



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.

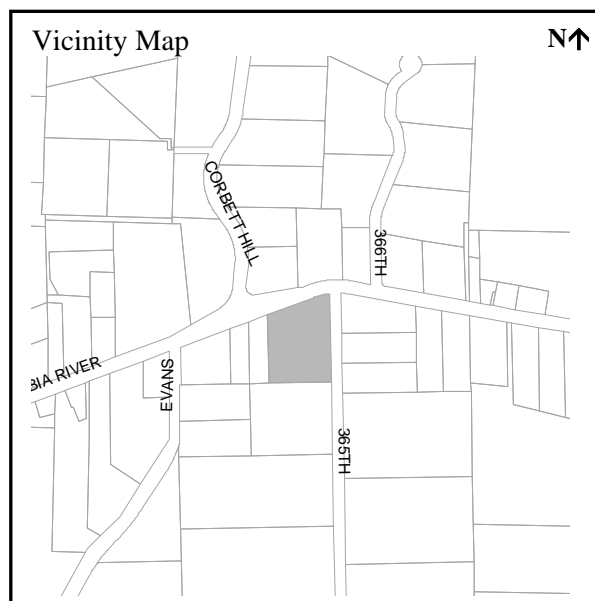
Case File: T2-08-006

Permit: Category III Land Division /
National Scenic Area Site Review

Location: 36400 E. Historic Columbia River Hwy
TL 1500, Sec 35BB, T1N, R4E, W.M.
Alternative Account # R944350890

Applicant: Jerry and Kristina Harms

Owners: Robert Ferritti



Summary: A National Scenic Area Site Review Permit application to divide a 2.25 acre parcel into two lots (1.25 acre (Parcel 1) / 1.00 acre (Parcel 2)) and to develop a single family residence and accessory structure on the remainder lot (Parcel 2).

Decision: **Approved**, with conditions.

Unless appealed, this decision is effective **Thursday, June 12, 2008 at 4:30 PM.**

Issued by:

By: _____
Kenneth Born, AICP, Planner

For: Karen Schilling- Planning Director
Date: May 29, 2008

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 Kenneth Born, AICP, Staff Planner at 503-988-3043 (ext. 29397).

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 Thursday, June 12, 2008 at 4:30 PM.

Applicable Approval Criteria: Multnomah County Code (MCC):

General Provisions

MCC 38.0015 Definitions

MCC 38.0045 Review and Conditional Use Applications

Administration & Procedures

MCC 37.0530 Summary of decision making processes

MCC 37.0550 Initiation of action.

MCC 37.0560 Code compliance and applications.

Gorge General Rural Center Criteria

MCC 38.2425 Review Uses

MCC 38.2460 Dimensional Requirements

MCC 38.2485 Off-Street Parking and Loading

MCC 38.2490 Access

Site Review

MCC 38.7035 GMA Scenic Review Criteria

MCC 38.7045 GMA Cultural Resource Review Criteria

Land Divisions

MCC 38.7700 et al

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 38.0690, 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 must comply with the following condition of approval outlined in the March 19, 2008 memorandum prepared by the County Transportation Program (Exhibit D.2):**

The existing right-of-way for 365th Avenue is 50 feet adjacent to the subject property, which meets the County's standard for a Rural Local facility. However, traffic generated by this proposal will increase the demand for turning movements at the intersection of 365th Avenue and Historic Columbia River Highway. A standard 25-foot radius dedicated to Multnomah County at the northeast corner of the subject lot will be required to accommodate these turn movements.

Evidence of the corner radius dedication must be presented to the land use staff at the same time as the submittal of the final plat. A copy of the corner radius dedication language shall be recorded with the County Record's Management Office (503-988-3034) on a map showing the dedication area. Proof that this document has been recorded shall be presented to the planning office before submittal of the final plat.

2. **The applicant is to complete the procedures as described in the "Applicant's Instructions for Finishing a Land Division" (Exhibit B.4). He is also to provide his surveyor the enclosed "Surveyor's Instructions for Finishing a Land Division" (Exhibit B.5) which provides instructions for drafting required materials.**
3. **Before the final plat and legal descriptions are submitted to the Multnomah County Surveyor's Office, two (2) copies of the plat and associated legal descriptions are to be filed with the Planning Director. Within 10 business days of filing, the Director will determine whether the plat complies with this decision and the conditions of approval contained herein.**

4. No building permits will be issued, nor shall any of the parcels be sold, transferred or assigned until the final plat is signed by the Planning Director and County Surveyor and has been recorded with the Multnomah County Recorders Office. [MCC 36.8030(C)]
5. The property owners shall be responsible for the proper maintenance and survival of any required vegetation on Parcel 2. Any required vegetation which is damaged or destroyed by inclement weather or dies or becomes diseased to the extent that it no longer serves its purpose shall be immediately replanted with Douglas Firs or Cedars which are a minimum of 6 ft tall. The required vegetation consists of all trees, shrubs and other plantings other than grass specifically slated for removal on the applicant's site plan (Exhibit A.4). These plantings must be installed as soon as practicable, and prior to project completion. [MCC 38.7035(A)(4), 38.7035(B)(17)]
6. All windows shall have a reflectivity rating not to exceed 15%. The applicant shall provide evidence relating to compliance with this condition at the time of plan sign-off. [MCC 38.7035(B)(10)]
7. If, during construction, cultural or historic resources are uncovered, the property owner(s) shall immediately cease development activities and inform the Multnomah County Land Use Planning Division, Columbia River Gorge Commission, and the U.S. Forest Service of any discovery. [MCC 38.7045(L)]
8. Ground disturbance resulting from the development approved herein will only be authorized pursuant to a Grading and Erosion Control (GEC) Permit. Ground disturbance may not take place on the subject property until the applicant/property owner submits, and the County approves, a GEC Permit. [MCC 29.366(A)(1)]
9. All utilities, including electric, gas, street lighting and cable television facilities, shall be provided in accordance with the Street Standards Code and Rules. Wires serving the new development, including but not limited to electric power, communication, street lighting and cable television wires, shall be placed underground. [MCC 38.8000(A)]
10. Within 30 days of this decision becoming final (by 07/30/08) and prior to building permit sign-off, the applicant shall record the Notice of Decision and Site Plan (Exhibit A.4) 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 a copy of the recorded document shall be submitted to the Land Use Planning Division. Recording shall be at the applicant's expense. Failure to sign and record the Notice of Decision within the above 30 day time period may void the decision. [MCC 38.0670]

Note: Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Gresham. Three (3) sets each of the site plan and building plans are needed for building permit sign off. Please contact Ken Born at 503-988-3043 (ext. 29397) 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 and Comprehensive Plan Policies 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. Staff comments may include a conclusionary statement in *italic*.

1. Project Description

Staff: The applicant is proposing to partition the subject 2.25-acre parcel into two lots. Existing on-site improvements (single family residence with attached garage, farm building) would be fully contained on Parcel I (Exhibit A.4). A small shed will be demolished if the application is approved. Parcel II currently contains patchy to moderately dense vegetation, and is not improved (with the exception of the small shed proposed for removal). The applicant also seeks approval of a new single family dwelling, accessory building and retaining wall proposed on the newly created Parcel II.

2. Site Characteristics

Staff: The applicant is proposing to partition a property described as Tax Lot 1500 within Section 35BB, T1N, R4E. The site is located in the Columbia River Gorge National Scenic Area, and is zoned Gorge General Rural Center (GGRC). The Corbett Elementary, Middle and High Schools are located approximately ¼ mile to the west. Other land uses within the immediate vicinity include a mix of single family residences, fields and pastures.

