



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.

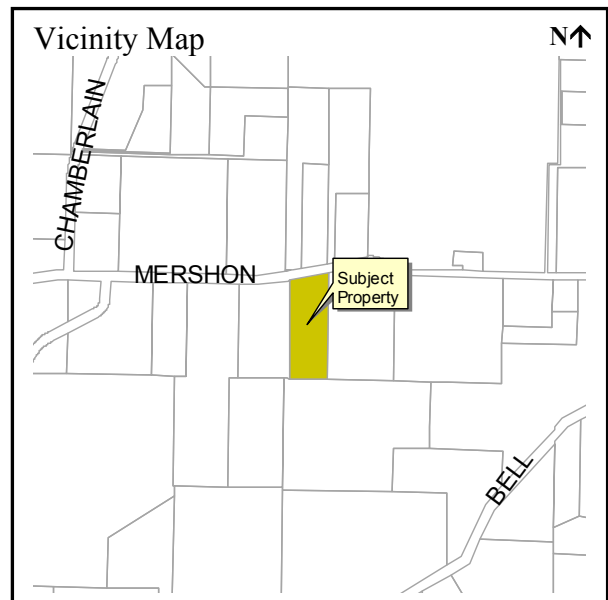
Case File: T2-04-062

Permit: National Scenic Area Site Review

Location: 33220 NE Mershon Road
TL 600, Sec 33A, T1N, R4E, W.M.
Tax Account #R94433-0060

Applicant: Kevin Fischer
4803 NE 32nd Avenue
Portland, OR 97211

Owner: Vince & Leslie Mellott
33220 NW Mershon Road
Corbett, OR 97019-9607



Summary: A proposal to replace and enlarge the fire damaged portion of the house as well as increase the pitch of the existing shed dormer on rear of house and install additional windows.

Decision: **Approved with Conditions.**

Unless appealed, this decision is effective October 15, 2004, at 4:30 PM.

Issued by:

By: _____
Tammy Boren-King, Planner

For: Karen Schilling - Planning
Director

Date: October 1, 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 October 15, 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**; Existing Uses- **MCC 38.0030**; 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
United States Forest Service Heritage Program Manager
East Multnomah County Soil and Water Conservation 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 Commission/ Cultural Advisory Committee
Oregon Parks and Recreation
Yakima Indian Nation
Confederated Tribes of Warm Springs
Confederated Tribes of the Umatilla Indian Reservation
Crown Point Historical Society
Oregon State Historic Preservation Office

Surrounding property owners

Comments were received from the following agencies/individuals:

Nathan Baker, 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.

Kirk Ranzetta, Review and Compliance Coordinator, Oregon State Historic Preservation Office

Todd Alsbury, District Fish Biologist, Oregon Department of Fish and Wildlife, North Willamette Watershed District.

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.

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 or prior to building permit sign-off, whichever happens first, the applicant shall record the Notice of Decision (pages 1-4 of this decision and the site plan in Exhibit B) 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 materials and exterior color used in the addition shall match the materials and exterior color of the existing, undamaged portions of the house. (MCC 38.7065(B)(11))

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)).
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 owners shall maintain all trees in excess of six inches in diameter at breast height within 60 feet of the house or up to the property line, whichever distance is greater. (MCC 38.7035 (C)(3)(b))
6. Prior to building permit sign off, Grading and Erosion Control information must be provided on the building plans pursuant to MCC 29.333 and a \$75.00 erosion control inspection fee must be paid to Multnomah County pursuant to MCC 29.348.

Once this decision is final, application for building permits may be made. **When ready to have building permits signed off, the applicant shall call the Staff Planner, Tammy Boren-King, 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. Project Description

Applicant: *The drawings, photographs, and narrative pertain to reconstruction work proposed at 33220 NE Mershon Road in Corbett, Oregon. In March of 2004 a fire started in the existing one story addition adjacent to the kitchen, spreading to the kitchen and bedroom above.*

In reconstructing the addition we wish to expand the addition from the original footprint of 99 square feet to 182 square feet. The new addition will also be one story and will remain attached to the kitchen at the rear of the house. In the repair of the damaged shed dormer we are proposing to raise the exterior plate height, making the dormer roof pitch less steep. This will give us the required head height at the top of the existing stair to meet current life safety egress requirements. This alteration will not increase the overall height of the structure.

