



## MULTNOMAH COUNTY OREGON

### LAND USE AND TRANSPORTATION PROGRAM

1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233

PH: 503-988-3043 FAX: 503-988-3389

[http://www.co.multnomah.or.us/dbcs/LUT/land\\_use](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.

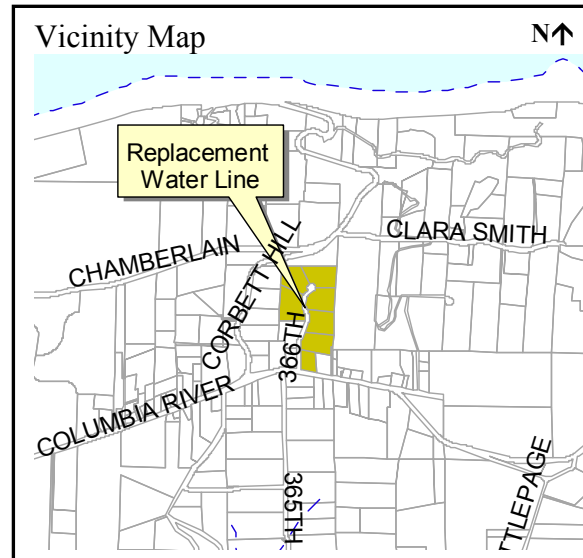
**Case File:** T2-03-080

**Permits:** National Scenic Area Site Review

**Location:** NE 366<sup>th</sup> Ave.  
Sec 26CC, T1N, R4E, W.M.  
Alternative Account #'s R142400-400, -  
500, -600, -700 & R649814-580

**Applicant:** Gene Hubbard  
Corbett Water District  
P.O. Box 6  
Corbett, OR 97019

**Owner:** Multnomah County (Road  
Right of Way)



**Summary:** Replace 2" existing water line with 4" ductile iron water line for serving 8 residents on 366<sup>th</sup> Avenue

**Decision:** Approved with conditions

Unless appealed, this decision is effective [Friday, March 19, 2004](#) at 4:30 PM.

Issued by:

By: \_\_\_\_\_  
Rick Roth, Planner

For: Karen Schilling, Planning Director

Date: [Friday, March 5, 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 Rick Roth, 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 (CRGC) 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 **Friday, March 19, 2004** at 4:30 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): 38.0500 Administration and Procedures; 38.2460 Gorge General Rural Center Dimensional Requirements; 38.0045 Review and Conditional Uses; 38.7035 GMA Scenic Review Criteria

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](http://www.co.multnomah.or.us/dbcs/LUT/land_use).

### **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. **The Notice of Decision shall be recorded in the county deed records and shall run with the land. Proof of recording shall be made prior to issuance of Building Permits by the City of Gresham. The recording of the Notice of Decision shall be executed within 30 days of the date this decision becomes final, or prior to approval of building permits by the City of Gresham, whichever comes first. Failure to sign and record the Notice of Decision, within the prescribed period shall void the decision pursuant to MCC 38.0670.**

2. The existing on-site vegetation shall not be disturbed during construction and shall be left in place by the applicant [MCC 38.7035(C)(6)(j)].
3. If, during construction, cultural or historic resources are uncovered, the applicant shall immediately cease development activities and inform the Multnomah County Land Use Planning Division, Columbia River Gorge Commission, and the U.S. Forest Service of any discovery [MCC 38.7045(L) & MCC 38.7045(M)].
4. Prior to any work, a right-of-way permit shall be obtained from the Multnomah County Right-of-Way Department [MCC 38.0560].

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

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

## FINDINGS OF FACT

This decision is based on the findings and conclusions in the following section.

(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 using a **bold** font. Written responses by the applicant are *italicized*. Planning staff comments and analysis may follow applicant responses. Where this occurs, the notation “Staff” precedes such comments.