3. Public Comment

MCC38.0530(B): Type II Case Procedures

(B) Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the Gorge Commission; 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. The Planning Directors 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 the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

Staff: This application was submitted on January 9, 2008 (Exhibit A.1). A Completeness Review Notice was sent to various parties including the Gorge Commission, US Forest Service and the Indian Tribal Governments on January 15, 2008 (Exhibit C.1). On March 5, 2008 the application was deemed complete and a 14 Day Opportunity to Comment was mailed to public agencies in the NSA and neighboring property owners (Exhibit C.2). Timely comments were

received from Richard Till, Law Clerk with Friends of the Columbia Gorge, Marge Dryden, Heritage Resources Program Manager for the NSA, and the County Transportation Program. A brief summary of these comments are listed below:

Friends of the Columbia Gorge

In his letter dated February 13, 2008, Mr. Till referenced several sections of the County's zoning ordinance that he believes to be related to the proposed development. The letter appears to focus on application requirements, including necessary site plan information. (Exhibit D.1)

Multnomah County Transportation Program

In a memo dated March 19, 2008, County transportation staff indicated that a 25-foot corner return radius must be dedicated to Multnomah County since the proposed development will result in a *transportation impact*. This dedication request has been included as a condition of approval (Condition #1). The comment letter has been included as Exhibit D.2.

USDA Forest Service

On February 6, 2008, Marge Dryden, Heritage Resource Manager for the National Scenic Area, issued a Cultural Resources Survey Determination for this application. The document indicates that a cultural resource reconnaissance survey and historic survey is not required for the project based on the cultural resource site inventory maintained by the State Historic Preservation Office and requirement of the Gorge Commission's Land Use Ordinances (Exhibit D.3).

This decision was crafted and will be mailed in accordance with MCC 38.0660. *Procedures met.*

4. Proof of Ownership

MCC 38.0550 Initiation of Action

Except as provided in MCC 38.0760, 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: The proposed project is located on Tax Lot 1500, Section 35BB, Township: 1N, Range 4E. Assessment & Taxation records show that the land is owned by Robert and Mary Ferritti (Exhibit B.1). Mr. Ferritti has signed the NSA Application Form, and has authorized Jerry and Kristina Harms as applicants (Exhibit A.1). *This criterion has been met.*

5. Code Compliance

MCC 38.0560 Code Compliance And Applications.

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.

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: County staff completed a site visit on March 13, 2008 and observed no violations of the zoning code. *This criterion has been met.*

6. **The construction of a new single family dwelling and accessory structure, and two-lot partition, is allowed as a Review Use in the Gorge General Rural Center (GGRC) Zone**

§ 38.2425 REVIEW USES

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

- (A) A single-family dwelling on a legally created parcel.
- (C) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and pro-prosed buildings.
 - (2) The height of any individual accessory building shall not exceed 24 feet.
- (G) Land divisions, subject to MCC 38.2460.

Applicant: *The proposed use is for a detached single family home on a newly created parcel. The proposed parcel will have a 30'x50' workshop (1,500 square feet). The workshop will have a height of 19'-6".*

Staff: The applicant has submitted plans to construct a new single family dwelling and accessory structure larger than 200 square feet in area. Plans have also been submitted which proposed a two-lot land division. These actions are subject to a NSA Site Review per MCC 38.2425.

The subject property was created in 1970 (Exhibit B.5) in an area zoned R-10, a residential

district with a 10,000 square foot minimum lot size. Multnomah County did not regulate the partition of land until 1978. The property met the minimum lot size in place at that time, thus meeting the zoning district requirements. The subject property can be defined as a *parcel*.

This criterion has been met.

7.1 Gorge General Rural Center (GGRC) Dimensional Requirements have been met

7.2 § 38.2460 DIMENSIONAL REQUIREMENTS

(A) The minimum lot size for a single family dwelling shall be one acre.

Applicant: *Parcel 1 will have an area of approximately 1.28 acres while Parcel 2 will have an area of approximately 1.00 acres.*

Staff: County Assessment and Taxation records indicate the subject property is 2.25 acres (Exhibit B.1), and contains a single family dwelling. The applicant proposes to divide the property into two lots (Exhibit A.3). The existing dwelling would be contained within a newly configured 1.28-acre lot. The remainder lot would be 1.00-acre. The applicant has proposed a new single family dwelling and accessory structure on the 1.00-acre lot.

If approved, and after the land division is finalized, the minimum lot size requirements will be met. *This criterion has been met.*

7.3 (E) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet
Minimum Front Lot Line Length – 50 feet.

Applicant: *The house and workshop will meet or exceed these setbacks. The house will have a height of 24'-6" from finish floor to peak of roof. The front lot line length is approximately 141 feet, which exceeds the 50 feet minimum.*

Staff: As seen on the tentative plan map submitted by the applicant (Exhibit A.4), the existing single family dwelling and accessory structure, and proposed single family dwelling and accessory structure, meet all the required setbacks. Compliance with minimum yard dimensions is addressed in Table 1 and 2 below:

Table 1 – Yard Dimension Summary (Parcel 1)

	Front	Side (westerly)	Side (easterly)	Rear
Existing SFD (Parcel 1)	40 ft	187 ft	32 ft	154 ft
Existing Accessory Structure (Parcel 1)	138 ft	170 ft	80 ft	30 ft

Table 2 – Yard Dimension Summary (Parcel 2)

	Front	Side (northerly)	Side (southerly)	Rear
Proposed SFD (Parcel 2)	80 ft	20.5 ft	50 ft	80 ft
Proposed Accessory Structure (Parcel 2)	220 ft	98 ft	20 ft	30 ft

The elevation drawings submitted by the applicant indicate that the proposed dwelling and accessory structure will be less than 35 feet in height (Exhibit A.5 - A.8). *This criterion has been met.*

- 7.4 (F) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.**

Applicant: N.E. 365th Avenue has an existing right-of-way of 50 feet. No right-of-way dedication is expected. The front yard setback proposed for the new house will be 80 feet from the existing right-of-way, which easily exceeds the 30-foot front yard setback

Staff: The County Transportation Program provided comments on this proposal on March 19, 2008, and did not indicate that the NE 365th Ave. had insufficient right-of-way width to serve the area. An increase to the minimum yard requirement is not required. *This criterion has been met.*

8.1 Access Requirements Have Been Met

§ 38.2490 ACCESS

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

Applicant: Both the existing and new parcel abut a public street.

Staff: The subject property abuts a street (E. Historic Columbia River Hwy. and NE 365th Ave.) (Exhibit A.2), and will continue to abut a street subsequent to the proposed land division (see Finding 10). *This criterion has been met.*

9.1 The Applicant's Proposal Meets the Scenic Review Criteria

MCC 38.7035 GMA Scenic Review Criteria

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:** Plan to only disturb needed ground to build house and shop. Will also need to disturb what will be required to put in driveway, septic system, drain field and storm drainage system. Existing conifer and non-cottonwood deciduous trees that do not impact construction will be kept, plus additional conifer trees are to be planted between the new buildings and Key Viewing Area (KVA) – East Historic Columbia River Highway. Please refer to site plan. The proposed new parcel is south of the KVA.*

Staff: The change in elevation from the front to back of the dwelling is approximately six feet based on the applicant's site plan (Exhibit A.4). The elevations show that the grading for the dwelling will be split across the foundation. Ground disturbance includes the construction of the septic system and drainfield, driveway, detached accessory structure, retaining wall and dwelling. The slope in this area ranges from 2-8% in the development area. Significant modification of the terrain is not required to cut in the foundation or driveway. The septic drainfield will not require a significant terrain change at all for its installation. Based upon the information supplied by the applicant, the proposed project reduces the necessary grading to the minimum necessary for the construction of a single family dwelling and detached accessory structure at this location by avoiding developing steeper areas of the subject property. *This criterion has been met.*

9.2 (2) New buildings shall be generally consistent with the height and size of existing nearby development.

***Applicant:** Both house and shop are within guidelines of height restrictions for the Village area and the general scale of the house is similar to other houses in the area. Please see house and shop plans.*

Staff: The Columbia River Gorge Commission staff has directed the County to view the term "nearby development" as being within a quarter mile when an adequate number of similar structures are contained within the area. Structures such as commercial buildings or churches are not considered as they serve other purposes than living area for a single family. Staff analysis focused on only those onsite improvements which are comparable to those proposed in the subject land use application (i.e. single family dwelling with an attached garage). Furnished/unfurnished basements and basement garages were included in square footage calculations only if it could be assumed that the basement in question added to the overall visual bulk of the structure, and are not entirely subterranean in nature. These assumptions were based on a review of the site's topography, and photographs provided by the applicant.

