



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/landuse>

NOTICE OF DECISION

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

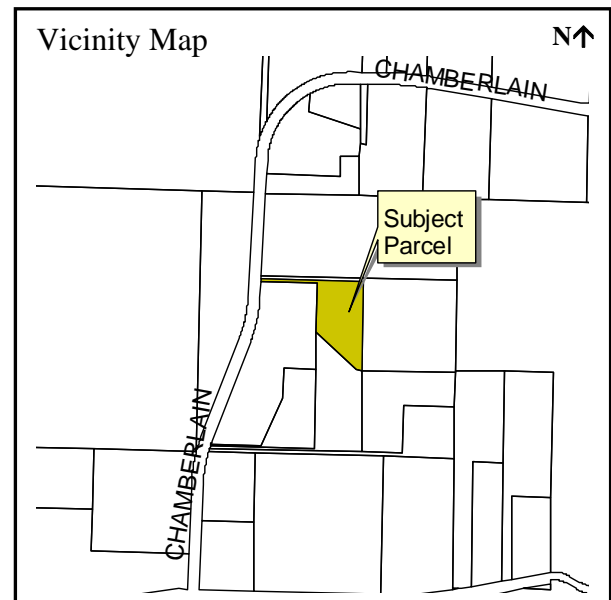
Case File: T2-06-127

Permit: National Scenic Area Site Review

Location: 32816 NE Chamberlain Road
 TL 400, Sec 33, T1N, R4E, W.M.
 Tax Account #R94433-0910

Applicant: Kelly Piper

Owner: Kelly Piper



Summary: Applicant is requesting a NSA Site Review to construct a new single family dwelling in the GGR-10 zoning district.

Decision: Approved with conditions.

Unless appealed, this decision is effective Tuesday, July 10, 2007, at 4:30 PM.

Issued by:

By: _____
 Lisa Estrin, Planner

For: Karen Schilling- Planning Director

Date: Tuesday, June 26, 2007

Instrument Number for Recording Purposes: 2006226407

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 ext. 22597.

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, July 10, 2007 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC):

General Provisions: MCC 38.0015 Definitions, specifically (P)(1) Parcel, MCC 38.0045 Review and Conditional Use Applications, MCC 38.0530 Summary of decision making processes, MCC 38.0550 Initiation of action and MCC 38.0560 Code compliance and applications.

Gorge General Residential: MCC 38.3025 Review Uses, MCC 38.3060 Dimensional Requirements, and MCC 38.3085 Off-Street Parking and Loading

Site Review Criteria: MCC 38.7035 GMA Scenic Review Criteria, MCC 38.7045 GMA Cultural Resource Review Criteria, MCC 38.7065 GMA Wildlife Review Criteria, MCC 38.7070 GMA Rare Plant Review Criteria and MCC 38.7080 GMA 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/landuse>.

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 1-3 of this decision) and the Revised Site Plan (Exhibit A.33) with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and filed with the Land Use Planning Division, and a copy of the recorded

document shall be submitted to the Land Use Planning Division. Recording shall be at the applicant's expense (MCC 38.0670).

2. The property owner(s) shall be responsible for the proper maintenance and survival of all existing vegetation, except nuisance species such as evergreen blackberry or knot weed. The existing tree cover shall be retained. If an existing tree dies or becomes diseased, the property owner shall replace the lost tree within the next growing season with an appropriate evergreen tree for the location. [MCC 38.7035(A)(4) & MCC 38.7035(C)(3)(a).
3. 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, U.S. Forest Service and the Cultural Specialist of the Confederated Tribes and Bands of the Yakama Nation Cultural Resource Program, Mr. Clifford Casseseka (MCC 38.7045(L) & MCC 38.7045(M)).
4. Prior to commencement of construction of the single family dwelling, the property owner or her representative shall install an orange exclusion fence located at least 51 ft from the stream channel, except where the existing gravel drive crosses the stream buffer. The property owner shall inspect the fence regularly to ensure that no construction materials, construction waste or equipment intrusion occurs within the stream buffer zone. [MCC 38.7060(E)]
5. The property owner(s) shall maintain the 50 ft Stream Buffer along the intermittent stream crossing the property in its present condition, except for the removal of nuisance species by hand or mower which does not disturb the ground within the buffer. If the property owner desires to restore the stream buffer with native species, a Resource Enhancement Project will need to be reviewed and approved through the NSA Site Review process. [MCC 38.7060(E)]

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.

