



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.

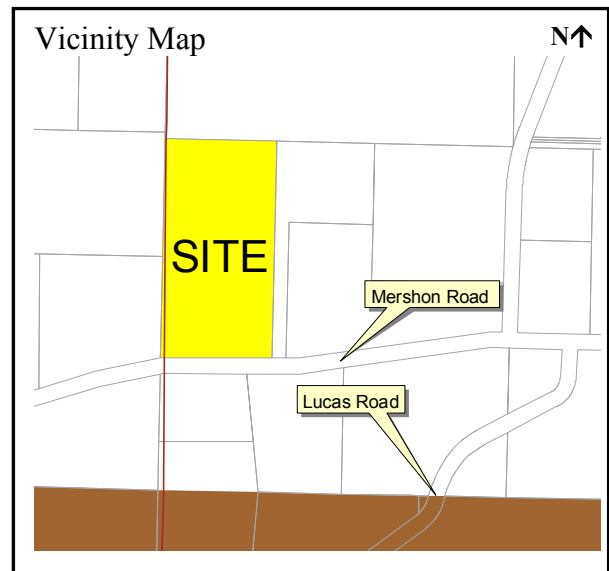
Case File: T2-04-055

Permit: National Scenic Area Site Review

Location: 32301 NE Mershon Road
TL 300, Sec. 33BC, TIN R4E, W.M.
R94433-0850

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 complete construction of an existing single family dwelling in the Columbia River Gorge National Scenic Area. The structure is partially completed today but is not habitable. The existing habitable dwelling on the subject property will be moved to the property to the south across Mershon Road, as approved by National Scenic Area permit T2-02-093.

Decision: **Approved with Conditions.**

Unless appealed, this decision is effective November 17, 2004, at 4:30 PM.

Issued by:

By: _____
Adam Barber, Planner

For: Karen Schilling - Planning Director

Date: November 3, 2004

Opportunity to Review the Record: A copy of the Planning Director's 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 November 17, 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

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 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. No changes can be made to the exterior redwood siding, trim or roofing material without written confirmation from the Multnomah County Land Use Planning Office that the proposed changes 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 the home 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))**.
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. The row of evergreen arborvitae trees paralleling the entire southern property line shall be retained to help screen the development as viewed from the south. The owner is responsible for replacing any of these trees that do not survive with comparable evergreen landscaping.

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. Four (4) sets each of the site plan and building plans are needed for building permits signed off. A \$75 erosion control inspection fee will be required at plan signoff.

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).

- 1.0 Staff:** This decision involves a proposal to finish construction of an existing structure into a single family dwelling. Although Multnomah County issued a building permit to convert this structure into a dwelling in 1985, construction was never completed due to contractual disputes between the land owners and the construction/lending firm. The unfinished structure is not currently habitable but is located adjacent to an existing habitable dwelling that will be ultimately be moved across Mershon Road onto the property directly to the south, as approved by Columbia River Gorge National Scenic Area permit T2-02-093.

After the existing single family dwelling is removed from the site, the unfinished structure will be completed into a finished single family dwelling. The result will be only one single family dwelling located on the property which equals the number of habitable single family dwellings located on the site today. The proposed construction involves interior work as the structure in question has walls and a roof and is roughly 80% complete. No discernable grading will be required to complete the dwelling with exception to connecting the structure to the existing septic system. This request is being processed as a new residential use as recommended by Brian Litt with the Columbia River Gorge Commission (Exhibit A11) and by Nathan Baker with the Friends of the Columbia River Gorge (Exhibit A10). Staff agrees with this review approach as the residential use of this structure had never been fully established.

- 2.0 Staff:** The 7.9 acre rectangular subject property is zoned General Residential, (GGR-10) within the Columbia River Gorge National Scenic Area. Maps illustrating the location and configuration of the property are presented as Exhibits A1 and A2. The subject property is located towards the eastern extent of the National Scenic Area roughly two miles west of Corbett, Oregon. Structural development is located towards the southwestern corner of the property where a short driveway provides site access off Mershon Road including a habitable dwelling and an unfinished non-habitable dwelling with an attached garage.

