

**MULTNOMAH COUNTY****LAND USE AND TRANSPORTATION PROGRAM**1600 SE 190TH Avenue Portland, OR 97233

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

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

NOTICE OF DECISION

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

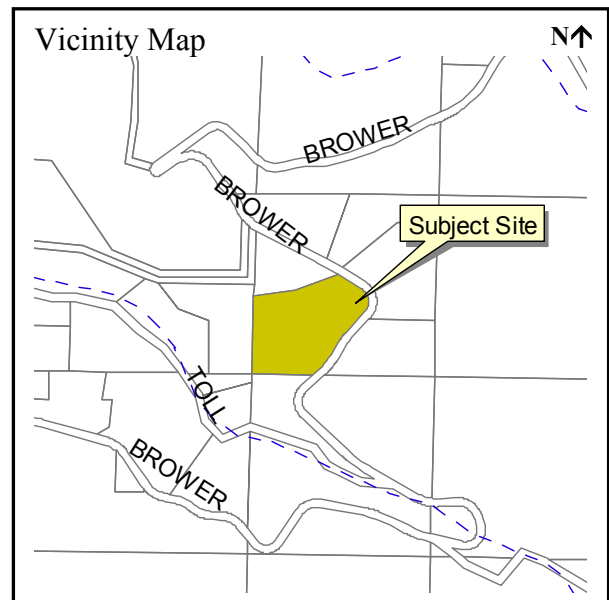
Case File: T2-05-011

Permit: National Scenic Area Site Review

Location: 2101 NE Brower Rd
TL 500, Sec 27D, T1N, R5E, W.M.
Tax Account #R94527-0160

Applicant: Dick Wand

Owner: Quinn & Karen Annus



Summary: Applicant is requesting a NSA Site Review approval to allow the construction of an addition and attached 3 car garage to an existing single family dwelling.

Decision: Approved with conditions.

Unless appealed, this decision is effective Tuesday, May 31, 2005, at 4:30 PM.

Issued by:

By: _____
Lisa Estrin, Planner

For: Karen Schilling- Planning Director

Date: Monday, May 23, 2005

Instrument Number for Recording Purposes: 2005012630

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

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 Tuesday, May 31, 2005 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC):

General Provisions

MCC 38.0015 Definitions, specifically Parcel, Existing Use

MCC 38.0030 Existing Uses

MCC 38.0045 Review and Conditional Uses

Administration & Procedures, specifically

MCC 38.0530 Summary of Decision Making processes

MCC 38.0550 Initiation of Action

MCC 38.0560 Code Compliance and Applications

Gorge Special Forest Zoning District

MCC 38.2060 Dimensional Requirements

MCC 38.2085 Off-Street Parking and Loading

MCC 38.2090 Access

Site Review Criteria

MCC 38.7040 SMA Scenic Review Criteria

MCC 38.7050 SMA Cultural Resource Review Criteria

MCC 38.7075 SMA Natural Resource Review Criteria

MCC 38.7085 SMA Recreation Resource Review Criteria

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

Scope of Approval

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

MCC 38.0690 and 38.0700. Such a request must be made prior to the expiration date of the permit.