Note: The Planning Director's policy is for the case planner to provide zoning approval of the final Plan on an appointment basis. Please contact Lisa Estrin at 503.988.3043 x22597 to set a time for zoning approval.

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code criteria is 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*.

Project Description:

Applicant: Please consider my application for the construction of a new single family residential home in the National Scenic Area. This would be my primary residence. The project site is a 2 acre parcel that was subdivided in August of 1971. It is a flag lot East off Chamberlain Rd. The proposed home site location will require no tree removal and access to the home is a proposed permeable driveway (gravel) also requiring no tree removal.

There is a heavy growth of invasive blackberries on the front portion of the property (see site plan for shading to indicate approximate location). Ground disturbance will be kept to a minimum; as the blackberries will merely be mowed down using a tack hoe and then sprayed with an herbicide to retard their re-growth.

Trees and other shrubbery will be planted to eliminate any future erosion and to minimize visibility of the proposed home. Due to the seasonal creek on the property, a Grading and Erosion Control Permit will be submitted. Please reference that for details.

The topographical slope of the property is 6 – 8%. Because the slope is less than 10%, a grading plan is not necessary.

This site is set against a sloping hill to the South and surrounded by a mature Alder forest to help obscure it from site. Trees are also planted the full length of the East side of the property and the proposal includes planting of trees on the West side. Please see the site plan and photographs.

The proposed home will be two stories with a crawl space foundation to make a total size of 2085 square feet. The exterior would be constructed using natural products and all colors would conform to NSA requirements.

The project site is not visible from any key viewing areas and I intend to retain as much vegetation as possible.

Please see the following page for compliance specifications for development standards in accordance with MCC38.7035 – GMA Scenic Review Criteria (Exhibit A.29).

Staff: The applicant indicates that the dwelling will be 2,085 sq. ft. It appears that she means the living area. Actually, the dwelling with attached garage and covered porch is 2,720 sq. ft from wall to wall.

1.00 ***Administration and Procedures***

1.01 **Type II Case Procedures**

MCC 38.0530(B): ...Upon receipt of a complete application, notice of application and an invitation to comment are 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 and renders a decision...

Staff: The application was submitted December 15, 2006 and was deemed complete as of April 17, 2007. An “Opportunity to Comment” notice was mailed on April 20, 2007 to all properties within 750 feet of the subject property and to various Gorge Agencies and Indian Tribes in

compliance with MCC 38.0530. Comments were received from the SHPO, Columbia River Gorge Commission Staff, US Forest Service, Cathy Schaefer, Randy Schaefer & the Friends of the Columbia Gorge (Exhibit D.1 through D.8). The Friends and the Columbia River Gorge comments are related to the approval criteria they believe apply. The US Forest Service & SHPO comments were directed towards the Cultural Resource Review criteria listed under MCC 38.7045. The Schaefers are concerned with access to the project site through their property and adequate screening between their dwelling and the proposed dwelling. Ms. Piper has a recorded easement over the Schaefers property (Exhibit A.36).

1.02 Proof of Ownership

MCC 38.0550 Initiation of Action

Except as provided in MCC 38.0760, Type I – IV 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 400, Section 33BA, Township: 1 North, Range: 4 East. Assessment & Taxation records show that the land is owned by Kelly Piper (Exhibit B.4). Kelly Piper has designated herself the applicant in this case and has signed the General Application Form (Exhibit A.1). *This criterion has been met.*

1.03 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.

(A) A permit or other approval, including building permit applications, may be authorized if:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or in-stall furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: There are no known violations on the site at this time.

MCC 38.0045 Review and Conditional Use Applications – Submittal Requirements

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

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

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

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

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

proposed uses may have on Indian treaty rights.

(3) Elevation drawings shall show the appearance of proposed structures and shall include natural grade, finished grade, and the geometrical exterior of at least the length and width of structures as seen from a horizontal view. Elevation drawings shall be drawn to scale.

