

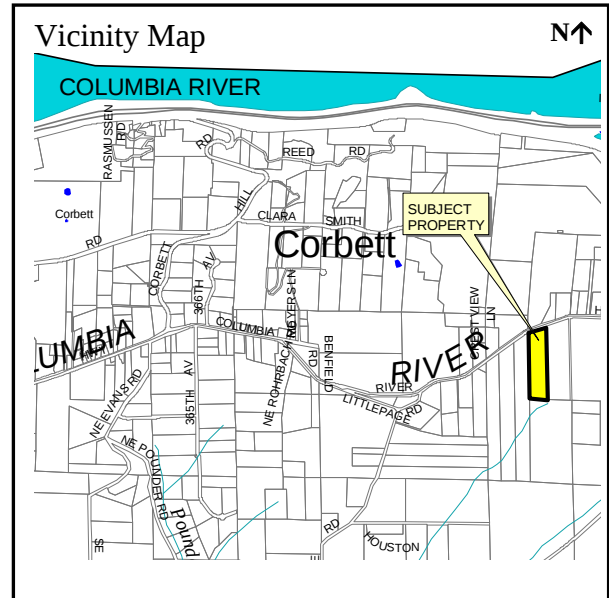


MULTNOMAH COUNTY
LAND USE AND TRANSPORTATION PROGRAM
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
<http://www.co.multnomah.or.us/landuse>

NOTICE OF DECISION

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

Case File: T2-06-084
Permit: National Scenic Area Site Review
Location: 38500 Historic Columbia River Highway
T1N, R4E Sec. 36B –TL 200
R94436-0600
Applicant/ Larry Broeckel
Owner: 1223 SE Chapman
Troutdale, OR 97060
Zoning: Gorge General Agriculture (GGA-40)



Summary: The applicant is requesting approval to construct a 4,611 square foot (SF) single family dwelling and two agricultural buildings (2,592 SF and 5,940 SF) in support of a horse training business on a 7.00 acre GGA-40 zoned property in the Columbia River Gorge National Scenic Area.

Decision: The request is approved.

Unless appealed, this decision is effective January 2nd, 2009, at 4:30 PM.

Issued by:

By: _____
Adam Barber, Senior Planner

For: Karen Schilling- Planning Director
Date: December 19th, 2008

Instrument Number for Recording Purposes: 98091327

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 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 offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Columbia River Gorge Commission until all local appeals are exhausted.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is January 2nd, 2009 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC) effective upon submittal of application 7/21/2006:

General Provisions

MCC 38.0060 Agricultural Buffer Zones

Administration and Procedures

MCC 38.0510 through **MCC 38.0850**

Gorge General Agriculture-40 Criteria

MCC 38.2225 Review Uses – (A)(3) Agricultural buildings & (A)(8) Single Family Dwelling

MCC 38.2260 Dimensional Requirements

MCC 38.2290 Access

Site Review Criteria

MCC 38.7035 GMA Scenic Review Criteria. Landscape Setting: Pastoral

MCC 38.7045 GMA Cultural Resource Review Criteria

MCC 38.7055 GMA Wetland Review Criteria

MCC 38.7065 GMA Wildlife Review Criteria

MCC 38.7070 GMA Rare Plant Review Criteria

MCC 38.7080 GMA Recreation Resource Review Criteria

Special Uses

MCC 38.7340 Agricultural Buildings

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website: <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. This approval is specific to the proposal. Any changes that deviate from the proposal are subject to review by the county.

2. **With exception to the five year window established for erection of the barn and arena in Condition #11; Pursuant to Multnomah County Code, 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 38.0690 and 38.0700. Such a request must be made prior to the expiration date of the permit.**

Conditions of Approval

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

1. Within 30-days of this decision becoming final, the owners shall also record the Notice of Decision through conditions of approval with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and filed with the Land Use Planning Division, and a copy of the recorded document shall be submitted to the Land Use Planning Division. Recording shall be at the applicant's expense (MCC 38.0670).
2. Prior to building plan signoff, the property owners shall amend the footprint of the proposed arena on the site plan from 64-feet x 100-feet to 60-feet x 99-feet (MCC 38.7035(A)(2)).
3. Prior to building plan signoff, the property owners shall provide a copy of an approved Oregon Department of Transportation (ODOT) approach permit for the existing driveway (and copies of any other permits as required by ODOT), (MCC 38.2290 & Exhibit 63, 64).
4. The property owners shall remove the two unpermitted lean-to structures near the center of the property prior to completion of either the dwelling, barn or arena, whichever occurs first (MCC 38.0560).
5. The property owners or their representative shall install all proposed landscaping, as shown on the site plans (Overall site plan in Exhibit 4 dated September 30th, 2008 and the typical landscaping detail in Exhibit 10 dated Oct. 27, 2006), as soon as practical between the timeframe September 1st and May 15th. All proposed trees, including arbovitae, around the dwelling, barn and arena must be at least 5-feet in height at the time of planting. The height of the root ball or container shall not be counted towards the 5-foot requirement. All existing on-site landscaping shown on the applicant's site plan shall be protected during construction (MCC 38.7035(B)(1), (B)(17) & MCC 38.0060).
6. All present and future property owners shall be responsible for the proper maintenance and survival of all existing and proposed landscaping illustrated in Exhibits 4 & 10. Any landscaping damaged or destroyed, to the extent that they no longer screen the development, shall be immediately replanted with the same tree species a minimum of five feet tall at the time of planting in the same general location (MCC 38.7035(A)(4) & MCC 38.0060).
7. All exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of

non-reflective, opaque materials (MCC 38.7035(B)(11)). Specific exterior lighting details must be presented at plan signoff so planning staff can verify the proposed design meets the design standard.

8. The exterior of all building materials for the dwelling, barn and arena shall be composed of nonreflective materials or materials with low reflectivity. Exterior windows in all new buildings must have less than 11% exterior visible light reflectivity rating, the metal roofs of both agricultural structures must be treated with dark asphalt coating and metal doors are not allowed for any structure, including any door for the dwelling or garage doors (MCC 38.7035(B)(10)).
9. MCC 38.7045(M)) - Discovery of Human Remains. The following procedures shall be followed when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts:
 - (1) Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
 - (2) Notification – Local law enforcement officials, the Planning Director, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
 - (3) Inspection – The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.
 - (4) Jurisdiction – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.
 - (5) Treatment – Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, Chapter 97.740 to 97.760.
 - (a) If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be pre-pared in accordance with the consultation and report standards of MCC 38.7045 (I).
 - (b) The plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the standards of MCC 38.7045 (J) are met and the mitigation plan is executed.
10. This permit does not authorize the use of the property, or any structures on the property, for the boarding of horses. This permit also does not authorize the use of the property for equestrian events (MCC 38.2225(A)(3) & (8)).
11. The barn and arena must be erected within five years (MCC 38.2225(A)(3)).

Note: Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Gresham. Four (4) sets each of the site plan and building plans are needed for building permits signed off along with a \$53 building permit signoff fee and \$77 erosion control inspection fee. Please contact Adam Barber at 503.988.3043 x 22599 to obtain an appointment for sign-off review.

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

FINDINGS OF FACT

FINDINGS: Written findings are contained herein. The Multnomah County Code criteria are in bold font. The applicants statements are identified below as '*Applicant:*' Staff comments and analysis are identified as '*Staff:*' and address the applicable criteria.

1.0 PROJECT DESCRIPTION

Staff: The applicant is proposing construction of a two story, 4,611 square foot single family dwelling with attached garage, single story 2,592 square foot barn and 5,940 square foot single story indoor horse arena on a property in the Corbett Community 1/3rd of a mile west of the Women's Forum view point. Proposed accessory development includes a residential septic system, utilities and site grading.

The barn will contain six horse stables, an area for agricultural equipment storage, general maintenance and shoe tack room. The barn, arena and on-site pasture will be used in conjunction with an agricultural business conducted by the owner on this property to raise, train and ultimately sell horses owned by the owner. The boarding of horses is not proposed.

The current application was submitted July 21, 2006, deemed complete December 15th, 2006 and the Opportunity to Comment packet mailed January 10th, 2007. After reviewing comments submitted, the applicant tolled the application process until recently so he could consider alternative agricultural building designs addressing concerns raised during public comment.

At the time the first public notice was mailed, the application included a 13,520 square foot metal barn/arena. The proposal has since been amended by the applicant a number of times to a current proposal for two separate smaller structures in the same location each using wood siding and metal roofing with asphalt coating. On November 26th, 2008 the applicant reduced the size of the then proposed 6,400 (64' x 100') square foot arena to the currently proposed size of 5,940 (60' x 99') square feet. The narrative was not amended which is why references to the 6,400 square foot building can be found in many of the applicant's statements presented in this decision.

2.0 PROPERTY DESCRIPTION

Staff: The northern ¾ of the 7.00-acre rectangular property is rolling open pasture land currently being used for horse grazing. Staff observed three mares on the property during a September 22nd, 2008 site visit and the applicant mentioned to staff on October 8th that he typically has six horses on the property at any one time. Slopes in the pasture are generally flat with a slight depression near the northwest third of the property and a slight topographic rise near the property center. Slopes in the southern ¼ of the property begin to drop to the south in the 12% -15% range which quickly increase to an approximate 40% slope towards the southern property line. This steep area at the back of the property is heavily forested with mature Doug fir, alder and maple canopy extending roughly 100-feet tall.

A 500-foot long existing gravel access drive from the Historic Columbia River Highway provides site access down the eastern side of the property. A variety of landscaping has been planted over the years along the western, northern and eastern property boundaries to help screen the open pastured site. Existing screening includes hundreds of 20-40 foot tall poplars, hundreds of fir,

pine and arborvitae ranging from 2-8 feet tall and various bushes/shrubs interspersed amongst the plantings. Two small lean-to structures are located near the center of the property.

3.0 INITIATION OF ACTION (MCC 38.0550)

Except as provided in MCC 38.0760, Type I – III applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.

Staff: Larry and Linda Broeckel are listed as owners of the subject property in county tax assessment records. A signature by Mr. Broeckel on the General Application Form is sufficient authorization for Multnomah County to process this request. A copy of the General Application Form is contained in the permanent record.

4.0 CODE COMPLIANCE (MCC 38.0560)

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

(A) A permit or other approval, including building permit applications, may be authorized if:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

Applicant: This seven acre parcel of land was subdivided prior to November 17, 1986. It was purchased by the current owner in 1994. It has always been used for agricultural purposes prior to purchase by the current owner and is still used to generate agricultural income.

Staff: The subject property was lawfully created in the current 7.00 acre configuration on October 24th, 1975¹ at a time when the F-2 Agriculture zoning regulations required all newly divided properties to be at least 2.00-acres². The subject property is a lawful parcel. An anonymous complaint has been received that two unpermitted lean-to structures have been erected on the property, that a large antennae has been erected and that unpermitted grading associated with residential utilities recently occurred (complaint # UR-08-059).

After investigating this complaint, county code compliance specialists did not find evidence of an antennae and this portion of the complaint was closed out. The county has not authorized any grading on the property to serve the proposed development. Grading in residential utilities at this

¹ County deed records Book 1346, Page 1303.

² Zoning Ordinance 100, Section 2.10

site would be subject to scenic area and grading and erosion control permit review, both of which have been applied for and are under review.

The owner has erected two small lean-to structures near the center of the property to shelter farm machinery and supplies used in the production of a previous strawberry operation which the applicant indicates is no longer occurring on-site (Exhibit 68). The applicant claims these two structures were authorized as part of the previous National Scenic Area permit approved in 1995 which can be found in Exhibit 69 (permit NSA 3-95). The 1995 permit authorized one residence and two agricultural buildings a minimum of 645-feet from the Historic Columbia River Highway on a level portion of the property. All buildings were required to be a single story with a maximum height of 16-feet and colored dark grey, charcoal, brown and green. The applicant never constructed the dwelling but did construct the two agricultural buildings, one in 1995 and the other sometime between 2002 and 2005 according to aerial photos of the property (Exhibit 67).

Review of aerial photos and recent site photographs suggests the two agricultural structures were built in accordance with the color and height requirements of NSA 3-95 but were not sited in the approved location. Recent aerial photos show the location of the two lean-to structures approximately 450-feet from the Historic Columbia River Highway rather than at least 645-feet as explicitly required by permit NSA 3-95. In addition, the two lean-to structures have been built side by side rather than separated as illustrated on the approved NSA 3-95 site plan. Staff finds these two agricultural structures were not erected in accordance with the land use permit. The applicant is proposing removal of the two small lean-to structures prior to completion of the currently proposed agriculture buildings which will allow agricultural equipment to remain protected from the elements. It has been made a condition of the approval that both lean-to structures be removed prior to completion of the dwelling, barn or arena.

In conclusion, staff finds this decision has been conditioned such that the approval resolves all identified compliance problems.

5.0 COMMENTS RECEIVED (MCC 38.0530(B))

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. The Planning Director accepts comments for 14 days after the notice of application is mailed, except for comments regarding Cultural Resources, which will be accepted for 20 days after the notice is mailed (MCC 38.0530(B)). The Planning Director's Decision is appealable to the Hearings Officer.

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

EXHIBIT #	COMMENT PROVIDER
28	Comments submitted 9/17/08 by John and Bonnie Barrese
29	Comments submitted 9/16/08 by Bob Gaughan
30	Comments submitted 1/23/07 by Claudia Curran and Philip Pizanelli, 38835 East Historic Columbia River Highway
31	Comments submitted by Cheryl Tawwil (<i>spelling of last name may not be accurate. Only signature provided in letter which is difficult to read</i>)

32	Comments from Dixie Stevens and Eric Lichtenthaler, 38725 East Historic Columbia River Highway submitted 1/23/07
34	Comments from Michael Ray, Oregon Department of Transportation Senior Planner submitted 9/29/08
35	Comments from Alison Winter, former Multnomah County Transportation Planning Specialist submitted 1/10/07
36	Comments from Richard Till, Friends of the Columbia River Gorge Land Use Law Clerk submitted 1/25/07
37	Comments submitted 1/24/07 by Jessica Metta, Columbia River Gorge Commission
38	Comments submitted 8/24/06 by Jessica Metta, Columbia River Gorge Commission
61	Comments submitted 11/2/08 by Eric Lichtenthaler
62	Anonymous comments submitted 11/3/08
63	Comments submitted 11/3/08 by Sarah Abbot, Oregon Department of Transportation
64	Comments submitted 11/5/08 by Richard Till, Friends of the Columbia Gorge
65	Comments submitted 11/3/08 by Bob Leipper

The applicant prepared the following responses addressing select comment letters:

EXHIBIT #	REBUTTAL DESCRIPTION
24	Applicant rebuttal to comments submitted by Claudia Curran and Philip Pizanelli, 38835 East Historic Columbia River Highway
25	Applicant rebuttal to comments submitted by the Friends of the Columbia River Gorge
26	Applicant rebuttal to comments submitted by the Columbia River Gorge Commission
27	Applicant rebuttal to comments submitted by Dixie Stevens and Eric Lichtenthaler, 38725 East Historic Columbia River Highway

Due to the number of detailed comment letters received, it would not be feasible for staff to address each issue raised at this point in the decision. Issues raised relating to the approval criteria will be evaluated within the appropriate section of this decision. Staff can, however, provide an overview of the types of concerns raised below. The reader is directed to the actual exhibits for more detail. Comments fell into three main categories: 1). Informational, 2). Letters of Concern and 3). Letters of Support.

Informational comments were submitted by Margaret Dryden, NSA Heritage Resources Program Manager who determined neither a cultural reconnaissance survey nor a historic survey of impact to historic structures would be required. Dennis Griffin, State Archeologist submitted comment that there are no reported archeological sites within the project area. Mr. Griffin recommended conditions halting construction in the event cultural materials are discovered. Staff has incorporated this recommendation as a condition of approval. A letter conveying a similar message was also received from Johnson Meninick, Cultural Resource Program Manager with the Yakama Nation. These comment letters regarding archaeological issues are contained in the permanent case file.

