



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: T2-09-001

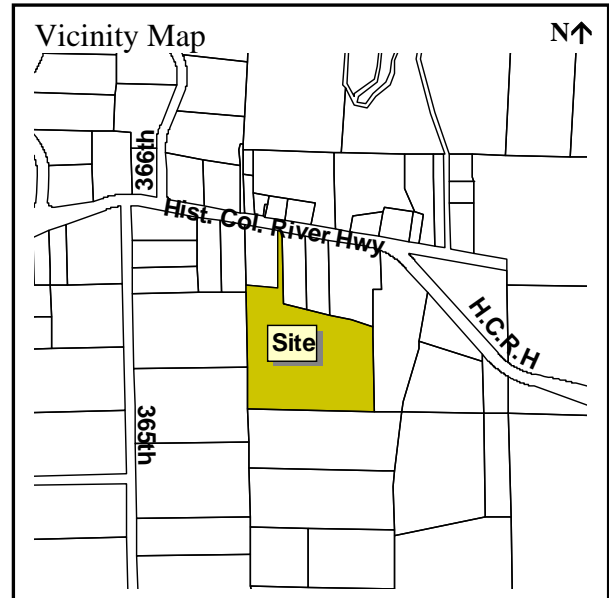
Permit: National Scenic Area Site Review

Location: 36720 E. Historic Columbia River Hwy
 TL 1800, Sec 35BA, T 1N, R 4E, W.M.
 Tax Account #R94435-1270

Applicant: Tracy Brill

Owner: Tracy & Nowell Brill

Base Zone: Gorge General Residential (GGR-5)



Summary: Applicant requests modification of the previously approved NSA Site Review, T2-04-052 for an addition to the single family dwelling. The proposed changes modify the height of the roof and the total square footage of window glass facing the Historic Columbia River Highway. The property is zoned Gorge General Residential (GGR-5).

Decision: Approved with conditions.

Unless appealed, this decision is effective Wednesday, April 22, 2009, at 4:30 PM.

Issued by:

By: _____
 Lisa Estrin, Planner

For: Karen Schilling- Planning Director

Date: Wednesday, April 08, 2009

Instrument Number for Recording Purposes: 96115887

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 Lisa Estrin, Staff Planner at 503-988-3043, ext. 22597.

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 Wednesday, April 22, 2009 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): *General Provisions* - MCC 38.0015 Definitions, MCC 38.0030 Existing Uses, MCC 38.0045 Review and Conditional Use Applications, and MCC 38.0560 Code Compliance and Applications

Gorge General Residential - MCC 38.3060 Dimensional Requirements, MCC 38.3085 Off-Street Parking and Loading, and MCC 38.3090 Access

Site Review Criteria - MCC 38.7035 GMA Site Review Criteria, MCC 38.7045 GMA Cultural Resource Review Criteria, MCC 38.7055 GMA Wetland Review Criteria, MCC 38.7060 GMA Stream, Lake and Riparian Area Review Criteria, MCC 38.7065 GMA Wildlife Review Criteria, MCC 38.7070 GMA Rare Plant Review Criteria, MCC 38.7080 GMA Recreation Resource Review Criteria, and Landscape Setting: Rural Residential

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

Scope of Approval

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

Conditions of Approval

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

1. **Prior to building permit sign-off**, the property owners shall record the Notice of Decision through the Conditions of Approval with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and filed with Multnomah County Land Use Planning. Recording shall be at the applicant's expense [MCC 38.0670].
2. Pursuant to MCC 38.7045(L), if any Cultural Resources and/or Archaeological Resources are located or discovered on the property during this project, including finding any evidence of historic campsites, old burial grounds, implements, or artifacts, the following procedures shall be implemented:

All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

- (a) **Halt Construction** – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
 - (b) **Notification** – The project applicant shall notify the County Planning Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours. This includes the Yakama Nation, contact Cultural Specialist for the Cultural Resources Program at: (509) 865-5121 extension 4720; FAX number (509) 865-4664. Procedures required in MCC 38.7045 (L) shall be followed.
 - (c) **Survey and Evaluation** – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from SHPO (see ORS 273.705 and ORS 358.905 to 358.955). It will gather enough information to evaluate the significance of the cultural resources. The survey and evaluation will be documented in a report that generally follows the standards in MCC 38.7045 (C) (2) and MCC 38.7045 (E).
 - (d) **Mitigation Plan** – Mitigation plans shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J). Construction activities may recommence when the conditions in the mitigation plan have been executed.
3. The following procedures shall be in effect if human remains are discovered during excavation or construction (human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts):
 - (a) **Halt Activities** – All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
 - (b) **Notification** – Local law enforcement officials, the Multnomah County Planning Director, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
 - (c) **Inspection** – The State Medical Examiner shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.
 - (d) **Jurisdiction** – If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.
 - (e) **Treatment** – Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, Chapter 97.740 to 97.760.

- If the human remains will be re-interred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report standards of MCC 38.7045 (I).
 - The plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in the standards of MCC 38.7045 (J) are met and the mitigation plan is executed. [MCC 38.7045 (M)].
4. The property owner(s) shall be responsible for the proper maintenance and survival of all existing vegetation on the property, except nuisance species such as evergreen blackberry or knot weed. The existing and new tree cover shall be retained. If a tree dies in the future or becomes diseased and dies, the property owner shall replace the lost tree/vegetation within the next growing season with an appropriate evergreen tree for the location. [MCC 38.7035(A)(4), (B)(8) & (C)(3)(a).]
 5. The window glass on the northern elevation shall have a reflectivity rating of 11% or less. [MCC 38.7035(B)(10)]
 6. Prior to land use sign off of the building permit, the property owners shall submit lighting details for all lights on the northern elevation of the dwelling and its additions. All lights on the northern elevation (existing & proposed) shall be directed downward, hooded and shielded. No lighting shall be installed on the western or eastern elevations of the dwelling unless the property owners apply for and receive approval of an Expedited NSA Review pursuant to MCC 38.1010(A)(9). [MCC 38.7035(B)(11)]
 7. Prior to land use sign off of the building permit, the property owners shall designate on the building plans the proposed color(s) for the dwelling (existing & proposed). The color choices available from the Recommended Colors chart are as follows: C-15, C-16, B-13, B-14, B-15 or B-16. [MCC 38.7035(B)(1) & (12)]

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code criteria is 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*.

