



MULTNOMAH COUNTY OREGON

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/dbcs/LUT/land_use

NOTICE OF DECISION

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

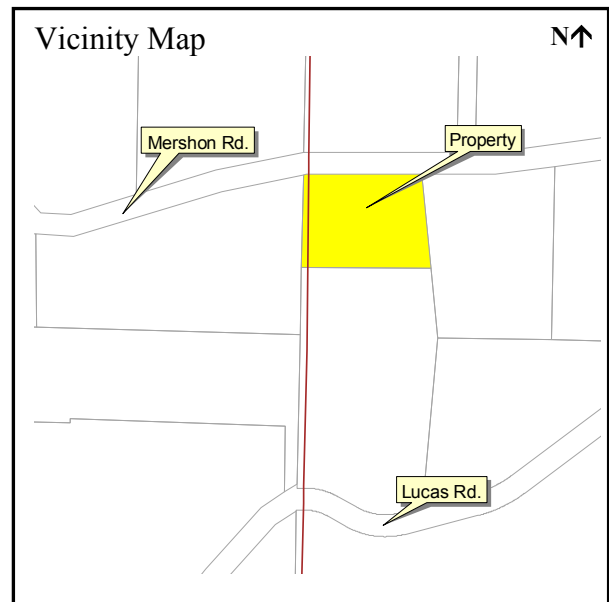
Case File: T2-02-093

Permit: National Scenic Area Site Review

Location: 32300 NE Mershon Road
TL 500, Sec. 33BC, TIN R4E, W.M.
R94433-0350

Applicant: Retha and James Bennett
32301 NE Mershon Road
Troutdale, OR 97060

Owner: Retha and James Bennett
32301 NE Mershon Road
Troutdale, OR 97060



Summary: A proposal to move a single family dwelling (864 ft² footprint) onto the property, construct a 576 square foot garage and widen an existing 2,400 square foot barn by 12-feet in the National Scenic Area.

Decision: **Approved with Conditions.**

Unless appealed, this decision is effective April 20, 2004, at 4:30 PM.

Issued by:

By: _____
Adam Barber, Planner

For: Karen Schilling - Planning
Director

Date: April 6, 2004

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

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 April 20, 2004 at 4:30 pm.

Applicable Approval Criteria: Columbia River Gorge National Scenic Area General Provisions; **MCC 38.0000 – 38.0110**, Administration and Enforcement; **MCC 38.0510 – 38.0800**, Columbia River Gorge National Scenic Area General Gorge Residential (GGR) Districts; **MCC 38.3000 – 38.3095**, Site Review for General Management Areas (GMA); **MCC 38.7000 – MCC 38.7090**.

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at http://www.co.multnomah.or.us/dbcs/LUT/land_use/index.shtml

Comments From Other Agencies/Individuals

Notice of the subject request was mailed to the following agencies/individuals:

United States Forest Service NSA Office
East Multnomah County Soil and Water Conservation District
Corbett Water District
Corbett Community Association
Corbett Together
Oregon Department of Transportation
State of Oregon Historic Preservation Office
Nez Perce Tribe
Friends of the Columbia Gorge
Oregon Department of Fish and Wildlife
Columbia River Gorge Association
Oregon Parks and Recreation
USDA Forest Service
Cultural Advisory Committee
Yakima Indian Nation
Confederated Tribes of Warm Springs

Confederated Tribes of the Umatilla Indian Reservation
Crown Point Historical Society
Oregon Natural Heritage Program
Surrounding property owners

Comments were received from the following agencies/individuals:

Glenn Fullilove, Friends of the Columbia River Gorge
Margaret L. Dryden, Forest Archaeologist, Mount Hood National Forest
Margaret L. Dryden, Heritage Program Manager, Columbia River Gorge National Scenic Area.
Charles and Jodee Morris, Neighbors, 301 NE Lucas Road

Scope of Approval

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

Conditions of Approval

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

1. **Within 30 days of this decision becoming final and prior to building permit sign-off, the applicant shall record the Notice of Decision (pages 1-2 of this decision and the Site Plan Insert) with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and filed with the Land Use Planning Division. Recording shall be at the applicant's expense. Failure to sign and record the Notice of Decision within the above 30 day time period shall void the decision (MCC 38.0670).**
2. The house and garage exterior shall be painted dark brown using Miller Paint, Alcazar Brown # 8306N with a darker brown trim. Materials used on the exterior of the dwelling and garage shall be non-reflective and shall be consistent with what is described in the attached architectural elevations. The 12-foot extension

- on the barn shall be painted dark brown to match the existing color of the structure. The same dark grey, non-reflective composition shingle style used for the existing barn shall be used for the 12-foot extension. No changes can be made to the method of exterior treatment identified on an approved building permit, without written confirmation from Multnomah County Land Use Planning that the proposed changes in treatment do not detract from the visual subordination of the structures as seen from Key Viewing Areas (**MCC 38.7035(B)(9)**).
3. Exterior lighting on all structures shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding shall be composed of non-reflective, opaque materials (**MCC 38.7035(B)(10)**). Exterior lighting shall be, or reasonably resemble, Regent Model RSM 100 exterior lighting.
 4. If, during construction, cultural or historic resources are uncovered, the applicant/owner 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 as per **MCC 38.7045(L) & (M)**.
 5. Any evergreen trees located within 75-feet of the southern property line (over 6-inch diameter at breast height) shall be retained to help screen the development as viewed from the south.