Oregon Department of Transportation staff provided driveway access permitting process guidance for the applicant and County Transportation Planning staff indicated the county does not have any transportation related concerns with the proposal considering it is accessed from a state managed highway. Finally, Cheryl Tawwil, a community member, commented that her 10,080 square foot horse arena in eastern Multnomah County is too small for many of the standard training courses and suggests the original proposal for the 13,520 square foot arena would be the minimum size necessary in her opinion. The applicant has since reduced the size of the indoor arena to roughly half the original size proposed.

Letters of concern were submitted by a number of neighbors. A common thread throughout these letters related to the original proposal for the 13,520 square foot indoor arena for reasons of size compatibility and visual subordination. Additionally, many people were concerned that the proposed metal siding and roofing would be highly reflective, even if painted with a flat paint. The applicant has amended the proposal accordingly. Both the barn and arena will have wood siding and the metal roofing of both structures will be treated with dark asphalt as recommended in the Scenic Resources Implementation Handbook.

Concerns were raised that an agricultural use is not currently occurring on-site as required by county code and that a commercial establishment with stadium style outdoor lighting and/or outdoor speakers would impact the neighborhood and that traffic and parking should not be considered. Public events will not occur on-site and neither stadium lighting nor outdoor speakers are proposed. Evaluation of the existing agricultural operation is presented in Finding 6.0. It was also recommended that stormwater and manure runoff be carefully considered. Stormwater runoff impacts will be considered in detail as part of the associated Grading and Erosion Control permit review.

Concerns were also raised that the proposed home is larger than others in the area. A detailed size analysis of surrounding dwellings and agricultural buildings is presented in Finding 10.2. Mention was made of the unpermitted lean-to structures which are required to be removed as a condition of this approval. Finally, concern was raised that the 13-foot proposed cut to lower the elevation of the agricultural buildings in an attempt to reduce visibility conflicts with the requirement to minimize visible grading. The applicant is now proposing an 11-foot cut on a slope facing away from KVAs. Concern was also raised that any conditions of this approval be upheld by future owners (Exhibit 61). Conditions of approval run with the land and will continue to apply to future property owners. This approval is specific to the proposed plan. Any changes that deviate from the plan are subject to review by the county.

Letters of Support were submitted indicating the proposed development location was preferable to any other location on site, that extensive landscaping along the property lines and around the proposed structures will adequately screen portions of the development not blocked from view by the topographic rise in the center of the site. Mention was also made of strawberries grown on the property from the mid 1990's until very recently. A letter of support was also submitted from a previous horse purchase customer of the applicants who believes he deserves to use his property to the fullest extent allowed by the regulations.

6.0 Review Uses (MCC 38.2225)

(A) The following uses may be allowed on lands designated GGA pursuant to the provisions of MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(3) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

&...

(8) On lands designated GGA– 40, a single family dwelling in conjunction with agricultural use, upon a demonstration that:

(a) No other dwellings exist on the subject farm or ranch, including all of its constituent parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and which could be used as the principal agricultural dwelling;

(b) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined in MCC 38.0015, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a minimum area which would satisfy subsection (5)^{please see footnote 3} (c) 4. below; and

(c) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:

- 1. Size of the entire farm or ranch, including all land in the same ownership;**
- 2. Type(s) of agricultural uses (crops, livestock) and acreage;**
- 3. Operational requirements for the particular agricultural use common to area agricultural operations; and**
- 4. The farm or ranch, and all its constituent parcels, is capable of producing at least \$40,000 in gross annual income. This determination shall be made using the following formula:**

$$(A)(B)(C) = I$$

Where,

A = Average yield of the commodity per acre, or unit of production

B = Average price of the commodity

C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch

I = Income Capability

Applicant: No other dwellings exist on this property. This property has been planted in berries from 1994 through 2005. In 1995, an application was granted using the production revenue of the

³ Staff believes “5” is an incorrect outdated reference within Ordinance 1064 which should read “8”. Previous NSA regulations presented the single family dwelling review use option within section 5 of MCC 38.2225(A).

berries to meet the income threshold of \$40,000 in gross annual income. I have submitted income tax returns for 2003 & 2004 which reflect this income. In 2005, because of established crop practices the land was rotated out of berries to curtail a disease problem. The 2005 income tax return shows a farm income greater than \$40,000 gross derived from the raising and marketing of horses trained in differing equestrian events. My family and I have only raised and trained our own horses on this property. It has been very difficult to do this because of lack of proper training facilities, hence the request for an arena/barn. I have enclosed letters from horse trainers and other people involved in equine activities in the area. These letters express their opinion that the size of the arena in this application is about the minimum size needed for horse training and other equine uses...

As per our conversation on Wednesday afternoon 11/12/08: You have received, or will soon receive signed sales receipts from customers I have sold horses to in 2007 and 2008. The sales receipts are signed, show the sales price of the horse(s), and are accompanied by a statement from the buyer stating the place of origin of the horse(s). The cumulative value of the receipts shows gross farm income exceeding \$40,000/year for 2007 and 2008. The value of the horses sold in 2007/2008 ranges from \$8,000 to \$14,000 each. There are many reasons for the differences in value; bloodlines, extent of training, quality of the horse (some horses are better athletes than others), preference of the buyer, gender of the horse (fillies; young unbred females, are typically valued higher than geldings; neutered males, because of their future breeding possibilities), how anxious I want to make a sale, etc.. Using the higher value of the sales range (\$14,000), would mean a horse population of 3. I think it will actually number between 4 and 6. I would like a larger number of horses for increased income, but there are some reasons why 4 to 6 is optimal:

The restriction on the size of the supporting agricultural buildings is a limiting factor. The sizes of the buildings are really minimal for any livestock operation. The stable has only 6 stalls and very little storage for feed, hay, machinery storage, etc.. The arena is minimal in size, and the same size as another arena 900 feet distant. There is ample pasture for a few more horses, but little pasture remains for cross-fencing, pasture rotation, etc... I will not have stallions on site as more paddocks (corrals) would be needed to segregate horses. As I have stated a certain managed population of horses is optimal for this property, 6 or less. This would be a mix of brood mares and younger horses in training awaiting sale. These younger horses would probably be composed of fillies which are at the higher end of the price scale. This makes the most efficient use of my property and facilities. Given the difficulties of this application and the emotional response of a few neighbors, the lower profile I maintain the better.

Staff: The applicant must demonstrate the **barn** and **arena** will be used in conjunction with a current agricultural use if applicable or in conjunction with a proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340. Compliance with the Agricultural Buildings section of MCC 38.7340 is evaluated in Section 19.0 of this decision. Similarly, the farm where the **dwelling** will be located must be currently devoted to an agricultural use and the farm must be capable of producing at least \$40,000 in gross annual income to justify the dwelling. Comments were submitted asking how much acreage must be required to establish the use and how much business must be generated to continue the use (Exhibit 61). The following finding addresses the first part of the question which considers many factors, including property size needed to justify the number of horses raised per year, i.e. 'units of production'. The continuity of future income is evaluated through the upcoming \$40,000 capability finding. The County must only find that the business is capable of producing

\$40,000 gross annual income. Requiring the applicant to produce \$40,000 income to re-establish the use on a yearly basis exceeds the code requirements and can not be required by the County.

The farm is vacant with no contiguous property owned by the applicant. The proposed dwelling will be the principal dwelling in conjunction with the proposed agricultural use. The applicant, who is also a property owner, will reside in the dwelling used in conjunction with the agricultural use. The applicant will manage the day-to-day horse training operations.

Below, staff will summarize the current status of the agricultural use before proceeding to the economic capability of the proposed operation.

The current agricultural use

The applicant has stated horses are currently being raised and trained on this property and ultimately sold for income thus justifying a current agricultural use on the subject property. An agricultural use is defined in MCC 38.0015 as “*The current employment of land for the primary purpose of obtaining a profit in money by the raising, harvesting and selling of crops, or by the feeding, breeding, management and sale of livestock, poultry, fur-bearing animals or honeybees, or dairying and the sale of dairy products, or any other agricultural or horticultural use including Christmas trees. Agriculture does not include livestock feedlots. Current employment of land for agricultural uses includes: (a) The operation or use of farmland subject to any governmental agricultural program; (b) Land lying fallow for one year as a normal and regular requirement of good agricultural management; (c) Land planted to orchards or to other perennial crops prior to maturity; and (d) Land under buildings supporting accepted agricultural practices. (e) Current employment does not include livestock feed lots.*” In general, commercial training and sales of horses qualifies as an agricultural use.

The code does not specify how large or profitable the *current* agricultural use must be. Comments were received by a number of parties suggesting the property is no longer engaged in commercial strawberry production. The applicant does not dispute this and only mentions the previous strawberry operation conducted on the property from 1994 – 2005 to establish that this property is clearly capable of generating commercial farm income. The strawberry agricultural endeavor is no longer occurring, is not proposed as part of this application and therefore is not relevant to this decision.

The applicant states the current farm use was established in 2006 by bringing horses on to the property for training purposes thus converting the property to pasture land. Currently, the owner asserts he raises and trains three mares on the property which will ultimately be sold for an estimated \$8,000 each. Staff confirmed three horses were on-site during a 9.22.08 site visit. The owner has indicated five other mares and some yearling horses are being trained off-site at a training facility which can not be used to justify the current agricultural use on the subject property.

The applicant submitted Oregon Individual Income Tax Returns from 2003 – 2007 to establish farm related income on this property. Comment was submitted that the tax returns do not establish a farm use on the subject property (Exhibit 65). Staff agrees. Schedule F forms attached to each tax return (Profit or Loss From Farming) establish gross farm incomes from “*Sales of Livestock, produce, grains, and other products you raised*” totaled \$40,200 in 2003, \$41,356 in '04, \$48,600 in '05, \$53,600 in '06, and \$48,828 in 2007. The tax returns prior to 2006 are not relevant to the alleged horse training operation established in 2006. Unfortunately, the farm income category

groups sales of livestock with other agricultural uses making it difficult to determine what type of agricultural use generated the income. Expenses reported over the years fall within the categories “Custom hire (machine work)” and “Supplies purchased” which are not necessarily revealing. The tax returns also do not reference the farm location and are not considered evidence that could be used in isolation to demonstrate a current agricultural use on the subject property.

The applicant submitted two signed horse Purchase Agreement Bills of Sale from 2007, an email from a buyer referencing two other horse sales in 2007 and four signed Purchase Agreement bills of Sale from 2008 (Exhibit 60). According to these sales agreements, 2007 yielded \$37,750 from the sale of one filly, two geldings and one horse of undetermined sex and 2008 yielded \$46,600 in gross sales from two fillies and two geldings. One buyer submitted a letter in Exhibit 60 stating the two horses she purchased in 2008 were raised in Corbett and delivered to eastern Oregon. No specific address or parcel identifier is provided within the letter (Exhibit 60).

Review of aerial photos of past years was inconclusive as to whether a horse training operation has been occurring on-site. Staff observed a helper training a horse when visiting the site on 9.22.08 and observed the owner training a horse during a 12.13.06 site visit. Robert Gauhan, the applicant’s neighbor to the south, submitted a letter stating that he raises cattle, has some experience in agriculture and verifies that the applicant grew strawberries for a number of years on the subject property which is now being used to train horses (Exhibit 60). Mr. Gauhan also verified that numerous horses are located on the property at any one time and that he brings young horses on as he sells off others.

Taking all this evidence together, staff finds an agricultural use is currently occurring on the subject property with an average resulting sale of four horses per year. The proposed barn and arena will be used to support and expand this existing operation.

The proposed agricultural use

The proposed agricultural use is the raising, training and selling of horses. The applicant is not proposing training or boarding of horses owned by the general public or the conducting of any public equestrian related events.

The applicant anticipates sales of individual horses will range from \$8,000 - \$14,000 each depending on the amount of training and bloodlines, amongst other variables. Training a population between four and six horses at any one time is proposed which appears in line with the proposed six stall barn. Although the applicant believes training more horses would provide greater income, he also recognizes the size of the barn and arena proposed and amount of pasture land on the property could not reasonably support more than six horses.

In order to determine whether the proposed use is a commercial agricultural enterprise able to justify a single family dwelling; \$40,000 in Income Capability (I) must be deemed using the following formula.

$$(A)(B)(C) = I$$

Where,

A = Average yield of the commodity per acre, or unit of production

B = Average price of the commodity

C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch

I = Gross Annual Income Capability

For this analysis one horse equals one unit of production, therefore (A) = 1. The applicant states the average sale price of each horse is anticipated to range from \$8,000 - \$14,000 depending on the extent of training, bloodlines, and other factors. Therefore the average sales price of each horse equals \$11,000. This average seems reasonable considering the average sale reported for each horse in the Bills of Sale from 2007 to 2008 equals \$10,543 (Exhibit 60). As such, for this analysis (B) = \$11,000.

It would seem feasible that the applicant could sustain the training and sales of five horses per year on the subject property with the proposed facilities. Five horses were selected as the average unit of production (C) from the applicant's estimate of four to six horses trained per year. Therefore, for this analysis, we will have (C) = 5. To summarize all our variables, our Income Capability for this horse training operation will be calculated as follows:

$$I = (A)(B)(C)$$

$$I = (1)*(\$11,000)*(5)$$

$$I = \$55,000 \text{ (i.e. Gross Annual Income Capability for the Subject Property per year = \$55,000)}$$

Staff finds the commercial agricultural enterprise is capable of producing at least \$40,000 in gross annual income and therefore the farm qualifies for one single family dwelling. Because the property is currently engaged in an agricultural use, the property also qualifies for agricultural buildings. Staff has applied a condition to this decision that the barn and arena structures be erected within five years in order to satisfy MCC 38.2225(A)(3). *This standard is met.*

7.0 AGRICULTURE BUFFER ZONES (MCC 38.0060)

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

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

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

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

height of at least 15 feet. The vegetation screen shall be planted along the appropriate parcel line(s), and be continuous.

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

(D) If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.

(E) A variance to buffer setbacks may be granted upon a demonstration that the standards of MCC (38).0065 have been satisfied.

Applicant: Set backs: on the eastern boundary, the arena is set back from the property line 50 ft. The arena will be sited in a cut and fill excavation, so it will be shielded by a berm. There are four rows of conifer trees, 10 ft. linear center to center, and the rows are spaced east to west, in 5 ft. intervals. There is an additional row of arborvitae planted on 2 ft. centers, 5 ft. to the west of the conifer rows. On the completion of the arena, there will be six maple trees planted on 25 ft. intervals on the 10 ft. apron on the east facing wall of the arena. There will be six maple trees planted on 25 ft. intervals on the 10 ft. apron on the west facing wall of the arena. There will be 2 maple trees on the north facing wall of the arena; one 25 feet east from north-west corner of the north facing wall, another maple will be 25 feet west from the north-east corner of the arena. There will be a line of Douglas Fir trees that will extend around the arena from east to west to south, in an arc, at the top of the excavation cut on the north and west side of the building. These fir trees will be planted in 25 foot intervals. Between these fir trees there will be arborvitae planted in 8 foot intervals. Grass will be planted on the slopes of the excavation cut and excavation fill. I have other slopes in the immediate area (i.e. within 150 ft.) planted to grass. These slopes are 1½ to 1. There is no erosion on these slopes. Grass is an immediate remedy to erosion and covers better than foliage.

On the western boundary, the house is set back 51 ft. from the western property boundary. On the western property line there is a row of poplar trees planted on 10 ft. centers. To the east of this is another row of poplar trees inset to the east by 3 ft. This second row of poplars is also planted on 10 ft. centers but at staggered interval to the first row of poplars. Inset to the east of this row is a row of conifer trees on 10 ft. centers. Inset 3 ft. to the east from this original conifer row is another row of conifers also on 10 ft. centers and planted on a staggered interval from the previous row. Inset 12 ft. to the east from this row of conifers is a row of poplar trees planted on 10 ft. centers. On completion of the house, maple trees will be planted on 25 ft. intervals completely around the house. Douglas Fir trees will be planted 10 ft. to the outside of the maple trees. These fir trees will be planted in 25 ft. intervals. These will be planted in the gaps between the maple trees to better form screening. Between these fir trees there will be arborvitae planted in 6 ft. intervals. This line of fir trees and arborvitae will start at the north-west corner of the house extending north-east, then to the east, forming an arc around the western part of the house. The line of fir trees and arborvitae will continue to the east until it intersects the lane.