Project Description:

Applicant: Subject Site: 7.86 acre single family residence (SFR) with two barns, located on a flag lot with a 355’ flag pole driveway perpendicular to the Historic Columbia river Highway (HCRH). Property is used as SFR and farm.

Proposed Structure: Building an addition onto the existing SFR. The current SFR is: 3 bedroom, 1 bath, living room, and combined kitchen/dining/laundry room. The addition to the house of the East side would be one bedroom, one bathroom, a dining room, an office, and a family room. The addition to the house of the West side would be a mechanical/laundry room, and 3 car garage. In the current space two small bedrooms would be converted to one larger bedroom and a hallway to the new addition, and the dining area would become an entryway on the South side of the house. The proposed SFR would be 3 bedroom, 2 bath, living room, family room, office/craft room, kitchen, dining, pantry, laundry/mechanical, and garage.

Changes to the previously approved dwelling are:

- Maximum height of SFR structure increased from 18’ to 23’ over grade.
- Existing vegetation has grown in intervening time, as well we have planted additional vegetation.
- Additional windows on the north side are still within the 11-15% reflectivity rating defined as screened glass.
- Some Exhibits submitted in T2-04-052 are the same and were thus referenced as such in the current application

Needed Improvements: Existing driveway and utilities will be retained, no other improvements are proposed.

Outbuildings Approved in T2-04-052 & T2-07-005: Outbuildings are not included as part of this application. They were previously approved on T2-04-052 and no changes are proposed, nor do we want to open these for fear that new regulations may adversely affect these projects. We are building them as approved.

Surrounding Land Uses: The surrounding neighborhood is part of the Corbett rural center. In the rural center, lot sizes along this segment of the Historic Columbia River Highway range from 0.14 to 2.69 acres. Single family residences with attached and detached garages, barns and other farm use outbuildings form the residential and farm use of surrounding private properties. Commercial properties include: A fire station that is located between the subject property and the KVA. A commercial laboratory that is located between the subject property and the KVA. The Corbett Market that is located diagonally across the street from the Northern tip of the flag pole (driveway) on the subject property. A commercial recreational vehicle park is located adjacent to the property on the East. In the surrounding rural residential area, larger lots range from 2.71 to 5.22 acres.

Staff: The property was found to be a lawfully established parcel in the decision, T2-04-052 & T2-07-005. The November 2007 decision granted approval of an addition to an existing single family dwelling to add living area and attached garage. The permit legalized a 26 ft by 60 ft accessory building to house pets. In addition, the Site Review authorized the demolition of a 28 ft by 48 ft barn and construction of a 48 ft by 48 ft accessory building. This application does not modify the approval of the two accessory

structures.

The applicant is requesting to modify the exterior elevations facing the Historic Columbia River Highway (a Key Viewing Area). The proposed revisions do not increase the square footage of the building, but increases the roof height of the structure and the amount of window glass facing the KVA. On the northern elevation (facing the KVA), the window coverage has changed from:

Room	Approved Window(s)	Window Sq. Ft.	Proposed Window(s)	Window Sq. Ft.
Master Bedroom	(1) 4' x 6'	24 Ft ²	(3) 3' x 5'	45 Ft ²
Office	(1) 4' x 6'	24 Ft ²	(1) 6' x 4'	24 Ft ²
Family Room	(1) 4' x 8'	32 Ft ²	(3) 3' x 5'	45 Ft ²
Living Room	(2) 4' x 6'	48 Ft ²	(6) 2' x 6' (4) 2' x 3'	96 Ft ²
Bedroom #1	(1) 4' x 6'	24 Ft ²	(2) 4' x 4'	32 Ft ²
Laundry	(1) 4' x 8'	32 Ft ²	(1) 4' x 4'	16 Ft ²
Garage	None	0 Ft ²	0 Ft ²	0 Ft ²
Total	7	184 Ft ²	20	258 Ft ^{2*}

*Based on Exhibit A.18 & B.2

In addition, the width of one of the garage door increases from a single car width to a two-car width. The garage size does not increase to allow for this changed. The amount of siding is reduced to allow for a wider garage door opening.

1.00 *Administration and Procedures*

1.01 **Type II Case Procedures**

MCC 38.0530(B): ...Upon receipt of a complete application, notice of application and an invitation to comment are 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 and renders a decision...

Staff: The application was submitted January 6, 2009 and was deemed complete as of February 6, 2009. An "Opportunity to Comment" notice was mailed on February 13, 2009 to all properties within 750 feet of the subject property and to various Gorge Agencies and Indian Tribes in compliance with MCC 38.0530. Comments were received from SHPO (Exhibit D.1), Marge Dryden, USFS (Exhibit D.2) and the Friends of the Columbia Gorge (Exhibit D.3). SHPO's and the USFS's comments were in regards to cultural resource criteria. The Friends' comments were chiefly submitted to retain their right to appeal the decision if necessary.

