



## MULTNOMAH COUNTY OREGON

### LAND USE AND TRANSPORTATION PROGRAM

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

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

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

---

# NOTICE OF DECISION

---

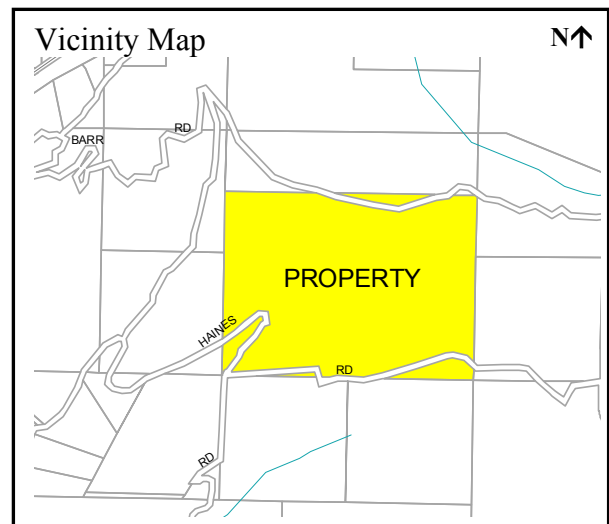
This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

**Case File:** T2-05-051

**Permit:** Category 3 Land Division & National  
Scenic Area Site Review

**Location:** 45301 NE Haines Road  
T1N R5E-Section 28, TL 500  
R94528-0100

**Applicant/** Dan Roberts  
**Owner:** 45301 NE Haines Road  
Corbett, Oregon 97019



---

**Summary:** The applicant has proposed to:

1. Divide the 114.58-acre Gorge General Forestry-40 zoned property into a 74 acre and 40 acre parcel.
2. Construct single family dwelling and garage on the 40-acre parcel.

**Decision:** **Approved with conditions.**

Unless appealed, this decision is effective February 9, 2006, at 4:30 PM.

---

Issued by:

By: \_\_\_\_\_  
Adam Barber, Planner

For: Karen Schilling - Planning Director

Date: January 26, 2006

**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 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 office 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 February 9, 2006, at 4:30 pm.**

**Applicable Approval Criteria:** Columbia River Gorge National Scenic Area General Provisions; **MCC 38.0000 – 38.0110**, Administration and Enforcement; **MCC 38.0510 –38.0800**, Columbia River Gorge National Scenic Area General Gorge Forestry-40 (GGF-40) Districts; **MCC 38.2000-2095**, Site Review for General Management Areas (GMA); **MCC 38.7000 – MCC 38.7090**, Land Divisions; **MCC 38.7700 – 38.8035**.

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://www2.co.multnomah.or.us/jsp/Public/EntryPoint?ch=3cfd7845ebd96010VgnVCM1000003bc614acRCD>

## **SCOPE OF APPROVAL**

1. **The property owner shall record a copy of the Notice of Decision cover sheet and conditions of approval with the Multnomah County Recorder prior to issuance of building permit signoff. A copy of the recorded document shall be submitted to the Land Use Planning Office prior to the building permit sign-off (MCC 38.0670).**
2. 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.
3. **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 this 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 brackets.

1. The final plat showing the new configuration of both properties approved by this permit shall be recorded with the Multnomah County Recorder's office prior to land use signoff for the new single family dwelling. The property owners, or representatives thereof, shall complete the "Applicant's Instructions for Finishing a Land Division," attached as Exhibit A1. The property owners, or representatives thereof, shall retain a surveyor to complete the "Surveyors Instructions for Finishing a Land Division," attached as Exhibit A2.
2. If, during construction, cultural or historic resources are uncovered the applicant/owner shall immediately cease development activities and inform the Multnomah County Planning Director, Columbia River Gorge Commission, and U.S. Forest Service of their discovery **(MCC 38.7045(L) & MCC 38.7045(M))**.
3. All buildings shall be surrounded by a maintained fuel break of 60 feet. Hazardous fuels shall be removed within the fuel break area. Irrigated or fire resistant vegetation (less than 24 inches in height) may be planted within the fuel break. This could include green lawns and low shrubs. Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees **(MCC 38.0085(A))**.
4. Wires serving Parcel 2 (40-acre parcel), including but not limited to electric power, communication, street lighting and cable television wires, shall be placed underground **(MCC 38.7965(A)) & MCC 38.0085(F))**.
5. The applicant must comply with all conditions of approval outlined in the January 25, 2006 Transportation comment memo prepared by Alison Winter, Transportation Planning Specialist (Exhibit A3). Evidence of slope/drainage dedication must be presented to the planning department prior to building permit signoff. A copy of the required slope/drainage easement language in Exhibit A18 shall be recorded with the County Record's Management Office (503-988-3034) on a map showing the easement area. Proof that this document has been recorded shall be presented to the planning office before building permit plan signoff.
6. Within one year of the occupancy of a dwelling, the Planning Director shall conduct a review of the development to assure compliance with these standards **(MCC 38.0085(E))**. **The land owner will be responsible for contacting the Multnomah County planning department and scheduling an inspection time within the one year window.**
7. Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be screened with no coarser than 1¼ inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor **(MCC 38.0085(H))**.
8. All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building Code **(MCC 38.0085(I))**.

9. Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1¼ inch mesh metal screen that is noncombustible and corrosion resistant (**MCC 38.0085(J)**).

**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, Adam Barber, 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. Four (4) sets each of the site plan and building plans are required at the building permit sign-off as well as a \$75 erosion control inspection fee.

**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.

## DECISION OF THE PLANNING DIRECTOR

Formatting Note: As necessary to address Multnomah County ordinance requirements; Staff provides Findings referenced here. Headings for each finding are underlined. Multnomah County Code requirements are referenced using a **bold** font. Written responses by the applicant or their representative are *italicized*. Planning staff comments and analysis may follow applicant responses. Where this occurs, the notation “Staff” precedes such comments.

### **Comments from Other Agencies/Individuals**

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. Notice of the applicant’s request was mailed to the following agencies and individuals:

Columbia River Gorge Commission/Cultural Advisory Committee  
Confederated Tribes of the Umatilla Indian Reservation  
Confederated Tribes of the Warm Springs  
Nez Perce Tribe  
U.S. Forest Service National Scenic Area Office  
Yakima Indian Nation  
Friends of the Gorge  
Corbett Together  
Corbett Community Association  
Northeast Multnomah County Community Association  
East Multnomah Soil and Water Conservation District  
Oregon Department of Fish and Wildlife  
Surrounding property owners within 750-feet

## FINDINGS OF FACT

### **1.0 Proposal**

**Staff:** This is a two step proposal. The first step will involve dividing the 114 acre property into a 74-acre (Parcel 1) and 40-acre property (Parcel 2) as illustrated on the tentative plans (Exhibit A4). The dividing line will run roughly east-west near the southern third of the 144 acre property. The existing home and outbuildings will remain on the 74-acre property to the north, while the 40-acre property to the south will be become the focus within the second step.