(A), (B), (C), (D) & (E) There will be a berm around ½ of the arena.

Staff: Operable agricultural setbacks from both the east and west property lines are 15-feet because both properties to the east and west are open pasture and are separated from the subject property by a continuous row of landscaping planted by the applicant. Landscaping along the east property boundary consists of multiple rows of conifer trees, arborvitae, laurel and azalea.

Multiple rows of conifers and poplars line the west property boundary. All proposed buildings are located more than 15-feet from the side property boundaries with the closest building, the arena, located 50-feet from the east boundary. Properties to the north and south are predominately forested which requires a minimum setback of 50-feet when separated by a vegetative barrier. The southern fifth of the subject property is heavily forested and multiple rows of poplars, alders, maples, azaleas and laurels are located along the north property boundary. All structures meet this 50-foot minimum agricultural setback. Please also see the following finding for compliance with additional dimensional setbacks in the zone district. *This standard is met.*

8.0 GGA-40 DIMENSIONAL REQUIREMENTS (MCC 38.2260)

(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Applicant: Minimum Yard Dimensions: Not applicable. We are set back 453 ft. from the highway. Maximum Structure Height: House height is 24 ft. Arena height is 23 ½ ft. (will be cut into ground AT LEAST 13-15 ft.). Minimum Front Lot Line Length: Not applicable. (The property is 282 ft. wide).

Staff: Staff confirmed from the scaled oversized site plan in Exhibit 12 and structural elevations (Exhibit 13 and 19) that all proposed buildings meet the dimensional requirements. The building closest to a property boundary is the arena, located 50-feet from east side property line. The agricultural buildings will be 23.5-feet tall and 20-feet tall on the downhill side. The dwelling will be approximately 25 feet tall. *This standard is met.*

9.0 ACCESS (MCC 38.2290)

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.

Staff: The property abuts the Historic Columbia River Highway which is a public street. The Oregon Department of Transportation is requiring the applicant to obtain a driveway access permit (Exhibit 34). Staff is requiring, as a condition of this approval, that evidence of this permit be presented to the land use planning department (at the time of building plan signoff). The local fire department has confirmed the property access is in compliance with the adopted Fire District standards for access (Exhibit 44). This criterion is met.

10.0 GMA GENERAL SCENIC REVIEW CRITERIA (MCC 38.7035)

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

(A) All Review Uses and Conditional Uses:

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

Applicant: Road to building site established ten years ago. The house is sited on the property to minimize grading for its construction. There are two proposals on where to place the barn/riding arena and stables. There is a tradeoff between visibility and grading between these two sites. One site would place the barn/riding arena and stables in a preexisting topographical bowl and hillside. A cut and fill method would be used to excavate a building site. This would greatly reduce the visibility of the buildings from the KVAs. It would entail more than usual grading. The grading however would be totally obscured from the KVA. I believe this is a reasonable tradeoff. The site would be 700 feet back from the KVA. Further discussion is needed with the planner to determine which criterion is more important.

The second site would place the buildings in a row along the lane leading back into the property. The northern wall of the first building would start at 270 feet to the south of the KVA. There would be a 20 foot separation to the next building. This building would extend to the south and end at 465 ft. from the KVA. These buildings would have minimal grading, but be visible from the KVA.

Staff: No new roads are proposed. The dwelling will be located on a flat portion of the property at the end of an existing driveway. No more than the typical grading amounts will be required to establish the dwelling and associated amenities including utilities and septic system on the nearly level portion of the property.

Because the site doesn't provide great topographic relief to screen the agricultural buildings, the applicant has proposed cutting 11-feet down into the side of a 12%-15% slope along a 128-foot long section, and use the estimated 1,400 – 1,900 cubic yards of fill on the downhill side of the building pad to partially drop the barn and arena below the line of sight as viewed from the north. Comment was submitted that the grading plan is so poorly drafted it is impossible to determine how far the roof will extend above any grading that might topographically block visibility from any KVA (Exhibit 65). Staff offers the following observations in an attempt to clarify this issue. Cut slopes would transition from the buildings back to natural grade at slopes less than 33% (Horizontal:Vertical) according to the applicant. Considering the barn and arena will be located on slopes in the 12%-15% range, some amount of cut and fill will be required to create a level building pad.

Staff used graph paper in Exhibit 70 to plot out various grading configurations over the 99-foot long arena on 15% slopes. The arena was used for this analysis because it is the largest proposed structure requiring the largest amount of grading. Staff has determined that the applicant could create a flat building pad at this location a number of ways. The first is labeled option A in Exhibit 70. Option A involves cutting 15-feet down on the north end of the arena which would prevent the need for any fill on the downhill side. Option A is not ideal because it would result in all but the upper 8.5 feet of the 23.5-foot tall building being located below surrounding natural grade on the north side which isn't typical or reasonable.

Staff's option B requires an equal volume of cuts and fills to create the level building pad with 7.5-feet of cut/fill on each end of each structure. This would result in 16-feet of above ground structure visible for the arena and 12.5 feet of visible barn. The applicant is proposing a slightly more aggressive cut than option B resulting in 11-foot cut on the north end and 4-feet of fill on the south end of the structure according to Staff's calculations. This will result in 12.5-feet of the tallest agricultural structure being located above the ground on the north side.

Grading around both agricultural buildings is proposed to better screen both buildings. This grading will be located on a south facing slope not expected to be visible from the Historic Columbia River Highway or the Women's Forum. The proposed temporary earthwork is appropriate at this particular site given the development constraints and long-term benefits of reducing the visual bulk of the buildings. *This standard is met.*

10.2 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 (MCC 38.7035(A)(2)).

Applicant: The house is 3,550 square feet. The second story only extends over ½ of the house. All of the larger houses in the area have two full stories. The height of the house is 24 feet. There are 4 other houses within ¼ mile that are larger. They are as follows:

- 1525 NE Crestview Lane, 8,600 square feet.
- 38650 East Historic Columbia River Highway, 5,350 square feet.
- 1430 Crestview Lane, 3,940 square feet.
- 38700 East Historic Columbia River Highway, 4,046 square feet

The house is well within the average of similar residences in the area. The barn/arena is 64' x 100' feet (6,400 square feet). It has a 16 foot eve. It will have a 3/12 roof pitch. This will give it a crown of 23.5 feet. There are 3 other similar barns in the area. They are as follows:

- 38650 East Historic Columbia River Highway, 44 ft. wide, 80 ft. long, 15 ft. eve, 21 foot crown at roof. (3,520 square feet)
- 38550 East Historic Columbia River Highway, 60 ft. wide, 80 ft. long, 16 foot eve, 23 ½ feet to crown of roof. (4,800 square feet).
- 39100 East Historic Columbia River Highway, 75 ft. wide, 85 ft. long, 16 foot eve, 26 ¾ ft. tall at crown, (6,375 square ft.)

My purposed barn/arena has the same square footage as the largest barn within ¼ mile (is actually 900 ft. away). I have constructed it in a rectangle and positioned it perpendicular to the KVA, with small end facing the KVA, in order to minimize its visibility from the KVA. My purposed barn/arena is in a rectangle shape that gives it a smaller profile both by height and width to the KVA. This is accomplished by the longer rectangular shape (64' x 100' feet) versus the square shape (75' x 85' feet) of the other comparable barn/arena. In addition this narrower rectangular shape allows for a much lower roofline. A stable/hay storage building would also be needed. Depending on which building site is selected this building would be of two differing dimensions. If the building site for the barn/arena is placed in the natural bowl to the rear of the property as purposed, the building would be in a long rectangle 24' x 120' feet. It would have an eve of 16 feet. The crown of its roofline would be at 20 feet. It would contain stalls, hay storage, machinery storage, repair facilities, ect. The other alternative proposal would site the barn/riding arena closer to the East Historic Columbia River Highway. If this site is chosen, the stable/hay storage building would have a dimension of 36' x 72' feet. It would have a roof pitch of 3/12 with 16 foot eves. The crown of its roof would be 20 ½ feet. It would contain stalls, hay storage, machinery storage, repair facilities, ect. This building is smaller than other agricultural buildings within ¼ mile.

(Submitted by the applicant 11/26/08)...*There is another concept that I thought may be considered. All the arenas I have found have an eve (height from ground to top of side wall) of 16 feet. I have also proposed an eve of 16 feet on my arena. I would be willing to lower this to 13 feet if that would allow the square foot dimensions to be enlarged by the same amount. The measurement you proposed is 4827 square feet (average of O'Neill arena and other barns in area). The volumetric measurement would be 77232 cubic feet (4827' X 16' = 77232 cu. '). If the eve were lowered to 13', and this volume were spread over a lower profile, it would give a dimension of 5941 sq. ft. or 60' X 99'. This more closely approximates the average of the arenas in the area, is still smaller than the O'Neill arena, and would be a usable building.*

Staff: For this analysis, nearby means the 50 properties that fully or partially fall within ¼ mile of the subject property. County assessment and taxation records listing square footage of all improvements on each of the 50 properties are contained in Exhibit 48. The relevant information has been distilled into Table 1 below. It should be noted that on November 26th, 2008 the applicant submitted a written statement reducing the proposed 6,400 square foot arena to a 60-foot by 99-foot arena which totals 5,940 square feet rather than the 5,941 square feet calculated by the applicant above. A condition of this decision requires the applicant to amend the site plan prior to building plan signoff by the county to reflect the 5,940 square foot arena.

Table 1 Below. Comparative size analysis conducted by staff reporting largest dwelling and/or agricultural structure on each property within ¼ mile of subject property.

ADDRESS	TAX LOT ID	TAX ACCT. #	Largest Dwelling (Square Feet)	Largest Farm Building (Square Feet)
---------	------------	-------------	--------------------------------	-------------------------------------

#51	(Subject Property)	1N4E36B -00200	R944360600	4,611 (proposed)	5,940 (proposed)
#1		1N4E25C -00500	R944250150	2,060	
#2		1N4E25CC -00100	R944250080		
#3	38623 East HCRH	1N4E25CC -00200	R944250310	3,064	
#4		1N4E25CC -00300	R944250350		
#5	1600 NE Crestview Ln	1N4E25CC -00400	R944250070	1,423	960
#6		1N4E25CD -00100	R944250270		
#7		1N4E25CD -00200	R944250410	1,656	
#8	38718 East HCRH	1N4E25CD -00300	R944250320	3,447	
#9	38725 East HCRH	1N4E25CD -00400	R944250280	1,842	
#10	38745 East HCRH	1N4E25CD -00500	R944250290	2,276	864
#11		1N4E25CD -00600	R944250340		
#12		1N4E25CD -00700	R944250390		
#13	38835 East HCRH	1N4E25CD -00800	R944250090		960
#14	38909 East HCRH	1N4E25CD -00900	R944250370	2,803	
#15		1N4E25CD -01000	R944250380		
#16		1N4E25CD -01100	R721200100		
#17		1N4E25CD -01500	R944250240		
#18	1601 NE Crestview Ln	1N4E26DD -00100	R944260180		
#19	1601 NE Crestview Ln	1N4E26DD -00300	R944260500	2,635	
#20	38110 East HCRH	1N4E35A -00100	R944350590	1,690	
#21	38006 & 38002 East HCRH	1N4E35A -00200	R944351010	1,904	
#22	38006 S/East HCRH	1N4E35A -00300	R944350600		

#23	37930 East HCRH	1N4E35A -00400	R944350550		
#24	37920 East HCRH	1N4E35A -00500	R944350970	2,112	
#25	710 NE Littlepage Rd	1N4E35A -00800	R944350610	2,000	1,500
#26		1N4E35A -00900	R944350620		
#27	602 NE Littlepage Rd.	1N4E35A -01000	R944351020	1,560	
#28	540 NE Littlepage Rd.	1N4E35A -01100	R944350570	4,254	
#29	1431 NE Crestview Ln.	1N4E35AA -00100	R944350230	1,782	
#30	1365 NE Crestview Ln.	1N4E35AA -00200	R944350250	3,286	
#31	1525 NE Crestview Ln.	1N4E35AA -00300	R944350460	5,871	
#32	38005 East HCRH	1N4E35AA -00400	R944350010	960	
#33	1337 NE Crestview Ln.	1N4E35AA -00500	R944350240	1,902	1,792
#34	38123 East HCRH	1N4E35AA -00600	R944350300		
#35		1N4E35AA -00700	R944350330		
#36	38600 East HCRH	1N4E36B -00100	R944360290	1,748	3,280
#37	38500 East HCRH	1N4E36B -00200	R944360600		
#38	38650 East HCRH	1N4E36B -00300	R944360630	5,214	320
#39		1N4E36B -00400	R944360620		
#40	38360 East HCRH	1N4E36B -00500	R944360610	952	960
#41		1N4E36B -00600	R944360060	3,508	1,240
#42	1430 NE Crestview Ln.	1N4E36B -00700	R944360180	3,940	
#43	1310 NE Crestview Ln.	1N4E36B -00800	R944360210	2,273	
#44	39100 East HCRH	1N4E36BA -00400	R944360040	1,716	6,020 <i>(size in assessment records)</i> 6,375 <i>(size previous owner constructed and measured in field today)</i>
#45	39149 E Knieriem Rd.	1N4E36BD -00100	R944360470	1,120	
#46	39101 E Knieriem Rd.	1N4E36BD -00400	R944360530	1,296	864
#47	39149 W/E Knierem Rd.	1N4E36BD -00500	R944360460		3,200
#48	38700 East HCRH	1N4E36BD -00600	R944360520	4,046	864
#49	38668 East HCRH	1N4E36BD -00700	R944360070	1,152	864
#50	39125 E Knieriem Rd.	1N4E36BD -00800	R944360450		

The Home (4,611 SF)

The two-story home consists of a 2,917 square foot lower floor plan and 1,694 square foot upper floor (4,611 square feet total). The 4,611 total includes the attached garage. These square footages were determined by staff by measuring the size of each enclosed area on the oversized, scaled floor plans in Exhibit 19. The applicant totaled the square footage using more of the traditional real estate mindset focusing on usable rather than enclosed area which is why the applicant reports the home will be 3,550 square feet.

Table 1 illustrates that although the 4,611 square foot dwelling exceeds the average dwelling size in the area (2,435 SF), it will not be the largest (sample population 31). A 5,871 square foot dwelling is found at 1525 NE Crestview Lane and a 5,214 square foot dwelling is located at 38650

East HCRH⁴. A 4,254 square foot dwelling is also located at 540 NE Little page Road and 4,046 SF home is located at 38700 East HCRH which are comparable in size to the proposed dwelling. The proposal will be slightly larger than two other dwellings in the area (3,940 SF at 1430 NE Crestview Lane and 3,508 SF on Tax Lot 600 T1N R4E, S36B).

Assessment and taxation records demonstrate a number of dwellings are two stories. Many also containing basements that might partially daylight adding visible height to the structure beyond the two stories. The dwelling at 38650 East HCRH contains three fully visible stories (Exhibit 47). The maximum proposed two story dwelling height will be 25- feet, 6-inches. The entire structure is not a full two stories. The garage, laundry room and master bedroom are in portions of the structure that only extend one story. In fact only ½ the width of the 100-foot long dwelling will extend to a full two stories (Exhibit 19). Staff finds that although the dwelling proposed falls towards the large end of the range of home sizes in the area, it comparable in square footage, height and bulk to other homes in the area and will not be the largest.