Staff reviewed the size of similar nearby development within a quarter mile of the subject

property. This quarter mile area contained 72 properties with structures. The largest size of comparable structures found in the area is 5,110 sq. ft; the smallest is 896 sq. ft. However, the following statistical summary excludes any outlying totals (see Exhibit B.5 for unabridged table):

Table 3 – Comparable Analysis Summary

	Comparable Residences	Comparable Detached Accessory Structure(s)
Average (sf)	2070	1058
Minimum (sf)	1008	160
Maximum (sf)	4948	2520
Median (sf)	1908	880

The proposed dwelling will contain an attached garage and four covered porches. The total size of the proposed dwelling with these features would be 4,535 sq ft. Two (2) properties within a quarter mile area contain larger comparable structures. The proposed accessory structure would be 1,500 square feet. Ten (10) properties within a quarter mile area contain larger cumulatively totaled comparable structures.

Based upon the information summarized above, and contained in the table and graph included as Exhibit B.5, the proposed dwelling and accessory structure are generally consistent with the size of the nearby development within a quarter mile of the subject site.

The proposed dwelling will be two stories. 12 out of 72 existing dwellings within a quarter mile are 2 stories in height. As such, the proposed dwelling is generally consistent in height with the nearby development within a half mile of the subject site. *This criterion has been met.*

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

Applicant: *The new driveway will access N.E. 365th Avenue instead of the East Historic Columbia River Highway.*

Staff: No additional access points to a Scenic Travel Corridor are proposed at this time. *This criterion has been met.*

9.4 (4) Project applicants shall be responsible for the proper maintenance and survival of any required vegetation.

Applicant: *The owner will maintain the vegetation on the site.*

Staff: A condition of approval will require that the property owner be responsible for the proper maintenance and survival of the required plantings, as illustrated on Exhibit A.4. If this vegetation is damaged or destroyed by inclement weather or dies or becomes diseased it shall

immediately replanted with the same or comparable species. *As conditioned, this criterion can be met.*

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

Applicant: Please refer to site plan.

Staff: The applicant has provided the necessary information to determine compatibility with the Village landscape setting. Please see staff findings under MCC 38.7035(C) below. *This criterion has been met.*

**9.6 (B) All Review Uses and Conditional Uses visible from Key Viewing Areas:
(1) Each development shall be visually subordinate to its setting as seen from Key Viewing Areas.**

Applicant: KVA- House sits behind shop of neighbor to minimize site from KVA. Shop has been placed where ground slopes down away from KVA to minimize view from KVA. Even though color is not a requirement – house and shop will be of natural earth tones. Existing conifer and non-cottonwood deciduous trees that do not impact construction will be kept, plus additional conifer trees are to be planted between the new buildings and KVA. Please refer to site plan.

Staff: Based on submitted application materials, and County maps, the proposed development will only be visible from the Historic Columbia River Highway. The project site is also potentially visible from Sherrard Point on Larch Mountain. However, the evaluation of its visual subordination to this latter KVA is only necessary for projects occurring within the Special Management Area. Further, the Village landscape setting exempts projects from NSA color requirements (See Finding 9.16).

In the direction of the proposed development north to the Historic Columbia River Highway, the terrain slopes upwards with a 3-6% grade for approximately 300 ft. The terrain steepens to a 10 to 40% slope and then gently slopes toward the Columbia River approximately 2100 feet from the development site (Exhibit B.3). To the south, the terrain slopes down with a 5-7% grade.

Findings which address the size, height, shape, color, reflectivity, landscaping, siting and other aspects of proposed development are addressed below. These findings conclude that the proposed structures can be made visually subordinate from the Historic Columbia River Highway through the imposition of conditions of approval. *This criterion can be met through a condition of approval.*

9.7 (2) The extent and type of conditions applied to a proposed development to achieve visual subordination should be proportionate to its potential visual impacts as seen from Key Viewing Areas. Primary factors influencing the degree of potential visual impact include: 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). Written reports on determination of visual subordination and final conditions of approval shall include findings addressing each of these factors.

***Applicant:** KVA- House sits behind shop of neighbor to minimize site from KVA. Shop has been placed where ground slopes down away from KVA to minimize view from KVA. Even though color is not a requirement – house and shop colors will be of natural earth tones. Existing conifer and non-cottonwood deciduous trees that do not impact construction will be kept, plus additional conifer trees are to be planted between the new buildings and KVA. Please refer to site plan.*

Staff:

Number of Key Viewing Areas the Site is Visible From

The subject property is visible from two KVAs: Historic Columbia River Highway and Sherrard Point on Larch Mountain. Sherrard Point is not a KVA subject to this review since the project is not within the Special Management Area.

Distance from Building Site to Key Viewing Areas it is Visible From

The linear distance from the development site to the Historic Columbia River Highway is approximately 130 feet.

Linear Distance Along Key Viewing Areas from which the Building Site is Visible

Staff performed a site visit on March 13, 2008 at the subject property, and estimates the proposed development would be visible for 1400 feet along the Historic Columbia River Highway when considering existing topography.

Amount of Area Exposed to Key Viewing Areas/Degree of Existing Vegetation Providing Screening

The amount of building site area exposed to Key Viewing Areas is minimized by the existence of an estimated 209 mature fir, birch, alder, and cottonwood trees on the subject property (Parcels 1 and 2) (Exhibit A.4). An estimated 40-foot gap in vegetative screening along the proposed northerly property line of Parcel 2 would allow for an obstructed view of the Historic Columbia River Highway. The removal of vegetation in relation to the proposed development will also impact the amount of the amount of the subject property exposed to this KVA. However, existing vegetation, supplemented by the planting of additional screening vegetation, will provide an adequate degree of screening in all directions from the Historic Highway.

Given the proposed dwelling will be visible through gaps in existing vegetation, and vegetation that is proposed to be removed, conditions will require low reflectivity building materials. Conditions will also require maintaining existing screening vegetation, and the planting of five (5) five-foot tall fir trees as proposed by the applicant at the location of the vegetative gap (Exhibit A.4). The conditions of approval are proportionate to the visual impacts as seen from the KVA. *This criterion can met through a condition of approval.*

9.8 (3) Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.

Applicant: *This partition will only create one new parcel, therefore there are no cumulative effects.*

Staff: The subject property is surrounded by other properties devoted to residential land uses, in addition to other uses accessory to residential uses. The development, with conditions, could be made subordinate to help minimize cumulative visual effects in the area. *This criterion has been met.*

9.9 (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: *Please refer to house plans and shop plans for height and shape. Exterior of house will be of Hardi Plank Siding- please see attached brochure on siding. Color will be of natural earth tones. Roofing will be Pabco roofing products color will be of grey or brown tone. Please see attached brochure of roofing with color and specs. Windows will be Milgard Tuscan Series – Single Hung. Please refer to brochure on Milgard Windows. They will be of low E glass with grid to minimize reflectivity. Window trims will be white. All exterior lighting will be recessed within covered porch ceilings- refer to house plans electrical. Outside lighting for garage faces away from the KVA and will have Copper finish, light will reflect downward see attached picture provided. Back yard will eventually be of grass and natural trees-please refer to site plans for trees that will be left. Shop exterior will be of sheet metal- please refer to brochure on proposed shop materials and colors.*

Staff: The applicant has submitted a description of the proposed height, shape, color, and exterior building materials associated with the development of a new single family dwelling and accessory structure on the project site. The applicant has submitted elevations showing the proposed buildings (Exhibit A.5 and A.7). *This criterion has been met.*

9.10 (6) New development shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable.

Applicant: *KVA- House sits behind shop of neighbor to minimize site from KVA. Shop has been placed where ground slopes down away from KVA to minimize view from KVA. Even though color is not a requirement – house and shop colors will be of natural earth tones. Existing conifer and non-cottonwood deciduous trees that do not impact construction will be kept, plus*

additional conifer trees are to be planted between the new buildings and KVA. Please refer to site plan.