*The new work is located behind the house. The borderline of the Columbia River National Scenic Area runs along the rear property line of this lot. The proposed work is at the rear of the house and **is not visible from any Key Viewing Area.***

Staff: The proposed structural alterations are in response to a fire event. The existing home was built in 1927 and was partially destroyed by fire in March of 2004. The proposal is to replace and expand the fire damaged portion of the dwelling. No new access is proposed to Mershon road nor is any new parking area proposed. The house will continue to use the existing septic system.

2. Site Characteristics

Staff: The subject property is located on 3.46 acres in the Gorge General Residential, (GGR-10) zone in the Columbia River Gorge National Scenic Area. The applicant’s site plans illustrating the location and configuration of the property are enclosed (Exhibit A and B).

The subject site is near the top of a small knoll in a cluster of three knolls as shown in the topographic map included as Exhibit D. The existing house is in the northeast corner of the site surrounded by existing mature trees. The remainder of the site is open and used predominately as pasture. An aerial photo of the subject site is included as Exhibit E.

There is a change in grade of about six feet from Mershon Road to the subject site that appears to be man made. The site slopes upward from Mershon and then is approximately level (about 2 percent slope) for the length of the developed area ringed by mature trees. The house is approximately 53 feet from the front property line at its closest point. The house is surrounded by trees with a large grass area to the rear of the house. At the southern edge of the ring of trees, the land begins to slope downward (away from the house) with a substantial break in slope happening where the use of the land transitions from residential yard to cultivated pasture. The land then slopes at approximately 15 percent to the rear property line. All of the proposed development will be contained within the existing ring of trees surrounding the house.

3. Proof of Ownership and Initiation of Action

Staff: Applications for National 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 F) show that the owners of the property are Vince and Leslie Mellott. Leslie Mellott has signed the application form providing the necessary consent to process this request. A copy of the signed application form is included as Exhibit G.

4. The subject property is a lawful parcel as defined in MCC 38.0015(P)(1).

§ 38.0015 Definitions

(P) (1) Parcel:

(a) Any unit of land, satisfying all applicable land division and zoning regulations in effect on the date of creation, created and separately described by a lawful sales contract, deed, partition map or plat, or subdivision plat;

(b) A unit of land shall not be considered a separate parcel simply because it:

- 1. Is a unit of land created solely to establish a separate tax account;**
- 2. Lies in different counties;**
- 3. Lies in different sections or government lots;**
- 4. Lies in different zoning designations; or**
- 5. Is dissected by a public or private road.**

Applicant: *The homeowners live in and own the house and land. The current property lines were established legally in 1953. See attached deed records.*

Staff: The applicant has submitted a copy of the deed records for the subject parcel. The parcel was first described in its current configuration on a deed recorded in book 1492, page 227 on 8-16-1952. The property has not been reconfigured since that time. Multnomah County first adopted zoning and land division regulations in 1958. There were no county zoning or land division regulations in effect at the time the parcel was created. The parcel is a lawfully established parcel.

5. The subject property is in full compliance.

MCC 38.0560 Code compliance and applications.

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: The existing house was constructed in 1927 and no other buildings exist on site. Building permits were not required in 1927. No previous land use decisions have been issued on the subject lot. Staff conducted a site visit on August 3, 2004 and did not observe any violations of the zoning code. The property is in full compliance.

6. The County Adhered To The Required Notification Procedures

§ 38.0530 Summary Of Decision Making Processes.

Staff: The county is required to send notice and an Invitation to Comment 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. A notice and opportunity to comment letter was mailed on August 31, 2004 and the comment period was open until 4:30 pm on September 14, 2004. A separate notice and opportunity to comment was issued regarding the cultural resource review. This notice provided 30 days to comment on cultural resources and was mailed to the Columbia River Gorge Commission, the Cultural Advisory Committee, and the tribes as required by MCC 38.7045(E). A copy of the cultural resource review was previously mailed to the State Historic Preservation Office for concurrence on August 11, 2004.

Prior to the application being accepted as complete the County mailed copies of the a completeness review request to the tribes, the Gorge Commission, the U.S. Forest Service, the State Historic Preservation Office, Oregon Department of Transportation, and the Oregon Department of Fish and Wildlife. Responses were received from

- Nathan Baker, 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.
- Kirk Ranzetta, Review and Compliance Coordinator, Oregon State Historic Preservation Office
- Todd Alsbury, District Fish Biologist, Oregon Department of Fish and Wildlife, North Willamette Watershed District.

