



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

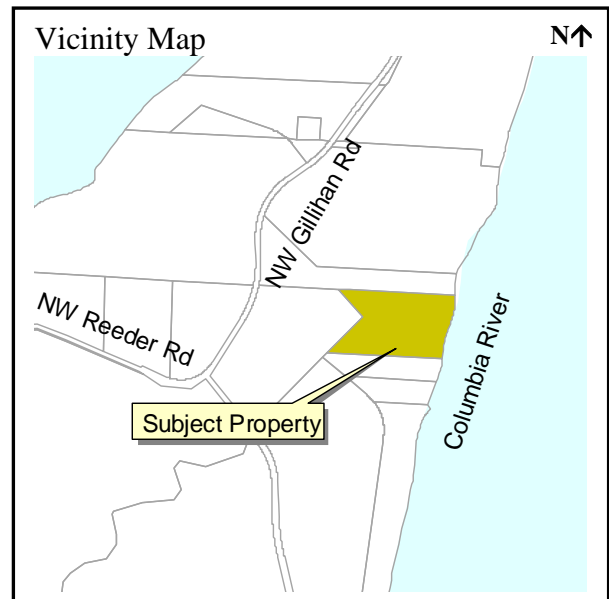
This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

Case File: T2-06-094

Permit: Significant Environmental Concern
Permit

Location: 23820 NW Gillihan Road
TL 300, Sec 35, T3N, R1W, W.M.
Tax Account #R98135-0050

**Applicant/
Owner:** Martha Berndt



Summary: SEC Permit application to add onto and completely remodel an existing single family residence, remodel an existing shop into a three car garage, construct a boat storage building, and add an accessory shop to the property.

Decision: Approved With Conditions.

Unless appealed, this decision is effective Wednesday, June 27, 2007.

Issued by:

By: _____
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Wednesday, June 13, 2007

Instrument Number for Recording Purposes: #01028180

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

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals 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 Wednesday, June 27, 2007 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): 34.0005 Lot of Record; 34.2820 Allowed Uses; 34.2855 Dimensional Requirements; 34.2870 Lot of Record; 34.4555 Criteria for Approval of SEC Permit

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.co.multnomah.or.us/landuse>.

Scope of Approval

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. **This land use permit expires two years from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0690 or 37.0700, as applicable. A request for permit extension may be required to be granted 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. **The property owner shall record a copy of the Notice of Decision cover sheet and conditions of approval with the Multnomah County Recorder within 30 days of the date this decision becomes final. A copy of the recorded document shall be submitted to the Land Use Planning Office prior to zoning approval of the building permit [MCC 37.0670].**

2. The applicant/property owner shall ensure that all grading work attributed to this development is conducted in accordance with the provisions of Grading and Erosion Control permit #T1-06-147.
3. Maintaining the existing vegetation between the structures and Dairy Creek and the Columbia River as shown on the site plan is a condition of this approval [MCC 34.4555(A)]. The landowner must replace any landscaping that does not survive with a comparable species of comparable size.

NOTE:

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

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

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

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

1. **Project Description**

Staff: The applicant is proposing to add onto and remodel an existing single-family dwelling. The addition includes connecting the existing single-family dwelling to an existing concrete foundation used by a previous manufactured home and using the entire area for the remodeled dwelling. The project also includes transforming a current 30 x 45 foot shop into a three car garage next to the home, building a 32 x 84 foot building for boat storage and upkeep, as well as building a new 24 x 36 foot shop accessory to the residence, a dock and a log boom. The project is within the General Significant Environmental Concern overlay adjacent to the Columbia River.