Staff: The proposed dwelling, driveway and accessory structure would be developed in a location set back nearly as far from the Historic Columbia River Highway as feasible, consistent with the proposed configuration of the newly created Parcel 2 (see Land Division findings below). The development site would therefore minimize visibility from Key Viewing Areas to the maximum extent practicable. The Village landscape setting exempts projects from NSA color requirements (See Finding 9.16). *This criterion has been met.*

9.11 (7) New development shall be sited using existing topography and vegetation to screen such development from Key Viewing Areas shall be prioritized over other means of achieving visual subordination, such as planting of new vegetation or use of artificial berms to screen the development from Key Viewing Areas.

Applicant: *N/A.*

Staff: The applicant has proposed a development site that minimizes ground disturbance and utilizes existing vegetation for screening purposes. On the subject property, in the vicinity of the development site, vegetation can be utilized to achieve visual subordination, particularly to the north and west. As demonstrated in Exhibit A.4, topography cannot be used to screen the development *This criterion has been met.*

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

Applicant: *Existing conifer and non-cottonwood deciduous trees that do not impact construction will be kept, plus plant additional conifer trees are to be planted between the new buildings and KVA. Please refer to site plan.*

Applicant: *We removed any trees that could be close to structure or have possibility of impacting construction ie: septic system, infiltration system and replacement drain field. Other trees selected for removal are cottonwoods. Per current owner of property these trees have a very shallow root system. With rain leading to very wet soil conditions, and winds that can get as high as 80 miles per hour several of these trees blow over each year. The intent of this is to eliminate damage to structures and prevent any bodily harm.*

Staff: Approximately 93 trees which provide cover from Historic Columbia River Highway will be affected by the proposed development. A mix of birch, cottonwood, alder, and firs are proposed to be removed, which are species considered native to the region. However, while native to the region, cottonwood species are most suitable for sites at low elevations with deep, moist, alluvial soils (those made up of material deposited by running water), typically in valleys and canyon bottoms, along streambanks, and edges of ponds and meadows. Thus, staff concurs with the applicant's intention to remove approximately 38 of these trees (or 41% of all trees proposed for removal).

A condition of approval will require that all mature trees (approximately 57) on Parcel 2, not marked for removal on Exhibit A.4, be retained. The remainder of on-site trees are required to be maintained and shall not be removed unless diseased or dying. If removed due to disease, the trees shall be replaced immediately with similar tree species of 2-inch caliper size or greater. .
This criterion can be met through a condition of approval.

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

Applicant: N/A.

Staff: Development will occur on the flattest portion of the site. This will limit the amount of soil which needs to be disturbed during construction for the footings, drain field or driveway improvements. No cut banks or fill slopes will be visible from Key Viewing Areas. *This criterion has been met.*

9.14 (10) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features.

Applicant: Even though color is not a requirement – house and shop colors will be of natural earth tones. Roofing will be Pabco roofing products color will be of grey or brown tone. Please see attached brochure of roofing with color and specs. Windows will be Milgard Tuscan Series – Single Hung. Please refer to brochure on Milgard Windows. They will be of low E glass with grid to minimize reflectivity. Window trims will be white.

Staff: Existing topographic features will not fully screen the proposed structure from all Key Viewing Areas. The structure's exterior must be composed of nonreflective materials or materials with low reflectivity.

Both the dwelling and accessory structure will be constructed with HardiPlank lap siding and composition asphalt shingles, which will minimize reflectivity. The dwelling is proposed to have windows and/or glass doors that cover approximately 86 square feet of the northerly elevation, 106.5 square feet of the southerly elevation, 386 square feet of the westerly elevation, and 91.25 feet of the easterly elevation.

The northerly and easterly elevation of both structures will have the greatest potential for exposure to the Historic Columbia River Highway, when considering topography, existing vegetation, and existing development. This cluster of glass creates a considerable massing of windows facing this KVA. However, the applicant has demonstrated that measures will be applied to the development to reduce the visual impact from the glass windows and doors. These measures include the use of deep eaves to shade walls and glass and the installation of windows that are of a low reflective type. The applicant has not provided a reflectivity rating so that staff can evaluate the rating. A condition of approval will be included requiring the windows to meet a specific reflectivity rating, consistent with the guidelines found within the

National Scenic Area *Scenic Resources Implementation Handbook*. This will help in achieving visual subordination. *Criterion met with condition.*

- 9.15** **(11) Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.**

Applicant: All exterior lighting will be recessed within covered porch ceilings- refer to house plans electrical. Outside lighting for garage faces away from the KVA and will have Copper finish, light will reflect downward see attached picture provided.

Staff: The applicant has provided elevation drawings and lighting details (Exhibit A.5, A.7, A.8, and A.10) which illustrate fixtures to be installed above the porch areas, on either side of the bay doors of the attached garage, and above the entrance doorway to the detached accessory structure. The proposed fixtures providing illumination to porch areas will be recessed into the ceiling. The proposed light fixture to be mounted at the attached garage and accessory structure will be fully shielded and hooded. Both fixture types will direct light downward only and are made of opaque materials, painted to reduce reflectivity. *This criterion has been met.*

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

Applicant: N/A

Staff: The Village landscape setting exempts projects from NSA color requirements [MCC 38.7035(C)(6)]. *This criterion has been met.*

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

Applicant: There are no bluffs, cliffs or ridge south of the Key Viewing Area at the location of this site.

Staff: The dwelling will not protrude above the skyline, bluff or cliff as seen from KVAs (Exhibit A.4). *This criterion has been met.*

- 9.18** **(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.

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

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

Applicant: Additional conifer trees are to be planted between the new buildings and Key Viewing Area (KVA) for additional screening. Even though color is not a requirement – house and shop colors will be of natural earth tones. Roofing will be Pabco roofing products color will be of grey or brown tone. Please see attached brochure of roofing with color and specs. Windows will be Milgard Tuscan Series – Single Hung. Please refer to brochure on Milgard Windows. They will be of low E glass with grid to minimize reflectivity. Conifer trees of adequate size are to be planted. Landscaping shall be maintained by the owner and successors thereafter. Conifer trees shall be of the following species: Five-foot high Douglas Fir trees will be installed.

Staff: New landscaping will be required to screen the development from the Historic Columbia River Highway. The *Scenic Resources Implementation Handbook* recommends certain types plants for screening purposes, though none specifically for the Village landscape setting. The applicant is proposing to plant five (5), five-foot tall Douglas Fir trees (*Pseudotsuga Mensiesii*). Some of these trees will be spaced approximately 15 feet apart, as shown on Exhibit A.4. The proposed plantings are native to and found within the Columbia River Gorge, and are consistent with the recommendations of the *Scenic Resources Implementation Handbook* (see Table 2 below).

Table 4 - Recommended Native Trees (from the *Scenic Resources Implementation Handbook*)

Genus species	Mature Size Ht./spread	Planting Size Height	Spacing	East	West	Comments
Douglas Fir	<i>Pseudotsuga Mensiesii</i>	70' 20 spread'	4-5' bare-root	10-12'	X	North facing slopes or in areas with more soil moisture. Fire tolerant when older and thick-barked.

		240' 60' spread	5-10' ball / burlap	25'	X	Will grow in most locations, moderate growth rate. Not for very small properties.
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The proposed dwelling, driveway and accessory structure would be developed in a location set back nearly as far from the Historic Columbia River Highway as feasible, consistent with the proposed configuration of the subject lot. Other techniques to minimize visibility, including requiring low reflective building materials, will supplement the new landscaping.

A condition of approval will require that the landscaping be installed prior to the completion of the proposed development. *As conditioned, this criterion can be met.*

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

***Applicant:** There are no slopes in excess of 30 percent within the new parcel.*

***Staff:** The development site does not contain slopes greater than 30 percent (Exhibit A.4). This criterion has been met.*

- 9.20** **(25) All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas and which slope between 10 and 30 percent shall include submittal of a grading plan. This plan shall be reviewed by the Planning Director for compliance with Key Viewing Area policies. The grading plan shall include the 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: *See attached grading plan. The grading shown on the grading plan is necessary for the construction of the home, workshop, driveway, septic system, drainfield and storm drainage. Approximately 550 C.Y. of material will be moved. The maximum height of a cut bank or fill slope will be approximately 3.5 feet. Grading and compaction shall be in accordance with the International Building Code. The drainage shall be in accordance with the Oregon Section of the Uniform Plumbing Code. Grass and conifer trees will be planted. The owner will maintain all landscaping. Temporary sediment fencing and temporary biobags around catch basins and inlets will be installed.*

Applicant: *The approximate ground disturbance will be 22,000 square feet. This square footage is the amount of disturbance it will take to build the house and shop, also includes putting in septic system, driveway, infiltration system for roof drains and catch basins. This excludes the gravel driveway accessing the shop, the gravel will be placed 4" thick on top of existing soil.*

Staff: The proposed improvements will involve more than 100 cubic yards of grading (Exhibit A.3). The applicant has submitted a grading plan which includes the information required under this criterion, including a map and description of the proposed grading activity.

