is met.

13.6 MCC 38.7060 (D) (3) (c): Nonstructural controls and natural processes shall be used to the greatest extent possible:

Applicant: The applicant is proposing to plant about 344 native plantings to provide for screening and a natural habitat for animal species. It will also add additional stabilization to the slope zones. This will reduce slope erosion potentially due to the filtering ability of the vegetation.

Staff: Staff agrees with the applicant’s response above. The proposed mitigation plantings in Zones 2-4 will help stabilize the steepest portion of the site. This standard is met.

13.7 MCC 38.7060 (D) (3) (d): Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties:

Applicant: The site's utilities will be installed by the servicing utility or a utility contractor for power, phone and cable. No overhead utilities are being proposed. The septic system will be installed per the Multnomah County Land Feasibility Study #7-06, aka 06-105395-SE. There is an existing well onsite which is forcing the location of the septic system to be in the north east portion of the site.

Staff: No such amenities are proposed. This standard has been satisfied.

13.8 MCC 38.7060 (D) (3) (f) Temporary and permanent control measures should be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.

Staff: The applicant's original erosion control plan showed sediment fencing to the north of the home running along the same elevation of the home. Staff has amended this plan by extending the sediment fencing on the downhill side of the development to provide better on-site erosion protection. As noted on the amended erosion control plan, a continuous row of straw bales can be used in place of the sediment fencing if desired by the owner. In addition, Staff has noted on the erosion control plan that the existing gravel drive shall remain in place until after construction of the dwelling is completed to help keep mud from being tracked out onto the Highway.

This approval is also conditioned so that all trees to be preserved (#1, 4, 17, 18, 20, 21, 22, 23) shall be surrounded by fencing to avoid damage during construction. Staff finds that the staff amended erosion control plan in Exhibit A1, the landscape mitigation plan (Exhibit A15) and the condition of approval that protected trees be surrounded by fencing during construction assures that this standard will be met.

13.9 MCC 38.7060 (D) (4): Groundwater and surface-water quality will not be degraded by the proposed use:

Applicant: Groundwater and surface water quality will be protected during construction by silt fences required by the City of Troutdale.

Staff: Proper implementation of the staff amended erosion control plan in Exhibit A1 will adequately protect surface water quality during construction. Adverse impacts to groundwater are not anticipated from this residential development. This standard has been met.

13.10 MCC 38.7060 (D) (5) Those portions of a proposed use that are not water-dependent or have a practicable alternative will be located outside of stream, pond, and lake buffer zones.

Applicant: "Many alternatives were explored in order to construct a single family dwelling on this site. The applicant has considered alternatives, and has come to the conclusion that this layout best suites their needs and liking.

1. Home design. The home was designed to best fit the site. The home has been designed to be a one-level home. This is important to remain a one-level home to better meet the strict screening rules enforced by the National Scenic Area (NSA). This site lies within two Key Viewing Areas

(KVA) of the NSA. The home has to be screened from not only the Historic Columbia River Highway, but the Sandy River as well. A two-story structure would be nearly impossible to screen from the river which is approximately 30 feet below the proposed finish floor elevation. This one-level design is also being proposed for the handicap accessibility required for Mrs. Woodin in and around the house. With current ongoing health conditions, it is not possible for the applicant to get up stairs.

2. *Home size.* An extensive home size survey was completed on homes within a quarter-mile radius of the site (See report attached). This survey was conducted to help establish the size of the Woodin's residence. It was calculated that this home is within the average size of the homes of the area. The home must also contain wider hallways and wider doorway openings to allow wheelchair accessibility. Tree protection is a major factor in the sizing and design of the home. Trees 9,10,11,12,13, and 19 are all located on the north portion of the home. All of these trees are in poor condition with trunk injuries, and internal decay, except tree 9, as specified in the attached Arborist Report. Tree 9 has a high canopy and is more prone to wind failure with the removal of the poor conditioned trees which surround it. The home would not benefit the site to be redesigned or made smaller to save these trees due to the fact that the existing trees are in poor condition.