The majority of the property has been converted to a fruit orchard as evident by the linear rows seen in the August, 2002 aerial photo (Exhibit A3). A row of deciduous trees is located immediately behind, or to the north (uphill) of the existing development. A thick row of arborvitae trees are planted along the southern property line paralleling Mershon Road. This screening breaks only to allow driveway access to the site. The entire property uniformly slopes to the southeast at a pitch of roughly 20%. The highest point of the property is the northwest corner, located approximately 705 feet above mean sea

level and the lowest point is in the southeastern corner of the property adjacent to Mershon Road (elevation ~555 feet). The structure to be finished into a dwelling is located at a 600 foot elevation meaning the property provides a topographic backdrop behind the home as viewed from the south. A large municipal power line travels over the center of the property in a northwest trending direction.

The 7.9 acre subject property is surrounded by smaller, larger and similar sized properties used for agricultural production, residential use and those that are undeveloped and entirely forested. The neighborhood surrounding the proposed typically slopes to the southeast with a topographic plateau formed to the west/northwest of the subject site. Zoning surrounding the subject site ranges from agricultural zoning (GGA-40 and EFU) to the north and south and residential land (GGR-10) to the east and west. A zoning map of the area is presented as Exhibit A4. The subject property is located roughly 500-feet north of the National Scenic Area boundary.

3.0 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**). Mrs. Retha Bennet is serving as the applicant for this project and provided the written authorization necessary to process this request as she is a part owner of the property.

4.0 No application for use or development of land shall be approved for a site which is subject to enforcement action (MCC 34.0910(B)).

Staff: No active violations, complaints or outstanding enforcement issues are associated with the subject property.

5.0 The following uses may be allowed on lands designated GGR, pursuant to MCC 38.0035: One single family dwelling per legally created parcel (MCC 38.3025 (A)(1)).

Staff: County zoning maps indicate that the subject property is currently zoned Gorge General Residential (GGR-10). Under this zoning district, establishing a new single family dwelling is considered a Review Use under **MCC 38.3025 (A)(1)**. This decision evaluates the applicable standards for such a use.

The 7.9 acre subject property was created in its current configuration on January 14, 1977, as documented in Multnomah County deed records Book 1171, Page 1482. In 1977, the F-2 zoning regulations required all new properties to be at least 4-acres in size according to equation 3.1240.1 presented in Ordinance # 115. The 4-acre area was determined by Staff after reviewing the soil units present on site as required by equation 3.1240.1. Considering this evidence, Staff finds the subject property is a lawfully created parcel eligible for this development request as it was 7.9 acres when created.

6.0 **Dimensional Requirements**

Minimum Yard Dimensions – Feet (**MCC 38.3060(C)**).

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Staff: The existing structure to be converted to a dwelling meets all required minimum setbacks above as illustrated in Exhibit A5. The structure is located roughly 150 feet from the front property line, 40-feet from the west (side) line, 319 feet from the east (side) property line and over 600-feet from the rear property line. Although the exact height of the structure is not known, it appears to be less than 35-feet tall. The exact height of the structure will be confirmed during building permit signoff. The applicant and contractor have verbally indicated that the structure is much less than 35-feet tall.

7.0 **National Scenic Area 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 (MCC 38.7020).

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.

7.1 **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 for all Review Uses and Conditional Uses:

7.2 **New buildings and roads shall be sited and designed to retain the existing topography and reduce necessary grading to the maximum extent practicable (MCC 38.7035(A)(1)).**

Applicant: “No new buildings or roads will be built.”

Staff: No new roads are proposed as the existing gravel driveway in the southeast corner of the property provides vehicular access to the unfinished structure. Minimal grading will be required as the shell of the structure is already constructed and only needs to be

connected to the existing septic drain field located to the south. The property slopes uniformly towards the southeast at roughly a 20% pitch meaning the entire property slopes without one desirable flat portion. Moving the existing structure to another location would require significant grading with no clear advantage. In conclusion, Staff finds finishing the inside of the existing structure, in its current location, as proposed, would require the least amount of grading and have the least impact to the site topography. This standard is met.

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

Applicant: "The home across Mershon Road to the left is a three story structure. This structure is a one and a half story structure."

Staff: Although no new buildings are proposed, Staff will evaluate the size of the structure in comparison to other structures in the area to demonstrate the structure is generally consistent with the size of other residences in the area. The finished residence will have an above ground habitable square footage of 2,252 square feet with a 626 square foot attached garage. The total square footage of structural development for the existing structure is 2,878 square feet. The footprint of the structure will not be enlarged from its existing size.

