



**MULTNOMAH COUNTY OREGON**  
**LAND USE AND TRANSPORTATION PROGRAM**  
1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233  
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[http://www.co.multnomah.or.us/dbcs/LUT/land\\_use](http://www.co.multnomah.or.us/dbcs/LUT/land_use)

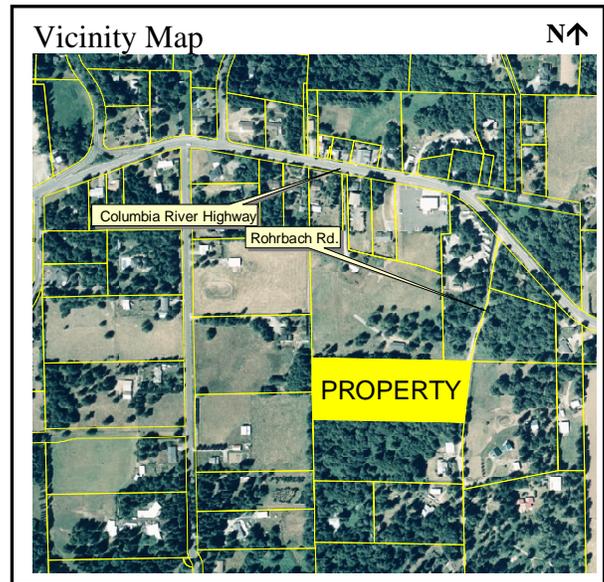
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## NOTICE OF DECISION

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

**Case File:** T2-06-058  
**Permit:** National Scenic Area Site Review  
**Location:** 931 NE Rohrbach Rd  
R944350870  
1N4E35BD - TL300  
**Applicant/  
Owner:** Christopher Holden  
PO Box 412  
Corbett, OR 97019



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**Summary:** The applicant has requested replacement of the existing dwelling with a new single family dwelling on the subject property.

**Decision:** Approved with conditions.

Unless appealed, this decision is effective **November 1, 2006 at 4:30 PM.**

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Issued by:

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

For: Karen Schilling - Planning Director

Date: October 18, 2006

Instrument Number for Recording Purposes: 00120525

**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 November 1, 2006 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, Site Review **38.7000 - 38.7090**.

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.co.multnomah.or.us/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 a copy of the Notice of Decision cover sheet and conditions of approval (pages 1-3) 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 of external building material proposed, or the actual building materials proposed without land use authorization (**MCC 38.7035(B)(9)**).
4. The property owner shall complete installation of the Landscape plan, presented as Exhibit A1, during the first September 1 – March 15<sup>th</sup> timeframe after the National Scenic Area approval is granted (**MCC 38.7035(A)(4)**).
5. The property owner(s), and their successor(s) in interest are responsible for the proper maintenance and survival of the required plantings, and replacement of such vegetation that does not survive (**MCC 38.7035(B)(17)(d)**).

**Note**

Once this decision becomes final, applications for building permits may be made with the City of Gresham. 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 Gresham. Please bring four plan sets and four copies of the land use decision cover page and conditions of approval to the building permit plan signoff along with a \$77 erosion control inspection fee and \$53 building permit review fee.

**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 proposing replacement of the existing 1,140 square foot residence and 576 square foot garage with a two story dwelling, daylight basement and attached garage in the same general location on the subject property as the existing home. A new septic drain field will also be constructed as part of this project to serve the new home. The existing driveway will be extended approximately 70 feet to reach the new dwelling site which is located towards the southern property line in the eastern third of the property (Exhibit A1). The new home is proposed to the immediate west of the existing home in a cleared portion of the property. The applicant has proposed planting nine, four to five foot tall Douglas fir trees at the northeastern corner of the property to help bridge a small gap in the heavily forested property. A copy of the site development plan is presented as Exhibit A1.

### **2.0 VICINITY AND PROPERTY DESCRIPTION**

**Staff:** The 5.22 acre rectangular subject property is located off Rohrbach Road in the Corbett community within the Columbia River Gorge National Scenic Area (Exhibit A2). The building site is located 900-feet southwest of the intersection between the Historic Columbia River Highway and Rohrbach Road. The vast majority of the subject property is heavily forested with a mix of mature coniferous and deciduous trees as is evident from a 2004 aerial photo of the property (Exhibit A3) and the applicant’s site plan (Exhibit A1) and photos of the property (Exhibit A4). Property access is at the northeast corner from Rohrbach Road which passes through the eastern edge of the subject property to serve other lots to the south.

Other properties in the neighborhood are of comparable size with some larger and some smaller and most developed with a single family dwelling. The subject property is more heavily forested than other properties in the area, especially as compared with the cleared properties to the north and west.

Topographic contours of the area suggest the subject property is located near the head of a broadly sloping gully, although signs of a well established drainage course are not evident on the subject property or across the cleared property on the downhill (southwest) side. Slopes through the proposed home site range between 18.9% and 20.6% with estimated slopes ranging from 10% to 15% in the proposed septic drainfield area.

### **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.”* This replacement 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).**

**Staff:** Staff is not aware of any outstanding compliance issues on the subject property related to the property itself or any associated structures. County permit records demonstrate the existing home to be replaced was permitted in 1981, with an addition to that home approved in 1983. The existing outbuilding located towards the northern lot line was permitted by permit #772173 although the exact date of permitting is not identified on the building permit card. Staff finds this property is eligible for this land use review.

### **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 Christopher Holden as the owner of the subject parcel. Signatures provided on the General Application Form by Christopher Holden (applicant) provide 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. The relevant comments will be addressed within the appropriate approval criterion outlined in this report.