3. *Home placement.* The placement of the home is very important for many reasons. The NSA enforces a 100 foot buffer from the river and a 100 foot buffer from the highway. The site is so narrow that these buffers overlap on the north portion of the site and only allow a small triangular area of 1,182 square feet to be built upon. The size and shape of this allowable buildable area would make the site impossible to develop. The location of the existing well onsite also drives the location of a septic field. This septic field must be 100 feet away from the well. The only portion of land where the septic field could be constructed is in the Northeast corner of the site. The construction of this septic field forces the removal of tree 6. This tree is so large that the trunk system could not be retained while installing a septic field. ODOT has approved a conditional state highway approach permit based on the layout proposed. The location of this approved access forces the location of the driveway and garage. The driveway needs to provide enough room to allow ample room for a car to be able to turn around, as it is not safe to have a car back out on the highway. The size and location of this ODOT approved driveway makes it necessary to remove trees 2,3,5, and 8 located within the driveway and garage envelope."

Staff: The applicant is proposing locating the dwelling a maximum of 23.1-feet into the 100-foot wide stream buffer. The 1,182 square feet of proposed encroachment is a very small percentage of the overall stream buffer area covering the subject property (Exhibit A1). In fact, the southern side of the dwelling encroaches only 7-feet into the stream buffer zone. The applicant has attempted to locate the dwelling as far away from the Sandy River as is practical, although the applicant has claimed the above mentioned encroachment has been reduced as much as is practical considering the site limitations and other approval criteria that must be considered. The main reason encroachment into the stream buffer can not be further reduced is because enough room behind the home needs to be provided for the on-site septic disposal system, driveway and turnaround area which require the dwelling to be located in the proposed location.

For instance, the erosion control plan and the setback plan in Exhibit A1 illustrate how the dwelling can not be located significantly further to the east due to the location of the proposed primary and secondary septic drain field areas. No alternative area on the property appears large enough for the septic system with possible exception to the flat area to the south of the home yet this area is not an acceptable alternative location for the septic drain field due to the close

proximity to the existing well. The applicant has explained that the septic system must be located at least 100-feet from the existing well in order to provide safe drinking water to the property and therefore the septic system has been located behind the dwelling as far as possible from the drinking well and Sandy River.

The applicant also has proposed an alternative sand filter system to minimize the area required to dedicate for septic disposal. The smaller alternative sand filter drain field area proposed behind the home has allowed the home to be located as far outside the stream buffer zone as possible by locating the development closer to the highway.

Staff considered how a two story design of the same total square footage may reduce the structure's footprint. It was determined that this design change was not a practical alternative in this case because the owner has great difficulty climbing stairs due to hip issues and requires a one story home, as proposed for health reasons. The applicant has reduced the proposed dwelling size from 4,166 square feet to 3,343 square feet to further reduce the encroachment into the stream buffer zone. It should be noted that Pacific Habitat Services, Inc. has found the area of proposed encroachment to be degraded and not part of an intact wildlife area (Exhibit A16).

In addition, if the dwelling could be moved further from the stream buffer, the result would be further encroachment into the 100-foot Scenic Travel Corridor buffer which would directly conflict with the setback requirements of **MCC 38.7035 (D)(1)**. In conclusion, Staff finds that no practicable alternative exists for the applicant to locate the entire development outside of the stream buffer zone and that the amount of encroachment has been reduced to the minimum necessary through a reduction in the proposed home size. This standard has been met.

13.11 MCC 38.7060 (D) (6) The use complies with all applicable federal, state, and county laws.

Staff: The purpose of this review is to determine whether the proposal complies with the federal National Scenic Area regulations adopted into Multnomah County code. No comments were submitted during the comment period suggesting any other federal or state regulations apply to this residential development. Staff finds this standard has been met.

13.12 MCC 38.7060 (D) (7) Unavoidable impacts to aquatic and riparian areas will be offset through rehabilitation and enhancement.