The second step involves construction of a 1,792 square foot log cabin and 1,728 square foot detached garage. The 1,728 square foot measurement includes a 12-foot wide lean to cover attached to the garage. Site plans showing the proposed location are presented as Exhibit A4 and structural elevations of the buildings are presented as Exhibit A5. Construction will occur towards the southern portion of Parcel 2. The applicant is proposing milling the external walls of the cabin and garage structures from on-site timber, thus creating a natural and rustic development. External walls of both structures will be stained with a fire retardant clear stain and have dark brown trim.

Both structures will covered with brown metal roofs which will be topographically screened (i.e. not visible) from any Key Viewing Areas. The structures will be located in a previously disturbed area off Haines Road surrounded by mature evergreen tree cover. This clearing was historically

used to house a mobile home which has been removed from the site. The proposal to establish the home is not being treated as an existing use because of the hiatus in residential use lasting multiple years.

## **2.0 Property Description**

**Staff:** The heavily forested subject property accessed by Haines Road at the southwest corner (Exhibit A6). This is evident in a 2002 aerial photo of the property presented as Exhibit A7. The northern ¼ of the property slopes over 40% to the north and is mapped within a known slope hazard zoning overlay. This is the steepest portion of the 114-acre property.

The central portion of the property is accessed by a private gravel drive off Haines Road and is currently developed with a residence on a level portion of the site between three defined knolls. The southern portion of the property can be accessed by Haines Road.

## **3.0 Review Uses**

**Staff:** This property was involved in the U.S. Forest Service Section 8(O) offer program, resulting in a Gorge General Forestry-40 zoning designation. According to **MCC 38.2025(A)(1)**, the following review uses may be allowed on lands designated Gorge General Forestry (GGF) zoned land, pursuant to site review standards of **MCC 38.7000 - 38.7085**: *“one single family dwelling on a legally created parcel upon enrollment in the state’s forest assessment program.”* Although Land Divisions are only listed as a review use option within the Multnomah County Code GGF-80 zoning district, Staff believes the exclusion of land divisions in the GGF-40 zone district was an inadvertent oversight because it would seem illogical that land divisions would not be allowed in the GGF-40 zone district when allowed in the GGF-80 zone. A conversation with Allen Bell of the Columbia River Gorge Commission in 2003 supports this view.

The Columbia River Gorge Management plan incorporates a self-executing mechanism to deal with land use requests, such as a land division. The Management Plan provides a mechanism to divide *“small woodland parcels as large as or larger than the specified minimum parcel size (40-acres in this case).”* Staff believes the Management Plan can be used directly to process this land division request as a Type II review use.

## **4.0 Code Compliance**

**Staff:** No application for use or development of land shall be approved for a site which is subject to enforcement action (**MCC 34.0910(B)**). Staff is not aware of any code compliance issues associated with this property. The property is eligible for this development review.

## **5.0 Proof of Ownership**

**Staff:** Proof of ownership must be demonstrated to process any land use application (**MCC 38.0550**). A signature on the General Application form by Daniel Roberts, property owner/applicant, provides adequate authorization for the County to process this request (Exhibit A8).

## **6.0 Legal Parcel**

**Staff:** Review of county zoning and plat maps shows the property has existed in its current configuration since at least 1962. The F-2 zoning code in 1962 required new parcels be at least 2-acres in size. Since the property was roughly 114 acres in 1962, Staff finds the subject property is a legal parcel eligible for land use review.

## **7.0 Comments Received**

Upon receipt of a complete application, notice of the application and an invitation to comment is mailed to the Gorge Commission, Oregon Department of Fish and Wildlife, 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 30 days after the notice of application is mailed (**MCC 38.0540(B)**). Written comments were received from the following agencies and individuals. Any concerns or comments provided by these individuals are discussed within the appropriate ordinance section outlined in this report. A short summary of concerns raised by the following individuals follows.

- **Margaret Dryden, Heritage Program Manager for the Columbia River Gorge National Scenic Area (Exhibit A9).**

**Identified Concerns:** None

- **Devin Simmons, Oregon Department of Fish and Wildlife (Exhibit A10).**

**Identified Concerns:** None

- **David Richardson, Friends of the Columbia River Gorge (Exhibit A11).**

**Identified Concerns:**

- 1). Site plan map needs more detail
- 2). New development must be sited where least visible from KVAs.
- 3). The metal roofs are highly reflective and would likely not retain the overall visual character of the Coniferous Woodland landscape.

**Staff Response:**

- 1). Staff worked with the applicant to obtain site plans containing the required information. Copies of various site plans are presented as Exhibit A4, A5, A7, A15 and A17.
- 2). The development will not be visible from KVA's which should alleviate Mr. Richardson's concern.
- 3). Staff's analysis determined the brown roofing will be topographically screened from KVA's and will be obscured locally from all directions by mature

evergreen tree cover. Evaluation of reflectivity in reference to the Coniferous Woodland landscape setting standards of **MCC 38.7035(C)(2)** is not appropriate because these standards do not address reflective building materials. The use of reflective building materials is evaluated in the site review standards for visible sites (**MCC 38.7035(B)(1)**). Staff has determined in section 17.3 of this report that the buildings will not be visible from any KVA's. Because the use of reflective materials is not part of this review, staff believes Mr. Richardson's concern about the metal roofing should not apply to this particular proposal. Staff acknowledges that this concern should weigh heavily into any development visible from a Key Viewing Area.

- **Tom Ascher, Columbia River Gorge Commission (Exhibit A12).**

**Identified Concerns:** Metal roofs are proposed which is not appropriate for buildings topographically visible from KVA's (**MCC 38.035(B)(9)**). Mr. Ascher suggests, depending on visibility, that alternative material such as asphalt shingles may be required.

**Staff Response:** It has been determined in Finding 24.3 that the buildings will not be topographically visible from any KVA. As a result, dark brown metal roofing material is acceptable. Multnomah County Code **38.035(B)(9)** does not apply to this proposal.

- **Alison Winter, Multnomah County Transportation Department (Exhibit A3).**

**Identified Concerns:** Recording of a slope and drainage easement is required. This has been incorporated as a condition of approval.