The extent of the proposed ground disturbance qualifies the project under the Grading and Erosion Control standards of Chapter 29.336 of the Multnomah County Code. This narrative and submitted site plans address the approval standards for this criterion. However, since more than 10,000 square feet of ground disturbance will need to take place in relation to the proposed development, an approved Grading and Erosion Control Permit will be required prior to construction. *This criterion can be met through a condition of approval.*

9.21 MCC 38.7035(C) All Review Uses and Conditional Uses within the following landscape settings:

(6) Village

(a) New development in this setting is exempt from the color and siting requirements of MCC 38.7035(B).

Staff: Consistency with the requirements of MCC 38.7035(B) is addressed under Findings 9.1 – 9.2. Color and siting requirements were not considered as part of this review. *This criterion has been met.*

9.22 (b) New commercial buildings shall be limited in size to a total floor area of 5,000 square feet or less, and shall be limited in height to 2 and 1/2 stories or less.

Staff: No new commercial buildings are proposed. *This criterion is not applicable.*

- 9.23** (c) For new commercial, institutional (churches, schools, government buildings) or multi-family residential uses on parcels fronting a Scenic Travel Corridor (the Historic Columbia River Highway) and expansion of existing development for such uses, parking shall be limited to rear or side yards of buildings to the maximum extent practicable.

Staff: No new commercial, institutional, or multi-family residential uses are proposed. *This criterion is not applicable.*

- 9.24** (d) New vehicular access points to the scenic travel corridors shall be limited to the maximum extent practicable, and access consolidation shall be required where feasible.

Staff: A new vehicular access point to the Historic Columbia River Highway is not proposed. *This criterion has been met.*

- 9.25** (e) New development proposals and expansion of existing development shall be encouraged to follow planned unit development approaches, featuring consolidated access, commonly-shared landscaped open areas, etc.

Staff: The applicant proposes to construct a new single dwelling and accessory structure. A PUD approach to this type of proposal is not applicable. *This criterion is not applicable.*

- 9.26** (f) New commercial, institutional or multi-family residential uses fronting a Scenic Travel Corridor shall comply with the following landscape requirements:
1. Parking or loading areas for 10 or more spaces shall include a landscaped strip at least 5 feet in width between the new use and the Scenic Travel Corridor roadway.
 2. The landscape strip required in subsection (e) 1. above shall include shrubs, vegetative ground cover and, at minimum, one tree spaced as appropriate to the species and not to exceed 25 feet apart on the average.

Staff: No new commercial, institutional or multi-family residential uses are proposed. *This criterion is not applicable.*

- 9.27** (g) The use of building materials reinforcing the Village Setting's character, such as wood, logs or stone, and reflective of community desires, should be encouraged.

Staff: The applicant proposes to use HardiPlank lap siding and asphalt shingles as the primary exterior building materials for the proposed dwelling and accessory structure. HardiPlank siding can resemble wood clapboards or cedar shingles depending on how the panels are textured. *This criterion has been met.*

- 9.28** (h) Architectural styles characteristic of the area (such as 1½ story dormer roof styles in Corbett), and reflective of community desires, should be encouraged.

Entry signs should be consistent with such architectural styles.

Staff: The applicant has proposed a dwelling which contains architectural features characteristic of the Corbett area, including dormers which project through the home's sloping roof, and four porches. *This criterion has been met.*

- 9.29** **(i) Design features which create a "pedestrian friendly" atmosphere, such as large shop windows on the ground floor of commercial buildings, porches along ground floors with street frontage, etc. should be encouraged.**

Staff: This application does not propose a commercial building. The dwelling proposed will contain porches along the ground floor, however. *This criterion has been met.*

- 9.30** **(j) Pedestrian walkways and bicycle paths should be encouraged and integrated into new developments wherever feasible.**

Staff: Due to the small scale of the proposed project, it is not feasible to demonstrate a reasonable relationship between the projected impact of the project and requiring new pedestrian walkways or bicycle paths. *This criterion has been met.*

- 9.31** **(k) Where feasible, existing tree cover of species native to the region or commonly found in the area shall be retained when designing new development or expanding existing development.**

Applicant: *We removed any trees that could be close to structure or have possibility of impacting construction ie: septic system, infiltration system and replacement drain field. Other trees selected for removal are cottonwoods. Per current owner of property these trees have a very shallow root system. With rain leading to very wet soil conditions, and winds that can get as high as 80 miles per hour several of these trees blow over each year. The intent of this is to eliminate damage to structures and prevent any bodily harm.*

Staff: An estimated 209 mature fir, birch, alder, and cottonwood trees exist on the subject property (Parcel 1 and 2). The applicant has indicated that 93 trees will be disturbed as a result of the proposed development. A mix of birch, cottonwood, alder, and firs are proposed to be removed, which are species considered native to the region. However, while native to the region, cottonwood species are most suitable for sites at low elevations with deep, moist, alluvial soils (those made up of material deposited by running water), typically in valleys and canyon bottoms, along streambanks, and edges of ponds and meadows. Thus, staff concurs with the applicant's intention to remove approximately 38 of these trees (or 41% of all trees proposed for removal).

Conditions of approval will require maintaining all other existing vegetation on Parcel 2, in addition to the planting of five (5) five-foot tall fir trees as at the location shown on Exhibit A.4. *This criterion can met through a condition of approval.*

- 9.32** **(l) Compatible recreation uses may include community parks serving the recreation needs of local residents, and varying intensities of other recreation**

uses.

Staff: This application does not proposed recreation uses. *This criterion is not applicable.*

9.33 (D) All Review Uses and Conditional Uses within scenic travel corridors:

(1) For the purposes of implementing this section, the foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Historic Columbia River Highway and I- 84.

Staff: The entirety of Parcel 1 and Parcel 2 is within one-quarter mile of the edge of pavement of the Historic Columbia River Highway. Therefore, the proposed project will take place within the foreground of a Scenic Travel Corridor.

- 9.34 (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.**
- (3) Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a Scenic Travel Corridor roadway except in a GGRC, shall comply with subsection (2) above to the maximum extent practicable.**

Staff: Both Parcel 1 and 2 are subject to the GGRC zoning designation. Therefore, this criterion does not apply. *This criterion does not apply.*

9.35 § 38.7045 GMA Cultural Resource Review Criteria

A reconnaissance level cultural investigation shall be performed as required by MCC 38.7045 (A). As stated in MCC 38.7045 (B), the cultural resource review criteria shall be considered satisfied if no cultural resources are known to exist in the project area, a historic survey demonstrates that the proposed use would not have an effect on historic buildings and no substantiated comment is received during the comment period provided in MCC 38.0530(B).

Staff: Margaret Dryden, Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area has determined that no cultural resources are likely located in the development area (Exhibit D.3). The cultural resource criteria are satisfied. *Criteria have been met.*

9.36 § 38.7065 GMA Wildlife Review Criteria

(C) Uses that are proposed within 1,000 feet of a sensitive wildlife area or site shall be reviewed as follows:

- (1) Site plans shall be submitted to Oregon Department of Fish and Wildlife by the**

Planning Director. State wildlife biologists will review the site plan and their field survey records.

(3) The wildlife protection process may terminate if the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines:

(a) The sensitive wildlife area or site is not active, or

(b) The proposed use would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.

(4) If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the proposed use would have only minor effects on the wildlife area or site that could be eliminated through mitigation measures recommended by the state wildlife biologist, or by simply modifying the site plan or regulating the timing of new uses, a letter shall be sent to the applicant that describes the effects and measures needed to eliminate them. If the project applicant accepts these recommendations, the Planning Director will incorporate them into the site review order and the wildlife protection process may conclude.