The Barn (2,592 SF)

Staff documented the size of the largest farm building on each property in the area in Table 1 (sample population 14). Staff finds the one story 2,592 square foot barn is consistent with the size of other agricultural buildings in the area considering three barns larger than the proposal exist in the area (6,020 SF, 3,200 SF and 3,280 SF).

The Arena (5,940 SF)

After an extensive search, neither staff nor the applicant was able to locate another commercial horse training arena within ¼-mile. Although the applicant's narrative provides addresses of other large barns in the area, staff was not able to confirm that any of these barns are being used as part of a commercial horse training operation. In fact, a commercial horse arena was not able to be located anywhere in Multnomah County's NSA. Staff discussed this with Gorge Commission staff who were not aware of any horse arenas in the NSA and recommended that staff compare the arena to the most similar buildings in the area which would be barns. Eight horse arenas in east Multnomah County were identified during the review but can not be used for this analysis because they fall outside the limits of the NSA. The analysis continues below considering the size of barns in the area.

As seen in Table 1, the arena will have a footprint 435 square feet smaller than the largest barn in the area at 39100 East HCRH which is being used to shelter personal horses according to the applicant. The applicant's narrative refers to this arena as the "O'Neil" arena in reference to the previous owner's last name. The applicant submitted a real estate add for 39100 East HCRH describing a "*Wonderful 29+ acre parcel of land with 4-stall barn and indoor riding arena*" which suggests this barn is being used for a similar, albeit non-commercial use (Exhibit 71).

This standard requires new buildings to have a *visible mass* compatible with other similar buildings nearby. Considering the arena will be set into a 11-foot cut, only 12.5-feet of the structure will be visible which dramatically reduces the visible mass of the structure as compared to the typical one story barn in the area with 16-foot tall walls and roughly 23-feet height to roof peak. In addition, the applicant has oriented the arena such that only 60-feet of building width will be presented to the north in the direction of the local Key Viewing Areas which is comparable to

⁴ Total dwelling size includes a 1,380 SF space labeled unfinished basement in assessment records. A photo of the dwelling in Exhibit 47 shows the "basement" is only partially covered at one end. This daylight basement forms the lowest of three fully visible stories.

the width of other similar structures in the area. Site observations suggest the property rises another few feet to the north of the arena which may result in the visible mass exposure only 11.5 – 10.5-foot height presenting much less structural bulk than other buildings in the area. The applicant has indicated the site rises as much as five feet to the north of the structure but a professional survey has not been provided substantiating this. Further reducing the wall height of the barn from 16-feet to 13-feet as proposed by the applicant on November 26th is not necessary considering the extensive amount of topographic screening proposed. In conclusion, staff finds the proposed home, barn and arena all fall within the size range of similar buildings and will be consistent with the general visible scale of other similar nearby structures.

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

Applicant: Not applicable, driveway established ten years ago.

Staff: The applicant is requesting only one access point onto the Historic Columbia River Highway which is a Scenic Travel Corridor. This access point must be reviewed and approved by the Oregon Department of Transportation as a condition of approval (Exhibit 34). This is the minimum number of access points required to safely develop the site. No other access points to the property exist from a Scenic Travel Corridor. *This standard is met.*

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

Applicant: All existing and added screening vegetation will be maintained.

Staff: The present and future property owners are responsible for the proper maintenance and survival of all existing and proposed vegetation as a condition of this approval.

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

Applicant: This site plan and the development that it reflects are completely compatible with the surrounding area. The perimeter of the property is completely surrounded by multiple layers of trees shrubs and other vegetation. All the trees and shrubs were planted prior to 2006, well before this application was submitted. Many of the trees in this vegetated perimeter are in excess of 25 feet tall. All vegetation on this property is either native species or types of trees and shrubs found on adjacent properties.

Staff: The submitted plans were used to determine compatibility with the pastoral landscape setting.

11.0 REVIEW USE CRITERIA FOR TOPOGRAPHICALLY VISIBLE PROPERTIES

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

Applicant: (Response to criterion submitted by the applicant 9/28/08): I have endeavored to locate the buildings as far away from the Crown Point Highway as possible and to make the most

use of topography. The house is 453 feet south of the northern boundary, 51 feet from the western boundary and 110 feet from the eastern boundary. The outline of the house is a rectangle. The house is 46 feet in width and 99 feet in length. It is 3350 square feet; three bedrooms. It's 24 feet in height. The house is aligned on the property on a north west to south east axis, thus giving it an oblique angle of view to KVAs. It was sited in this manner to present the smallest view of the house from key viewing areas (i.e. Crown Point Highway). In viewing the house from the north west, the width (i.e. 46 feet) is viewed, rather than the whole length of the house. After working on this land for 12 years, I have this anecdotal opinion. The heaviest traffic on the Crown Point Highway occurs on weekends, especially Sundays. The traffic is predominately from Portland to the east on the highway towards Crown Point and Multnomah Falls. If I were personally to take a scenic drive up the Gorge, the route I would take would be east on the Crown Point Highway and returning west on I-84. I have no statistics to substantiate this but I believe observation would bear this out. Time and time again, I have witnessed car clubs, tour buses, motorcycle clubs, etc. traveling east on the Crown Point Highway and though I am there all day, they never return on the Crown Point Highway going west. So, to minimize a view of the house to traffic on the Crown Point Highway, I aligned it along a north-west to south-east axis. This presents only the end view of the structure to the KVAs. Along the Crown Point Highway to the west of my property, there is significant screening by vegetation that totally obscures the view of the site. When traveling along the Crown Point Highway from east of my property to the west, the view of my property is blocked by topographical features, screening vegetations, and neighboring structures. There is a neighbor's house, barn and out buildings that screen the view. There is a rise in my property that screens the lower 8 feet of the proposed house from the Crown Point Highway. The tallest portion of the house is below the skyline.

565 feet south from the north boundary, along the east boundary of the property, the land begins to slope sharply and forms a natural bowl. I would use a cut and fill method to excavate out a flat area on which to put a barn/riding arena/machinery storage building. This building would have 16 foot eaves with a 3/12 roof pitch with the peak of the roof at 23 1/2 feet. Because of the slope of the property, a cut of 15 feet would hide the building. Because of the natural bowl type topography and the cut and fill method of site excavation, the building (i.e. side walls and roof) would be hidden from KVAs. Every effort has been made to conceal this building. The cut and fill method will be an added cost to the construction of this building. It will however maximize the effect of intervening topographical features totally eliminating the building from the line of site view from the KVAs. I have employed Davis Excavation and done a grade survey with laser transits to ensure that the elevation of the completed building are below line of site from KVAs (See attached letter from Davis Excavation). Moreover, I have purposed camouflage type finishes for this building that would blend it to the surrounding scenery further making it invisible (See supplied visual DVD). I am willing to add more construction to make this building invisible. I do not particular care for the appearance of this type of building, however function determines shape. The house will be located approximately 250 ft. away and I am endeavoring to make this building totally concealed from the residents. If I can accomplish this I am sure it will not be seen at all from KVAs that are 700 plus ft. away.

(General Summary of visual impact considerations submitted by the applicant 9/16/08): The key viewing area for this site is the East Historic Columbia River Highway. As found in this narrative under various headings and regulations, it has been described that the land and the buildings are fully screened from the KVA. This total screening has been accomplished by the fact that the property is totally enclosed by multiple layers of trees and shrubs, maximum use of topography to conceal the buildings, and innovative construction methods that maximize the

existing vegetation and topography. The site was surveyed by an excavation company to substantiate that the existing topography and construction methods would truly obscure the barn/riding arena from line of sight view from the KVA.

To further convince myself, I formulated the following method that the barn/riding arena was invisible from KVA. Rigid pipes were placed on the land at the actual sight of each crown (i.e. highest point of a gabled roof) of the barn/arena's roof. Pipes were placed vertically 130ft. apart to simulate the ends of the roof line for the barn/arena. The southern most pipe was erected 24' vertically. The pipe 130ft. to the north (i.e. the opposite end of the roof line) was placed 13 ft. in vertical position. This reflects the data gathered by the excavation company that shows a gradient rise of 11ft. in the topography over the length of this building. We then attached a large colored balloon to the top of each vertical pipe. This would give us a reference point as to the highest point of the barn/arena's roof line. We then walked the length of the KVA (East Historic Columbia River Highway) from which the barn/arena was potentially visible. The balloons could not be seen along the length of the KVA (i.e. from Crestview Dr. to Women's Forum Viewpoint. The balloons were obscured by existing topography and vegetation. To further establish where the actual line of sight from the KVA in reference to the barn/arena, we went back to the rigid poles and extended them another 3ft. We attached a second balloon to the top of each extended pipe. We then re-enacted our visual road-side survey from the KVA. We found that the higher balloon was at times visible. Even then both balloons were not visible together. The greatest visible distance between the upper most balloon and the intervening vegetation/topography was 1½ balloon widths (measured balloon diameter was 16 inches). This results in the calculation $16\text{in.} \times 1.5 = 24\text{in.}$ If the interval between the uppermost balloon and the balloon at the actual height of the barn/area's roof is 36in., the roof line of the barn/arena is approximately 12in. below line of sight from the KVA. Try as we might, the closest we were to these balloons was 700 ft. and a digital camera will not optically depict a 16in. balloon. Though fairly satisfied with our results, we were determined to do one more test.

Substituting road flares for the two balloons on each pipe we conducted the test again during darkness. The results were the same and I consider this to be the ultimate acid test of visibility. The roof line of the building is obscured from view of the KVA.

(General Summary of Grading Considerations Submitted by the applicant 9/16/08): There are two potential building sites for the agricultural buildings on this parcel. A summary of how each of these sites conforms to the NSA regulations is as follows. There is a site closer to the KVA (East Historic Columbia River Highway) that would place the first building starting at a point 270 ft. from the KVA. This building is 36' x 72' ft. It is aligned on a north south axis. The next agricultural building is 64' x 100' feet. It would be placed 20 feet south of the first building, also aligned on a north south axis. The southern end of this building would be 465 feet from the KVA (i.e. the buildings would extend in a line 270 feet south of the KVA to 465 feet south of the KVA). The line of buildings would run astride a shallow hillock. The top of this hillock would have to be excavated to form a small building site. The actual excavation would measure approximately 195 feet (north to south) and 104 feet (east to west). Because the excavation is "shaving-off" the top of a hillock, the excess soil would have to be dispersed. This would enlarge the grading area substantially by perhaps as much as 50%. I would estimate the grading of this site would be between 800 and 1200 cubic yards. Because of proximity on this parcel of land and the topographical and pastoral characteristics of this parcel, I see some potential problems with adherence to NSA regulations.

The other potential site for the agricultural buildings is placed much farther from the KVA, to the rear of the property. Its buildings would 699 ft. from the KVA and extend south another 120 feet. It would be placed in a bowl type depression and a building site excavated in a cut and fill method. This building site would measure 140 ft. (north to south) by 128 ft. (east to west). The excavated dirt from this site would be reincorporated as fill to level out a building site. The soil would be compacted and concentrated and very little would extend outside the previously mentioned perimeter. The north side of the cut would be approximately 11 ft. in depth. It would be made into a hillside and would extend to the south from a maximum depth of 11 ft. to 0 ft. over approximately 50 ft. The soil excavated to the south would be moved immediately to the south to form a level building site. I estimate the soil moved would be approximately 1400 to 1900 cubic yards. The cut banks would be graded to a slope of 3 to 1 and planted with grass and shrubs. To south approximately 40 ft. is a ravine with similar slopes that has been planted to grass with no erosion. I feel confident that the slope of this cut could be stabilized in a similar manner. An excavation of this type would inset the building into the hillside and obstruct its view from the KVA by this hillside topography. This cut to a depth of 11 ft. in conjunction with higher topography to the north of the buildings, between the buildings and the KVA, would almost totally obscure the buildings from the KVA. Trees and shrubs planted on the top of the excavation cut would further screen the buildings. Because this excavation is on the reverse side of the slope of the topography from the KVA, none of this excavation could be viewed from the KVA.

Staff: Staff has confirmed from both field observations and review of maps produced by the Columbia River Gorge Commission that the pastured portion of the property is visible from the Historic Columbia River Highway, the Women's Forum and Larch Mountain located over 8.5 miles to the east. As the applicant notes above, the southern portion of the pasture begins to drop in elevation away from Key Viewing Areas. The property is not visible from any other KVAs. The landscape setting to which the development must be visually subordinate to is "Pastoral." The Management Plan describes the Pastoral setting as areas where large expanses of cultivated fields and pastures are punctuated by clusters of farm accessory buildings and with hedgerows or poplar rows defining distinct fields. This description matches the area well.

All development has been positioned towards the southern side of the pasture to retain the open feel of the areas. Only ½ the width of the rustic style 100-foot long dwelling will extend to full stories and will not dominate the view of the flat pastured site (Exhibit 19). Both one story agricultural buildings will be keyed into a slope at the rear of the pasture and will be oriented to present the narrowest width of the buildings towards the closest Key Viewing Areas. The amount of glass facing Key Viewing Areas has been limited and the colors chosen for all structures are appropriate for a pastured site in the foreground of a KVA. The existing screening around the pasture will be supplemented with additional landscaping between each new building and the two Key Viewing Areas to the north. Only low-reflective building materials are proposed and all exterior lighting must be shielded as a condition of this approval.

Once developed, the property will appear to a casual passerby as open pasture land with a dwelling and two agricultural buildings clustered at the rear of the pasture. The proposed development will be screened by landscaping and will not noticeably contrast with or dominate the surrounding landscape. Staff finds that as conditioned, the proposed development will be visually subordinate to its pastoral landscape setting. The following findings will explore the details of the proposed development further. *This standard is met.*

- 11.2 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. Decisions shall include written findings addressing the factors influencing potential visual impact including but not limited to: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas it is visible from, the number of Key Viewing Areas it is visible from, and the linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads). Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from key viewing areas, including but not limited to siting (location of development on the subject property, building orientation, and other elements); retention of existing vegetation; design (color, reflectivity, size, shape, height, architectural and design details and other elements); and new landscaping (MCC 38.7035(B)(2)).**

Applicant: See B(1).

Staff: The conditions related to appropriate colors, building materials and treatments, the shielding of lighting, retention and supplementation of landscaping all are necessary and proportionate to the request considering the pastoral nature of the site and close proximity to multiple Key Viewing Areas. Detailed written findings evaluating the factors listed above are presented throughout this decision.

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

Applicant: See B(1).

Staff: Staff does not believe visual effects of this proposal will have a cumulative effect on the area. The dwelling will be the most visible structure but will not be the largest in the area. It has been determined in this decision that two much larger dwellings and two of comparable but slightly smaller size exist in the area. The proposed two story home will only be 25-feet, 6-inches tall which is 9.5 feet lower than the maximum height in the zoning district. In fact, roughly ½ of the dwelling is only one story. Additional measures have been taken to assure the structure will blend in to the landscape such as retention of existing vegetation, a substantial planting plan and the use of low reflective, earth toned colors to match the landscape.

The barn and arena are both smaller than other agricultural buildings in the area and will be placed on the back of a slope facing away from KVAs within an 11-foot cut on the north end. This will block views of the upper 55% of the 20-foot tall barn and 47% of the 23.5-foot arena, as measured to roof peak. Additionally, staff observed a slight rise in the property to the north which will provide additional screening of an estimated few feet as viewed from the north. The applicant has agreed to treat the roofs of both agricultural buildings with asphalt to eliminate any reflectivity concerns and is now proposing wood walls rather than metal for both buildings. At the time of planting, landscaping north of the agricultural buildings will screen all but the upper 9-feet of the barn and 7.5-feet of the arena measured to roof peaks. Staff does not expect the barn and arena to be noticeable once landscaping planted and would expect the landscape would obscure views of

both buildings within a few years. In summary, the resulting development on this property will not have a cumulative visual effect on the surrounding area.

- 11.4 (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).**

Applicant: see site plan.

Staff: The necessary information has been provided. The details of the proposed construction and landscaping will be discussed in upcoming findings.