Once this decision is final, application for building permits may be made with the City of Gresham. **When ready to have building permits signed off, the applicant shall call the Staff Planner, Adam Barber, at (503) 988-3043, to schedule an appointment for review and approval of the conditions and to sign the building permit plans.** Please 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 permits signed off.

Findings of Fact

(Formatting Note: Staff as necessary to address Multnomah County ordinance requirements provides Findings referenced herein. Headings for each finding are underlined. Multnomah County Code requirements are referenced in **bold** font. Written responses to code criteria prepared by or on behalf of the applicant are *italicized*. Planning staff comments and analysis may follow applicant responses. Where this occurs, the notation “Staff” precedes such comments).

1. Staff: The applicant is requesting approval to move a single family dwelling built in 1982 from 32301 NE Mershon Road to 32300 NE Mershon Road, to construct a 576 square foot garage, install a breezeway between the garage and residence and extend an existing 2,400 square foot barn by 12-feet to the east. Maps of the property location and proposed development are illustrated on the vicinity map

and site plan, (Exhibits A1, A2, A3, A7 and A10). The property upon which the house will be sited is referred to as the “subject property” within this report (32300 NE Mershon) and is directly across Mershon Road, or south, from the property upon which the dwelling currently sits. Today, the subject property contains a brown agricultural barn and a peach orchard. The barn can be seen in the photo presented as Exhibit A4 and on the 2002 aerial photo of the site presented as Exhibit A2.

2. Staff: The subject property is located on 2.03 acres in the Gorge General Residential, (GGR-10) zone in the Columbia River Gorge National Scenic Area. A map illustrating the location and configuration of the property is enclosed (Exhibit A5). The existing 2,400 square foot barn sits on the northwest portion of the property. The eastern half of the subject property contains 6-rows of peach trees planted in a north-south alignment. The western ½ of the property is overgrown with blackberry vines.

The northern 30-ft of the property gently slopes south at a 7.0 % grade. Approximately 30-feet south of the northern property line, the grade of the site increases to a 21.5% slope, as measured by Staff using a hand held clinometer. The existing grade of the proposed dwelling and garage building pad is estimated to slope roughly 21.5% to the south.

The applicant has proposed building a gravel driveway off Mershon Road, moving a dwelling with an 864 ft² footprint onto the property, building a 576 square foot garage and 81 ft² breezeway, and extending an existing barn by 12-feet. The entire proposal and all associated construction will hereafter, simply referred to the “proposed development.” All proposed development will be located in the north central portion of the property, as indicated on the applicant’s site plan (Exhibit A3). The construction area is currently vegetated with overgrown blackberry and pasture grasses (Exhibit A4).

3. Staff: Applications for Natural Scenic Area Site Review permits are classified as Type II permit applications (**MCC 38.0530**). As such, they may only be initiated upon written consent of the property owner or contract purchaser (**MCC 38.0550**). County assessment printouts (Exhibit A6) show that the owners of the property are James and Retha Bennett. Retha Bennett is serving as the applicant for this project and provided the written authorization necessary to process this request (Exhibit AX).
4. Staff: The last change to the property configuration occurred in 2003 through an approved property line adjustment (Case T2-03-013). This County approval verifies the subject property is a legally created parcel.
5. Staff: County zoning maps indicate that the subject property is zoned Gorge General Residential (GGR-10), (Exhibit A5). Under this zone, establishing a new single family dwelling is considered a Review Use under **MCC 38.3025 (A)(1)**:

The following uses may be allowed on lands designated GGR, pursuant to MCC 38.0035:

MCC 38.3025 (A)(1) One single family dwelling per legally created parcel.

As discussed in Finding #4 of this report, the subject parcel is a legal parcel and therefore this request can be considered.

6. (MCC 38.7020) Required Findings

A decision on an application for NSA Site Review shall be based on findings of consistency with the criteria for approval specified in MCC 38.7035 through 38.7085 or 38.7090 as applicable.

Staff: The approval criteria for the General Management Area are located within **MCC 38.7035**: GMA Scenic Review Criteria, **38.7045**: GMA Cultural Resource Review Criteria, **38.7055**: GMA Wetland Review Criteria, **38.7060**: GMA Stream, Lake and Riparian Area Review Criteria, **38.7065** GMA Wildlife Review Criteria, **38.7070** Rare Plant Review Criteria, and **38.7080**: GMA Recreation Resource Review Criteria. As discussed in this decision, the applicant has addressed how the requisite criteria will be met.

7. (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:

All Review Uses and Conditional Uses:

- 7A. MCC 38.7035(A)(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: Yes. See site map.

Staff: The narrative statements submitted by the applicant are presented as Exhibit A11. The dwelling, breezeway, garage and barn extension will be sited 30 feet from the north property line and will be constructed on the flattest portion of the property that can be easily accessed by Mershon Road (Exhibit A3). The northern 30-ft of the property gently slopes south at a 7.0 % grade. Approximately 30-feet south of the northern property line, the grade of the site increases to a 21.5% slope as measured by Staff using a hand held clinometer. The existing grade of the building pad is estimated to slope 21.5% to the south (Exhibit A4). Although this portion of the property

is not flat, it is the shallowest portion of the site adjacent to Mershon Road, meeting the minimum 30-foot front yard setback. The septic system will be constructed south, or downhill, of the proposed residence, as indicated on the site plan submitted as Exhibit A3.