(5) The project applicant shall prepare a wildlife management plan if the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the proposed use would adversely affect a sensitive wildlife area or site and the effects of the proposed use cannot be eliminated through site plan modifications or project timing.

Staff: Uses that are proposed within 1,000 feet of a sensitive wildlife or plant area require coordination with the Oregon Department of Fish and Wildlife (MCC 38.7065(C)) and the Oregon Natural Heritage Program (MCC 38.7070(C)). The distance from the subject property is greater than 1,000 from potential sensitive wildlife areas, according to the wildlife and plant inventory maps provided by the Gorge Commission. *This criterion has been met.*

9.37 § 38.7070 GMA Rare Plant Criteria

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

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

10.1 The applicant's proposal has satisfied land division criteria for approval

§ 38.7855 CRITERIA FOR APPROVAL: CATEGORY 3 TENTATIVE PLAN

In granting approval of a Category 3 tentative plan, the Planning Director shall find that the criteria listed in subsections (B), (C) and (H) of MCC 38.7800 are satisfied and that the tentative plan complies with the area and dimensional requirements of the underlying zoning district

10.2 § 38.7800 CRITERIA FOR APPROVAL: CATEGORY 1 TENTATIVE PLAN

In granting approval of a Category 1 tentative plan, the approval authority shall find that:

(B) Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances;

Applicant: The remainder of the property will not have adequate size to be further partitioned.

Staff: The property owner does not own adjacent land holdings. The potential for additional development is somewhat limited in this area due to the predominance of 1-acre lots which already exist within adjacent areas zoned Gorge General Rural Center (GGRC), and larger minimum lot sizes imposed on surrounding lands zoned GGR-5, GGR-10 and GGA-40 (Exhibit B.2). This partition will not prevent the further development of land. This criterion has been met.

10.3 (C) The tentative plan complies with the applicable provisions, including the purposes and intent of this Chapter;

Applicant: The tentative plan complies with the intent of this chapter.

Staff: The proposed partition meets the purposes and intent of the Land Division Ordinance and the general standards and requirements of MCC 38.7885 through 38.7965 as outlined below. These criteria have been met.

10.4 (H) Approval will permit development to be safe from known flooding and flood hazards. Public utilities and water supply systems shall be designed and located so as to minimize or prevent infiltration of flood waters into the systems. Sanitary sewer systems shall be designed and located to minimize or prevent:

(1) The infiltration of flood waters into the system; and

Applicant: The site is not within any flood plain.

Staff: The subject property is not mapped as being within the 100-year floodplain, and does not contain a waterway or waterbody. The application does not propose a public utility, water supply, or sanitary sewer system. This criterion is not applicable.

10.5 (2) The discharge of matter from the system into flood waters.

Applicant: The storm water from the site will be infiltrated.

Staff: The application does not propose a public utility, water supply, or sanitary sewer system. This criterion is not applicable.

10.6 § 38.7860 CONTENTS OF CATEGORY 3 TENTATIVE PLAN

A tentative plan for a Category 3 Land Division shall consist of maps, written information and supplementary material adequate to provide the following:

(A) Category 3 tentative plan map contents. A tentative plan map of a sheet size and scale as specified in MCC 38.7810 shall indicate the following:

(1) Date, north point and scale of drawing.

Applicant: The tentative plan map is a 1"=30' scaled drawing on an 18"x24" sheet.

Staff: Staff concurs. This criterion has been met.

10.7 (2) Description of the proposed land division sufficient to define its location and boundaries.

Applicant: Shown on drawing.

Staff: Staff concurs. This criterion has been met.

10.8 (3) Identification as a tentative plan map.

Applicant: Shown on drawing.

Staff: Staff concurs. This criterion has been met.

10.9 (4) Location, names or purpose and width of all streets, rights-of-way or easements on or abutting the tract.

Applicant: Shown on drawing.

Staff: Staff concurs. This criterion has been met.

10.10 (5) Natural features, water courses or areas covered by water.

Applicant: None near property.

Staff: Staff concurs. This criterion has been met.

10.11 (6) The location and use of any buildings or structures proposed to remain after division.

Applicant: Shown on drawing.

Staff: Staff concurs. The location and use of any buildings or structures proposed to remain after division is shown on Exhibit A.4. *This criterion has been met.*

10.12 (7) The proposed parcels, their dimensions and areas.

Applicant: *Shown on drawing.*

Staff: Staff concurs. The proposed parcels, their dimensions and areas are shown on Exhibit A.4. *This criterion has been met.*

10.13 (8) Contiguous property under the same ownership.

Applicant: *Not applicable.*

Staff: Staff concurs. The owner of the subject property does not own contiguous land holdings. *This criterion has been met.*

**10.14 (B) Written information; Category 3 tentative plan. Written information shall include:
(1) Name, address and telephone number of the record owner(s), owner's representative, designer(s), engineer(s) or surveyor(s), and the date of survey, if any.**

Applicant: *Shown on drawing.*

Staff: Staff concurs. *This criterion has been met.*

10.15 (2) Proof of record ownership of the tract and the representative's authorization.

Applicant: *Attached is the signed authorization from the owner along with a death certificate for his wife.*

Staff: Staff concurs. A Subdivision Guarantee prepared by First American Title Company has also been submitted by the applicant certifying the ownership, deed restrictions, covenants, etc. of the land being divided (Exhibit A.16). *This criterion has been met.*

10.16 (3) Legal description of the tract.

Applicant: *Attached.*

Staff: Staff did not find legal descriptions included as part of the application packet. A condition of approval will require the applicant to provide new legal descriptions for each lot to staff prior to the submittal of said descriptions to the County Survey Office. Staff will verify consistency with the approved tentative plan, and other conditions, at that time. *As conditioned, this criterion can be met.*

10.17 (4) Present and proposed uses.

Applicant: *Existing use is a single family home. The new parcel will also have a single family home.*

Staff: Staff concurs. *This criterion has been met.*

10.18 (5) Description of the water supply, methods of sewage disposal and storm water disposal, and the availability of other utilities.

Applicant: *Water supply will be via a water service connected to a 2" water line owned by Corbett Water District. Sewer disposal will be via a septic tank and drainfield. Storm water disposal will be via infiltration. Underground power, telephone and cable television are also available.*

Staff: Staff concurs. The existing and proposed dwelling is and will be connected to both public water and electricity. The applicant has submitted a signed Certification of On-Site Sewage Disposal Form and Site Evaluation Form indicating that the proposal dwelling will require a serial distribution system with drop boxes; one, 1000 gallon septic tank; and 100 lineal feet of absorption trench per bedroom (Exhibit A.12). The applicant has also submitted a Stormwater Certificate signed by a registered professional engineer stating that the site is capable of handling the increased storm water from the structure after the installation of a drainage control system (i.e. StormTech Chamber System - Exhibit A.13). The presence of existing and proposed utilities is shown on Exhibit A.4. *This criterion has been met.*

10.19 (6) Statements of the manner in which the criteria for approval listed in MCC 38.7855 are satisfied.

Applicant: *Discussed above.*

Staff: The applicant has addressed the criteria for approval listed in MCC 38.755 under Findings 10.1-10.5 above. *This criterion has been met.*

10.20 (7) Statement of the improvements to be made or installed and the time scheduled therefore.

Applicant: *A new home, workshop, driveway and utilities will be constructed with a time schedule set for summer 2008.*

Staff: Staff concurs. *This criterion has been met.*

10.21 (C) Supplementary material; Category 3 tentative plan. The Planning Director may require such additional information, listed in sections MCC 38.7805 through 38.7825, as the Director deems necessary to assist in the review and assessment of the land division proposal according to the provisions of this Chapter.

Applicant: No additional supplementary material has been requested.