Their comments and recommendations are discussed in detail under section 15 of this report.

7. The dwelling is an Existing Use under MCC 38.0030

7.01 § 38.0030 Existing Uses

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.

(A) Any use or structure existing on February 6, 1993 may continue so long as it is used in the same manner and for the same purpose as on that date.

***Applicant:** The fire occurred in March of 2004, less than two years ago. The property will remain Rural Residential. Color and reflectivity conditions do not apply as this addition is in response to a disaster and the 188 s. f. addition is smaller in size and height to the 800 s. f. house. We will match the color of the existing house.*

Staff: The dwelling and the residential use of the property were established in 1927 and were still in existence on February 6, 1993. The house was used as a single family dwelling on February 6, 1993 and continues to be used as a single family dwelling. The use is an existing use.

7.02 (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.

Staff: The dwelling was damaged by fire in March of this year (2004). The majority of the structure is intact with only a small portion being replaced. The structure will be in the same location but will be a different size than the original structure. The structure's footprint will increased by 83 square feet and the shed dormer will be raised but will remain below the ridge line of the existing roof. The proposal is subject to the standards of MCC 38.7000 through MCC 38.7085.

8. Required Findings for National Scenic Area Site Review under MCC 38.7020

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 subject property is in the General Management Area. 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.

9. The subject proposal meets the standards of 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:

- 9.1 **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: The subject proposal is neither a new building nor a new road. This standard is not applicable.

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

Staff: The proposal is for an addition to an existing building not a new building. This standard does not apply.

- 9.3 **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 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.

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

Applicant: *The proposed replacement addition is identical to the fire damaged addition as it relates to the existing landscape.*

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

- 9.5 **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: *The proposed replacement addition is identical to the fire damaged addition as it relates to the existing landscape.*

Staff: The landscape setting is “Rural Residential”. Information contained in the site plans (Exhibits A and B) and photographs (Exhibit H) submitted by the applicant were sufficient to determine compatibility with the landscape setting.

- 9.6 **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.

- 9.7. **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: *The proposed work is not visible from any Key Viewing Areas. The property sits at the southern border of the National Scenic Area approximately .9 of a mile from the Columbia River. The house itself (also not visible from the river or any Key viewing Area) blocks any view of the proposed new work. The property to the east rises about 6-8*

feet at the property line. This blocks any view of the house and new work from the east. To the west there is a row of evergreen trees running from the street to the rear yard. These trees effectively screen the house and new work from the west.

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, the Sandy River or the Historic Columbia River Highway. 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. Field visits by staff conducted on August 3, 2004 and August 31, 2004 confirm that the subject site is not visible from I-84, the Columbia River, the Sandy River, the Historic Columbia River Highway due to topography.

The site may not be blocked by topography from Larch Mountain to the east and is therefore considered visible from this location. Larch Mountain is located more than 11-miles to the east of the site. The subject site sits on the back side of a hill as viewed from Larch Mountain. The east face of the hill substantially blocks the view of the existing house from Larch Mountain, but it may be possible to see the roof of the house and/or a small portion of the upper story from Larch Mountain. The existing house and proposed addition are surrounded by mature vegetation that, when considered in concert with the house's location on the back side of a hill and the amount of distance between the site and Larch Mountain, make it highly improbable that any of the area of the building site will be exposed to view from Larch Mountain.

In addition to topography, mature deciduous and evergreen trees on other properties block direct views of the site as viewed from Larch Mountain and mature vegetation on-site completely surrounds the existing house and proposed addition further screening it from view. (See photos in Exhibits E and I). Extensive mature vegetative screening exists on the subject site in a ring surrounding the existing house. The topography slopes from the house upwards to the east, making the trees to the east extremely effective in screening the house as viewed from that direction.

The proposed addition will add approximately 80 square feet to the house. The proposed modifications to the shed dormer will not increase the height of the house and are being undertaken to install egress windows into bedrooms as required by current building codes. The proposed improvements will not be visible from any key viewing areas given the topography of the site and the presence of extensive mature vegetation that screens the house and proposed addition on all sides. The applicant will be required to maintain the evergreen and deciduous trees in excess of six inches in diameter at breast height

within 60 feet of their house or up to the property line, whichever distance is farther. This condition of approval will assure the development will be visually subordinate from all Key Viewing Areas.