- 11.5 For proposed mining and associated activities on lands visible from Key Viewing Areas...(MCC 38.7035(B)(5)).**

Applicant: Not applicable.

Staff: Staff concurs.

- 11.6 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 (MCC 38.7035(B)(6)).**

Applicant: There are two proposed sites for the agricultural buildings in this application. The alternative placement of these agricultural buildings is better discussed in regulations to follow.

Staff: The development area does not contain a buffer for the protection of wetlands, riparian corridors, sensitive plans, sensitive wildlife or any known cultural resource. This is an open site with limited options to reduce visibility by siting alone. A local excavator has analyzed the site using a laser level and established the most significant topographic features within the development area include an isolated rise of 7-feet near the center of the pasture and the backside of a slope at the southern end of the pasture with a base 25-feet lower than the topographic rise near the center (Exhibit 23). Although a professional survey has not been submitted confirming these measurements, staff has confirmed during a site visit a small rise in the center of the property at least a few feet tall and the obvious break in slope at the south end of the pasture. The southern fifth of the property is forested and too steep to be developed.

The applicant considered two development scenarios – one closer to the Highway and one further. Staff believes the development option further from the Highway meets this standard whereas the development option closer to the Highway does not. For example, development is proposed towards the southern portion of the pasture on the other end of the property from the local Key Viewing Areas in an attempt to minimize visibility. The largest building proposed will be sited on the portion of the property sloping away from the KVAs in an attempt to use all available topography to help screen the most visible development. The existing access drive on the property

will provide site access with minimal modifications required at the end to reach the proposed development. Moving development even further south than proposed, away from local KVAs, would require removal of mature forest and place development on slopes exceeding 40%. The applicant has sited development towards the southern portion of the property in a location minimizing visibility from KVAs.

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

Applicant: This property is 7 acres. Its northern boundary is adjacent to the East Historic Columbia River Highway for 282 feet. The land is of a rectangular shape. The east and west boundaries are each 1100 feet, with the northern and southern boundaries each 282 feet. I have grown row crops on it in past years. I have planted conifer trees along the west and east boundaries. On the east boundary there are two rows of conifer trees with ten feet center to center between trees on each row. These rows are planted 5 feet apart, and the trees are planted alternating staggered method. These two rows of conifers extend 845 feet into the property. Starting at 458 feet into the property these two rows are joined with an additional two more rows of conifer trees extending 845 feet into the property. On the eastern boundary, inside the conifer rows is a single row of arborvitae on two foot centers. It extends from the Crown Point highway 845 feet. Inside this row, at the 458 foot mark, a row of poplar trees extend 845 feet into the property. These six rows of trees and shrubs blend into the conifer forest at the southern portion of the property. This multiple layer of trees and shrubs provides a totally impervious vegetative screen on the eastern boundary.

On the western boundary of this property there is a row of poplar trees planted on ten foot centers extending 825 ft. to the south. Inside this row, is another row of poplar trees inset 3 ft. and planted on ten foot centers extending 825 ft. to the south. Inside this row of poplars is a row of conifer trees inset 5 ft. and planted on ten foot centers extending 825 ft. to the south. Inside this row of conifers is another row of conifers planted on ten foot centers extending 825 ft. to the south. To the east of this row of conifers, inset 12 ft., is a row of poplars planted on ten foot centers extending 845 ft. to the south. The rear of the property has a ravine with conifer forest. These trees are 100 feet tall or greater extending into the skyline. They are of a natural population and present an impermeable visual screen. This multiple layer of trees and shrubs provides a totally impervious vegetative screen on the eastern boundary.

Along the northern boundary, parallel to the Crown Point Highway is a row of azalea and laurel shrubs planted on 2 ft. centers. Planted 3 ft. to the south is a linear row of arborvitae planted on 2 ft. centers. 2 ft. inside of this is another linear row of arborvitae planted on 2 ft. centers. In the north east corner of the property adjacent to the Crown Point highway is a tall conifer tree. In the middle of the northern border along the Crown Point Highway is a large deciduous tree. 11 ft. inside the two rows of arborvitae inside the two rows of arborvitae, is a linear row of poplar trees planted on ten foot centers. Inside of this, are two maple trees spaced equal distance from the eastern and western borders. There is a wire fence along the northern boundary inside of the arborvitae that is approximately five feet in height. Clematis is planted every 30 feet along this fence. They are a climbing vine that will grow into a solid vegetative covering on this fence. This multiple layer of trees and shrubs provides a totally impervious vegetative screen on the northern boundary.

Inside of the row of arborvitae on the eastern boundary is a gravel lane leading back to the building site. Inside and parallel to it the 5 foot high wire fence extends 460 feet into the property. Along 342 feet of this fence, clematis trees are planted again on thirty foot centers. They will vine over this fence to create a screening wall of vegetation. Ten feet to the west of this wire fence is another row of poplar trees planted on ten foot centers extending from the East Historic Columbia River Highway to the south by 342 ft.

All of these plants are found growing in the immediate area along the Crown Point Highway and on adjacent land and home sites. From the presiding description this property is totally shielded by screening vegetation from the East Historic Columbia River Highway by multiple layers of vegetation.

Staff: The applicant has properly used existing topography and existing landscaping to obstruct views of the proposed development to the maximum extent practicable. No trees will be removed. Existing screening on the property has already been described by staff and is also described by the applicant above. Proposed grading and landscaping will be used to provide additional topographic screening than offered by the rolling pasture. The creation of earthen berms for screening are not proposed in an attempt to avoid un-natural linear rises within the open pastured site. *This standard is met.*

11.8 (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).

Staff: The applicant does not propose removal of any trees.

11.9 Driveways and buildings shall be designed and sited to minimize grading activities and visibility of cut banks and fill slopes from Key Viewing Areas (MCC 38.7035(B)(9)).

Applicant: Staff: The house is 453 feet south of the northern boundary, 51 feet from the western boundary and 110 feet from the eastern boundary. The house is aligned on the property on a north west to south east axis, thus giving it an oblique angle of view to KVAs. In viewing the house from the North West, the width (i.e. 46 feet) is viewed, rather than the whole length of the house. There is a rise in my property that screens the lower 8 feet of the proposed house when viewed from the east of the Crown Point Highway. The tallest portion of the house, when viewed from KVAs is below the skyline. At 450 ft. to the south of the East Historic Columbia River Highway, the house is set back as far as functionally possible from the East Historic Columbia River Highway. The house can not be placed any farther to the south because there would be no suitable site for a draining field. This drain field is placed to the south west of the house on the last bit of suitable level land. This parcel is slightly below the house in elevation. If the house were set any farther to the south from the East Historic Columbia River Highway, sewage would have to be pumped uphill. 565 feet south from the north boundary, along the east boundary of the property, the land begins to slope sharply and forms a natural bowl. I would use a cut and fill method to excavate out a flat area on which to put a barn/riding arena/machinery storage building. Because of the natural bowl type topography and the cut and fill method of site excavation, almost all of the building (i.e. side walls and lower portion of the roof) would be hidden from KVAs. Every effort has been made to conceal this building. The cut and fill method will be an added cost to the construction of this building. It will however maximize the effect of intervening topographical features totally eliminating the building from the line of site view from the KVAs. I have employed Davis Excavation and done a grade survey with laser transits to

ensure that the elevation of the completed building are below line of site from KVAs (See attached letter from Davis Excavation). This building could not be placed any further to the south from the East Historic Columbia River Highway because the ground drops sharply in elevation to the south in elevation into a ravine, making building impossible.

ODOT specified where driveway must go because of entry onto East Historic Columbia River Highway. Driveway has been established for ten years. As you can see every effort has been made to incorporate the existing topography and distance to isolate these building sites from KVAs.

Staff: Other than foundation installation, no cut banks are proposed in association with the dwelling. These cut slopes will not be visible once the dwelling is constructed. Staff expects minor fill against the foundation will be used to achieve positive grade, as is typical in any new construction. Typical amounts of soil disturbance will be required for the minor driveway modifications, septic system and utility installation which will occur on relatively flat ground.

Cut banks and fill slopes are proposed to lower the elevation of barn and arena on the south side of the pasture. This area slopes to the south away from the Key Viewing Areas. After visiting the site, staff does not believe these cut/fill areas will be visible from KVAs considering these activities will occur on a slope facing south away from KVAs. *This standard is met.*

- 11.10 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* (MCC 38.7035(B)(10)).**

Applicant: Samples of exterior building construction material have been submitted. The roofing materials and exterior siding materials of the house are of an approved material and color as noted in the Scenic Resources Implementation Handbook.

The roofing material for the barn/ riding arena would be metal coated with asphalt. This is an approved material and finish as stated in the Scenic Resources Implementation Handbook. The barn/riding arena will have a tin roof coated with asphalt as allowed for in Building in the Scenic Area, “Exterior Material Selection & Reflectivity”, pages 22-23, Figure 19 “Dark metal treated with dark asphalt or other permanent flexible coating”. Asphalt will not require a paint as it is non-reflective. It will be a dark, flat, charcoal color, similar to B-1 as found in Building in the Scenic Area on page 18 under “Recommended Colors”. The exterior walls of the barn/arena will be covered with plywood siding. It will be painted a forest green similar to C-5 as found in Building in the Scenic Area on page 18 under “Recommended Colors”.

Staff: None of the buildings will be fully screened by topography from KVAs. The applicant has used the Scenic Resources Implementation Handbook to help select appropriate materials and colors for all three buildings. The architectural style of the proposed single family dwelling is best

described as cabin-style home with rustic exterior which fits into the Corbett area. The porches and large overhangs contribute to the rural cabin appearance. The entire structure is not a full two stories. The garage, laundry room and master bedroom are in portions of the structure that only extend one story above the ground. In fact only ½ the width of the 100-foot long dwelling will extend to a full two stories. The walls will be hardiplank lap siding. Column beams around the entry way will be wood with a rock texture buttress at the base.

The number of windows has been limited on the front of the home facing the Highway, with large roof overhangs along this side of the dwelling shielding the highest windows on the second story. All continuous windows on the front of the dwelling facing the Highway and Women's Forum are less than 50-square feet except for one 9' x 6' (54-square feet) window left of the entry door on the ground floor. The Building in the Scenic Area handbook recommends unscreened glass not exceed 50-square feet for visible properties. Staff finds the proposed amount of glass is acceptable considering the amount of existing and proposed landscaping which will screen the lower portions of the building.

The roof of the dwelling will be a dark grayish brown asphalt shingle which meets this standard. Originally, the applicant proposed a mid brown "burnt Umber" base color for the home similar to color C13 on the recommended Building in the Scenic Area color palette. A dark brown "Chocolate" color was proposed for the home's trim which is similar to color B15. Although the paint manufacture for the proposed colors is unknown, samples of these colors are provided in the case file. Considering the open pastoral nature of the site, staff believes an olive green similar to cell B11 for the base of the home would help the dwelling better blend into the site. Staff carefully reviewed photos of the site taken in 2006 and 2008 to select the most appropriate color. The applicant agreed a green color like B11 would be acceptable and suggested a darker green trim which would meet this standard.

The walls of both agricultural buildings will be wood. Although the applicant has not specified the materials proposed for the barn and arena doors, only a real or non-reflective faux wood product will be acceptable. Metal doors will not be approved at building plan signoff for any building. The Burnt Umber brown base and Chocolate trim color proposed are appropriate for both agriculture buildings considering that they will be located towards the back of the property at the edge of the property where the landscape changes from open green pasture to steep, shaded forest land with darker brown tones more common especially as viewed from a distance. The applicant has proposed asphalt covered metal roofing for both agricultural buildings which is a treatment recommended for metal roofs located in exposed foreground locations on page 23 in the Building in the Scenic Area Design Handbook. The asphalt treatment will eliminate the possibility of reflection and result in a black matte roof which meets this standard.

The proposed number and size of windows in the barn and arena are minimal (Exhibit 13). Seven, 4'x 4' (16 SF total) windows are proposed in the barn with none apparent on the arena elevations. Staff would not take issue with the same number and size of windows proposed for the arena as the barn in the event the applicant has not fully thought through these design issues at this point. No specific window models have been proposed for the home, barn or arena. Considering the property is in the foreground of multiple KVAs, staff has conditioned the approval to allow only low e glass with less than 11% exterior visible light reflectivity rating as recommended in the Building in the Scenic Area Scenic Resources Implementation Handbook (page 23, figure 19).

- 11.11 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 (MCC 38.7035(B)(11)).**

Applicant: All exterior lighting on the house is inset and completely shielded. The barn is below line of sight of KVAs and all exterior lights are shielded.

Staff: Exterior lighting is not evident on any of the plans submitted. These design considerations have been made a condition of this approval. The specific lighting designs must be presented prior to plan signoff so staff can confirm they meet this standard. As conditioned, this standard is met.

- 11.12 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 (MCC 38.7035(B)(12)).**

Applicant: Samples of exterior building construction material have been submitted. The roofing materials and exterior siding materials of the house are of an approved material and color as noted in the Scenic Resources Implementation Handbook.

The roofing material for the barn/ riding arena would be metal coated with asphalt. This is an approved material and finish as stated in the Scenic Resources Implementation Handbook. The barn/riding arena will have a tin roof coated with asphalt as allowed for in Building in the Scenic Area, "Exterior Material Selection & Reflectivity", pages 22-23, Figure 19 "Dark metal treated with dark asphalt or other permanent flexible coating". Asphalt will not require a paint as it is non-reflective. It will be a dark, flat, charcoal color, similar to B-1 as found in Building in the Scenic Area on page 18 under "Recommended Colors". The exterior walls of the barn/arena will be covered with plywood siding. It will be painted a forest green similar to C-5 as found in Building in the Scenic Area on page 18 under "Recommended Colors".

Staff: It has been determined in Finding 11.10 that all exterior colors proposed are dark earth-toned meeting this standard.

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

Applicant: Not applicable, but buildings are below skyline as stated before.

Staff: The proposed home will be located at the same elevation as the closest Key Viewing Area, the Historic Columbia River Highway, and therefore will not appear to be silhouetting above the precipice of a bluff, cliff or ridge. In addition, mature tree canopy extending hundreds of feet in height behind the dwelling will help provide a natural backdrop to the dwelling as viewed from the Highway. The barn and arena will be located on the south side of the property at a lower

elevation than the dwelling. The mature tree canopy south of the barns will also provide a visual backdrop as viewed from the north. The property is not visible from any Key Viewing area to the south from which the development could silhouette. *This standard is met.*

11.14 (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 applicant considered visual effects from two different siting options in an attempt to ascertain whether new landscaping was required to achieve visual subordination. The preferred option is presented in Exhibit 12 and the alternative option in Exhibit 15. The alternative option shifts the dwelling to the south edge of the pasture which displaces the barn north along the driveway within 260-feet of the Historic Columbia River Highway and the horse arena north within 360-feet of the Highway. This would present views of the long side of both agricultural structures from the Highway which would visually dominate the open pasture setting.

The preferred option places the barn and arena approximately 700-feet from the Highway side by side with 20-foot separation which will present less bulk to the Highway as opposed to the end to end configuration presented in the alternative option. The preferred option also places the dwelling at the end of the existing driveway on the flattest portion of the site most appropriate for residential development. In the preferred option, the septic system is located downhill of the dwelling between the home and agricultural buildings which is most logical. This location places the dwelling approximately 430-feet away from the Highway behind one row of existing landscaping which wraps around the west, north and east sides of the pasture. The applicant has proposed supplemental landscaping immediately adjacent to the dwelling including Nine Big Leaf Maple, approximately 25-feet on-center; Nine Douglas fir planted 25-feet on center and Nineteen five Arborvitae planted 6-foot on-center. Siting options alone can not create a visually subordinate structure on this property considering the open views through just one row of existing landscaping. The proposed landscaping around the dwelling in the preferred option is required to achieve this goal.