## **APPLICABLE STANDARDS FOR THE LAND DIVISION**

### **8.0 Criteria for Approval: Category 3 Tentative Plan (MCC 38.7855)**

**In granting approval of a Category 3 tentative plan, the Planning Director shall find that the criteria listed in subsections (B), (C) and (H) of MCC 38.7800 are satisfied and that the tentative plan complies with the area and dimensional requirements of the underlying zoning district.**

**Staff:** Because this land division qualifies as a Category 3 Land Division, **MCC 38.7800(B), (C) and (H)** are evaluated below.

- 8.1 In granting approval of a Category 1 tentative plan, the approval authority shall find that: Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances (MCC 38.7800(B));**

**Staff:** The 40-acre vacant property to be created is of sufficient size to accommodate the future residential development. The remaining 74-acres will contain all existing residential development. No more development is proposed on the 74-acres at this time. This standard is met.

**8.2 The tentative plan complies with the applicable provisions, including the purposes and intent of this Chapter (MCC 38.7800(C));**

**Staff:** The purpose and intent of this chapter is to promote safe and efficient development. The purpose of this project is to create a new developable parcel with adequate privacy in keeping with the rural neighborhood, to provide a development location with safe vehicular access and adequate services. Staff finds this project parallels the purpose and intent of the land division chapter.

**8.3 Approval will permit development to be safe from known flooding and flood hazards. Public utilities and water supply systems shall be designed and located so as to minimize or prevent infiltration of flood waters into the systems. Sanitary sewer systems shall be designed and located to minimize or prevent (MCC 38.7800(H));**

- (1) The infiltration of flood waters into the system; and**
- (2) The discharge of matter from the system into flood waters**

**Staff:** The proposed development on the 40-acre property will be located roughly 1,340-feet above mean sea level and over 1,000 feet to the north of (and at a higher elevation as) the nearest mapped tributary. The discharge location and design of the sewer system has been reviewed by the City of Portland Sanitation Department who found the proposal acceptable. Staff finds these standards are satisfied.

**9.0 Dimensional Requirements (MCC 38.2060)**

**Except as provided in subsections MCC 38.2030 (A) (3) and (4), the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows (MCC 38.2060(A)):**

<b>GGF-40</b>	<b>40 acres</b>
---------------	-----------------

**Staff:** The 114 acre property will be divided into 74 and 40-acre parcels, both of which meet the GGF-40 minimum lot size. This standard is met.

**9.1 That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot (MCC 38.2060(B)).**

**Staff:** Vacation of a street is not proposed.

**9.2 Minimum Front Lot Line Length – 50 feet.(MCC 38.2060(C));**

*Applicant: “Zoned GGF-40. Front lot line length 2,000 feet off Haines Road.”*

**Staff:** The front lot line for the 114-acre property is estimated to exceed 2,600 feet. The same measurement taken from the proposed 40-acres is expected to exceed 2,500 linear feet. Both proposed parcels meet this standard.

**9.3 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 (MCC 38.2060(D)).**

**Staff:** A project comment letter was submitted by Alison Winter, Multnomah County Transportation Planning Specialist on December 16, 2005 (Exhibit A3). Ms. Winter did not indicate in that letter that insufficient right-of-way exists along Haines Road. This standard does not apply.

**9.4 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 (MCC 38.2060(E)).**

**Staff:** Neither of the proposed structures exceeds 30-feet in height. This standard does not apply.

**10.0 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 (MCC 38.2090).**

*Applicant: "Driveway already in."*

**Staff:** Both parcels abut Haines Road. This standard is met.

**11.0 Contents of Category 3 Tentative Plan**

**A tentative plan for a Category 3 Land Division shall consist of maps, written information and supplementary material adequate to provide the following: Category 3 tentative plan map contents. A tentative plan map of a sheet size and scale as specified in MCC 38.7810 shall indicate the following (MCC 38.7860(A)):**

- (1) Date, north point and scale of drawing.**
- (2) Description of the proposed land division sufficient to define its location and boundaries.**
- (3) Identification as a tentative plan map.**
- (4) Location, names or purpose and width of all streets, rights-of-way or easements on or abutting the tract.**
- (5) Natural features, water courses or areas covered by water.**
- (6) The location and use of any buildings or structures proposed to remain after division.**
- (7) The proposed parcels, their dimensions and areas.**
- (8) Contiguous property under the same ownership.**

**Staff:** The applicant has submitted a few different plans showing the required information. Multiple plans were required due to the large property size. Copies of the plans are presented as Exhibit A4.

**11.1 Written information; Category 3 tentative plan. Written information shall include (MCC 38.7860(B)):**

- (1) Name, address and telephone number of the record owner(s), owner's representative, designer(s), engineer(s) or surveyor(s), and the date of survey, if any.**
- (2) Proof of record ownership of the tract and the representative's authorization.**

**(3) Legal description of the tract**

**(4) Present and proposed uses.**

**(5) Description of the water supply, methods of sewage disposal and storm water disposal, and the availability of other utilities.**

**(6) Statements of the manner in which the criteria for approval listed in MCC 38.7855 are satisfied**

**(7) Statement of the improvements to be made or installed and the time scheduled therefore.**

**(C) Supplementary material; Category 3 tentative plan. The Planning Director may require such additional information, listed in sections MCC 38.7805 through 38.7825, as the Director deems necessary to assist in the review and assessment of the land division proposal according to the provisions of this Chapter.**

**Staff:** The applicant has submitted the required information which will be introduced in detail when referenced by a standard in this decision.

## **12.0 Application of General Standards and Requirements (MCC 38.7885).**

**Every land division proposal shall comply with the applicable provisions of MCC 38.7890 through 38.7965.**

**Staff:** This decision evaluates MCC 38.7890 through 38.7965 on a point by point basis.

### **12.1 Land Suitability**

**A land division shall not be approved on land found by the approval authority to be both unsuitable and incapable of being made suitable for the intended uses because of any of the following characteristics –**

**Slopes exceeding 20% (MCC 38.7890)(A)).**

*Applicant: “Slopes do not exceed (20%).”*

**Staff:** Although portions of both parcels exceed 20%, a large area less than 10% slope exists on the proposed 40-acre parcel which will be used for home construction. The topography of the newly created undeveloped lot would not prohibit residential development.