(4) In the General Management Area, all applications for structural development involving more than 100 cubic yards of grading with slopes between 10 and 30 percent shall include a grading plan. In the Special Management Area, all applications for structural development involving more than 100 cubic yards of grading with slopes greater than 10 percent (except trails) shall include a grading plan. Grading plans shall include the following:

(a) A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with contour intervals of at least 5 feet, including:

1. Natural and finished grades
2. Location of all areas to be graded, with cut banks and fill slopes delineated.
3. Estimated dimensions of graded areas.

(b) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:

1. Its purpose
2. An estimate of the total volume of material to be moved.
3. The height of all cut banks and fill slopes.
4. Provisions to be used for compactions, drainage, and stabilization of graded areas. (Preparation of this information by a licensed engineer or engineering geologist is recommended.)
5. A description of all plant materials used to revegetate exposed slopes and banks, including the species, number, size, and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings.
6. A description of any other interim or permanent erosion control measures to be used.

(B) Supplemental information will be required for:

(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.

Staff: The applicant has provided the required information.

2.00 ***Gorge General Residential Criteria***

2.01 **MCC 38.3025 Review Uses.**

(A) The following uses may be allowed on lands designated GGR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) One single-family dwelling per legally created parcel.

(a) If the subject parcel is located adjacent to lands designated GGA or GGF, the use shall comply with the buffer requirements of MCC 38.0060; and

(b) If the subject parcel is located is adjacent to lands designated GGF, the placement of a dwelling shall also comply with the fire protection standards of MCC 38.7305.

Staff: The applicant has proposed to construct a new single family dwelling on the subject property. The applicant has indicated that Tax Lot 400, 1N4E33BA was created in August 1971. In 1971, the area was zoned F-2. The F-2 zone, at the time, had a minimum lot size of 2 acres (Exhibit B.3) which the parcel met. The parcel met the zoning regulations at the time of its creation in 1971. The subject site is surrounded on all four sides by GGR-10 zoned land. MCC 38.0060 and MCC 38.7305 are not applicable to this parcel. *These criteria have been met.*

2.02 **(C) Minimum Yard Dimensions – Feet**

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Staff: The subject property is a flag lot. Based upon the applicant's site plan (Exhibit A.33) the dwelling will be 140 ft from the front property line, 30 ft from the rear property line, 40 ft from the northern side property line and at least 215 ft from the southern side property line. The proposed height of the structure is 26 ft to the top of ridge of the structure (Exhibit A.34). *This criterion has been met.*

2.03 **MCC 38.3085 Off-Street Parking and Loading/**

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

Staff: The applicant is proposing two parking spaces within the attached garage and 2 spaces on the 20 ft wide gravel drive leading to the garage. *This criterion has been met.*

3.00 ***Site Review Criteria***

3.01 **MCC 38.7035 GMA Scenic Review Criteria**

The following scenic review standards shall apply to all Review and Conditional Uses in the General Management Area of the Columbia River Gorge National Scenic Area:

(A) All Review Uses and Conditional Uses:

(1) New buildings and roads shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

Applicant: The proposed construction is sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practical. There would be no trees removed and the surrounding mature trees will help obscure this site.

Staff: The proposed development is being limited to the northeast corner of the property. Area of development is triangular and is approximately 10,000 sq ft in size (Exhibit A.33). The project will take access from Chamberlain Road through an existing gravel drive which leads to the neighbor property to the east of the subject site. The gravel drive crosses the subject site along the north property line. The applicant then takes a 20 ft wide by 40 ft long driveway off of this gravel drive and will gain access to the attached garage via this new driveway. The slope in the area of development is approximately 8%. The amount of grading has been limited

by siting the dwelling at the northeast corner of the property thereby keeping the driveway short and the development compact. *This criterion has been met.*

- 3.02 **(2) New buildings shall be compatible with the general scale (height, dimensions and visible mass) of similar buildings that exist nearby (e.g. dwellings to dwellings). Expansion of existing development shall comply with this guideline to the maximum extent practicable. For purposes of applying this standard, the term nearby generally means buildings within ¼ mile of the parcel on which development is proposed.**

Applicant: The new building shall be compatible with the general scale of similar buildings that exist nearby.