- 9.8 **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 subject proposal has no potential visual impact. The primary factors influencing the degree of potential visual impact are addressed individually below.

The amount of area of the building site exposed to Key Viewing Areas: The only Key Viewing area from which this site is not totally obscured by topography is Larch Mountain, which is over 11 miles to the east. The subject site sits on the back side of a hill as viewed from Larch Mountain. The east face of the hill substantially blocks the view of the existing house from Larch Mountain, but it may be possible to see the roof of the house and/or a small portion of the upper story from Larch Mountain. The existing house and proposed addition are surrounded by mature vegetation that, when considered in concert with the house's location on the back side of a hill and the amount of distance between the site and Larch Mountain, make it highly improbable that any of the area of the building site will be exposed to view from Larch Mountain.

The degree of existing vegetation provided screening: The building site is completely surrounded by existing mature vegetation. See photos included as Exhibits E & I.

The distance from the building site to the Key Viewing Areas it is visible from: The site is over 11 miles from Larch Mountain, the only Key Viewing Area from which it is may be visible.

The number of Key Viewing Areas it is visible from: The subject site is only visible from one Key Viewing Area.

The linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads): The site is not visible from any linear Key Viewing Areas such as roads or rivers.

9.9 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, structure will increase in area from an existing 1,074 square feet to a proposed 1,157 square feet. Increasing the size of the structure on the property by roughly 8% in area will not measurably increase visibility from any Key Viewing Areas. The property is zoned as a residential district, which is consistent with the type of development in the area. Staff finds that increasing the subject structure, as proposed, will not increase the typical and established residential patterns of the area to any visually detectible degree.

9.10 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.

9.11 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: The subject proposal is neither a new building nor a new road. This standard is not applicable.

9.12 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: The subject proposal is neither a new building nor a new road. This standard is not applicable.

9.13 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: The proposal is for repairs and a small addition to a fire damaged structure. The removal of the burned portion and the construction of the addition will impact approximately 200 square feet of ground. The slope of the proposed development site is approximately 2 percent. The amount of grading required to construct a foundation for the 182 square foot addition will be minimal. Repairing and adding on to the existing structure will require much less grading than tearing the structure down and building a new one would. No new driveways are proposed. No cut banks or fill slopes will be visible from Key Viewing Areas.

9.14 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 addition will have a wooden exterior painted white to match the existing home with dark forest green trim. (See finding 9.16) Wooden windows will be installed with the trim painted to match the existing shade of dark forest green. The roof will be constructed to match the existing using dark gray shingles. (See photos included as Exhibit I and the historic documentation included as Exhibit K).

9.15 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: No new exterior lighting is proposed on the applicant's plans or in the applicant's narrative. The structure currently contains the original light fixture on the front porch (see photo on cover of Section 106 documentation in Exhibit K). This light fixture is a "carriage lamp" style fixture. It is currently contained under an existing porch overhang which serves to shield it. The front porch of the house is not visible from any Key Viewing Areas as discussed under finding 9.7. The exterior lighting will not be highly visible from Key Viewing Areas.

9.16 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.

Applicant: (Please note the applicant's narrative included the following language as a response to MCC 38.7090) *The fire occurred in March of 2004, less than two years ago. The property will remain Rural Residential. Color and reflectivity conditions do not apply as this addition is in response to a disaster and the 188 s. f. addition is smaller in size and height to the 800 s. f. house. We will match the color of the existing house.*

Staff: The structure prior to the fire was 1,074 square feet according to the applicant's site plan. The proposed repairs and addition will result in the structure being 1,157 square feet, an overall increase of 83 square feet. The addition will be smaller in total area than the existing building. The addition will be painted to match the existing structure as allowed by this section.

- 9.17 **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: The proposal is not for a new building. This standard does not apply.

- 9.18 **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.

Staff: The proposal is for repairs and an addition to an existing home. No new main utility lines are proposed.

- 9.19 **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: No new buildings are proposed. This standard does not apply.

- 9.20 **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:

Staff: The portion of the site where the development is proposed has a slope of approximately 2 percent. This standard does not apply.