### **12.2 Severe soil erosion potential (MCC 38.7890(B));**

*Applicant: “(No) soil potential erosion.”*

**Staff:** The newly created 40-acre undeveloped lot will consist primarily of the Bull Run soil unit 5B and 5D. This unit is not known to be highly erosive according to the Multnomah County Soil Survey which indicates the hazard of erosion is slight. In fact, the soil survey states “*This soil has no major limitations for home sites...*” This standard is met.

### **12.3 Within the 100-year flood plain (MCC 38.7890(C));**

*Applicant: “(Not) in flood plain.”*

**Staff:** The newly created parcels will be hundreds of feet in elevation above the nearest 100-year floodplain regulated by Multnomah County. Staff finds the parcels will not be subject to flood waters regulated by the Federal Emergency Management Agency's 100-year flood plain protection program.

**12.4 A high seasonal water table within 0– 24 inches of the surface for three or more weeks of the year (MCC 38.7890(D));**

*Applicant:* “(No) high seasonal water table.”

**Staff:** The presence of a high water table has not been identified on the property and no mention of a high water table limiting development options is mentioned in the Multnomah County Soil Survey. Staff does not believe a high water table will prevent development at this site.

**12.5 A fragipan or other impervious layer less than 30 inches from the surface (MCC 38.7890(E)); or**

*Applicant:* “(Not) subject to.”

**Staff:** The Multnomah County Soil Survey does not indicate fragipan is typical in the Bull Run soil unit and no mention of fragipan was made by the approved City of Portland sanitation signoff (Exhibit A13). This standard is met.

**12.6 Subject to slumping, earth slides or movement (MCC 38.7890(F)).**

*Applicant:* “(Not) subject to.”

**Staff:** No signs of unstable earth including slumping, rotational failures, scarps, hummocky terrain or debris flows were identified within the proposed residential development area during a site visit conducted by staff. As a disclaimer - Staff did not walk the entire 114 acre site but focused field observations around the proposed residential development towards the southern side of the proposed 40-acre parcel adjacent to Haines Road.

**13.0 Lots and Parcels**

**The design of lots and parcels shall comply with the following: The size, shape, width, orientation and access shall be appropriate (MCC 38.7895(A));**

**Staff:** Staff finds the existing access point is appropriate for the new dwelling. The new lots will also meet the minimum lot size of the zoning district and the new property shapes are reasonable considering the site constraints and advantages. This standard is met.

**13.1 To the types of development and uses contemplated (MCC 38.7895(A)(1));**

*Applicant:* “It is.”

**Staff:** Parcel 1 is already developed with a residence and accessory structures. No further development is proposed on Parcel 1 at this time. A single family dwelling and accessory structure is proposed on Parcel 2 which will be evaluated later in this decision in accordance with

the National Scenic Area site review standards. Parcel 2 will be roughly 40-acres in size, has a nearly level area large enough for a home adjacent to Haines Road and appears appropriate for the contemplated use. The proposed configuration will also allow future owners to participate in small to moderate scale forest harvest operations.

**13.2 To the nature of existing or potential development on adjacent tracts (MCC 38.7895(A)(2));**

**Staff:** The proposed land division will not impact existing single family development on the farmland to the southwest. Other contiguous properties are undeveloped forest land that will not be impacted by this proposal. The goal of this project is to divide the subject property in order to be able to establish a dwelling in a location that housed a mobile home for years.

**13.3 For the maximum preservation of existing slopes, vegetation and natural drainage (MCC 38.7895(A)(3));**

**Staff:** The dividing line between Parcels 1 and 2 will roughly run down a natural drainage course passing through the 114 acre parcel. This location was selected to avoid having the drainage pass through the center of either of the newly created properties, thus maximizing land within each parcel that could be reasonably be used for residential and forest harvest uses. Staff finds the proposed land division best preserves, and conforms to the natural drainage of both parcels.

The land division line has been draw so that an existing cleared area in the southwest corner of Parcel 2 can be utilized for the proposed dwelling. This will eliminate the need to remove large stands of timber to facilitate the dwelling and therefore has been designed to preserve existing vegetation. The proposed location is also one of the flattest portions of Parcel 2 adjacent to Haines Road meaning slopes will not need to be leveled for residential construction. In summary, staff finds existing slopes will be preserved by this land division proposal and that **MCC 38.7895(A)(3)** is met.

**13.4 To the need for privacy through such means as transition from public to semi-public to private use areas and the separation of conflicting areas by suitable distances, barriers or screens (MCC 38.7895(A)(4)); and**

**Staff:** Staff is not aware of any “conflicting areas” that exist within or around the subject site. The new home proposed on Parcel 2 will be screened in all directions by mature evergreen trees estimated at 50-60 feet tall. The new and existing home on each parcel will be separated by more than 700-feet which will allow adequate privacy for not only the new and proposed home but from the new home and any other homes in the area – the closest being over 600-feet to the southwest. Staff finds the proposal adequately meets this standard.

**13.5 To the climactic conditions including solar orientation and winter wind and rain (MCC 38.7895(A)(5)).**

**Staff:** Although the Columbia River Gorge is known to be impacted by high winds, Staff has visited the parcel on blustery days to find the property nearly still within the lee of higher topography to the east. Staff does not believe any design considerations need to be made to account for abnormally strong wind, solar effects or rain.

**13.6 The side lot lines shall be perpendicular to the front lot line or radial to the curve of a street, to the extent practicable (MCC 38.7895(B)).**

**Staff:** The side lot lines will be nearly perpendicular to the front lot lines for both parcels. An offset of roughly 10-degrees from perpendicular is proposed to keep the division line within the trough of the drainage. This will preserve the drainage to the maximum extent as directed by **(MCC 38.7895(A)(3))**. Staff finds this standard is adequately met when also weighing the intent of other development standards in the Land Division chapter.

#### **14.0 Acreage Tracts**

**Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this or other ordinance, the approval authority shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future rights-of-way or building sites (MCC 38.7900).**

**Staff:** Neither parcel will be capable of re-division under the current 40-acre minimum lot size requirement.

#### **15.0 Easements**

**Easements shall be provided and designed according to the following:**

**Easements for utilities and storm or sanitary sewers may be required where appropriate to serve abutting lots or parcels. Such easements shall be not less than 10 feet in width, centered on side or rear property lines or five feet in width along front property lines (MCC 38.7935(A)).**

**Staff:** Sanitary disposal from the proposed home on Parcel 2 will occur on-site. Creating an easement to dispose septic on an abutting parcel is not necessary.