The preferred configuration of the structures will also use the dwelling to help screen the barn and arena as viewed from the northwest. The applicant's neighbor to the south has provided a letter of support for the preferred development option over the alternative for reasons of reduced visibility from the Highway (Exhibit 29). Property owners to the immediate west have also submitted support for the preferred development option and feel the agricultural building rooflines will be well below the horizon line out of their line of site (Exhibit 28).

The proposed agricultural buildings have been turned to present the narrowest portion of each structure towards the highway. The barn will only be 25-feet wide and the arena will be 60-feet wide. Each structure will be located at the south end of the pasture as far from the Highway as possible on 12%-15% slopes, roughly 20-feet apart. Moving development further south would place it on forested slopes exceeding 40% which is not feasible. Although the applicant's narrative references a 15-foot cut, the most recent proposal involves a cut 11-feet down into the

12%-15% slope along a 128-foot long section on the up hill side, and the use of the estimated 1,400 – 1,900 cubic yards of displaced fill on the downhill side of the building pad to create a level building pad while partially dropping the buildings below the line of sight as viewed from the north. The submitted elevations of the agricultural buildings in Exhibits 13 and 14 show the barn and arena 20-feet tall and 23.5-feet tall respectively, as measured from ground to roof peak. Burying each structure 11-feet below the line of sight on the up-hill side as proposed would result in only the top nine (9) feet of the barn being visible and the upper 12.5-feet of the arena. In addition, staff observed the site rising in elevation to the north at least a few feet which will provide even more structural screening as viewed from the north.

It is not expected that this rise in elevation will help provide additional screening as viewed from the northeast at the Women's Forum or the northwest along the highway due to the configuration and location of the rise. The remaining upper portions of these structures will be adequately screened with seventeen Big Leaf Maple surrounding the proposed barn and arena. The maple trees will be supplemented with another row of eight Douglas fir and nineteen arbovitae northwest and north of the agricultural buildings. At the time of planting, this 5-foot tall landscaping wall north of the agricultural buildings will screen all but the upper 9-feet of the barn and 7.5-feet of the arena measured to roof peaks. Staff expects both buildings to be fully screened by landscaping after a few growing seasons. No earth berms are proposed. This standard is met.

(b) If new landscaping is required, it shall be used to supplement other techniques for achieving visual subordination.

Staff: Landscaping will be used, in conjunction with siting considerations, strategic excavation, and careful material and color selection in order to achieve visual subordination.

(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.

(d) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicant. 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: It has been made a condition of this approval that all new landscaping must be at least five feet in height at the time of planting and be installed as soon as practical between the timeframe September 1st and May 15th to increase odds of survival. The proper parties responsible for the maintenance and survival of the required vegetation are identified in the condition of approval. This standard is met.

(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: This handbook was used by the applicant and staff to determine the most appropriate species, size and spacing of all proposed landscaping.

11.15 New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered

unbuildable through the application of this standard. In determining the slope, the average percent slope of the proposed building site shall be utilized (MCC 38.7035(B)(24)).

Applicant: Not applicable.

Staff: Slopes around the dwelling are flat. Staff confirmed in the field with a hand held clinometer that the steepest slopes in the development area around the agricultural buildings do not exceed 15%. *This standard is met.*

11.16 (MCC 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:

(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.**

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

Applicant: Response to criteria submitted by the applicant 9/28/08... (See attached site plans and diagrams as related to grading.) As the planner and I have discussed, this proposal contains many paradoxes. One proposal suggests putting agricultural buildings much closer to a KVA with lesser grading. These buildings at this location have a much greater potential to be visible from a KVA. The other proposal, would locate them much farther from a KVA, make better use of

existing topography, ensure their almost complete invisibility from a KVA, but entail much greater grading.

The proposal with the least amount of grading would locate an agricultural building 270 feet south of a KVA along the lane that runs to the rear of the property. This building would be 36' x 72' feet. Its long axis would run north and south and parallel the lane. Another building, 20 feet to the south would be 60' x 100' feet. It also would have a north south axis and parallel the lane. These buildings would start at 270 feet from a KVA and extend in a line to 465 feet to the south of the KVA. They would be located on a shallow slope almost in the middle of the property. I believe this site conflicts with elements of the following regulations:

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." The site closer to the KVA (versus the dug-out site) presents some potential visibility problems. The site is screened by vegetative barriers but not topography. It is placed in a more potentially visible area near the front and center of the property. If it can be assumed that in the future vegetative screening can be eliminated this site may have potential visibility problems. The alternative site is much farther away from the KVAs, placed in the far rear corner of the property, and is secluded behind existing topography and minimizes its potential visibility.

MCC 38.7035 C(1)(a); "Accessory structures, outbuildings and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields." This site would be a secondary choice because of its proximity to the center of the property and the KVA. From a practical standpoint this building site also takes up more pasture land than the alternative site. Next to the lane, this site puts the buildings in much closer proximity to the center of the parcel rather than the perimeter as the alternative site would.

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..." These buildings are below the skyline; however they are much more prominent on the property than the alternate building site. If the premise that all vegetation could at some time in the future could be eliminated, then there is a potential that the buildings could be seen from a KVA. MCC 38.7035 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. Alternate sites shall be considered prior to using new landscaping to achieve visual sub ordinance. Development shall be sited to avoid the need for new landscaping wherever possible." The site closer to the KVA (i.e. not the dug-out site) would require much more landscaping and possibly a soil berm to ensure its seclusion. A soil berm on this site would potentially double the amount of grading above and beyond just the building excavation. The one attribute of this site is that it more closely adheres to the principle of (least) grading.

MCC 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." This site would still require between 800-1200 yards of grading. It is on a gentle rolling slope and the site would have to be leveled. In addition to the excavation grading, the spoil (i.e. fill dirt) would have to be dispersed. The dispersal of this fill soil may enlarge the grading site over and above the

actual excavation by as much as 50-70%. Because of the uniqueness of the slope and its shallow gradient, the fill would not be concentrated in a depression as would the basin site. It would disperse over a much wider area to level the site. This site is screened by multiple levels of vegetation from the KVA. There are also some topographical features that would help screen. If the premise that all vegetation at some time in the future could be eliminated, there is the potential that this grading could be seen from the KVA. MCC 38.7035 C(1)(b)(2); "Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields." Placement of the agricultural buildings at this site would eliminate some of the open pasture land on this parcel.

The alternative site would be placed much farther from the KVA (699 ft.) It would be placed in a natural bowl with the hillsides sloping to the rear of the property facing away from the KVA. A cut and fill method would excavate from this rounded hillside bowl to create a building site. Here are some of the attributes of this building site over the alternative building site: MCC 38.7035 C(1)(a); "Accessory structures, outbuildings and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields." This building site is at the very rear southeastern corner of the parcel. It is located in the last portion of build able land. Placing the buildings at this site would leave pasture of the KVA and the buildings. 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..." This "bowl" location would conceal almost totally the buildings from line of site of the KVA. It would make use of intervening topography and locate the buildings behind natural features.

38.7035 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. Alternate sites shall be considered prior to using new landscaping to achieve visual sub ordinance. Development shall be sited to avoid the need for new landscaping wherever possible." This site would place the buildings behind natural topographical features. They would be almost totally obscured from the KVAs line of site vision. MCC 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." This site would entail more grading than the alternate site. Approximately 1400 to 1600 yards would be needed. The grading would be used to lower the outline of the buildings behind natural earthen features. The grading, though extensive, would be located on the reverse slope of the topographical features making them impossible to be seen from the KVA. Because of the rounded bowl feature of this site the buildings and the grading would be obscured from all views except in the immediate area.

Though this alternative bowl site requires more grading than the other building site closer to the KVA, I believe it satisfies more of the other regulations and is more effective at eliminating all of the view from the KVA. From a practical standpoint, it saves "good and flat" pasture and makes better use of less desirable land. As another benefit it secludes the buildings farther away from other dwellings. I am sure if a planner compares the two sites the benefits of this site outweigh its faults.

(General Summary of Grading Considerations Submitted by the applicant 9/16/08): There are two potential building sites for the agricultural buildings on this parcel. A summary of how each of these sites conforms to the NSA regulations is as follows. There is a site closer to the KVA (East Historic Columbia River Highway) that would place the first building starting at a point 270 ft. from the KVA. This building is 36' x 72' ft. It is aligned on a north south axis. The next agricultural building is 64' x 100' feet. It would be placed 20 feet south of the first building, also

aligned on a north south axis. The southern end of this building would be 465 feet from the KVA (i.e. the buildings would extend in a line 270 feet south of the KVA to 465 feet south of the KVA). The line of buildings would run astride a shallow hillock. The top of this hillock would have to be excavated to form a small building site. The actual excavation would measure approximately 195 feet (north to south) and 104 feet (east to west). Because the excavation is "shaving-off" the top of a hillock, the excess soil would have to be dispersed. This would enlarge the grading area substantially by perhaps as much as 50%. I would estimate the grading of this site would be between 800 and 1200 cubic yards. Because of proximity on this parcel of land and the topographical and pastoral characteristics of this parcel, I see some potential problems with adherence to NSA regulations.

The other potential site for the agricultural buildings is placed much farther from the KVA, to the rear of the property. Its buildings would 699 ft. from the KVA and extend south another 120 feet. It would be placed in a bowl type depression and a building site excavated in a cut and fill method. This building site would measure 140 ft. (north to south) by 128 ft. (east to west). The excavated dirt from this site would be reincorporated as fill to level out a building site. The soil would be compacted and concentrated and very little would extend outside the previously mentioned perimeter. The north side of the cut would be approximately 11 ft. in depth. It would be made into a hillside and would extend to the south from a maximum depth of 11 ft. to 0 ft. over approximately 50 ft. The soil excavated to the south would be moved immediately to the south to form a level building site. I estimate the soil moved would be approximately 1400 to 1900 cubic yards. The cut banks would be graded to a slope of 3 to 1 and planted with grass and shrubs. To south approximately 40 ft. is a ravine with similar slopes that has been planted to grass with no erosion. I feel confident that the slope of this cut could be stabilized in a similar manner. An excavation of this type would inset the building into the hillside and obstruct its view from the KVA by this hillside topography. This cut to a depth of 11 ft. in conjunction with higher topography to the north of the buildings, between the buildings and the KVA, would almost totally obscure the buildings from the KVA. Trees and shrubs planted on the top of the excavation cut would further screen the buildings. Because this excavation is on the reverse side of the slope of the topography from the KVA, none of this excavation could be viewed from the KVA.

For lack of better terms, I call these two building sites non-basin and basin. I feel that the basin excavation site is a better proposal in satisfying the following NSA regulations:

MCC 38.7035 C(1)(a): Accessory structures, outbuildings and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.

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...

MCC 38.7035 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. Alternate sites shall be considered prior to using new landscaping to achieve visual sub ordinance. Development shall be sited to avoid the need for new landscaping wherever possible.

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

MCC 38.7035 (B)(2); (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. Decisions shall include written findings addressing the factors influencing potential visual impact including but not limited to: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas it is visible from, the number of Key Viewing Areas it is visible from, and the linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads). Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from key viewing areas, including but not limited to siting (location of development on the subject property, building orientation, and other elements); retention of existing vegetation; design (color, reflectivity, size, shape, height, architectural and design details and other elements); and new landscaping.

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.

The non basin building site best satisfies the one following regulation:

MCC 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.

I believe the basin excavation site conforms more closely to the majority of the NSA regulations. The one regulation is better conforming is the subject of grading. I believe that once this parcel is viewed by a planner, the benefits of the basin excavated site, even though it entails more grading, will be evident.

Staff: Proposed grading for the project exceeds 100 cubic yards. The dwelling will be constructed on slopes less than 10% and the barn and arena will be constructed on slopes in the 12% - 15% range. The necessary information regarding the barn and arena grading has been submitted in a variety of exhibits. Staff refers the reader to the exhibit list at the end of the decision for a full list of submitted materials and recommends the reader review the narrative above, Exhibits 4, 5, 10, 20, 22, 23 and 46.

It was recommended that the County consider a detailed storm water and manure management plan as part of this proposal (Exhibit 65). Staff is in agreement and will focus on these issues within the associated Grading and Erosion Control permit review (case T1-08-056) which is in-process and designed to consider these types of impacts. For purposes of NSA requirements, the applicant has submitted the necessary grading plan which has been relied upon to establish that the development will be visually subordinate.

12.0 PASTORAL LANDSCAPE SETTING REQUIREMENTS

- 12.1 Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields (MCC 38.7035(C)(1)(a)).**

Applicant: Buildings are situated as far from KVAs as possible and grouped as close as possible together. The house and riding arena are located on the parcel to maximize and save as much continuous pasture/farm area as possible. The house is set as far as possible towards the western and southern boundary. The barn/arena is set as far back as possible to the eastern and southern boundary. Positioning the buildings in this manner leaves a large portion of the pasture/farm land in a continuous undisturbed lock between the KVAs and the building site. To the south of the building sites the land is unbuildable as it becomes a ravine.

Staff: The applicant has clustered the two agricultural buildings together with 20-foot separation at the southern extent of the existing pasture adjacent to the forested ravine. The property access is located at the east edge of the pasture. This standard is met.

12.2 In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development (MCC 38.7035(C)(1)(b)):

Staff: The entirety of the proposal involves new development and is subject to the following standards.

12.2.1 (MCC 38.7035(C)(1)(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: All existing vegetation, shrubbery, and trees will be retained. Extreme care was taken in placing the buildings so that all existing vegetation would be maintained as well as provide visual screening.

Staff: No trees will be removed. This is an open pastured property with screening vegetation existing around the edges of the pasture far from proposed development. This standard is met.

12.2.2 (MCC 38.7035(C)(1)(b)(2)) - Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.

Applicant: In compliance, new landscaping is consolidated around buildings as dictated by planner and handbook...Buildings have been sited for least visibility to KVAs. Topography dictates that these are the optimum sites. On the eastern boundary, the arena is set back from the property line 50 ft. The arena will be below grade, so it will be shielded by the topography. There are four rows of conifer trees, 10 ft. linear center to center, and the rows are spaced east to west, in 5 ft. intervals. There is an additional row of arborvitae planted on 2 ft. lineal centers, 5 ft. to the west of the conifer rows. On the completion of the arena, there will be six maple trees planted on 25 ft. intervals on the 10 ft. apron on the east facing wall of the arena. There will be six maple trees planted on 25 ft. intervals on the 10 ft. apron on the west facing wall of the arena. There will be 2 maple trees on the north facing wall of the arena; one 25 feet east from north-west corner of the north facing wall, another maple will be 25 feet west from the north-east corner of the arena. There will be a line of Douglas Fir trees that will extend around the arena from east to west to south, in an arc, at the top of the excavation cut on the north and west side of the building. These fir trees will be planted in 25 foot intervals. Between these fir trees there will be arborvitae planted in 8 foot intervals. On the western boundary, the house is set back 51 ft. from the boundary. On the western boundary there is a row of poplar trees to the west of the house planted

on 10 ft. centers. Inset 3 ft. from this is another row of poplars planted to 10 ft. centers. Inset 3 ft. from this is a row of conifers planted on 10 ft. centers along with an identical row inset 3 ft. planted on 10 ft. centers. Inset 12 ft. from this row are poplar trees planted on 10 ft. centers. On completion of the house, maple trees will be planted on 25 ft. intervals completely around the house. Douglas Fir trees will be planted 25 ft. to the outside of the maple trees. These fir trees will be planted in 25 ft. intervals. These will be planted in the gaps between the maple trees to better form screening. Between these fir trees there will be arborvitae planted in 8 ft. intervals. This line of fir trees and arborvitae will start at the north-west corner of the house extending north-east, then to the east, forming an arc around the western part of the house. The line of fir trees and arborvitae will continue to the east until it intersects the lane.

Staff: Existing vegetation surrounds the pasture. Supplemental vegetation which has been previously described in number and species will be planted immediately adjacent to the buildings which will be clustered towards the rear of the pasture. Placing new landscaping immediately adjacent to the new buildings for screening rather than in the middle of the pasture between the development and KVAs helps retain the open character of the existing pastureland. This standard is met.