Staff: As previously explained, the dwelling will encroach into the 100-foot riparian area a minimum of 7-feet on the south end and up to 23.1 feet on the north end. The applicant has reduced the size of the dwelling from 4,166 to 3,343 square feet in an effort to minimize the amount of encroachment proposed within the riparian area. Moving the home outside of the riparian area would require further encroachment into the scenic highway resource buffer which would conflict with **MCC 38.0065 (A) (2)**. This standard requires the proposed location, on balance, best achieve the protection of the affected resources.

Staff believes straddling the overlap boundary between the two resource buffers is the best course of action in an attempt to provide maximum protection (i.e. minimum encroachment) into both resources. In addition, by straddling the boundary as proposed, a portion of the dwelling will fall within the only portion of the property outside of both protection buffers. The applicant is proposing an extensive mitigation plan to rehabilitate any damage caused by this slight encroachment into the riparian area as required by this standard. A copy of the rehabilitation and enhancement plan prepared by Pacific Habitat Services is presented as Exhibit A16. The plan

involves 297 individual plantings of trees, shrubs and groundcover within the portions of the riparian area closest to the dwelling (i.e. area of impact). The mitigation plan uses 15 different planting species in an attempt to create a natural, native and diverse vegetative community between the new home and the Sandy River. Staff finds the proposed mitigation plan will offset the unavoidable impacts to the riparian area. This standard is met.

- 13.13 MCC 38.7060 (F) Rehabilitation and enhancement plans shall be prepared when a project applicant is required to rehabilitate or enhance a stream, pond, lake and/or buffer area and shall satisfy the following: (1) Rehabilitation and enhancement plans are the responsibility of the project applicant; they shall be prepared by qualified professionals, such as fish or wildlife biologists.**

Staff: The mitigation report and plan was prepared by John van Stavern, Amber Wierck and Fred Small of Pacific Habitat Services, Inc. All three authors of this study are professional biologists qualified to perform this type of study. Staff finds this standard is met.

- 13.14 MCC 38.7060 (F) (2) All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake, and/or buffer zone. The assessment shall include hydrology, flora, and fauna.**

Staff: The mitigation report breaks down the riparian buffer area into four different zones (Zones 1 – 4), providing an assessment of the existing condition, functionality and planting recommendations for each zone. It should be noted that the report also discusses Zone 5 plantings near the Highway. Zone 5 is not located in the riparian area buffer zone because it is located more than 100-feet from the Sandy River. The assessment contains information related to the site's hydrology, flora and fauna for the buffer zone. This requirement has been met.

- 13.15 MCC 38.7060 (F) (3) Plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals of at least 2 feet, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:**

(a) Soil and substrata conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake, and buffer zone.

Staff: The erosion control plan in Exhibit A1 satisfies these application requirements in combination with the on-site soil descriptions provided in the mitigation report (Exhibit A16). Staff finds the necessary information has been provided.

- 13.16 MCC 38.7060 (F) (3) (b) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.**

(c) Water-quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.

Staff: All of the above information has either been presented or discussed with the PHS mitigation report. This standard is satisfied.

- 13.17 MCC 38.7060 (F) (4) A 3-year monitoring, maintenance, and replacement program shall be included in all rehabilitation and enhancement plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.**

Staff: This approval is conditioned such that the owner needs to submit the above referenced annual report to the County's Land Use Planning department for the first three years after planting of the required landscaping in Exhibit A15. As conditioned, this standard is met.

- 13.18 MCC 38.7060 (F) (5) A statement indicating sufficient fiscal, administrative, and technical competence to successfully execute and monitor a rehabilitation and enhancement plan.**

Staff: The landowner has already purchased a great number of the required plantings and is quite anxious to start planting as soon as the approval is final. The landowner appears knowledgeable about the site's varying soil conditions and proper planting and landscaping maintenance techniques. The landowner has lived in the neighborhood for a number of years and therefore is familiar with how local vegetation responds to the harsh winter conditions including wind and ice near the mouth of the Columbia River Gorge. Staff finds it feasible that the landowner can manage the execution of the planting, monitoring and reporting steps necessary to meet these regulations. The landowner can hire help installing the larger plantings, if necessary. Staff finds this condition is met.