Placing the structural development in the central or southern portions of the property would require much more ground disturbance as these areas are further from the northern site access and are steeper than the northern portion of the property. It would not be reasonable to build a driveway over the break in slope leading to the central portion of the property from Mershon Road – the only site access. Staff finds that construction, as proposed, will retain topography to the maximum extent possible.

7B. MCC 38.7035(A)(2) New buildings shall be generally consistent with the height and size of existing nearby development.

Applicant: “Yes. See Site map.”

Staff: The dwelling that will be sited on the subject property was built 22 years ago and is currently located on the property directly to the north, across Mershon Road. According to the applicant’s site plans (Exhibit A3, A7 and A10), the dwelling has a footprint of 864 square feet, the garage will be 576 square feet and the existing barn will be 2,800 square feet after the addition. The garage will be attached to the residence by way of a breezeway. The overall structural development proposed will cover roughly 864 SF + 576 SF + 2,800 SF = 4,240 square feet.

Staff evaluated the size of existing development in the area. Existing development of the area, for this analysis, is defined as the square footage of the residence and all outbuildings including shops, barns and garages on properties within an approximate radius of 1,000-feet from the site (Exhibit A8). The following table outlines the results with the subject site presented in bold font.

Tax Account #	Zoning	Cumulative Development (SF)
R944330350	GGR-10	4,240 (total resulting)
R944320050	EFU	4,358 (existing)
R053504370	GGR-10	3,792 (existing)
R944330850	GGR-10	2,642 (existing)
R944331110	GGR-10	5,989 (existing)
R944330110	GGR-10	6,179 (existing)
R944331120	GGR-10	1,746 (existing)
R944331080	EFU	2,445 (existing)
R944330170	EFU	4,474 (existing)
<i>Excluding the</i>		

<i>Proposal:</i>		
<i>Maximum =</i>	<i>6,179 SF</i>	
<i>Average =</i>	<i>3,953 SF</i>	

As illustrated in the above table, this proposal involves total development coverage of 4,240 square feet, which is 1,939 square feet smaller than the most heavily developed property in the area and 287 square foot larger than the average development size. Staff finds the proposed development is generally consistent with the development patterns of the area.

- 7C. **MCC 38.7035 (A)(3) New vehicular access points to the Scenic Travel Corridors shall be limited to the maximum extent practicable, and access consolidation required where feasible.**

Applicant: "See site map."

Staff: This development is off Mershon Road, which is not a Scenic Travel Corridor. The development will not result in an additional vehicular access points to the Scenic Travel Corridor.

- 7D. **MCC 38.7035(A)(4) Project applicants shall be responsible for the proper maintenance and survival of any required vegetation.**

Applicant: "Yes. This is a peach orchard and will remain one."

Staff: There is no required vegetation to be planted. This criterion is not applicable.

- 7E. **MCC 38.7035(A)(5) For all proposed development, the determination of compatibility with the landscape setting shall be based on information submitted in the site plan.**

Applicant: "Yes."

Staff: The landscape setting is "Rural Residential in Pastoral". Information contained in the site plans (Exhibit A3, A7 and A10) and photographs (Exhibit A4 and A9) were sufficient to determine compatibility with the landscape setting.

- 7F. **MCC 38.7035(A)(6) For all new production and/or development of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance which blends with and emulates surrounding landforms to maximum extent practicable.**

Staff: This development is residential in nature, and does not involve mineral resources or the expansion of existing quarries.

7G. All Review Uses and Conditional Uses visible from Key Viewing Areas:

MCC 38.7035(B)(1) Size, height, shape, color, reflectivity, landscaping, siting or other aspects of proposed development shall be evaluated to ensure that such development is visually subordinate to its setting as seen from Key Viewing Areas.

Applicant: "Not visible from KVA."

Staff: Staff reviewed the surrounding topography using maps and field observations. Topography was evaluated considering views to the site from Larch Mountain, I-84, the Columbia River, the Historic Columbia River Highway and from the Sandy River – the local Key Viewing Areas. The analysis of views from four of the five Key Viewing Areas was evaluated using various topographic maps available for inspection within the planning office. Topographic data sources include METRO Graphical Information Systems data and 1:24,000 scale maps produced by the United States Geological Survey.

The maps indicate the project site is not visible from I-84, the Columbia River or from the Sandy River. After review of a topographic cross section drawn from the north shore of the Columbia River to the site, it was obvious to Staff the site is blocked by topography as viewed from Highway 14 in Washington State.

The site is not blocked by topography from Larch Mountain to the east and from the Historic Columbia River Highway to the south, and is therefore considered visible from these locations. Larch Mountain is located more than 11-miles to the east of the site and the Columbia River highway is located approximately 0.5-miles to the south of the property. Mature, deciduous and evergreen trees on other properties block direct views of the site as viewed from Larch Mountain. Although no vegetative screening exists on the subject site, as viewed from Larch Mountain, the great distance to the Key Viewing Area minimizes potential visual impacts that may result from off-site vegetative removal in the future.