- Margaret L. Dryden, Heritage Program Manager, for Columbia River Gorge NSA (Exhibit A5).
- Richard Till, Land Use Law Clerk, Friends of the Columbia River Gorge (Exhibit A6)
- Alison Winter, Multnomah County Transportation Planning Specialist (Exhibit A7).
- Sandra and Roger Wallis, Neighbors at 1025 NE 365<sup>th</sup> Avenue (Exhibit A8).

Ms. Dryden indicated in her comment letter that after reviewing the proposal she has determined that a Cultural Resource Reconnaissance Survey is not required and that a Historic Survey is not required. A copy of Ms. Dryden's comment letter is presented as Exhibit A5.

Mr. Till outlined the relevant County codes that apply to this proposal and indicated that based on the circulated application materials, that it is not clear whether the proposal meets all the applicable approval criteria (Exhibit A6). The County mailed the Friends of the Columbia River Gorge the same Opportunity to Comment packet as was mailed to other agencies and neighbors. This packet contained basic project orientation information and indicated the entire case file would be available for inspection at the County's Land Use planning office at no cost. Staff is not aware whether or not Mr. Till decided to review the case file to fully understand the proposal details.

Ms. Winter indicated that "*Transportation does not have any comments on the proposed replacement dwelling.*" A copy of Ms. Winter's comment letter is presented as Exhibit A7.

Sandra and Roger Wallis (neighbors) indicated that they would like to receive notice of the County's final decision on this case because they believe this decision may have bearing on how large a residential addition that they themselves may be able to construct in the future. The comment letter indicates that during a recent land use review for their proposed addition, the dwelling at 710 NE 365<sup>th</sup> was not used for their own size comparison analysis because it was missed and that this dwelling may have allowed them to construct a larger addition. A copy of the Wallis's comment letter is presented as Exhibit A8.

## **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**

**(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.**

*Applicant: The proposed structure meets the requirement for Minimum Yard Dimensions. See "Site Plan Revision 1". The maximum structure height is 34'7". (See "Elevation Drawing Revision 1"). The Front Lot Line Length is 301' in length. (See "Site Plan Revision 1"). I have labeled the lowest finished grade on each of the elevations so that it is clear the tallest roofline will be less than 35' above the point of lowest finished grade adjacent to any exterior wall as defined in the "Height of Building" definition (MCC 38.0015). The chimney exceeds the height requirement and is more than 30 feet from any property line.*

**Staff:** The new dwelling will be located approximately 45-feet from the southern boundary and hundreds of feet from all other boundaries (Exhibit A1). The new dwelling will be less than 35-feet tall, with exception to the chimney which is allowed to exceed 35-feet because it is located more than 30-feet from the closest property line (MCC 38.3060(E)). This standard is met.

## **8.0 ACCESS**

**Any lot in this district shall have 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: A gravel drive way exists on the subject parcel. An approximate 70' extension of existing driveway to proposed structure has been approved by the Fire Chief of Rural Fire Protection District #14. (See "Site Plan Revision 1" and "Fire District Access Review Form")*

**Staff:** No changes to the access point at Rohrbach Road are proposed. The driveway's entrance to the site will remain unchanged with the terminus being extended 70-feet to the west to reach the proposed attached garage. Alison Winter, Multnomah County Transportation Planning Specialist, did not indicate any access concerns in her comment letter on this proposal (Exhibit A7). Because the fire department has reviewed and approved the proposed access, Staff finds this access standard is met. A copy of the fire department's access signoff is presented as Exhibit A9.

## **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):**

**§ 38.7035(A) (1) New buildings and roads shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.**

*Applicant: The proposed structure was sited as close to the existing mobile home as possible to keep the development area to a minimum and minimizing grading activities. All grading activities will be kept to a minimum and will not exceed what is required for the proposed development. Fill material produced by cut activities will be placed around the proposed structure with the intent of blending in to the existing topography. (See "Grading Plane", "Site Plan Revision 1", and "Elevations Drawings Revision 1").*

**Staff:** The applicant is proposing construction of a new dwelling and attached garage to the immediate west of the existing home site. No new roads are proposed, although the existing driveway will be extended roughly 70 feet to the southwest to reach the proposed garage.

Topographic contours of the area suggest the subject property is located near the head of a broad gently sloping gully, although signs of an established drainage course are not evident on the subject property or across the cleared property on the downhill (southwest) side. Slopes through the proposed home site slope between 18.9% and 20.6% with estimated slopes ranging from 10% to 15% in the proposed septic drainfield area. These slopes around the proposed home site are consistent with the slopes around the existing home site because the two areas are on the same portion of the property (Exhibit A10).

Slopes to the southeast are steeper than slopes in the proposed development area whereas slopes in the western half of the property are shallower than those in the development area. Relocating the dwelling site to the western half of the property in an effort to reduce the amount of grading would not be practicable because this would involve significant lengthening of the access drive which would conflict with the intent of this standard. In addition, the western portion of the property is

heavily forested which the applicant is attempting to retain for screening, as directed by **Multnomah County Code 38.7035 (B)(8)**. Staff finds the proposed buildings and driveway extension *has been sited* adjacent to the existing development on the site on a moderate slope which minimizes grading as compared to other locations on the site.

The driveway extension *design* meets this standard because of its short (70-foot long) length and narrow 12-foot wide width. The driveway will extend through the existing dwelling site, after the dwelling is removed, placing it on reasonably flat ground. Staff finds the driveway extension has been designed to minimize grading.

A daylight basement has been incorporated into the home design to reduce the above ground visibility of the home, as viewed from the closest Key Viewing Area to the north. The basement daylight is to the southwest away from the closest Key Viewing Area. Obviously, the construction of a basement on moderately sloping ground requires grading in the form of cutting, filling and excavation, which has been estimated by the applicant to total no more than 650 cubic yards. This volume estimate was provided in the associated Grading and Erosion Control permit T1-06-058 which is being reviewed concurrent with this National Scenic Area review.