Staff: Staff requested supplementary materials in a letter to the applicant dated February 22, 2008 (Exhibit C.2). The applicant provided said request materials on March 3, 2008. *This criterion has been met.*

10.22 § 38.7890 LAND SUITABILITY

A land division shall not be approved on land found by the approval authority to be both unsuitable and incapable of being made suitable for the intended uses because of any of the following characteristics:

- (A) Slopes exceeding 20%;**
- (B) Severe soil erosion potential;**
- (C) Within the 100-year flood plain;**
- (D) A high seasonal water table within 0-24 inches of the surface for three or more weeks of the year;**
- (E) A fragipan or other impervious layer less than 30 inches from the surface; or**
- (F) Subject to slumping, earth slides or movement.**
- (G) Pre-existing field drains or other subsurface drainage systems.**

Applicant: *There are no slopes exceeding 20% on the site. Soil erosion potential is moderate, with slopes being approximately 8 percent. No part of the site is within the 100-year floodplain. The water table is generally at the depth of 36 inches to 60 inches from November to April. The substratum is a dark brown loam to a depth of 60 inches or more. Due to the gradual slopes (generally 8 percent) it is anticipated that there will be no slumping, earth slides or movement on the site.*

Staff: The Multnomah County Soil Survey indicates that the soil types on the subject property consist of Mershon silt loam, with slopes between 0 to 8 percent (27B), and Mershon silt loam, with slopes between 8 to 15 percent (27C). Characteristics of these soils types are summarized Table 1 below:

Table 3 – Soil Summary

Soil Type	Slopes	Drainage	Permeability	Runoff	Water Table Depth	Depth to Fragipan
Mershon silt loam (27B)	0-8%	Moderately well drained	Moderately slow	Slow	3-5 ft. (Nov.-Apr.)	N/A
Mershon silt loam (27C)	8-15 %	Moderately well drained	Moderately slow	Moderately slow	3-5 ft. (Nov.-Apr.)	N/A

The majority of the subject property contains Mershon silt loam soils (27B), including the proposed development sites on Parcel II. This soil type is not typically conducive to a high seasonal water table, a fragipan or earth movement at these slopes, and is suitable for future residential or agricultural development. Further, this soil unit is not uncommon in the area on

properties that are currently developed.

There are no known encroachments of subsurface drainage systems from adjacent properties on the site. No land uses, beyond those which exist on-site, are currently proposed. Specific land suitability concerns will be addressed by the County as part of any future development proposals. However, staff finds that on-site conditions would not likely prohibit future development on either parcel. *These criteria have been met.*

10.28 § 38.7895 LOTS AND PARCELS

The design of lots and parcels shall comply with the following:

(A) The size, shape, width, orientation and access shall be appropriate:

(1) To the types of development and uses contemplated;

***Applicant:** A new single family detached home and workshop is proposed to be built on the new parcel.*

Staff: The proposed Parcel I would be polygonal in shape, approximately 280 feet wide by 254 feet long at its widest and longest extent. Parcel II is also proposed in a polygonal configuration, approximately 280 feet wide by 169 feet at its widest and longest extent. The size, shape, width, orientation and access of the proposed lots is comparable to surrounding properties, and appropriate to accommodate the existing single family dwelling and proposed new single family dwelling. *This criterion has been met.*

10.29 (2) To the nature of existing or potential development on adjacent tracts;

***Applicant:** This area consists of single family homes.*

Staff: The size, shape, width, orientation and access of the proposed design of the parcels will not impact the development potential of adjacent tracts, since adjacent tracts are subject to the same Gorge General Rural Center (GGRC) zoning regulations as the subject property. *This criterion has been met.*

10.30 (3) For the maximum preservation of existing slopes, vegetation and natural drainage;

***Applicant:** Grading will minimize disturbance of existing slopes and keep as much existing ground cover as possible.*

Staff: The proposed design of the parcels will not impact slopes, vegetation, or natural drainage. The newly created Parcel II will maintain access from NE 365th Ave, which minimizes the amount of grading which would be needed for access off of E. Historic Columbia River Highway. Existing structures are located on gentle slopes. *This criterion has been met.*

10.31 (4) To the need for privacy through such means as transition from public to semi-public to private use areas and the separation of conflicting areas by suitable distances, barriers or screens; and

Applicant: *Most of the existing trees between the proposed house and 365th Avenue will remain as a screen.*

Staff: The subject property does not serve as a transition from public to semi-public use areas. Surrounding properties are devoted to residential uses, therefore, the need for buffering or screening from conflicting areas is not a concern. There is no need for mitigation at this time. *This criterion has been met.*

10.32 (5) To the climactic conditions including solar orientation and winter wind and rain.

Applicant: *Existing trees south and west of the house are to be removed to maximize solar gain. The garage and entrance near the garage face south to avoid the east wind.*

Staff: Staff concurs. The applicant has considered climatic conditions in the design of the newly created parcels. The proposed size, shape, width, and orientation is appropriate given these factors. *This criterion has been met.*

10.33 (B) The side lot lines shall be perpendicular to the front lot line or radial to the curve of a street, to the extent practicable.

Applicant: *The side lot lines are perpendicular with the front lot line.*

Staff: Staff concurs. *This criterion has been met.*

10.34 (C) Double frontage or reverse frontage lots or parcels shall be provided only when essential for separation of land uses from arterials or to overcome specific disadvantages of topography or orientation.

Applicant: *Not applicable.*

Staff: Staff concurs. The applicant is not proposing to create a double frontage or reverse frontage lot. *This criterion has been met.*

10.35 (D) A land division may include creation of a flag lot with a pole that does not satisfy the minimum frontage requirement of the applicable zoning district, subject to the following:

Applicant: *This partition will not result in a flag lot.*

Staff: Staff concurs. The applicant is not proposing to create a flag lot. *This criterion has been met.*

10.36 § 38.7905 STREET LAYOUT

(A) Except as otherwise provided in subsections (B) and (C) of this section, the arrangement of streets in a land division shall be designed...

Applicant: No streets are proposed as part of this partition.

Staff: Staff concurs. *This criterion has been met.*

10.37 § 38.7910 STREET DESIGN

The width, design and configuration of all streets in or abutting the land division shall comply with applicable ordinance standards as follows...

Applicant: No streets are proposed as part of this partition.

Staff: Staff concurs. *This criterion has been met.*

10.38 § 38.7935 EASEMENTS

Easements shall be provided and designed according to the following...

Applicant: There are no proposed easements as part of this partition.

Staff: Staff concurs. *This criterion has been met.*

10.39 § 38.7950 WATER SYSTEM

The provision of domestic water to every lot or parcel in a land division shall comply with the requirements of subsections (4) (a), (b), or (c) of ORS 92.090 and MCC 38.7985 of this Chapter.

Applicant: A water service in will be constructed in compliance with the Oregon Section of the Uniform Plumbing Code for the new home.

Staff: Staff concurs. The Corbett Water District has indicated that the parcel is served from a two inch water line on the east side of NE 365th Ave (Exhibit A.12). *This criterion has been met.*

10.40 § 38.7955 SEWAGE DISPOSAL

The provision for the disposal of sewage from every lot or parcel in a land division shall comply with the requirements of subsection (5) (c) of ORS 92.090 and MCC 38.7990 of this Chapter.

Applicant: A septic tank with drainfield will be constructed in accordance with the Oregon Section of the Uniform Plumbing Code for the new home.

Staff: The Sanitarian's Office has indicated that the site is suitable for an on-site sewage disposal system and its replacement (Exhibit A.12). *This criterion has been met.*

10.41 § 38.7960 SURFACE DRAINAGE

Surface drainage and storm sewer systems shall be provided as required by section 38.7995. The County Engineer may require on-site water disposal or retention facilities adequate to insure that surface runoff volume after development is no greater than that before development.