Conditions of Approval

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

1. **Within 30 days of this decision becoming final**, the applicant shall record the Notice of Decision (pages 1 through 3) and the site plans (Exhibit A.45 and A.56). The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and the proof shall be filed with the Land Use Planning Division. Recording shall be at the applicant's expense. **Failure to record the Notice of Decision within the 30 day period may void the decision.** [MCC 38.0670]
2. Prior to land use sign-off of the building permit, the elevations shall be modified to show the proposed materials to be used consistent with the findings under MCC 38.7040(A)(2) and shall list the colors for the proposed lap siding, trim, windows and roofing.
3. The color for the lap siding and trim shall be equal to or darker than Burnished Slate (49) as shown on the Metal Siding Brochure (Exhibit A.13). The color choice for the metal roof shall be equal to Dark Brown (44) or Fern Green (07) as shown on the Metal Siding Brochure (Exhibit A.13). Prior to land use sign-off of the building permit, the color choices shall be noted on the plans. [MCC 38.7040(A)(2), (3) & (D)(2)(e)]
4. Seasonal lighting displays shall be permitted on a temporary basis, not to exceed three months duration. [MCC 38.7040(A)(7)]
5. All on-site vegetation shown in Exhibit A.22 and B.11 shall be maintained to reduce the reflectivity effect from the metal roofing. If the vegetation is removed or dies it shall be replaced immediately with similar size and type vegetative materials. [MCC 38.7040(A)(8)]
6. Prior to land use sign-off of the building permit, the property owner or their representative shall demonstrate that the windows to be utilized for the addition have a reflectivity rating equal to or less than 13 percent. [MCC 38.7040(A)(8)]
7. In the event of the inadvertent discovery of cultural resources during the construction of this project, the applicant shall immediately notify the Planning Director, the State Historic Preservation Office and the US Forest Service. Work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery pursuant to MCC 38.7050(G)(3). [MCC 38.7050(H)]

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

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

Once this decision becomes final, applications for building permits may be made with the City of Gresham. **When ready to have building permits signed off, call the Staff Planner, Lisa Estrin, at (503)-988-3043 to schedule an appointment.** Multnomah County must review and sign off building permit applications before they are submitted to the City of Gresham. Six (6) sets each of the site plan and building plans are required at the building permit sign-off.

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code criteria and Comprehensive Plan Policies are in **bold** font. The applicants statements are identified below as ‘**Applicant:**’. Staff comments and analysis are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.00 General Provisions

1.01 Project Description

Applicant: Addition of about 1000 sq. ft to single family residence and 3 car garage.

Staff: The applicant is proposing to remove an existing 1 car garage and construct a 30 ft wide by 85 ft long addition which includes a 3 car attached garage onto an existing single family dwelling. In addition, a new drainfield and septic tank will be installed as part of the development.

1.02 Site and Vicinity Characteristics

Staff: The subject property is 9.91 acres in size and is currently zoned Gorge Special Forest – 40 (GSF-40). A 1,762 sq. ft. single family dwelling, a 240 sq. ft shed/well house and a 360 sq. ft detached garage currently exist on the subject property (Exhibit B.2). The dwelling was constructed in 1925 (Exhibit B.1) and is located in the northeastern portion of the property approximately 110 feet south of Brower Road (Exhibit A.22). The site is heavily treed except for an approximate 1.10 acre area where the existing development is located (Exhibit B.11).

The surrounding area consists of properties typically ranging from 5 to 10 plus acres with one 33 acre property to the south of the subject site (Exhibit B.12). The majority of the properties are forested with a scattering of dwellings throughout the area (Exhibit B.11). The area is chiefly zoned Gorge Special Forest – 40. An area of Gorge Special Open Space exists approximately 850 ft to the north of the subject site (Exhibit B.13).

1.03 MCC 38.0015 Definitions

As used in MCC Chapter 38, unless otherwise noted, the following words and their derivations shall have the following meanings:

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

(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.**

(P)(2) Partial retention: A visual quality objective that provides for management activities which may be evident but must remain visually subordinate to the characteristic landscape. Activities may repeat form, line, color, or texture common to the characteristic landscape but changes in their qualities of size, amount, intensity, direction, pattern, etc., shall remain visually subordinate to the characteristic landscape.

(V)(2) Visual Quality Objective (VQO): A set of visual management goals established by the Forest Service to achieve a desired visual objective. These objectives include retention and partial retention, and others in the Mt. Hood and Gifford Pinchot National Forest Plans.

(V)(3) Visually subordinate: The relative visibility of a structure where that structure does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a Key Viewing Area). Structures which are visually subordinate may be partially visible, but are not visually dominant in relation to their surroundings.

1.04 MCC 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.

(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: An existing use is one that was *legally established* prior to February 6, 1993. Assessment and Taxation Records indicated that the existing single family dwelling was originally constructed in 1925 (Exhibit B.1). The County did not begin regulating the construction of dwellings through building permits until 1954 and zoning was not in place until December 1958. Based upon the above information, it appears that the dwelling was legally established.