The currently assessed, above ground square footage (including attached garages) for other nearby residences using Mershon and Wand Roads for access were used for a size comparison. This area was selected as it provided a representative cross section through the local neighborhood. The following table outlines the results with the subject site presented in bold font.

<i>Tax Account #</i>	<i>Zoning</i>	<i>Above Grade (SF)</i>
R9944330850 (subject prop.)	GGR-10	2252 (SF) – 2 Story
R944330850	GGR-10	1778 (SF) – 1 Story
R944331120	GGR-10	1650 (SF) – 1 Story
R053504370	GGR-10	3579 (SF) – 2 Story
R053504700	GGR-10	1195 (SF) – 2 Story
R053504740	GGR-10	1603 (SF) – 1 Story
R053504590	GGR-10	1358 (SF) – 2 Story
R053503580	GGR-10	2372 (SF) – 2 Story
R053504290	GGR-10	1697 (SF) – 2 story
R053503780	GGR-10	1514 (SF) – 2 story
<i>Excluding the Proposal:</i>		
<i>Maximum =</i>	<i>3,579 SF</i>	
<i>Average =</i>	<i>1,861 SF</i>	

As illustrated in the table above, this proposal involves finishing a structure with above ground area totaling 2,878 square feet. This structure is slightly larger than the average size (1,861 square feet average) of other residential homes in the area. The structure

involved in this proposal is 20% smaller than the largest dwelling in the area and 188% larger than the smallest dwelling in the area. Considering the evidence, Staff finds the two story structure in question is generally consistent with the size of nearby development. Since more than half of the structures in the study area also contain habitable space on two separate floors, Staff finds the two story structure in question is generally consistent with the height of other structures in the area. This standard has been met.

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

Applicant: "No new access point to be built."

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.

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

Applicant: "no vegetation to be removed except around the house. This property is planted to an apple and pear orchard. The trees will eventually have to be renewed."

Staff: This approval does not require vegetation to be planted but does require the survival of the row of arborvitae trees paralleling the southern property boundary as illustrated in Exhibit A5. The continued survival of this vegetation is a condition of this approval. The land owner holds the responsibility of replacing any of the arborvitae that become damaged or die.

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

Staff: The landscape setting for this property is "Rural Residential in Pastoral". Information contained in the submitted narrative (A6), site plans (Exhibit A7) and photographs (Exhibit A8) were sufficient to determine compatibility with the landscape setting.

7.7 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 (MCC 38.7035(A)(6)).

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

7.8 All Review Uses and Conditional Uses visible from Key Viewing Areas:

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 (MCC 38.7035(B)(1)).

Applicant: "There will be no changes. See pictures."

Staff: The applicant is proposing to remodel the interior of a weathered, redwood sided unfinished dwelling. No external changes will occur to the structure with exception of possibly treating the redwood siding to better protect the wood. The wood is dark and as natural looking as possible since it is essentially an unpainted timber product. Photos of the structure area presented as Exhibit A8. Windows are located along the upper and lower portion of the two story structure facing Mershon Road. The window frames will be replaced with aluminum strip frames that will either be produced in a dark brown color or painted dark brown.

The surrounding topography was evaluated to determine how visible the unfinished structure is from Larch Mountain, I-84, the Columbia River, the Historic Columbia River Highway and from the Sandy River – the Key Viewing Areas in the Columbia River Gorge National Scenic Area that pose a potential of viewing the site. An analysis of views from the five local Key Viewing Areas was performed using various topographic sources available from the METRO Graphical Information Systems data and 1:24,000 scale quadrangle maps produced by the United States Geological Survey.

These data sources suggest the project site is not visible from I-84, the Columbia River or from the Sandy River. Field observations verified this hypothesis. After review of a topographic cross section drawn from the north shore of the Columbia River to the site, it became obvious that the site is blocked by topography as viewed from Highway 14 in Washington State and the property can not be seen from these Key Viewing Areas.

The site is not blocked by topography from Larch Mountain to the east and from the Historic Columbia River Highway to the south. As a result, further discussion of the structure's visibility is necessary. 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 hundreds of other properties block direct views of the site as viewed from Larch Mountain. A row of arborvitae trees along the eastern property line help screen development as viewed from Larch Mountain, although these trees are not the only vegetation located between Larch Mountain and the property and are not considered critical considering the distance between Larch Mountain and the subject site (over 11 miles). The great distance to Larch Mountain combined with the abundance of screening vegetation between the site and the mountain provides reasonable assurance that the naturally colored, wooden structure and dark composition shingled roof will be visually subordinate as viewed from Larch Mountain.