9.21. MCC 38.7035(C)(3) Rural Residential Landscape Setting

9.21.1 (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:** The replacement addition is similar in scale and proportion to the damaged addition. The proposed addition maintains the scale and proportion of the overall structure. The overall structure is within the scale and proportion of the neighboring structures.*

None of the existing trees or vegetation were effected by the fire. The proposed work does not require the removal of any trees or vegetation or put any trees or vegetation in harms way.

The owner assumes responsibility for the trees and vegetation during construction.

Staff: The proposed fire repair and 83 square foot addition is compatible with the general scale of development in the vicinity. The parcels adjacent to the subject property were reviewed. All but one of the adjacent parcels contains a house. According to information available from Multnomah County Assessment, the houses range in size from 1, 083 square feet to 2, 240 square feet, with the average being 1,790.75 square feet. Exhibit L is a map showing the surrounding houses and their sizes according to assessment information. Printouts of the assessment information for each lot is in the file. The subject house will remain smaller than the average house in the immediate area after the addition.

The repairs and addition will not increase the height of the structure and will be similar in mass to the portion of the house that was destroyed by fire. Most of the proposed improvements, such as raising the height of the shed dormer and installing widows, is being done in order to provide life safety improvements such as egress windows and clearance on an existing stairway that are in compliance with current building codes. The subject proposal does not substantially alter the scale of the existing development and complies with this standard to the maximum extent practicable.

9.21.2 (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: The proposal includes retaining the existing tree cover in its entirety. The applicant will be required to maintain the evergreen and deciduous trees in excess of six inches in diameter at breast height within 60 feet of their house or up to the property line, whichever distance is farther.

9.21.3 (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.**
- 2. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.**
- 3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.**
- 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 existing tree cover will be retained in its entirety. No trees will be required to be planted for screening purposes. The structure's exterior will continue to be white as allowed under MCC 38.7035(B)(11).

9.21.4 (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.

9.22. 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 2,300 feet west of the Historic Columbia River Highway, which is more than ¼ mile. The standards of MCC 38.7035D do not apply to this proposal.

10. The subject proposal meets the standards of MCC 38.7045 GMA Cultural Resource Review Criteria

Staff: The proposed development required a cultural resource survey under MCC 38.7045(A)(2) and a historic survey was required under MCC 38.7045(A)(3).

Marge Dryden, Mt. Hood National Forest Archaeologist prepared a historic survey in the standard Section 106 documentation format which was forwarded to the State Historic Preservation Office for review. In her historic survey, Ms. Dryden determined that the house is historic but does not display elements of superior or distinctive architecture and is not eligible for the National Register of Historic Places. Kirk Ranzetta, Review and Compliance Coordinator for the Oregon State Historic Preservation Office concurred with Ms. Dryden's findings. The project is allowed as proposed under MCC 38.7045(B)(3)(a). A copy of the Section 106 documentation prepared by Ms. Dryden is included as Exhibit K of this report. A copy of Mr. Ranzetta's signed statement of concurrence is included as Exhibit M.

Ms. Dryden also performed a cultural survey and determined the proposed development would have no impact on cultural resources if the house is not eligible for listing on the National Register of Historic Places. Ms. Dryden came to this determination after performing a literature review of any known cultural resources in the area and a reconnaissance survey conducted August 6, 2004. This survey meets the requirements of MCC 38.7045(D)(1) for a reconnaissance survey for small-scale uses and of MCC 38.7045(D)(3) for a historic survey. A copy of the cultural and historical survey report prepared by Ms. Dryden is included with this report as Exhibit J.

These three documents meet the burden of proof for the application to be approved under MCC 38.7045(E)(3). No comments were received during the 30 day review period required under MCC 38.704(E) or the 20 day comment period required by MCC 38.0530(B).

The standards of MCC 38.7045 (A) through (K) have been met.

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 and meets the requirements of MCC 38.7045(L) and (M).

11. The subject proposal has satisfied the review criteria under MCC 38.7055(A) GMA Wetland Review Criteria, MCC 38.7060 Stream, Lake and Riparian Area Review Criteria, and MCC 38.7070 GMA Rare Plant Review Criteria.

Staff: Staff reviewed the National Wetlands Inventory and the National Scenic Area maps showing known wetlands, streams, lakes, riparian areas, and rare plants. None of these resources are mapped on the subject site or within 1,000 feet of the subject site. No comments were received regarding any of these resources. The review criteria for wetlands, streams, lakes, riparian areas, and rare plants are satisfied.