The applicant has submitted documentation to support the continued use without a 1 year interruption of the single family dwelling. The applicant has submitted letters from PGE and Cascade Utilities of continuous service since 1993 (Exhibit A.7 & A.8). In addition, the property owner has submitted a copy of a Schedule E from his IRS filing documenting that the property was rented in 1993 (Exhibit A.9). Based upon the evidence submitted, it appears the existing single family dwelling has been continuously utilized since February 6, 1993. The proposed addition is subject to MCC 38.7000 through 38.7084 to minimize adverse effects as specified above. *This criterion has been met.*

1.05 MCC 38.0045 Review and Conditional Use Applications

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

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

Applicant: This property is **not** viewable from the key viewing areas.

Staff: The applicant has submitted topographic information to document that the existing and proposed dwelling is not viewable from I-84 and the Columbia River. In addition, he has provided photos from the Women's Forum and Vista House showing that the property is not visible. In addition, staff completed 4 profiles from the house location to I-84 and the Columbia River to determine if the dwelling would be visible topographically. Based upon these profiles it does not appear that the existing dwelling or addition would be visible from these Key Viewing Areas (Exhibit B.6). *The subject development is not visible from any Key Viewing Areas.*

1.06

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

- (a) North arrow;**
- (b) Map scale;**
- (c) Boundaries, dimensions, and size of the subject parcel;**
- (d) Significant terrain features or landforms;**
- (e) Groupings and species of trees and other vegetation on the parcel;**
- (f) Location and species of vegetation that would be removed or planted;**
- (g) Bodies of water and watercourses;**
- (h) Location and width of existing and proposed roads, driveways, and trails;**
- (i) Location and size of existing and proposed structures;**
- (j) Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles and lines, and outdoor lighting; and**
- (k) Location and depth of all proposed grading and ditching.**
- (l) Proposed uses in streams, ponds, lakes, and their buffer zones shall include the exact boundary of the ordinary high water-mark or normal pool elevation and the prescribed buffer zone; and a description of actions that would alter or destroy the stream, pond, lake, or riparian area.**
- (m) Proposed uses in wetlands or wetlands buffer zones shall include the exact boundary of the wetland and the wetlands buffer zone; and a description of actions that would alter or destroy the wetland.**
- (n) Proposed uses on parcels contiguous to established recreation sites shall provide a buffer between the proposed use and recreation site sufficient to insure that the proposed use will not detract from the use or enjoyment of the recreation site.**

Staff: The applicant's site plan (Exhibit A.22) contains a north arrow, is drawn to scale and includes the property boundaries, dimensions and the size of the subject property. The plan shows a stream in the southern portion of the site. The stream runs from east to west. It also

includes slope information for the site, the location of the existing house, well house and detached garage to be removed. It has documented the area of fir forest on the site and other existing vegetation. No trees are proposed to be removed or planted as part of this project. The site plan has included information regarding the utilities, the existing driveway and Brower Road's location. The proposed addition is 200 feet away from the watercourse. No known wetlands are identified on the site or on adjacent properties within 200 feet. No recreational sites are adjacent to this property. *These criteria have been met.*

1.07 (B) Supplemental information will be required for:

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

Applicant: This property is **not** viewable from the key viewing areas.

Staff: Staff concurs that the property is not viewable from key viewing areas (Exhibit B.6). See additional findings under MCC 38.7040(B) to support the finding that the property is not visible from key viewing areas. No forest practices or development of mineral resources have been listed as part of the application. The proposed addition is 200 feet away from the existing watercourse to the south (Exhibit A.22).