1.02 **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 1800, Section 35BA, Township: 1 North, Range: 4 East. Assessment & Taxation records show that the land is owned by Nowell & Tracy

Brill. A letter of authorization has been provided by Nowell Brill (Exhibit A.17). Tracy Brill has been designated the applicant in this case and has signed the General Application Form (Exhibit A.1). *This criterion has been met.*

1.03 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 in-stall furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Applicant: Current Buildings on Property include:

- 1) Horse Barn (new building, located in SE corner of property; approved T2-04-052)
- 2) Hay and Orchard Barn (pre-existing, built approx. 1960's, located in NW corner of property; will be removed as part of replacement barn construction that was approved T2-04-052)
- 3) Single Family Residential Structure (pre-existing, built approx. 1987; proposing addition)
- 4) Pump house for well (pre-existing, built approx. 1960's, located South of hay barn, used for irrigation)
- 5) Wood Shed (pre-existing, built approx. 1987, located West of house; will be removed as part of house addition)

Staff: Land use permit, T2-04-052 & T2-07-005 authorized the legalization of the horse barn. No additional violations exist provided the property owners complete the above permits in a timely fashion.

2.00 General Provisions

2.01 § 38.0030 EXISTING USES AND DISCONTINUED USES

(A) Right to Continue Existing Uses and Structures: Any existing use or structure may continue so long as it is used in the same manner and for the same purpose, except as otherwise provided.

(D) Changes to Existing Uses and Structures: Except as otherwise provided, any change

to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to this Management Plan.

Staff: The subject property is occupied by a single family dwelling established in 1977. The dwelling will continue after the addition to be a residence. The addition was approved in 2007 as part of T2-04-052. The applicant is requesting a modification to the exterior of the structure and an increase in the amount of reflective glass facing the Historic Columbia River Highway.

2.02 **§ 38.0045 REVIEW AND CONDITIONAL USE APPLICATIONS - SUBMITTAL REQUIREMENTS**

(A) The following additional information shall be submitted for all review and conditional uses:

(1) A list of Key Viewing Areas from which the proposed use would be visible.

Applicant: Although there is no clear line of site unscreened by vegetation or buildings between KVA and the proposed use it appears part of the proposed use may be “topographically visible” from the HCRH. The term “topographically visible” is understood to mean if all vegetation and buildings were removed, the site would be visible.

Staff: The proposed addition to the single family dwelling could be topographically visible from the Historic Columbia River Highway (HCRH), Larch Mountain (SMA) and Larch Sherrard (SMA). The HCRH is the closest Key Viewing Area.

2.03 **(2) A map of the project area. The map shall be drawn to scale. The scale of the map shall be large enough to allow the reviewing agency to determine the location and extent of the proposed use and evaluate its effects on scenic, cultural, natural, and recreation resources. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail. If a parcel is very large, the map does not have to show the entire parcel. Rather, it may show only those portions of the parcel affected by the proposed use. The map shall include the following elements:**

- (a) North arrow;**
- (b) Map scale;**
- (c) Boundaries, dimensions, and size of the subject parcel;**
- (d) Significant terrain features or land-forms;**
- (e) Groupings and species of trees and other vegetation on the parcel;**
- (f) Location and species of vegetation that would be removed or planted;**
- (g) Bodies of water and watercourses;**
- (h) Location and width of existing and proposed roads, driveways, and trails;**
- (i) Location and size of existing and proposed structures;**
- (j) Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles and lines, and outdoor lighting; and**
- (k) Location and depth of all proposed grading and ditching.**
- (l) Proposed uses in streams, ponds, lakes, and their buffer zones shall include the exact boundary of the ordinary high watermark or normal pool elevation and the prescribed buffer zone; and a description of actions that would alter or destroy the stream, pond, lake, or riparian area.**
- (m) Proposed uses in wetlands or wetlands buffer zones shall include the exact boundary of the wetland and the wetlands buffer zone; and a description of actions that would alter or destroy the wetland.**
- (n) Proposed uses on parcels contiguous to established recreation sites shall provide a buffer between the proposed use and recreation site sufficient to**

insure that the proposed use will not detract from the use or enjoyment of the recreation site.

(o) New uses located in, or providing recreation river access to, the Columbia River or its fish bearing tributaries shall include the following supplemental information:

Applicant: See Exhibit 2 (T2-04-052). 1:100 scale map. (l) Property has no streams, ponds or lakes. (m) Property has no wetlands. (n) Property has no contiguous recreation sites. (o) Property is not adjacent to any river. There is no river access.

Staff: As applicable, the applicant's site plans show the above information. *This criterion has been met.*

- 2.04 (3) Elevation drawings shall show the appearance of proposed structures and shall include natural grade, finished grade, and the geometrical exterior of at least the length and width of structures as seen from a horizontal view. Elevation drawings shall be drawn to scale.

Staff: The applicant has provided elevations of the existing dwelling with the proposed additions and changes. These plans include the above information. *This criterion has been met.*

- 2.05 (4) In the General Management Area, all applications for structural development involving more than 100 cubic yards of grading with slopes between 10 and 30 percent shall include a grading plan. In the Special Management Area, all applications for structural development involving more than 100 cubic yards of grading with slopes greater than 10 percent (except trails) shall include a grading plan. Grading plans 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 con-tour intervals of at least 5 feet, including:
 - 1. Natural and finished grades
 - 2. Location of all areas to be graded, with cut banks and fill slopes delineated.
 - 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 compactions, drainage, and stabilization of graded areas. (Preparation of this in-formation by a licensed engineer or engineering geologist is recommended.)
 - 5. A description of all plant materials used to revegetate exposed slopes and banks, including the species, number, size, and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings.
 - 6. A description of any other interim or permanent erosion control measures to be used.