A grading plan showing the locations of all cuts and fills is presented as Exhibit A10. Staff finds this amount of grading is reasonable for the construction of a dwelling with basement on slopes averaging 19.6%. Although the amount of grading could theoretically be reduced slightly by constructing on the shallower slopes in the western half of the site, additional grading through a heavily forested corridor would be required to access this portion of the site which conflicts with the tree preservation standards of **MCC 38.7035 (B)(8)**.

In summary, staff finds the applicant's proposal has been designed to meet this standard.

- 9.2 § 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 proposed building is a two-story Single Family Residence with a daylight basement and attached garage. The total square footage of "usable space" in the proposed building is 4,749 sq. ft. The main floor is 1126 sq. ft., the second floor is 1271 sq. ft., the basement is 1126 sq. ft., the garage is 462 sq. ft., and the covered porch is 764 sq. ft. The height of the proposed building is 34' 7" from the lowest grade to the highest roofline (see "Elevation Drawings – Revision 1").*

*The ¼-mile standard was used to generate the list below of similar nearby buildings for this size comparison analysis. This list represents the entire range of similar buildings within this area. Only properties listed as Single Family Residence (SFR) were included in this list. Commercial Property, Manufactured Homes, and undeveloped properties are not included in this list. There are 28 SFR's within a ¼-mile of the subject parcel.*

*The total square footage of "usable space" calculated for the proposed building and each similar building listed below includes basements, covered porches, and covered decks. The data on square footage of these properties was obtained from [www.portlandmaps.com](http://www.portlandmaps.com)'s "assessment" page for each property.*

*One property has a structure larger in total square footage than my proposed structure. The proposed structure would not be the largest dwelling within the 1/4- mile of the subject parcel and falls within the range of structures listed below.*

<b>Dwelling #</b>	<b>Site Address</b>	<b>Enclosed and covered square footage</b>	<b>Structure Description for the three largest homes</b>
1	710 NE 365th Ave	5110	<i>One story with basement and attached garage</i>
2	36610 E Columbia River Hwy	4160	<i>Two story with attached garage</i>
3	1010 NE 365th Ave	4071	<i>Two story with attached garage</i>
4	739 NE 365th Ave	3597	
5	1048 NE 365th Ave	3496	
6	36723 E Columbia River Hwy	3324	
7	603 NE ROHRBACH RD	3279	
8	37246 E HIST COLUMBIA RIVER HWY	3149	
9	1021 365th Ave	3084	
10	1025 NE 365th Ave	3070	
11	36830 E Columbia River Hwy	2996	
12	700 NE ROHRBACH RD	2968	
13	36731 E Columbia River Hwy	2892	
14	1040 365th Ave	2877	
29	1000 NE ROHRBACH RD	2800	
15	630 NE 365th Ave	2656	
16	36620 E Columbia River Hwy	2608	
17	36817 E Columbia River Hwy	2576	
18	645 NE ROHRBACH RD	2420	
19	522 NE 365th Ave	2389	
20	820 365th Ave	2008	
21	37257 E Columbia River Hwy	1993	
22	720 NE ROHRBACH RD	1691	
23	430 NE 365th Ave	1604	
24	E HIST COLUMBIA RIVER HWY	1408	
25	1430 NE Meyers Lane	1404	
26	36720 E Columbia River Hwy	1232	
27	37100 E Columbia River Hwy	1148	
28	31700 E Columbia River Hwy	720	

*The size of the proposed building is larger than most of the buildings within 1/4-mile from the subject parcel. However, the decision on Case File T2-05-095 (attached) referred to Case File T2-*

*04-007 stating the Hearings Officer found that the likely interpretation of this standard requires that the analysis of nearby development include “the entire range [of sizes of nearby development,] and require that the development not fall below or above the range” (T2-04-007 at 21-22). The size of my proposed building is within the range of buildings using the ¼-mile standard.*

*Although the proposed building is large when compared to the majority of similar structures nearby, it would not be the largest building in the area. In regards to regulation of large development under the MCC 38.7035 (A) (2) standard, it was argued in the decision on Case File T2-05-095 (attached) by the Appellants Representative “that the standard was meant to provide guidelines for future development in the Gorge NSA, rather than to prohibit development”. The Hearings Officer later agreed “that given the imprecise requirement that height and size be ‘generally consistent’ with nearby development, the provision is probably not intended to altogether rule out any larger development than that found within 1/4-mile of the subject property.” The proposed development in Case File T2-05-095 would have been 20% larger than the largest building in the nearby area and the application was denied. My proposed building would be less than the largest building within a ¼ mile of the subject parcel.*

*Given my proposed building would not be the largest structure within the ¼-mile standard and falls inside the entire range of buildings listed I believe it complies with the aforementioned Hearings Officer’s interpretations of the guideline for development in this area under MC 38.7035 (A) (2).*

**Staff:** Staff agrees with the applicant’s size analysis presented above. As indicated by the applicant, the total square footage of visible mass in the proposed building is 4,749 square feet including the 1126 SF main floor, the 1271 SF second floor, the 1126 SF basement, 462 SF garage and the is 764 SF covered porch. The applicant uses the term ‘usable space’ in the above narrative response to represent all enclosed and covered portions of the dwelling that are either above grade or daylight as in the basement. Staff will use the term ‘visible mass’ for this analysis which represents the same thing. This standard requires the general scale (height, dimensions and visible mass) of the proposed dwelling to be compatible with similar buildings (i.e. dwellings) that exist within ¼ mile.

The applicant was most concerned with reducing the visible mass of the home as viewed from the northeast where the Historic Columbia River Highway, a Key Viewing Area, passes closest to the property. The highway continues past the property to the north and northwest, but at a farther distance. The applicant has oriented the home so that the basement will not be visible from the northeast and will only partially day light to the southwest and northwest. Because the dwelling is not topographically screened from the northwest – the basement square footage has been added to the total visible mass of usable space. The proposed building elevations in Exhibit A11 show the orientation of the proposed home.