### 1. Description of the Application

#### *Narrative Taken From Exhibit A3*

*The Corbett Water District (CWD) proposes to replace a 2" steel water line installed circa 1966 and nearing the end of its useful life with a 4" ductile iron water line to provide safe, quality drinking water as well as adequate fire protection for the eight residences on NE 366th Avenue. While little if any growth is anticipated in the future on 366th avenue, the CWD has established a waterline replacement policy of installing materials that will stand the test of time as well as hold up to the demands of our high water pressure (160 psi here). For these reasons the CWD has chosen Ductile Iron pipe which is the predominant piping material used throughout the water industry and has a working pressure rating of 350 psi, however the smallest diameter it's available in is 4".*

*When the original 2" water line was installed, what was to become 366th was little more than a dirt road, over time as improvements were made the avenue was paved and widened, as a result the 2" water line is now several feet out from the shoulder of the avenue, resulting in increased repair costs for asphalt replacement during water line maintenance. The proposed 4" water line will be laid along the eastern shoulder of 366th avenue staying as close to the asphalt as the county right of way allows without infringing on property boundaries, however some asphalt cutting is inevitable as we cross the six driveways along the eastern side of 366th avenue. All surfaces will be returned to their previous grade and condition as set forth in MCC 38.7035(A). In regards to MCC 38.7035(B), upon completion the proposed 4" water line will be below ground at a depth of 36" from the top of the water line to the final grade surface thus avoiding guidelines for visual subordination from key viewing points in the Columbia River Gorge. Furthermore MCC 38.703 (C)(6) concerning buildings and pedestrian walkways will also be void as neither will be constructed nor any existing disturbed. All construction will be through areas previously excavated. The work area will be backfilled as the pipe is installed leaving less than fifty yards of material on the site at any given time and no excavations will be left open after daily work hours.*

**Staff:** The above narrative details the replacement of the failing water 2" water line with a 4" water line just east of the existing two-inch line.

### 2. Site Vicinity Characteristics

**Staff:** The water line proposal is located in the Columbia River Gorge National Scenic Area, along the east side of 366th Avenue, just north of the Columbia River Highway within a Multnomah County public road right-of-way. The parcel adjacent to the highway is zoned Gorge General Rural Center (GGRC) and the remaining property is zoned (Gorge General Residential). A tree canopy covers much of the area along the road right of way.

### **3. Proof of Ownership**

#### **MCC 38.0550 Initiation of action.**

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

**Staff:** The County may only process land use applications with consent from the land owner (MCC 38.0550). Mike Phillips has signed the application form. As acting County Engineer, Mike Phillips has the authority to authorize work in Multnomah County Road Right-of-Way Easements.

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### **4. National Scenic Area Site Review Required**

#### **MCC 38.7010 Applicability**

**With the exception of Primary Uses, no building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in the Columbia River Gorge National Scenic Area except when approved pursuant to MCC 38.0530 (B) or (C) or 38.7090.**

\* \* \*

#### **MCC 38.7015 Application for NSA Site Review**

**An application for NSA Site Review shall address the applicable criteria for approval, under MCC 38.7035 through 38.7090.**

\* \* \*

#### **MCC 38.7020 Required Findings**

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

**Staff:** MCC 38.7090 is for an emergency response, which this is not. The proposed use is not listed as a primary use in the GGRC or GGR zoning district but is classified as an existing use, as outlined in Section 7 of this report. The existing use provisions of Chapter 38 specifically require that a replacement of a use that meets the definition of an “existing use” in a different location and with a different size structure, requires site review under MCC 38.7000. Therefore, a National Scenic Area Site Review is required. The required findings are found within this report.

### **5. Code Compliance Required To Approve Applications**

**MCC 38.0560: The County shall not approve any application for a permit or other approval, including building permit applications, 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 permit or other approval, including building permit**

applications, may be authorized if it results in the parcel coming into full compliance with all applicable provisions of the Multnomah County Code.

Staff: Through the review of County records, and a site visit on [February 9, 2004](#), staff did not identify any potential code compliance issues and County records do not suggest a potential code compliance problem. Therefore, the land is eligible for issuance of a County permit under this section.

## **6. Type II Case Procedures, Public Notice**

**MCC 38.0530(B)... Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the Gorge Commission; the U.S. Forest Service; the Indian tribal governments; the State Historic Preservation Office; the Cultural Advisory Committee; and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed, except for comments regarding Cultural Resources, which will be accepted for 20 days after the notice is mailed.**

Staff: The application was submitted [December 12, 2003](#) and was deemed complete on [January 26 2004](#). An "Opportunity to Comment" notice was mailed on [January 30, 2004](#) to applicant, required government agencies, tribal governments and property owners within 750 feet of the subject property. These parties were given 14-days to provide comments. 20-days were provided for comments on Cultural Resources. Comments from the Friends of The Columbia River Gorge were received. The requirements of the applicable approval criteria were covered in these comments, but no specific issues were raised. The criteria are each specifically addressed in this report. These procedures have been adhered to.