Staff: The location of the existing and proposed dwelling is within a 1 to 3% sloped area. The attached garage will be constructed with a slab on grade. The living area addition will be on a crawl space. The amount of grading required to cut in the foundation will be less than 100 cubic yards. *This criterion is not applicable.*

2.06 **(B) Supplemental information will be required for:**

- (1) Forest practices in the Special Management Area,**
- (2) Production and development of mineral resources in the General Management Area,**
- (3) Proposed uses visible from Key Viewing Areas, and**
- (4) Proposed uses located near cultural resources, wetlands, streams, ponds, lakes, riparian areas, sensitive wildlife habitat, and sensitive plant sites.**

Applicant: 1, 2 & 4 are not applicable: (1) Property is not forested. (2) Property has no mineral resources or development. (4) Property is not located near cultural resources, wetlands, streams, ponds, lakes, riparian areas, sensitive wildlife habitat, or sensitive plant sites. Proposed uses visible from Key Viewing Areas: Continued use of existing SFR and existing barns.

Staff: The site is visible from three key viewing areas. The required information has been provided. *This criterion has been met.*

3.00 **Gorge General Residential – 5 (GGR-5) Criteria**

3.01 **§ 38.3060 DIMENSIONAL REQUIREMENTS.**

(C) 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.

(D) The minimum yard requirement shall be in-creased where the yard abuts a street having in-sufficient 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: House addition exceeds all minimum requirements for property line dimensions listed above.

Staff: The applicant's site plan shows the additions and existing dwelling are at least 40 ft to the front property line, 144+/- ft from the west side property line, 340 to the east side property line, and 366 +/- ft to the rear property line (Exhibit A.3 & A.4). The highest portion of the building elevation is near the center of the northern elevation and is approximately 23.5 ft. Most of the building will be a maximum of 19 ft tall with the center gable being 23 ft high (Exhibit A.18)

The Historic Columbia River Highway is under the jurisdiction of ODOT. No additional right-of-way was requested. *These criteria have been met.*

3.02 **§ 38.3085 OFF-STREET PARKING AND LOADING**

Off-street parking and loading shall be provided as required by MCC 38.4100 through 38.4215.

Staff: The proposed addition includes a 4-car garage and parking is available on the gravel driveway. *This criterion has been met.*

3.03 **§ 38.3090 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.

Staff: The subject parcel fronts on to the Historic Columbia River Hwy. *This criterion has been met.*

4.00 **Site Review Criteria**

4.01 **§ 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 to minimize grading activities to the maximum extent practicable.

Applicant: House Addition: Existing House and Addition is/will be located on level surface, surrounded by lawn that is landscaped with a cluster of 14-24" Spruce trees to North East of house and a row of 16' Cedars planted along Northern property line every 24" East to West, eliminating potential visibility from KVA. Cedars were also planted along driveway to reduce potential visibility from KVA. New construction is proposed on existing level parking area to the West and level lawn to the East of existing SFR, all overrun of foundation will be backfilled to reduce grading. Site is accessed by previously existing gravel driveway.

Staff: The terrain in the area of the dwelling is 1 to 3%. The additions will be constructed on grade with ground disturbance limited to the building footprint. With the terrain being relatively flat in the area of the dwelling the applicant has minimized the amount of grading for the construction. *This criterion has been met.*

4.02 **(2) New buildings shall be compatible with the general scale (height, dimensions and visible mass) of similar buildings that exist nearby (e.g. dwellings to dwellings). Expansion of existing development shall comply with this guideline to the maximum extent practicable. For purposes of applying this standard, the term nearby generally means buildings within 1/4 mile of the parcel on which development is proposed.**

Applicant: House Addition:

When complete this SFR will be 5080 sq'; the proposed house addition is upper mid-size. It is for a one story SFR with an attached garage. The main floor is 3387 sq. ft.; the garage is 1693 sq. ft. The maximum height of the proposed building is 23' from the lowest grade to the highest roofline. It would not be the largest SFR within the 1/4- mile of the subject parcel and falls within the range of SFR's listed below. See Table #1

The 1/4-mile standard of similar nearby buildings for this size comparison analysis was used to generate the table below. This table represents the entire range of similar SFR's within this area. Commercial Property, Manufactured Homes, and undeveloped properties are not included in the list, though this would have given a greater number of comparisons that are "above" the proposed structures. There are 57 SFR's that fit this description within a 1/4-mile of the subject parcel.

(reference: T2-06-058 for staff approval of similar size comparison analysis)

The total square footage of “usable space” calculated for the SFR’s in Table #1 includes basements, covered porches/decks, and attached garage (reference: T2-04-007 page 20, and T2-06-058 page 10). The data on square footage of these properties was obtained from www.portlandmaps.com ‘s “assessment” page for each property.

TABLE #1 SFR’S (Subject property is highlighted showing **current** and **proposed** square footage)