A mature stand of deciduous and evergreen trees is located south of property, partially extending across the southern portion of subject site. This vegetation help screen the subject site as viewed from the Historic Columbia River Highway 0.5-miles to the south. Although the applicant has no control over retaining the off-site vegetation, a condition of this approval is that any evergreen trees located on the property within 75-feet of the southern property line be retained to help screen the development. This

condition of approval will assure the development will be visually subordinate from the most critical location – the closest Key Viewing Area.

- 7H. **MCC 38.7035(B)(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.**

Staff: The house proposed is a two story (21.6 feet in height) Dutch Barn style house with a building footprint of 864 square feet (Exhibit A3 and A9). The proposed 576 square foot, 20-foot tall garage will be the same Dutch Barn architectural style, as indicated in the applicant's submitted narrative (Exhibit A11). The garage will be painted a dark brown (Miller Paint, Alcazar Brown # 8306N) with a darker brown trim to match the home. The specific paint mix for the trim is unidentified but will be darker than Alcazar Brown # 8306N) around the windows and doors on the house today.

West side of house: A photo of the side of the two story house that will ultimately face west on the new property is presented in Exhibit A9. The west side of the house contains four windows. Two of the windows are located along the bottom story and two located at the top story. The roof overhangs approximately 1 to 1.5-feet on all sides. An exterior light is located near the center of the house on the lower level (Exhibit A9). All exterior lighting will be replaced with downward directed, hooded lighting. The color of the house will be dark brown (Miller Paint, Alcazar Brown # 8306N) with darker brown trim. Black, non-reflective composite shingles define the roofing material (Exhibit A9). The west side of the house is not visible from a KVA and faces the proposed garage and existing shop (Exhibit A3).

West side of garage: The west side of the garage contains two roll-up garage doors and a window, as seen on a garage plan (Exhibit A10). The color of the garage will be a dark brown (Miller Paint, Alcazar Brown # 8306N) with a darker brown trim. Black, non-reflective composite shingles define the roofing material. The west side of the garage is not visible from a KVA and faces the existing shop (Exhibit A10).

North side of house: A photo of the side of the house that will face north on the new property is presented in Exhibit A9. The north side of the house contains three windows and one door. The roof covers approximately ½ of the structure in comparison to the western side. An exterior light is located next to the door (Exhibit A9). This side of the house is not visible from a KVA and faces NE Mershon Road (Exhibit A3).

North side of garage: The north side of the garage contains one door and one window as seen on the garage plan (Exhibit A10). The north side of the garage is not visible from a KVA and faces Mershon Road (Exhibit A3).

East side of house: A photo of the side of the house that will face east on the new property is presented in Exhibit A9. The east side of the house contains two windows and two doors. An exterior light is located next to the doors (Exhibit A9). This side of the house is visible from a KVA, Larch Mountain located over 11-miles to the east. Although not blocked by topography, the visual impacts of the house from Larch Mountain are considered immeasurable as vegetation to the east of the site blocks views of the site from Larch Mountain located a long distance from the site (roughly 11.7 miles). This is supported by photos from Larch Mountain provided by the applicant and by an investigation of vegetative cover conducted by Staff on 6/27/03.

The main color of the house will be a dark brown (Miller Paint, Alcazar Brown # 8306N) with a darker brown trim. A condition of this report is that all exterior colors shall be dark earth tone visually blending with the surrounding landscape **(MCC 38.7035(B)(9))**.

East side of garage: The east side of the garage contains one door as seen on a garage plan (Exhibit A10). The east side of the garage is not visible from a KVA- Larch Mountain- as the two story house will sit between Larch Mountain and the 20-foot tall garage (Exhibit A3 and A9).

South side of house: A photo of the side of the house that will face south on the new property is presented in Exhibit A9. The south side of the house contains two windows, an in-window air condition unit and one door. An exterior light is located next to the door (Exhibit A9). This side of the house is visible from a KVA, the Historic Columbia River Highway located 0.5-miles to the south. Although not blocked by topography, the visual impacts of the house from the KVA are considered minimal as vegetation to the south of the building pad blocks views of the site from the Columbia River Highway. This is supported by photos from the Historic River Highway towards the site compiled by Staff on 6/27/03 (Exhibit A9).

South side of garage: The south side of the garage contains one door and one window as seen on a garage plan (Exhibit A10). The south side of the

garage is visible from a KVA- Historic Columbia River Highway- but will be obscured by mature, evergreen trees (Exhibit A9).

Barn extension: The eastern side of the barn will be expanded 12-feet towards the proposed garage and dwelling – which will block any views of the barn extension from Larch Mountain, located over 11 miles away. The extension will be painted dark brown to match the existing structure. The south side of the barn is visible from a KVA, the Historic Columbia River Highway located 0.5-miles to the south. Although not blocked by topography, the visual impacts of the house from the KVA are considered minimal as vegetation to the south of the building pad blocks views of the site from the Columbia River Highway. This is supported by photos from the Historic River Highway towards the site compiled by Staff on 6/27/03 (Exhibit A9). A 10-ft by 12-ft door will be installed on the northern side of the barn extension (Exhibit A12). The barn is not visible from any KVA's to the north due to obscuring topography rising to the north of the subject property.