2 **Site Characteristics**

Staff: The Multiple Use Agricultural-20 zoned property is 11 acres in size and is located within the Sauvie Island Rural Plan Area off of Gillihan Road. The building site, located south of the Dairy Creek and the Columbia River confluence, is generally level and is located in a cleared area of the property. The majority of the property is cleared of trees or other tall vegetation. Grasses make up the majority of the site with a small grove of trees located in the northwest corner of the property just north of Dairy Creek. The site is mostly flat with slight slopes leading down to the river and Dairy Creek. The building site is located near the drop off to the river on the eastern side of the lot. The access to the property is taken from NW Gillihan Road and comes over the property to the south since the subject property has no road frontage. The property is within the 100-year flood plain according to the County's GIS maps.

3. **Public Comment**

MCC 37.0530(B) Type II Decisions

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

Staff: An opportunity to comment was mailed to property owners within 750-feet of the property lines on February 7, 2007. One written comment was received regarding the application concerning the orientation of the proposed boat storage building and its impact on views.

Procedures met

4. **Proof of Ownership**

MCC 37.0550 Initiation Of Action.

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

Staff: Multnomah County Assessment and Taxation records show Don Young listed as the owner of the property (Exhibit 1). Don Young has signed the General Application Form and Martha Berndt is listed as the applicant (Exhibit 2).

Criterion met.

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

MCC 34.2820 Allowed Uses

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

(F) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district

Staff: A Single-Family Dwelling as proposed is an allowed use. Structures such as garages and personal shops are considered customarily accessory or incidental to a residence and therefore are allowed uses as well. The boat storage building is not listed in the code as an allowed use. However, considering the property is adjacent to a major waterway with direct access to the river, it is customary to have docks associated with the dwellings. Several properties in close proximity of the subject site with river access have docks (26380 NW Reeder, 26224 NW Reeder, 25602 NW Reeder, and 24512 NW Reeder to name a few), so they are customary for the area. Boats are similar to automobiles and their association to dwellings. They provide transit and entertainment value accessory to a residential use. Similarly, they need a place to be stored, such as a large garage or other boat storage. Because the footprint of the boat house is smaller than the proposed dwelling and is essentially a garage for the boat, the proposed boat storage is considered an accessory use to the dwelling on the property.

Criterion met.

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

MCC 34.2855(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
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30	10	30	30
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Maximum Structure Height – 35 feet

Staff: As indicated on the submitted site plan (Exhibit 3), the dwelling measures 30-feet in height in compliance with the height standard. Additionally, the dwelling meets the required minimum yard setbacks as it will be located more than 80-feet from any property line. The boat house is 15-feet from the south property line which is a side yard. All other buildings are at least 75-feet to any property line.

Criterion met.

7. The Property is a Lot of Record

MCC 34.2870 Lot of Record

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

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

MCC 34.0005

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

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

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

- 1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or**

2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or

3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in *recordable form* prior to October 19, 1978; or

4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and

5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See *Date of Creation and Existence* for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU district.)

Staff: The subject property appears on both the 1962 zoning map and the October 6, 1977 zoning map in its current configuration. A deed from 1949 describes the subject property as it is today, demonstrating the property has not changed its configuration and was established prior to zoning. As such, the property was established prior to minimum lot size, access and setback requirements. The property was also established before partition regulations. Therefore, the property met all zoning and land division rules in place at the time of its creation and is a Lot of Record.

Criteria met.

8. Significant Environmental Concern

MCC 34.4555

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

Applicant: The maximum possible amount of landscaped area, scenic enhancement, open space and vegetation is provided between the residence, boat storage, accessory shop and the river. The existing terrain slopes down towards the North and Dairy Creek, and circles towards the East and the Columbia. To build further West would require substantially more ground disturbing activities and increase quantities of unstable soils, including amounts of cuts and fill. The residence fully utilizes and encompasses the footprint of the existing buildings, and is located just over 100 ft from the "Ordinary High Water Mark" of the River. To provide additional open space the proposed boat storage building is located further from the river than the residence, but maintains necessary practical access to the proposed future dock. The Proposed Accessory Shop is located also over 100 ft from the Creek, almost 300 ft from the River, and towards the part of the property best suited for maintenance and gardening activities. The Proposed Boat shop and Covered Car Park are screened by large existing cottonwood and Pine trees, along with other native riparian shrubs that will not be disturbed as a result of this work. The Covered Car Park is also located on the footprint of what is currently a shop building, west of the residence, to be remodeled also as a result of this proposal. As necessary (& by definition), the proposed

log boom and dock are to be located on the river, linked to a landing, within a practical proximity of the Boat Shop and residence.