Staff: The applicant is proposing to construct a 2,720 sq. ft two story dwelling with attached garage. The first floor with covered porch is 40 ft wide by 36 ft long (1,440 sq ft) and the second floor is 40 ft wide by 32ft long (1,280 sq. ft). Staff reviewed existing dwellings within a quarter mile of the subject site. The largest dwelling within this distance is 3,930 sq. ft. The next largest dwelling is 3,432 sq. ft. The applicant's proposed dwelling size is 712 to 1,210 sq ft smaller than these two existing structures. There are also a number of dwellings ranging from 3,000 to 2,000 in the area. It appears from staff's research that the proposed dwelling is compatible with the general scale of dwellings in the area (Exhibit B.2). Fifty percent of the dwellings in the neighborhood are two stories or more. The proposed two story dwelling is similar in visible mass to other dwellings in the area. *This criterion has been met.*

- 3.03 **(3) New vehicular access points to the Scenic Travel Corridors shall be limited to the maximum extent practicable, and access consolidation required where feasible.**

Applicant: There will be no new direct vehicular access point(s) to the *Scenic Travel Corridor*.

Staff: Chamberlain Road is not a Scenic Travel Corridor. The driveway leading to the subject site is shared by the property to the east of the home site. *This criterion is not applicable.*

- 3.04 **(4) Property owners shall be responsible for the proper maintenance and survival of any required vegetation.**

Applicant: The property owner will be responsible for the proper maintenance and survival of any required vegetation.

Staff: The applicant has acknowledged that the existing vegetation must be maintained. A condition of approval has been included to notify future owners of this requirement.

- 3.05 **(5) For all proposed development, the determination of compatibility with the landscape setting shall be based on information submitted in the site plan.**

Applicant: The proposed construction is compatible with the landscape setting, as shown in the submitted site plan.

Staff: The subject site is located within the Rural Residential with Pastoral Landscape setting. The proposed project is compatible with the landscape setting as demonstrated in findings 3.07 through 3.15. *This criterion has been met.*

- 3.06 **(B) All Review Uses and Conditional Uses topographically visible from Key Viewing Areas:**

Applicant: 1) through 25) The property is not visible from any *Key Viewing Areas*.

Staff: Staff reviewed its KVA maps and found the home site is not designated as visible from

any Key Viewing Area (Exhibit B.6). Then staff prepared 7 profiles from the home site to various KVAs. The profiles confirmed that topographically the home site is not visible (Exhibit B.7). Criteria (B)(1) through (B)(25) are not applicable to this application.

- 3.07 **(C) All Review Uses and Conditional Uses within the following landscape settings, regardless of visibility from KVAs:**

(1) Pastoral

(a) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.

Applicant: The proposed construction falls in the *Rural Residential in Pastoral* landscape setting. There are no proposed accessory structures, outbuilding or accessways.

Staff: Staff concurs. The applicant is only proposing to construct a single family dwelling. *This criterion is not applicable.*

- 3.08 **(b) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:**

- 1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.**
- 2. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.**
- 3. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, big leaf maple, and black locust (primarily in the eastern Gorge). The Scenic Resources Implementation Handbook includes recommended minimum sizes.**
- 4. At least one-quarter of any trees planted for screening shall be coniferous for winter screening.**

Applicant: The property site is not visible from any *Key Viewing Areas*.

Staff: Staff reviewed its KVA maps and found the home site is not designated as visible from any Key Viewing Area (Exhibit B.6). Then staff prepared 7 profiles from the home site to various KVAs. The profiles confirmed that topographically the home site is not visible (Exhibit B.7). *This criterion is not applicable.*

- 3.09 **(c) Compatible recreation uses include resource-based recreation uses of a very low or low-intensity nature, occurring infrequently in the landscape. (3) Rural Residential**

Applicant: Proposed recreational activity for the site will be those typically associated with single family residential sites.

Staff: No recreational activities are proposed as part of this application. *This criterion is not applicable.*

- 3.10 **(3) Rural Residential**

(a) Existing tree cover shall be retained as much as possible, except as is

necessary for site development, safety purposes, or as part of forest management practices.