14.0 WILDLIFE CRITERIA

A wildlife habitat site review shall be required for any project within 1,000 feet of sensitive wildlife areas (MCC 38.7065).

Applicant: There has not been any sensitive wildlife species or sensitive wildlife sites located on the site. Pacific Habitat Services has prepared a report regarding the site. (Exhibit 12) The applicant is taking the extra precautions to plant native species onsite as located on the attached maps. The construction of the residence will be under the supervision of a certified Arborist to assure no existing vegetation will be damaged during construction.

Staff: Although the subject property is located within 1,000 feet from tributary fish habitat (Sandy River), Devin Simmons with the Oregon Department of Fish and Wildlife indicated his agency "does not expect that the project will pose a significant risk to the Sandy River or the natural resources associated with it... ODFW finds that the planting plan prepared by Pacific Habitat Services is adequate mitigation for this project (Exhibit A12)." Considering the response from ODFW, Staff finds the project will not compromise the integrity of the wildlife area and that the wildlife review is concluded in accordance with **MCC 38.7065(3)(b)**. Staff finds this standard is met.

15.0 RARE PLANT CRITERIA

A rare plant site review shall be required for any project within 1,000 feet of endemic plants and sensitive plant species (MCC 38.7070).

Staff: No known endemic or sensitive plants are mapped within 1,000 feet of the subject property. Staff finds the Rare Plant review criteria are satisfied.

16.0 GENERAL MANAGEMENT AREA BUFFER VARIANCE

Variances from setbacks and buffers within the General Management Area, except those required by MCC 38.7080, shall be classified and processed pursuant to MCC 38.7600, subject to the following approval criteria:

Staff: The applicant is applying for a variance to the 100-foot buffer from the Sandy River and the 100-foot buffer from the Scenic Highway Travel Corridor (i.e. Columbia River Highway). According to the applicant's setback plan, the home will be encroaching up to 23.1-feet (23% encroachment) into the river buffer and 42.0-feet (42%) into the travel corridor buffer.

Variances are broken down into two different types in **MCC 38.7605** – Major and Minor. A Major Variance is required for any encroachment exceeding 25% of the required setback, whereas a Minor Variance is one that requires less than 25% encroachment (**MCC 38.7605(A)&(B)**). This request will be processed as a major variance because more than 25% encroachment is required for one of the buffers.

MCC 38.7605(A)(1) indicates a Major Variance must be approved at a public hearing except when all owners of record within 100-feet of the subject property grant their consent to the variance. The applicant has obtained the necessary signatures and therefore the Major Variance can be reviewed administratively through this Type II staff report. A copy of the neighbor's signatures agreeing to the variance request is presented as Exhibit A20.

16.1 MCC 38.0065: When setbacks or buffers for the protection of scenic, cultural, natural, recreation, agricultural or forestry resources overlap or conflict, the setbacks or buffers may be varied upon a demonstration that:

Applicant: The applicant has provided signatures from all landowners within 100-feet of the subject property acknowledging the variance request. This authorization allows this request to be processed as part of a Type II review, exempting the need for the issue to be heard initially at a public hearing. (Exhibit 16)

Staff: The buffers from the Sandy River and the Scenic Travel Corridor do overlap on this small site as is illustrated on the applicant's setback plan in Exhibit A1. Staff finds the following standards apply.

16.2 MCC 38.0065 (A) (1): A setback or buffer specified to protect one resource would cause the proposed use to fall within a setback or buffer specified in the plan to protect another resource; and

Applicant: The property is 90 feet wide at the E. Columbia River Highway frontage and 150-300 feet deep to the Sandy River. The required buffers overlap only allows a buildable area of 948 square feet (See maps). The size and shape of this small triangle would not be buildable with current construction techniques.