1.08 MCC 38.0530(B): Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are typically assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses, and it's relationship to scenic, natural, cultural and recreational resources of the area. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the Gorge Commission; the U.S. Forest Service; the Indian tribal governments; the State Historic Preservation Office; the Cultural Advisory Committee; and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed, except for comments regarding Cultural Resources, which will be accepted for 20 days after the notice is mailed. The Planning Directors decision is appealable to the Hearings Officer. If no appeal is filed the Planning Directors decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

Staff: The subject application was submitted on February 11, 2005 (Exhibit A.1). An Opportunity to Comment was mailed to various parties including the Gorge Commission, US Forest Service and Indian Tribal Governments on March 28, 2002. The following issues were identified in the public comment period by the specified party.

- **Columbia River Gorge Commission** – Applicant must submit sufficient documentation to demonstrate that the dwelling is an *existing use* and *legally established*. A historic survey is required due to the age of the house. The addition

must be visually subordinate and the exterior dark in color for the Coniferous Woodland Landscape Setting. (Exhibit B.8)

Staff: The applicant has submitted in evidence to support that an existing use in the form of a single family dwelling is located on the property. In addition, he has provided documentation of continuous use. Please see the finding under MCC 38.0030 above. A historic survey was completed for the property. Please see the finding under MCC 38.7050 below. The proposed addition will be dark in color and is visually subordinate to the Key Viewing Areas. Please see the finding under MCC 38.7040 below.

- **Multnomah County Transportation** – Multnomah County Land Use and Transportation Program has reviewed the applicant's proposal for a NSA permit to construct an addition and an attached 3-car garage. The subject property is adjacent to Brower Road which is a County road with a Rural Collector functional classification. County Transportation does not object to this proposal and does not require any conditions of approval; however, the following dedication is strongly recommended.

Dedicate the necessary slope/drainage easement centered on the existing outlet/inlet of the drainage culvert located along the site's Brower Road frontage to Multnomah County for road purposes.

With this easement dedication, the County can provide the services necessary to maintain the cross-culverts under the County road to help prevent culvert failure and damage to the subject property. Without this easement dedication, the County may be unable to efficiently maintain access to the site in the event of culvert failure. Dedication of this easement will be beneficial to the property owner by allowing the County to maintain the culvert in an emergency situation.

Staff: If the property owner would like to dedicate the slope/drainage easement, they should contact Pat Hinds at 503.988.5050 for additional information.

- **Raymond C. Wyss** – Mr. Wyss wrote “in regards to the fellow wanting the privilege of building (case file T2-05-011 @ 2101 NE Brower Road., Tax Lot 500, Sec. 27D, Township 1N, Range 5 East, WM- Dick Wand). I have the property that is very close to his and I feel that if it is O.K. for him to build, I should be able to build in the future.”

Staff: The applicant is proposing an addition to an existing single family dwelling. The requirements in the GSF-40 zoning district for establishing a new use are different than for an expansion of an existing use. The applicant has demonstrated that the dwelling is an *Existing Use* as required by MCC 38.0030 above.

1.09 MCC 38.0550 Initiation of Action.

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

Staff: The proposed project is located on Tax Lot 500, Section 27D, Township 1 North, Range 5 East. Assessment & Taxation records show that the land is owned by Karen & Quinn Annas

(Exhibit B.1). The Annas' have granted approval for Dick Wand to make application for the necessary permits to construct the proposed improvements to the existing single family dwelling (Exhibit A.1). *This criterion has been met.*

1.10 MCC 38.0560 Code compliance and applications.

Except as provided in subsection (A), the County shall not make a land use decision, or issue a building permit approving development, including land divisions and property line adjustments, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

Applicant: There are no violations on this site.

Staff: The existing single family dwelling, shed and detached garage appeared to have existed prior to zoning. Staff has not identified any land use or development violations on the site.

2.00 Gorge Special Forest Criteria

2.01 MCC 38.2060 Dimensional Requirements

(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Applicant: House is not above 35 feet. This house stands approximately 25 ft. tall. It is 120 feet from Brower Rd., 150 feet from the north side and 180 feet from the south side.