Staff has conditioned this approval assuring that only dark, earth toned colors are used, lighting is directed downward and that any evergreen trees located within 75-foot of the southern property line (on the property) be retained to help screen the development from the closest Key Viewing Area located 0.5-miles to the south. The subject site is not directly visible from a Key Viewing Area but is in close proximity to the Historic Columbia River Highway. Views from this location are screened in-part by off-site vegetation, which the applicant has no control over. Staff believes the extent and type of conditions applied are proportionate to its potential visual impacts as seen from Key Viewing Areas. The conditions are a reasonable attempt to minimize impacts from a project that is not clearly screened by permanent topography.

7I. MCC 38.7035(B)(3) Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.

Staff: According to the applicant's site plan, development will increase in area from an existing 2,400 square feet to a proposed 4,240 square feet. Increasing development on the property by roughly 50% in area will not measurably increase visibility from any Key Viewing Areas considering the Key Viewing areas are not adjacent to the property. The property is zoned as a residential district, which is consistent with the type of development in the area. Review of the development patterns in the area showed the applicant is not proposing development to a larger scale than what is existing in the area. This is demonstrated in finding 7B of this report.

Staff finds that increasing the subject property development, as proposed, will not increase the typical, and established residential patterns of the area to any visually detectible degree. For this argument, the area is defined as the surrounding 1,000-ft radius. See finding 7B for the reasoning used for the selection of this radius

- 7J. **MCC 38.7035(B)(4) For all buildings, roads or mining and associated activities proposed on lands visible from Key Viewing Areas, the following supplemental site plan information shall be submitted in addition to the site plan requirements in MCC 38.0045 (A) (2) and 38.7035 (A) (5) for mining and associated activities:**

(a) For buildings, 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); and

(b) Elevation drawings showing the appearance of proposed building(s) when built and surrounding final ground grades, for all buildings over 400 square feet in area.

Staff: The above information has been provided.

- 7K. **MCC 38.7035(B)(6) New buildings or roads 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.**

Staff: Visibility from Larch Mountain:

Larch Mountain is located at a bearing of approximately 80-degrees from the site, 11.7 miles away as the crow flies. The subject site topography slopes to the south, approximately perpendicular to the line of sight. Locating the house on the northern portion of the property near the road has the potential to increase visibility from the north, or from I-84, the Columbia River and Highway 14. As explained in finding 7G of this report, the site is not visible from any of these KVA's to the north. After evaluating the surrounding topography, Staff does not believe moving development to the south, or down the hill, would measurably decrease visibility from Larch Mountain. Moving all development down the hill, or to the south, would conflict with the approval criteria **MCC 38.7035(A)(1)** which states "*New buildings and roads shall be sited and designed to retain the existing topography and reduce necessary grading to the maximum extent*

practicable.” Moving development to a steeper portion of the site would only increase the amount of grading required and may disrupt future orchard operations as an existing orchard is located to the south and east of the proposed development area. Moving development east or west on the site would not positively or negatively affect the visibility from Larch Mountain.

Visibility from the Historic Columbia River Highway:

The subject property is not blocked by topography at the intersection of Lucas Road and the Historic Columbia River Highway, south of the subject property. Review of topography in the area indicates moving development further down the hill – or south towards the Columbia River Highway - would not measurably increase or decrease visibility as the southern portion of the site is also not blocked by topography from the intersection of Lucas Road and the Columbia River Highway. Moving development down the hill would only increase the amount of grading required for development. Moving development slightly east or west on the site would not positively or negatively alter the visibility from the Columbia River Highway as the development would be moving perpendicular to the line of site and would still be considered just as visible. Although not blocked by topography, the property can not be directly seen from the Columbia River Highway due to mature evergreen and deciduous tree cover located both south of the site and on the southern portion of the site (Exhibit A9). The height of tree cover located on the subject site alone appears to either eliminate or severely reduce visibility from the Historic Columbia River Highway and is expected to eliminate the potential of structural sky lighting. No trees will be removed to facilitate development. Since the mature tree cover located along the southern portion of the site is suspected to be critical in the attempt to screen development as viewed from the south, a condition of approval is that any evergreen trees located within 75-feet of the south property line (on the subject site) be retained. This condition should ensure visual subordination.

- 7L. **MCC 38.7035(B)(7) In siting new buildings and roads, use of 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.**

Staff: Existing vegetation in the form of mature evergreen and deciduous trees east of the site are tall enough to screen the site from Larch Mountain. Trees screening the development from the south (towards the Columbia River Highway) are located towards the southern portion of the site. Although moving the development to the south of the property may decrease visibility from the highway, the proposed development does not appear that it will be visible from the Columbia River Highway, as proposed. Moving the development to any other portion of the site would substantially increase

the amount of grading necessary which contradicts other NSA approval criteria. Moving the dark, earth toned development to any other portion of the site would not change visibility from Larch Mountain as it is located roughly 11 miles away. As a result, a superior location on the site does not exist that minimizes visibility. The development area chosen utilizes the flattest portion of the site adjacent to the road and meets this approval standard relating to the use of existing topography. Staff explained why development on other portions of the site is not advantageous within finding 7K of this report.

7M. MCC 38.7035(B)(8) Driveways and buildings shall be designed and sited to minimize grading activities and visibility of cut banks and fill slopes from Key Viewing Areas.