- 15.1 Where a tract is traversed by a water course such as a drainage way, channel or stream, a storm water easement or drainage right-of-way adequate to conform substantially with the lines of the water course shall be provided. In a drainage district or water control district, such easement or right-of-way shall be approved by the district board, in accordance with ORS 92.110. If not within such District, approval shall be by the County Engineer (MCC 38.7935(B)).**

**Staff:** A comment letter was submitted by Alison Winter, Multnomah County Transportation Planning Specialist (Exhibit A3). Ms. Winter required the applicant to dedicate and record a slope and drainage easement. Fulfilling this requirement is a condition of this approval. This standard is met.

- 15.2 Easements for pedestrian paths and bikeways shall be not less than 10 feet in width (MCC 38.7935(C)).**

**Staff:** No such easements are required in association with the proposed single family dwelling.

## **16.0 Water System**

**The provision of domestic water to every lot or parcel in a land division shall comply with the requirements of subsections (4) (a), (b), or (c) of ORS 92.090 and MCC 38.7985 of this Chapter (MCC 38.7950).**

*Applicant: "Domestic well already in."*

**Staff:** Water is provided to Parcel 1 by a well. Well water will also serve Parcel 2 meeting these requirements.

## **17.0 Sewage Disposal**

**The provision for the disposal of sewage from every lot or parcel in a land division shall comply with the requirements of subsection (5) (c) of ORS 92.090 and MCC 38.7990; (MCC 38.7955).**

*Applicant: "Septic already in."*

**Staff:** The discharge location and design of the sewer system for Parcel 2 has been reviewed by the City of Portland Sanitation Department who found the proposal acceptable (Exhibit A13). No change is proposed to the septic disposal for the residence on Parcel 1.

## **18.0 Surface Drainage**

**Surface drainage and storm sewer systems shall be provided as required by section 38.7995. The County Engineer may require on-site water disposal or retention facilities adequate to insure that surface runoff volume after development is no greater than that before development (MCC 38.7960).**

**Staff:** No additional structures, or changes to surface drainage is proposed for Parcel 1. The home and garage on Parcel 2 could change local surface drainage characteristics of the site. Scott Brown, Registered Professional Engineer, has reviewed the proposal on Parcel 2 and determined construction of an on-site storm drainage control system is not required in order to control runoff to pre-development rates as measured at property lines (Exhibit A14). This standard is met.

## **19.0 Electrical and Other Wires**

**Wires serving within a land division, including but not limited to electric power, communication, street lighting and cable television wires, shall be placed underground. The approval authority may modify or waive this requirement in acting on a tentative plan upon a finding that underground installation: Is impracticable due to topography, soil or subsurface conditions (MCC 38.7965(A));**

*Applicant: "PGE already in."*

**Staff:** A condition of this approval requires that all electrical lines serving Parcel 2 be placed underground. This condition will assure this standard will be met with installation of any future

utility lines. It is not likely that topography, soil or subsurface conditions will prohibit this standard from being met because the site is nearly level and adjacent to Haines Road.

**In conclusion, Staff finds all applicable land division standards have been met and that the proposal to divide the 114 acre subject site into Parcel 1 (74-acres) and Parcel 2 (40-acres) is approved.**

## **APPLICABLE STANDARDS FOR CONSTRUCTION OF THE SINGLE FAMILY DWELLING AND GARAGE**

### **20.0 Required Site Review Information**

**An application for NSA Site Review shall address the applicable criteria for approval, under MCC 38.7035 through 38.7090. A decision on an application for NSA Site Review shall be based upon findings of consistency within the criteria for approval specified in MCC 38.7035 through 38.7085 or 38.7090 as applicable. Criteria outlined in MCC 38.0045 pertain to review use applications.**

- 20.1 As outlined in MCC 38.0045(A)(1), a list of Key Viewing Areas from which the proposed use would be visible shall be provided.**

*Applicant: "None".*

**Staff:** The applicant has stated on the General Application Form that the proposed use would be visible from "None" of the Key Viewing Areas. The General Application Form is presented as Exhibit A8.

- 20.2 As outlined in MCC 38.0045(A)(2)(a) through (k), a map of the project area shall be provided by the applicant in order to accurately outline what types of activities are proposed, what extent of development is proposed and where those activities are to occur on the property. The map must be drawn to a scale that is 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 include the following elements:**

- **North arrow;**
- **Map scale;**
- **Boundaries, dimensions, and size of the subject parcel;**
- **Significant terrain features or landforms;**
- **Groupings and species of trees and other vegetation on the parcel;**
- **Location and species of vegetation that would be removed or planted;**
- **Bodies of water and watercourses;**
- **Location and width of existing and proposed roads, driveways, and trails;**
- **Location and size of existing and proposed structures;**
- **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**
- **Location and depth of all proposed grading and ditching.**

**Staff:** The applicant submitted the required information on a series of maps presented as Exhibits A4, A7 and A15. Due to the large size of the parcel, all required information could not be clearly illustrated on one plan.

## **21.0 Dimensional Requirements**

**The required setbacks from property lines must be met for this proposal. As outlined in MCC 38.2060(C), the minimum yard dimensions and maximum structure heights are as follows:**

- **Front (30-ft), Side (10-ft), Street Side (30-ft), Rear (30-ft)**
- **Maximum Structure Height – 35 feet**

**Staff:** The 16.5-foot tall garage will be located roughly 150-feet from the front property line, and hundreds of feet from both side and the rear lot lines. The 22-foot tall home will be roughly 170-feet from the front property line and hundreds of feet from both side and the rear lot lines. This standard is met. Additional setbacks of **MCC 38.0085 & .0095** apply to structures built in the forest zones. These additional standards are evaluated below.

## **22.0 Approval Criteria for Fire Protection in Forest Zones (MCC 38.0085)**

- 22.1 All buildings shall be surrounded by a maintained fuel break of 60 feet. Hazardous fuels shall be removed within the fuel break area. Irrigated or fire resistant vegetation may be planted within the fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees (MCC 38.0085(A)).**

*Applicant: "Done..This site is already cleared, only about 6 trees will be removed to meet the 60-foot fire radius."*

**Staff:** The home and garage will be built in an existing clearing large enough to provide the majority of the 60-foot fuel break around both structures. The applicant has proposed removing 6 trees to meet this standard. A condition of this approval is that the appropriate fire break surrounding each structure shall be created and maintained, in accordance with the requirements of this section.