Staff: The proposed addition is approximately 80 feet from the north property line (side property line) and approximately 60 feet from the front property line adjacent to Brower Road (Exhibit A.22). The addition is approximately 250 feet from the south property line (street side) and over 500 feet to the western property line (rear). The house is a split level with the garage portion being 25 feet tall to the ridgeline and the house portion being approximately 21 feet to match the height of the existing dwelling (Exhibit A.3 & A.4). *These criteria have been met.*

2.02 (D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

Staff: Brower Road is currently 60 feet wide and is designated a local street on the County's Functional Trafficways Plan. The standard road width for a Local Street is 50 feet. No additional right of way is necessary at this time. No detached accessory structures are proposed as part of this project. *These criteria are not applicable at this time.*

2.03 MCC 38.2085 Off-Street Parking and Loading

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

Applicant: There is more than two parking spaces.

Staff: A 3 car garage is proposed as part of the project. These three spaces comply with the

parking standards under MCC 38.4100 (Exhibit A.5). Additional parking spaces exist along the driveway (Exhibit A.22). *This criterion has been met.*

2.04 MCC 38.2090 Access

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

Applicant: The property is accessible from Brower Rd. directly.

Staff: Applicant's site plan shows that the property abuts Brower Road (Exhibit A.22). *This criterion has been met.*

3.00 Site Review

3.01 MCC 38.7040 SMA Scenic Review Criteria

The following scenic review standards shall apply to all Review and Conditional Uses in the Special Management Area of the Columbia River Gorge National Scenic Area with the exception of rehabilitation or modification of historic structures eligible or on the National Register of Historic Places when such modification is in compliance with the national register of historic places guidelines:

(A) All Review Uses and Conditional Uses:

(1) Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen from Key Viewing Areas.

Applicant: As you can see from the photos this house is among trees. There is no cliff or skyline on property. The house is hidden by the trees which the photos also show.

Staff: Contour information (Exhibit B.10 & B.11) documents that the hillside continues rising to the west and southwest over several hundred feet more from the elevation of the dwelling, as such, the proposed addition does not protrude above the skyline as seen from various Key Viewing Areas. *This criterion has been met.*

3.02 (2) Size, scale, shape, color, texture, siting, height, building materials, lighting, or other features of a proposed structure shall be visually subordinate in the landscape and have low contrast in the landscape.

Applicant: All outside lighting consists of "can" lights in the soffits of the house and garage.

Staff: The applicant has submitted elevations (Exhibit A.3 & A.4). The house will be an "L" shaped building with the proposed garage on the northeast end of the structure and the existing portion is to the southeast of the building envelope (Exhibit A.22). The building will be a maximum height of 25 feet tall over the garage with the residential portion approximately 21 feet in height. The roof will be metal. The applicant has circled Dark Brown (44) as the color choice on the brochure (Exhibit A.13). During a recent conversation with the applicant, he indicated that the roof color has changed to Forest Green (26). Fern Green is a darker green color which would be slightly darker than the surrounding conifer greens of the property. The siding will be chiefly lap siding and is proposed to be painted Beaver Creek brown (Exhibit A.13). This is a medium shaded brown. The trim on the house will be a darker brown than utilized on the lap siding. The windows will be white vinyl and the manufacturer will be Milgard. The applicant has indicated that all exterior lighting will be "can" lights (Exhibit A.23).

The applicant has submitted in photographs (Exhibit A.14) which show that existing dwelling is

surrounded by trees and chiefly screened from Brower Road. The existing dwelling and proposed addition are not viewable from the various key viewing areas based upon topographic cross-sections completed by staff (Exhibit B.6). The use of browns and green colors will help to blend the proposed dwelling into the coniferous woodland landscape setting, but darker color choices would create a shadowing effect which would reduce the color contrast with the existing landscape setting. On the metal roofing brochure (Exhibit A.13), a darker brown labeled Burnished Slate (49) is shown which would reduce the contrast between the existing landscape and the lap siding on the proposed addition and existing dwelling. In addition, the use of the Dark Brown (44) color or Fern Green (07) color would also help to reduce the contrast between roof and the structure's surroundings. A condition of approval has been included requiring that the lap siding and roofing be of a color similar to the color discussion above. *Through condition #3, this criterion has been met.*

3.03 (3) Colors shall be used in a manner so that developments are visually subordinate to the natural and cultural patterns in the landscape setting. Colors for structures and signs should be slightly darker than the surrounding background.