#	SITE ADDRESS	SQ. FT.	#	SITE ADDRESS	SQ. FT.
1	1700 NE Meyers Ln	6284	30	1252 NE Evans Rd	2940
2	1740 NE Meyers Ln	6706	31	36421 NE HCRH	2928
3	710 NE 365 th	5110	32	1000 NE Evans Rd	2898
	36720 E HCRH	5080	33	36731 E HCRH	2892
4	931 NE Rohrbach	4749	34	1040 NE 365 th	2877
5	36225 E HCRH	4644	35	36817 E HCRH	2876
6	1640 NE 366 th	4572	36	1710 NE Corbett Hill Rd	2836
7	36610 E HCRH	4160	37	623 NE 365 th	2812
8	36710 E. HCRH	4154	38	1000 NE Rohrbach Rd	2800
9	1520 NE 366 th	4080	39	630 NE 365 th	2656
10	1010 NE 365 th	4071	40	36620 E HCRH	2608
11	1740 NE 366 th	3856	41	527 NE 365 th	2564
12	1619 NE 366 th	3611	42	1628 NE Corbett Hill Rd	2468
13	739 NE 365 th	3597	43	645 NE Rohrbach Rd	2420
14	1430 NE Meyers Ln	3559	44	522 NE 365 th	2389
15	37201 NE Benfield Loop	3507	45	1515 NE Meyers Ln	2366
16	1048 NE 365 th	3496	46	1420 NE 366 th	2188
17	1230 NE Evans Rd	3484	47	800 NE Evans Rd	2084
18	36723 E HCRH	3324	48	820 365 th	2008
19	603 NE Rohrbach Rd.	3279	49	36511 E	1956
20	1621 NE 366 th	3264	50	720 NE Rohrbach Rd	1721
21	36333 E HCRH	3178	51	36300 E HCRH	1716
22	37246 E HCRH	3148	52	1440 NE 366 th	1704
23	1731 NE 366 th	3134	53	36400 E HCRH	1686
24	1021 NE 365 th	3084	54	37257 NE Benfield Loop	1609
25	36731 E HCRH	3084	55	430 NE 365 th	1604
26	1734 NE 366 th	3080	56	1400 NE Meyers Ln	1213
27	1025 NE 365 th	3070		36720 E HCRH	1232
28	36830 E HCRH	2996	57	37100 E HCRH	1148
29	700 NE Rohrbach Rd	2968			

The size of the proposed SFR is higher on the list than many SFR’s within 1/4-mile from the subject parcel. With this in mind we have revised the appearance of the proposed structure from a two story structure with the majority of new development located at the terminus of the driveway, to a single story structure with over 50% of new development located on the East side of existing structure and angling to the South, further decreasing potential for visual impact.

Recently, the decision in Case File T2-06-058 addresses a Hearing Officer’s interpretation of the guideline for development in this area under MC 38.7035 (A) (2) (referencing Case File T2-05-095 and T2-04-007). The staff review of Case File T2-06-058 concurred with the above Hearing Officer’s interpretation, noting that the proposed development in T2-06-058 was not “above” the

range of similar structures in the area. Based on this the staff approved the size of the proposed SFR. My proposed SFR would not be “above” the largest SFR within the 1/4-mile standard and falls well inside the entire range of SFR’s listed, I believe it complies with the aforementioned Hearings Officer’s interpretations of the guideline for development in this area under MC 38.7035 (A) (2). I also believe that the standards used to meet staff approval in T2-06-058 have been satisfactorily met here.

Staff: In T2-04-052, Land Use Planning found that the existing single family dwelling and two additions (5,093 sq ft total) would be consistent with the scale of other dwellings within ¼ mile of the subject property. The proposed changes to the northern elevation raise the roof line from 18 ft to 23.6 ft and increase the square footage of window glass. The changes are to improve the architectural design of the building. Staff’s measurements find the proposed building has increased slightly to 5,185.55 sq. ft. These increases are probably due to the plans being prepared for building permits with exact measurements of the building footprint. The dwelling will remain one-story. The overall mass on the northern elevations will be only increased by a small amount. The proposed home does not exceed the range of existing dwellings in the area and is compatible with the general scale and mass of other homes in the area. *The proposed dwelling is generally compatible with development in the area.*

- 4.03 **(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: Access will be retained from the Historic Columbia River Highway without change.

Staff: The property accesses the Highway via an existing driveway. No changes are proposed. *This criterion has been met.*

- 4.04 **(4) Property owners shall be responsible for the proper maintenance and survival of any required vegetation.**

Applicant: Additional vegetation will be maintained through appropriate watering (using sprinklers attached to surface hose lines), organic mulching , and fertilization.

Staff: This decision preserves the condition to maintain and replace the vegetation used to screen the proposed structures.

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

Applicant: See Exhibit #3 (T2-04-052): landscape map.

Staff: The applicant has submitted the required information to determine whether the proposed development is compatible with its landscape setting of rural residential (Exhibit A.3, A.4, A.16 & A.18).

- 5.00 **(B) All Review Uses and Conditional Uses topographically visible from Key Viewing Areas:**

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

Applicant: House Addition: See Exhibit #6 (T2-04-052): development materials

Staff: In T2-04-052, the existing house with its addition was found to be visually subordinate provided, the colors utilized for the exterior were dark earth tones, lighting directed downwards, hooded and shielded, some additional landscaping was added on the west side of the dwelling near the well house and the rain gutter color was changed to an earthtone.

The site plan shows that 3 new, 10 ft tall cedars have been added between the dwelling and the

wellhouse to increase fall and winter screening. Siding materials will continue to use stained cedar. The siding, trim and fascia will be stained a dark brown (C-15 or B-15 on the Recommended Color Chart). The added dormers will have simulated shutters that will be a color to match the siding. No windows will be installed in the northern facing dormers. The garage doors will be cedar and stained the same as the siding. The gutters and downspouts will be untreated copper and will be allowed to oxide to a natural green earthtone. The roof will continue to be a black with brown specks (Black Walnut) composition roofing. Windows will have almond-brown synthetic frames with glass with an 11 to 15% reflectivity rating (Exhibit A.16).