- 22.2 Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure (MCC 38.0085(B)).**

*Applicant: "OK".*

**Staff:** The applicant has agreed to this design requirement.

- 22.3 A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling (MCC 38.0085(C)).**

*Applicant: "Spring crosses Haines Road on the property and well is 20+."*

**Staff:** The applicant has indicated to staff that the existing well is capable of producing more than 20-gallons a minute. Although water well reports for this section of land do not provide a specific well location, Well report number MULT 001511 indicates a 110 foot deep well yielding 25 gallons per minute was installed by Max and Dorothy Clements. The subject property was owned

by the Clements according to Section 8.0 records provided to Multnomah County by the U.S. Forest Service. It is suspected that this well log represents the well on the subject property, although this can not be confirmed from historic Water Resources Department permit records.

A small creek also flows through the subject property and under Haines Road where it can be accessed by a fire water tanker truck according to conversations held between the applicant and the fire department. The applicant has indicated that the creek flows year round and therefore could produce 1,000 gallons if necessary. The applicant also indicated that a pond with over 83,000 gallons is located on the property if needed for fire fighting purposes (pond is 40-feet wide x 40-feet long x 7-feet deep). Tom Layton, Corbett Fire District Fire Chief has also verified that public water lines can provide 500-gallons per minute for fire fighting purposes. A copy of the fire flow signoff is presented as Exhibit A16. Staff finds this standard is met.

- 22.4 Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent. Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment. Variances to road standards may be made only after consultation with the local rural fire district and the Oregon Department of Forestry (MCC 38.0085(D)).**

*Applicant: "Access drive already in from old manufactured house."*

**Staff:** No new access drives are proposed. An existing access point will be modified to reach the dwelling. Since the local fire official has verified the existing access to the proposed development is adequate, Staff concludes the access is passable to fire equipment (Exhibit A16). The new access drive will be less than 500 feet and will not require turnouts. The access drive will not exceed a 12 percent grade and will be 12-feet wide according to the grading and erosion control plan in Exhibit A17.

- 22.5 Within one year of the occupancy of a dwelling, the Planning Director shall conduct a review of the development to assure compliance with these standards (MCC 38.0085(E)).**

**Staff:** This requirement has been incorporated as a condition of approval to assure it will be met.

- 22.6 Telephone and power supply systems shall be underground whenever possible (MCC 38.0085(F)).**

*Applicant: "Power already in from old manufactured home."*

**Staff:** Electrical lines are already underground. This approval is conditioned such that all future electrical lines such as telephone, for example, need to be installed underground. This standard is met.

- 22.7 Roofs of structures should be constructed of fire-resistant materials such as metal, fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used (MCC 38.0085(G)).**

*Applicant: "Roofs will be metal on shop and home."*

**Staff:** The metal roofing proposed for the home and garage is fire-resistant. This standard is met.

- 22.8 Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be screened with no coarser than 1¼ inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor (MCC 38.0085(H)).**

*Applicant: “Yes (this standard will be met).”*

**Staff:** The applicant has verified these design requirements will be followed for any chimneys or stovepipes. These construction methods are also a required condition of approval.

- 22.9 All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building Code (MCC 38.0085(I)).**

**Staff:** Mr. Dennis Tomshaw, City of Gresham Building Department, indicated in a phone conversation that after researching the issue, the Uniform Building Code Section R324 for Wildfire Hazard Mitigation would be an appropriate building code section to apply to structures built within fire prone areas. The applicant has indicated that he has been in contact with Mr. Tomshaw regarding the nature of these requirements and that he agrees to conform to any applicable requirements of building code section R324, or any other requirements found suitable by the Gresham Building Department in order to satisfy **MCC 38.0085(I)**. Constructing in accordance with **MCC 38.0085(I)** is a condition of approval.

- 22.10 Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1¼ inch mesh metal screen that is noncombustible and corrosion resistant (MCC 38.0085(J)).**

*Applicant: “Yes (this standard will be met).”*

**Staff:** In addition to the applicant agreeing to these requirements, this has been made a condition of this approval.

### **23.0 Approval Criteria for Siting of Dwelling on Forest Land (MCC 38.0095)**

**The approval of new dwellings and accessory structures on forest lands shall comply with the following standards:**

- 23.1 The dwelling and structures shall be sited on the parcel so that they will have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least 200 feet from adjacent properties unless locating the proposed development closer to existing development on adjacent lands would minimize impacts on nearby or adjacent forest operations (MCC 38.0095(A));**

*Applicant: “Will not impact adjacent properties (and) can’t be seen. I want the cabin and garage to be where the old trailer was, so to minimize the impact on my forest land, too. This site is already cleared, only about 6 trees will be removed to meet the 60-foot fire radius. I own (property on) both sides of Haines Road, see map 59702. This is approximately 165-feet from property line across Haines Road. There is a grove of trees to hide cabin and garage from any view. No impact on other property because they are open hay fields, not forest land approximately 18 acres.*

**Staff:** The dwelling will be located roughly 170-feet from the adjoining properties front property line and the garage will be located approximately 130-feet from the adjoining properties front property line according to the site plan submitted (Exhibit A4). The 200-foot setback will not be met. This location has been selected as the most appropriate location for proactive fire protection because this is the only cleared portion of the property. The applicant is adamant on locating within a cleared area to minimize fire risk and the amount of new timber that must be removed to facilitate the development. Meeting the 200-foot setback anywhere on the property would simply require more trees to be permanently removed, thus limiting the amount of land that could be effectively managed and harvested for timber in the future. The southern portions of the property are more desirable for forest production as they are located further away from the seasonal drainage on shallower land.

The proposed location is also nearly level, forming one of the most level portions of the property. The leveled area is not large and moving the dwelling 30-feet to the north (and the garage 70-feet to the north) would place the development on slopes approaching 20% grade. Constructing the dwelling on a 20% slope, as compared to flat land, would increase the fire risk.

The primary uses of the land surrounding the subject site appear to consist of roughly 80% forest land and 15% agricultural land and 5% residential land. These percentages were visually estimated by Staff using an August, 2002 aerial photo of the area. Forest land surrounds the subject site to the west, north and east. Agricultural pasture is located to the southeast of the property, near the access point off Haines Road to the subject site.

The majority of the 40-acres will be able to managed and harvested in the future since the structures will be located adjacent to Haines Road, rather than in the center of Parcel 2. The proposed structures will be located hundreds of feet from any other dwelling or point of property access. The surrounding lands are not expected to be negatively impacted by the proposal as the site historically had a home which did not appear to have impacted surrounding forest operations. Staff finds the dwelling and garage will be located such that the least amount of impact will result to nearby and adjacent forest operations. This standard is met.