Staff: The property is located within the Coniferous Woodlands landscape setting. The use of browns and green colors will help to blend the proposed dwelling into the coniferous woodland landscape setting, but darker color choices would create a shadowing effect which would reduce the color contrast with the existing landscape setting. On the metal roofing brochure (Exhibit A.13), a darker brown labeled Burnished Slate (49) is shown which would reduce the contrast between the existing landscape and the lap siding on the proposed addition and existing dwelling. In addition, the use of the Dark Brown (44) color or Fern Green (07) color would also help to reduce the contrast between roof and the structure's surroundings. A condition of approval has been included requiring that the lap siding and roofing be of a color similar to the color discussion above. This will cause the colors for the structure to be slightly darker than the surrounding landscape as shown in the applicant's photographs of the site (Exhibit A.14). *As conditioned, this criterion has been met.*

3.04 (4) Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that compliance with this standard is not feasible considering the function of the structure.

Staff: The proposed maximum height to the addition is 25 feet to the top of the garage gable. The house steps down to approximately 21 feet over the residential portion of the addition. The existing dwelling ranges from 16 to 21 ft tall. The applicant's photographs of the site show the surrounding forest to be appreciably taller than the existing dwelling (Exhibit A.14 & A.15). The additional 4 feet in height for the addition will remain below the average height of the surrounding tree canopy. *This criterion has been met.*

3.05 (5) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.

Applicant: There is minimal grade required, just the excavation for the foundation. A new drain field and septic tank will be installed. No Forest Practice is required. No new plantings are going to be planted and there are no plants or trees to be removed.

Staff: The area to be disturbed is approximately 6,000 sq feet in size. The foundation for the addition will be excavated for footings (30 ft by 85 ft) and a new drainfield (approx. 40 ft by 75

ft) will be added. The property owners will be required to provide a storm water system for the new impervious surface created. No other ground disturbance is proposed. The garage portion of the addition utilizes the location of the old garage to minimize the amount of grading necessary for construction. The drainfield will have three, 75 ft long trenches dug plus any required pipes run back to the septic tank. No trees are proposed to be removed. Prior to land use sign off for the building permit, the property owners or their representative will be required to obtain a Grading and Erosion Control Permit or demonstrate the project falls within the Minimal Impact Project specifications. *This criterion has been met.*

- 3.06 (6) Any exterior lighting shall be sited, limited in intensity, shielded or hooded in a manner that prevents lights from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting except for road lighting necessary for safety purposes.**

Applicant: All outside lighting consists of “can” lights in the soffits of the house and garage.

Staff: The can lights shall be consistent with the applicant’s submittal (Exhibit A.23). *This criterion has been met.*

- 3.07 (7) Seasonal lighting displays shall be permitted on a temporary basis, not to exceed three months duration.**

Staff: No seasonal lighting is proposed as this time. A condition of approval has been included for informational purposes to the current and future owners. *As conditioned, this criterion has been met.*

- 3.08 (8) Reflectivity of structures and site improvements shall be minimized.**

Staff: The proposed roofing material is metal. Typically a metal roof is reflective. In this situation, the heavy site vegetation screens the roofline from visibility from Brower Road and Key Viewing Areas. A condition of approval has been included requiring all on-site vegetation be maintained to reduce the reflectivity effect from the metal roofing. The windows will be low ‘e’. Typically a low ‘e’ window will have a reflectivity rating of less than 13%. A condition of approval has been included requiring the applicant demonstrate that the rating for the Milgard windows is equal to or less than 13%. *As conditioned, this criterion has been met.*

- 3.09 (B) New developments and land uses shall be evaluated to ensure that scenic resources are not adversely affected, including cumulative effects, based on visibility from Key Viewing Areas.**

Staff: Cross-sections generated by staff demonstrate that the proposed building addition is not visible from the various key viewing areas (Exhibit B.6). Since the property is heavily vegetated and a condition has been included to maintain that vegetation, cumulative effects to scenic resources have been minimized. *This criterion has been met.*

- 3.10 (C) All new developments and land uses immediately adjacent to the Historic Columbia River Highway, Interstate 84, and Larch Mountain Road shall be in conformance with state or county scenic route standards.**

Staff: The subject property is located adjacent to Brower Road. *This criterion is not applicable.*

- 3.11 (D) New land uses or developments shall comply with the following:**

(2) Coniferous Woodlands and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the

Coniferous and Oak/Pine Woodland landscape.