A mature row of arborvitae is located along the south side of the property. This evergreen vegetation help screen the subject site as viewed from the Historic Columbia River Highway 0.5-miles to the south. This approval requires retention of this arborvitae row in order to help screen the structure, although off-site vegetation prevents views of the structure as viewed from the Historic Columbia River Highway. In fact, the property can only has one line of sight opportunity along the Historic Columbia River Highway at the intersection with Lucas Road to the southwest – according to the best available topographic information. Staff could not locate the unfinished structure in the field when standing at the intersection of Lucas Road and the Historic Columbia River Highway. This condition of approval will assure the development will be visually subordinate from the most critical location – the closest Key Viewing Area. In conclusion, this property is not highly visible from local Key Viewing Areas and Staff believes the existing vegetation, location, color and building materials result in a visually subordinate structure. It should also be noted that the structure has been in its current location for many years and has not yet created a visual subordination problem brought to the attention of the county.

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

Staff: This proposal is a bit different than a typical residential proposal in that the existing habitable residence will be removed from the site after finishing the un-habitable residence. This will result in a cumulative decrease in cumulative development on the subject property. This standard is met.

7.10 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 (MCC 38.7035(B)(4)):

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) - (MCC 38.7035(B)(4)(a)); and 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 (MCC 38.7035(B)(4)(b)).

Applicant: "There is now drip irrigation to all trees. Nothing will change. This has been in existence since 1979. Regular foundation planting with grass will be planted around the home."

Staff: The information listed has either been provided or can be obtained from photos submitted by the applicant.

7.11 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 (MCC 38.7035(B)(6)).

Applicant: "No new buildings or roads to be built."

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 southeast, roughly perpendicular to the line of sight from Larch Mountain. The unfinished structure is located towards the bottom of the site and would be more visible if moved upward (north) on the hill. The structure can not be moved south due to the septic drain field and can not be moved to any significant degree to the west as the property line is roughly 20-feet away. Moving the structure east would only locate development closer to Larch Mountain placing the structure roughly the same elevation.

As previously discussed, moving the existing structure in any way 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 the development would not make any sense as it has been in establishment for over 20 years. Staff finds the location of the structure is the most appropriate to minimize 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, roughly 0.5-miles southwest 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 and would require the septic drain field to be relocated which again would require more grading. Moving development slightly east or west on the site would not measurably alter the visibility from the Columbia River Highway as the development would be located at roughly the same elevation. Although not blocked by topography, the property can not be directly seen from the Columbia River Highway due to mature off-site vegetation. Moving the structure up the hill to the north would only increase visibility and would not be desirable. Staff finds the current location minimizes visibility from the Columbia River Highway as it is located towards the lowest portion of the site and is located behind a row of arborvitae trees paralleling the southern property line. This approval requires that the arborvitae be retained to help screen the development. This standard is met.

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

Applicant: "No new buildings or roads to be built."

Staff: As indicated by the applicant, this proposal does not involve the siting of new buildings or roads. This standard does not apply.

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

Applicant: "No new buildings or roads to be built."

Staff: No new buildings or roads are proposed.

- 7.14 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 (MCC 38.7035(B)(9)).**

Applicant: "Unable to see from any key viewing areas, but buildings exterior blends well with area and has been in existence since 1979. Has redwood siding in place and will remain."

Staff: The exterior of the structure will not be altered. It is constructed with natural redwood siding and dark composition roofing materials which are both non-reflective. The reflectivity of the windows along the southern side of the structure can not be evaluated in this decision as they are pre-existing and will not be altered as a result of this proposal. The window frames will be replaced with dark brown, non-reflective materials.

- 7.15 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 (MCC 38.7035(B)(10)).**

Applicant: "Lights to be installed will be Regent 100 watt dusk to dawn mercury vapor residential security lights model RSM 100 or RSM 100w."

Staff: The applicant has indicated that all exterior lighting will be hooded to direct light downward. Using the appropriate lighting that meets this standard is a condition of approval.