The applicant has submitted property assessment data for a property within a ¼ mile demonstrating the usable space of the dwelling at 710 NE 365<sup>th</sup> Avenue is 5,110 square feet which is larger than the 4,749 square foot dwelling proposed. The Multnomah County assessment data demonstrating the dwelling contains 5,110 square feet of enclosed space is presented as Exhibit A12. Photos of the dwelling at 710 NE 365<sup>th</sup> Avenue are presented as Exhibit A13. This dwelling is an appropriate comparable to the applicant’s home because it also contains a basement and basement garage and is located less than 1,000 feet to the southwest of the proposed home.

In fact, the area assessed as the basement and basement garage for the comparable home at 710 NE 365<sup>th</sup> Avenue are located at or just below grade level rather than buried below the ground which makes the “basement” quite visible which gives the home a two story appearance. When comparing the photos of the existing 5,110 square foot dwelling (Exhibit A13) to the proposed elevation drawings of the applicant’s 4,749 square foot dwelling (Exhibit A11), it is apparent that more of the applicant’s dwelling will be buried below ground and therefore will present less visible bulk as compared to the largest home in the area. This dwelling received final building permit approval on November 4<sup>th</sup>, 1981 according to Multnomah County building permit card records (710 NE 365<sup>th</sup> Avenue referred to as Tax Lot 70 in 1981).

The applicant has also provided addresses of other two story homes in the area which demonstrate the applicant’s two story home will not be unique in design. Staff agrees with the applicant’s assertion that although the home is larger than the average size of other homes in the area, it will be smaller than the largest home in the area. A Multnomah County Hearing’s Officer has addressed this issue in case T2-04-007 where it was indicated that in order for a proposal to be generally consistent with the size of nearby development, the proposed development should not fall below or above the range of other similar structures in the area. This interpretation was referenced in a more recent decision (T2-05-095) where a Hearing’s officer concurred with the size analysis reasoning outlined in case T2-04-007 and consequently denied a proposal that was larger than the range of other identified structures in the area.

The proposed home does not fall above the range of existing nearby similar development and in fact is 361 square feet smaller than one other single family dwelling in the area. In conclusion, because the proposed home’s visible mass falls within the size range of other homes within ¼ mile of the subject property, Staff finds the proposed home is compatible with the general scale of other like type development within the area. Staff finds this standard is met.

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

*Applicant: There will be no new vehicular access points created to the Scenic Travel Corridor.*

**Staff:** No new vehicular access point to a Scenic Travel Corridor is proposed. This standard is met.

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

*Applicant: Should any vegetative screening be required, this requirement can be stipulated as a condition of approval. Vegetative screening exists between the KVA and the proposed structure much of which exists on the subject parcel and will not be removed. (See “Photos Showing Site Not Visible from KVA”).*

**Staff:** The property owner is listed as the responsible party for the maintenance and survival of the required plantings required to meet this conditions of approval. The nature of the required plantings is discussed in finding 9.7 (MCC 38.7035(B)(1)) & 9.19 (MCC 38.7035(B)(17)) of this decision. Staff finds this standard is met through the condition of approval.

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

*Applicant: (See "Site Plan Revision 1")*

**Staff:** The property is located within the Rural Residential landscape setting. Compatibility with the landscape setting criteria is evaluated later in this decision, using site plans, site photos and narrative statements submitted by the applicant.

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

*Applicant: Although there is no clear line of site unscreened by vegetation or buildings between any KVA the proposed use (See "Photos Showing Site Not Visible"), it appears the proposed use may be "topographically visible" from the HCRH. The term "topographically visible" is understood to mean the site would be visible if all vegetation and buildings were removed.*

**Staff:** The proposed home will be topographically visible as viewed from the Historic Columbia River Highway passing by the property from the northeast, north and northwest. This is the only Key Viewing Area from which the property is visible according to the County's KVA visibility maps used by the department's ArcView GIS system.

The development, will not however, be able to be seen from any KVA due to existing vegetative screening on the property and on other properties to the northeast, north and northwest. The following standards apply to this proposal.

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

*Applicant: Relative visibility from the HCRH: Not visually dominant. Although the proposed structure appears to be topographically visible, it is highly unlikely the property will be seen from any KVA. See "Photos Showing Site Not Visible". Several photographs were taken from points along the HCRH in the direction of the property. Additionally there were photos taken from the proposed site in the direction of the HCRH. In both sets of photographs there is no evidence a clear line of sight exists between the location of the proposed structure and the HCRH.*

*The amount of area of the building site exposed to the KVA as seen by the human eye is none. The amount of area of the building site appearing to be "topographically visible" to the KVA is difficult to measure. There is a high degree of existing vegetative screening much of which lies on the subject parcel. It is highly unlikely any of the proposed building site would be exposed to the HCRH.*

*The shortest distance from the building site to the HCRH is 850 feet and is heavily screened with vegetation in this direction. See "Aerial Photograph"*

*The HCRH is the only KVA the proposed structure appears to be topographically visible from.*

*The linear distance along the HCRH from which the building site may be "topographically" visible is difficult to measure. It appears there may be intermittent areas over a 1-mile length beginning at East end of the Corbett Grade School Grounds to the West intersection of Benfield Loop and the HCRH.*

*The proposed structure will be set back further into the property in an area having more vegetative screening than that of the existing mobile home. Additionally the proposed structure would be oriented such that the front of the structure having the least visible mass would be facing the direction closest to the HCRH. The other larger faces of the structure would be oriented in the direction of the property having the most vegetative screening and furthest away from the HRCH. The proposed development would improve on the existing development lessening the visual impact and increasing visual subordination. Although it is highly unlikely the proposed development would be viewed from the KVA, every effort has been made to ensure it is visually subordinate to its setting as it may be seen from the KVA....*