Staff: The proposed home remodel includes the original home on the site and a building pad from a previous Health Hardship dwelling that was removed from the property. The plans include linking the existing home to the pad. This proposed development essentially maintains the existing setback to the river, incorporating the existing lawn and landscaped wall into the new design. The boat storage structure measures roughly 110 feet to the river, which must maintain some proximity to due to the use and purpose of the structure and its relationship to the waterway. That being said, the boat storage building maintains the same frontage line as the proposed house. The proposed shop on the north side of the property is over 250-feet from the Columbia and 100-feet from Dairy Creek, which is a seasonal slough. These distances provide a large vegetative covering between the structures and the water feature and still allow use of the property and structure. The proposed development provides large, open areas with vegetation for aesthetic views and property enhancement.

Criterion met.

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

Applicant: Because this proposal does not include modifications to any existing forest or agricultural land the requirements within this section to preserve and maintain forest and agricultural lands do not apply.

Staff: The property does not have any forested areas on it nor is it in Farm Deferral, which would indicate there was a farm use on the property. Therefore, no agricultural land and forest land is being reduced and therefore agricultural and forest land is being preserved.

Criterion met.

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

Applicant: As noted above the proposed buildings and structures are located to balance functional requirements with costs, preservation, and protection. The decision to locate the residence and covered car park on existing footprints is a result of economics, function, and aesthetics and requirement. As noted on the attached Site Plan the existing buildings are located at elevations consistent with current Code and FEMA requirements, and selected locations for the proposed accessory uses are also Due to existing river bank terrain dock location options are limited, and therefore boat storage practicality and function are likewise, limited. Tile locations selected provide and optimum balance of aesthetic, economics, and environmental protection.

Staff: The applicant had a survey conducted on the property detailing the elevation. All the proposed buildings and structures are above the 100-year flood plain. Locating the structures above the flood plain preserves the floodway for movement and protects the structures from unnecessary damage due to flooding. The location also helps provide

functional use of the structures such as the boat storage building – it needs to be somewhat near the water in order to be of any use. The boat storage is in fact near the water, and still out of the flood plain which meets the goals of preservation and functionality. With all buildings being at least 75-feet from a water body, there is additional protection of the water bodies from externalities associated with residential development, such as stormwater runoff.

Criterion met.

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

Applicant: Although located on the river the property does not currently have a dock. Several properties located nearby have docks:

1. 18130 NW Gillihan Rd
2. 18900 NW Gillihan Rd
3. 18400 NW Gillihan Rd
4. 14730 NW Gillihan Rd
5. 19300 NW Gillihan Rd
6. 15704 NW Gillihan Rd

Since boating and "water play" is a common activity on the River it is within the carrying capacity with a dock and log boom. The proposed private dock will more adequately secure our boat, which otherwise in summer weather is anchored off-shore, and will provide more convenient and safe access to and from. The log boom will help deflect debris and high wave action, providing protection for the dock structure, swimmers, and beach erosion. Per the standards within OAR 340 neither the dock nor log boom will discharge any gases or bacterial residue, release toxic waste or dissolved oxygen, cause temperature increases, or otherwise negatively affect the environmental quality within the Columbia River or shore zone. Lastly, due to existing pilings in the River, visible only at extreme low tide in late summer, there is evidence that one existed in the past. The proposed recreational dock is located as far as possible and practical from the mouth of Dairy creek and is well within the carrying capacity of this 11 acre parcel.