The northern elevation facing the Historic Highway has 14 percent of its elevation in glass. This elevation also has two, double-car garage doors. These doors will be wood and painted the same color as the dwelling. The dwelling is topographically visible from the Historic Highway. The property has 16 ft tall cedars along the northern property line in front of the dwelling. In addition, a 26 ft tall maple and a couple of 14 to 24 ft tall spruce trees will also help to screen a portion of the northern elevation from the Historic Highway. Three new 10 ft tall cedars have been planted to screen the western elevation of the dwelling from the KVA. Because the dwelling is within the immediate foreground of the Historic Highway, a condition of approval has been included requiring that the windows have an 11% reflectivity rating. *As proposed and conditioned, the dwelling and its addition will achieve visual subordination.*

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

Applicant: House Addition: Closest point is located 415' from KVA (HCRH) much of building is angled away from KVA to reduce visibility. Existing and proposed SFR is completely screened by vegetation and construction of a property's directly West, North and East. To prevent possibility of exposure to KVA 16' cedars are planted, on subject property, every 24' along the North property line, from the driveway to edge of fire department property line to east. From that point on 3 -4' cedars are planted every 24' to Eastern terminus of North property line, then along East property line another 100' to South. In the yard, along NE corner of proposed addition 12 14 - 24' Spruce also stand between construction and KVA. Additionally, 6'-12' Cedars

Staff: The subject property has a 40 ft elevation change from north property line down to the south property line. The dwelling has been screened from the Highway by planted vegetation to the north, northeast and northwest. Since the last application, the property owners have planted 3 10 ft tall cedars to screen the western elevation. A condition has been included to require maintenance of vegetation on the subject property used to screen the proposed dwelling. *As conditioned, this criterion has been met.*

- 5.02 **(3) Determination of potential visual effects and compliance with visual**

subordination policies shall include consideration of the cumulative effects of proposed developments.

Applicant: House Addition:

Distance from KVA, existing vegetation, and visually subordinate materials will eliminate the visibility of this structure (as well the House is not visible from KVA due to existing development and landscaping on property to the North). It is currently 100% screened from KVA. New construction will expose <10% of structure to HCRH.

Staff: All buildings are able to achieve visual subordination through the use of topography and vegetation (existing and proposed). The applicants have planted the requested vegetation from T2-04-052 decision. The property owners have modified the design of the dwelling to reduce the potential visual effects by reducing the amount of glass on the northern elevations and using dark earth tone colors and low-reflectivity materials. *This criterion has been met.*

- 5.03 **(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: House Addition: See Exhibit #6 (T2-04-052).

Staff: The property owners have provided the above required information (Exhibit A.3, A.4, A.16, & A.18 through A.22). Three exterior lights will be installed on the northern elevation (Exhibit A.18). All light fixtures will be hooded and shine downwards. One will be installed adjacent to the front door on the north side of the dwelling and will face west and the other two are adjacent to the garage doors (Exhibit A.18). *This criterion has been met.*

- 5.04 **(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: House Addition: Located at existing house site. Designed to reduce grading. Addition will include: significant distance, appropriate vegetation planted and maintained on property, and visually subordinate materials to prevent visual impact to KVA.

Staff: The location of the additions is dictated by the placement of the existing dwelling. The existing dwelling is located near the northern property line. To minimize visibility from the Historic Highway, the property owners have planted a large amount of vegetation to screen the building (Exhibit A.3, A.4 & A.16). *This criterion has been met.*

- 5.05 **(7) New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from key viewing areas.**

Applicant: House Addition: Located at existing house site. Designed to reduce grading. Addition will include: significant distance, appropriate vegetation planted and maintained on property, and visually subordinate materials to prevent visual impact to KVA.

Staff: There is existing vegetation along the east & north property lines and along the driveway. The property owners have planted three 10 ft cedars to the west of the dwelling to increase the site's screening of the building (Exhibit A.3 & A.4). The existing vegetation helps to achieve

visual subordination with the dark earth-tones proposed for the building. *This criterion has been met.*

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

Staff: A condition of approval has been included requiring the maintenance of all on-site vegetation used for screening from KVAs. *As conditioned, this criterion has been met.*

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

Applicant: Will require foundation to be placed for additional construction. Utilizing level area for major portion and backfilling foundation for balance of construction. Distance, vegetation and materials reduce visual impact to KVA.

Staff: The house is approximately 400 ft from the Historic Highway (a Key Viewing Area). This would mean that the dwelling is located in the foreground of the Key Viewing Area. The dwelling and its additions are on the flatter portion of the property and will not require significant grading for the two additions construction. The site has significant vegetation between the proposed dwelling and the additions and they will face north and northeast. The property owners have indicated that they will use windows with a reflectivity rating between 11 to 15% which is acceptable in a middle-ground situation. With the proximity to the Historic Highway, and the direction of the east side addition facing northeast, it would be better if the windows had a reflectivity rating of 11% or less. A condition of approval has been included requiring that any new windows placed on the northern elevation have window glass with a reflectivity rating of 11% or less. *As conditioned, this criterion has been met.*

5.08 **(10) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features. The Scenic Resources Implementation Handbook includes a list of recommended exterior materials. These recommended materials and other materials may be deemed consistent with this code, including those that meet recommended thresholds in the “visibility and Reflectivity Matrices” in the Implementation Handbook. Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual sub-ordination. Recommended square footage limitations for such surfaces are provided for guidance in the Implementation Hand-book**

Applicant: All windows facing the KVA fall under the definition of “screened glass” found in “Building in the Scenic Area” page 25, fig. 20. Additionally, the glass to be used will be within the recommended 11-15% visible light reflectivity rating.

Staff: The dwelling and its additions will have cedar siding and composition roofing. The house is approximately 400 ft from the Historic Highway (a Key Viewing Area). This would mean that the dwelling is located in the foreground of the Key Viewing Area. The site has significant vegetation between the proposed dwelling and the additions and the additions will face north and northeast. The property owners have indicated that they will use windows with a reflectivity rating between 11 to 15% which is acceptable in a middle-ground situation. With the proximity to the Historic Highway, and the direction of the east side addition facing northeast, it would be better if the windows had a reflectivity rating of 11% or less. A condition of approval has been included requiring that any new windows placed on the northern elevation have window glass with a reflectivity rating of 11% or less. *As conditioned, this criterion has been met.*

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

Applicant: See Exhibit #6 (T2-04-052). One pre-existing outside light will remain on the North side of the House. Two additional lights will be placed on the West addition near each garage door. The new lights, as well as the existing light are 100% screened by vegetation, as well as hooded with a downward glow.