Staff: The overlapping relationship described in this standard is obviously applicable to this project when reviewing the setback plan in Exhibit A1. Because the dwelling can not be located outside of both buffers, fully meeting one of the buffers would result in further encroachment into the other buffer zone. This standard is met.

16.3 MCC 38.0065 (A) (2): Variance from the specified setbacks or buffer would, on balance, best achieve the protection of the affected resources;

Applicant: The house has been placed on the lot to split the buffers as follows: approximately 2,572 square feet within the Historic Columbia River Highway buffer, and approximately 1,182 square feet within the Sandy River buffer. The proposal also keeps the residence away from the floodway and floodplain elevation of 41.5'. The site plan impacts the area along the Sandy River as little as possible and brings balance to the required setbacks. The house as seen from the Sandy River is less visible than as seen from the Historic Columbia River Highway. The applicant is planting native species of trees and shrubs in between the Sandy River and the proposed residence to further protect and enhance this buffer. The applicant is also proposing plantings between the Historic Columbia River Highway and the proposed residence.

Staff: The applicant has located the dwelling, septic drain field and driveway in a location that moves the dwelling away from the river while still having enough room to safely dispose of septic waste at least 100-feet from the well. The proposed location also and provides an auto turn around area in front of the garage which will allow cars to exit the property in a forward motion rather than having to back up on to the Highway.

The dwelling will encroach into the 100-foot riparian area approximately 7-feet on the south end and up to 23.1 feet on the north end. The applicant has reduced the size of the dwelling from 4,166 to 3,343 square feet in an effort to minimize the amount of encroachment proposed within the riparian area. Moving the home outside of the riparian area would require further encroachment into the scenic highway resource buffer which would violate the intent of this standard.

After spending a great deal of time considering different siting options, Staff believes straddling the overlap boundary between the two resource buffers as proposed is the best course of action in an attempt to provide maximum protection (i.e. minimum encroachment) of both resources. In addition, by straddling the area of buffer overlay, the middle portion of the dwelling on the south side will fall within the only portion of the property outside of both protection buffers. The dwelling will also be placed in line with the dwelling on the lot to the south and therefore will not look out of place while traveling down the Highway. For all of these reasons, Staff finds this standard has been met.

16.4 MCC 38.0065 (B): A setback or buffer specified for protection of scenic, cultural, natural, recreation, agricultural or forestry resources may be varied in order to allow a residence to be built on a parcel of land upon a demonstration that:

MCC 38.0065 (B) (1): The land use designation otherwise authorizes a residence on the tract;

Applicant: The site is zoned for NSA purposes as Gorge General Residential-2 (GGR-2) and by the City of Troutdale as Single Family Residential R-20. A single family residence is permitted under both designations, subject to review. Authorization of the variance will allow the construction of a residence, subject to all other code requirements. The lot was a legally created lot just as the other lots in the vicinity. The client has the right to construct a residence on this lot. Because of stricter laws and regulations, this proposal will have less of an impact than most of the

surrounding developed properties. The variance is for a setback line not a structural or physical improvement.

Staff: According to Review Uses listed in **MCC 38.3025(A)(1)**, the following uses may be allowed on lands designated Gorge General Residential (GGR) with an approved National Scenic Area permit: “One single-family dwelling per legally created parcel.” This standard is met.

16.5 MCC 38.0065 (B) (2): No site existing on the tract (all contiguous parcels under the same ownership) on which a residence could be placed practicably in full compliance with the setback or buffer;

Applicant: The landowner does not own any contiguous parcels. The depth of this site is only approximately 210' deep. The combined setbacks are 200'. Some of the site is less than 200 feet wide. In these areas nothing could be built which would take all of the land and deem it not buildable. A variance is the only way this property could be developed. It is not desirable to build a triangle dwelling. This is the size of the area left to build a dwelling with the buffers. It's obvious by the size of the leftover triangle, that this site would not be able to be built upon. Since most homes are already built within the required setbacks, these setbacks have little impact on lots. Only these vacant sites have required setbacks which can not be met. This site which has less than 200' (all of the required setback) can not be built on without some variance. Other properties may have 250 feet or a 50 foot envelop to build in. This site has basically none with only 10' in the middle of the property.