Staff: Development in the northern portion of the site, as proposed, minimizes the required grading activities as this is the flattest portion of the site adjacent to the access road. Development south of the proposed construction area would greatly increase the potential to see cut banks and grading activities to the south. The development has been designed to minimize the amount of grading required.

7N. MCC 38.7035(B)(9) 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.

Staff: The proposed dwelling mimics the architectural style of a Dutch barn. The exterior siding will be painted a dark brown (Miller Paint, Alcazar Brown # 8306N) with a darker brown trim around the windows and doors. The roof is a dark slate color consisting of composite shingles. The garage will have exterior carriage style lights. The barn extension will be painted a dark brown to match the existing structure and will use the same dark, non-reflective composition shingles to extend the roof.

After evaluating all existing and proposed building materials, Staff has determined only non-reflective and low-reflective materials will be used.

7O. MCC 38.7035(B)(10) 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.

Staff: Each wall of the dwelling contains an exterior light approximately 6-foot above grade. None of the four lights is currently directed downward using non-reflective, opaque hooding materials. The exterior lighting on the home will be changed to meet the approval criteria. A condition of this

report is that all exterior lighting be hooded and directed downward using non-reflective, opaque materials. This condition applies to lighting proposed on the garage and home. No exterior lighting is proposed on the barn extension or garage.

- 7P. **MCC 38.7035(B)(11) 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.**

Staff: A 12-foot extension onto an existing barn is proposed, which will result in a smaller square footage addition than the existing 2,400 square foot structure. The extension will be painted the same dark brown color as the existing structure.

- 7Q. **MCC 38.7035(B)(13) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. Variances may be granted if application of this standard would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use, and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the standard have been made.**

Staff: As viewed from Larch Mountain, the development will be below the elevation of the Key Viewing Area as Larch Mountain's crest is higher elevation than the site. As a result, the development will not sky light as viewed from Larch Mountain. The development will not extend above a bluff as viewed from the Historic Columbia River Highway (0.5-miles to the south) as the topography rises behind the development, north of Mershon Road. The site is protected by mature tree cover preventing silhouetting of structures.

- 7R. **MCC 38.7035(B)(15) New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.**

Applicant: "All utilities are underground."

- 7S. **MCC 38.7035(B)(20) 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.

Staff: The applicant has indicated the average topography across the development area slopes 23% to the south. Using a hand held clinometer, Staff measured slopes of 21.5% through the development area. This criterion does not apply.

7T. MCC 38.7035(B)(21) 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;**

Applicant: "150 cubic yards."

- 3. The height of all cut banks and fill slopes;**

Applicant: "2-ft cut bank."

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

Applicant: "Peaches and wild berries will remain."

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

Staff: All information referenced above has been provided by the applicant and reviewed by Staff.

7U. MCC 38.7035C(4) Rural Residential in Conifer Woodland or Pastoral Landscape Setting

(a) New development in this setting shall meet the design standards for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral or Coniferous Woodland), unless it can be demonstrated that compliance with the standards for the more rural setting is impracticable. Expansion of existing development shall comply with this standard to the maximum extent practicable.

Staff: The subject property is located within the Rural Residential landscape setting. As required by MCC 38.7035(C)(4)(a), this proposal was evaluated against the Rural Residential and Pastoral landscape setting standards.

(b) In the event of a conflict between the standards, the standards for the more rural setting (Coniferous Woodland or Pastoral) shall apply, unless it can be demonstrated that application of such standards would not be practicable.

Staff: No conflict has been identified.

(c) Compatible recreation uses should be limited to very low and low-intensity resource-based recreation uses, scattered infrequently in the landscape.

Staff: No recreational uses area proposed.

7V. MCC 38.7035C(3) Rural Residential Landscape Setting

(a) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity.

Expansion of existing development shall comply with this standard to the maximum extent practicable.

Applicant: "Yes, the garage and home will not be any higher than present 40-ft x 60-ft barn."

Staff: New development will be generally consistent with the existing development in the vicinity. The supporting findings are presented in section 7B of this report.

(b) 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.

Staff: No trees or tall vegetation will be removed during construction. A condition of this approval is that any evergreen trees within 75-feet of the southern property line be retained to help screen development as viewed from the Historic Columbia River Highway. Blackberry overgrowth and grasses will be disturbed around the proposed development area to facilitate construction.

(c) 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.

Staff: No trees will be removed.

2. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.

Applicant: "Fruit trees are growing and will continue."

Staff: No trees will be planted for screening purposes.

3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

Staff: No trees will be planted for screening purposes.

4. Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12).

Staff: The structures' exteriors will be dark brown with dark brown trim.

(d) 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.

Staff: Recreation uses are not proposed.

7W. MCC 38.7035(C)(1) Pastoral Landscape Setting

(a) New development shall be compatible with the general scale (height, dimensions, overall mass) of development in the vicinity. Expansion of existing development shall meet this standard to the maximum extent practicable.

Staff: This standard was addressed in finding 7V and was found to be satisfied.

(b) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.

Staff: The applicant has proposed clustering development towards the north central portion of the property, as illustrated on the applicant's site plan (Exhibit A3). This criterion is met.

(c) 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.