- 7.16 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 (MCC 38.7035(B)(11)).**

Applicant: "No additions to existing building to be built."

Staff: No additions are proposed.

- 7.17 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 (MCC 38.7035(B)(13)).**

Applicant: "Structure can not be seen from key viewing areas. This structure has been in place and 80% complete since 1979."

Staff: The site rises roughly 100-feet in elevation behind the structure and prevents sky lighting of the structure as viewed from the Columbia River Highway to the south. The structure does not skylight as viewed from Larch Mountain as Larch Mountain is thousands of feet higher than the subject property.

- 7.18 An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing Areas, may itself protrude above the skyline if: The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration; and There is no practicable alternative means of altering the building without increasing the protrusion (MCC 38.7035(B)(14)).**

Applicant: "Structure is not being altered just completed."

Staff: The exterior of the structure will not be altered and it does not protrude above a skyline, bluff or cliff as seen from a Key Viewing Area (see previous finding). This standard does not apply.

- 7.19 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 (MCC 38.7035(B)(15)).**

Staff: This type of development is not proposed.

- 7.20 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 (MCC 38.7035(B)(20)).**

Applicant: "This is not a new building. This structure has been in place since 1979".

Staff: According to the best available contour information, the land around the structure slopes roughly 20%. Since no new building is proposed, this standard does not apply.

- 7.21 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 (MCC 38.7035(B)(21)). The grading plan shall include the information listed in MCC 38.7035(B)(21)(a)-(b)):**

Staff: Less than 100 cubic yards of grading will be required as the only anticipated grading will involve connecting the existing structure to the existing septic drain field located immediately to the south.

- 7.22 Rural Residential in Conifer Woodland or Pastoral Landscape Setting (MCC 38.7035C(4)):**

- 7.23 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 (MCC 38.7035C(4)(a)).**

Applicant: "This structure has been (here) since 1979."

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.

- 7.24 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 (MCC 38.7035C(4)(b)).**

Staff: No conflict has been identified.

- 7.25 Compatible recreation uses should be limited to very low and low-intensity resource-based recreation uses, scattered infrequently in the landscape (MCC 38.7035C(4)(c)).**

Staff: No recreational uses area proposed.

- 7.26 Rural Residential Landscape Setting. 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 (MCC 38.7035C(3)(a)).**

Applicant: "Homes in this area are 2 and 3 story. This structure is between or beneath the height of other homes."

Staff: The resulting development will be generally consistent with the existing development in the vicinity. The supporting findings are presented in section 7.3 of this decision.

- 7.27 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 (MCC 38.7035C(3)(b)).**

Applicant: "The only trees on this property are the apple and pear orchards we planted. The wind break of Lombardy poplar and the arborvitae."

Staff: No trees or tall vegetation will be removed as a result of this proposal. This proposal involves minimal ground disturbance as the structure already exists.

- 7.28 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 (MCC 38.7035C(3)(c)):**

- 7.29 Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained (MCC 38.7035C(3)(c)(1)).**

Applicant: "The only trees on this property are the apple and pear orchards we planted. The wind break of Lombardy poplar and the arborvitae."

Staff: No trees will be removed.

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

Staff: No trees will be planted for screening purposes. The existing screening is adequate.

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

Staff: No trees will be planted for screening purposes.

- 7.32 Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12) - (MCC 38.7035C(3)(c)(4)).**

Applicant: "This structure has redwood siding in place since 1979 and will remain."

Staff: The structures' exterior will not be changed. It is currently a dark, natural redwood siding with a dark composition shingled roof.

- 7.33 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 (MCC 38.7035C(3)(d)).**

Staff: Recreation uses are not proposed.

- 7.34 Pastoral Landscape Setting. 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 (MCC 38.7035(C)(1)(a)).**

Applicant: "Homes in this area are 2 and 3 story. This structure is between or beneath the height of other homes."

Staff: Expansion of the existing development is not proposed.

- 7.35 Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields (MCC 38.7035(C)(1)(b)).**

Applicant: "There are no accessory structures or outbuildings. The driveway has been in use since 1978."

Staff: No such structures are proposed.

- 7.36 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 (MCC 38.7035(C)(1)(c)):**

- 7.37 Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained (MCC 38.7035(C)(1)(c)(1)).**

Applicant: "The only trees on this property are the apple and pear orchards we planted. The wind break of Lombardy poplar and the arborvitae."