Staff: No commercial recreational use exists on the property, nor is a recreational use proposed. No public recreational access to the Columbia River will be provided through the subject property. The proposed dock is of a size and nature that it is functional for the residence on the property and must meet the Division of State Lands requirements to obtain a lease. Docks have historically been located on the Columbia River and do not require removal of vegetation or riparian areas along the river. As such, the use does not create or increase any conflict with areas of environmental significance.

Criterion met.

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

Applicant: Safety is a primary consideration within this proposal. As land owners along a river, frequently used by the public for recreational purposes, both the safety of others and

our privacy is important to us. We do not wish harm to come to others on our property (or elsewhere) and will do what we can to guard against vandalism and trespass. As noted previously, the log boom will help to mitigate wave action from shipping traffic and other recreational boaters, and divert debris, to provide a safer swimming environment. The dock will make it no longer necessary to access our boat from a dingy, so it likewise will increase safety while going to & fro. Additionally, required navigational aids will be installed to aid visibility of the dock and log boom, and signage will be posted as necessary, in a subtle and aesthetic manner, to indicate facilities are private and not intended for public use. Lastly, all aspects of construction will be consistent with local building codes.

Staff: Staff concurs with the applicant.

Criterion met.

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

Applicant: The proposal does not include any threat to significant fish and wildlife habitats. To minimize impact, the buildings are located as much as possible on existing footprints and the proposed dock maintains the maximum 6 ft allowed width, as standards require, minimizing impact on fish habitat. To further minimize impact from equipment & machinery, the dock landing footings will be hand dug, and the landing is designed to float above the river bank, minimizing any impact on the bank. The proposed terracing will be planted with grasses and shrubs that will coexist and thrive along side native species, and will replace less than 20% of the grass lawn, which in itself, is not a significant natural resource. As shown on the attached Construction Management Plan, although the primary layout area for construction of the structures will be to the West of the residence, the site maintains generous area for necessary construction equipment and assembly on all sides of the residence as well. Per the "*City of Portland's Stormwater Quality Facilities*" and as shown on the Construction Management Plan, construction of all elements will include appropriate erosion control elements, including silt fencing, protective covering, and replanting. Construction equipment & methods will minimize vibration and sound generating equipment, and will not generate toxic substances, bacterial residues, dissolved oxygen, or temperature increases.

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

Criterion met.

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

Applicant: As noted above, per OAR 340 and the "*City of Portland Stormwater Quality Facilities*," and as shown on the attached Construction Management Plan, appropriate

methods will be utilized to minimize and protect the adjacent river and creek banks from erosion during the construction process. To ensure the protection and scenic quality along the river and creek the structures within the proposal are located on existing building footprints, and other than the proposed footprints require, do not include the removal or modification of any vegetation along the banks. The proposed log boom will help protect the shore from erosion due to large wakes which occur primarily from shipping traffic, the dock landing will only touch the ground at pier footing points, and the dock ramp will "float" above the shore, not having any direct effect on it

Staff: The applicant has located the building site over 200-feet away from Dairy Creek and the vegetation that lines the creek. Additionally, the building site is nearly 100-feet from the Columbia River, preserving and protecting the natural vegetation along the river and stream. The applicant will not be removing any vegetation along the riparian areas and will retain the existing shrubs, trees and other vegetation that will provide a buffer between the residence and those waterways and fill in a part of the gap in the riparian corridor as seen from the Columbia River. The reseeded plan of disturbed areas will also protect the waterways from erosion by replacing buffering between the waterways and the disturbed areas as well as enhance the scenic quality of the site. These actions shall protect the riparian areas.

Criterion met.

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

Applicant: Since this proposal does not include any area of significant historic, scientific, or cultural value the requirements within this section, to protect these areas from vandalism or unauthorized entry are not relevant to this application.

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

Criterion met.