## **7. Expansion of Existing Uses Authorized in National Scenic Area (MC38.0030)**

**MCC 38.0015(E)(7) Existing use or structure: A legally established use that existed before February 6, 1993. "Legally-established" means established in accordance with the law in effect at the time of establishment.**

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**MCC 38.0030 Except as otherwise provided below, existing uses may continue, notwithstanding the provisions of MCC 38.0000 through 38.0110, 38.2000 through 38.3295, and 38.7000 through 38.7085.**

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**(B) Any use or structure damaged or destroyed by disaster or an emergency event shall be treated as an existing use or structure if an application for replacement in kind and in the same location is filed within two years of the date of the disaster/emergency event pursuant to the provisions of MCC 38.7090.**

**(1) In kind replacement of an existing use or structure in the same location shall be subject only to compliance with standards for protection of scenic resources involving color, reflectivity, and landscaping.**

**(2) Replacement of an existing use or structure by the same type of use or structure in a different location or with a different size shall be subject to MCC 38.7000 through .38.7085 to minimize adverse effects on scenic, cultural, natural, and recreation resources.**

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**Staff:** The existing use section applies in both the Gorge General Rural Center (GGRC) and Gorge General Residential (GGR5) Districts allowing for the replacement of an existing use by the same type of use in a different location and with a different size structure.

At the time the line was placed, circa 1966, the placement of the water line would have been an allowed accessory use, serving the adjacent homes. Therefore, the lines were legally established prior to 1993. The structure meets the definition of an “existing use”.

The proposal is for a four-inch ductile iron line to replace an existing two inch line. The proposal is therefore a different size. As described in the applicant’s proposal in Section 1, the road has been widened and paved since the original line was installed in the 1960’s. The replacement line will be located just east of the road and the existing line. Therefore, the replacement will be in a new location.

Due to the change in size and location, the proposal is subject to the site review provisions listed under MCC 38.7000 through MCC 38.7085.

The applicant’s proposal demonstrates the subject proposal is an existing use as the term is defined in the National Scenic Area and that due to a change in location and size this use is subject to site review.

## **8. Compliance with Application Requirements for Review Uses (MCC 38.0045)**

**(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.**
- (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 landforms;**
  - (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 water-mark 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:**
  - 1. The site plan shall show adjacent river areas at least 1/2 mile upstream and downstream from the project site, the locations at which river access is planned, and the locations of all tribal fishing sites known to the project applicant.**
  - 2. The site plan text shall include an assessment of the potential effects that new uses may have on Indian treaty rights. The assessment shall:**
    - a. Describe the type of river access and uses proposed, estimated period when the development would be used, and anticipated levels of use (people, boats, and other uses) during peak-use periods.**
    - b. List tribal commercial fishing seasons in the project vicinity, as established by the four treaty tribes.**
    - c. List tribal ceremonial fishing seasons in the project vicinity.**
    - d. Based on the above factors, assess the potential effects that the proposed uses may have on Indian treaty rights.**

**(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.**

**(C) In addition to any other required notice, the Planning Director shall notify the four Indian tribal governments, LCDC, SHPO, the Gorge Commission and the Forest Service of all applications for Conditional Uses.**

**Staff:** All required application materials have been submitted and are part of the permanent case file T2-04-080.

## **9. Compliance with General Management Area 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:**

- A. 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.**

**Staff:** No new buildings or roads are proposed as part of this application.

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

**Staff:** No new buildings are proposed as part of this application.

- C. (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.**

**Staff:** This is a project in an existing road right-of-way. No new vehicle access points are proposed.

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

**Staff:** No new plantings are required.

- E. (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.**

**Staff:** Staff concurs; the site plan shows the existing vegetation and the scale and character of the development. The site plan was used to determine compatibility as described under the criteria for the “Rural Residential and “Village” landscape settings in [Section 14 & 15](#).