- 23.2 The amount of forest land used to site dwellings, structures, access roads and service corridors shall be minimized. The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subsection (A), above (MCC 38.0095(B)); and**

*Applicant: "No forest land used already cleared from old manufactured home."*

**Staff:** The applicant will be building the structures in previously disturbed, level area void of mature timber in an effort to maximize the harvest potential of the site in the future. By locating the development towards the road, the minimum amount of land will need to be taken out of timber production for a long access road, for example. The applicant will be using an existing driveway. The plans submitted show less than ¼ acre will need to be dedicated to the home, garage, septic system and short driveway extension. This area only accounts for a fraction of the 40-acre parcel. Staff finds this criterion is met.

- 23.3 Dwellings shall be located to minimize the risks associated with fire. Dwellings should be located on gentle slopes and in any case not on slopes which exceed 40 percent. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the**

**access roads as short and flat as possible (MCC 38.0095(C)).**

**Staff:** The new dwelling will be located in a nearly level clearing adjacent to Haines Road. It is well documented that cleared areas free of fuel minimize fire risk, just as construction on level slopes as compared to steep slopes. The proximity to Haines Road will allow a fire truck to easily access the site. Haines Road will also function as a second fire break line to the 60-foot fire break required by **MCC 38.0085(A)**. Staff finds the dwelling will be located to minimize fire risk.

**23.4 A variance to the siting standards of this subsection may be granted pursuant to the provisions of MCC 38.0065; (MCC 38.0095(D)).**

*Applicant: "House will be 150 feet from property line."*

**Staff:** A variance pursuant to the provisions of **MCC 38.0065** is not necessary because the applicant has demonstrated in Finding 23.1 that locating the proposed development closer to existing development on adjacent lands would minimize impacts on nearby or adjacent forest operations.

**24.0 Scenic Review Criteria for the General Management Area**

**The following scenic review standards shall apply to all Review Uses in the General Management Area of the Columbia River Gorge National Scenic Area (MCC 38.7035):**

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

**Staff:** No new roads are proposed. The buildings are proposed on near level land near the access point and will require very little grading. No other location exists on Parcel 2 that would require less grading. This standard is met.

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

*Applicant: "(Other structures in the area average) 2500 plus square feet."*

**Staff:** The applicant has proposed construction of a log cabin with main floor dimensions 28-feet x 32-feet (896 square feet) and an unfinished second story with the same area (896 square feet). Therefore, the home will have an area of 1,792 square feet (896 x 2) for this residential size comparison analysis.

The one story garage (including 12-foot wide lean-to) will covers 1,728 square feet. A 1,728 square foot size will be used for this detached accessory structure size comparison analysis.

The nearest four developed properties were reviewed by Staff and compared to the proposed development size for the residence size comparison. All four properties are located within ¼ mile of the subject property. Table 1 below lists the square footage of the residence size on each property in comparison to the home proposed by the applicant.

The same four closest developed properties were evaluated against the proposed development size for the accessory structure comparison. Table 2 below lists the square footage of the largest

accessory structure size and the average accessory structure size on each property in comparison to the structures proposed by the applicant.

*Table 1. Size of residential development surrounding Parcel 2 calculated in the same way the proposed home size was calculated. Attached, enclosed structures were incorporated into the total size of each home. Below ground enclosures, such as basements, were not as they do not contribute visual bulk to the structure. Data presented below were collected from County Assessment and Taxation records on 12/29/05.*

<i>Property Address</i>	<i>Existing Home Size (SF)</i>	<i>Number of Above Ground Stories Referenced in Assessment Data</i>
45301 NE Haines Rd. (Parcel 1)	2,512	1
46312 NE Toll Rd.	2,867	2
45900 E. Haines Rd.	1,992	1
1326 NE Thompson Rd.	1,344	1
1401 E. Haines Rd.	2,508	1

<b>Parcel 2 (Subject Site)</b>	<b>Proposing 1,792 square foot home</b>
--------------------------------	---

Data in Table 1 demonstrate the proposed 1,792 square foot home will be smaller than the largest homes in the area which exceed 2,500 square feet. Staff also finds the modest home proposed will be 452 square feet smaller than the average home size in the area. There appears to be no question that the proposed home will be generally consistent with the size of other homes in the area.

*Table 2. Size of residential development surrounding Parcel 2. Data presented below were collected from County Assessment and Taxation records on 12/29/05.*

<i>Property Address</i>	<i>Largest Detached Accessory Structure Size (SF)</i>	<i>Average Detached Accessory Structure Size (SF)</i>	<i># OF ACCESSORY STRUCTURES</i>
45301 NE Haines Rd. (Parcel 1)	2,304 (not yet reflected in County assessment records but permitted through case T2-03-075)	2,304	3
46312 NE Toll Rd.	NA	NA	0
45900 E. Haines Rd.	2,280	1380	2
1326 NE Thompson Rd.	2,900	2,450	2
1401 E. Haines Rd.	2,940	1,266	5

Table 2 clearly illustrates the proposed 1,728 square foot detached accessory structure will be smaller than the largest and average accessory structures in the area. The development proposed is generally consistent with the size of surrounding development. This standard is met.

- 24.3 As stated in MCC 38.7035(B)(1), the size, height, shape, color, reflectivity, landscaping, siting or other aspects of proposed development shall be evaluated for all review and conditional uses visible from Key Viewing areas, to ensure that such development is visually subordinate to its setting as seen from Key Viewing Areas.**

*Applicant: "No visibility to KVA"*

**Staff:** The applicant has stated the project is not visible from any Key Viewing Areas. Careful review of the surrounding topography confirms this is true. For instance, views of the proposed construction site from Larch Mountain will be obscured by the north flank of Pepper Mountain located one mile to the east-southeast of the site.

Views to the site from Key Viewing Areas to the north are blocked by topography simply because the development will be located far enough south of (away from) the gorge cliff edge that one would not be able to see the structures over the edge. This is true because a line of site is straight and can not bend downward. KVAs to the north include Highway 14, I-84 and the Columbia River. Cross sections between the development and local KVAs are contained in the permanent case record.

In conclusion, Staff agrees with the applicant that the development will not be visible from any KVAs. Because the development will not be visible, the standards of **MCC 38.7035(B)** do not apply and will not be addressed in this decision.

Tom Ascher with the Columbia River Gorge Commission indicated in a comment letter that metal roofs are not appropriate for buildings topographically visible from KVAs according to **MCC 38.035(B)(9)**. Mr. Ascher suggests, depending on visibility, that alternative materials such as asphalt shingles may be required. Staff finds the use of dark brown metal roofing is acceptable because the buildings will not be topographically visible from any KVAs.