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

Applicant: The aesthetic value of the site is enhanced by our proposed minimal disturbance to the natural character of the area. Building on existing footprints will minimize excavation and grading that would otherwise be necessary, as reflected by the minimal amount of "Cut & Fill" produced from this proposal, shown on the attached Construction Management Plan. This same plan reflects the proposal to place fill soils only on grass field areas of the site that are above the 100 year base flood elevation (26 ft), on the proposed driveway to create a smooth and even surface, and at planter areas within the proposed terracing, to be retained by concrete and stone walls. As shown and as required cut and fill locations are selected to retain the natural state of the surrounding floodplains and wetlands area. Lastly, the proposed dock will not increase flood levels or effect flows, and, as noted previously, to protect water quality and temperature it will be a maximum of 6 ft wide, be constructed of wood logs and decking, utilizing materials that

will not impact the quality of the water. The construction of it will not require grading or fill, and will be permitted and constructed as additional standards require.

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

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

The applicant has also submitted a Flood Development permit and Grading and Erosion Control permit application to mitigate flooding and erosion concerns (T1-06-147). In conclusion, the applicant has proposed to control erosion through the use of sediment fencing, will clean and infiltrate storm water discharge through grassy swales and will be altering the ground topography in a way that has no measurable impact on the way flood waters will pass through the site in the future.

Criterion met.

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

Applicant: Included in the proposal is a Construction Management Plan, which includes erosion control methods determined appropriate, and found within the “*Erosion Prevention and Sediment Control Plans Technical Handbook*,” and “*The City of Portland Stormwater Quality Facilities*” standards, which utilize Best Management Practices. To best protect sensitive areas, as shown on the attached plan, the primary Construction staging area will be directly west of the existing building footprint and proposed new residence, naturally protected and away from the River and Creek. Additionally, for what minor East side construction and assembly will occur, generous area exists East of the residence for equipment and machines to operate while easily protecting the River and Creek from soil disturbing activities; almost 50 ft of existing lawn and shrubs will remain in place, after which exists 25 to 50 feet of rip-rap, between the outermost edge of the terrace construction and the river. Shown in the attached photo "7," the existing rip-rap consists of large (average 1 ft - 2.5 ft diameter) boulders, placed by the Army Corps of Engineers when they initially dredged Dairy Creek, to protect the land from river-induced erosion, and to protect the river and channel from silt "sluff-off." When the Accessory Shop is constructed the staging area will be just south of its proposed location, also above the 100 year base flood elevation and well buffered from the creek and the river. When the Dock and the Log Boom are built they will be constructed to the maximum extent possible North of the Boat Shop, and then transferred to their proposed locations. Additionally,

during construction a sediment control fence will be installed East of the residence and terraces, when the dock landing is constructed a sediment fence will be installed there, and when the Accessory Shop is built a sediment fence will likewise be installed there. Stock piles left exposed either more than 14 days, or more than 24 hours between the period from October 1 through April 30 will be covered 6 mil plastic sheeting, and upon completion of each structure replanting of any exposed soils will occur,

Staff: This criterion is met when the development is carried out as described and in compliance with the Grading and Erosion Control Permit #T1-06-147.

Criterion met.

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

Applicant: The development within this proposal will not increase ambient noise levels within the area. Noises generated during construction will not exceed those generated by standard agricultural or residential construction activity, will be of short duration, will be mitigated to the maximum extent possible, and will be less than those that already exist as a result of current shipping and boat traffic along the river. The quality of the air, water, and land will be preserved as a result of this remodel proposal.

Staff: Establishing a residential use on the property is not anticipated to impact the long term air quality of the area to any measurable degree as residences are not known for adding significant amounts of pollutants. Ambient noise levels associated with the residential use are expected to be consistent with other single family dwelling uses in the area and are not expected to be problematic.

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

Criterion met.