Staff: The property owners have marked where the proposed and existing lighting is located on the site plan (Exhibit A.18). Details on the northern building elevation indicated that they will be hooded and pointing downwards. A condition of approval has been included requiring that lighting details be submitted by the property owner prior to building plan check to verify that the proposed lights be made of shielded and hooded materials and directed downwards. *As conditioned, this criterion has been met.*

- 5.10 **(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: Dark brown stained cedar siding matching color C-12 on the color chart for dark earth tones in the “Building in the Scenic Area” page 19.

Staff: The color proposed for the siding, trim and fascia appears to be C-15 and would be an adequate dark earthtone for the setting. The proposed composition roofing is called *Black Walnut* and is chiefly black and brown (Exhibit A.16 & A.23). A condition of approval has been included requiring that the colors for the dwelling be from the colors on the chart labeled, C-15, C-16, B-13, B-14, B-15 or B-16. *As conditioned, this criterion has been met.*

- 5.11 **(13) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of colors specified in the landscape setting for the subject property.**

Applicant: Color of structure is visibly subordinate.

Staff: The existing dwelling is 1,232 sq. ft. The proposed additions will add 3,953 sq. ft to the dwelling. The additions are larger than the existing total square footage of the dwelling. The colors for the proposed additions shall be dark earth-tone and be from the Recommended Color chart.

- 5.12 **(14) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual subordination requirements for lands seen from Key Viewing Areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to such historic structures shall be consistent with National Park Service regulations for historic structures.**

Staff: The existing dwelling was constructed in 1977. The subject building is not a significant historic structure. The dwelling is not exempt from the visual subordination requirements.

- 5.13 **(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.

(16) An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing Areas, may itself protrude above the skyline if:

- (a) The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration; and
- (b) There is no practicable alternative means of altering the building without increasing the protrusion.

Staff: The existing dwelling is located on the flatter portion of the property. From the Historic Highway to the home's location the terrain drops less than 1 foot. The dwelling is not located on a bluff, cliff or ridgeline. *This criterion has been met.*

5.14

(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.
- (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: Existing 16' Cedar and additional 14-24' Spruce provides screening.

Staff: The property owners have already planted vegetation to screen the proposed dwelling as it was previously approved by land use permit, T2-04-052 & T2-07-005. The existing cedars along the northern property line are 16 ft tall and growing. Two planted spruces range in size from 14 ft to 24 ft. The three additional cedars planted to the west of the dwelling are approximately 10 ft tall. The property owners are using a combination of vegetation and dark earth-tones. *These*

criteria have been met.

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

Staff: The property is located in the GGR zone. *This criterion is not applicable.*

- 5.16 **(23) Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam, unless the setback would render a property unbuildable. In such cases, variances to the setback may be authorized.**

Applicant: Not applicable to the property.

Staff: The property is not water-dependent or located adjacent to the Columbia River.

- 5.17 **(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: Level ground

Staff: The house is located within a flat area with slopes of less than 1 percent. *This criterion is not applicable.*

- 5.18 **(25) All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas shall include submittal of a grading plan. This plan shall be reviewed by the Planning Director for compliance with Key Viewing Area policies. The grading plan shall include the following:**

(a) A map of the site, prepared at a scale of 1 inch equals 200 feet (1 : 2,400), or a scale providing greater detail, with con-tour 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: Not applicable to this property.

Staff: The area of grading is limited to the boundaries of the two additions. The trigger of 100 cubic yards of grading will not be reached.

5.19 **(C) All Review Uses and Conditional Uses within the following landscape settings, regardless of visibility from KVAs:**

(3) Rural Residential

(a) Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.

Applicant: No existing trees will be removed for any of the proposed construction.

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

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

- 1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.**
- 2. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.**
- 3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.**

Applicant: Trees to be used for planting will made up of, at least, 50% native species commonly found in the area. Cedar will be the primary species. Trees to be used for screening will be made up of, at least, 50% conifers. Cedar will be the primary species.

Staff: The predominant species used for screening is cedar. Western Red Cedar are native trees and are evergreen. *These criteria have been met.*

5.21 **(c) Compatible recreation uses include should be limited to small community park facilities, but occasional low-intensity resource-based recreation uses (such as small scenic overlooks) may be allowed.**

Applicant: No recreational use is proposed.

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

6.00 **(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.

Applicant: This property falls within one-quarter mile of the edge of pavement of the HCRH.

Staff: Staff concurs. The dwelling is approximately 400 ft from the Historic Highway.

- 6.01 **(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.**

Applicant: All of the proposed construction is outside the minimum 100 feet from the edge of the pavement of the HCRH. (See answer to 38.7035 B.2).

Staff: The closest addition to the dwelling is approximately 400 ft from the Historic Highway. *This criterion has been met.*

- 6.02 **(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.**

Applicant: All of the proposed construction is outside the minimum 100 feet from the edge of the pavement of the HCRH. (See answer to 38.7035 B.2).

Staff: The existing dwelling is over 400 ft from the Historic Highway. *This criterion is not applicable.*

- 6.03 **(4) All proposed vegetation management projects in public rights-of-way to provide or improve views shall include the following:**

(a) An evaluation of potential visual impacts of the proposed project as seen from any Key Viewing Area;

(b) An inventory of any rare plants, sensitive wildlife habitat, wetlands or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable standards to protect the resources.

Applicant: Public rights-of-way are not impacted by proposed construction. (See above answer.) None of the above resources are present on property.