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## **10. The Proposal Complies with Standards for Review Uses and Conditional Uses Visible from Key Viewing Areas (MCC 38.7035(B))**

- A. **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.**

**Staff:** The proposal is split between residential and village landscape settings. In the village landscape setting, development is not required to be visually subordinate as seen from key viewing areas. The standard is that the development will be visually subordinate to its setting. The “village” setting is characterized by particular architectural styles, and a semi-rural character including significant tree canopy in residential areas. In the rural residential landscape setting, development must be visually subordinate to its surroundings as seen from key viewing areas. As described in the applicant’s narrative within Section 1 of this application, all of the proposed work will be buried underneath the ground and therefore will not be visible above ground. Given that the proposed structures will be buried, they will not be visible at all and will therefore be visually subordinate. This standard is satisfied.

- B. **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:** As described above, the structures will be buried and so requirements only warrant a condition of approval requiring that all existing trees be left in place in order to retain canopy cover to assure that the disturbed ground area will remain visually subordinate. The conditions requiring that the applicant leave existing vegetation as is are not likely to add significantly to the cost of development as no significant modifications to the proposal are needed. Therefore, the conditions are proportionate. This criterion is met.

- C. **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:** The project will be buried underground and will not add to the cumulative impacts.

- D. **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**

**Staff:** The applicant has submitted a site plan with existing vegetation, location of all piping, specified details and pipe cross section diagrams (see Exhibit A2).

**(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 applicant has submitted the required drawings (see Exhibit A2).

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- E. MCC 38.7035(B)(19) 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.**

**Staff:** The development is just off the Columbia River Highway, well away from the river.

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- F. 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:**

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**Staff:** As evidenced by the topographic map, Exhibit B1, and confirmed by staff on a site visit the slope is less than 10 percent. This standard is not applicable.

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- G. MCC 38.7035(B)(26): Compliance with specific approval conditions to achieve visual subordination (such as landscaped screening), except mining and associated activities, shall occur within a period not to exceed 2 years after the date of development approval.**

**Staff:** As discussed in findings above, no vegetation is required. The project will meet the standards to achieve visual subordination upon completion. This standard is met.

## **11. Compliance with Criteria for Review and Conditional Uses within the Rural Residential Landscape Setting (MCC 38.7035(C))**

- A. MCC 38.7035(C)(3)(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.**

**Staff:** The entire proposal consists of a four inch pipe, buried beneath the ground and will not conflict with existing development in the area. This proposal is consistent with the general scale of adjacent development and will serve the local residential development in the area.

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- B. MCC 38.7035(C)(3)(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:** Staff: As evidenced by aerial photography, Exhibit B1, on-site vegetation includes a number of trees located just east of the road. A condition of approval requires that this vegetation be retained.

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- C. MCC 38.7035(C)(3)(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:** A condition of approval requires that existing onsite vegetation be retained. The proposed development will not impact this vegetation.

- D. MCC 38.7035(C)(3)(c)(2): At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area**

**Staff:** As described above, no screening vegetation is required.

- E. MCC 38.7035(C)(3)(c)(3): At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.**

**Staff:** As described above, no screening vegetation is required.

- F. MCC 38.7035(C)(3)(c)(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 proposal is for an underground structure. There will be no above ground exterior structures.

## **12. Compliance with Criteria for Review and Conditional Uses within the Village Landscape Setting (MCC 38.7035(C)(6))**

- A. MCC 38.7035(C)(6)(a): New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity, but not necessarily visually subordinate. Expansion of existing development shall comply with this standard to the maximum extent practicable.**

**Staff:** The entire proposal consists of a four inch pipe, buried beneath the ground and will not conflict with existing development in the area. This proposal is consistent with the general scale of adjacent development.

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- B. MCC 38.7035(C)(6)(d): New development proposals and expansion of existing development shall be encouraged to follow planned unit development approaches, featuring consolidated access, commonly-shared landscaped open areas, etc.**

**Staff:** The proposal is for a pipeline. There is no opportunity to take a planned unit approach in this development.

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- C. MCC 38.7035(C)(6)(f) The use of building materials reinforcing the Village Setting's character, such as wood, logs or stone, and reflective of community desires, should be encouraged**

**Staff:** This standard is intended to assure that building styles reflect local architecture and community desires. It is not intended to dictate the construction materials used to construct underground water lines.