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

Applicant: The design of this proposal is intended to take advantage of the many unique qualities of this site. The existing building footprints run parallel to the river and have a view of it. The views are predominantly towards the East, which the building orientation takes full advantage of, however in spots the building opens towards the West, both to balance daylight and to take advantage of mountain views. In addition to accentuating the obvious views, the single slope shed roof forms are vernacular architecture, originating from industrial and agricultural buildings found in this rural area. The boat storage, accessory shop building, and dock footprints are new additions, but located set back, screened and of minimal visual impact from the river. The proposal creates a cohesive grouping to what is currently a mismatched and disheveled assortment of structures, and does not negatively impact views of neighbors

and improves those from the river. Per the attached elevations materials utilized will be a variety of natural local stone, stucco, stained textured concrete, wood, steel and glass. Materials are selected for their durability and ability to gracefully withstand weather and elements; those that will show color and age as natural characteristics inherent to properties of materials.

Staff: The residential structure proposed will have a footprint of 3,159 square feet including attached garage and storage area. The applicant has provided property addresses and photos of other residences in the area of comparable size. Staff used these addresses to identify the footprint sizes for this analysis. The footprint sizes reflected in the sampling of dwellings in Table 1 below include the residence and all structures such as attached garages and decks. As illustrated in Table 1 below, the applicant is proposing cumulative development smaller than what exists on other residential properties in the area. As a result, staff finds the bulk of the proposed dwelling is compatible with development that already exists on other properties in the area. The proposed dwelling is a two story house which is regularly found on Sauvie Island.

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

Table 1. Sampling of Residential footprint comparison.

The design proposed will use earth toned-stucco as the exterior that matches the natural setting of Sauvie Island. The exterior lighting will be hooded to eliminate light dispersion into the natural riparian areas surround the home site. Finally, the applicant is proposing a substantial landscaping plan to enhance and visually screen the structures in the attempt to minimize impacts to the riparian area and for views from the river. Sauvie Island and the general area around the dwelling contains dwellings of all kinds of architectural style and bulk. There is no uniform styling or character for a dwelling to conform to. As long as the dwelling is similar in size to nearby residential development, it is believed to be consistent. Staff finds the development proposed is consistent with this particular standard for the reasons cited above.

Criterion met.

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

Applicant: Because this site is not recognized as a fragile or endangered plant habitat, nor is it valued for its specific vegetative features, nor has it been identified with a need for protection of natural vegetation, the requirements within this section do not apply. Regardless, because the environmental and scenic qualities of the site are what give it value to us, we intend to make efforts to protect and enhance the natural quality and state of the site.

Staff: Staff disagrees with applicant. The site is identified as having being fragile and containing significant riparian areas. However, the proposed building site that was selected has no impact to that fragile riparian area on the site. The applicant has proposed a landscaping and development plan that does not remove vegetation in the areas mapped as Sauvie Island Riparian on the County's GIS system. Thus, the natural vegetation is being retained to the maximum extent practicable.

Criterion met.

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

Applicant: Because this proposal is a remodel and addition to an existing residential use and structure it is consistent with, and does it not impact the Comprehensive Plan. The proposal does not include any increase in density or change of use.

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

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

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

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

Policy met.

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

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

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

Staff: According to the topographic map of Multnomah County's GIS system, slopes exceeding 20% grade are not located within the development area. The development area is nearly level. According to the Multnomah County Soil

Survey, the soils of the entire property consist of the Pilchuck soil unit. The Pilchuck soil unit typically does not exhibit “severe” erosion potential as the Soil Survey indicates. The applicant has delineated the 100-foot floodplain elevation benchmark and has noted the dwelling site is located above that benchmark. According to the Multnomah County Soil Survey, the Sauvie soil unit typically exhibits rapid permeability. The water table is listed as “high seasonal water table” due to frequent flooding. However, with the development site above the flood plain, the water table in those areas would not be inappropriate to develop on. The fragipan is not mentioned as an area of concern in the soil survey and therefore is not a concern with the proposal. With very little slopes found on site, there should not be any risk of slumping, earth slides or movement.

Policy Met

3. (Policy 37: Utilities)

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

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

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

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

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

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

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

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

Policy Met

Conclusion

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

Exhibits

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