Staff: The proposed elevations will utilize dark browns and greens to blend with the Coniferous Woodland setting. These colors reflect the natural appearance of the on-site vegetation. *This criterion has been met.*

- 3.12 (a) New developments and land uses in lands designated Federal Forest or Open Space shall meet the VQO of retention; all other land use designations shall meet the VQO of partial retention as seen from Key Viewing Areas.**

Staff: The property is zoned Gorge Special Forest and the addition must meet the VQO of partial retention as seen from Key Viewing Areas. Staff has generated cross-sections (Exhibit B.6) which demonstrate that the proposed development is not visible from the various Key Viewing Areas. *This criterion has been met.*

- 3.13 (b) Forest practices on National Forest lands included in the Mt. Hood National Forest Plans shall meet the VQO identified for those lands in those plans.**

Staff: No forest practices are proposed for the site as supported by the applicant's narrative (Exhibit A.21)

- 3.14 (c) Buildings in the coniferous landscape setting shall be encouraged to have a vertical overall appearance and a horizontal overall appearance in the Oak-Pine Woodland landscape setting.**

Staff: The proposed dwelling utilizes chiefly lap siding, but in the gable ends, a vertical siding will be used to reflect the vertical appearance of the coniferous landscape setting. *This criterion has been met.*

- 3.15 (d) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.**

Staff: No additional landscaping is proposed as part of this application. The site is heavily treed except in the area of the existing dwelling. No trees will be removed. No additional landscaping is needed at this time to achieve partial retention.

- 3.16 (e) Exterior colors of structures in Coniferous Woodland landscape setting shall be dark earth-tone colors which will result in low contrast with the surrounding landscape as seen from the Key Viewing Areas.**

Staff: The applicant is proposing to use browns (dark taupe) and green (forest green) colors to reflect the Coniferous Woodland setting, but darker color choices would create a shadowing effect which would reduce the color contrast with the existing landscape setting. On the metal roofing brochure (Exhibit A.13), a darker brown labeled Burnished Slate (49) is shown which would reduce the contrast between the existing landscape and the lap siding on the proposed addition and existing dwelling. In addition, the use of the Dark Brown (44) color or Fern Green (07) color would also help to reduce the contrast between roof and the structure's surroundings. A condition of approval has been included requiring that the lap siding and roofing be of a color similar to the color discussion above. This will cause the colors for the structure to be slightly darker than the surrounding landscape as shown in the applicant's photographs of the site (Exhibit A.14). *As conditioned, this criterion has been met.*

- 3.17 MCC 38.7050 SMA Cultural Resource Review Criteria**

(A) The cultural resource review criteria shall be deemed satisfied, except MCC

38.7050 (H), if the Forest Service or Planning Director does not require a cultural resource survey and no comment is received during the comment period provided in MCC 38.7025 (B).

Staff: A Historic Survey and Section 106 documentation was completed by the US Forest Survey and forwarded on to the State Historic Preservation Office (SHPO) for review (Exhibit B.3 & B.4). SHPO did not find that structure eligible for the National Register (Exhibit B.5), but requested that a condition of approval be included in case cultural artifacts are unearthed during excavation of the addition or drainfield replacement. *As conditioned, this criterion has been met.*

3.18 MCC 38.7075 SMA Natural Resource Review Criteria

All new developments and land uses shall be evaluated to ensure that the natural resources on a site, or natural resources in danger of degradation or destruction from individual or cumulative off-site impacts, are protected from adverse effects. The Forest Service will provide the analysis and evaluation for all projects except those sponsored by non-Forest Service federal and state agencies.