*The color of the home was chosen to match the color present in the landscape near the proposed site. The main color for the home will be matched to the color defined in row B column 6 from the color chart on page 18 and 19 of the "Scenic Resources Implementation Handbook", The trim for the home will be matched to the color defined in row B column 15. Exterior building materials will be Hardi Plank for the siding and pressure treated lumber for the porch. Exterior lighting is detail by the attachment "Kirkam Outdoor Light" and located per "Elevations Drawings Revision 1". Landscaping details include the proposed planting of several Fir trees (4-5 feet tall) on the North East corner of the property (See "Site Plan Revision 1") and the "Fill" area around the home (See "Site Plan Revision 1")...The chimney will be framed in and have the same siding and color as the rest of the building. The decking will be pressure treated wood product brown in color. The railings will be of the same material and color as the decking.*

*We have changed our selection of windows form White Vinyl to Brown Vinyl.*

*I was told by the excavator no trees would have to be removed. He said there is plenty of room between the trees (for the septic drainfield).*

**Staff:** Staff was not able to see the existing home from the closest Key Viewing Area (KVA) – the Historic Columbia River Highway, which passes by the property from the northwest, north and northeast. A topographic obstruction was not what prevented visibility, and therefore the building site is technically 'visible' from this KVA. The new home will be located immediately west of the new home and therefore it is not likely the new home will be able to be seen from the Historic Columbia River Highway because the existing home can not be seen. The vast majority of the subject property is heavily forested with a mix of mature coniferous and deciduous trees as is evident from a 2004 aerial photo of the property (Exhibit A3) and the applicant's site plan (Exhibit A1). It is this vegetation, in addition to off site vegetation that obscures views of the site's existing development. No trees will need to be removed for construction of the new home, driveway extension or septic system according to the applicant.

The applicant has proposed planting nine, 4-5 foot tall Douglas fir trees at the northeastern corner of the property to help bridge a gap in the heavily forested corridor and provide additional screening. The tree species, proposed spacing and size were selected in accordance with the NSA Scenic Resources Implementation Handbook.

The applicant has oriented the home so that the basement will not be visible from the northeast and will only partially day light to the southwest and northwest. This has reduced approximately ¼ of the visible mass of the structure as viewed from the closest portion of the highway located 870-feet to the northeast. The proposed building elevations in Exhibit A11 show the orientation of the proposed home.

In the event the structure might be able to be seen through the thick on-site evergreen and deciduous tree cover during winter months, the applicant has proposed the use of dark earth toned color B6 (dark green) from the implementation color matrix for the home's body and color B15 (dark brown) for the trim. The applicant submitted a dark black and dark green composition roofing sample called "Chateau Green" by Owens Corning which will be visually subordinate. As indicated by the applicant above, the chimney will be the same color of the home and the porch wood will be dark brown which meet this standard.

The proposed siding material will be composite clapboard called "Hardi-Plank" with a wood grain texture. Windows manufactured by Empire Pacific Windows will be a clear thermal pane glass with a 11%-15% exterior visible light reflectivity rating per the NSA Scenic Resources Implementation Handbook. Approximately 45% of the windows will have screens reducing reflectivity. The front porch facing the highway will have a large porch roof which will help screen the lower four windows on the ground floor. All lighting proposed will be shielded from light pollution using hooded, downward directed Kirkham 11-inch "dark sky" outdoor lights.

In summary, staff finds the dwelling will be visually subordinate primarily through the use of existing vegetation which will be amended with nine fir trees to help bridge a very small gap in the properties vegetative barrier. The use of dark earth toned colors and natural looking materials of low reflectivity will also assure the structure will be visually subordinate in the event partial views of the structure occur from the Columbia River Highway in the future. Staff finds this standard is met.

**9.8 § 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.**

**Staff:** The extent and type of conditions applied to this approval are reasonable considering the structure will not be topographically screened from a Key Viewing Area located as close as 870-feet from the proposed dwelling. Said conditions relate to the materials and colors used as well as required vegetative screening.

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

*Applicant: The cumulative effects of the proposed development, in regards to determination of potential visual effects and compliance with visual subordination policies, are such that it would be an improvement to the existing development.*

*Potential visual effects of the proposed new residence on the site include the following:*

- 1. A replacement dwelling will be located immediately east of the existing mobile home which is further away from the HCRH and set further back into an area with greater vegetative screening increasing visual subordination and lessening the potential visual impact as viewed from the KVA.*
- 2. A 70' extension of the existing driveway will replace the area currently occupied by existing mobile home. The existing mobile home is currently potentially more visible than the proposed structure would be. Removing the mobile home and replacing with an extension of the driveway would lessen the potential visual impact as view from the KVA.*

**Staff:** Although the new home will not be topographically screened from Key Viewing Areas, it is not expected to be visible due to an abundance of existing vegetation. The applicant has proposed planting additional vegetation on the property to provide additional screening. As discussed in finding 9.8 of this decision, Staff believes the conditions applied to this decision such as requiring the use of dark, earth toned materials and hooded lighting will ensure the structure will not result in any measurable cumulative visual effect on the neighborhood. Staff finds the cumulate visual effects have been carefully considered and that this proposal would not threaten or change the look or feel of the area.