Staff: No trees will be removed.

2. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.

Staff: The property consists of an overgrown orchard and blackberry with a thin strip of grass paralleling Mershon Road. The applicant has proposed to remove blackberry around the structures and place landscaping around the foundations. These alterations will only occur adjacent to the development and will not alter the open character of the property which is partially covered in orchard.

3. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, big leaf maple, and black locust (primarily in the eastern Gorge).

Staff: The planting of trees is not proposed.

4. At least one-quarter of any trees planted for screening shall be coniferous for winter screening.

Staff: The planting of trees is not proposed.

5. Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12).

Staff: The structures' exteriors will be dark brown in color (Miller Paint, Alcazar Brown # 8306N) with a darker brown trim. This criterion is met.

7X. MCC 38.7035(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 southern portion of the subject property is approximately 2,800 north of the Historic Columbia River Highway, which is more than ¼ mile. The standards of **MCC 38.7035D** do not apply to this proposal.

8. (MCC 38.7045) GMA Cultural Resource Review Criteria

8(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.

(b) Proposed uses that would not disturb the ground, including land divisions and lot-line adjustments; storage sheds that do not require a foundation; low-intensity recreation uses, such as fishing, hunting, and hiking; installation of surface chemical

toilets; hand treatment of brush within established rights-of-way; and new uses of existing structures.

(c) Proposed uses that involve minor ground disturbance, as defined by depth and extent, including repair and maintenance of lawfully constructed and serviceable structures; home gardens; livestock grazing; cultivation that employs minimum tillage techniques, such as replanting pastures using a grassland drill; construction of fences; new utility poles that are installed using an auger, post-hole digger, or similar implement; and placement of mobile homes where septic systems and underground utilities are not involved.

Staff: The proposed use required an evaluation of impacts to cultural resources.

8(B) 38.7045(B) The cultural resource review criteria shall be deemed satisfied, except MCC 38.7045 (L) and (M), if:

(1) The project is exempted by MCC 38.7045 (A) (1), no cultural resources are known to exist in the project area, and no substantiated comment is received during the comment period provided in MCC 38.0530 (B).

Staff: Marge Dryden, Mt. Hood National Forest Archaeologist, determined the proposed development would have no impact on cultural resources (Exhibit A13). Marge Dryden came to this determination after performing a literature review of any known cultural resources in the area, an interview with the property owner and a field visit conducted January 9, 2003. Ms. Dryden also determined the alterations to the existing barn do not require a cultural or historic survey (Exhibit A13). A condition of this approval requires that the applicant/owner shall immediately cease development activities and inform the Multnomah County Land Use Planning Division, Columbia River Gorge Commission, and the U.S. Forest Service if any cultural or historic resources are uncovered during construction. This condition minimizes any impacts to unknown resources in the development area.

9. (MCC 38.7055(A)) GMA Wetland Review Criteria

9A. The wetland review criteria shall be deemed satisfied if:

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

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

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

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

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

Staff: Review of the National Wetlands Inventory for the area did not reveal a mapped wetland on the subject property. Soils on the property consist of Mershon Silt Loam soil units 27B and 27C. According to the Multnomah County Soil Survey for Multnomah County, the Mershon Silt Loam soils are typically not hydric in nature but do have a seasonally high water table. The nearest hydric soils are located approximately 1,500 feet to the northeast. No wetlands were identified in the development area during a site visit conducted June 27, 2003. Staff finds the wetland review criteria are satisfied.

10. (MCC 38.7060) Stream, Lake and Riparian Area Review Criteria

(A) The following uses are allowed in streams, ponds, lakes, and their buffer zones without Site Review, if they:

(1) Are conducted using best management practices;

(2) Do not require structures, grading, draining, flooding, ditching, vegetation removal, or dredging beyond the extent specified below; and

(3) Comply with all applicable federal, state, and county laws:

Staff: The stream, lake and riparian area review criteria are found satisfied as the project is not located near a stream, lake or riparian area. The nearest watercourse is a creek located roughly 915 feet to the southwest.

11. (MCC 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).

Sensitive Wildlife Areas in the Columbia Gorge

Bald eagle habitat
Deer and elk winter range
Elk habitat
Mountain goat habitat
Peregrine falcon habitat
Pika colony area
Pileated woodpecker habitat
Pine marten habitat
Shallow water fish habitat (Columbia R.)
Special streams
Special habitat area
Spotted owl habitat
Sturgeon spawning area
Tributary fish habitat
Turkey habitat
Waterfowl area
Western pond turtle habitat

Staff: The nearest sensitive wildlife area is located approximately 2.4-miles to the north, designed to protect waterfowl using the southern shore of the Columbia River. Converting 2.4-miles to feet equals 12,672 feet which is greater than 1,000 feet. This criterion is satisfied.

12. **(MCC 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: The closest inventoried rare plant is located approximately 2.4-miles to the north/northeast of the site, which is 11,616 feet away. This criterion is satisfied.

13. **(MCC 38.7080) GMA Recreation Resource Review Criteria**

13A. **38.7080(E) Approval Criteria for Recreation Uses. All proposed recreation projects outside of GG– PR or GG– CR districts shall satisfy the following:**

(1) Cumulative effects of proposed recreation projects on landscape settings shall be based on the "compatible recreation use" standard for the landscape setting in which the use is located.