Staff: The applicant has sited the dwelling so that none of the existing trees will need to be removed for the project. A condition of approval has been included to remind the present & future property owner(s) of the requirement to retain the existing tree cover. *This criterion has been met.*

- 3.11 **(b) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:**

- 1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.**
- 2. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.**
- 3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.**

Staff: Staff reviewed its KVA maps and found the home site is not designated as visible from any Key Viewing Area (Exhibit B.6). Then staff prepared 7 profiles from the home site to various KVAs. The profiles confirmed that topographically the home site is not visible (Exhibit B.7). *This criterion is not applicable.*

- 3.12 **(c) Compatible recreation uses include should be limited to small community park facilities, but occasional low-intensity resource-based recreation uses (such as small scenic overlooks) may be allowed.**

Staff: No recreational activities are proposed as part of this application. *This criterion is not applicable.*

- 3.13 **(4) Rural Residential in ...Pastoral**

(a) New development in this setting shall meet the design standards for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral or Coniferous Woodland), unless it can be demonstrated that compliance with the standards for the more rural setting is impracticable. Expansion of existing development shall comply with this standard to the maximum extent practicable.

Staff: The proposed dwelling has demonstrated compliance with the Pastoral and Rural Residential Landscape settings. *This criterion has been met.*

- 3.14 **(b) In the event of a conflict between the standards, the standards for the more rural setting (Coniferous Woodland or Pastoral) shall apply, unless it can be demonstrated that application of such standards would not be practicable.**

Staff: No conflicts between standards were identified by staff. The proposed dwelling has met the applicable landscape setting criteria. *This criterion is not applicable.*

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

Staff: No recreational activities are proposed as part of this application. *This criterion is not*

applicable.

3.16 MCC 38.7045 GMA Cultural Resource Review Criteria

(A) Cultural Resource Reconnaissance Surveys

(1) A cultural reconnaissance survey shall be required for all proposed uses,...

Staff: The US Forest Service completed a Heritage Resource Inventory on the subject site and found no cultural resource sites were found. A condition of approval has been included that during construction if any cultural artifacts are found; the property owner shall cease construction and contact the appropriate government agencies. *This criterion has been met.*

3.17 MCC 38.7060 GMA Stream, Lake and Riparian Area Review Criteria

(A) The following uses may be allowed in streams, ponds, lakes and riparian areas when approved pursuant to the provisions of MCC 38.0045, MCC 38.7060(C), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085:

(E) Stream, Pond, and Lake Buffer Zones

(1) Buffer zones shall generally be measured landward from the ordinary high water-mark on a horizontal scale that is perpendicular to the ordinary high water-mark. ... The following buffer zone widths shall be required:

(b) Intermittent streams, provided they are not used by anadromous or resident fish: 50 feet.

Staff: The project site has an intermittent stream which enters the property on the eastern property line 190 ft from the northeast corner of the property and leaves the property through an existing culvert at the north property line 200 ft from that same corner (Exhibit A.33). The culvert is under an existing 10 ft gravel driveway which crosses this site along the north property line and serves the property with its dwelling to the east. The applicant has delineated the stream and its 50 ft buffer on the site plan. The proposed dwelling, septic tank & drainfield, driveway and soakage trench have been located in the northeast corner of the property outside of the stream buffer. To ensure that no work occurs within this buffer zone, a condition of approval has been included requiring a construction fence be installed and maintained by the property owner or her representative at least 51 ft from the stream channel, except where the existing gravel drive crosses the stream buffer. The condition specifies that no construction materials, waste or intrusion shall be placed or occur within the stream buffer zone. *This criterion has been met.*

3.18 MCC 38.7065 GMA Wildlife Review Criteria

Wildlife Habitat Site Review shall be required for any project within 1,000 feet of sensitive wildlife areas and sensitive wildlife sites (i.e., sites used by sensitive wildlife species).

MCC 38.7070 GMA Rare Plant Review Criteria

Rare Plant Site Review shall be required for any project within 1,000 feet of endemic plants and sensitive plant species.

MCC 38.7080 GMA Recreation Resource Review Criteria

The following uses are allowed, subject to compliance with MCC 38.7080 (E) and (F).

Staff: There are no known sensitive wildlife or sensitive plant species areas or sites within 1000 ft of the property. No recreational uses are proposed for the site. *These criteria have*

been met.

4.00 **Conclusion**

Based on the findings and other information provided above, the applicant has carried the burden necessary for the approval of the NSA Site Review for the establishment of a single family dwelling on the subject site. This approval is subject to the conditions of approval established in this report.