- 12.2.3 (MCC 38.7035(C)(1)(b)(3) - At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, bigleaf maple, and black locust (primarily in the eastern Gorge). The Scenic Resources Implementation Handbook includes recommended minimum sizes.**

Applicant: All new plantings are of native species or varieties common to the area.

Staff: Forty three of the 86 trees planted (50%) will be native to the setting including bigleaf maple and Douglas fir. This percentage assumes arborvitaes are non-native trees rather than bushes. If arborvitaes are not considered trees than 100% of the supplemental trees for screening will be native to the area.

- 12.2.4 (MCC 38.7035(C)(1)(b)(4) - At least one-quarter of any trees planted for screening shall be coniferous for winter screening.**

Applicant: At least 25% percent are coniferous. There are big leaf maple trees planted around the house and barn/arena. In another vegetative screen, encircling the maple trees is a line of Douglas Fir and arborvitae. These constitute a planting of more that 25% coniferous trees.

Staff: Once again, the results depend on whether arborvitaes are considered trees. Either way, the applicant meets this standard.

13.0 SCENIC TRAVEL CORRIDOR

- 13.1 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 the edge of pavement of the Historic Columbia River Highway and I- 84 (MCC 38.7035(D)(1)).**

Staff: The subject property is in the foreground of a scenic travel corridor.

- 13.2 All new buildings and alterations to existing buildings, except in a GGRC, shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to MCC 38.0065. All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable (MCC 38.7035(D)(2)).**

Applicant: All buildings on this property are more than 400 ft. away from the East Historic Columbia River Highway. No parking lot will be required for this site.

Staff: All new buildings will be more than 100-feet from the edge of pavement. No alterations to existing buildings within this setback are proposed. The applicant is not proposing a new or expanded parking lot.

14.0 CULTURAL RESOURCE CRITERIA

A reconnaissance level cultural investigation shall be performed as required by MCC 38.7045 (A). MCC 38.7045(B) - The cultural resource review criteria shall be deemed satisfied, except MCC 38.7045 (L) and (M), if:

(1) The project is exempted by MCC 38.7045 (A) (1), 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).

Staff: A reconnaissance level cultural investigation for this site was performed as required by Margaret L. Dryden, Heritage Program Manager, for Columbia River Gorge NSA. Dennis Griffin, the State's Archeologist, submitted comment that cultural resources were not known to exist in the area. Mr. Griffin recommended conditions halting construction in the event cultural material is discovered. Staff has incorporated this recommendation as a condition of approval. A letter conveying a similar message was also received from Johnson Meninick, Cultural Resource Program Manager with the Yakama Nation which is contained in the permanent case file record. Staff finds that no substantiated comment was received during the comment period related to potential or known cultural resources. The criterion is met.

- 14.1 (MCC 38.7045(M)) - Discovery of Human Remains. The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts:**

(1) Halt Activities – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.

(2) Notification – Local law enforcement officials, the Planning Director, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.

(3) Inspection – The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.

(4) Jurisdiction – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.

(5) Treatment – Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, Chapter 97.740 to 97.760.

(a) If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report standards of MCC 38.7045 (I).

(b) The plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the standards of MCC 38.7045 (J) are met and the mitigation plan is executed.

Staff: These construction parameters have been incorporated as a condition of this approval.

15.0 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);**
- (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.**

Staff: The project site is not identified as a wetland on the National Wetlands Inventory and development is not proposed in a wetland buffer zone. Development is primarily proposed in the Mershon Silt Loam (27B) soil unit with the agricultural buildings possibly extending into the Haplumbrets Very Steep soil unit (20F). Neither soil units are identified as hydric by the Soil Survey of Multnomah County. Staff finds the Wetland Criteria are satisfied.

16.0 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.

Staff: The proposed development will not occur within a stream, pond or lake buffer zone, as defined by MCC 38.7060. Staff finds the Stream, Lake and Riparian Area criteria are satisfied.

17.0 WILDLIFE CRITERIA

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

Staff: The project is not located within 1,000 feet of a known sensitive wildlife area. An Opportunity to Comment was sent to the Oregon Fish & Wildlife Department and the US Forest Service. No comments were received regarding sensitive wildlife within the immediate vicinity. The GMA Wildlife Review Criteria have been met.

18.0 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: 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 GMA rare plant criteria have been met.

19.0 AGRICULTURE BUILDINGS

19.1 MCC 38.7340(A) - The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use.

Applicant: (from narrative submitted September 11, 2008): I am currently raising and training horses on the seven acre parcel at 38500 EHCRH. I am grossing more than \$40,000 by selling horses of proven bloodlines and enhancing their monetary value by intense training for various popular equestrian disciplines. Market demand changes as new horse sporting events evolve and others become less popular. I have chosen equestrian events that use similar types of horses, training methods, and facilities, as well as those events that are in popular demand. The following is a general description of the competitions that I market trained horses for:

POLE BENDING

Pole bending is a timed event that features a horse and one mounted rider, running a weaving or serpentine path around six poles arranged in a line. This event is usually seen in high school rodeos as well as American Quarter Horse Association shows, local National Barrel Horse Association shows, and Paint and Appaloosa sanctioned shows as well as at many gymkhana or O-Mok-See events. The rider will take up a gallop and run past all the poles turning at the last pole. The rider and horse will make a serpentine path through the poles, that is, passing on alternating hands and leads through the poles. When the last pole is reached, the horse and rider continue in a mirror pattern through the poles back to the first one. When the pattern is completed the horse and rider then gallop back past the poles and through the timer.

National Pole Bending Association- Rule (a): "Each contestant will begin from a running start, and time shall begin and end as the horse's nose crosses the line. A clearly visible starting line must be provided."

National Pole Bending Association- Rule (b): "The pole bending pattern is to be run around six poles. Each pole is to be 21 feet apart, and the first pole is to be 21 feet from the starting line.

A riding arena 130ft.X 80ft. is really too short in length to use for pole bending. There are arena owners in the area who, by ingenuity, are making a shorter arena work. If the end pole (#6 pole) were placed 21ft. from the far end of the arena and each successive pole declining in numerical sequence (#5-1) was placed 21ft. from the previous pole, a course could be run by utilizing a starting area outside the arena. #1 pole would be 4ft. inside the building from one end wall. On my arena I have incorporated large roll-up doors at each end. The door adjacent to #1 pole could be opened and a start line could be placed 17ft. from this door opening. A rider could start outside the building and run the course. This set-up would keep all poles inside the building and

allow the rider to make turns on a controlled surface protected from the weather. If any poles were placed outside the arena, the footing for the horse would be to haphazard and dangerous.

BARREL RACING

Barrel racing combines the horse's athletic ability and the horsemanship skills of a rider in order to safely and successfully maneuver a horse through a clover leaf pattern around three barrels placed in a triangle in the center of an arena. In timed rodeo events, the purpose is to make a run as fast as possible. The rider's performance depends on several factors, most commonly the horse's physical and mental condition, the rider's horsemanship abilities, and the type of ground or footing (the quality, depth, content, etc.) of the sand or dirt in the arena. The athleticism required for this event comes from optimum physical fitness of the rider and especially the horse. The National Barrel Horse Association (NBHA) uses the following layout for governing patterns in their rulebook:

- A minimum of 15 feet between each of the first two barrels and the side fence.*
- A minimum of 30 feet between the third barrel and the back fence.*
- A minimum of 30 feet between the time line and the first barrel.*
- The third barrel shall be spaced from barrels one and two by the combined distance between one and two plus 15 feet.*

An arena of 130 feet by 80 feet would be the absolute minimum size for this type of event. As per NBHA rules a smaller arena size would not be practical or workable. 80 feet minus 15 feet (distance from sidewall of the 1st barrel) minus 15 feet (distance of 2nd barrel from sidewall) equals 50 feet between the 1st and 2nd barrel. 130 feet minus 30 feet (distance of 3rd barrel from end wall) minus 65 feet (distance between barrels 1 and 2 plus 15 feet) minus 30 feet (distance from 1st and 2nd barrel and timeline) equals 5 feet between timeline and arena end wall. As you could see there would only be 5 feet of free space between timeline and arena end wall. The design of the arena has a roll up door at each end wall. To complete this course a horse and rider would have to start outside the arena and proceed through the open door to the course. The arena could not be any smaller and accommodate barrel racing.

TEAM PENNING

Team penning is a fast-paced and exciting event that gives a team of riders on horseback from 60 to 75 seconds to separate a selected number of cattle from a herd, and put them into a pen, at the opposite end of the arena.

USTPA (United States Team Penning Association) Article III- Rule 12: "The ideal arena size for team penning is 100' x 200', although there shall be no mandatory arena size, recognizing that arena size may vary with each facility."

USTPA (United States Team Penning Association) Article III- Rule 12 (A): "The foul line shall be between 30% and 35% of the arena length from the cattle end of the arena."

USTPA (United States Team Penning Association) Article III- Rule 12 (B): "The entry gate to the pen shall be situated 25% of the distance from the arena back wall, but shall not be less than 55 feet from the arena back wall...The kettle pen size shall be 16'x 24'"

The ideal recommended size for an arena to accommodate team penning would be 200'x 100' (see USTPA-Article III-Rule 12). My pocket book and the size of my acreage prohibit me from building an arena this size. In speaking with numerous competitors of team penning and the

cliental that I sell trained horses to, the minimum size for an arena to train horse for team penning would be 80'x 130'. Given the assumption of an arena 130 ft. long, the following layout would apply; the foul line would be 39 ft. from one end wall (see USTPA-Article III-Rule 12 A) (130 ft. x 30% = 39ft.). The team pen is 24'x16' and is 55 ft. from the opposite end wall (USTPA-Article III-Rule 12 B). If we make the calculation 130 ft. (length of arena) minus 39ft. (distance of foul line from arena end) minus 55ft. (distance of cattle pen from opposite end wall) minus 16ft. (diameter of cattle pen) = 20ft (distance from cattle pen gate to foul line), it is apparent that there is very little space for free movement of cattle, and this 20ft. would have to be considered the absolute minimum for horse and cattle movement. A smaller space than 130ft. would mean that there would be less than 20ft. from the foul line to the penning gate. This would be insufficient room for a horse to learn to maneuver cattle.

RANCH SORTING

The basic concept of ranch sorting is to separate a group of cattle between two separate pens. Mounted riders sort and guide cattle as a group or individually between these two enclosures. USTPA Article IV- Rule 5: "Recommended sorting area is to be two 50'-60' in diameter with no 90 degree corners, i.e. 60' round pen or octagonal "stop sign" design." Ranch sorting requires two 60 ft. adjoining octagonal pens. Given my arena size of 130'x 80', the free space between the outside wall of these circular pens and the inside walls of the arena is only 10 ft. on all sides. An arena of 130'x80' must be considered minimum to this sport. A similar competition is called open arena sorting. It uses an open arena without pen enclosures with minimum size being the same as the pens for ranch sorting (i.e. minimum open sorting arena size would be 120'x 60').

MOUNTED SHOOTING

Cowboy Mounted Shooting (sanctioned by Single Action Shooting Society, SASS) is an exciting equestrian sport that combines elements of old-time Wild West Show exhibition shooting along with cavalry drills, barrel racing, historical reenactments, and Saturday afternoon Westerns. SASS Mounted Shooting is a direct outgrowth of SASS Action Shooting and is a natural progression for those cowboys and cowgirls who want to bring horses into their Wild West fantasy. Contestants in the Mounted Shooting competition use two single-action revolvers loaded with five rounds each of specially prepared black-powder blanks to shoot ten balloon targets, set in two rows of five evenly spaced balloons from horseback while riding a specified course of travel. Unburned granules of black-powder exiting the barrel of the gun will ordinarily break a balloon out to a range of ten feet. Riders are timed through the course and each missed balloon adds five seconds to the rider's raw time. The contestant who rides the fastest and shoots the straightest will win.

Historically, Mounted Shooting matches have been held just about any place one can ride a horse at rodeos, shooting matches, in parks, and on the desert or prairie. However, we have found the quality of the matches, as well as the safety of the horses, riders, and spectators, is enhanced immeasurably when the events are held in an arena. While not an absolute necessity, arenas are often easier to locate than a good shooting range. The recommended arena size is 150 by 300 feet, though many matches have been held in smaller arenas. Cowboy Mounted Shooting has been typified as the fastest growing equestrian event in the United States.

From the SASS Mounted Shooting Handbook: "It is recommended all barrels be plastic, they may not be closer than 25 feet to the arena side rails and 25 feet to the end rail, and balloons shall be set at least 30 feet from the side and end rails."

A SASS Mounted Shooting course will fit into a 130'x 80' riding arena. There will however be minimal working space left. If we take the recommended placement of the target balloons as 30 ft. from all sidewalls, an interval of 17.5 ft. would be left between the five targets in a line (30ft. separation from end wall for first balloon + 17.5 ft. to second balloon + 17.5 ft. to third balloon + 17.5 ft. to fourth balloon + 17.5 ft. to fifth balloon + 30 ft. separation to end wall = 130ft.). There will be two rows of 5 target balloons. The 80 ft. width of the arena would allow for two parallel rows of five balloon targets with a separation of 20 ft. between rows (30ft. separation from sidewall + 20ft. separation between balloon rows + 30ft. separation from sidewall = 80ft.). As you can see this course of targets will fit in the arena but this would be the minimum workable size. The 17.5 ft. between balloons would be the minimum space workable to fire a pistol and the 30 ft. separation between balloons and end walls would be the minimum space needed to turn a horse.

DRESSAGE

Dressage is:

- o The art or method of training a horse in obedience and in precision of movement.
- o The guiding of a horse through a series of complex maneuvers by slight movements of the rider's hands, legs, and weight.
- o Maneuvers of a horse in response to body signals by the rider.

2008 USA Equestrian Rule Book

The National Equestrian Federation of the United States

DR101 Object and General Principles.

1. The object of Dressage is the harmonious development of the physique and ability of the horse. As a result it makes the horse calm, supple, loose and flexible but also confident, attentive and keen thus achieving perfect understanding with his rider.

2. These qualities are revealed by:

- a. The freedom and regularity of the gaits;
- b. The harmony, lightness and ease of the movements;
- c. The lightness of the forehand and the engagement of the hindquarters, originating an impulsion.
- d. acceptance of the bridle with submissiveness throughout and without any tenseness or resistance.

3. The horse thus gives the impression of doing of his own accord what is required of him.

Confident and attentive he submits generously to the control of his rider remaining absolutely straight in any movement on a straight line and bending accordingly when moving on curved lines.

4. His walk is regular, free and unconstrained. His trot is free, supple, regular, sustained and active. His canter is united, light and cadenced. His quarters are never inactive or sluggish. They respond to the slightest indication of the rider and thereby give life and spirit to all the rest of his body.

5. By virtue of a lively impulsion and the suppleness of his joints, free from the paralyzing effects of resistance the horse obeys willingly and without hesitation and responds to the various aids calmly and with precision, displaying a natural and harmonious balance both physically and mentally.

6. Cadence is shown in trot and canter and is the result of the proper harmony that a horse shows when it moves with well marked regularity, impulsion and balance. Cadence must be maintained in all different trot and canter exercises and all the variations of trot and canter.

7. The rhythm that a horse maintains in all his gaits and paces is fundamental to dressage.

There are two sizes of arenas: small and standard. Each has letters assigned to positions around the arena for dressage tests to specify where movements are to be performed. The small arena is 20 m by 40 m, and is used for the lower levels of dressage.

DR126 Requirements for Dressage Competition Management.

6. The Arena.

a. The arena should be on as flat and as level ground as possible. It is recommended that the difference in elevation across the diagonal or along the length of the arena shall in no case exceed 0.50 meters. It is recommended that the difference in elevation along the short side of the arena shall in no case be more than 0.20 meters. The Standard Arena is 60 meters long and 20 meters wide. The Small Arena is 40 meters long and 20 meters wide. Arena measurements are for the interior of the enclosure.