Staff: The landowner does not own any other contiguous undeveloped parcels. The owner does own and lives on a property across the Highway at 1938 East Historic Columbia River Highway which already contains a dwelling and therefore can not be used to site the proposed dwelling in addition to the existing dwelling according to the zoning regulations for that property which only allow one single family dwelling **MCC 38.3025(A)(1)**. As a result, the subject property described in this application is the only viable building option for the owner. Because no other development option exists outside the buffer zones, Staff finds this standard is met.

16.6 MCC 38.0065 (B) (3): The variance from the specified setback or buffer is the minimum necessary to allow the residence;

Applicant: “The home was designed to best fit the site and the applicants needs. The home has been designed to be a one-level home. This is important to remain a one-level home to better meet the strict screening rules enforced by the National Scenic Area (NSA). This site lies within two Key Viewing Areas (KVA) of the NSA. The home has to be screened from not only the Historic Columbia River Highway, but the Sandy River as well. A two-story structure would be nearly impossible to screen from the river which is approximately 30 feet below the proposed finish floor elevation.

This one-level home was designed for the handicap accessibility required for Mrs. Woodin. With current ongoing health conditions, it is not possible for the applicant to get up stairs. The home must contain wider hallways and wider doorway openings to allow wheelchair accessibility.

An extensive home size survey was completed on homes within a quarter-mile radius of the site (See report attached). This survey was conducted to help establish the size of the Woodin's residence. It was calculated that this home is within the average size of the surrounding homes.

Tree protection is a major factor in the sizing and design of the home. Trees 9,10,11,12,13, and 19 are all located within the north portion of the home. All of these trees are in poor condition with trunk injuries, and internal decay, except tree 9, as specified in the attached Arborist Report. Tree 9 has a high canopy and is more prone to wind failure with the removal of the poor conditioned trees which surround it. The site would not benefit to have the home be made smaller to save these trees due to the fact that these existing trees are in poor condition.

The placement of the home is very important for many reasons. The NSA enforces a 100 foot buffer from the river and a 100 foot buffer from the highway. The site is so narrow that these buffers overlap with a small triangular area of 1,352 square feet remaining. The size and shape of this buildable area would make the site impossible to develop.

The location of the existing well onsite forces the location of a septic field. The septic field must be 100 feet away from the well. The only portion of land where the septic field could be constructed is in the Northeast corner of the site. The construction of this septic field forces the removal of tree 6. This tree is so large that the trunk system could not be retained while installing a septic field.

ODOT has approved a conditional state highway approach permit based on the layout proposed. The location of this approved access forces the location of the driveway and garage. The driveway needs to provide ample room for a car to turn around. It is not safe to have a car back out on the highway. The size and location of this ODOT approved driveway makes it necessary to remove trees 2,3,5, and 8 located within the driveway and garage envelope.

The applicant has decreased the living space from 2,501 square feet to only 2,022 square feet. The applicant has eliminated the utility room and placed the washer and dryer in the bathroom hallway. The kitchen, family room and master bedroom were all made smaller. This was done to allow for the front porch and small west patio to remain covered. This ensures the architectural design of the home remains the same. The south covered patio has been greatly reduced in size. The applicant has also decreased most of the window sizes on the west side of the home.

The garage will remain the same size to be able to provide parking for all the applicants vehicles, and provide for their required storage. The Woodins need to park all of their vehicles in this garage. The code is very specific on the home having low reflective glass and having colors that blend with the natural colors of the landscape. The county would not want to see the applicant's bright white car with reflective windows setting in the driveway for passerby's to see. The applicants do not own a car that will meet the County's required color and required low reflective glass.