Staff: No trees will be removed.

7.38 Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields (MCC 38.7035(C)(1)(c)(2)).

Staff: The 7.9 acre property is best defined as an active orchard developed with a single family dwelling and unfinished dwelling in the southwest corner. No landscaping is proposed. The character of the site will not be altered.

7.39 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) - (MCC 38.7035(C)(1)(c)(3)).

Staff: The planting of trees is not proposed.

7.40 At least one-quarter of any trees planted for screening shall be coniferous for winter screening (MCC 38.7035(C)(1)(c)(4)).

Staff: The planting of trees is not proposed.

7.41 Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12) - (MCC 38.7035(C)(1)(c)(5)).

Applicant: "This structure has redwood siding in place since 1979 and will remain."

Staff: The structures' exterior will not be changed. It is currently a dark, natural redwood siding with a dark composition shingled roof.

7.42 All Review Uses and Conditional Uses within scenic travel corridors (MCC 38.7035(D)). 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 2,850 feet 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.

8.0 GMA Cultural Resource Review Criteria

- 8.1** A cultural reconnaissance survey shall be required for all proposed uses, except: The modification, expansion, replacement, or reconstruction of existing buildings and structures (MCC 38.7045(A)(1)(a)).
- 8.2** 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 (MCC 38.7045(A)(1)(b)).
- 8.3** 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 (MCC 38.7045(A)(1)(c)).

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

- 8.4** The cultural resource review criteria shall be deemed satisfied, except MCC 38.7045 (L) and (M) if: – MCC 38.7045(B)
- 8.5** 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 proposal would have no impact on cultural resources and that further cultural resource reconnaissance and a historic survey would not be required (Exhibit A9). 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.

9.0 GMA Wetland Review Criteria

- 9.1** The wetland review criteria shall be deemed satisfied if: The project site is not identified as a wetland on the *National Wetlands Inventory* (U.S. Fish and Wildlife Service, 1987); 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; The project site is adjacent to the main stem of the Columbia River. The

project site is not within a wetland buffer zone; and Wetlands are not identified on the project site during site review (MCC 38.7055(A)).

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 1,495 feet to the northeast. Neither wetlands nor wetland indicators were identified in the development area during a site visit conducted October 22, 2004. Staff finds the wetland review criteria are satisfied.

10.0 Stream, Lake and Riparian Area Review Criteria

- 10.1 The following uses are allowed in streams, ponds, lakes, and their buffer zones without Site Review, if they: Are conducted using best management practices; Do not require structures, grading, draining, flooding, ditching, vegetation removal, or dredging beyond the extent specified below; and Comply with all applicable federal, state, and county laws (MCC 38.7060(A)):**

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 950 feet to the southwest.

11.0 GMA Wildlife Review Criteria

- 11.1 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) – MCC 38.7065.**

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. This standard is satisfied.

12.0 GMA Rare Plant Review Criteria

- 12.1 Rare Plant Site Review shall be required for any project within 1,000 feet of endemic plants and sensitive plant species (MCC 38.7070).**

Staff: The closest inventoried rare plant is located approximately 2.4-miles to the north/northeast of the site. This criterion is satisfied.

13.0 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. There comments are addressed within this report within the staff response to the applicable code sections.

- Nathan Baker, Staff Attorney, Friends of the Columbia River Gorge (Exhibit A10).
- Margaret L. Dryden, Forest Archaeologist, Mount Hood National Forest (Exhibit A9).
- Brian Litt, Senior Planner, Columbia River Gorge Commission (Exhibit A11).

14.0 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 finish construction of a single family dwelling in the NSA is approved subject to the conditions of approval established in this decision.

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	Property configuration
Exhibit A3	1 page	2002 aerial photo
Exhibit A4	1 page	Zoning map
Exhibit A5	1 page	Site map
Exhibit A6	13 pages	Narrative submitted by the applicant
Exhibit A7	3 pages	Development plan and floor plans
Exhibit A8	6 pages	Photos of the structure and property
Exhibit A9	2 pages	Comments – Marge Dryden, Mt. Hood National Forest Archaeologist
Exhibit A10	5 pages	Comments - Nathan Baker, Staff Attorney, Friends of the Columbia River Gorge

Exhibit A11	1 page	Comments - Brian Litt, Senior Planner, Columbia River Gorge Commission
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