(A) Buffer zones shall be undisturbed unless it has been shown that there are no practicable alternatives pursuant to MCC 38.7055 (F) (1), substituting the name of the resource as appropriate. New developments and uses may only be allowed in the buffer zone upon demonstration in the natural resources mitigation plan required by MCC 38.7075 (B) (6) that there would be no adverse effects.

Staff: The subject site is located in Deer and Elk Winter Habitat. The proposed plans were sent to the US Forest Service and the Oregon Department of Fish and Wildlife for review and comment. No wildlife comments were received from either agency. Based upon these agencies lack of comment, staff finds that there will be no adverse effects generated by the proposed addition to the existing single family dwelling. *This criterion has been met.*

3.19 38.7085 SMA RECREATION RESOURCE REVIEW CRITERIA

(A) The following shall apply to all new developments and land uses:

(1) New developments and land uses shall be natural resource-based and not displace existing recreational use.

Staff: The proposed project is an addition to an existing single family dwelling (Exhibit A.3, A.4, A.5 & A.22). No existing recreational uses exist on the subject property or near by. *This criterion has been met.*

4.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the conditional approval of the NSA Site Review application for the expansion of an existing single family dwelling in the GSF-40 zoning district.

5.00 *Exhibits*

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	NSA Application Form	2/11/05
A.2	1	Narrative Statements	2/11/05
A.3	1	South Elevation	2/11/05
A.4	1	East Elevation	2/11/05
A.5	1	Floor Plan	2/11/05
A.6	1	Site Plan (obsolete)	2/11/05
A.7	1	Cascade Utilities Telephone Service Confirmation	2/11/05
A.8	1	PGE Electric Service Confirmation	2/11/05
A.9	1	1993 Supplemental Income & Loss Sheet from IRS Filing	2/11/05
A.10	1	Warranty Deed (Book 2174, Page 113) dated 1962	2/11/05
A.11	1	Warranty Deed (Book 333, Page 87) dated 1965	2/11/05
A.12	1	Quit Claim Deed (Book 2748, Page 2490) dated 1993	2/11/05
A.13	2	Metal Roofing Color Brochure and Siding Color	2/11/05
A.14	4	Photos from Brower Road of Property and Dwelling	2/11/05
A.15	6	Photos of Exterior of Existing Dwelling (All Sides)	2/11/05
A.16	1	Topographic Information	2/11/05
A.17	3	Pictures from Women’s Forum and Vista House Looking Towards Property	2/11/05
A.18	6	Fire District Review Fire Flow Requirements	2/11/05
A.19	3	Fire District Access Review	2/11/05
A.20	2	Certification of On-Site Sewage Disposal	2/11/05
A.21	1	Narrative Statements	3/18/05
A.22	1	Site Plan - Revised	3/18/05
A.23	1	Can Light Detail	5/10/05
‘B’		Staff Exhibits	Date of Document
B.1		A&T Property Information	2/8/05
B.2	1	A&T Improvement Information	3/10/05
B.3	8	Heritage Resource Inventory of Annus Renovation Project	3/2/05
B.4	7	Section 106 Documentation Form	
B.5	1	SHPO Comments	2/28/05
B.6	5	Profile Legend and Profiles of Terrain between SFD and KVA’s	5/5/05
B.7	1	Comment Received from R.C. Wyss	4/7/05
B.8	1	Revised Comments from the Columbia River Gorge Commission Staff	3/2/05
B.9	2	Transportation Comments	4/5/05

B.10	1	Contour Information	3/11/05
B.11	1	Contour Information with Aerial Photo	3/11/05
B.12	1	A&T Map 1N5E27D	5/11/04
B.13	1	Zoning Map	5/6/05
'C'		Administration & Procedures	Date
C.1	1	Incomplete Letter	3/11/05
C.2	1	Complete Letter – Day 1 (3/18/05)	3/24/05
C.3	6	Opportunity to Comment	3/28/05
C.4	16	Administrative Decision – Day 60	5/16/05