12. The subject proposal has satisfied the review criteria under 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: A “special stream” is mapped as existing approximately 975 feet northwest of the subject site. A Wildlife Habitat Site Review is required. A full copy of the subject application was forwarded to the Oregon Department of Fish and Wildlife for review as required by MCC 38.7065(D)(1). Todd Alsbury, District Fish Biologist reviewed the proposal and determined that no impacts to the stream would occur as a result of the proposed development. Mr. Alsbury did indicate that trees should not be removed from the site unless they are in a hazardous condition. The applicant has specifically stated that no trees will be removed from the site. The proposal meets the requirements of this section and can be approved pursuant to MCC 38.7065(D)(3)(b).

A copy of Mr. Alsbury’s emailed review response is included as Exhibit P.

13. The subject proposal has satisfied the review criteria under (MCC 38.7080) GMA Recreation Resource Review Criteria

Staff: Recreational uses are not proposed. MCC 38.7080(E) established approval criteria that apply only to recreational uses outside of GG-PR or GG-CR.

14. (MCC 38.5040) Comments Received

Upon receipt of a complete application, notice of the application and an invitation to comment was 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:

- Nathan Baker, Friends of the Columbia River Gorge (Exhibit O)
- Margaret L. Dryden, Forest Archaeologist, Mount Hood National Forest and Heritage Program Manager, Columbia River Gorge National Scenic Area. (Exhibits J & K)
- Kirk Ranzetta, Review and Compliance Coordinator, Oregon State Historic Preservation Office (Exhibit M)
- Todd Alsbury, District Fish Biologist, Oregon Department of Fish and Wildlife, North Willamette Watershed District (Exhibit N)

Staff: Comments from the Friends of the Columbia Gorge spanned several topics. First, a concern was raised that the subject application not be processed under the disaster/emergency provision of MCC 38.7090. The application was not processed under these standards. Secondly, the Friends were concerned that the applicant must meet the burden of proof to show that the use is an Existing Use. Please see findings in section 7 of this report. Thirdly, the Friends were concerned that the applicant indicated the structure is not visible from Key View Areas. Staff did review the application for compliance with the Site Review standards since the property may be visible from Larch Mountain. See section 9 of this report for an analysis of the applicable site review criteria. Lastly the Friends pointed out that an historic survey must be conducted, which it was. The historic survey is included as Exhibit K.

Comments from Marge Dryden included an historic inventory (Exhibit K) as well as heritage resource survey (Exhibit K) which indicated that the State Historic Preservation Office would need to review whether or not the property was eligible for listing on the National Register of Historic Places. Ms. Dryden indicated that if the State Historic Preservation Office “determines that the house is not eligible to the National Register of Historic Place- remodeling will have no effect o potentially significant heritage resources, no conditions will be required.” Kirk Ranzetta reviewed the historic inventory on behalf of the State Historic Preservation Office and concluded that the structure is not eligible for listing on the National Register of Historic Places. Mr. Ranzetta’s letter is included as Exhibit M.

Todd Alsbury provided comments on behalf of the Oregon Department of Fish and Wildlife which are included as Exhibit N. Mr. Alsbury indicated that the proposal would have no impacts to the streams. Mr. Alsbury did indicate that trees should not be removed from the site unless they are in a hazardous condition. The applicant has specifically stated that no trees will be removed from the site.

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 repair and expand a fire damaged single family residence 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 A Site Plan (whole property)
- Exhibit B Partial Site Plan (development area only)
- Exhibit C Building plans showing proposed modification
- Exhibit D Topographic Map
- Exhibit E Aerial Photo
- Exhibit F Assessment & Taxation printout showing ownership information
- Exhibit G Signed application form
- Exhibit H Photographs submitted by applicant
- Exhibit I Staff Photographs
- Exhibit J Heritage Resource Report prepared by Marge Dryden
- Exhibit K Section 106 Documentation prepared by Marge Dryden
- Exhibit L Map showing sizes of adjacent houses
- Exhibit M Comments from Kirk Ranzetta, SHPO
- Exhibit N Comments from Todd Alsbury, ODFW
- Exhibit O Comments from Nathan Baker, Friends of the Columbia River Gorge