This code section says nothing about making the home smaller in size. The code says the variance from the specified setback or buffer is the minimum necessary to allow "the residence". There is no code section that says a home has to be smaller than the neighboring homes to make less of an impact on the buffer. The Multnomah County section 11.15.0010 does not define "the residence". We have to assume that "the residence" is referring to the "proposed residence".

This site also has to meet the City of Troutdale's code to protect the buffer from the river. The buffer is the same 100' setback from the river that the county has in effect. This "vegetation and slope corridor" has an area of 15,353 square feet. The City of Troutdale allows a maximum of 30% of the buffer to be used for development. This proposed residence makes a disturbance of less than 10% of the 100' buffer. The County does not regulate a percentage of the buffer that can

be used for development. We have to assume the City of Troutdale's code is stricter and we are complying with the City of Troutdale's code.

As shown above, it is clear to see that the proposed house makes a minimal impact on the buffers. A smaller home would not impact the buffer areas any less due to the required utilities and required driveway. The trees to be removed would have to be removed no matter what size the home. The applicant has clearly shown in the home size survey that the home is within the allowable size."

Staff: This standard requires that Staff conduct a size analysis much like that which was conducted for the "general scale" of development size standard within finding 9.2 of this decision. This size analysis must be conducted in a slightly different way because the standard is attempting to achieve a different result. For instance, the "general scale" analysis in finding 9.2 is attempting to determine whether or not the new home will present more visible mass as compared to other homes in the area. Under that analysis, a two story home would present two times the visible mass as a one story home of the same footprint because the second story would be more visible.

The standard at hand requires the variance from the specified setback or buffer to be *the minimum necessary to allow the residence*. In this case, the dwelling footprint encroaches into two different buffers. In order to meet this standard, the applicant needs to demonstrate the amount of proposed encroachment has been reduced to the minimum necessary to construct the home. Staff evaluated the size of other one story residential development in the area in order to determine if the proposed one story home was generally compatible with the size of other similar style development. The thought being that if other landowners have successfully constructed smaller one story dwellings, then the applicant should also be able to find a way to do the same. For this analysis, homes with basements were not considered since the proposed home does not have a basement. All attached and detached residential accessory structures were considered in the analysis. Farm buildings were not added to the square footage total. The results of the size analysis will be discussed later in this finding.

The applicant's narrative mentions that a two story design was considered as an alternative but that the one story design better meets the intent of this standard. A two story design of the same overall square footage but with a smaller footprint would help reduce the amount of encroachment required into both setbacks better meeting this standard. The applicant has not submitted a two story design that could be considered in any detail during this review and therefore Staff does not have the ability to approve a two story design. Staff understands from conversations with the owner that she has difficulty climbing stairs and that a two story design would create an unnecessary hardship especially in the future when wheel chair access may be required. Staff continued review of this standard for a one story design to accommodate the applicant's needs.

Comments from Richard Till, Land Use Law Clerk at the Friends of the Columbia River Gorge indicated concern in his comment letter that *"given the parcels proximity to numerous KVA and the total square footage of the proposed development, the proposed dwelling has the potential to result in substantial adverse impacts to scenic resources. As such the proposed square footage is too larger and should be reduced"* (Exhibit A10). Jessica Metta, Columbia River Gorge Commission planner also voiced concern that the County should carefully consider the house siting and design because of the small parcel size encumbered by the 100 foot setback buffers (Exhibit A9). The applicant originally proposed a 4,166 square foot dwelling which was reviewed by Mr. Till and Ms. Metta. The applicant decided to reduce the size of the proposed dwelling to 3,343 square feet in an attempt to meet this strict standard.

The results of Table 1 below show the proposed residential footprint of 3,343 square feet is 550 square feet larger than the average one story residential footprint in the area. The data in Table 1 below show that the proposed dwelling is larger than 6 out of the 9 other one story homes in the area.