- D. MCC 38.7035(C)(6)(g) Architectural styles characteristic of the area (such as 1½ story dormer roof styles in Corbett), and reflective of community desires, should be encouraged. Entry signs should be consistent with such architectural styles.**

**Staff:** This project does not include new architectural elements. This standard does not apply.

- E. MCC 38.7035(C)(6)(h) Design features which create a "pedestrian friendly" atmosphere, such as large shop windows on the ground floor of commercial buildings, porches along ground floors with street frontage, etc. should be encouraged.**

**Staff:** This is an underground waterline replacement. There is no opportunity to create a pedestrian friendly atmosphere.

- F. MCC 38.7035(C)(6)(i) Pedestrian walkways and bicycle paths should be encouraged and integrated into new developments wherever feasible.**

**Staff:** The proposal is for a buried water line in an existing road right of way. A pedestrian or bicycle path is not appropriate

- G. MCC 38.7035(C)(6)(j) Where feasible, existing tree cover of species native to the region or commonly found in the area shall be retained when designing new development or expanding existing development.**

**Staff:** This project will not require the removal of any existing vegetation as demonstrated by the site plan map, Exhibit A2 and confirmed on a site visit by staff on February 9, 2004. None of the

existing trees are in the footprint area of the excavation work. A condition of approval requires that existing vegetation be left in place. This criterion is met.

- H. **MCC 38.7035(C)(6) (k) Compatible recreation uses may include community parks serving the recreation needs of local residents, and varying intensities of other recreation uses.**

**Staff:** The addition is not a recreational use; this standard does not apply.

### **13.Compliance with GMA Cultural Resource Review Criteria**

#### **MCC 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:**

\* \* \*

**(f) Proposed uses occurring in areas that have a low probability of containing cultural resources**

**Areas that have a low probability of containing cultural resources will be identified using the results of reconnaissance surveys conducted by the Gorge Commission, the U.S. Forest Service, public agencies, and private archaeologists.**

**(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:** United States Forest Service Archeologist, Margaret L. Dryden, reviewed the proposal and determined there was no evidence of prehistoric or historic cultural materials in a Heritage Resource Survey. A letter indicating this was submitted to the County from the Forest Service on [January 26, 2004](#) (Exhibit B3). This indicates that the site has a low probability of containing cultural resources. However, if during excavation cultural or historic resources are uncovered, a condition of approval requires development to stop so that they can be evaluated and properly removed from site and preserved is necessary.

### **14.Compliance with GMA Criteria for Wetlands**

#### **MCC 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);**

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**Staff:** The proposed project location is over 1000-feet from the nearest identified wetland listed on the National Wetland Inventory maps. This criterion is met.

## **15. Compliance with GMA Criteria for Streams Lakes and Riparian Areas.**

**Staff:** MCC 38.7060 addresses development taking place in streams, lakes or riparian areas. As seen on Multnomah County maps, the subject site does not contain any streams, ponds, lakes or riparian buffer zones. This standard is met.

## **16. Compliance with GMA Criteria for Sensitive Wildlife**

### **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**

**Staff:** There are no known sensitive wildlife areas or sites within 1000-feet of the subject site according to maps listing such areas and sites provided to Multnomah County by the Columbia River Gorge Commission.

## **17. Compliance with GMA Criteria for Rare Plant Species**

### **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:** According to maps listing known sensitive plant species provided to Multnomah County by the Columbia River Gorge Commission, sensitive plants have not been identified within 1000-feet of the site. This standard is met.

## **Conclusion**

Based on findings and other information provided above, this application for a National Scenic Area Site Review permit for the replacement of a 2" water line with a 4" inch water line satisfies, with conditions, the Multnomah County Zoning Code requirements applicable in the Columbia River Gorge National Scenic Area.

## **Exhibits**

### **Applicant Exhibits**

- A1. Application Form
- A2. Site Map and Design Details
- A3. Applicant Narrative

### **Staff Exhibits**

- B1. Aerial Photograph
- B2. Current Tax Assessment Map
- B3. Letter from United States Forest Service Archeologist, Margaret L. Dryden

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