(2) For proposed recreation projects in or adjacent to lands designated GGA– 20, GGA– 40, GGF– 20 and GGF– 40:

Staff: Recreational uses are not proposed.

14. **(MCC 38.5040) Comments Received**

Upon receipt of a complete application, notice of the 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 (MCC 38.0540(B)). The Planning Director accepts comments for 14 days after the notice of application is mailed (MCC 38.0540(B)). Written comments were received from the following agencies and individuals:

- **Glen Fullilove, Friends of the Columbia Gorge (Exhibit AX)**
- **Marge Dryden, Archaeologist, Mount Hood National Forest (Exhibit AX)**
- **Marge Dryden, Heritage Program Manager, Columbia River Gorge (Exhibit AX)**
- **Charles and Jodee Morris, Neighbors, 301 NE Lucas Road**
- **Mike Ebling, City of Portland Sanitarian**

Staff: Comments from the Friends of the Columbia Gorge included concerns that a pending property line adjustment (PLA) involving the subject property should be finalized prior to the processing this NSA site development request. Staff agreed and discussed the matter with the applicant. The applicant agreed to finalize processing of the PLA prior to issuance of the NSA decision. Ultimately, an approved Property Line adjustment was issued in 2003 by permit T2-03-013. The remainder of the comments discussed applicable development standards, which have been addressed within this report. A copy of the comment letter is provided in Exhibit A14.

Comments from Marge Dryden indicated a historic survey was not required but that a cultural resource reconnaissance survey was required. After performing a literature review of known cultural resources, conducting an interview with the property owner and visiting the site January 9, 2003, Marge Dryden determined that the development, as proposed, would have no effect on cultural resources. A copy of the comment letter is provided in Exhibit A13.

Charles and Jodee Morris (neighbors) submitted comments which were received by the County February 23, 2004 (Exhibit A15). Concerns were raised about the possibility of the proposed septic system polluting “underground springs” used by their cattle downhill. In 2001, Mike Ebling with the City of Portland Sanitation

Department verified the septic tank and drain field proposal would function properly and is acceptable in design (Exhibit A16). To further address these comments, Staff contacted Mr. Ebling in March, 2004 to verify that these new concerns do not change the 2001 feasibility finding provided on the Sanitation Service Provider Form.

Mr. Ebling formally responded to the County in an email sent March 25, 2004. The email states....*"On October 5, 1998, James and Retha Bennett submitted an application to determine the suitability of an on-site sewage disposal system for the aforementioned property. The applicant provided two test pits in the area they proposed to place the drain field portion of a septic tank and drain field system, and it was determined that the soils conditions in these two test pits met the minimum requirements for a standard on-site sewage disposal system with equal distribution. This system would require a 48" deep groundwater interceptor (GWI) be installed 10' upslope of the drain field to cut off any surface groundwater above the drain field area. The equal distribution drain field ensures that the partially treated sewage would be equally distributed to each leach line, allowing the soil in these trenches to treat the sewage, thus averting a saturated flow condition and concerns with contamination of surface water springs.*

Realistically, the cows in the pasture have more potential for polluting this water than any dwelling sited on this property with an approved on-site sewage disposal system (Exhibit A17)". Considering that Mr. Ebling's findings that the soils conditions...meets the minimum requirements for a standard on-site sewage disposal system, the concerns raised by Charles and Jodee Morris (neighbors) do not impact the feasibility of this proposal. The concerns raised by Charles and Jodee Morris do not appear to relate to any applicable National Scenic Area approval criteria.

15. **Conclusions**

Based on the findings and other information provided above, the applicant has carried the burden necessary for the proposed National Scenic Area Site Review. The applicant's request to establish a single family residence, garage, breezeway, barn extension and driveway in the NSA is approved subject to the conditions of approval established in this report.

Exhibits

All materials submitted by the applicant, prepared by county staff, or provided by public agencies or members of the general public relating to this request are hereby adopted as exhibits hereto and may be found as part of the permanent record for this application. Exhibits referenced herein are enclosed, and brief description of each are listed below:

Exhibit A1	1 page	Vicinity map
Exhibit A2	1 page	Site map
Exhibit A3	1 page	Development plan
Exhibit A4	1 page	Photo of existing barn
Exhibit A5	1 page	Zoning map of area
Exhibit A6	2 pages	Assessment & taxation information and general application form
Exhibit A7	2 pages	Barn extension plans
Exhibit A8	2 pages	Existing development size – study area
Exhibit A9	6 pages	Photos of existing barn and existing dwelling proposed for relocation
Exhibit A10	1 page	Garage plan
Exhibit A11	23 pages	Applicant's narrative
Exhibit A12	1 pages	Barn extension elevation
Exhibit A13	4 pages	Comments from Marge Dryden, Mount Hood National Forest Archaeologist – 1/9/03
Exhibit A14	6 pages	Comments from Glen Fullilove, Friends of the Columbia Gorge – 5/21/03
Exhibit A15	1 page	Comment from Charles and Jodee Morris (neighbors) – 2/23/04
Exhibit A16	1 page	Septic signoff form, City of Portland
Exhibit A17	1 page	3/25/04 letter, Michael Ebling – Senior Environmental Soils Inspector, City of Portland