4.01 **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	12/15/06
A.2	1	Site Plan	12/15/06
A.3	3	Cover Page & Photos of Site	12/15/06
A.4	1	Survey 47168 Recorded 8/15/1983	12/15/06
A.5	1	Contour Information for Site and Area	12/15/06
A.6	2	Elevations	12/15/06
A.7	1	Floor Plan	12/15/06
A.8	1	House Paint Colors	12/15/06
A.9	1	Picture of House Siding	12/15/06
A.10	1	Example of Architectural Shingle Roof	12/15/06
A.11	1	Cultural Stone Photo	12/15/06
A.12	1	Picture of Proposed Small Stacked Stone Columns on Either Side of Driveway	12/15/06
A.13	2	Narrative Statement	12/15/06
A.14	2	Statutory Warranty Deed record on 12/08/2006 transferring property to Kelly Piper	12/15/06
A.15	1	Special Warranty Deed to Woodward for Fulfillment of Contract recorded 10/27/1992 in Book 2605 Page 860.	12/15/06
A.16	2	Contract recorded in Book 810, Page 1528 on 8/31/1971	12/15/06
A.17	1	Warranty Deed recorded in Book 883, Page 1516 on 9/25/1972	12/15/06
A.18	1	Warranty Deed recorded in Book 896, Page 1164 on 11/28/1972	12/15/06
A.19	4	Fire District Review Fire Flow Requirement Form	12/15/06
A.20	3	Fire District Access Review	12/15/06

A.21	9	Certification of On-Site Sewage Disposal	12/15/06
A.22	1	Certification of Water Service	12/15/06
A.23	1	Revised Floor Plan (1)	1/23/07
A.24	1	Revised Site Plan (1)	1/23/07
A.25	2	Revised Elevations (1)	1/26/07
A.26	1	Revised Floor Plan (2)	1/26/07
A.27	2	Email Requesting Stream Buffer Variance	2/9/07
A.28		Revised Site Plan (2)	2/9/07
A.29	2	Site Review Narrative	3/15/07
A.30	1	Revised Site Plan (3)	3/15/07
A.31	1	Revised House Elevations & Floor Plans (2)	3/15/07
A.32	2	Certification of On-Site Sewage Disposal	3/19/07
A.33	1	Revised Site Plan (4)	4/17/07
A.34	2	Revised House Elevations (3)	4/17/07
A.35	2	Revised Floor Plans (3)	4/17/07
A.36	10	Recorded Easement Documents for Gravel Drive Across Tax Lot 300, 1N4E33BA	6/14/07
‘B’	#	Staff Exhibits	Date of Document
B.1	2	A&T Property Record for 1N4E33BA – 400	12/15/06
B.2	66	Property Information for Comparable Dwellings within ¼ Mile	1/25/07
B.3	2	Parcel Information for 1N4E33BA – 00400	1/12/07
B.4	2	A&T Property Record for 1N4E22BA – 400	2/9/07
B.5	1	Certificate of Survey 60221	3/17/06
B.6	1	Certificate of Survey 39873	11/18/1976
B.7	8	Legend & Profiles from Property to KVAs	6/14/07
B.8	1	Gorge KVAs	6/14/07
‘C’	#	Administration & Procedures	Date
C.1	1	Incomplete Letter	1/12/07
C.2	1	180 Day Acceptance Response	1/17/07
C.3	2	2 nd Incomplete Letter	4/9/07
C.4	1	Completeness Letter (Day 1 – 4/17/07)	4/18/07
C.5		Opportunity to Comment	4/20/07

C.6	15	Administrative Decision	6/26/07
'D'	#	Comments	Date
D.1	1	SHPO Comments	12/28/06
D.2	1	Columbia River Gorge Commission Staff Comments	1/4/07
D.3	6	Heritage Resource Inventory of the Piper New Construction Project	1/22/07
D.4	6	Revised Heritage Resource Inventory of the Piper New Construction Project	1/29/07
D.5	3	Multnomah County Transportation Comments	4/26/07
D.6	2	Cathy Schaefer Comments	5/4/07
D.7	1	Randy Schaefer Comments	5/4/07
D.8	6	Friends of the Columbia Gorge Comments	5/10/07