Prop. ID #	Residential Footprint (SF)
R287104	2470
R287089	1368
R322408	2672
R322478	4150
R322479	3610
R287125	1984
R287117	2659
R287118	2240
R322409	3976
Average	2,792.1
Maximum	4,150.0
Proposed Home	3,343

Table 1. Size of nearby one story residential development.

Staff believes that although the dwelling footprint could be further reduced in design to accommodate a two car, rather than a three car design for example, that the proposed dwelling's footprint is within the general range of other residential footprints in the area. The applicant is requesting a larger footprint than the average in the area which the applicant claims is justifiable to accommodate future wheelchair access (i.e. wider hallways and bathrooms, etc.) within the home. Staff finds it reasonable that the living area may need to be slightly larger to accommodate these needs.

Staff finds the proposed dwelling including attached garage, covered patios and covered porches has been reduced in size from the previously proposed 4,166 square feet in order to meet this standard, and has been positioned to utilize the only portion of the site free of both buffer zones in an attempt to further minimize proposed encroachment. Staff finds the proposed dwelling meets this standard because it is within the range of other one story homes in the area. It should be mentioned simply for perspective that Mr. Simmons with the Oregon Department of Fish and Wildlife indicated that his agency did not expect the project will pose a significant risk to the Sandy River or the natural resources associated with it. Mr. Simmons also concurred that the landscaping plan prepared by Pacific Habitat Services is adequate for site mitigation (Exhibit A12). Staff believes this standard has been met.

Staff would also like to respond to the applicant's narrative statement regarding the parking of a highly reflective white car outside of a garage in view of passing cars. The National Scenic Area code does not regulate the color or reflectivity of automobiles. The fact that the applicant's own a white car is not relevant to this standard.

CONCLUSIONS

Based on the findings and other information provided above, the applicant has carried the burden necessary for this National Scenic Area Site Review. The applicant's request to construct a dwelling on the subject parcel is approved subject to the conditions of approval established in this decision.

EXHIBITS

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

EXHIBIT	PAGES	CONTENT
Exhibit A1	5	Development plans (setback plan, topographic survey, erosion control plan/tree preservation plan, floor area plan).
Exhibit A2	1	Structural elevations of the proposed home
Exhibit A3	1	Site photo taken 11/7/06 of the Sandy River at high flow
Exhibit A4	1	Site photo taken 11/7/06 to illustrate height of fir limbs
Exhibit A5	1	Existing landscaping plan
Exhibit A6	1	September 25, 2006 comment letter from Dennis Griffin, Ph.D, RPA – State Historic Preservation Office
Exhibit A7	1	September 13, 2006 comment letter from Elizabeth McCallum – City of Troutdale
Exhibit A8	1	September 8, 2006 comment email from Pam and Doug Briggs – Neighbors at 1493 East Historic Columbia River Highway
Exhibit A9	1	September 7, 2006 comment letter from Jessica Metta, Planner – Columbia River Gorge Commission
Exhibit A10	8	September 7, 2006 comment letter from Richard Till, Land Use Law Clerk – Friends of the Columbia River Gorge
Exhibit A11	2	April 20, 2006 comment letter from Margaret Dryden, Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area – U.S. Forest Service
Exhibit A12	1	August 29, 2006 comment letter from Devin Simmons, Habitat Biologist – Oregon Department of Fish and Wildlife
Exhibit A13	1	February 6, 2006 Conditionally approved Oregon Department of Transportation state highway approach (i.e. driveway) permit
Exhibit A14	24	Comparable home size analysis data
Exhibit A15	1	Staff amended landscaping plan
Exhibit A16	25	February 20, 2006 Proposed habitat rehabilitation and enhancement plan – Pacific Habitat Services, Inc.
Exhibit A17	3	Exterior lighting plan and lighting details
Exhibit A18	1	Visual perspective plan
Exhibit A19	15	January 9, 2006 Arborist Report – Rob Lloyd, ISA (Certified Arborist)
Exhibit A20	17	Variance request signatures and ownership records
Exhibit A21	1	Property vicinity map
Exhibit A22	2	Septic Signoff Forms