Staff: The proposed addition does not involve any vegetation management within the public right-of-way. *These criteria are not applicable.*

- 6.04 **(5) When evaluating which locations to consider undergrounding of signal wires or powerlines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for undergrounding in the Columbia River Gorge National Scenic Area Corridor Visual Inventory prepared in April, 1990.**

Applicant: Proposed construction will be using existing underground power lines.

Staff: All utilities are currently underground for the existing dwelling and will continue as such.

- 6.05 **(6) New production and/or development of mineral resources proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing**

vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic Travel Corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be achieved within time frames specified in MCC 38.7035 (B) (28).

(7) Expansion of existing quarries may be allowed pursuant to MCC 38.7035 (B) (25). Compliance with visual subordination requirements shall be achieved within time frames specified in MCC 38.7035 (B) (27).

Applicant: None of the above is applicable to this property.

Staff: No production of mineral resources is proposed as part of this residential project. *This criterion is not applicable.*

7.00 § 38.7045 GMA CULTURAL RESOURCE REVIEW CRITERIA

(A) Cultural Resource Reconnaissance Surveys

(1) A cultural reconnaissance survey shall be required for all proposed uses, except:

(a) The modification, expansion, replacement, or reconstruction of existing buildings and structures.

Applicant: There are no known cultural resources on the site.

Staff: Marge Dryden of the USFS has indicated that no cultural reconnaissance survey or historic survey is required for the subject site (Exhibit D.2). *This criterion has been met.*

7.01 § 38.7055 GMA WETLAND REVIEW CRITERIA

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

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

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

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

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

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

§ 38.7060 GMA STREAM, LAKE AND RIPARIAN AREA REVIEW CRITERIA

(A) The following uses may be allowed in streams, ponds, lakes and riparian areas when approved pursuant to the provisions of MCC 38.0045, MCC 38.7060 (C), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085:

Applicant: There are no wetland plants or areas on the property.

Staff: Staff verified that the subject property does not have any wetlands identified on the National Wetlands Inventory. The soils on the site are Mershon silt loam. The Multnomah Soil Survey does not identify this soil type as being hydric. The property is not adjacent to the Columbia River. No wetland buffer zone has been identified on the subject property from adjacent properties. No wetlands have been identified on the site during site review. No streams, ponds, lake or riparian area exists on the subject site. *These criteria have been met.*

7.02 § 38.7065 GMA WILDLIFE REVIEW CRITERIA

Wildlife Habitat Site Review shall be required for any project within 1,000 feet of sensitive wildlife areas and sensitive wildlife sites (i.e., sites used by sensitive wildlife species).

§ 38.7070 GMA RARE PLANT REVIEW CRITERIA

Rare Plant Site Review shall be required for any project within 1,000 feet of endemic plants and sensitive plant species.

Staff: No sensitive wildlife areas or sensitive plant species have been identified on the subject site. *These criteria have been met.*

7.03 § 38.7080 GMA RECREATION RESOURCE REVIEW CRITERIA

The following uses are allowed, subject to compliance with MCC 38.7080 (E) and (F).

Staff: The subject site is surrounded by existing dwellings farm land. No recreational uses are adjacent to the property. *This criterion has been met.*

8.00 ***Conclusion***

Based on the findings and other information provided above, the applicant has carried the burden necessary for the modification of the building elevations approved as part of T2-04-052 & T2-07-005 National Scenic Area Site Review. This approval is subject to the conditions of approval established in this report.

9.00 ***Exhibits***

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	NSA Application Form	1/6/09
A.2	14	Narrative	1/6/09
A.3	1	Site Plan Detail	1/6/09
A.4	1	Full Site Plan & Notes – Drawing #1	1/6/09
A.5	1	North & South Elevations – Drawing #2	1/6/09
A.6	1	West & East Elevations – Drawing #3	1/6/09
A.7	1	Main Floor Plan – Drawing #4	1/6/09
A.8	1	Roof Plan – Drawing #5	1/6/09
A.9	1	Sections – Drawing #6	1/6/09
A.10	1	Foundation, Roof Framing & Shear Wall Plans – Drawing #7	1/6/09
A.11	3	Details – Drawing #8, 9 & 10	1/6/09
A.12	1	Stormwater Certificate	1/6/09

A.14	3	Certification of On-Site Sewage Disposal	1/6/09
A.15	2	Applicant's Answers on Incomplete Letter	2/3/09
A.16	1	Additional Narrative	2/6/09
A.17	1	Letter of Authorization from Nowell Brill	2/6/09
A.18	1	Revised North & South Elevations – Drawing #2	2/6/09
A.19	1	Revised East & West Elevations – Drawing #3	2/6/09
A.20	1	Revised Main Floor Plan – Drawing #4	2/6/09
A.21	1	Revised Roof Plan – Drawing #5	2/6/09
A.22	1	Revised Foundation, Roof Framing & Shear Wall Plans – Drawing #7	2/6/09
A.23	1	Color for Dwelling and Roof from T2-04-052	2/6/09
'B'		Staff Exhibits	Date
B.1	2	Property Information for 1N4E35BA - 01800	1/6/09
B.2	1	Copy of Exhibit A.37 from Prior Decision T2-04-052 & T2-07-005	
B.3	34	T2-04-052 & T2-07-005 Decision	
'C'		Administration & Procedures	Date
C.1	3	Incomplete Letter	1/29/09
C.2	1	Acceptance of 180 Day Timeline	2/3/09
C.3	1	Complete Letter – Day 1 (Feb. 6, 2009)	2/13/09
C.4	6	Opportunity to Comment	2/13/09
C.5	24	Administrative Decision	4/8/09
'D'	#	Comments	Date
D.1	1	SHPO Comments	1/15/09
D.2	2	US Forest Service Comments	1/22/09
D.3	6	Friends of the Columbia Gorge	2/27/09