**9.10 § 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).**

*Applicant: Building height is 34'7" from the lowest finished grade to the highest ridge of the structure. The shape of the home was designed to minimize the visible mass of the structure and to increase visual subordination. The home is a two story structure with a daylight basement. The exposed portion of the basement is oriented in the direction which has the greatest distance to the Columbia River Highway. The front of the house which has the lesser visible mass is oriented in the direction with the closest distance to the Columbia River Highway. All directions from the proposed structure to the Columbia River Highway are heavily screen with a high degree of vegetation.*

*The color of the home was chosen to match the color present in the landscape near the proposed site. The main color for the home will be matched to the color defined in row B column 6 from the color chart on page 18 and 19 of the "Scenic Resources Implementation Handbook", The trim for the home will be matched to the color defined in row B column 15. Exterior building materials will be Hardi Plank for the siding and pressure treated lumber for the porch. Exterior lighting is detail by the attachment "Kirkam Outdoor Light" and located per "Elevations Drawings Revision 1". Landscaping details include the proposed planting of several Fir trees on the North East corner of the property (See "Site Plan Revision 1") and the "Fill" area around the home (See "Site Plan Revision 1")...The chimney will be framed in and have the same siding and color as the rest of the building. The decking will be pressure treated wood product brown in color. The railings will be of the same material and color as the decking.*

*We have changed our selection of windows form White Vinyl to Brown Vinyl.*

**Staff:** The applicant has submitted the necessary information related to the building materials proposed. "Irrigation" of the nine fir trees proposed can be accomplished with residential sprinklers, or even hand watering and therefore a more detailed description of irrigation methods is not necessary considering the small number of trees proposed with the landscaping plan. A copy of the development plan, which also shows the proposed landscaping, is presented as Exhibit A1.

**9.11 § 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 proposed structure will be set back further into the property in an area having more vegetative screening than that of the existing mobile home minimizing potential visibility from the KVA. Additionally the proposed structure would be oriented such that the front of the structure having the least visible mass would be facing the direction closest to the HCRH again minimizing potential visibility from the KVA. The other larger faces of the structure would be oriented in the direction of the property having the most vegetative screening and furthest away from the HRCH. The proposed development would improve on the existing development lessening the visual impact and increasing visual subordination.*

**Staff:** The new development is sited as far away from the Key Viewing Area (Historic Columbia River Highway) as possible, while still locating the development in a cleared portion of the property. This is evident when comparing the development plan in Exhibit A1 to a 2004 aerial photo of the property (Exhibit A3). Staff finds the proposed location in the southern portion of the property best achieves visual subordination, while attempting to minimize the number of trees that need to be removed and minimize the amount of site grading. These are two other approval standards which must also be balanced and satisfied (MCC 38.7035(C)(3)(a) and 38.7035(A)(1), respectively. Staff finds this standard is met.

**9.12 § 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: The proposed structure, a replacement dwelling, will be sited further back into the property immediately east of the existing mobile home on a clear flat grassy area currently used as a side yard to the existing mobile home. The proposed siting of the new structure would use the existing vegetation and existing topography to a greater extent than the existing mobile home to achieve visual subordination from the potential KVA.*

**Staff:** No portion of the property would topographically screen the development from the Historic Columbia River Highway, regardless of where the development was located. The applicant has instead, used the existing tree cover in the northern portion of the property to help screen the proposed home from the highway to the north. The applicant is proposing development in a clearing towards the southern property line away from the key viewing area to maximize the amount of screening between the KVA and home. The applicant has proposed planting nine, four to five foot tall Douglas fir trees at the northeastern corner of the property to help bridge a gap in the heavily forested property. Staff finds the development has been sited to take advantage of on-site screening, which will be supplemented with additional plantings. This standard has been met.

**9.13 § 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: Removal of tree cover screening will not be required for the proposed development.*

**Staff:** No trees will need to be removed to facilitate construction of the home or septic system. The applicant has sited development in an existing clearing to meet this standard. This standard is met.

**9.14 § 38.7035 (B) (9) Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.**

*Applicant: Although it is highly unlikely the proposed site will be viewed from the KVA, existing contours will be disturbed only for construction of the residence. Following construction, the area around the residence will be returned to previous conditions, to the extent possible, and managed to prevent erosion.*

*My intentions are to keep the height of the terracing or benching to a minimum; less than 3' in height. I would follow the examples given in the City of Portland's Permanent Erosion Control Measures handout which is attached. I would use rock to form the short walls of each bench as shown in the photo on the lower left of page 2 (of the City's erosion control handout).*

*The cut area (in front of the home) would be covered with grass seed and straw as soon as the dwelling is completed.*

**Staff:** A hole will need to be cut into the property which will be occupied by the dwelling's basement and therefore the exposed cut face will not be visible. A two tiered terrace will be cut into the hillside behind the home which will be approximately three feet tall and 50-foot long each. The short terrace slopes will be covered in rock eliminating any view of a cut bank, as recommended in Figure 16, page 16 of the Scenic Resources Implementation Handbook. In addition, the home will help block views of these rock terraces as viewed from the north because the terraces are behind (to the south of) the home.

The applicant's grading plan in Exhibit A10, also shows a 3-foot deep cut extending approximately 30-feet to the north, northwest and west of the new home. This cut is proposed to help create a more level building pad for the home site. This cut will be covered with grass seed and straw as soon as construction of the home is completed and ultimately will be re-vegetated and not be visible. Staff finds the positioning of the dwelling, the rock terrace design, the existing screening and revegetation plan will minimize if not eliminate visibility of all cut banks as viewed from the only Key Viewing Area from which the property can be seen (HCRH to the north). A thin wedge of fill will be placed to the east of the new home to help widen the flat home site area and to help achieve a balanced cut and fill operation, although the fill will not create a visible fill slope because it too will be re-vegetated after construction. Staff finds this standard has been met.

**9.15 § 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.**

*Applicant: Siding material will be composite clapboard called "Hardi-Plank" with a wood grain texture. Windows will be a clear thermal pane glass with a 11%-15% exterior visible light reflectivity rating per the "Implementation Handbook" manufactured by Empire Pacific Windows. Approximately 45 percent of the windows will have screens reducing reflectivity. Because it is highly unlikely the proposed structure will be viewed from the KVA due to the high degree of vegetative screening, no square footage data for glass surface has been provided. Roofing material will be an architectural composite shingle of which a sample has been provided.*

**Staff:** The hardi-plank siding, composition black and dark green roof shingles and proposed windows all qualify as low reflective materials. Staff finds this standard is met.