- 24.4 All Review Uses and Conditional Uses within the Coniferous Woodland setting must demonstrate that new development in this setting shall meet the design standards for the Coniferous Woodland setting (MCC 38.7035(C)(2)):**

**Staff:** This development is in the Coniferous Woodland landscape setting. Compliance with the applicable standards is evaluated below.

Staff received comment from David Richardson, Friends of the Columbia River Gorge, indicating the use of metal roofing would not retain the overall visual character of the Coniferous Woodland setting. Staff believes the brown roofing will be topographically screened from KVA's and will be obscured from all directions locally by mature evergreen tree cover surrounding the proposed development. Evaluation of reflectivity in reference to the Coniferous Woodland landscape setting standards of **MCC 38.7035(C)(2)** *et seq.* is not appropriate since these standards do not address reflective building materials. The use of reflective building materials is evaluated in the site

review standards for visible sites (**MCC 38.7035(B)(1)**). Staff has determined in section 17.3 of this decision that the buildings will not be visible from any KVA's. Because the use of reflective materials is not part of this review, staff finds Mr. Richardson's concern does not apply to this specific proposal. This concern would be evaluated for a development visible from a Key Viewing Area.

**24.5 New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this standard to the maximum extent practicable (MCC 38.7035(C)(2)(a)).**

**Staff:** It was demonstrated in finding 24.2 of this decision that the size of development proposed is consistent with other development in the area. See finding 24.2 for details regarding the size of the proposed development in comparison to the general scale of development in the area.

**24.6 Structure height shall remain below the forest canopy level (MCC 38.7035(C)(2)(b)).**

**Staff:** Staff confirmed during a site visit that the surrounding forest canopy will rise above the proposed structures by 20 to 30 feet. This standard is met.

**24.7 In portions of this setting visible from Key Viewing Areas, the (standards in this section) shall be employed to achieve visual subordination for new development and expansion of existing development (MCC 38.7035(C)(2)(c)):**

**Staff:** Finding 24.3 determined the structures will not be visible from any Key Viewing Area. These standards do not apply to this proposal.

**25.0 Cultural Resource Review Criteria**

**A reconnaissance level cultural investigation was performed as outlined in MCC 38.7045 (A). As stated in MCC 38.7045 (B), the cultural resource review criteria shall be considered satisfied if no cultural resources are known to exist in the project area, and no substantiated comment is received during the comment period provided in MCC 38.7025 (B).**

**Staff:** The county received comment from Margaret Dryden, Heritage Program Manager, Columbia River Gorge National Scenic Area on June 31<sup>st</sup>, 2005 (Exhibit A9). After reviewing the proposal, Ms. Dryden determined that neither a cultural resource nor a historic survey would be required. A condition of this approval is that the applicant/owner shall immediately cease development activities and inform the Multnomah County Planning Director, Columbia River Gorge Commission, and U.S. Forest Service of their discovery if during construction, cultural or historic resources are uncovered (**MCC 38.7045(L) & MCC 38.7045(M)**). This condition will assure compliance with this standard.

**26.0 Wetland Review Criteria**

**A wetland review is required for a proposal if criteria of MCC 38.7055(A) are not satisfied.**

**Staff:** No wetlands are known to exist in the immediate vicinity of the development area. The nearest wetland mapped on the National Wetland's Inventory is located 1,100 feet to the southeast of the construction area. No signs of wetland indicators were observed in the development area during a site visit conducted by Staff in November of 2005. Staff finds the wetland criteria of **MCC 38.7055** do not apply to this development request.

## **27.0 Stream, Lake and Riparian Area Review Criteria**

**A stream, lake and riparian area review is required for a proposals within stream, pond and lake buffer zones as determined by MCC 38.7060.**

**Staff:** No stream, lake or riparian areas are known to exist in the immediate vicinity of the development area. The nearest identified watercourse, a seasonal creek, is located over 300-feet to the north. Signs of a lake, stream or riparian area were not observed in the development area during a site visit conducted by Staff in November of 2005. Staff determines the stream, lake and riparian area criteria of **MCC 38.7060** do not apply to this development request.

## **28.0 Wildlife Review Criteria**

**A wildlife habitat site review shall be required for any project within 1,000 feet of sensitive wildlife areas (MCC 38.7065).**

**Staff:** A request was sent from the County to Oregon Department of Fish and Wildlife (ODFW) requesting review of the project as it is located within deer and elk wintering range, a sensitive wildlife area. Devin Simmons of ODFW stated in a December 29, 2005 fax that the project will not pose any additional impacts on big game winter range or sensitive species (Exhibit A10). Staff finds the Wildlife Review Criteria of **MCC 38.7065** are satisfied since ODFW did not raise any concerns or suggestions.

## **29.0 Rare Plant Review**

**A rare plant site review shall be required for any project within 1,000 feet of endemic plants and sensitive plant species (MCC 38.7070).**

**Staff:** The closest known rare plant is located 4,400 feet to the northwest of the proposed construction site. Staff finds the Rare Plant Review does not apply to development at this location.

## **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 divide the 114 acre parcel and to construct a 1,792 square foot log cabin and 1,728 square foot garage (including 12-foot wide lean to cover) is **approved** subject to the conditions of approval established in this report.

## **EXHIBITS**

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

Exhibit A1	1p	Applicant's instructions for finishing a land division
Exhibit A2	1p	Surveyor's instructions for finishing a land division
Exhibit A3	3pp	Comments submitted by Alison Winter, Multnomah County

Exhibit A4	5pp	Transportation Specialist Tentative development plans
Exhibit A5	7pp	Structural elevations for single family dwelling and garage and dwelling floor plans
Exhibit A6	1p	Vicinity map of property
Exhibit A7	1p	Aerial photo of property (2002)
Exhibit A8	1p	Land owner authorization signature on general application form
Exhibit A9	2pp	Comments submitted by Margaret Dryden, Heritage Program Manager for the Columbia River Gorge National Scenic Area
Exhibit A10	2pp	Comments submitted by Devin Simmons, Oregon Department of Fish and Wildlife
Exhibit A11	7pp	Comments submitted by David Richardson, Friends of the Columbia River Gorge
Exhibit A12	1p	Comments submitted by Tom Ascher, Columbia River Gorge Commission
Exhibit A13	1p	Septic signoff form
Exhibit A14	1p	Storm water certificate completed by Scott Bowmann, P.E.
Exhibit A15	1p	Topography map of the subject property
Exhibit A16	3pp	Fire Department Signoffs
Exhibit A17	3pp	Grading and Erosion Control Plan
Exhibit A18	1p	Slope and Drainage Easement Language