A standard dressage arena is 66 feet wide by 197 feet long. The small dressage arena is 66 feet wide by 131 feet long. A small dressage arena would fit into the dimensions of the proposed barn/arena. Dressage is “the dance of equestrian disciplines”. It is used to enhance the suppleness, symmetry, coordination, and beauty of a horse’s gait. When used in training a horse for other equestrian disciplines, dressage compliments these other equestrian activities. A strong comparison for dressage would be a professional sports athlete taking ballet lessons to enhance their athletic abilities. Dressage could be described as a combination of dance (for its beauty), gymnastics (for its athletic ability), and compulsorily figure skating (for its technical discipline). The usefulness of dressage in training a horse is the enhanced obedience and awareness a horse takes from its rider. This horse’s “awareness” of its rider’s commands and its own self-awareness in a competitive situation lends itself to greater success in other equestrian disciplines. This is why dressage is so useful when coupled with other horse activities such as team penning, reining, barrel racing, etc. Moreover there is a market for horses with preliminary training in dressage.

After young horses are ridden for a length of time, and are accustomed to the basic instructions from a mounted rider, and are comfortable with saddle and bridle, the more advanced training for the above mentioned equestrian disciplines can begin. The approach is a holistic one and sequential in nature. Horses are first trained for pole bending. It requires the least skill by horse and rider as turns are rather shallow and the pace is slower than other events. It is a timed event however, and the horse does have to master acceleration, deceleration, and turns. Pole bending is a good starter competition for a new horse and/or rider. Many trainers incorporate it early into the training of a horse no matter what its future equestrian discipline may be. Pole bending allows a new horse and/or rider to develop teamwork, riding skills, and exposure to competition. After mastering pole bending, the next step in training is barrel racing. The moves mastered in pole bending are accentuated and extended (i.e. the turns are sharper and more complete in barrel racing). The pace is much faster and run-outs more extended. For certain customers this is as much as they ever demand of their horse. I have several young horses on loan to young riders who are engaged in these types of competitions throughout the summer. It is a good way to segregate horses by ability at an early age. It also exposes a potential clientele to my inventory of horses.

The next level up in training would be “the ranch horse disciplines”. This would be cattle ranchers who want a working horse, reining events, cow cutting, and team penning. These are the types of customers that pay the bills. These are horses with better bloodlines, greater athletic ability, intelligence, and heart. These horses are higher priced and the customers are more

demanding. All too frequently buyers want a horse that is competition ready, and are willing to pay the price for this higher training. Unfortunately I have found many people are riders with very little training ability. This is where I can add a hefty margin above and beyond the basic price of a horse. To be "competition-ready" I need to train horses in the same environment they will compete in. That is why, given our Oregon climate, an indoor arena is mandatory for horse training.

Currently, most of my customers are in eastern Washington and northern Idaho. I could sell more horses in the Oregon area if I had an arena to display them and let customers try them out. Inclement weather and shorter days make it impossible to have horse available for viewing to customers October through May. Frequently customers wish to come at night to view horses. An indoor arena would allow showing of horse during foul weather and at night.

I have tried to paint a picture of the customer base I sell to. A typical home for one of my horse would be as such: Tuesday night to the 4-H meeting and pole bending with a 13 year old daughter, Saturday morning to team penning with the mother, and Sunday afternoons to SASS mounted shooting with the father. I currently have a family using one horse for all these activities. SASS mounted shooting is a newly developing market which I hope to train and market horses for. An indoor barn/arena is integral to the agricultural enterprise I wish to establish on this property.

(from applicant's October 12, 2008 email): *I have eight brood mares total. Because of the lack of training facilities on this sight, the other five, along with some yearlings, are at a sight with an arena. Because of my visual problems at the moment, I cannot transport horses back and forth from my property to a training facility. I am trying to get some of my customers to send you information on the horses I have sold them and the selling price. I have been able to consistently sell untrained horses at \$5,000+ each. Trained horses start at \$8,000 a piece. I have sold some of my better bloodlines with training at up to \$20,000 a piece.*

(from letter received from applicant November 14, 2008): *You have received, or will soon receive signed sales receipts from customers I have sold horses to in 2007 and 2008. The sales receipts are signed, show the sales price of the horse(s), and are accompanied by a statement from the buyer stating the place of origin of the horse(s). The cumulative value of the receipts shows gross farm income exceeding \$40000/year for 2007 and 2008.*

The value of the horses sold in 2007/2008 ranges from \$8000 to \$14000 each. There are many reasons for the differences in value; bloodlines, extent of training, quality of the horse (some horses are better athletes than others), preference of the buyer, gender of the horse (fillies; young unbred females, are typically valued higher than geldings; neutered males, because of their future breeding possibilities), how anxious I want to make a sale, etc..

Using the higher value of the sales range (\$14000), would mean a horse population of 3. I think it will actually number between 4 and 6. I would like a larger number of horses for increased income, but there are some reasons why 4 to 6 is optimal:

The restriction on the size of the supporting agricultural buildings is a limiting factor. The sizes of the buildings are really minimal for any livestock operation. The stable has only 6 stalls and very little storage for feed, hay, machinery storage, etc.. The arena is minimal in size, and the same size as another arena 900 feet distant.

There is ample pasture for a few more horses, but little pasture remains for cross-fencing, pasture rotation, etc... I will not have stallions on site as more paddocks (corrals) would be needed to segregate horses. I as I have stated a certain managed population of horses is optimal for this property, 6 or less. This would be a mix of brood mares and younger horses in training awaiting sale. These younger horses would probably be composed of fillies which are at the higher end of the price scale. This makes the most efficient use of my property and facilities. Given the difficulties of this application and the emotional response of a few neighbors, the lower profile I maintain the better.

(Letter submitted by the applicant 11/26/08)...*There is another concept that I thought may be considered. All the arenas I have found have an eve (height from ground to top of side wall) of 16 feet. I have also proposed an eve of 16 feet on my arena. I would be willing to lower this to 13 feet if that would allow the square foot dimensions to be enlarged by the same amount. The measurement you proposed is 4827 square feet (average of O'Neill arena and other barns in area). The volumetric measurement would be 77232 cubic feet ($4827' \times 16' = 77232 \text{ cu. '}$). If the eve were lowered to 13', and this volume were spread over a lower profile, it would give a dimension of 5941 sq. ft. or $60' \times 99'$. This more closely approximates the average of the arenas in the area, is still smaller than the O'Neill arena, and would be a usable building.*

Staff: Staff interprets the applicant's description above to convey that a 10,400 square foot arena would be the minimum size necessary to train horses using standard training techniques for barrel racing, team penning, ranch sorting and mounted shooting. Staff also understands the applicant is stating pole bending requires an even larger arena and that dressing would be possible in the proposed arena. After researching typical riding arena designs available on-line, Staff has reached the conclusion that the proposed 5,940 square foot arena in particular is smaller than the most typical horse arena sizes ranging from 7,200 to 8,712 square feet^{5, 6, 7}. Another on-line resource suggested 9,100 square feet as a typical multi-purpose training arena size which helps substantiate the applicant's observations⁸. Comment was submitted that the proposed project, including barn with six stalls, seems huge just to train six horses at a time (Exhibit 62). After carefully considering the research above, staff respectfully disagrees and finds the number of stalls proposes is commensurate with the scale of the operation.

Local horse trainer, Cheryl Tawwil, submitted comments in Exhibit 31 stating she felt her 120-foot by 84-foot (10,080 square feet) arena is too small for many of the courses (i.e. cutting, reining, barrels, poles, etc.) used to train horses to the level desired by her customers. This evidence, combined with the applicant's very detailed explanation above adequately demonstrates that the proposed square footage for both the barn and indoor arena will not exceed the size needed to serve the current proposed agricultural use. From the evidence submitted, staff suspects the arena size proposed by the applicant will either limit the type of training possible or require unique, creative adaptation on the part of the applicant to make the arena work for as many training regiments as possible. The applicant has indicated to staff that the proposed arena size would work for training, although it is not ideal. It should not be forgotten that the owner will

⁵ **(Wheeler, Eileen) Horse Stable and Riding Arena Design**, accessed 11.24.08, 13:08 at: http://books.google.com/books?id=TdTCPCce1msC&pg=PA245&lpg=PA245&dq=what+is+the+typical+size+for+an+indoor+horse+arena&source=web&ots=ZLqx1XMqZ8&sig=JtY6V17jiNPXTMTTnZckEl8xZOo&hl=en&sa=X&oi=book_result&resnum=1&ct=result#PPR12,M1

⁶ **Horse Data Webpage**, accessed 11.24.08, 13:10 at: http://www.horsedata.co.uk/arena_info.htm

⁷ **Stable Wise Horse Farm Planning Webpage**, accessed 11.02.08 at 13:14 at: <http://www.stablewise.com/faq/00036.html>

⁸ **Building Guides.com Webpage**, accessed 11.24.08, 13:16 at: <http://www.buildingsguide.com/steel-building-planning/agri-equestrian/riding-arena.htm>

have the ability to train outdoors on the pasture land which would most feasible during dry weather. Staff finds the proposed arena and associated barn do not exceed the size needed to serve the proposed agricultural use. This standard is met.

19.2 MCC 38.7340(B) - To explain how (A) above is met, applicants shall submit the following information with their land use application:

(1) A description of the size and characteristics of current agricultural use.

Staff: The size and characteristics of the current agricultural use are presented in Findings 4.0 and 6.0 of this decision.

(2) An agricultural plan for any proposed agricultural use that specifies agricultural use (e.g., crops, livestock, products), agricultural areas and acreages (e.g., fields, pastures, enclosures), agricultural structures (e.g., irrigation systems, wind machines, storage bins) and schedules (e.g., plowing, planting, grazing).

Staff: The applicant presents a detailed agricultural plan for the proposed training activities within the applicant's narrative to Finding 19.1. The site plan in Exhibit 4 shows the location of the proposed agricultural buildings.

(3) A floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock).

Staff: This information is presented as Exhibit 6. All necessary information has been provided.

20.0 CONCLUSION

Based on the findings and other information provided above, the applicant has carried the burden necessary for the construction of the new dwelling and two agricultural buildings in the GGA-40 zoning district. This approval is 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.

EXHIBIT	PAGES	CONTENT
1	1	NSA Application Form
2	1	County tax assessment information for subject property
3	1	2004 aerial photo of subject property and surrounding area
4	1	Reduced copy of site plan (preferred option)
5	1	Reduced copy of excavation plan (preferred option)

6	1	Reduced copy of floor plan and elevations for barn/arena structure and stables structure (preferred option)
7	1	Reduced copy of site plan (alternate option)
8	1	Reduced copy of excavation plan (alternate option)
9	1	Reduced copy of floor plan and elevations for barn/arena structure and stables structure (alternate option)
10	1	Reduced copy of general landscape amendment plan around structures
11	4	Reduced copies of home elevations and floor plans
12	1	Oversized copy of site plan (preferred option)
13	1	Oversized copy of excavation plan (preferred option)
14	1	Oversized copy of floor plan and elevations for barn/arena structure and stables structure (preferred option)
15	1	Oversized copy of site plan (alternate option)
16	1	Oversized copy of excavation plan (alternate option)
17	1	Oversized copy of floor plan and elevations for barn/arena structure and stables structure (alternate option)
18	1	Oversized copy of general landscape amendment plan around structures
19	4	Oversized copies of home elevations and floor plans
20	29	Narrative responses to approval criteria submitted by applicant
21	1	General summary submitted by applicant of site visibility considerations
22	3	General summary submitted by applicant of design considerations related to grading options
23	1	Site topography analysis submitted by Sherwood Davis, Davis Excavation
24	6	Applicant rebuttal to comments submitted by Claudia Curran and Philip Pizanelli, 38835 East Historic Columbia River Highway
25	14	Applicant rebuttal to comments submitted by the Friends of the Columbia River Gorge
26	N/A	Exhibit Number Not Used
27	3	Applicant rebuttal to comments submitted by Dixie Stevens and Eric

		Lichtenthaler, 38725 East Historic Columbia River Highway
28	1	Comments submitted 9/17/08 by John and Bonnie Barrese
29	1	Comments submitted 9/16/08 by Bob Gaughan
30	2	Comments submitted 1/23/07 by Claudia Curran and Philip Pizanelli, 38835 East Historic Columbia River Highway
31	1	Comments submitted by Cheryl Tawwil (<i>spelling of last name may not be accurate. Only signature provided in letter which is difficult to read</i>)
32	1	Comments from Dixie Stevens and Eric Lichtenthaler, 38725 East Historic Columbia River Highway submitted 1/23/07
33	N/A	Exhibit Number Not Used
34	2	Comments from Michael Ray, Oregon Department of Transportation Senior Planner submitted 9/29/08
35	1	Comments from Alison Winter, former Multnomah County Transportation Planning Specialist submitted 1/10/07
36	9	Comments from Richard Till, Friends of the Columbia River Gorge Land Use Law Clerk submitted 1/25/07
37	3	Comments submitted 1/24/07 by Jessica Metta, Columbia River Gorge Commission
38	2	Comments submitted 8/24/06 by Jessica Metta, Columbia River Gorge Commission
39	N/A	Exhibit Number Not Used
40	N/A	Exhibit Number Not Used
41	N/A	Exhibit Number Not Used
42	6	Fire District Review Fire Flow Requirements Service Provider Form
43	7	Certification of On-Site Sewage Disposal Form and 1978 Land Feasibility Study # 146-78
44	1	Fire District Access Review Service Provider Form
45	1	Certification of Water Service Form
46	17	Stormwater Certificate and associated stormwater calculations and plan, prepared by Bruce Erickson, PE (#6743)
47	8	Site and vicinity photographs submitted 7/21/06. Date taken unknown.

48	Many (3-ringed binder)	Exhibit 48 contains a number of different resources including structural size analysis results for the area, associated tax assessment printouts for each property, permit records for properties containing the largest buildings and copy of pertinent NSA regulations in effect at the time of application submittal.
49	39	Agency Completeness Review packet mailed 8/11/06
50	41	Notice of 14-day Opportunity to Comment mailed 1/10/07
51	1	Verification of applicant's intent to complete application within 180-days of application submittal date
52	16	Information used to make legal parcel determination including 10/6/77 & 10/5/77 tax assessment maps, title report and 1975 deed
53	2	1995 NSA permit approval (NSA3-95) on the subject property for dwelling and accessory agricultural buildings
54	NA	DVD video submitted by the applicant illustrating effectiveness of different paints on metal surfaces in an attempt to reduce reflectivity. Video taken on the subject property with actual materials and paint samples considered by the applicant.
55	22	Superseded narrative responses submitted by the applicant
56	NA	Building material sample folder
57	7	Superseded Horse Purchase Agreement Bills of Sale (unsigned by buyers)
58	1	Comments submitted 10/17/08 from Andrew O'Neil, 929 S Lisner Drive, Independence MO
59	N/A	Exhibit Number Not Used
60	10	Horse Purchase Agreement Bills of Sale (signed by buyers), letters verifying horse sales and letter from neighbor observing current agricultural use
61	1	Comments submitted 11/2/08 by Eric Lichtenthaler
62	1	Anonymous comments submitted 11/3/08
63	2	Comments submitted 11/3/08 by Sarah Abbot, Oregon Department of Transportation
64	9	Comments submitted 11/5/08 by Richard Till, Friends of the Columbia Gorge
65	1	Comments submitted 11/3/08 by Bob Leipper
66	N/A	Exhibit Number Not Used
67	7	Aerial Photos of subject property 2008, 2005, 2002 & 1988
68	1	Applicant's history and use of the existing lean-to structures on-site
69	6	NSA 3-95 approval with approved site plan
70	1	Staff's cross-section grading analysis

71	1	Real estate add for 39100 East HCRH presented by Lorie Shoultz, ERA Freeman & Associates 12/03/08
----	---	--