- 9.16 § 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: See “Kirkham 11” Dark Sky Outdoor Light Detail”*

**Staff:** The Kirkham Dark Sky exterior lighting proposed is hooded and downward directed which meets this standard.

- 9.17 § 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 color of the home was chosen to match the color present in the landscape near the proposed site. The main color for the home will be matched to the color defined in row B column 6 from the color chart on page 18 and 19 of the “Scenic Resources Implementation Handbook”, The trim for the home will be matched to the color defined in row B column 15.*

**Staff:** The colors listed by the applicant above are “dark earth toned” colors in the dark green and dark brown range. These colors were selected from the NSA Scenic Resources Implementation Handbook. This standard is met.

- 9.18 § 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.**

**Staff:** The existing tree cover surrounding the proposed home site is taller than the proposed home. This, together with the rising ground behind the house, will prevent the new home from silhouetting above the surrounding skyline as viewed from the Historic Columbia River Highway. No bluffs, cliffs or ridges are located on the property, or in the immediate vicinity. Staff finds this standard has been met.

- 9.19 § 38.7035 (B) (17) The following standards shall apply to new landscaping used to screen development from key viewing areas: § 38.7035 (B) (17) (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.**

*Applicant: Existing vegetation currently screens the proposed structure from view of the HCRH. Existing vegetation located on the subject parcel provides a high degree of visual screening. It may be argued vegetation on the property to the North East of the subject parcel could be removed and there fore potentially allowing an area left unscreened by vegetation. I proposed to plant the fir trees detailed on the “Site Plan Revision 1” to address this.*

**Staff:** The applicant has proposed the planting of nine Douglas Fir trees in the north eastern portion of the property to help screen the most critical view of the development from the closest

portion of the highway. Prior to proposing the additional landscaping the applicant discussed with staff his conceptual home design which placed roughly ¼ of the visible mass below ground, the use of dark earth toned colors and low reflective building materials. The applicant also carefully considered the siting of the dwelling to best align with all approval standards in aggregate. Lastly, the applicant proposed the additional trees to effectively connect a heavily forested ring around the development. Considering the close proximity of the KVA to the northeastern portion of the property, and the lack of topographic screening, Staff finds the landscaping is required to assure the dwelling will be visually subordinate.

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

**Staff:** Other techniques for achieving visual subordination will be used. These techniques are explained in detail in findings 9.19 and 9.7 of this decision. This standard is met.

**9.21 § 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:** The nine (9) Douglas fir trees will be 4-5 feet tall which is sufficient size to assure visual subordination within 5-five years, according to the recommendations provided in the NSA Scenic Resources Implementation Handbook. This standard is met.

**9.22 § 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 this landscaping during the first September 1 – March 15<sup>th</sup> timeframe after the National Scenic Area approval is granted. This timeframe is consistent with the Scenic Resources Implementation Handbook recommendations for projects in the west side of the Columbia River Gorge. This timeframe is reasonable because the new plantings are not located in the active construction area and therefore could effectively be planted prior to construction. 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. This standard is met.

**9.23 § 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).**

*Applicant: Vegetative screening exists between the KVA and the proposed structure much of which exists on the subject parcel (See “Photos Showing Site Not Visible from KVA”).*

**Staff:** The applicant has embraced the suggestions in the Scenic Resources Implementation Handbook in designing the landscaping plan. For example, the applicant originally proposed planting nine, 2-foot tall Douglas Fir trees, which were increased in height to 4-5 feet as recommended by the Scenic Resources Handbook for large native trees that are drought tolerant. The applicant also has incorporated the recommended 10-12 foot tree spacing recommendations

for Doug fir trees within the “Recommended Plants for Screening” handout in the Scenic Resources Implementation Handbook. Staff finds the landscaping plan proposed is consistent with the Scenic Resources Implementation Handbook recommendations and that this standard has been met.

- 9.24 § 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 Average percent slope of the proposed building site is 19.6% (See “5 Feet Contour Lines”).*

**Staff:** Staff agrees with the applicant’s response. New buildings will not be constructed on lands with slopes exceeding 30 percent. This standard is met.

- 9.25 § 38.7035 (B) (25) All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas 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 following: § 38.7035 (B) (25) (a) A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail, with contour intervals of at least 5 feet, including:**

- 1. Existing and proposed final grades;**
- 2. Location of all areas to be graded, with cut banks and fill slopes delineated; and**
- 3. Estimated dimensions of graded areas.**

*Applicant: (See “Grading Plan”)*

**Staff:** A copy of the Grading Plan submitted for related erosion control case T1-06-058 is presented as Exhibit A10. This plan contains all the necessary information.

- 9.26 § 38.7035 (B) (25) (b) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:**

- 1. Its purpose;**
- 2. An estimate of the total volume of material to be moved;**
- 3. The height of all cut banks and fill slopes;**
- 4. Provisions to be used for compaction, drainage, and stabilization of graded areas (preparation of this information by a licensed engineer or engineering geologist is recommended);**
- 5. A description of all plant materials used to revegetate exposed slopes and banks, including type of species, number of plants, size and location, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings; and**

**Staff:** The necessary narrative description, prepared for related erosion control case T1-06-058, is presented as Exhibit A14. Some of this information is listed on the Grading Plan in Exhibit A10. This standard is met.

- 9.27 A description of any other interim or permanent erosion control measures to be utilized.**

*Applicant: See narrative addressing 38.0045 (A)(4)*

**Staff:** This information is illustrated on the Grading Plan in Exhibit A10 and discussed within the erosion control narrative in Exhibit A14.