Applicant: *Surface drainage from roofs and driveways will be infiltrated into “infiltrators” to insure that surface water runoff is not greater than it was before the development.*

Staff: A licensed, professional engineer has designed a drainage system to address stormwater generated onsite from the development proposed on Parcel 2 (Exhibit A.14). The system has been designed to accommodate storm water runoff attributed to the new single family dwelling during the 10-year/24-hour storm. The engineer has verified that runoff will be no greater than that which existed prior to development as measured from the property line or from the point of discharge into a watercourse. *This criterion has been met.*

10.42 § 38.7965 ELECTRICAL AND OTHER WIRES

Wires serving within a land division, including but not limited to electric power, communication, street lighting and cable television wires, shall be placed underground. The approval authority may modify or waive this requirement in acting on a tentative plan upon a finding that underground installation:

- (A) Is impracticable due to topography, soil or subsurface conditions;**
- (B) Would result in only minor aesthetic advantages, given the existence of above-ground facilities nearby; or**
- (C) Would be unnecessarily expensive in consideration of the need for low-cost housing proposed on the lots or parcels to be served.**

Applicant: *Electrical and other utilities will be installed underground.*

Staff: The applicant has acknowledged that this criterion requires the placement of wires serving the land division underground. *This criterion can be met through a condition of approval.*

10.43 § 38.7985 WATER SYSTEM

Water mains, service and fire hydrants shall meet the requirements of the Water District and shall be located as follows:

- (A) In a public street — in accordance with the Street Standards Code and Rules; and**

Applicant: *A water service in will be constructed in compliance with the Corbett Water District for the new home.*

Staff: Staff concurs. The Corbett Water District has indicated that the parcel is served from a two inch water line on the east side of NE 365th Ave (Exhibit A.12). Neither the Water District, nor the Fire District has indicated that the installation of fire hydrants will be required. *This criterion has been met.*

10.44 § 38.7990 SEWAGE DISPOSAL

- (A) A sewage disposal system approved by the State Department of Environmental Quality shall be provided. All lots or parcels in a pro-posed land division which will utilize private subsurface sewage disposal system shall apply for and obtain approval of a Land Feasibility Study confirming the ability to utilize the system prior to tentative plan approval. In such cases, the approval authority may require**

that a sanitary sewer line, with branches to the right-of-way line for connection to a future sewer system, be constructed and sealed.

Applicant: A septic tank with drainfield will be constructed in accordance with the State Department of Environmental Quality for the new home.

Staff: The City of Portland Sanitarian's Office has indicated that the site is suitable for an on-site sewage disposal system and its replacement (Exhibit A.12). *This criterion has been met.*

10.45 § 38.7995 SURFACE DRAINAGE AND STORM SEWER SYSTEMS

Drainage facilities shall be constructed as follows:

- (A) In a public street — in accordance with the Street Standards Code and Rules; and
- (B) In a private street and on lots or parcels — in accordance with the plans prepared by an Oregon licensed and registered professional engineer and approved by the approval authority.

Applicant: No drainage facilities within the right of way are necessary.

Staff: Staff concurs. *This criterion is not applicable.*

10.46 § 38.8000 OTHER UTILITIES

Other utilities, including electric, gas, street lighting and cable television facilities shall be provided as required by this Chapter and as follows:

- (A) In a public street — in accordance with the Street Standards Code and Rules; and
- (B) In a private street — as approved by the approval authority.

Applicant: Individual services will be installed from the main feeds in the public right-of-way. An underground propane tank with underground piping will service the house.

Staff: In order to ensure compliance with this standard, if approved, the decision will be conditioned to require utilities, including electric, gas, street lighting and cable television facilities, to be provided in accordance with the Street Standards Code and Rules. *This criterion can be met through a condition of approval.*

10.47 § 38.8020 INFORMATION REQUIRED ON SUBDIVISION PLAT OR PARTITION PLAT

In addition to the information required to be shown on the tentative plan, the following shall be shown on the subdivision plat or partition plat:

- (A) Corners of adjoining subdivisions or partitions.
- (B) The location, width and centerline of streets and easements abutting the boundaries of the land division.

Applicant: Shown on drawing.

Staff: Staff concurs. See Exhibit A.4. *This criterion has been met.*

10.49 (C) Normal flood plain or high water line for any creek or other minor body of water

or natural drainageway and the 100-year flood line of any major water body.

Applicant: No part of the site is within the 100-year floodplain.

Staff: Staff concurs. *This criterion is not applicable.*

10.50 (D) The ownership of each private street shall be shown.

Applicant: There will be no private streets on the site.

Staff: Staff concurs. *This criterion is not applicable.*

10.52 § 38.8025 SUPPLEMENTAL INFORMATION WITH SUBDIVISION PLAT OR PARTITION PLAT

The following shall accompany the subdivision plat or partition plat, as appropriate:

(A) A copy of any deed restrictions applicable to the subdivision or partition.

Applicant: See attached subdivision guarantee. The easement described in the subdivision guarantee is not on this parcel.

Staff: Staff concurs. A Subdivision Guarantee prepared by First American Title Company has been submitted by the applicant certifying ownership, deed restrictions, covenants, etc. of the land being divided (Exhibit A.16). *This criterion has been met.*

10.53 (B) A copy of any dedication requiring separate documents.

Applicant: No dedication of right-of-way is anticipated for this project.

Staff: The County Transportation Program has requested that the applicant dedicate a 25-foot turn radius at the northeast corner of subject property to accommodate turn movements at the intersection of NE 365th Avenue and E. Historic Columbia River Highway. Documentation reflecting the applicant's intent to provide this dedication has not been provided. A condition of approval will require the applicant to provide this dedication, and associated documentation prior to plan sign-off. *As conditioned, this criterion can be met.*

11. Conclusion

Based on the findings, narrative, and other information provided herein, this application, as conditioned, satisfies all applicable approval criteria required for a Land Division and Site Review for a new single family dwelling and accessory structure (on Parcel 2) in the National Scenic Area.

12. Exhibits

'A' Applicant's Exhibits
'B' Staff Exhibits
'C' Procedural Exhibits
'D' Comments Received

Exhibit #	# of Pages	Description of Exhibit	Date Received
A.1	1	NSA Application Form	01/24/08
A.2	11	Application Narrative	01/24/08
A.3	3	Site Plans a. Tentative Plan Map (Scale 1:40) b. Utility Plan (Scale 1:20) c. Grading and Erosion Control Plan (Scale 1:20)	01/24/08
A.4	1	Revised Tentative Plan Map w/ utilities (Scale 1:40)	03/03/08
A.5	18	Proposed Dwelling - Elevation Drawings, Floor Plans, Etc.	01/24/08
A.6	6	Proposed Accessory Structure - Elevation Drawings / Floor Plans	01/24/08
A.7	1	Proposed Dwelling – Revised Elevation Drawing (Right Side)	03/03/08
A.8	2	Proposed Accessory Structure – Revised Elevation Drawings	03/03/08
A.9	1	Lighting Detail (Progress Lighting Brookside Collection Copper 1-Light Wall Lantern)	01/24/08
A.10	1	Revised Lighting Detail (Progress Lighting Brookside Gilded Iron Copper 1-Light Wall Lantern)	03/03/08
A.11	1	Window Details (Tuscany Series – Single Hung Window, low e-glass)	01/24/08
A.12	13	Service Provider Forms a. Fire District Access Review b. Fire District Fire Flow Review c. Certification of Water Service d. On-Site Sewage Certification Form	01/24/08
A.13	14	Storm Water Certificate and associated plans	01/24/05
A.14	16	Exterior Siding Details (Proposed Dwelling)	01/24/08
A.15	1	Warranty Deed, Book 871, Page 1043, Recorded 07/27/72 (Peters to Ferretti)	01/24/08
A.16	3	Subdivision Guarantee, First American Title	01/24/08
'B'		Staff Exhibits	Date
B.1	1	A&T Property Information	N/A
B.2	1	Zoning Map	N/A
B.3	1	Aerial Photo with 10 ft. contours and Slope Hazard Overlay	N/A
B.4	3	Site Visit Photos	03/12/08
B.5	8	Comparable Analysis Table [MCC 38.7035(A)(2)]	N/A
B.6	1	Applicant's Instructions For Finishing a Land Division	N/A
B.7	1	Surveyor's Instructions for Finishing a Land Division	N/A
'C'		Administration & Procedures	Date
C.1	1	Completeness Review Notice	01/15/08
C.2	2	Incomplete Letter	02/22/08
C.3	6	Opportunity to Comment	02/08/08
'D'		Comments	Date
D.1	3	Richard Till, Friends of the Columbia Gorge	02/14/08
D.2	2	Multnomah County Transportation Program	03/19/08
D.3	2	Cultural Resources Survey Determination: USDA Forest Service, Marge Dryden	02/06/08