- 9.28 § 38.7035 (C) All Review Uses and Conditional Uses within the following landscape settings, regardless of visibility from KVAs: § 38.7035 (C) (3) (a) Rural Residential - 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: No trees are required to be removed for the proposed development.*

**Staff:** No trees will be removed. This standard is met.

- 9.29 § 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: § 38.7035 (C) (3) (b) 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: No trees are required to be removed for the proposed development.*

**Staff:** No trees will be removed. This standard is met.

- 9.30 § 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: Should any trees be required for visual screening Douglas Fir would be planted.*

**Staff:** All nine Douglas fir trees to be planted for screening purposes are native to the western portion of the Columbia River Gorge. This standard is met.

- 9.31 § 38.7035 (C) (3) (b) 3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.**

*Applicant: Should any trees be required for visual screening Douglas Fir would be planted.*

**Staff:** All of the trees proposed (fir) are coniferous. This standard is met.

- 9.32 § 38.7035(D) All Review Uses and Conditional Uses within scenic travel corridors. § 38.7035(D) (1) For the purposes of implementing this section, the foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Historic Columbia River Highway and I- 84.**

*Applicant: The subject parcel is within ¼ mile of the edge of pavement of the HCRH.*

**Staff:** The parcel is within a scenic travel corridor for the Historic Columbia River Highway.

**9.33 § 38.7035(D) (2) All new buildings and alterations to existing buildings, except in a GGRC, shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway**

*Applicant: The proposed structure would be approximately 850 feet from the nearest Scenic Travel Corridor roadway.*

**Staff:** The new home will be located over 800-feet from the highway's edge of pavement. This standard is met.

**10.0 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: The proposed structure would be replacing and existing mobile home. The proposed use is not within 500 feet of a known cultural resource. There are no structures older than 50 years old on the subject parcel. If artifacts are encountered in the course of construction of the residence or any site work, appropriate officials will be contacted.*

**Staff:** Margaret L. Dryden, Heritage Program Manager, for Columbia River Gorge NSA reviewed the proposal and indicated that a Cultural Resource Reconnaissance Survey is not required. A copy of Ms. Dryden's comment letter is presented as Exhibit A5. Staff finds that no substantiated comment was received during the comment period related to potential or known cultural resources.

**11.0 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;**

*Applicant: Soils of the project site are not identified as hydric soils. See "Soils Map" and "Soil Map Legend page 14". ([ftp://ftp-fc.sc.egov.usda.gov/MO1/hydric\\_pdf/oregon/or051hy.pdf](ftp://ftp-fc.sc.egov.usda.gov/MO1/hydric_pdf/oregon/or051hy.pdf)) (<http://ice.or.nrcs.usda.gov/website/multnomah/viewer.htm>)*

**(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**

*The nearest wetland per the National Wetland Inventory is approximately 2800 feet to the south of proposed development. (<http://wetlandsfws.er.usgs.gov/imf/imfIdentifyBuffer.jsp>). Per NSA Handout #4, "buffer zones vary from 50 feet to 200 feet". The project site is not within a wetland buffer zone.*

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

*There are no wetlands on the project site.*

**Staff:** Staff agrees with the applicant's analysis presented above. The nearest mapped wetland is 1-mile to the east-northeast. This project is exempt from the Wetland Review requirements.

## **12.0 STREAM, LAKE AND RIPARIAN AREA CRITERIA**

**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(E) and reviewed under the applicable provisions of MCC 38.7035 through 38.7085.**

*Applicant: There are no Streams, Ponds, Lakes, and or Riparian Areas affected by the proposed use and there are none on or near the subject parcel.*

**Staff:** As indicated by the applicant above, the subject property contains no stream, lake or riparian areas. These standards do not apply.

## **13.0 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 are no known sensitive wildlife areas or sensitive wildlife sites within 1,000 feet of the proposed project.*

**Staff:** The nearest sensitive wildlife area is 1-mile to the east-northeast. Staff finds a wildlife habitat review is not required.

## **14.0 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).**

*Applicant: No rare plants have been identified on this site or in the vicinity. Therefore, no additional information, such as a protection and rehabilitation plan, has been provided.*

**Staff:** Staff reviewed the Multnomah County rare plant map provided to the County by the Columbia River Gorge Commission. Staff determined from this map that the subject property is not within 1,000 feet of a known rare plant. The closest rare plant is located 1.25 miles to the northwest. Staff finds a rare plant review is not required.

## **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 for a replacement dwelling at 931 NE Rohrbach Road is approved subject to the conditions of approval established in this report.

## **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:

<b>EXHIBIT</b>	<b>PAGES</b>	<b>CONTENT</b>
Exhibit A1	1	Development plan/Landscaping Plan
Exhibit A2	1	Vicinity zoning map
Exhibit A3	1	2004 aerial photo of project area
Exhibit A4	5	Photos of the property from the HCRH and from the proposed development area
Exhibit A5	2	Comments from Marge Dryden, Heritage Resources Program Manager for the Columbia River Gorge NSA
Exhibit A6	7	Comments from Richard Till, Land Use Law Clerk, Friends of the Columbia River Gorge
Exhibit A7	1	Comments from Alison Winter, Multnomah County Transportation Planning Specialist
Exhibit A8	1	Comments from neighbors Sandra and Roger Wallis, 1025 NE 365 <sup>th</sup> Avenue
Exhibit A9	3	Fire District Access Review Signoff Form
Exhibit A10	2	Site contour and grading and erosion control plans
Exhibit A11	4	Dwelling elevations
Exhibit A12	1	Multnomah County Assessment and Taxation structural area data for dwelling at 710 NE 365 <sup>th</sup> Avenue
Exhibit A13	4	Photos of the dwelling at 710 NE 365 <sup>th</sup> Avenue
Exhibit A14	2	Erosion control narrative